

# Political Parties, Interest Groups, and Elections in Ohio

## Major and Minor Parties in Ohio

Ohio has a very rich history of strong political parties. The Ohio Democratic Party is older than the Republican Party, having its origins in the founding period of the state. Initially, a party known as the Federalists served as the main rival to the Democratic Party (or the Democratic or Jeffersonian Republicans, as they were sometimes know). As the Federalist Party faded, the Whig Party emerged as the opponent of the Democrats.<sup>1</sup> The Whigs were strong in the “Western Reserve” part of the state, which is the northeast corner of Ohio. The Whig Party held to strong abolitionist views and so served as the natural core for the emergence of Republican Party in Ohio in the 1850s.

Beyond the Democrats and the Republicans, minor political parties have struggled to gain ballot access and sustain their legal status in Ohio. In the 2012 general election, no minor parties received even 1 percent of the vote, although the Libertarian Party presidential candidate came close, receiving .89 percent of the popular vote. Among the other minor parties, the Socialist Party presidential candidate received .05 percent of the vote, while the Constitution Party received .15 percent and the Green Party received .33 percent.

Even though third parties do not currently have much hope for winning the plurality of the vote necessary to actually be awarded an office in Ohio, they can affect a close election by siphoning off votes that might otherwise go to one of the major party candidates. For this reason, it is sometimes said that there is only one thing Ohio Republicans and Democrats agree on: making it difficult for third parties to gain ballot access.

Prior to 2006, Ohio law required minor political parties to collect signatures equivalent to 1 percent of the total vote cast in the most recent statewide election in order to have their candidate’s name placed on the ballot. These signatures had to be submitted at least 120 days prior to the primary election. Once they appeared

on the ballot, the minor party's gubernatorial candidate (or slate of electors in a presidential year) had to attract at least 5 percent of the total votes cast. If the party failed to cross the 5 percent threshold, they had to start all over again.

In response to a legal challenge brought by the Libertarian Party of Ohio, a federal court declared those requirements unconstitutional in 2006.<sup>2</sup> The Ohio legislature did not alleviate the legal problems with the statute, and when the secretary of state of Ohio attempted to step into the breach, a second federal court declared her actions to be unconstitutional. The result was that it became fairly easy for minor parties to go to court to seek access to the Ohio ballot. These minor parties were allowed to have ballot access even if they did not meet the 5 percent threshold. Prior to this court ruling, Ohio rarely had more than one minor political on the ballot in any election. In the period from 2006 until 2013, the Green Party, the Libertarian Party, Constitutional Party, the Socialist Party, and the American Election Party all gained access to Ohio's ballot. Ohio also established that if two or more candidates filed for the nomination for the same office of the same minor party, the state would conduct a primary election.<sup>3</sup>

In November of 2013, the Republican-controlled general assembly passed a new ballot access measure for minor political parties. The new law requires minor parties to collect one-half of 1 percent of the vote cast in the last presidential election in order to be recognized on the ballot. That is estimated to be about 28 thousand signatures, with the requirement that at least 500 of the signatures have to come from eight of the 16 congressional districts in the state. The signature requirements will be increased in 2015 to 1 percent. After gaining access to the ballot, a minor party will have to receive at least 2 percent of the total vote cast for the applicable office at the most recent regular election to remain on the ballot. After four years, that number will be increased to 3 percent.<sup>4</sup>

The Libertarian Party of Ohio filed a federal lawsuit the same week the new minor party bill was signed by Governor John Kasich. The suit focused on the retroactive nature of the bill, claiming the rules were being changed midstream. The Tea Party in Ohio was unhappy with Governor Kasich and his support of expanding Medicaid, and some of the Tea Party leaders had already decided to give their support to the Libertarian candidate for governor, former State Representative Charlie Earl. They believed that this law was passed to make it difficult for Earl to qualify as the Libertarian candidate for governor in 2014. In early January of 2014, a federal court issued an injunction against the law, and it will not be in effect for the 2014 election. Still, under current rules promulgated by the Ohio secretary of state, minor party candidates face signature requirements that are very similar to those applied to major party candidates. Among the requirements are that nominating petitions for the candidate of a party must be circulated by those who are actually members of that party and that the circulators must disclose the name of their employer. In 2014, Secretary John Husted determined that Libertarian candidate,

Earl; his running mate, Sherry Clark, and Libertarian candidate for attorney general, Stephen Linnabarry, had all violated these requirements and therefore could not appear on the primary ballot. Consequently, they were also barred from appearing on the general election ballot.

### Party Organizations

Both of the major parties once held biennial (every two years) state conventions. The Ohio Republicans gave up holding conventions in the 1988, citing the cost of the meetings as a major reason.<sup>5</sup> Ohio Democrats, how-

ever, have a requirement within their bylaws to hold state party conventions. Delegates to conventions are selected by local county party organizations, and they customarily adopt a platform stating the positions of the party on major issues. Party conventions in Ohio have also served to highlight candidates. At the same time, and in contrast to the process in some other states, the major party state conventions in Ohio have no legal role in the actual nomination of state candidates. The candidates must garner the correct number of statutory-required signatures to qualify for the ballot.

State laws regulate Ohio political parties. The Ohio Revised Code (ORC) says that "The controlling committees of each major political party shall be a state committee consisting of two members, one male and one female, elected every two years from each of the 33 Senate districts."<sup>6</sup> State senate districts are now used, and that means that the Democratic and Republican state committees consist of 66 members. An Ohio county central committee consists of one member from each election precinct in the county, or one member from each ward and township in the county. Most Ohio county parties use the precinct as the election unit for its committee members, and a number of them have moved to four-year terms. These party committee members are elected in the party primary elections that are held on even-numbered years.

The state law on party organization and function is very thin because political parties are private, nongovernmental organizations. Therefore, state laws cannot specify what officers the committees are to elect nor the duties of these officers.



Instead, these matters are spelled out in the bylaws adopted by these various party committees. The strictest regulations of parties in Ohio are in the area of campaign finance law (discussed below).

Party bylaws often permit the state or county executive committee to appoint notable members of the party who were not otherwise elected to the state or county central committee. Some of these state or county party committees might also choose to endorse candidates in primary elections. Those endorsements carry none of the benefits sometimes found in other states, such as automatic ballot access or top position on the primary ballot. The value of the party endorsement is dependent on the support the endorsing party organization invests in it. In Ohio, statewide candidates seek out the endorsement of those county organizations that choose to endorse. For Ohio Republican statewide candidates, the endorsement of the Franklin County Organization in Columbus has been viewed as quite valuable.

The only significant statutory authority granted to county committees in Ohio is the power to replace partisan-elected office holders who have vacated (or been removed) from their offices within the county. This power does not extend to judges. State statutes require that the governor of the state fill vacant judgeships. When state legislators leave office early, the respective party caucuses in the house or the senate replace them. The governor fills vacancies in other statewide administrative offices.

There are also important non-statutory party organizations in the state. The most important are the legislative party committees. The particular party caucus selects the members of these committees. These committees hire staff and, often, a political consulting firm. Their function is to recruit and elect candidates for the next election cycle. This is an arduous task that is compounded by term limits. Term limits create numerous open seats, and the legislative campaign committee is expected to recruit viable candidates in those districts deemed competitive. Recruiting legislative candidates is challenging. The best prospects are those who hold some sort of local office in the district and are able to raise some of their own funds or self-finance their own campaigns. Another pool of possible legislature candidates are former legislators who have been or are going to be termed out of office. The caucus campaign committees are also required to raise funds to support those candidates newly recruited as well as support incumbents at risk. This practice is usually termed *targeting*. Targeting is a practice of legislative campaign committees, political parties, and political action committees (PACs), which focus scarce financial resources on either candidates who have a good chance of winning or on incumbents who appear vulnerable. In an Ohio state house election, the number of contested seats, where both parties are financially engaged, is usually less than a dozen. In the 2012 election cycle, the Ohio senate legislative party committees contested only one seat where the incumbent was an appointee and the district was seen as competitive. The appointed Democratic incumbent survived that election.

## Party Politics

John Fenton, in his 1966 book, *Midwest Politics*, places his study of Ohio politics in a section of his book titled “The Job-Oriented States.” According to Fenton, “the distinguishing characteristic of jobs-oriented politics is that most of the people who participate in politics on a day-to-day basis do so out of a desire for jobs or contracts rather than because of a concern for public policy.”<sup>7</sup> That description would not capture today’s Ohio political parties. A variety of factors have eroded the patronage available to Ohio parties, including civil service law, the onset of public unions, outsourcing of state work to private contractors, and—perhaps most importantly—the chilling effect of the 1990 U.S. Supreme Court decision *Rutan et al. v. Republican Party of Illinois*. In *Rutan*, the court essentially made patronage illegal, ruling that state governments violate an individual’s First Amendment rights when they hire (or refuse to hire), fire, or promote state employees on the basis of political affiliation or party activity.<sup>8</sup> Even if patronage jobs were still available, there would not be many of them. All recent Ohio governors have been able to brag that they have reduced the number of state workers. Current Governor Kasich has pushed for privatization of state agencies, further eroding possible patronage positions. Because of this, contemporary party organizations in Ohio are not built on the patronage system that Fenton observed in the 1960s.

Still, contract seekers and interest groups continue to make demands on the state of Ohio. They no longer, however, limit their attention and donations to the political parties. Instead, they hire from the ranks of the large pool of dedicated lobbyists in Columbus. Nowadays, it is the lobbyists, rather than the political parties, who act as liaisons with elected officials. In fact, a few entrepreneurial political party chairmen are also registered lobbyists. Their fees, however, do not go the party organizations.

### *The Ohio Republican Party*

In the mid-20th century, the Ohio Republican Party was known for being exceptionally well organized. As Fenton noted, this was partially because they realized “that they constituted a minority of the voting population of the state and were willing to submit to strong central direction of their party in order to achieve electoral victory over a disorganized majority.”<sup>9</sup> It was also due to the talents of longtime Ohio Republican state chairman, Ray Bliss (Photo 8.2). Bliss ran the party in Ohio with an iron fist. For example, Republican Party chairs had to seek his approval before making statements to the press. Bliss was acutely aware that Republican policy positions did not always correspond with those of a majority of the Ohio electorate; his solution, for which he was famous, advocated keeping issues out of elections. He was so successful that Fenton’s chapter on Ohio politics was titled “Issueless Politics in Ohio.”



Ray Bliss

This reluctance to bring up controversial issues no longer describes today's Ohio Republican Party. In 2011, the Republican-dominated 129th general assembly took up a controversial measure to limit the collective bargaining rights of public employees in Ohio. Before the law could go into effect, it was decisively defeated in a referendum. Still, Republicans continued to push controversial legislation, including in the 130th general assembly, when the Republican legislature added a number of abortion restrictions and attempted to defund Planned Parenthood in the budget bill.

As the Republican Party has become more issues oriented, it has also become less cohesive. In the 129th general assembly, the conservative wing of the Republican Party in the legislature opposed Governor Kasich's expansion of Medicaid, which was part of the federal Affordable Care Act (Obamacare). At the time, house Speaker William Batchelder (R-Medina) said that twenty members in his Ohio house Republican caucus would rather be shot than vote for the Medicaid expansion.

Controversial and divisive issues have become much more common in the Ohio Republican Party in the 21st century. Mirroring the trend nationally, the Ohio Republican Party has become much more ideologically conservative. This conservative shift is most noticeable in the Republican caucus in the Ohio house of representatives. Representative Jay Hottinger, who entered the house in 1995, was once viewed as one of the most conservative members of that body. In a 2013 interview with the *Columbus Dispatch*, he indicated that though he had not changed, "the caucus has clearly moved significantly to the right."<sup>10</sup>

Statehouse observers point to gerrymandered house districts, term limits, and a more organized Tea Party movement as a reason for this shift.<sup>11</sup> In 1991, 2001, and 2011, when state house districts were being drawn, Republicans controlled the Ohio Apportionment Board. Although gerrymandering (discussed in Chapter 3) often works to increase the number of seats a political party is able to obtain in a legislature, it is also used to create what are known as safe political seats. Constructing politically lopsided districts (i.e., districts that contain a clear majority of Republican voters) creates safe seats. Within such districts, there is no electoral payoff to moderating one's ideology. In fact, the only major challenge to remaining in office occurs during primary elections. Groups aligned with the conservative Tea Party movement tend to be very active in Republican Party primary elections. Given that low voter turnout is the norm during primaries, Tea

Party supporters are allowed to exercise a disproportionate influence during these contests, again pushing Republican candidates toward the right.

Curiously enough, all of this has not led to a more homogeneous party. The strain between Governor Kasich and the state Republican Party organization is discussed in Chapter 4. Nowhere was this split more evident than in Kasich's decision to embrace Medicaid expansion under the Affordable Care Act, a position with was political heresy to many conservative Republicans in the state.



Vernal G. Riffe

### *The Ohio Democratic Party*

Fenton's description of the Ohio Democratic Party in the 1960s was not very glowing. He concluded, "There was, in fact, no statewide Democratic party in Ohio."<sup>12</sup> Rather, according to Fenton, the Democratic Party was an aggregation of city political machines, with no interest in winning statewide elections unless the candidate was from their city

Fortunately for Democrats, this description no longer captures the modern party in Ohio. Although the party has not enjoyed much electoral success of late (with the notable exception of the 2006 elections), it has become more organized and has benefited from the support of labor unions in the state. What Fenton did not anticipate was the rise of Speaker Vernal (Vern) G. Riffe (Photo 8.3). Riffe created an effective legislative campaign organization for the Democrats. Serving as Speaker of the Ohio house of representatives from 1975 until 1995, he effectively used his position to raise funds to support the Democratic Ohio house candidates. Also important was the emergence of Richard Celeste, a Democrat who was elected governor, a position the Republican Jim Rhodes had held for most of the 1970s and 1980s. Celeste was not favored in the 1982 Democratic primary, where he faced Attorney General William Brown as well Cincinnati councilman (and now talk TV shock host) Jerry Springer.

Celeste did have an established political base in Cleveland, where his father had been had run for mayor. Most importantly, had the support of Riffe. Beyond Riffe, however, the Toledo Democratic Party organization was the only major group to support Celeste in the primary. Their leader, James Ruvolo, went on to become the Democratic state party chairperson after Celeste won the Democratic primary and easily defeated Republican Clarence "Bud" Brown in the Reagan midterm election of 1982. That 1982 Democratic primary was the last spirited

statewide Democratic primary in Ohio. The Democrats began to lose their grip on Ohio government with the election of Governor George Voinovich in 1990 and the capturing of the apportionment board by the Ohio Republicans. Speaker Riffe saw the writing on the wall and took his exit.

The Republicans controlled the office of governor and most of state government for the next sixteen years. This long Republican reign broke what some called a law of Ohio politics: the law of the “regularity of gubernatorial rotation.”<sup>13</sup> The Democrats finally made a comeback in 2006, when Congressman Ted Strickland ran virtually unopposed for the Democratic nomination and then easily defeated Republican Secretary of State Ken Blackwell. That year proved to be a banner year for Democrats in Ohio. Democrats swept all of the statewide offices except state auditor, which was won by Republican candidate Mary Taylor. Strickland pushed the Democrats to select Ohio house member Chris Redfern as the party’s chairman. Redfern continues to hold that office, although he has returned to the Ohio house.

Redfern has been a constant critic of Republican Governor Kasich. He has also worked to forge a much closer alliance with organized labor, something made easier by the failed threat to public employee unionization, symbolized by the Republican-passed Senate Bill 5 (discussed in Chapter 9).

### State Parties and Elections

Despite the diminished role of state parties, Ohio’s state party organizations continue to act as slate makers (determining who will appear on the statewide ballot). The state Republican Party in Ohio played a critical role in constructing the successful 1990 state ticket by encouraging Bob Taft to give up his gubernatorial bid and run for secretary of state. In 2010, the state Republican Party also was able to persuade David Yost to give up a challenge to Mike DeWine for the Republican attorney general nomination and instead seek the office of state auditor. On election night, both would claim victory.

In addition to the statewide political offices, the state party organizations also recruit candidates for the Ohio supreme court elections. Of course, both parties provide services to their candidates. Ohio political parties can be a source of campaign contributions for candidates, as shown below in Table 8.1. At times, parties take on other roles. For example, in the fall of 2013, the emerging gubernatorial campaign of Ed Fitzgerald removed its hired spokesperson for the campaign, and staff in the Ohio Democratic Party took on that task.

Despite all of this, the time for strong party organizations in states such as Ohio has passed. On occasion, they do serve as forums for individual power struggles or fights to define the ideology of the party. Overall, however, statewide campaigns in Ohio have become candidate centered. It is the candidate and his or her

circle of advisors rather than the parties who dominate statewide general elections in Ohio. The role of the party organization is that of a supporting actor, with the assigned task of getting out the vote. The local party activists, who are often around for decades, are placed side by side with volunteers who have come out in support of a particular candidate

In the classic study of state political subcultures, Daniel Elazar characterized Ohio as “individualistic,” meaning that political participation in Ohio was motivated by those seeking benefits.<sup>14</sup> As already explained, however, patronage in the form of public jobs is very rare today. Many of today’s party activists are motivated instead by ideology. James Wilson has characterized this type of motivation as “purposive.”<sup>15</sup> This change has redefined the character of Ohio politics and political parties in the 21st century.<sup>16</sup>

### Campaign Finance in Ohio

Ohio candidates for local and state office, political parties, and other political organizations that raise money for elections are subject to state campaign finance laws that are distinct from federal campaign law. In general, one of the goals of campaign finance law is to increase transparency and allow the public to know both who is contributing money and to whom they are contributing. To achieve transparency, office seekers and other groups that spend money on elections are required to report the sources of their contributions, and political donors must report their spending. There is a pre- and postelection filing for the primary and the general election. Local candidates for office are required to file their campaign finance reports with their county boards of election while state office seekers submit their documents to the Ohio secretary of state. The press often reports how much each candidate for a particular office has raised, and this is often taken, along with polling data, as a measure of support for candidacies.

The limit on campaign contributions in Ohio is considerably higher than the federal cap. The cap is adjusted annually by the Consumer Price Index and posted on the secretary of state’s website. In 2013, the cap for individuals and PACs for contributions to statewide candidates was \$12,155.52. The secretary of state’s contribution limits are presented in Table 8.1. There is no limit on what an individual can spend on his or her own election. There has never been a self-financed trophy-office-seeking statewide candidate in Ohio. Indeed, according to a report by the Brennan Center for Justice, “Ohio has the highest limit in the country for contributions to state legislative candidates . . . and the third highest for individual contributions to statewide candidates.”<sup>17</sup>

As Table 8.1 shows, political parties are able to spend large sums of money for campaigns. Table 8.2 provides an example of how much money was raised by party committees in 2012.

TABLE 8.1 Ohio Campaign Contribution Limits

FROM		TO		COUNTY PARTY		COUNTY PARTY		STATE PARTY		LEGISLATIVE CAMPAIGN FUND		CAMPAIGN COMMITTEE	
<i>per Election Period</i>	<i>INDIVIDUAL (must be 7 years of age or older)</i>	<i>PACS PCES</i>	<i>state candidate fund</i>	<i>other accounts</i>	<i>state candidate fund</i>	<i>state candidate fund</i>	<i>state candidate fund</i>	<i>state candidate fund</i>	<i>state candidate fund</i>	<i>state candidate fund</i>	<i>state candidate fund</i>	<i>state candidate fund</i>	<i>(includes local)</i>
STATEWIDE	\$12,155.52	\$12,155.52	\$303,887.96 <sup>12</sup>	\$3,038.88 <sup>9</sup>	\$303,887.96 <sup>12</sup>	\$685,571.24 <sup>7</sup>	<b>PROHIBITED</b>	\$12,155.52					
SENATE	\$12,155.52	\$12,155.52	\$12,155.52 <sup>1</sup> \$136,749.58 <sup>2</sup>	\$3,038.88 <sup>9</sup>	\$12,155.52 <sup>1</sup> \$136,749.58 <sup>2</sup>	\$136,749.58 <sup>7</sup>	\$68,070.90 <sup>6</sup> \$136,749.58 <sup>6</sup>	\$12,155.52					
HOUSE	\$12,155.52	\$12,155.52	\$12,155.52 <sup>1</sup> \$68,070.90 <sup>2</sup>	\$3,038.88 <sup>9</sup>	\$12,155.52 <sup>1</sup> \$68,070.90 <sup>2</sup>	\$68,070.90 <sup>7</sup>	\$35,258.98 <sup>6</sup> \$68,070.90 <sup>6</sup>	\$12,155.52					
STATE PARTY State Candidate Fund	\$36,466.56 <sup>3</sup>	\$36,466.56 <sup>3</sup>	<b>No Limit</b>	<b>PROHIBITED</b>	<b>No Limit</b>	<b>No Limit</b>	<b>No Limit</b>	<b>No Limit</b>					\$36,466.56 <sup>5</sup>
LEGISLATIVE CAMPAIGN FUND	\$18,233.28 <sup>3</sup>	\$18,233.28 <sup>3</sup>	<b>No Limit</b>	<b>PROHIBITED</b>	<b>No Limit</b>	<b>No Limit</b>	<b>PROHIBITED</b>	\$18,233.28 <sup>5</sup>					
COUNTY PARTY	\$12,155.52 <sup>10</sup>	<b>PROHIBITED</b>	<b>PROHIBITED</b>	<b>PROHIBITED</b>	<b>PROHIBITED</b>	<b>No Limit</b>	<b>No Limit</b>	\$12,155.52 <sup>4</sup>					
State Candidate Fund													
PACs PCES	\$12,155.52 <sup>3</sup>	\$12,155.52 <sup>13</sup>	\$12,155.52 <sup>11</sup>	\$12,155.52 <sup>11</sup>	\$12,155.52 <sup>11</sup>	\$12,155.52 <sup>11</sup>	<b>PROHIBITED</b>	\$12,155.52 <sup>3</sup>					

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1. These limits apply to contributions given to a campaign committee which is **not** a '*designated state campaign committee*'.
  2. These limits apply to cash or cash equivalents, not in-kind. The campaign committee of a House or a Senate candidate which is a '*designated state campaign committee*' may accept, in aggregate, from any one or a combination of state candidate funds of county political parties **\$60,777.59** and **\$121,597.85**, respectively, in an election period.
  3. These limits are per calendar year.
  4. This limit is per calendar year and may only be made if the campaign committee's candidate will appear on a ballot in that county or is an officeholder representing any part of that county.
  5. These limits are per calendar year and do not apply to contributions given by a '*designated state campaign committee*'.
  6. These limits apply to cash or cash equivalents, not in-kind. The smaller limit is for the Primary election period and the larger limit is for the General election period.
  7. These limits apply to cash or cash equivalents, not in-kind.
  8. These limits apply to political parties in counties having a population of less than 150,000 which do not establish a State Candidate Fund. '*Other Account*' does not include an account that contains moneys received from the Ohio Political Party Fund (Restricted Fund).
  9. Recipients of county party non-State Candidate Fund contributions must be campaign committees for statewide candidates or a '*designated state campaign committee*'.
  10. This limit is per calendar year. Contributions to a County Party SCF are restricted to individuals residing in the county or '*designated state campaign committees*' of the County Party SCF.
  11. These limits are per calendar year and apply to the aggregate of contributions given by the National, State and County level of a political party.
  12. A campaign committee for a statewide candidate may **accept** not more than this amount, in aggregate, from any one or a combination of state candidate funds of county political parties in an election period.
  13. This limit is per calendar year and does not apply to contributions made to or received by one or more PACs that are affiliated.

TABLE 8.2 Money Raised by Party Committees in Ohio in 2012

<b>Ohio Democratic Party</b>	
<i>Committee</i>	<i>Total</i>
Ohio Democratic Party	\$12,401,827
House Democratic Caucus Fund of Ohio	\$2,992,772
Ohio Senate Democrats	\$292,796
<b>Ohio Republican Party</b>	
<i>Committee</i>	<i>Total</i>
Ohio Republican Party	\$7,170,974
Ohio House Republican Campaign Committee	\$5,771,444
Republican Senate Campaign Committee	\$3,060,220

*Data source:* "Follow the Money," accessed October 21, 2014, <http://beta.followthemoney.org/>

The financial prowess of the Republican legislative campaign committees is a result of their majority status. Whichever party has majority status enjoys much greater financial support from state interest groups. Leadership and aspiring leaders are expected to donate monies from their campaign funds and raise money for their caucus.

### **Public Party Funds**

In the 1980s, the Ohio general assembly created a system of public financing for political parties in Ohio. It is usually referred to as the *Ohio political party fund* and is supported by monies received as a result of individuals exercising the check-off option on their state income tax returns. According to Ohio law, after the costs of the audit are deducted, the tax commissioner shall "pay any moneys remaining in the fund only to political parties qualifying for them under division (B) of section 3717.17 of the Ohio Revised Code."<sup>18</sup> These funds must be divided equally between the qualifying parties, with half going to the treasurer of the state executive committees and the other half distributed to the treasurer of each county executive committee in "accordance with the ratio that the number of check-offs in each county bear to the total number of check-offs."<sup>19</sup> Only major parties as defined by the ORC may apply for public monies from the Ohio political party funds.

The amount of money in this fund has been dwindling. In 2002, 512,000 checked this box. By 2011, the number was only 261,000. Furthermore, the recipient party organizations may only use the money for administrative costs and get out the vote (GOTV) efforts. The funds cannot be used to support candidates nor to fund to their campaigns.<sup>20</sup>

## Interest Groups

An *interest group* is an organized group with common interests that attempts to achieve its goals by influencing government officials. Interest groups lobby government officials and donate funds and volunteer in political campaigns. They may also become active in a particular political party. For example, organized labor has long been involved in the Ohio Democratic Party. More recently, groups affiliated with the Tea Party movement have become a force in the Ohio Republican Party. The activities that Ohio interest groups and their lobbyists use to influence policy outcomes are the same in most states and at the national level. They include the following:

### 1. Becoming involved in political campaigns

These efforts are usually primarily financial. Interest groups can form PACs to make donations directly to campaigns or campaign committees. Interest groups with access to other, nonfinancial assets can also deploy those resources in campaigns. Labor unions, for example, can organize their members for and against candidates by using endorsements and by mobilizing members. The National Rifle Association, one of the most dominant groups in Ohio, is able to push its members to vote for favored candidates. This is also true for groups opposing or favoring abortion rights.

### 2. Testifying in front of legislative committees

The value of this testimony is questionable; however, it is one way that lobbyists show their employer that they are doing something to earn their pay.

### 3. Making informal contacts

Lobbyists representing interest groups will often reach out to lawmakers, providing them with information and opinions on pending legislation.

### 4. Sponsoring initiatives and referendum petitions

Gambling interests managed to successfully place an initiative on the ballot in 2009, allowing casinos to be operated in the state. In 2011, public unions were able to use the referendum to block a law restricting their collective bargaining rights.

### 5. Participating in direct advocacy

Interest groups often encourage members to write letters, send e-mails, or make phone calls to legislators, urging them to favor or oppose legislation.

### 6. Seeking publicity

There are various ways to gain publicity for an issue or set of issues. Sometimes, for example, interest groups will organize protest marches and other demonstrations to gain publicity.

Fredric Bolotin observed that Ohio is “a state where groups have significant influence but no single group or set of groups dominate the policy process.”<sup>21</sup> So many different interest groups vie for power in Ohio that no one dominant interest group is able to emerge. As has been the case nationwide, Ohio has seen a proliferation of interest groups and interest group activity. In particular, there has been a great deal of interest group activity surrounding the expansion of Medicaid (a joint federal and state program) in Ohio. Hospital associations and groups advocating for low-income groups have pushed for this legislation, while the Tea Party actively opposes expansion. There are also new groups that have become very active and influential in Ohio, including gambling interests and the oil and gas interests that are interested in a process known as fracking (see Box 4.1).

There has also been a significant rise of single-issue groups in Ohio. A single-issue group is a type of interest group organized around a particular cause. Examples of single-interest groups in Ohio include environmentally conscious activists who have held rallies and protests in Columbus against fracking. Pro-life and pro-choice groups have also been very active over the years in Columbus. At the same time, lobbying activity by corporations, universities, and state and local governments has also increased in recent decades.

Lobbyists who register as legislative agents represent interest groups in Ohio. One type of legislative agent is called a *legislative liaison*. Legislative liaisons represent state agencies, boards, and commissions. There is also a registered legislative liaison for the governor’s office. Although legislative liaisons must register as legislative agents, they are frequently not thought of as lobbyists by the legislators. A second type of legislative agent is an *in-house lobbyist*, who represents one interest. The Ohio Council of Retail Merchants, for example, employs an in-house lobbyist who works to promote the interests of retail merchants with the Ohio government. There are also citizen lobbyists. These lobbyists are fighting for a cause and therefore do not seek remuneration. A group of lobbyists whose appearance is relatively recent yet who wield noticeable influence are known as *contract lobbyists*. These registered agents represent a number of clients.

Tom Suddes, a columnist for the *Plain Dealer* and a journalism professor at Ohio University, took a look at the fortunes of some contract lobbyists who had ties to Governor Kasich. The first one mentioned by Suddes is Donald Thibaut,

who served as Kasich's aide in the Ohio senate and then as chief of staff when he went to Congress in 1983. In May 2009, Thibaut had zero clients. In May 2011, after Kasich won, Thibaut had twelve clients, including American Electric Power (a significant electric power distributor in Ohio), Medical Mutual of Ohio, Corrections Corporation of American and GTECH, the lottery and gaming vendor whose products include video lottery (electric slot) machines. Suddes also described the gain in clients for Robert Klaffky, who heads Van Meter, Ashbrook & Associates. The firm was founded by Tom Van Meter, a leader of the conservative wing of the Republican in the 1980s. Klaffky, according to Suddes, had ties to Speaker Batchelder. After Kasich became governor, Klaffky went from eight clients to twenty-three clients. Those who hired his services include First Energy, the Wholesale Beer and Wine Association of Ohio, and the Columbus-based IQ Innovations, which is involved in online education. Suddes also looked at who was not "in." One of those most definitely "out" during the early years of the Kasich administration was Kimberly Redfern, the wife of the chair of the Ohio Democratic Party. In May of 2009, she had sixteen clients, one of which was MTR Gaming Group, owners of Scioto Downs, one of the horse racetracks seeking permission to have slot machines. By 2011, she had lost all of her clients.<sup>22</sup>

Not all of those who are members of Ohio's statehouse lobbying community thrive because of their political ties. John Mahaney, who retired in 2013 after fifty-five years of representing the 4,500 Ohio Retail Merchants Association, said at the time of his retirement that he was a force on Capital Square for the following reasons: "We tell the truth, we keep our commitments and we're loyal."<sup>23</sup>

One of the figures who seems to appear in all academic and press reports on Ohio government and politics is contract lobbyist Neil Clark. Clark served as an aide to former Ohio Senate President Stanley Aronoff, and capitalized on the contacts and knowledge he had gained as an aide to become arguably the most influential contract lobbyist in recent decades in Ohio. His current list of clients is presented in Box 8.1. The list of clients provides a sample of some of the types of interest groups that are active in Columbus that hire contract lobbyists. He is able to maintain influence because of his ties to the Republican majority in the Ohio senate.

#### **BOX 8.1: Selected List of Clients of Neil Clark**

21 Entertainment  
 Absolute Pharmacy  
 ACE Cash Express

*(Continued)*

(Continued)

Austen BioInnovation Institute in Akron  
 CheckSmart Financial  
 Cincinnati Public Schools  
 EverPower Wind Holdings  
 Fair Gaming Coalition of Ohio  
 Frontier Ohio  
 Halcyon Solutions Inc.  
 Liberty Healthcare Corporation  
 Museum of Contemporary Art Cleveland  
 Ohio Association of Community Colleges  
 Ohio Association of Convention & Visitors Bureaus  
 Ohio Cable Telecommunications Association  
 Ohio Health Care Association  
 Ohio Society of Certified Public Accountants  
 Ohio Soft Drink Association  
 Ohio State ACE  
 Public Finance Authority  
 Republic Steel  
 Rhino Bill  
 Salon Schools Group  
 Time Warner Cable Midwest LLC  
 Wholesale Beer & Wine Association of Ohio

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*Source:* Joint Legislative Ethics Committee Agents List, accessed May 15, 2013, <http://www2.jlec-olig.state.oh.us/olac/Reports/FormsFiled.aspx?id=90&type=a>

### ***Regulation of Interest Groups***

At one time, lobbying the executive branch in Ohio was unregulated. Because of concerns about the granting of unbid contracts by the Controlling Board, executive branch and controlling board lobbying began to be regulated in 1991, and reporting is now required. There were additional significant changes made to the law in 1994 as a result of more bad publicity. It was reported that certain members of the

legislature were demanding \$500 honoraria for attending meetings with interest groups. Often, through a process known as *pancaking*, multiple \$500 honorariums were collected for the same event. The 1994 law ended all honorariums, even those falling below the old \$500 threshold. Moreover, the law stipulated that all lobbyist-paid travel and lodging expenses in and out of Ohio are to be reported. Restrictions on the “wining and dining” of legislators by lobbyists were also imposed. Money spent on gifts and dinners for legislators has to be reported to the Office of the Legislative Inspector General and the bipartisan twelve-member Legislative Joint Ethics Committee. The committee itself was a creation of the law. All gifts that exceed \$25 in value must be reported to the committee, and officials are not allowed to accept any gifts over \$75. Finally, a “revolving door” limit was imposed on office holders, who must now wait one year out of office before they can engage in lobbying.

## Elections

Elections in Ohio are conducted by the 88 county Election Boards, which are organized by state statute. The Ohio County Election boards are governed by four-member boards, which must have two Democrats and two Republicans. The two members from each major party are nominated by the local party’s executive committee and then appointed by the secretary of state to a four-year term. Their pay is modest and determined by county population. It is customary for the chair of the local party committees to sit on these county Election Boards as some compensation for their work for the party. The Election Boards were designed in this way to create a system of checks and balances, with Democrats and Republicans keeping an eye on each other’s partisan actions. There are also to be an equal number of full-time and part-time Democrats and Republicans employed at the board, and this is the last vestige of political patronage in Ohio, since the employees are selected by the boards and each party defers to the other party’s choice. The board draws the precinct boundaries used to poll the voters. The board also selects the type of election technology used in casting ballots and tabulating results. The voting systems have to be preapproved by the secretary of state. In the case of a tie on the Elections Board in Ohio, which usually results as a dispute between the two local parties, the secretary of state casts the tie-breaking vote.

In order to vote in Ohio, a person must register thirty days prior to the election and must be at least 18 years old at the time of the next general election. As an example, a 17-year-old can register and vote in a primary to nominate candidates only if they are going to be 18 before the next general election. It was once the case that voter registration in Ohio was required only in larger municipalities. After 1977, however, due to a statewide initiative, everyone who wants to vote in Ohio must first register.

In recent years, there has been an ongoing battle in Ohio over when, prior to Election Day, voters will be allowed to cast their ballots. Ohio has gradually moved to allow early voting. Early voting can take one of two forms. First, voters may cast what are called *absentee ballots* by mail. Allowing absentee ballots is not new, but what has changed is that voters no longer have to provide an excuse to make use of absentee voting. Alternatively, voters have been allowed to vote prior to Election Day at their county board of elections. This has been a source of controversy (see Box 8.2), particularly in presidential elections, where Ohio is seen as a decisive battleground state

### Early Voting in Ohio

On Election Day in November of 2004, many Ohio voters faced long lines at their polling stations. The following year, in order to try to head off future problems and expedite voting, the Ohio general assembly changed the state's voting laws and adopted what is called *early in-person (EIP) voting*. EIP is really a form of absentee voting where voters do not have to show up at their local precinct on Election Day in order to cast their ballots. While Ohio had long made absentee voting available for those who were unable to get to the polls on the actual day of the election, before this change in the law, a voter was required to first provide a valid reason why he or she was unavailable on Election Day. Also, absentee ballots, for those who had qualified, were generally mailed to the local board of elections.

The 2005 law changed all of this. First, Ohio adopted “no-fault” absentee voting. Every voter was eligible to cast an absentee ballot without having to offer a reason. Second, voters, although still able to mail in their votes, could also visit their local board of elections or other designated location before Election Day to cast their absentee vote in person. Technically, this is what the term EIP voting means.

Under the new law, county election boards were required to begin accepting early votes 35 days before the election. Since Ohioans may register to vote up to 30 days before an election, the result was a five-day period in which individuals could both register to vote and actually cast their vote on the same day. This five-day period became known as *Golden Week*. Golden Week immediately generated controversy, with opponents arguing that voting officials would not have time to verify a registration before allowing someone to vote.<sup>1</sup>

Although EIP did not appreciably increase voter turnout in Ohio, nearly 30 percent of the Ohio electorate did choose to cast their ballots in this manner in 2008.<sup>2</sup> It was clear, however, that EIP voting was not evenly distributed across demographic groups and party members. A study by the Bliss Institute of Politics at the University of Akron noted that, “[i]n terms of demographic characteristics, early voters were more likely

than election-day voters to be women, older, and of lower income and education attainment.” Perhaps most importantly, the study found that “early voters appear to have favored Democratic candidates in 2010 and 2006, while election-day voters favored Republican candidates.”<sup>3</sup>

In 2011, Republicans in the general assembly passed House Bill 194, which would have reduced the days when EIP voting would be available before Election Day from 35 to 17 (thereby eliminating Golden Week). The actual number of days available would only be 14, since House Bill 194 also prohibited EIP voting on the weekend and Monday before an election.<sup>4</sup> The bill never went into effect because opponents gathered enough signatures to challenge the law by referendum (referendums are explained in Chapter 9). Rather than have the law challenged on the ballot, the general assembly replaced House Bill 194 before the 2012 election with Senate Bill 295. Since the old law was repealed, it would no longer be subject to a referendum (although this was the subject of much legal debate). Senate Bill 295 brought back Golden Week and all of the EIP voting days except for the last weekend and Monday before the election.<sup>5</sup> The latter limitation was successfully challenged by the Obama campaign, with Federal District Court Judge Peter Economus issuing an injunction in August of 2012 that restored EIP voting on these last three days before the 2012 election.<sup>6</sup>

In February of 2014, the Ohio legislature again passed a bill eliminating Golden Week. Later in that same month, Ohio Secretary of State John Husted issued a directive listing the allowable EIP voting hours for all of the 88 county boards of election in Ohio. This directive included no Sunday hours or evening hours nor did it allow for EIP voting on the Monday before the election. The Obama campaign again went to Judge Economus, who ordered Husted to allow for EIP voting hours on the three days leading up to the election. Husted then issued a new directive, which attempted to comply with this order by adding hours on the Saturday and Monday before the election. African American church leaders in Ohio were still unhappy. In particular, they were upset about the lack of Sunday voting hours. Since 2008, African American churches had maintained an active “Souls to the Polls” campaign, where the churches would transport their members to polls to vote early.<sup>7</sup> The NAACP in Ohio challenged both the law eliminating Golden Week and Husted’s new directive as violating the Equal Protection Clause of the Constitution and Section 2 of the Voting Rights Act. Judge Economus again issued an injunction ordering the Secretary of State to set additional evening and Sunday hours and restoring Golden Week. The 6th Circuit Court of Appeals, however, upheld the ruling.<sup>8</sup> The United States Supreme Court overturned Judge Economus’ decision, and the 2014 general election in Ohio took place without a Golden Week, with only four hours of EIP voting on one Sunday and with no EIP voting hours on the Monday before Election Day.<sup>9</sup>

*(Continued)*

(Continued)

*Note*

1. Robert Higgs, "Ohio Senate Votes to Reduce Days for Early Voting, Eliminate So-Called 'Golden Week,'" *Cleveland.com*, November 20, 2013, accessed November 11, 2014, [http://www.cleveland.com/open/index.ssf/2013/11/ohio\\_senate\\_votes\\_to\\_reduce\\_da.html](http://www.cleveland.com/open/index.ssf/2013/11/ohio_senate_votes_to_reduce_da.html)
2. Joe Vardon, "Early Voting Hasn't Boosted Ohio Turnout," *Columbus Dispatch*, June 16, 2014, accessed November 11, 2014, <http://www.dispatch.com/content/stories/local/2014/06/16/early-voting-hasntboosted-ohio-turnout.html>. See also *Obama for America v. Husted*, 697 F.3d 423 (6th Cir. 2012) at 426.
3. "A Study of Early Voting in Ohio Elections," Ray C. Bliss Institute of Applied Politics, University of Akron, accessed November 11, 2014, <http://www.uakron.edu/bliss/research/archives/2010/EarlyVotingReport.pdf>
4. Lynda J. Jacobsen, "Ohio Legislative Service Commission Final Analysis," accessed November 11, 2014, <http://www.lsc.state.oh.us/analyses129/11-hb194-129.pdf>
5. John Guillan, "Ohio House Votes to Repeal Controversial Election Law," *Cleveland.com*, May 8, 2012, accessed November 11, 2014, [http://www.cleveland.com/open/index.ssf/2012/05/ohio\\_house\\_votes\\_to\\_repeal\\_con.html](http://www.cleveland.com/open/index.ssf/2012/05/ohio_house_votes_to_repeal_con.html)
6. *Obama for America v. Husted*, Case No. 2:12-CV-0636 (August 31, 2012).
7. Andrew Tobias, "Black Clergy Protest Elimination of 'Souls to the Polls' and Evening Early Voting in 2014 (VIDEO)," *Cleveland.com*, March 6, 2014, accessed November 11, 2014, [http://www.cleveland.com/cuyahoga-county/index.ssf/2014/03/black\\_clergy\\_protest\\_elimination\\_of\\_sunday\\_souls\\_to\\_the\\_polls\\_early\\_voting\\_in\\_2014\\_video.html](http://www.cleveland.com/cuyahoga-county/index.ssf/2014/03/black_clergy_protest_elimination_of_sunday_souls_to_the_polls_early_voting_in_2014_video.html)
8. "Appeals Panel Upholds Ohio Ruling Allowing Early Voting," September 24, 2014, accessed November 11, 2014, <http://triblive.com/politics/politicalheadlines/6856380-74/early-voting-state#axzz3liBFhqD2>
9. Jackie Borchart, "Supreme Court Blocks Early Voting in Ohio," *Cleveland.com*, September 29, 2014, accessed November 11, 2014, [http://www.cleveland.com/open/index.ssf/2014/09/supreme\\_court\\_blocks\\_early\\_vot.html](http://www.cleveland.com/open/index.ssf/2014/09/supreme_court_blocks_early_vot.html)

### **The Primary**

A *primary* is an election held before the general election to nominate a political party's candidates for office. Primaries replaced caucuses (meetings of party supporters) as means to nominate candidates rather early in Ohio. Direct primaries were mandated for most elective offices in Ohio in 1912. Currently, Ohio uses what is known as a *semi-closed* primary. States with open primaries allow voters to

cast a vote in any party's primary without a public declaration. States with closed primaries require party declaration prior to the primary election. In Ohio, there is a public declaration and public record of which party ballot voters select. A voter, however, is allowed to change party affiliation or declare for a particular party on the day of the primary.

Ohio uses a plurality electoral system; the candidate who receives the most votes, whether or not that amounts to a majority of the votes cast, will be that party's nominee. Normally, the Ohio primary is scheduled for the first Tuesday after the first Monday in May. That changes in presidential election years, however, where Ohio has adopted the first Tuesday after the first Monday in March as primary day. States prefer to schedule early presidential primary votes in hopes that voting will not take place after a candidate has already secured enough delegates to render his or her nomination a foregone conclusion. Despite that earlier date, however, Ohio has not played a very significant role in nominating presidential candidates.

Those who want to file as independents, without any party affiliation, are permitted to run for office in Ohio. They must, however, file their signatures before the date of the primary election. This is often described as the "sore loser law," since it prevents candidates defeated in a primary from attempting to get on the general election ballot by filing to run as independents.

### **General Election**

Even in nonfederal years (odd-numbered years), Ohio follows the federal pattern in determining when to hold a general election. Elections are held on the first Tuesday after the first Monday in November. In keeping with a 1949 state constitutional amendment, Ohio employs what is called an *office-bloc ballot*. This means that the names of candidates are listed under the office that they are seeking. Party designation is listed under the name of the candidate. The 1949 amendment abolished the old *straight ticket* arrangement, where candidates' names were arranged by party. With a few notable exceptions, such as township trustees and school boards, Ohio uses single-member district plurality elections; that is, only one office holder is elected from a district, and the candidate who receives the more votes than anyone else wins the seat.

### **Special Elections**

Special elections are elections other than those specified above. A special election may be held only on the first Tuesday after the first Monday in February, May, August, or November or on the day authorized by a particular municipal or county charter for the holding of a primary. These defined special election dates were

specified to avoid the overuse of the election system, particularly by school districts. Prior to this statute, school districts were repetitively placing property tax levies before voters. Special elections have to be held in Ohio (as in all states) to fill the remaining term of vacated seats to congressional seats. Ohio governors can appoint individuals to fill vacancies to U.S. senate seats from Ohio. This has not happened since the 1970s, when Governor John Gilligan appointed U. S. Senator Howard Metzenbaum over former astronaut (and later, senator) John Glenn.

## Conclusion

One of the reasons that Ohio functions as a bellwether state in presidential years is that the state is somewhat of a microcosm of the nation. As this chapter shows, Ohio's politics mirror those of the nation. The major parties have become more polarized and paradoxically less homogenous. Money and interest groups play an ever-expanding role in governing and in elections. Battle lines between Republicans and Democrats have increasingly been drawn over election laws. While all of these statements can be made about Ohio, they can also be made about the U.S. in general.

## Notes

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2. Libertarian Party of Ohio v. Blackwell, 462 F.3d 579 (6th Cir. 2006)
3. Husted Secretary of State 2013 Ohio Candidate Requirement Guide. The secretary of state's office was contacted on March 7, 2013 to further discuss this requirement.
4. Emily E. Wendel, *Sub. S.B. 193 Ohio Legislative Service Commission Bill Analysis*, accessed October 21, 2014, <http://www.lsc.state.oh.us/analyses130/s0193-rh-130.pdf>
5. Interview with former Republican State Chair Bob Bennett at the Bliss Center Conference, Akron, Ohio, November 7, 2013.
6. Ohio Revised Code 3517.03.
7. John H. Fenton, *Midwest Politics* (New York: Holt, Rinehart and Winston, 1966), 115.
8. William Binning, "Changing Patterns of Ohio Politics" in *Government, Politics, and Public Policy in Ohio*, ed. Carl Lieberman (Akron: Midwest Press), 35.
9. Fenton, *Midwest Politics*, 133.
10. Jim Siegel, "At the Statehouse, a Sharp Right Turn," *Columbus Dispatch*, September 15, 2013.
11. *Ibid.*
12. Fenton, *Midwest Politics*, 137.
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14. Daniel J. Elazar, *American Federalism: A View from the States* (New York: Crowell, 1966).
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18. Ohio Revised Code 3517.16
19. Ohio Revised Code 2517.17
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