



STATEHOUSE REPORT

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Chief Justice touches on pay raise and court funding in her “State of the Judiciary” remarks

Ohio Supreme Court Chief Justice Maureen O’Connor used her State of the Judiciary address to make a case for higher salaries for judges, which she delivered this week at the annual meeting of the Ohio Judicial Conference - the association that represents Ohio’s judges. Specifically, she told them that she’s lobbying lawmakers to act on the “extremely troubling” lack of raises.

The chief justice acknowledged that “the elephant in the room” is the need for a judicial pay increase. Ohio’s judges have not had a pay raise since 2008, dropping the \$121,350 annual salary of trial-court judges to \$20,300 below the national average and making the state 42nd among the 50 states. The chief justice expressed concern that without an effort to make judicial salaries more competitive, sitting judges will look to jump to private practice and potential judges won’t give the bench the time of day or consideration. “Choosing a career in public service shouldn’t mean being saddled with a stagnant salary for the entire time you serve on the bench,” O’Connor said.



Chief Justice O’Connor

The chief justice said she has discussed “modest annual cost-of living increases” with legislative leaders. It has been 15 years since the General Assembly last authorized raises for themselves, judges, county elected officials, townships elected officials, and board of elections members. Given the coming exodus of judges – nearly 100 of the state’s 720 judges are in their last terms due to the mandatory retirement age of 70 – judicial salaries must rise to attract qualified candidates, O’Connor said.

The chief justice also brought up money in the context of court funding, which now is being studied by a Supreme Court task force. It estimates that Ohio spends \$1.1 billion a year to operate its courts, with only \$147.2 million coming from the state. The amount contributed by the state represents less than one-half of one percent of the state budget. The remainder of the funding comes from court costs and the county and municipal governments. “It’s not a stretch to say that quite possibly Ohio courts are underfunded,” she said. “That is very, very true and accurate statement.”

House and Senate bills would cut special elections

Two bills are before the Ohio General Assembly that have the potential to save taxpayer dollars and instill more confidence in voter-enacted measures. [HB 240](#) (Becker, R- Union Twp) and [SB 35](#) (Jordan, R- Powell) call to end August and February special elections, which have been demonstrating low-voter turnout and low success rates.

This August's ballot featured seven school issues, six of which did not pass according to the Ohio School Boards Association (OSBA). Hamilton County's Lockland School District's 11.2-million continuing operating levy, for example, failed 63 to 37 percent, while Licking County's Licking Heights Local School District's 37-year, 2.86-million bond request failed 75 to 25 percent. Mogadore Local School District in Summit County and Clark County's Northeastern Local School District, whose measures both failed, had put the issues on their ballots each for the fourth time.

Moreover, voters in at least two of those districts will see the same request again. Lockland School District already approved placing their measures on the November ballot. Lucas County's Springfield will make another request for the new permanent levy along with a renewal of the district's \$1.35 million improvement levy.

"...you're spending basically the same amount of money and getting a much lower turnout." - Ockerman

Eight other issues were before voters, and several of those were plagued by extremely low voter turnout. The Perry Township Police District in Stark County renewed its \$3.9 million levy, but it did so with less than five percent voter turnout. Likewise, the city of Mt. Healthy in Hamilton County was able to pass a renewal levy for fire and EMS service equipment, thanks to the 6.49 percent voter turnout.

Despite the small number of issues on the ballot, county boards of elections still put the same manpower and cost into preparing for an August special election even if it has items that only require a couple of precincts to be running Election Day.

"They still have to undertake all the preparation necessary for countywide elections, including recruiting poll workers [and] advertising. There's a myriad of tasks that have to be completed in order to run these and typically you get very low turnout," Ohio Association of Election Officials (OAEI) Executive Director Aaron Ockerman said.

"So if you're looking at a cost-benefit analysis, you're spending basically the same amount of money and getting a much lower turnout. Truly every special election or every time a subdivision goes for a special election they would have always had the option of just putting that on a March/May or November ballot."

The association has long advocated for the elimination of special elections. Mr. Ockerman said it costs local boards about \$1,000 per precinct on average to hold an election. Also, boards don't know whether they are going to have a special election to run until 90 days before when the campaigns are required to file to appear on the ballot.

"So from a budgeting perspective it gets very tricky to try to budget accurately," he said, noting boards of elections complete their budgets between September and November of the prior year.

OAEO along with the County Commissioners Association of Ohio (CCAO) support the two bills calling for the elimination of special elections - HB 240 and SB 35. Mr. Ockerman said he hopes the legislature will continue to hear both those measures.



Lake County Commissioner
Daniel Troy

Lake County Commissioner Daniel Troy said in testimony on the House bill earlier this year that there is no "compelling reason" to continue February and August elections and that their elimination would save tax revenue. He also criticized school districts for putting their issues before voters repeatedly until they "get it right" and vote in support.

OSBA said, however, the small number of levies is not a reason to support eliminating special elections.

"We have always advocated that schools continue to have the opportunity for the special elections just because it is very difficult to get levies passed," said Mr. Damon Asbury, Director of Legislative Services for OSBA. "Most people prefer not to go in February or August, but if you've failed earlier...and then you get another chance to convince the voter sometimes it takes two or three times for levies to get approved by the public. The more opportunities that you can have to tell your stories the better you are."

Statehouse Etcetera



Committee on drug abuse continues hearings. Efforts by law enforcement to address Ohio's drug epidemic and the impact drug abuse has on the workplace were two subjects addressed this week by the Ohio Law Enforcement Perspectives on the Drug Epidemic & Its Impact on Families Study Committee during its hearing in Marion County. The president of the Fraternal Order of Policy (FOP) urged lawmakers to update the law so that supposed low-level drug offenders can be sent to jail. He also said that prevention programs "are sorely needed to help stem the tide of this epidemic," and yet some local law enforcement agencies feeling the pinch of lost Local Government Funds (LGF's) can no longer afford to offer drug prevention programs in schools.

Representatives from Working Partners, which aids companies in establishing and maintaining drug-free workplace programs, shared that 50-80% of all workplace theft is attributable to substance abuse, and 40% of all workplace fatal accidents and 47% of serious injury accidents are related to alcohol or other drugs. In addition, the average substance abuser is 33-50% less productive at work, and painkiller abuse alone causes \$42 billion in lost productivity each year.

Stark County is home to the next regional hearing, set for 1:00 p.m. on September 3 in North Canton at the Kent State University Stark Campus. Tuscarawas County Commissioner Kerry Metzger, and a former CCAO President, will provide testimony for the Association relative to the drug epidemic's impact on the county justice system and budget as well as provide information relative to workforce concerns and family services concerns. Individuals seeking more information should contact CCAO Staffer John Leutz at jleutz@ccao.org.

Unemployment Compensation Study Committee travels to Clark County. The Ohio House study committee charged with examining ways to address the state's federal unemployment compensation debt will continue its regional hearings with a third hearing schedule in Springfield on September 9th. The time and location have yet to be announced.