

## Committees

- Finance-
- Finance Subcommittee, Education-
- Government Oversight, Ranking-
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## Bride Rose Sweeney State Representative

## 14<sup>th</sup> District, Cuyahoga County

- Cleveland Wards 16 & 17-
- Brook Park-
- Brooklyn-
- Parma Heights-
- Middleburg Heights-

July 1, 2021

The Honorable Mike DeWine  
Governor of Ohio  
77 South High Street  
Vern Riffe Center, 30<sup>th</sup> Floor  
Columbus, OH 43215

Dear Governor DeWine:

I write to respectfully request that you veto Senate Bill 80, which would further politicize the Ohio judiciary at a time when partisan extremism abounds in the legislature and Ohioans need a strong, independent, and nonpartisan judicial branch now more than ever. The bill forces some judicial candidates to run with party labels but not others, which may also be unconstitutional under the Equal Protection Clause of the U.S. Constitution.

As the Ranking Member of the House Government Oversight Committee, I have followed this legislation very closely, listening to hours of testimony in opposition to its companion bill, House Bill 149. While some say the voters support this change, not one member of the public testified in support of Senate Bill 80 in the House and only a political scientist did so on House Bill 149.

The Ohio State Bar Association, the Ohio Association for Justice, the Ohio Court of Appeals Judges' Association, and the Ohio Judicial Conference all oppose this partisan attack on our nonpartisan judiciary. Former Justice Paul Pfeifer twice told the committee: "party affiliation is *wholly irrelevant* to the work of a judge." The President of the Ohio Court of Appeals Judges' Association, Judge Cynthia Westcott Rice testified, "If passed, this will surely politicize, and therefore *delegitimize*, the judicial branch in the eyes of the public. There is no intellectually honest reason for distinguishing between appellate judges, Supreme Court judges and trial court judges."

Not only is it wrong and fundamentally misleading to define judicial candidates primarily by their party affiliation, a study by the Bliss Institute found that voters saw party affiliation as the *least important* information about judicial candidates. The most important was a candidate's professional background, including their education and experience related to the office they are seeking. Personal background, views on crime, social issues, and domestic issues were also ranked by voters as significantly more important than party affiliation. We should be doing more to educate voters on what they actually care about.

### Columbus Office

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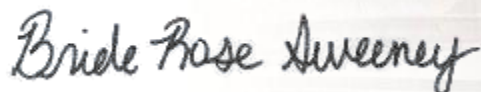
Ohioans have elected judges the same way for 110 years since the Nonpartisan Judiciary Act of 1911, which was a response to the excessive influence of money and party bosses over the legal system. If enacted, I fear this legislation would exacerbate the influence of money, special interests, and party politics over the Ohio judiciary.

The vast majority of states that elect judges do so via nonpartisan elections, because party is and ought to be completely irrelevant to the work of a judge and the qualifications to become one. In the past century, only one state – North Carolina – has gone from nonpartisan to partisan judicial elections. As recently as 2016, our neighbor West Virginia took party labels completely out of its judicial elections. By singling out Supreme Court and Appeals Court races but excluding the lower courts, Senate Bill 80 would make Ohio's system for electing judges *the only one of its kind in the country*, and it would do so in a manner that is likely unconstitutional.

When enacting legislation, we should always take care to ensure that it is constitutional, not only to uphold the intent of that sacred document but also to avoid taxpayer dollars being spent on unnecessary lawsuits. However, citing the unanimous opposition of the Ohio Court of Appeals Judges Association, Judge Rice argued, "SB 80, as currently proposed, will be subject to *constitutional challenge* as a violation of the Equal Protection Clause, because similarly situated candidates for different courts are being treated differently." In my home county of Cuyahoga for example, countywide candidates for Common Pleas Court would not list their party affiliation but their counterparts running for the 8th District Court of Appeals would be required to do so.

At the very least, Senate Bill 80 will create the appearance of judicial partisanship and partiality. It will also do *significant harm* to our entire judicial system by making it more likely for voters to see justice as political rather than based *solely* upon the rule of law. Governor, I implore you, please protect the independence of Ohio's judiciary and veto this recklessly partisan legislation.

Sincerely,



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BRIDE ROSE SWEENEY

State Representative, 14<sup>th</sup> District  
134<sup>th</sup> Ohio General Assembly