

OHIO SENATE BILL 193

Editor's Note:

This month we will be giving you a refresher of past articles and positions on SB 193, and next month will be dedicated to the current status of the bill and our proposal for ballot access changes needed to ensure quality at the ballot box for voter and candidates alike. Articles presented this month are from 2013.

(SB 193 has since been annulled by a Court injunction for 2014, but can potentially still be in effect from 2015 onward. It is currently being contested in court by the ACLU on behalf of the Constitution and Green Parties.)



SB 193

By Don Shrader

*Part Three of Three
Continued from Part Two
in the June Newsletter*

Otherwise known as either: "The Ohio Voter Suppression Act of 2013" Or "The Assured Reelection of John Kasich for Governor Act"

If this legislation cannot affect the 2014 elections, and will otherwise likely be thrown out in the courts by 2016, it may never see the light of day

because ultimately we, and the other minor Parties as well as the Democrats, are going to use this as campaign fodder against the Republicans.

My biggest disappointment with this legislation, personally, was learning that Jim Buchy was a co-sponsor of the House version. I supported Jim Buchy during his first campaign for the House many years ago, as well as in subsequent campaigns, and always considered him to be an honest and honorable person. It disheartens me to learn that he is as tainted as the rest. I would love to learn that my assessment of Jim is proven to be in error but one cannot be a cosponsor or a supporter of this horrendous bill, whether the Senate or House version, and be deemed honorable. SB 193 and its corresponding House version are horrible pieces of legislation that is akin to the "Chicago Style" politics of which the Republicans are constantly accusing President Obama and his minions of playing. I would say that the Republicans have learned from the President and his ilk but I believe it was in their hearts all along. *"This is the verdict: Light has come into the world, but people loved darkness instead of light because their deeds*

were evil. Everyone who does evil hates the light, and will not come into the light for fear that their deeds will be exposed. But whoever lives by the truth comes into the light, so that it may be seen plainly that what they have done has been done in the sight of God." (John 3:19-21) There is little doubt that these men do not want their deeds exposed to the light.

Download entire article

<http://www.cpofohio.org/PDF/comments/Chair/ShraderOHIO-SB193.pdf>

From: Legiscan.com

SB 193 Particulars

<http://legiscan.com/OH/bill/SB193/2013>

SB 193 Text

<http://legiscan.com/OH/text/SB193/2013>



From the ACLU

SB 193 – Minor Political Parties Regulations (2013-2014)

Article Source:

<http://www.acluohio.org/legislation/2013-2014-sb-193>

Primary Sponsors: Sen. Seitz (R)

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Secondary Sponsors:

Rep. Buchy (R), Rep. Huffman (R), Rep. Stebelton (R), Rep. Wachtmann (R), Sen. Eklund (R), Speaker Batchelder (R)

Committee:

Policy and Legislative Oversight (H), State Government Oversight and Reform (S)

Jurisdiction/Legislation Level: State

Summary:

In 2006 and 2007, federal courts ruled Ohio laws for regulation of minor political parties were unconstitutional. SB 193 creates new provisions and revises other regulations. Several will apply only in 2014 then become stricter as of 2015.

Under current law and this legislation, minor parties must reach a certain percentage of the most recent statewide vote for president or governor to retain party status for four years. SB 193 creates a minimum threshold of 2 percent in 2014 and 3 percent as of 2015. Minor parties failing to reach the percent required must submit party formation petitions to get back on the ballot. Due to other filing deadline changes in this bill, minor parties will not be able to participate in the 2014 primary.

SB 193 also revises the party formation petition process. For 2014, petitions must be signed by at least 0.5 percent of the total gubernatorial vote in the 2012 election or approximately 27,000

registered voters. After 2014, the number of signatures must be at least 1 percent of the total vote from the most recent president or governor election. Additionally, this bill adds the new requirement that these petition signatures must include a minimum of 500 registered voters from half of Ohio's congressional districts (8 out of 16 currently).

SB 193 also includes these new provisions:

- Invalidates the 2009, 2011, and 2013 Secretary of State directives for the participation of minor political parties in elections.
- Stipulates that minor parties must appoint a body of 3 – 5 members to nominate a slate of candidates. These candidates must be approved by the Secretary of State.
- Requires 50 signatures on party formation petitions for a statewide candidate and 5 for state representative or senator candidate. Specifies the signatures on the nominee's petition can only be from qualified electors who have not voted for a different political party in any primary election for the previous two calendar years.

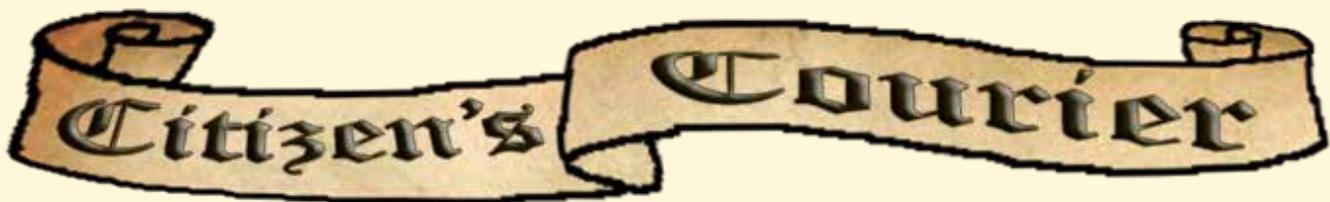


ACLU's take on this bill:

SB 193 raises many serious concerns by creating new obstacles that unfairly threaten the viability of minor political parties and their candidates.

The bill creates separate standards for 2014 elections, potentially causing confusion. It ends and disrupts such activities as signature gathering and petition filing already underway for the 2014 election cycle. Minor parties and their candidates will have to discard whatever progress they have made and spend a significant more amount of their limited resources to meet these new standards. Minor parties will also miss their primary in 2014. Primaries are important elements in the political process because they build name recognition, increase the base of supporters and are the only way voters have to formally identify their party affiliation in Ohio. There is no reason why these changes *must* apply to the 2014 election process.

SB 193 further encumbers minor parties by establishing overly burdensome signature gathering requirements, in order to be



recognized as an official minor party. Measures of recognizing minor parties should not be based on the geography of congressional districts and the small pool of registered voters who have not participated in the past 2 primaries.

While states have the authority to regulate minor parties, the provisions in SB 193 collectively impose a severe burden on the ability of these parties and their voters to engage in the political process. SB 193 is one of several election bills being considered or passed by the Ohio General Assembly at a rapid pace. Many of them are moving and passing without bipartisan support. Most of them include provisions that make the election process more difficult, more confusing and less available. The ACLU of Ohio opposes this bill and will fight enactment of these burdensome measures that hurt our democracy.

Bill Status: (2013)

Passed out of the Senate State Government Oversight and Reform Committee 10/08/13
Passed the Senate on 10/8/13
Testimony in the Senate State Government Oversight and Reform Committee on 10/8/13
Passed the House on 10/30/13 with Amendments
Passed out of Conference Committee on 11/06/13
Signed by the Governor on 11/06/13
Testimony in the House Policy and Legislative Oversight Committee on 10/17/13



REPUBLICANS VOTE TO RIG 2014 ELECTIONS IN THEIR FAVOR WITH PASSAGE OF SB 193

Article Source

<http://www.ohiolibertycoalition.org/ohio-republicans-vote-to-rig-2014-elections-in-their-favor-with-passage-of-sb-193/>

Tom Zawistowski, President of the Ohio Citizens PAC, accused the Ohio Republican "Party" of using the legislative process to gain personal political advantage in the 2014 elections. Zawistowski, expressed his outrage in saying "By not exempting current third parties from SB 193 until after next year's elections, the Republican controlled legislature essentially admitted that they were only changing the rules at this time because they wanted to stop third parties from taking votes away from Governor Kasich and themselves in 2014. They wanted to rig the elections for their own personal benefit and they did. Even Auditor Dave Yost was pushing for the bill to avoid competition from conservatives. It's that simple and it is that disgusting. They simply do not want competition because they would lose if they ever had to compete in a fair environment like the common citizen has to do at work every day. The citizens of Ohio

clearly deserve much better representation. We are thankful that the Libertarian and Green parties are prepared to take this to federal court and we will do everything in our power to support their efforts. We will also pledge to work with them and other parties to make sure that the citizens of Ohio have ballot choices next year that are superior to this Governor and the legislators who voted for this self-serving bill."



Court Finds Ohio SB 193 Unconstitutional

January 7, 2014

In a victory for democracy and voter choice in Ohio the Republican Party's attempt to disband the Ohio Green Party and other minor political parties has been blocked as an unconstitutional attack on the First Amendment. District Court Judge Michael Watson issued the Order barring implementation of the illegal scheme in response to a lawsuit filed

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by the Ohio Green Party as well as the Libertarian and Constitution Parties. If implemented SB 193 would have retroactively kicked 12th District Congressional Green Party Candidate Bob Hart off the 2014 ballot. Hart as well as the Green and Constitution Parties were represented by the Ohio ACLU and its lead attorney James Hardiman.

“The only thing the Ohio Republican Party fears more than a ban on corporate donations is real democracy,” said Hart, a lawyer, who testified that SB 193 was unconstitutional during recent House and Senate hearings. “Unfortunately most Republicans in the legislature followed the erroneous advice of SB 193 sponsor Senator Seitz who repeatedly declared the law to be legal though any first year law student would have concluded the law to be unconstitutional on its face,” Hart stated. He added that, “This attempt to ban third parties in Ohio appears to be part of the larger Republican Party campaign to ban fair elections in Ohio. This includes overtly political gerrymandering of districts to guarantee Republican victories and the blatantly undemocratic attempts by the Republican Party to suppress voter turnout.”

Forced through the legislature on short notice and without any proponents, SB 193 would effectively

have outlawed all existing minor political parties in Ohio in early February, 2014. Going forward it would have imposed draconian hurdles to the formation of new political parties. Additionally, the law would have limited both Hart and the Ohio Green Party to only 95 days of campaign and fundraising time, a restriction clearly intended to disadvantage the Greens and other minor parties.

Why attack democracy now? “The Republican Party bosses are aware that voters in Ohio and all across the county are demanding more third party choices at the ballot box. This dissatisfaction with Republicans and Democrats rests upon the justified belief of voters that the existing two party system is dysfunctional, said Hart. “One reason I’m running for Congress is to give a voice to all those voters who are tired of the two major parties manipulating the law to exclude other voices from the ballot box while they drive the country into the ground with their partisan behavior.”

Notably the new political party requirements and restrictions would not have applied to either the Ohio Republican or Ohio Democrat Parties.

Source

<http://www.hartforcongress.com/court-finds-ohio-sb-193-unconstitutional/>



“There is nothing which I dread so much as a division of the republic into two great parties, each arranged under its leader, and concerting measures in opposition to each other. This, in my humble apprehension, is to be dreaded as the greatest political evil under our Constitution.”

John Adams

Letter to Jonathan Jackson

October , 1780