



BACKGROUND OF OHIO SENATE BILL 193
Otherwise known as either:
The Ohio Voter Suppression Act of 2013
Or
The Assured Re-election of
John Kasich for Governor Act

By Don Shrader

Senate Bill 193 for 2013, was proposed in mid-September, 2013, by Cincinnati Republican State Senator Bill Seitz, and is one piece of scary legislation making any other Halloween monster seem tame by comparison. This is a bill designed to permanently eliminate all political parties except Republican and Democrat from existence beginning in 2014. It is similar to two previous attempts by the Democrats in 2009 and again by the Republicans in 2011 which were subsequently struck down by the Courts as being unconstitutional. However, SB-193 has been upheld by the courts for 2015 and beyond.

This bill was essentially the **Governor John Kasich Assured Re-Election Bill**. Over the past year or so before the 2014 election, Governor Kasich had angered so many people with his blatant violation of our newest addition to the State Constitution (an amendment passed overwhelmingly by the Ohio voters in 2012 in opposition to Obamacare). He further alienated the electorate by circumventing the Ohio House to implement his pro-Obamacare Medicaid expansion plan, among his other distasteful acts. (Governor Kasich's disregard and overriding of the Ohio Constitution was very similar to Obama's disregard and blatant overriding of the U.S. Constitution only on the State level.)

As such, his election at one point seemed to be in doubt because a third Party candidate, such as Charlie Earl of the Libertarian Party, even if he did not win the election, could possibly "steal" enough votes from Kasich that coupled with the number of independents that might very likely vote for the Democratic candidate in the election that the Democrat would be elected. Thus, (as is the contention of many outside the Republican Party) the Republicans determined that something

had to be done to stop that scenario. The most straightforward strategy was to eliminate third parties from the election ballot. This could also be labeled **THE VOTER SUPPRESSION ACT OF 2013** as it also removed the ability of the electorate to vote for anyone but the Republican or Democratic candidate for Governor. (Maybe you remember when we used to make fun of the Communist Block countries when they could vote for anyone they wanted as long it was the only person on the ballot. How is this much different?) As it turns out, the Democratic candidate, Ed FitzGerald, self-imploded to the point Kasich won in a landslide – virtually unopposed.

Secretary of State Husted had originally stated that IF SB-193 did not go into effect before November 2013, it would be too late for the 2014 elections. If the bill was then unable to go into effect in time for the 2014 elections then it failed to achieve its primary objective. Thus, when State Senator Seitz proposed the bill in September, because he (and other Republicans) wanted this bill in place to negate all third parties for the 2014 gubernatorial race, he invoked what is termed the Emergency Clause deeming that this was emergency legislation, thereby circumventing any required waiting periods required of normal legislation. Without the emergency clause being part of the bill, the normal waiting periods for legislation from the time of passage until the time such legislation would take effect would be too long in this case to become law before the filing deadlines for the 2014 primaries, thus negating this being in play for the 2014 elections – its primary objective.

On Wednesday, October 30, the bill unexpectedly passed out of the House Legislative and Oversight Committee as a Halloween Eve surprise and later that same evening the House surprisingly passed the Committee version of the Bill, which was somewhat different than the Senate Bill. The Senate Republicans subsequently unanimously rejected the House version. Not expecting it to be passed by the House until the following week, the Senators made plans to go home for the weekend so there was no one in the Senate to serve on a joint Committee in an attempt to resolve the differences between the two versions.

Thus, the bill was seemingly dead as there was no way a joint compromise could be constructed, passed by both Houses of the State Legislature, and signed

by the Governor in time to meet the November 1 deadline imposed by Secretary of State Jon Husted. In fact that turned out to be the case.

However, a compromise bill was passed a few days later and signed into law late night by Governor Kasich. Going against his earlier edict, Husted allowed the bill to stand. The bill was subsequently stayed by the Federal Courts because it was deemed to be enacted too late in that several minor party candidates, including two from the Constitution Party at that time, had already expended funds initiating their campaign for office, thus it was deemed improper to subsequently negate their campaigns which was deemed by the courts to cause them financial harm. While the bill was stayed for the 2014 election, it was subsequently upheld by the courts for the 2015 election and beyond and is the current "law of the land" in Ohio.

Because the courts allowed Libertarian Charlie Earl to run, the Republicans needed to find another way to eliminate him from competition, which they did on a technicality. It turned out that the Libertarians hired a professional solicitor to help obtain the necessary signatures for Earl to be on the ballot for Governor (along with his running mate). The solicitor had been doing this type of work in Ohio for over 20 years as I understand it, including for the Republicans. The technicality was that in the box on the signature submission sheets, he did not put the word "self" since he was a self-employed consultant and did not work for any company. In all his prior work (including for the Republican Party) he stated he had always left that block blank. However, this time the Republicans (actually one person acting on behalf of the Republican Party) objected to the block not being filled in, which was upheld by both the Republican Secretary of State (Husted) and the courts. It made no difference what the courts ruled because the Republicans were able to stall the process such that no decision was made until after the 2014 General Elections. As it turned out, it probably was of little value because (as noted above), the Democratic candidate (Ed FitzGerald) basically self-imploded his campaign allowing Kasich to win in a landslide.

With respect to SB-193, ultimately it was no surprise - just extreme disappointment - that the Republicans (and Democrats to a greater extent) have won in the courts while Ohio voters have lost big time, even though the vast majority of them have no clue how their freedoms and liberties with respect to

choice at the ballot box has once again been infringed. The Republicans won because they concocted and passed SB-193. The Democrats were even greater winners than the Republicans. "How is that?" you may ask. Well consider that when they were in power (controlling both the Governor's Office and both Houses of the State Legislature), they passed similar legislation only to have it overturned by the courts, so in actuality they support SB-193 as much as do the Republicans. However, during the 2013 session of the State Legislature, they were able to oppose this self-serving Republican legislation along Party lines all the while knowing that it would pass both Houses and be signed by the Governor. Thus, they get the benefit of this legislation that effectively eliminates third party competition at the ballot box (the same benefit that they tried to impose to their own benefit before) while looking to many, particularly before the non-major-Party voters, like they were standing up to the Republicans, upholding Minor Party access to the ballot. Don't you love it!

My biggest disappointment with the passage of SB-193, 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 co-sponsor or be 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. ~Don Shrader, Chairman, Constitution Party of Ohio