



Legislative Branch and Executive Branch Committee Tackles Single Subject and Congressional Redistricting

September 10, 2015

The Legislative Branch and Executive Branch Committee of the Ohio Constitutional Modernization Commission continued to discuss congressional redistricting and Article II, Section 15 (D), the single subject rule, at its latest meeting.

Steve Steinglass, senior policy advisor, gave an update on the U.S. Supreme Court *Arizona State Legislature v. Arizona Independent Redistricting Commission*, 135 S. Ct. 2652 (2015), which permits use of an independent redistricting commission to draw boundaries for congressional districts. The case involved a challenge by Arizona state legislators to an initiated constitutional amendment that transferred responsibility for congressional redistricting from the state legislature to a five member commission.

The committee discussed holding a special meeting in October to address congressional redistricting in Ohio.

Shari O'Neill, Counsel to the Commission, gave a presentation on the Ohio Supreme Court's jurisprudence relating to Article II, Section 15 (D), the "single subject" or one subject" rule, which states that "no bill shall contain more than one subject, which shall be clearly stated in its title." She discussed three Ohio Supreme Court cases, *State ex rel. Dix v. Celeste* (1984), *Simmons-Harris v. Goff* (1999), and *State ex rel. Ohio Civ. Serv. Emp. Assn., AFSCME, Local 11, AFL-CIO v. State Emp. Relations Bd.* (2004).

In *State ex rel. Dix v. Celeste* (1984) the court ruled that Am. Sub. S.B. 227 did not violate the one-subject rule because the appropriations provision being contested was "reasonably necessary" for implementing the programs created in the bill.

In *Simmons-Harris v. Goff* (1999), the constitutionality of a biennial appropriations bill was questioned because it contained provisions establishing the "School Voucher Program." The court deemed the provisions establishing the program to be a rider because they only accounted for ten pages of a more-than-one-thousand-page bill. The court then found that the rider established a substantive program, concluding that a substantive program created within an appropriations bill violates the one-subject rule.

In *State ex rel. Ohio Civ. Serv. Emp. Assn., AFSCME, Local 11, AFL-CIO v. State Emp. Relations Bd.* (2004), a, involved whether the one-subject rule was violated when a bill loosely classifying itself as an appropriations bill included a provision that excluded Ohio School Facilities Commission employees from the collective bargaining process. The court declared this provision a violation of the rule because the bill did not explain how the exclusion of these employees would clarify or alter the appropriation of state funds, and so a common purpose or relationship between the provisions was absent. The court concluded that a provision's impact on the state budget does not automatically authorize its constitutional inclusion in an appropriations bill just because the other provisions in the bill also impact the budget.

Article II, Section 15 (D) will continue to be discussed within the committee at upcoming meetings.

Meeting packets for the Legislative Branch and Executive Branch Committee can be found [here](#). For more information regarding the Ohio Constitutional Modernization Commission, visit our website at www.ocmc.ohio.gov.

About the Ohio Constitutional Modernization Commission

The OCMC was created in 2011 by the Ohio General Assembly in House Bill 188 of the 129th General Assembly. It is modeled after the Ohio Constitutional Revision Commission which completed its work in the 1970's.