

ALTERNATIVE PROPOSALS FOR SELECTION OF OHIO SUPREME COURT JUSTICES

1. Option One – Outside the Box

Create 6 judicial districts in Ohio, each of which elects 1 Associate Justice for the Ohio Supreme Court from the residents of that district.

The districts would be created by combining existing contiguous appellate districts as follows: 1 and 12; 2 and 3; 6 and 9; 8 and 11; 7 and 4; 10 and 5.

The Chief Justice would be selected by the 6 justices from a slate of names submitted by the Governor, either through consensus or a strike process.

Benefits of this proposal:

1. Keeps the election process, yet introduces a selection component for Chief Justice
2. Reduces campaign expense by reducing geographic area
3. Increases potential for voter familiarity with candidate, which could reduce influence of outside spending and increase voter participation
4. Provides balanced representation on the Court, and removes negative campaign aspect from selection of Chief Judge.
5. By providing that the Justices agree upon the Chief Justice, the proposal enhances the probability that the Chief Justice is a well-qualified, well respected, consensus builder.

Negatives of this proposal:

1. May cause justices to consider local interests over state interests
2. Prohibits citizens from voting for more than 1 member of the Ohio Supreme Court
3. Could introduce future gerrymandering problems
4. Requiring the Governor to propose names for Chief Justice could create political issues and decrease the independence of the Supreme Court

Comments:

Some states do use this process for election of Supreme Court Justices.

2. Option Two - Outside the Box

The goal here is to lengthen the term of office, subject to a retention election.

Proposal -

The political party affiliation of the judicial candidate shall be indicated on the ballot in the general election.

Supreme Court justices shall be elected in the general election in the gubernatorial election years.

The term of office for Supreme Court Justice shall be not more than 12 years, consisting of an initial term of four years and a retention term of eight years.

During the third year of the initial term, a retention election shall be held to determine if the justice shall be retained in office for the additional eight year term. The political affiliation of the justice shall not be included on the ballot in the retention election.

No person shall be eligible for general election to the Ohio Supreme Court after having been elected in a general election and affirmed in a retention election.

In the event the justice is not retained or a justice has been appointed to fill a vacancy on the Supreme Court, the term of office will end at the conclusion of the year of the next gubernatorial election, at which time a justice shall be elected for a four year initial term with eligibility for a retention term of eight years.

Benefits of this Proposal:

1. Longer terms reduce the number of elections.
2. Retention elections provide the opportunity for voters to review justices.
3. Including party affiliations in the general election provides voters information on the candidate.
4. Prohibiting re-election may increase independence or the appearance that justices are obligated to political parties.

3. Other Proposals to modify existing elections

1. Lengthen the terms of office for Supreme Court Justices from 6 to 8 years.

2. Adding the Party Affiliation for each Supreme Court candidate in the general election.

(This should increase voter participation. However it is perceived by some to introduce more partisanship.)

3. Increase the qualifications in terms of years of experience.

(This may increase the quality of the candidates; however this issue has not really been considered a big problem that needs addressing.)

4. Institute a mandatory retirement date that is consistent for all justices.

5. Elections in odd numbered years.

(Question whether this could decrease voter participation.)

6. Non-partisan primaries.

(This could result in major political parties having no candidate for Ohio Supreme Court.)