



2006 General Election

State of Ohio

League of Women Voters of Ohio

Education Fund

The League of Women Voters of Ohio, founded in 1920, is a non-partisan political organization that encourages the informed and active participation of citizens in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. Complementing it is the League of Women Voters of Ohio Education Fund that provides nonpartisan information and educational services to citizens.

Prior to each state and national election, the League of Women Voters of Ohio Education Fund provides nonpartisan information on candidates and issues to its local Leagues. This information is used in Voter Guides, which are distributed by local Leagues throughout the state.

All statewide candidates who filed their intent to run for office with the Ohio Secretary of State were sent one question relating to the office they were seeking, as well as instructions on how to complete the candidate questionnaire. *The League does not alter, edit, correct, or evaluate any candidate's reply, and each candidate is solely responsible for the accuracy and truth of his or her statements. Each candidate is advised in writing to carefully note the word limitations listed on their questionnaire since no text beyond the word limit will be included.*

A candidate's answers are accepted and printed only with the understanding that the material will not be used in any way that may be deemed to be an endorsement by the League of his or her candidacy or views.

Prepared by the League of Women Voters of Ohio Education Fund
17 South High Street, Suite 650
Columbus, Ohio 43215

614-469-1505 877- LWV-OHIO (598-6446)

Please visit our website: www.lwvohio.org

Regional Sections prepared by the League of Women Voters of the
Oberlin Area Education Fund

Please visit our website: www.lwvoa.com

Duties, Terms, and Salaries: Statewide Offices

	<u>No. to be elected</u>	<u>Salary</u>	<u>Term</u>
Governor	1	\$130,291	4 yrs
<u>Responsibilities:</u> Ensures that all laws are executed, reports the condition of the state, and presents a proposed budget to the legislature.			
Lt. Governor	1	\$125,008	4 yrs
<u>Responsibilities:</u> Succeeds to the office of governor in the event of death, conviction by impeachment, or disability of the governor.			
Secretary of State	1	\$105,002	4 yrs
<u>Responsibilities:</u> Oversees the election process in each of Ohio's 88 counties. Maintains records of corporations.			
Attorney General	1	\$105,202	4 yrs
<u>Responsibilities:</u> Represents the state in all legal cases in which the state is a party or has a significant interest.			
Treasurer	1	\$105,202	4 yrs
<u>Responsibilities:</u> Collects and safeguards most state taxes and fees, and manages Ohio's investment portfolio.			
Auditor	1	\$105,202	4 yrs
<u>Responsibilities:</u> Audits all financial records of public offices in Ohio. Maintains deed records of state owned real property.			
Justice, Ohio Supreme Court	2	\$135,450	6 yrs
<u>Responsibilities:</u> Hears all cases involving questions arising under the Ohio Constitution or statutes; hears appeals from Courts of Appeals decisions. The Supreme Court's decisions are final except in cases involving the U.S. Constitution, statutes, or treaties.			
U.S. Senator	1	\$158,100	6 yrs
<u>Responsibilities:</u> Represents the people of Ohio and the U.S. in dealing with matters of national and international importance. The general welfare should be a prime concern.			

Regional/County/Party Offices

<u>Office</u>	<u>No. to be elected</u>	<u>Salary</u>	<u>Term</u>
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Question for Candidates for Governor: What will you do as Governor to improve the economy of Ohio? Specifically, to attract new business to Ohio and to keep college graduates from leaving the state?

Ted Strickland - D

320 North Market Street
Lisbon, Ohio 44432

The Strickland/Fisher Turnaround Ohio plan will create and keep jobs in Ohio by investing in Ohio's strengths, such as energy production and entrepreneurship, while bringing to Ohio the jobs of the future by making sure that we have the most educated workforce possible. We know that healthy, happy children are able to learn; that good learners in effective schools become educated students ready to contribute as workers; that able workers stay where there are worthy opportunities. We know that when good jobs are performed well, for fair pay, we start a cycle of success that builds its own momentum, creating opportunities for new investment, a growing tax base, and stable families -- everything Ohio has been losing for almost two decades. You can learn more about the specific proposals in the Strickland/Fisher Turnaround Ohio plan at tedstrickland.com.

EDUCATION: B.A. in History, Masters of Divinity, PhD in Counseling Psychology
OCCUPATION: Minister, Psychologist, Professor, Member of U.S. House of Representatives
TRAINING AND EXPERIENCE: Director of a Methodist children's home, assistant professor of psychology at Shawnee State University, consulting psychologist at the Southern Ohio Correctional Facility. Represented Ohio's 6th Congressional District for 6 terms.

Ted Strickland's running mate for Lieutenant Governor is Lee Fisher.

Bill Peirce - Libertarian

Box 154
Gates Mills, OH 44040

College graduates will stay in Ohio if they can find good jobs. Ohio is now ranked among the worst places in the U.S. to start or build a business and has nearly the worst tax environment. I will eliminate all corporate welfare, including attempts to bribe businesses to move here and attempts by the State to subsidize particular new firms or industries. Such industrial policies have failed everywhere else in the world and I doubt Ohio politicians and bureaucrats are omniscient and apolitical enough to succeed where France, Germany, Gt. Britain, and Japan failed. I will use savings from cutting such folly to eliminate the Commercial Activities Tax and the Estate Tax and to cut the top Income Tax rate in half. I will also improve the business environment by scrapping obsolete regulations and instituting a general sunset provision for expenditures and laws that decrease personal freedom.

EDUCATION: A.B. Harvard 1960, Ph.D. (Economics) Princeton 1966
OCCUPATION: Professor Emeritus (Economics), Case Western Reserve University
TRAINING AND EXPERIENCE: Teaching and writing about public finance and policy for 35 years at Case. I published books on Bureaucratic Failure, Energy Economics, and Technological Change and wrote about local taxation and bond issues.

Bill Peirce's running mate for Lieutenant Governor is Mark M. Noble

J. Kenneth Blackwell – R.
address not provided

As Ohio's next Governor, my top priority is to rebuild our economy and create new jobs by: (1) making our tax code friendlier towards job creation, (2) reforming our regulatory system, (3) finishing the job on tort reform, (4) improving performance in our public schools and (5) providing affordable health care options for all Ohioans.

We cannot tax our way into economic recovery. We must control spending and cut taxes to be competitive. I will spur economic growth and job creation through a lease of the Ohio Turnpike. This will provide new dollars to invest in infrastructure projects vital to job growth, without new taxes.

We will improve our education system by requiring more of every education dollar be spent on in-classroom expenditures.

If we improve our tax structure and educational system, we make a strong case for young professionals to work, live and raise a family in Ohio.

EDUCATION: Bachelor of Science and Master's of Education from Xavier University, Cincinnati.

OCCUPATION: Ohio Secretary of State 1998-2006

TRAINING AND EXPERIENCE: Treasurer of Ohio, Mayor, City Councilman

J. Kenneth Blackwell's running mate for Lieutenant Governor is Thomas Raga.

Bob Fitrakis - Green Party

**Candidate Response was not received by the official LWVO General Voter Guide deadline.*
 Robert Fitrakis' running mate is Anita Rios

Larry Bay - Independent (Write-in candidate)

**Candidate Response was not received by the official LWVO General Voter Guide deadline.*
 Larry Bay's running mate is Debra K. Fries

James Lundeen - Independent (Write-in candidate)

**Candidate Response was not received by the official LWVO General Voter Guide deadline.*
 James Lundeen's running mate is Kevin Becker

Candidates for Lieutenant Governor

Question for the Candidates for Lieutenant Governor: Given that school funding in Ohio has been ruled unconstitutional, what measures will you propose to provide the necessary resources to public school systems to ensure students' success?

Lee Fisher - D

PO Box 22388
Cleveland, Ohio 44122

Ted Strickland will be a law-abiding Governor, and I will be a law-abiding Lt. Governor. We will make Ohio a law-abiding state by finally obeying the Ohio Supreme Court and funding our schools fully and fairly. Obviously, that will take intensive negotiation with the legislature, as well as all stakeholders. But this much is clear: we need to shift away from an over-reliance on the residential property tax and shift to a fairer way for our state to bring a floor of basic quality funding to all of our schools.

EDUCATION: B.A., Oberlin College; JD, Case Western Reserve; Masters, Case Mandel School for Nonprofit Organizations

OCCUPATION: Past President/CEO, Center for Families and Children

TRAINING AND EXPERIENCE: Ohio Attorney General, State Senator, State Representative, Federal appellate law clerk, 1988 Democratic nominee for Governor, Partner, Hahn, Loeser and Parks

Lee Fisher is the running mate of Ted Strickland.

Anita Rios – Green Party

2626 Robinwood Ave.
Toledo, Ohio 43610

As Lieutenant Governor I would advocate for the return of a greater percentage of Ohio's federal tax dollars. Those dollars could then be combined with funds generated by a revamped property tax system to increase and level the funding for all our public schools.

In addition to adequate funding for K through 12 education it is essential that we increase funding for post secondary education. The high cost of a college education has made education a barrier to prosperity rather than a tool for achieving prosperity. We are being penny wise and pound foolish in our failure to provide access to quality education for all our citizens.

EDUCATION: B.A. University of Toledo

OCCUPATION: Unemployed/ transitioning from stay at home mom back the working for money

TRAINING AND EXPERIENCE: Mental Health case manager, union activist, substitute teacher,

Anita Rios is the running mate of Robert Fittrakis

Thomas Raga - R

Address not provided

Taxpayers are frustrated with billions being spent without positive results. We need to expand options for schools to reduce dependency on property taxes and rely more on the general revenue fund.

In an effort to improve Ohio schools' classroom performance, Ken Blackwell and I are calling for "The 65 Cent Solution." The proposal would require every Ohio school district to spend at least 65 cents of every state education dollar on "in the classroom" instruction. This adds more than \$1.2 billion funding for our children without a tax increase. That's enough to purchase a new computer for every student or hire 24,000 additional teachers with a salary of \$40,000. Special program emphasis on math, science, and technology will be funded by proceeds from the turnpike lease noted in Blackwell's answer.

EDUCATION HISTORY: Bachelor in Agricultural Economics from Cornell University
 CURRENT OCCUPATION: State Representative of 67th District, Warren County
 TRAINING AND EXPERIENCE: I began my political career as a Deerfield Township Trustee in 1997. I am now finishing my third term as State Representative. I am currently the Chairman of the Majority Policy Committee and Vice-Chairman of the (exceeds word limit)

Thomas Raga is the running mate of J. Kenneth Blackwell.

Independent (Write-in candidate): Debra K. Fries

**Candidate Response was not received by the official LWVO General Voter Guide deadline.*

Debra K. Fries' is the running mate of Larry Bay

Independent (Write-in candidate): Kevin Becker

**Candidate Response was not received by the official LWVO General Voter Guide deadline.*

Kevin Becker's running mate is James Lundeen

Libertarian: Mark M. Noble

**Candidate Response was not received by the official LWVO General Voter Guide deadline.*

Mark M. Noble's running mate is Bill Peirce

Candidates for Attorney General

Question for the Candidates for Attorney General: As chief legal officer of the state of Ohio, how will you ensure the integrity of the executive, legislative, and judicial branches in light of recent ethical violations and financial irregularities?

Marc E. Dann - D

267 Northlawn Avenue
Liberty Township, OH 44505

As a leader in the effort to expose and pursue the wrongdoing that has occurred in state government, I am already changing the way business is done in Ohio. I have sued the governor twice to force him to release documents relative to Coingate and other scandals and introduced 12 bills that will wipe out the pay-to-play culture that now controls the state and imposes a billion dollar corruption tax on Ohioans every year. As Attorney General I will continue the fight to clean up Ohio by instituting many of the reforms encompassed in my legislation, by recruiting the best available legal minds—including top flight graduates of Ohio’s law schools—to work in a reinvigorated Public Integrity Division, by establishing a credible, transparent procedure for appointing special counsel, by reviewing state contract worth \$1 million or more, and by aggressively enforcing Ohio’s open records and ethics laws.

EDUCATION: B.A., History, University of Michigan, 1984, J.D. Case Western Reserve University, 1987

OCCUPATION: State Senator, Attorney in Private Practice

TRAINING AND EXPERIENCE: Attorney in private practice, Assistant Law Director, City of Youngstown, Head of Anti-Trust Division, office of the West Virginia Attorney General, Ranking member Civil and Criminal Justice Committees, Ohio Senate

Betty D. Montgomery - R

11133 Riverbend West Ct.
Perrysburg, OH 43551

Many Ohioans believe that too many politicians have put private interests before the public interest. In a few cases - involving both Democrats and Republicans - this has been true. Although most officials are honest and dedicated public servants, the crimes committed by a corrupt minority have eroded Ohioans’ trust in government. Those who have violated the law should be prosecuted and punished.

Current Ohio law prevents lobbyists from gaining favors from state officials through illegal gifts, but we must clarify these laws, close existing loopholes, ensure transparency and timeliness in the reporting of donations or gifts, and increase penalties for public officials convicted of crimes of public corruption.

EDUCATION: University of Toledo College of Law, J.D.; Bowling Green State University, B.A.

OCCUPATION: Auditor of State

TRAINING AND EXPERIENCE: Criminal Clerk, Lucas County Common Pleas Court (1973-1977); Assistant Wood County Prosecuting Attorney (1977-78); Prosecuting Attorney, City of Perrysburg (1978-1981); Wood County Prosecuting Attorney (1981-1988); State Senator - District 2 (1989-1994); Ohio Attorney General (1995-2002)

Candidates for Secretary of State

Question for Candidates for Secretary of State: How will you ensure that election administration in Ohio is fair, honest, and impartial? How are you going to ensure that all eligible voters who want to vote in Ohio can vote?

Jennifer L. Brunner - D

545 E. Town Street
Columbus, OH 43215

I will bring to this office unrivalled experience in the day-to-day workings of elections in Ohio. As a hands-on administrator I will work with boards of elections to ensure effective pollworker training, equal distribution of voting machines, thorough review of voting machine reliability, fair instructions and directives to boards of elections and investigation of election irregularities and fraud. My experience and training prepare me to do this, having served as a common pleas court judge, deputy director in the Secretary of State's office, member of the Franklin County Board of Elections and as an election law attorney for 13 years representing citizen groups, candidates, corporations, labor organizations and trade associations on election matters. I resigned as a judge to run for Secretary of State because I want to ensure access to free, fair, open and honest elections in Ohio for all who are eligible to vote.

EDUCATION: Miami University, BA; Capital University, JD

OCCUPATION: Attorney

TRAINING AND EXPERIENCE: Former Judge, Franklin County Common Pleas, 13 years private practice experience as an attorney handling a wide variety of election law matters and deputy director and legislative counsel for a former Secretary of State.

Timothy J. Kettler – Green Party

29674 Twp. Rd. 30
Warsaw, Ohio 43844

Inclusion at all levels of the process is vital to fairness and the broad representation needed for impartiality. I would consider county board appointments regardless of party affiliation. All election records, data and software source codes used in electronic voting equipment must be available for examination by the public at all times with appointments to the board of election machine examiners made to best identify verifiable and transparent systems including hand-counted paper ballots. I would reaffirm that a vote cast anywhere within a county by a qualified voter of that county must be recognized a valid vote and institute a massive voter registration effort to allow every qualified Ohio citizen the opportunity to comply with all registration requirements. I would insure access to voting resources including the number of voting devices provided and under no circumstances shall a voter be refused a provisional ballot on Election Day.

EDUCATION: Graduate, Brunswick, Ohio High School; attended Kent State University

OCCUPATION: Self-Employed, Action Septic Service, operation, service and repair of residential and commercial wastewater treatment systems.

TRAINING AND EXPERIENCE: In business as the owner of Action Septic Service for twenty years.

Greg Hartmann - R

41 S. High Street, 29th Floor
Columbus, OH 43215

Nothing is more important than protecting the integrity of the vote. That's why I've developed a 20-Point Plan to improve the Secretary of State's office. My plan directly addresses keeping Ohio's elections fair, honest, and impartial.

It includes instituting weekly conference calls with local elections officials, creating a daily blog to keep local boards informed, increasing ethics training, and issuing clear, comprehensive directives and advisories to remove election process confusion at the local level.

I'll also create a bipartisan advisory board to provide input and guidance into the election process. To protect our voting process, I'll crack down on voter fraud by working to dedicate two BCI agents to combat fraud and advocate for increasing the felony level for those who commit voter fraud. To ensure all eligible voters who want to vote can vote, I'll standardize precinct official training, so no voter is wrongfully turned away from the polls.

EDUCATION: Washington & Lee University, BA; Pepperdine University, JD

OCCUPATION: Hamilton County Clerk of Courts – manage a staff of more than 320, oversee more than \$145 million, and have returned \$1.3 million to the taxpayers

TRAINING & EXPERIENCE: Managed a private-sector small business, before becoming an Assistant Hamilton County Prosecutor.

John Eastman- Independent

No response received

Candidates for Treasurer of State

Question for Candidates for Treasurer of State: What additional safeguards will you put in place to protect public investments? What are your investment strategies that would safely maximize the rate of return?

Richard Cordray - D

4900 Grove City Road
Grove City, Ohio 43123

I would operate the State Treasury like the Franklin County Treasury, where we invest safely and prudently and maintain a AAA bond rating, the highest available. We instituted an investment ethics policy and strengthened internal controls, including cash handling and cash management improvements. Importantly, our investments are transparent: all information is made readily

available to the public. We instituted new collateral requirements, obtaining specific collateral to protect our investments rather than less secure “pooled” collateral. And we have improved methods of electronic payment, making our processing more efficient and accurate. The same kinds of upgrades would benefit the State Treasury.

Our investment strategies include consistent yield curve analysis and mathematical modeling without trying to “guess” interest rate movements. We carefully review liquidity needs to maximize returns on investments of any duration. We also refinanced outstanding debt, taking advantage of lower interest rates to save millions of dollars for our taxpayers.

EDUCATION: B.A., Michigan State University; M.A. in Economics, Oxford University (England), J.D., University of Chicago

OCCUPATION: Franklin County Treasurer

TRAINING AND EXPERIENCE: State Representative, 1991-92; Ohio State Solicitor, 1993-94; Franklin County Treasurer, 2002-06; small business owner, 1995-2002; Chair, Franklin County Budget Commission; President, Franklin County Board of Revision; member, Franklin County Audit Committee.

Sandra O'Brien - R

3434 Stumpville Road
Rome, OH 44085

I will restore trust to this office. We find ourselves embroiled in a scandal at the Ohio Bureau of Workers Compensation, of which the current treasurer bears a certain amount of responsibility. As the chief custodian of the assets of the O.B.W.C. it was the treasurer's responsibility to make sure all of the missing/stolen/nonexistent coins were in her possession. We have come to find out that they were not. A complete audit of all assets under the jurisdiction of the state treasurer needs to be undertaken in order to guarantee Ohio's public funds are safe. My main priorities would be to protect all assets as required by law, manage and invest taxdollars in a safe and prudent manner, full disclosure of all transactions, and lobby to bring all investment authority under the State Investment Board for full accountability.

EDUCATION, OCCUPATION, TRAINING AND EXPERIENCE: I hold a Master's Degree in Administration and a Bachelor's Degree in Education. Currently I am Ashtabula County Auditor. I run a public financial office for eleven years now. I received the Certificate of Excellence in Financial Reporting each year and the Outstanding County Auditors' Award in 1998.

Candidates for Auditor of State

Question for Candidates for Auditor of State: What would you do to enforce Ohio's sunshine laws and open-records policy, given increased difficulty in accessing public records?

Barbara Sykes – D

133 Furnace Run Drive
Akron, OH 44307

Currently, the Auditor's office trains and educates local government units on Ohio Sunshine laws by request. As State Auditor, I will expand this program through additional personnel to provide continuous education throughout the year to all units of government. I believe the Auditor's office can no longer maintain a passive approach to this issue, but is obligated to proactively educate citizens and local government units alike of the laws designed to protect and inform Ohio taxpayers.

Additionally, because the State Auditor's office is the single entity dealing with all Ohio public agencies, I will work to create a non-binding audit of each agency's open records policies as part of the audit process. Each annual audit will include a review of compliance with Ohio's sunshine laws, document retention policies, and staff training. I believe that the simple act of requiring agencies to report their public records procedures will increase compliance significantly.

EDUCATION: B.A. in Social Work, University of Akron; Masters of Public Administration, University of Akron

OCCUPATION: Full-time legislator in the Ohio House of Representatives

TRAINING AND EXPERIENCE: Barbara Sykes was the first African-American woman to serve on the Akron City Council. Sykes then served 12 years as the Deputy Auditor of Administration for Summit County. (exceeds word limit)

Mary Taylor - R

3431 Parfoure Blvd.
Uniontown, Ohio 44685

As the next Auditor of State, I will make sure that I and the team around me are committed to enforcing Ohio's sunshine laws and open-records policy in a friendly and enthusiastic manner. I am committed to training the professionals in the office to fully understand Ohio's open-records laws so that we can serve as a resource to state and local governments and agencies in complying with the laws as well. I will have zero tolerance for anything but mandatory compliance of the law.

EDUCATION: University of Akron, Masters of Taxation, BS-Accounting

OCCUPATION: Certified Public Accountant; State Representative 43rd Ohio House District

TRAINING AND EXPERIENCE: I am a Certified Public Accountant with over 16 years of private sector experience. If elected in November, I would be first CPA ever elected to the State Auditor's office.

Candidates: Justice, Supreme Court of Ohio

Term Beginning January 1, 2007

Question for Candidates for Supreme Court Justice: What options do you believe the judiciary has when there is a judicial decision that requires the legislature to act if their response does not fully address the decision?

William Michael O'Neill

119 Waverly Lane
South Russell, Ohio 44022

The judiciary is the third independent branch of government with the solemn obligation to insure that the other two branches follow the law as written. When a legislative body or an executive branch is either unwilling or unable to follow the law, the judiciary is required, through contempt proceedings, to enforce its own orders. For years courts, through their orders, have compelled individuals to perform tasks which they might otherwise avoid. Through their Orders, Courts have run schools and mental institutions; placed individuals in jail, seized wages, attached and disposed of property and utilized a host of other methods of persuading individuals to follow the law. Naturally, Courts can use persuasion to achieve a proper result. However, at the end of the day, a court which does not enforce its own orders has abandoned its role as the third independent branch of government.

EDUCATION: Juris Doctor, Cleveland Marshall College of Law; Bachelor of Science, Journalism, Ohio University; Registered Nurse, Huron School of Nursing.

OCCUPATION: Judge, 11th District Court of Appeals, Second Term

EXPERIENCE AND TRAINING: Former Assistant Attorney General, State of Ohio. Retired, US Army, Lieutenant Colonel, JAG. Decided over 3,000 cases since 1997.

Terrence O'Donnell

3400 Delmar Drive
Rocky River, OH 44116

The Ohio Constitution establishes the Judiciary as an equal branch of government, not superior to either the Legislative or Executive branches. Courts only assert judicial authority over parties to lawsuits, and do not exercise jurisdiction over those not before the court on a pending matter. As such, courts merely decide the legal issues presented in a given case.

I am unable to conceive of a judicial decision that would "require" the Legislature to act given that it is a separate branch of government elected by the voters; it is not the role of the Judiciary as interpreters of law to supersede the role of the Legislature as makers of law.

EDUCATION: Kent State University-BA (1968); Cleveland State University-JD (1971)

OCCUPATION: Justice, Supreme Court of Ohio

TRAINING AND EXPERIENCE: Attorney-Marshman, Snyder & Corrigan; Judge, Cuyahoga County Common Pleas Court; Judge, Eighth District Court of Appeals; Ohio Legal Rights Service Commission, Past Chair, Statewide;

Candidates: Justice, Supreme Court of Ohio

Term Beginning January 2, 2007

Question for Candidates for Supreme Court Justice: What options do you believe the judiciary has when there is a judicial decision that requires the legislature to act if their response does not fully address the decision?

Ben E. Espy

1350 Brookwood Place
Columbus, OH 43209

The Court is the ultimate protector of the constitution. It should be enough simply to declare that the legislature is obliged under the constitution to enact the legislation and that its failure to do so is in violation of the Constitution. A responsible legislature would ordinarily comply.

The court may issue a mandatory order against the legislature directing it to enact the legislation on pain of being held in contempt of court for which it may be fined.

If the legislature still resists, the court may issue a mandatory order against the members of the legislature personally, directing them to enact the required legislation on pain of being held in contempt of court for which they may be fined or imprisoned.

As a last resort, the court may issue a legislative order which prescribes the rules meant to have been enacted by legislation required under the Constitution.

EDUCATION: The Ohio State University BA 1961-65, Howard University School of Law JD (1965- 1968)

OCCUPATION: Attorney

TRAINING AND EXPERIENCE: Columbus City Council 1982-1992; Ohio Senate 1992-2002; Ohio Attorney General's Office Chief, Division of Criminal Activities; Ohio Attorney General's Office Deputy Chief, Civil Rights Division; Practicing Attorney for 38 years

Robert R. Cupp

3003 W. Hume Road
Lima, Ohio 45806

Each situation will necessarily depend upon the particular facts of the specific case in litigation. Thus, a broad listing of possibilities is not practicable. "It is emphatically the province and duty of the judicial department [courts] to say what the law is," as U.S. Chief Justice John Marshall held in *Marbury vs. Madison* (1803). The design of the constitutional separation of powers provides a check and balance on the authority of any one branch over another branch. Each co-equal branch of government - legislative, executive and judicial - must both fulfill its obligations and be respectful of the authority of the other branches.

Individuals elected to office in each branch of government must understand that their ultimate responsibility is to do the work of the people. This must be guided by the framework of the constitution, the law, and a respect for the duties of each branch of government.

EDUCATION: Ohio Northern University, B.A. (1973); Juris Doctor (1976)

OCCUPATION: Judge, Ohio Court of Appeals-Third Appellate District

TRAINING AND EXPERIENCE: Private law practice 25 years; Lima city prosecutor and assistant law director, state senator and senate president pro tempore, Allen County commissioner, Rhodes State College adjunct faculty, and Ohio Northern University visiting professor.

Candidates for U.S. Senate

Question for Candidates for U.S. Senate: What measures will you support to cope with rising costs of Medicare and Medicaid? Would any of these measures involve shifting additional costs to the states?

Sherrod Brown - D

2280 Kresge Drive
Amherst, OH 44001

The first step is structural. All care for the elderly, including long-term care, should be incorporated into Medicare. This would relieve the states of the largest component of Medicaid spending and encourage cost-efficient integration of health and long-term care services for Medicare beneficiaries. I will continue to support legislation that would authorize the federal government to negotiate reasonable prescription drug prices for the Medicare program, as the VA does today. This could result in price reductions of 50% or greater. I will also support aggressive research and interventions aimed at reducing the incidence and severity of chronic disease, which is a major factor in the rising cost of Medicare and Medicaid. And I will support efforts to identify best practices in health care, which improve the quality of care and combat excess spending. None of these measures would shift additional costs to the states.

EDUCATION: Yale University: Russian Studies; Ohio State University: Master's in Education and Public Administration

OCCUPATION: United States Congressman, OH-13

TRAINING AND EXPERIENCE: Ohio State Representative: 1975-1982, Ohio Secretary of State: 1983-1991, United States Congressman, OH-13: 1993-present

Mike DeWine - R

P.O. Box 340188
Columbus, OH 43234

Medicare and Medicaid are a vital health care provider for millions of Ohioans. As a United States Senator I have voted to protect and improve both programs because I understand their importance to seniors, the disabled, women and children.

Last year (2005) I voted against the federal budget. One of the primary reasons I did do was because it cut Medicaid. Last year I also supported protecting seniors from steep increases in their Medicare premiums.

In 2003 when many states, including Ohio, were having budget problems I voted for giving states more money for Medicaid so they did not have to cut services. I believe that the federal government must help states when it can so cuts to this vital program can be avoided.

I have and will continue to work on providing quality care at the most affordable cost to those served by Medicare and Medicaid.

EDUCATION: JD, Ohio Northern University (1972), BS Miami University (1969), Yellow Springs High School (1965)
 OCCUPATION, TRAINING, AND EXPERIENCE: 1995—Present: United States Senator; 1991-1994: Lt. Governor of Ohio; 1983-1990: U.S. Representative (7th District); 1981-1982: State Senator (10th District); 1977-1981: Greene County Prosecutor

Candidates: U.S. House of Representatives

Question for U.S. House: What measures would you support to restore domestic programs, particularly those programs affecting low-income persons and children?

Craig Foltin –R 13th District

204 West 5th St.,
 Lorain, Ohio, 44052

As Mayor of an urban city, I am more than aware of the need to support education programs that will help prepare our children for the jobs of the future. I also believe that we need to invest in job training for all income levels, but particularly for low-income people to help them move up the income ladder. I have campaigned on improving education, investing in our infrastructure, and attracting more jobs. There is no better cure for social ailments than a job. I believe that we need to get a much better return on the money we send to the federal government and I will work hard to bring those dollars home to the district.

OCCUPATION: Mayor of Lorain, CPA, Part-time instructor at Cleveland State University
 EDUCATION: Doctorate, Cleveland State University; MBA, CSU; BS, Ohio State University
 QUALIFICATIONS: Two-term Mayor of Lorain, city auditor of Lorain, member of St. Anthony's Parish, American Croatian Club, Knights of Columbus, Italian American Veterans Post, Sons of Amvets

BETTY SUTTON-D 13th District

3825 Royal Rock Rd.
 Copley OH 44321

Under current programs over 70 percent of those without insurance live in a family with at least one full time worker. As a member of congress I would support my fellow Democrats and their plan to expand health insurance options for uninsured parents who currently have children enrolled in Medicaid or the Children's Health Insurance Program. In addition, I will fight to ensure that every child who is eligible for public health insurance receives this coverage. Currently, a majority of children eligible for such programs are sadly not enrolled. Throughout my career, I have consistently fought for quality health care for the people I represented and in Congress I will continue to do so because I believe that health care should be available to every person.

OCCUPATION: Former union-side labor lawyer
EDUCATION: Kent State University, BA 1985; University of Karon School of Law, Juris Doctorate, 1990
QUALIFICATIONS FOR OFFICE: Ohio House of Representatives, 47th district, representing Barberton and parts of Akron, 1992-2000; Summit County Council, 1991-92; Barberton City Council, 1989-90

MARCY KAPTUR – D 9th District

1841 Dority
Toledo, OH 43615

This is about national priorities. Most important are good jobs with living wages, guaranteed pension and health benefits tied to employment, and affordable child care or tax relief for families. Absent that, expansion of Earned Income Tax Credit, food stamp security and affordable health care for all and financially-sound traditional Medicare. Well funded public education and full funding for No Child Left Behind, HEAP, and other federal initiatives assisting children and lower income families are a must. I am a strong advocate for responsible energy policy which reduces our reliance on petroleum fuels while developing alternative energy sources such as biofuels, wind, solar, and water power. These efforts will in turn help make the cost of fueling homes and cars more affordable for average Americans. I remain committed to ensuring economic security, health security, retirement security, education security, and national security for all Americans.

OCCUPATION: Member of Congress
EDUCATION: BA, University of Wisconsin; MA, University of Michigan; Doctoral study, MIT
QUALIFICATION FOR OFFICE: An urban & regional planner by training, 24 year Member of Congress

BRADLEY S. LEAVITT – R 9th District

2809 Scarlet Oak
Toledo, OH 43615

I have introduced a worker retraining that will aid displaced workers in transitioning into new careers without the risk of losing family necessities such as income, health care, and child care. This program will boost the effectiveness of current successful domestic programs, and can be easily opened up to low income families wishing to transition into the competitive work force. I have introduced a community redevelopment program that will make neighborhoods safer and healthier, and will attract the young adults who are most likely to start up small businesses. This program will create vibrant communities with ever-growing job markets. I have promoted both alternative and petroleum fuel development locally and nationally. These development focuses will lower the energy costs and create jobs. Alternative fuel development can create over 22,500 new jobs in Ohio. Opening ANWR can create 1,000,000 U.S. jobs; approximately 32,000 of those jobs will be in Ohio.

OCCUPATION: Electrician, North Star BlueScope Steel LLC
EDUCATION: Currently pursuing B.S. in Mechanical Engineering
QUALIFICATIONS FOR OFFICE: Navy Veteran, Caring and committed resident of Ohio's beautiful North Coast

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Candidates for State Senate

Question for 13th District State Senate Candidates: Both Parties have called for redistricting reform. What three top criteria should be used in redrawing districts? (150 word limit)

Sue Morano - D
1131 Highland Park
Lorain, OH 44052

Ohio needs to reform the way it draws legislative districts. I believe the top three criteria for drawing legislative districts should be: competitiveness, compactness and preservation of communities of interest. These factors should be balanced by a truly independent, bipartisan commission that has strong safeguards in place to prevent one party or another from manipulating the redistricting process. Most importantly, redistricting reform must include strong voting rights protections that cannot be diluted by Congress or activist judges. The current system produces distorted legislative majorities that do not truly represent the basically equal distribution of voters between two parties. I believe Ohio needs a fairer system that guarantees the interests of all Ohioans and our communities are fairly represented in Columbus.

OCCUPATION: Registered Nurse

EDUCATION: Associate Degree in Nursing

QUALIFICATIONS FOR OFFICE: Too many politicians are out of touch with working families. As a registered nurse for 24 years, mother of three children in public schools, and the wife of a machinist, I understand the difficulties families of Ohio are facing.

Martha Wise - R
1952 Sandalwood Dr.
Avon, OH 44011

When drawing legislative districts, it is important that we keep communities of interest together; that districts are kept compact and do not sprawl across the state, and finally, that the electorate has the right to approve the final map. As a state, we rely on our government to respond to our needs and ensure that the people's voices are heard. Gerrymandering districts is simply stacking the deck against this goal and weakens our democracy. The current process enables partisan politicians to craft their own safe districts and provides no accountability for them to be responsive to their constituents. In the State Senate, I will support reforming this process to ensure that our community has a voice in Columbus—my door will always be open to my constituents.

OCCUPATION: Retired

EDUCATION: Attended Ohio Wesleyan University

QUALIFICATIONS FOR OFFICE: Elected to the State Board of Education (1973-1982); President (1979-1980); Elected to the Elyria Board of Education (1984-1988); President (1987); Elected to the State Board of Education (1989-present); President (1999-2000)

Candidates for State Representative

Question for Candidates for State House: Both Parties have called for redistricting reform. What three top criteria should be used in redrawing districts?(150 word limit)

56th House District
Joseph F. Koziura - D

No response received.

Unopposed.

57th House District

Earl J. Martin – R
32290 Lake Rd.,
Avon Lake, OH 44012

Top three criteria for re-drawing districts are competitiveness, compactness, and non partisan. Districts should be drawn to reflect the variety of views in the region that is represented. Compactness is important to ensure that regional interest and minority views are represented. Comprehensive approach to ensuring that is to use a bi-partisan panel of sufficient number of members to ensure fairness and adherence to the above criteria. The selection process of panel members would have to incorporate an independent approach to ensure that it is not political. An approach similar to dispute resolution where leaders of each political party select individuals that select other agreed upon individuals helps remove political influence. Open public discussion with impute from the public given equal consideration would help public trust in the process. Lastly a judicial review or public challenge would have to be incorporated to ensure the public a right of redress.

OCCUPATION: Owner and manager of Martin’s Corner Deli 1975- present, State Representative first elected term 2005

EDUCATION: Rocky River High School 1973, Miami University 1973-74

QUALIFICATIONS FOR OFFICE: Owner of small family business since 1975. Understand the challenges to creating jobs in Ohio and the changes that we need for better and higher paying jobs.

Matt Lundy – D
338 Olive St.,
Elyria, OH 44053

1. Commission of 3 Democrats, 3 Republicans, 3 Independents
2. Lines can’t fragment a city, township or village
3. Must withstand court review

OCCUPATION: Assistant Safety Service Director, City of Elyria

EDUCATION: B.S. Human Resource Management, (Friends University – Wichita, KS)

QUALIFICATIONS FOR OFFICE: Former Avon Lake city councilman

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58th House District

Matthew H. Barrett –D
 354 Golden Russett Blvd.
 Amherst, OH 44001

Each district should have similar number of votes in order to promote equality. Varying numbers of people within the districts results in voters in one district having a “larger” vote than others. Every person in Ohio should be assured of having an equal voice.

Next, the districts should each be competitive politically. Skewing a district heavily toward one party or the other is often done to make it “safe.” But that can result in the representative responding only to like-minded residents without fear of defeat in the next election. Balanced districts would help prevent arrogance and corruption because the representative would be always ultimately accountable to everyone in the district.

Finally, the districts should be congruent geographically. Too often we have districts spread across wide areas linked only by a thin stretch of road. This gerrymandering results in a disconnect between the population and their representatives.

OCCUPATION: Attorney

EDUCATION: Embry-Riddle Aeronautical University, B.S. Insurance Institute of America, AIC.
 Cleveland-Marshall College of Law, J.D.

QUALIFICATIONS FOR OFFICE: Amherst City Council-at-Large, Citizens for Amherst Schools Co-Chair, St. Peter’s U.C.C. Preschool Board, Amherst Youth Soccer League Director, Multiple Bar Associations as Chair / Board Trustee / and continuing legal education speaker.

Dan White – R
 38 Eagle Creek Dr.
 Norwalk, OH 44857
No response received



Candidates for County Commissioner

Questions for Candidates for County Commissioner: What steps will you take to create greater transparency of the county commissioners' deliberations and actions? What will you do to better educate the public about the work of the many departments of the county government? (150 word limit)

Betty Blair – D

131 Yunker Ct.,
Elyria, Oh 44035

1. Continue with taping of the weekly Board meetings, together with posting of the agendas on our county website. These meetings are shown on the Lorain County Community College Channel at 12 noon on Saturdays and 11 p.m. on Mondays.
2. For the past several years, I have authored a monthly column entitled "Betty Blair's Bulletin Board" which appears in the "Senior Years Newspaper." This year, it is also being carried by "Lorain County Magazine." This column carries various information about Lorain County, its happenings, its people and the Departments under the Commissioners which serve them. In March of this year, the Commissioners held the first ever "State of Lorain County Address." Semi-monthly meetings of the Lorain County Community Alliance, a Council of Governments for Lorain County's political subdivisions and affiliates, are open to the public and an excellent means of networking and sharing of information.

OCCUPATION: 16 years as Lorain County Commissioner

EDUCATION: Outstanding female graduate, Elyria Catholic high school - 1956. 2006 inductee distinguished alumni hall of fame. Graduate 1989 Leadership Lorain County.

QUALIFICATIONS: 23 years as elected clerk - Carlisle Township. Two Terms President NOACA (Northeast Ohio Areawide Coordinating Agency); Chair, Lorain County Community Alliance; Team Lorain County Member.

Rita Canfield – R

461 Stallion Ct.
La Grange, OH 44050

1. My experience in both the public and not for profit sector has given me a clear understanding and appreciation of the value of public input and open discussion. Open discussion creates trust, and builds support for programs and change that improve the function and ultimate success of any level of government. The laws of Ohio are clear and easy to follow regarding open meetings. It allows for closed-door discussions for limited reasons to protect the public interest.
2. We are very fortunate to have two local newspapers (Chronicle and Journal) in our county, great local radio stations (WEOL and WOBL). We must offer information to the public through these outlets. Commissioner's meetings should be broadcast to all local cable TV channels. Commissioner should make it a point to give interviews with local radio and TV media. Visiting and offering to speak at local high schools is an idea that is long over due.

OCCUPATION: LaGrange Township Trustee

EDUCATION: Keystone High School; B.S. Education; Bowling Green State University; Series 7 Investment Advisors License

QUALIFICATIONS FOR OFFICE: Member 6 year/Lorain County Community College Board of Trustees; Lorain County Community Foundation /8 years /2 years President; LaGrange Township

Trustee 9 years; Vice President Lorain County Township Association; Member LaGrange Community Improvement Corporation Board

Candidates for County Auditor

Question for Candidates for Auditor: How will you bring greater transparency to the workings of your office?

Mark R. Stewart - D

709 Kent Circle,
Elyria, OH 44035

Unopposed

Since my office deals primarily with data, the use of computers and the Internet allows the public faster and more comprehensive access to information than ever before. The ability to maintain an on-line database of Real Estate records, updated every day and accessible to anyone in Lorain County, or the world for that matter, was a dream thirty years ago. The introduction of computers and the Internet continues to revolutionize how we serve the public and developing these systems has been a tremendous learning opportunity. On the other hand I feel that it is very important that the Auditor's Office maintain a very *visible* presence in the community. By creating an outreach program and making people aware of the programs and services that are available to them through our office, I've found that sometimes the most efficient way to help someone is by offering him or her a hand.

OCCUPATION: County Auditor

EDUCATION: BA in History from John Carroll University

QUALIFICATIONS FOR OFFICE: 30 Years experience working in the Auditor's Office

Candidates: Court of Common Pleas

Term Beginning January 1, 2007

Question for Candidates for Court of Common Pleas: What specific aspects of your experience have prepared you for dealing with the matters that will come before your court? (150 word limit)

Raymond J. Ewers

2126 Harborview Blvd.
Lorain, Ohio 44052

As a boy I did legwork for my father (the late Judge Robert Ewers) and my great grandfather's law firm. I have practiced law since 1988 and have been an Assistant Law Director/Prosecutor for the past 15 years representing police, firefighters and citizens of the community. I served Amherst in the same capacity. I have also been a community volunteer for over 25 years. It has always been my dream to serve the community – first as an attorney and now as judge. It is an honor to serve the public. I believe in “one judge – one paycheck”. I am not retiring and am not running in order to supplement my pension. Earlier this year the Lorain County Bar Association voted me number one in Character, Honesty, Integrity and Judicial Temperament. These are the qualities that make excellent judges and these are the qualities I will bring to the bench.

Thomas W. Janas

200 Columbus St.
Elyria, Ohio 44035

Response received after the deadline for the printed version of the Voters Guide.

I have 29 years experience in the field of law and I have proudly served Lorain County as a Chief Assistant County Prosecutor and a Common Pleas Judge. As a judge for the past 12 years I have handled more than 12,000 cases involving adult felony criminal cases and major civil litigation. Decisions must be made regularly that affect fundamental rights of free speech, personal freedom and enjoyment of property. I am dedicated to the law and to the highest standards for our justice system. This year the Lorain County Bar Association rated me the highest of all judicial candidates for integrity, commitment, independence and judicial temperament, and I was the only candidate to receive the distinction of being "Highly Recommended."

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Candidates: Court of Common Pleas **Term Beginning January 2, 2007**

Question for Candidates for Court of Common Pleas: What specific aspects of your experience have prepared you for dealing with the matters that will come before your court? (150 word limit)

Edward M. Zaleski

4517 Oakhill Blvd.
Lorain, Ohio 44053

For the past 37 years I have served Lorain County as an assistant Lorain County Prosecutor, Law Director and City Prosecutor for the City of Vermilion, Law Director for the City of Lorain, and Common Pleas Judge where I have presided since my election in 1988. During my tenure as Judge, I have presided over thousands of civil and criminal proceedings, allowing me to achieve the necessary balance and temperament essential to being an effective Judge. At the end of 2005 I was unanimously selected by my fellow judges to serve my 14th term as Administrative Judge. As Administrative Judge I have the additional responsibility for ensuring effective case management for the entire General Division.

OCCUPATION: Judge

EDUCATION: Ohio University – B.C., 1962, Western Reserve, J.D., 1967

QUALIFICATIONS FOR OFFICE: Same as above

Jeffrey R. Csokmay

5117 Fitch Dr.
Sheffield Village, Ohio 44054

I am currently employed as a Magistrate with duties that are nearly identical to those of a judge. I manage a court docket and preside over trials using the same evidentiary rules and criminal law that I would apply as a judge. I also have been an assistant prosecutor which afforded me much trial experience, and served as a judicial staff attorney where I was responsible for managing a civil docket. I have also worked in the private sector at local law firms practicing primarily civil law in areas I would see as a judge. Further, I

completed the Army's Judge Course which program provided excellent judicial instruction. The above diverse experiences have given me a deep appreciation for the importance that the rule of law and our judicial system play in our society, and have strengthened my commitment to safeguarding our society and to public service in general.

OCCUPATION: I currently serve as a juvenile court magistrate and have previously served as an Assistant County Prosecutor. I am also the State's Military Judge and a Lieutenant Colonel in the National Guard

EDUCATION: Graduate of Case Western Reserve University and of the U.S. Army's Judge School.

QUALIFICATIONS FOR OFFICE: same as above

Candidates: Court of Common Pleas

Term Beginning January 5, 2007

Question for Candidates for Court of Common Pleas: What specific aspects of your experience have prepared you for dealing with the matters that will come before your court? (150 word limit)

James S. Gemelas

3920 Case Rd.
Avon, Ohio 44011

My experience as a magistrate has been very rewarding to me both personally and professionally. I genuinely enjoy working with the public and helping them through the legal process. In my day-to-day interactions with the public, I see people during very difficult times in their lives. A judge should be a good listener, respectful of differences in opinion yet fair in the rendering of decisions. I believe that these are my strongest assets as a person and will be as a judge. Lawyers are trained as advocates not judges. People are not born judges. Judges mature by presiding over hotly contested issues, making difficult decisions, and learning how to mediate conflicts. My experiences as a Magistrate and my legal education through the Ohio Judicial College have helped develop those skills.

OCCUPATION: Magistrate of Lorain County Domestic Relations Court

EDUCATION: Cleveland Marshall College of Law- J.D., The Ohio State University- B.A., North Ridgeville High School

QUALIFICATIONS: Chairman of the Children's Continuum of Care Committee, Magistrate for the Lorain County Family Drug Court Program, Former Member of the Avon Zoning Board of Appeals.

James M. Burge

86 Landings Way
Avon Lake, Ohio 44012

I have been a trial lawyer for over thirty years. Though the focus of my practice is the defense of criminal cases, I have tried many civil cases. During my years of law practice, I have worked diligently to be a student of the law, and have practiced extensively in the various courts of appeals, including the Ohio Supreme Court. Because of my efforts to remain current in the development of the law, the rules of trial procedure and evidence, I am often invited to present mock trials for the education of our youth and adults alike, and to present seminars to other lawyers. Because of my age, and the length of my practice, I believe

I have developed a maturity that comes with working to understand people, their prejudices, expectations and fears. The courtroom, with its successes and failures, has also taught me the humility necessary to be a judge.

OCCUPATION: Attorney

EDUCATION: Bachelor of Arts (*Magna Cum Laude*), Kent State University, 1969

Juris Doctor, (*Cum Laude*) Cleveland State University, 1975

QUALIFICATIONS FOR OFFICE: Licensed to practice law

Candidates: Court of Common Pleas

Term Beginning January 6, 2007

Question for Candidates for Court of Common Pleas: What specific aspects of your experience have prepared you for dealing with the matters that will come before your court? (150 word limit)

Jim Miraldi

3060 W. Erie Ave.

Lorain, Ohio 44053

Unopposed

I have practiced before the Common Pleas Court for 29 years. I have tried many cases to both juries and to judges. I helped chair the first mediation program, a joint effort between the bar association and the judges. This program has developed into a full time mediation office and helps resolve the backlog of civil cases caused by the increase in the number of criminal cases. I believe that I have an excellent rapport with attorneys from all sides of the issues and have developed a reputation for fairness and integrity. I would encourage voters to talk to other attorneys and judges for their candid opinions about my candidacy.

OCCUPATION: Attorney

EDUCATION: B.A., College of Wooster, 1973 J. D., Duke University, 1977

QUALIFICATIONS FOR OFFICE: 29 years practicing law; community service including 14 years on the board of Lorain County Community College.

Candidates: Court of Common Pleas

Domestic Division, Term Beginning January 3, 2007

Question for Candidates for Court of Common Pleas: What specific aspects of your experience have prepared you for dealing with the matters that will come before your court? (150 word limit)

Paulette Lilly

159 Glenview Dr.

Avon Lake, Ohio 44012

No response received.

David J. Berta

4606 Timberview Dr.
Lorain, Ohio 44053

I have practiced law for 12 years concentrating in general litigation. I am a self-made individual and have represented real people with real problems. I have litigated domestic disputes, juvenile matters, criminal matters, civil matters and have handled and worked extensively in the matters of corporate law. The voters will be getting a hard working well-rounded judge if they vote for me. I will be a full time judge and pledge to never violate the public trust by double-dipping or holding myself to different standards so imposed on the general public. I will run my court on time and be respectful of all opinions including those that are not my own.

OCCUPATION: Attorney at Law

EDUCATION: B.A. University of Toledo; J.D. Cleveland Marshall College of Law

QUALIFICATIONS FOR OFFICE: 12 years of private practice as well as extensive courses in the law.

Candidates: Court of Common Pleas

Domestic Division, Term Beginning January 4, 2007

Question for Candidates for Court of Common Pleas: What specific aspects of your experience have prepared you for dealing with the matters that will come before your court? (150 word limit)

David A. Basinski
133 Columbus St.
Elyria, Ohio 44035

Unopposed.

Declined invitation to respond to question.

Candidates for State Board of Education

Non-partisan candidates for the 2nd District

KENNETH AUL
175 Church St.
Wayne, OH 43466

ROLAND HANSEN
6118 Rolland Dr.
Toledo, OH 43612

JOHN R. BENDER
2346 Roxbury Rd.
Avon, OH 44011

KATHLEEN A. MCGERVEY
2643 Joseph St.
Avon, OH 44011

BALLOT ISSUES' PROS AND CONS
for the November 7, 2006 General Election

Adopted by the League of Women Voters of Ohio - September 9, 2006

Proposed Referendum

State Ballot Issue 1

Referendum of Am. Sub. SB7

Workers' Compensation Reform Referendum (Proposed by Referendum Petition)

To implement Sections 4121.10; 4121.12; 4121.131; 4123.01; 4123.512; 4123.52; 4123.54; 4123.56; 4123.58; 4123.61; 4123.65; and 4123.88 and the corresponding statutory references in Section 2 of Amended Substitute Senate Bill Number 7 of the 126th General Assembly of Ohio.

Am Sub. S.B.7, passed earlier this year, revised existing provisions and implemented new provisions governing workers' compensation. Currently, only the sections of the law that are not included in the referendum have gone into effect. The sections of the law being challenged in the referendum are on hold until the vote is taken.

With a majority NO vote, only the sections that are the subject of the referendum will be dropped. With a majority YES vote, all of the law as originally passed by the legislature will go into effect.

These changes involve both the administration of the program and injured worker benefits. Some of these provisions are summarized below. Remember, these provisions will go into effect with a majority YES vote; they will be dropped from current law with a majority NO vote.

Administrative Provisions: These provisions will go into effect with a majority YES vote; they will be dropped with a majority NO vote.

- Expanded anti-fraud provisions, including the designation of the Workers' Compensation Special Investigation Department as a criminal justice agency with access to criminal justice information.
- Requirements that Workers' Compensation investment criteria must comply with the provisions of the Campaign Finance Law, but may not be more restrictive than the provisions under the Campaign Finance Law.
- Journalists' access to claimants' names and addresses.

Injured Worker Provisions: These provisions will go into effect with a majority YES vote; they will be dropped with a majority NO vote.

- The definition of "injury" that excludes psychiatric conditions except when they arise from a physical injury or occupational disease, or from forced participation in sexual conduct.
- The change in the basis of calculation of "non-working wage loss," and the limitation of such payments to 52 weeks.
- The definition of "injury" that requires that a pre-existing condition be substantially aggravated by an injury and documented by objective diagnostic findings. Once the condition has returned to its pre-injury state, no compensation can be paid based on that condition.
- The reduction in the authority of the Industrial Commission to make modifications, changes, findings or awards for a medical or a compensation claim from six years after the payment of medical benefits and ten years from the date of payment of compensation to a limit of five years in both cases.
- Changes in the qualifications for permanent total disability compensation that eliminate consideration of certain social factors.

Arguments for implementing the specified provisions (a YES vote):

1. The Ohio Revised Code would gain a provision designed to correct problems identified with the inappropriate investment of workers' compensation insurance funds.

2. The anti-fraud provisions important to reducing fraud and containing workers' compensation insurance costs would be implemented.
3. The changes in benefits that help to eliminate excesses in the system, such as allowing lengthy time periods for filing claims and payment of compensation, would be implemented.

Arguments against implementing the provisions (a NO vote):

1. Several provisions that reduce injured workers' benefits would be eliminated.
2. The provision shortening the time frame for the Industrial Commission's jurisdiction over inactive claims would not be implemented. The shortened time frame could be detrimental because certain occupational injuries and diseases worsen over time and changes may not become apparent within the 5-year limit.
3. Some factors that were previously included in the determination of permanent total disability, such as education and work experience, were eliminated by one of the provisions and would be restored.

Proposed Constitutional Amendment:

**State Ballot Issue 2
Ohio Fair Minimum Wage Amendment (Proposed by Initiative Petition)**

To adopt Section 34 of Article II of the Constitution of the State of Ohio.

This proposal would raise the state minimum wage from \$4.25 to \$6.85 per hour, and would index the wage rate to inflation (Consumer Price Index) so that it is adjusted annually. It would include exceptions for some small businesses, for family members working in a family-owned business, for employees under age 16, and for some who receive tips or who have disabilities. Employers must keep pay records for three years following the last day of employment, and must provide the record to the employee (or their designee) upon request. It would provide civil penalties for violations. **A majority yes vote is necessary for passage.**

Arguments for passage:

1. Ohio's minimum wage has remained unchanged since 1991, and Ohio is one of only two states in which the minimum wage is below the national minimum wage.
2. Wage earners paid at the current minimum cannot afford to maintain a decent standard of living with the income erosion due to inflation and the increasing cost of such items as health care and gasoline. Most are living below the poverty line.
3. Research suggests that there is no measurable negative impact on employment. Rather, states with higher minimum wages have performed as well as, or better economically than states with lower minimum wages, with more growth in small businesses and small-business jobs over the past decade.
4. Raising the minimum wage would increase the buying power of low income people, increasing tax revenues and stimulating the economy.

Arguments against passage:

1. It is inappropriate to place this proposal in the state constitution, which should be a clear and internally consistent body of fundamental principles.
2. This amendment would tie cost-of-living minimum wage adjustments to the Consumer Price Index (CPI), which may be considered an artificial means of setting wages, not necessarily reflecting the true value of the job.
3. Raising the minimum wage is believed to have a negative effect on job creation and will force job losses, particularly among teenagers and young adults.
4. Increased labor costs are likely to be passed on to consumers as higher prices for goods and services.

Proposed Constitutional Amendment:

**State Ballot Issue 3
Learn and Earn Amendment (Proposed by Initiative Petition)**

To adopt Section 12 of Article XV of the Constitution of the State of Ohio

This proposed amendment would permit up to 3,500 slot machines at each of seven race tracks and at two non-racing sites in downtown Cleveland, for a total of 31,500 slot machines. It would also permit Cuyahoga County voters to approve additional gaming after four years. More than half (54%) of the revenues would go to the slot and casino operators, and would be exempt from all Ohio taxes. For the first 12 years of the program, 30% of the annual gross revenues would go to the Board of Regents for college scholarships, available to the top five percent of students graduating from accredited public or non-public high schools. The rest would be divided among local governments (8%), race tracks for purse money (6%), gambling addiction services (1%), and for the administration of the Gaming Integrity Commission (1%), which would regulate gaming and be appointed by the governor and majority legislative leaders. The proposed amendment does not specify nor guarantee how much Ohio high school graduates will receive or when scholarships will be paid after the first 12 years of scholarship funding. **A majority yes vote is necessary for passage.**

Arguments for passage:

1. Ohioans are now going out of state to gamble, and Ohio is losing tax revenue to neighboring states. This amendment would keep such revenues in the state.
2. Scholarships for higher education in Ohio would help to offset the high costs associated with earning a degree.
3. Eight percent of the gross proceeds would go to local governments for economic development activities.
4. One percent of the gross proceeds would support gambling addiction services.
5. Funding for scholarships and grants provided through this amendment is intended to supplement, not supplant, funds the General Assembly is obligated to provide for such purposes.

Arguments against passage:

1. The amendment primarily benefits a few business interests in specific Ohio locations, and is far too detailed to be placed in the constitution. It includes descriptions of two specific locations in downtown Cleveland for casino development, which may or may not be appropriate.
2. Gambling can become addictive behavior, and compulsive gambling increases with proximity to casinos and gambling machines. Numerous social problems, including increases in poverty, crime, bankruptcy and suicide, are associated with gambling addiction.
3. Financial return to the community is limited. For example, only 30 % of gross revenues would go toward higher education scholarships, only 8% to local governments, and only 1% for addiction services.
4. The amendment would exempt all the gambling revenues from state and local taxation.
5. The amendment does not specify nor guarantee how much Ohio high school graduates will receive, or when scholarships will be paid after the first 12 years of scholarship funding.

Proposed Constitutional Amendment:

**State Ballot Issue 4
Smoke Less Ohio Amendment (Proposed by Initiative Petition)**

To adopt Section 12 of Article XV of the Constitution of the State of Ohio

This proposed amendment would allow smoking in the following enclosed public areas: separate smoking areas in restaurants, most bars, bingo or bowling facilities, separated areas of hotels and nursing homes, race tracks, tobacco stores, private residences and nonpublic facilities. It would prohibit smoking in all other enclosed public areas. The amendment would also override home rule, invalidating and prohibiting local bans on smoking. **A majority yes vote is necessary for passage.**

Note: There are two smoking-related ballot issues. This proposal is to approve a constitutional amendment.

Arguments for passage:

1. This amendment allows indoor smoking in a variety of enclosed public places.
2. This amendment would be beneficial to the tobacco and hospitality industries because it provides for numerous exceptions to an indoor smoking ban.
3. This amendment would restrain governmental interference into the personal choice to smoke.
4. This amendment would impose uniform smoking standards around the state.

Arguments against passage:

1. Patrons and workers in businesses that permit smoking would be subjected to the dangers of second hand smoke, a proven health hazard.
2. Because of the relationship between smoking, second-hand smoke and ill health, permissive smoking laws contribute to the escalation of health care costs.
3. The amendment would override home rule prohibitions that now exist in 21 Ohio municipalities, as well as any future attempts at local control of smoking. It would also override the proposed Smoke Free Workplace Act if both were passed. This proposal does not belong in the Ohio Constitution.

Proposed Statute:

**State Ballot Issue 5
Smoke Free Workplace Act (Proposed by Initiative Petition)**

To enact Chapter 3794 of the Revised Code of the State of Ohio

The purpose of this statute would be to prohibit smoking in enclosed areas of public places and enclosed areas in places of employment, exempting most private residences, family businesses, tobacco stores, some hotel rooms, some private clubs, smoking areas for residents of nursing homes, some patios and incense at religious ceremonies. The Ohio Department of Health would educate citizens and enforce the law. Please note that this proposal is to approve a law and not an amendment to the constitution. **A majority yes vote is necessary for passage.**

Note: There are two smoking-related ballot issues. This proposal is to approve a law and not an amendment to the constitution.

Arguments for passage:

1. The U.S. Surgeon General has determined that second-hand smoke causes premature death and serious diseases in smokers and non-smokers alike, including the patrons and workers in businesses that permit indoor smoking.
2. Because of the relationship between smoking and ill health, curtailment of indoor smoking and second-hand smoke helps control health care costs.
3. Economic impact studies have shown that clean indoor air laws do not hurt businesses.

Arguments against passage:

1. The prohibition is too restrictive, and passage could be detrimental to certain businesses in the tobacco and hospitality industries such as bars, restaurants, and places of entertainment.
2. Ohio currently receives about \$600 million annually from cigarette taxes. If smoking is restricted and fewer cigarettes are purchased, the legislature will need to compensate for the loss of revenue.

3. Government should not control an individual's personal behavior.