



## **Catholic Bishops of Ohio Statement on Voting 2011**

**October 13, 2011**

In the Catholic tradition, responsible citizenship is a virtue. The Catholic Bishops of Ohio encourage voters to study the issues carefully and give prayerful consideration to their voting choices.

There are three statewide issues on the November ballot. We encourage voters to look beyond campaign rhetoric and partisan politics and reflect upon how each of these issues will impact the common good of our society.

We urge Catholics to vote, and to continue advocating for just laws and policies after they vote. The Catholic Conference of Ohio offers information and resources to help individuals take an active part in public life. A reflection guide on the three ballot issues is attached and also is available at the Catholic Conference of Ohio website ([www.ohiocathconf.org](http://www.ohiocathconf.org)).

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# Ohio Ballot Issues

November 2011

There are three statewide issues on the November 8, 2011 ballot.

- **Issue 1:** A legislatively initiated constitutional amendment raising the age of those occupying a judicial office from 70 to 75.
- **Issue 2:** A referendum approving Ohio's new collective bargaining laws for public employees.
- **Issue 3:** A voter-initiated constitutional amendment that prohibits federal and state laws from requiring that Ohioans participate in a particular health care system.

**The Catholic Bishops of Ohio have taken a neutral position on all three of these issues. Each issue involves a prudential judgment where people of good will may differ as to their vote.**

The Catholic Conference of Ohio offers these reflections as an aid to one's discernment process.

## General Ballot Reflection Questions

1. Will passage of an issue promote the value and dignity of the human person and advance the common good of persons in the state, especially the poor and vulnerable?
2. Is the issue needed and well conceived?

## Issue 1

**Increase the maximum age for assuming elected or appointed judicial office from 70 to 75**

Ohio's current constitution states that "no person shall be elected or appointed to any judicial office if, on or before the day when he shall assume the office and enter upon the discharge of its duties, he shall have attained the age of seventy years." Issue 1 would raise this age to 75.

All judges in Ohio serve six-year terms. Under current constitutional language, and depending on how close he or she is to the age of 70 when elected, a sitting judge could serve as late as age 75 before being required to leave the bench. The proposed change would allow a sitting judge to serve as late as age 81.

According to the Ohio Supreme Court, the average age of Ohio's 717 sitting judges is 56. Twenty-two judges cannot seek re-election because they're over 70.

## Pro Arguments (Adapted from proponent's media comments)

Forcing judges from the bench solely because they have hit a benchmark age is an arbitrary and discriminatory action. While many retired judges opt to hear cases by assignment, the 70-and-out ruling tends to short-circuit decades of experience and wisdom by turning older judges out of office.

Current law allows judges to be removed if found incompetent.

## Con Arguments (Adapted from opponent's media comments)

The proposed change would allow some judges to serve into their early 80s, meaning voters would be gambling that such judges would stay healthy and competent during a six-year term.

It will be difficult to challenge the competency of an aging judge. Local lawyers might not want to challenge an incumbent judge and accuse that judge of being too old. Challengers who lose will still have to practice before that judge.

## Church Teaching

The *Compendium of the Social Doctrine of the Church* cites the effective contribution that older persons provide in the work place and in leadership roles. Society should accept senior citizens as partners in shared projects.

"As the Sacred Scripture says: 'They still bring forth fruit in old age' (Ps 92:15). The elderly constitute an important school of life, capable of transmitting values and traditions, and of fostering the growth of younger generations, who thus learn to seek not only their own good but also that of others." (#222)

## Focus Questions

1. Is this a reasonable increase in the retirement age for judges?
2. Will our system of justice be better served by this change?



## Catholic Conference of Ohio Position

A voter's position on Issue 1 involves a prudential judgment where people of good will may differ as to the specifics of this proposal.

The bishops truly appreciate the contributions and wisdom of experienced judges. Whether judges should be allowed to serve into their seventies and eighties is a subjective decision. Many persons, including United States Supreme Court justices, provide public service at these ages.

**The Catholic Bishops of Ohio are neutral on Issue 1.**



# Ohio Ballot Issues

*The Catholic Conference of Ohio encourages voters to prayerfully consider the three statewide Issues that are on the November 8, 2011 ballot.*

## Issue 2

### To approve Ohio's new collective bargaining law

Amended Substitute Senate Bill No. 5 is a new law relative to government union contracts and other government employment contracts and policies. A "YES" vote means you approve the law. A "NO" vote means you reject the law.

#### Arguments for voting "YES" (ie., keep Senate Bill 5) (Adapted from proponent's website)

SB 5 provides reasonable and overdue reforms. It makes fair and common sense requests of government employees to help local communities get their growing labor costs under control.

SB 5 maintains collective bargaining for public employees in the areas of wages, hours, terms and conditions of employment.

SB 5 does not cut salaries or benefits for any government employee. Employees would be asked to pay a modest share of their benefits, just like employees in the private sector do.

- For health care coverage, the employee would pay at least 15% of their overall plan. (Private sector workers pay an average of 31 percent.)
- For retirement plans, the employee would pay 10%, while the taxpayers contribute the employer's share of 14%.

SB 5 expands the current public safety employee prohibition on striking to all state and local government employees. Strikes are rarely used to settle a dispute, and they carry the potential to put schools, safety and services at risk if workers are allowed to walk off the job.

SB 5 puts Ohio in a better position to allocate resources based on market conditions, provide maximum value to the taxpayer and, ultimately, grow jobs. It gives local communities, and therefore the taxpayers, the critical flexibility to balance their budgets without tax increases or massive layoffs.

#### Arguments for voting "NO" (ie., repeal Senate Bill 5) (Adapted from opponent's website)

SB 5 is an unfair attack on employee rights, worker safety and middle class workers. It severely limits both state and local government contracts and policies.

SB 5 maintains collective bargaining in name only. It eliminates binding arbitration and replaces it with a one-sided procedure that weighs heavily toward the employer. This hurts those that provide vital public services: police officers, firefighters, and teachers.

SB 5 destroys jobs and lowers wages. If SB 5 remains law, owners of shops, gas stations and other small businesses across this state will be forced to lay off workers or close their doors.

Ohio's public workers are not over compensated.

- Ohio is 44th of 50 states in per capita spending on government workers. State employees have taken a pay freeze five times in 9 years. In the last contract, state employees voluntarily took furloughs and made other financial sacrifices that saved \$250 million and an additional \$100 million in health care costs.
- A recent Rutgers University study found Ohio public employees earn 6 percent less on a yearly basis than their peers in the private sector. They earn 3.5% less on an hourly basis. The average OAPSE (Ohio Association of Public School Employee) makes \$24,000 a year and retires with an average pension of \$900 a month. Public employees do not pay into or receive Social Security.

### Church Teaching

Catholic Social Teaching has a long history of supporting worker rights and calling both workers and management to mutual partnerships where both the needs of labor and the needs of management are freely and openly acknowledged and addressed.

In *Laborem Exercens*, Pope John Paul II calls labor associations "an indispensable element of social life, especially in modern industrialized societies," but also reminds unions "to secure the just rights of workers within the framework of the common good of the whole of society." (#20)

In our Catholic Conference of Ohio's recent statement on SB 5, we supported a worker's right to collective bargaining, and challenged both unions and management to work for the common good, to make sacrifices when required, and to adjust to new economic realities.

### Focus Question

How well does Senate Bill 5 reflect the common good of workers, management, and the welfare of Ohio residents?



### Catholic Conference of Ohio Position

A voter's position on Issue 2 involves a prudential judgment where people of good will may differ as to the specifics of this proposal.

We encourage voters to carefully review SB 5 in light of our church's historic support for worker rights, and our continued call for fair and balanced worker benefits. Such benefits should reflect current economic realities and support the needs of both public employers (citizens) and workers within the framework of the common good of the whole of society.

**The Catholic Bishops of Ohio are neutral on Issue 2.**



# Ohio Ballot Issues

*The Catholic Conference of Ohio encourages voters to prayerfully consider the three statewide Issues that are on the November 8, 2011 ballot.*

## Issue 3

**To prohibit federal and state laws from requiring that Ohioans participate in a particular health care system.**

Issue 3 will change Ohio's constitution to provide that:

- In Ohio, no law or rule shall compel, directly or indirectly, any person, employer, or health care provider to participate in a health care system.
- In Ohio, no law or rule shall prohibit the purchase or sale of health care or health insurance.
- In Ohio, no law or rule shall impose a penalty or fine for the sale or purchase of health care or health insurance.

### **Pro Arguments** (Adapted from proponent's arguments)

Issue 3 sends a message to national leaders that there should not be a federal mandate to purchase health care insurance. The health care reform bill is the first time the federal government will force all Americans to buy a commercial product.

Issue 3 will help make the federal health care bill unenforceable. While Issue 3 addresses only the individual mandate component of the health care reform bill, it is the cornerstone of the health care reform bill. If enough states resist the individual mandate, the bill is most likely unenforceable.

The federal health care reform bill is flawed. It expands the role of the federal government in funding and facilitating abortion, fails to provide essential conscience protections and unfairly excludes immigrants from health care coverage.

Passage of Issue 3 will not influence or interfere with voluntary insurance and health care arrangements, whether between you and your doctor, you and your insurer, or you and your employer, other than to protect them from being supplanted by the federal government preemption of the health care and health care insurance field.

The courts can go either way regarding the constitutionality of this amendment. Constitutionally, the federal government is supreme when it comes to its enumerated powers. In areas such as health care policy, individual states have reserved the right to enact their own reforms.

### **Con Arguments** (Adapted from opponent's media comments)

Issue 3 attempts to block the federal health care reform bill without offering alternative options.

Issue 3 will NOT rectify the flaws in the federal health care bill. Separate legislative changes will still need to be made regarding abortion coverage, conscience protections and coverage for immigrants.

Issue 3 will be ruled unconstitutional. Federal law supersedes state laws (even state constitutional amendments). Should, however, Issue 3 be ruled constitutional, a state barrier will exist hindering future national health care reform efforts that require participation in a particular health care system.

The state constitution is not a good forum for sending messages to national leaders.

There are many helpful features in the federal health care reform law. The new federal law allows coverage for pre-existing conditions, helps ensure affordable insurance plans, expands coverage for children and pregnant women, and makes improvements in Medicare and Medicaid.

### **Church Teachings**

For many decades, the Catholic bishops of the United States have affirmed a strong support for universal access to health care. Basic health care for all is a moral imperative, not yet completely achieved.

Genuine health care reform must protect human life and dignity, not threaten them, especially for the most voiceless and vulnerable. Health care legislation must respect the consciences of providers, taxpayers, and others, not violate them. Coverage should be truly universal and should not be denied to those in need because of their condition, age, where they come from or when they arrive here. Providing affordable and accessible health care that clearly reflects these fundamental principles is a public good, moral imperative and urgent national priority.

### **Focus Question**

Is a state-by-state opt out of the federal requirement to have health coverage by 2014 an effective way to rectify flaws in the new health care law and to help promote affordable and accessible health care for all?



### **Catholic Conference of Ohio Position**

A voter's position on Issue 3 involves a prudential judgment where people of good will may differ as to the specifics of this proposal.

Action is required to address the moral flaws contained in the new federal health care bill. The question is whether Issue 3 is an effective way to address such concerns. The Catholic Conference of Ohio is supporting various legislative efforts at the national and state levels that specifically address abortion coverage, conscience protections and coverage for immigrants. The ultimate fix for such flaws is through federal legislation.

Regardless of one's vote on Issue 3, there is an urgent need to protect all human life and promote reforms that will make health coverage affordable for the poor and needy. This must be done in accord with the dignity of each and every human person and with full respect for the life, health and conscience of all.

**The Catholic Bishops of Ohio are neutral on Issue 3.**