



Ballot Initiative STRATEGY CENTER

Ballot Initiative Overview

2008 Election

Ohio

Ohio doesn't typically have a significant amount of ballot measure activity each cycle. There are more measures on this year's ballot than last cycle, but there is no dominant theme overall. Voters will be faced with a range of issues dealing with the economy, environmental conservation, property rights, gambling and the payday loan industry.

The measure sure to garner the highest visibility given its impact on the economy is the payday loan industry's attempt to curtail reform passed by the legislature.

Ohio is one of the most difficult states in which to qualify measures, with both high signature requirements and wide geographic distribution. This accounts for the relatively quiet ballot measure environment each year. Even with such requirements, Ohio hasn't been without controversial measures (i.e. the failed TABOR (or TEL) amendment in 2006, the passage of a minimum wage increase in 2006, worker's comp, same-sex marriage, and other issues.)

On the heels of the 2004 election controversies about Ohio's election system, a coalition of national and local players made an attempt to put a package of election reform measures on the ballot the following year. The reforms included same-day registration, creation of a redistricting commission, and vote by mail. The Ohio electorate tends to be highly skeptical and somewhat fickle. Where election troubles may have been of top concern in '04, by the next year voters were easily convinced that the reforms were confusing and potentially harmful. All of the measures were defeated by large margins.

Increasingly, measures are being pushed to have some electoral impact in the state - although with mixed results in the end. While conventional wisdom held that the ban on same sex marriage gave George W. Bush the state in 2004, that assumption has since been successfully challenged. Furthermore, while TABOR/TEL originally was intended to boost Kenneth Blackwell's aspiration to run for governor in 2006, it turned out to be quite disastrous for him. He started the process of gathering signatures for TABOR in 2004, with an eye toward the 2005 ballot. Opponents united early and began organizing against the measure with earned media,

early tactical polling, and opinion leader outreach. They did an effective job of creating pressure on Republicans, which resulted in Blackwell pulling his signatures late in the game and holding them for the 2006 ballot.

By 2006, Blackwell was in a heavily contested Republican primary with conservative Jim Petro. The coalition continued to keep up the pressure not only on Blackwell, but on other Republicans. It also mounted a legal challenge to the signatures during the verification process, which put the coalition in a strong position to have TEL removed. Blackwell (and the state Republican party) eventually emerged from the primary bruised and weaker, and Republicans were not at all excited about appearing on the ballot with the unpopular TEL amendment. Eventually Blackwell made a deal with the General Assembly to pass a watered down version in place of his measure. He also had the Assembly pass special legislation allowing him to withdraw from his place on the 2006 ballot.

On the other hand, the minimum wage increase of 2006 was a highly successful initiative for progressives. Of all the states surveyed by BISC, public opinion polling shows that the ballot initiatives in Ohio played an important role in generating political interest and enthusiasm among base voters. The success of the minimum wage initiative in particular appears to have translated into higher turnout among low-participation base voters, especially African Americans. The indirect impact on state races is unmistakable: the minimum wage initiative encouraged higher turnout among Democratic supporters, and those voters supported Democratic candidates in the U.S. Senate and gubernatorial races.

Five measures were on the statewide ballot (four passed). Two were citizen-petitioned initiatives. Three were legislative referenda.

2 Constitutional Amendments Qualified

Issue 5: Economic Security

Referendum on legislation making changes to check cashing lending, sometimes known as "payday lending," fees, interest rates and practices: Substitute House Bill 545 (H.B. 545), which was passed by the Ohio legislature and signed into law by the Governor, substantially changed the law regulating how certain lenders in Ohio operate. Under the referendum, voters must decide whether Section 3 of H.B. 545 should go into effect. Section 3 of H.B. 545 deletes the old provisions of the law regulating check cashing lenders, sometimes known as "payday lenders," in favor of new provisions.

1. If a majority of Ohio voters approve Section 3 of H.B. 545, all short term lenders, including check cashing lenders, would be subject to the following limitations: The maximum loan amount would be \$500; Borrowers would have at least 30 days to repay the loan; and The maximum interest rate would be 28% annual percentage rate (APR) on all loans.
2. If a majority of Ohio voters reject Section 3 of H.B. 545, check cashing lenders would be allowed to continue under previous law as follows: The maximum loan amount would continue to be \$800; There would continue to be no minimum repayment period; and Check cashing lender could continue to charge rates and fees, resulting in a total charge for a loan that substantially exceeds an equivalent APR of 28%.

Proponents (want to repeal the restrictions on the payday loan industry that were passed by the Ohio Legislature): Reject HB 545 Committee, <http://www.ohioans4financialfreedom.com/>
Opponents (want to keep the restrictions on the payday loan industry that were passed by the Ohio Legislature): Protect HB 545 Committee, <http://www.yesonissue5.com>
PASSED 63% - 37%

Issue 6: Gaming

To amend the Constitution by initiative petition for a casino near Wilmington in Southwest Ohio and distribute to all Ohio counties a tax on the casino.

Proponents: My Ohio Now, <http://www.MyOhioNow.com>

Opponents: Vote No Casinos, <http://www.votenocasinos.com/>

FAILED 37% - 63%

3 Constitutional Amendments Were Referred

Issue 1: Election Reform

To provide for earlier filing deadlines for statewide ballot issues: The proposed amendment would: 1. Require that a citizen-initiated statewide ballot issue be considered at the next general election if petitions are filed 125 days before the election. 2. Establish deadlines for boards of elections to determine the validity of citizen initiated petitions. 3. Standardize the process for legal challenges to citizen-initiated petitions by giving the Ohio Supreme Court jurisdiction to consider these cases and establishing expedited deadlines for the Court to make decisions.

PASSED 69% - 31%

Issue 2: Bond

To authorize the state to issue bonds to continue the Clean Ohio Program for Environmental Revitalization and Conservation: This proposed amendment would: 1. Authorize the state to issue up to two hundred million dollars (\$200,000,000) of bonds for conservation and preservation of natural areas, open spaces and farmlands and other lands devoted to agriculture, including by acquiring land or interests in land; provision of state and local park and recreation facilities, and other actions that permit and enhance the availability, public use and enjoyment of natural areas in the state; and land, forest, water and other natural resource management projects. 2. Authorize the state to issue bonds up to two hundred million dollars (\$200,000,000) for environmental revitalization and re-development of publicly and privately owned lands, including environmental remediation, assessment or clean up of contamination or pollution. 3. Limit the amount that could be borrowed in any one fiscal year for either conservation or revitalization purposes to no more than fifty million dollars (\$50,000,000) plus the principal amount of those obligations that in any prior fiscal year could have been but were not issued.

Proponents: Citizens for a Clean Ohio, <http://www.cleanohio.org>

Opponents: No Committee Identified

PASSED 69% - 31%

Issue 3: Property Rights

To amend the constitution to protect private property rights in ground water, lakes, and other watercourses: This proposed Amendment would: 1. Make explicit that a private property owner has a right to make reasonable use of the ground water that lies beneath the owner's land, although this right is subordinate to the public welfare. 2. Make explicit that a private property owner who owns land on the border of a lake or other watercourse has a right to make reasonable use of the water in such lake or watercourse located on or flowing through the owner's land, although this right is subordinate to the public welfare. 3. Not affect the public's use of Lake Erie and other navigable waters of the state. 4. Prevent the rights confirmed under this proposed amendment to the Ohio Constitution from being impaired or limited by the operation of other sections of the Ohio Constitution.

PASSED 72% - 28%

*For additional information please check with the Ohio Secretary of State:
<http://www.sos.state.oh.us/>*