



Members Brief

An informational brief prepared by the LSC staff for members and staff of the Ohio General Assembly

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One-Subject Rule

This brief details the history of the one-subject rule in Ohio, as well as the objectives of the rule to prevent legislative riders and logrolling. The brief then offers a discussion of the evolution of one-subject rule jurisprudence in Ohio. A discussion of the historical criteria by which an act is determined to violate the one-subject rule is followed by recent case law that developed when acts passed by the General Assembly were challenged in court as violating the rule.

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Overview

Article II, Section 15 of the Ohio Constitution states, “No bill shall contain more than one subject, which shall be clearly expressed in its title.”

Ohio is one of 41 states in the U.S. with a constitutional provision requiring that a bill must address only one subject.¹ The one-subject rule is a check on the power of the legislative branch and is designed to (1) prevent logrolling and riders (see “**Objectives of the rule**” below) and (2) promote an orderly and informed legislative process.

Ohio’s first state constitution, the Constitution of 1802, was noteworthy for the relatively unchecked power it granted to the legislative branch of government. The one-subject rule was not included in this Constitution, nor did any state include a general version of the rule in its constitution until 1844. Once the Ohio Constitution of 1851 took effect, the one-subject rule was one of several new checks on legislative power, alongside others like the Governor’s veto.

¹ Ruud, Millard H. “No Law Shall Embrace More Than One Subject.” *Minnesota Law Review*, vol. 42, 1958, p. 389; see also *State ex rel. Dix v. Celeste*, 11 Ohio St.3d 141, 142 (1984).

The first state in the U.S. to enshrine a general one-subject rule in its state constitution was New Jersey in 1844.² Soon afterward, several states including Ohio adopted similar language in their state constitutions. New Jersey's constitution is unique insofar as it enshrines an intent statement regarding the one-subject rule: "To avoid improper influences which may result from intermixing in one and the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title."³ Ohio's one-subject rule is considered more typical, alongside several other states like Minnesota, and similarly combines the one-subject rule with the requirement that the subject of a bill be clearly expressed in the bill's title.

Jurisprudential evolution

Some legal scholars have argued that the one-subject rule is the "most significant and most litigated procedural requirement" in state constitutions.⁴ It is indeed often cited by plaintiffs challenging legislation in Ohio on constitutional grounds (see "**Case law**" below). However, while the rule itself has been in effect since the ratification of the Ohio Constitution of 1851, courts have interpreted its meaning differently over time. While the rule once was considered to be directory rather than mandatory, the Supreme Court of Ohio since has cited the rule as grounds for the partial or complete invalidation of an act.

In 1856, the Ohio Supreme Court handed down its first definitive interpretation of the one-subject rule. In the decision, the Court ruled that the one-subject rule was "directory only" and that it was the rightful place of the legislature, not the judiciary, to decide when and whether legislation violated the rule.⁵ The Court stated that the one-subject rule belonged to a set of constitutional provisions that ought to be understood as permanent rules of the General Assembly. In part, the reasoning for this decision was based on the use of the term "bill" in the constitutional provision rather than "act." A bill refers to a working document of the General Assembly, whereas an act is a bill that has fully become law. The Court went on to argue, "As a rule of proceeding in the General Assembly, [the one-subject rule] is manifestly an important one. But if it was intended to effect any practical object for the benefit of the people in the examination, construction, or operation of acts passed and published, we are unable to perceive it."⁶

It was not until the end of the 20th century that the Supreme Court of Ohio re-interpreted the one-subject rule. In 1984, the Supreme Court ruled, "a bill containing the abolishment of an agency, the transfer of its duties, and appropriations to fund matters related to the transfer, did

² Ruud, Millard H. "No Law Shall Embrace More Than One Subject." *Minnesota Law Review*, vol. 42, 1958, p. 390.

³ New Jersey Constitution, Article IV, Section VII(4).

⁴ Briffault, Richard. "The Single-Subject Rule: A State Constitutional Dilemma." *Albany Law Review*, vol. 18.4, 2019, p. 1633.

⁵ *Pim v. Nicholson*, 6 Ohio St. 176, 179 (1856); see also Hoffer, Stephanie, and Travis McDade. "Of Disunity and Logrolling: Ohio's One-Subject Rule and the Very Evils It Was Designed to Prevent." *Cleveland State Law Review*, 2004, p. 559.

⁶ *Pim*, 6 Ohio St. at 179.

not violate the rule.”⁷ At first blush, the Court’s decision does not appear to constitute a departure from the status quo – the act in question was upheld in its entirety. However, the Court had altered its interpretation of the one-subject rule by asserting the Court’s authority to apply the rule to acts passed by the General Assembly. The Court further explained that it would allow the General Assembly considerable leniency in determining how the one-subject rule could be interpreted. Here, the Court laid out the contemporary interpretation of the one-subject rule, affording the General Assembly “latitude when applying that rule to acts with multiple-topic bills that attempted to bring order to a single subject.”⁸

In the case, the Court indicated its reluctance, ordinarily, to question the judgment of the General Assembly with regard to the one-subject rule:

The one-subject rule . . . is merely directory in nature; while it is within the discretion of the courts to rely upon the judgment of the General Assembly as to a bill’s compliance with the Constitution, a manifestly gross and fraudulent violation of this rule will cause an enactment to be invalidated.

The Court recognized the “necessity of giving the General Assembly great latitude in enacting comprehensive legislation,” and further recognized “that there are rational and practical reasons for the combination of topics on certain subjects.”

The Court indicated that acts are not unconstitutional simply because they contain a number of topics. Rather, violations of the rule arise when there is disunity between the subjects addressed within an act:

[W]hen there is an absence of common purpose or relationship between specific topics in an act and when there are no discernible practical, rational or legitimate reasons for combining the provisions in one act . . . [the act] must necessarily be held to be invalid in order to effectuate the purposes of the rule.⁹

Although the Court noted its reluctance to interfere in the legislative process by finding that certain acts violate the one-subject rule, the Court also noted that “it will not . . . abdicate in its duty to enforce the Ohio constitution.”¹⁰ The Supreme Court of Ohio has since invalidated legislation based on one-subject rule violations. If a reviewing court can discern an act’s primary subject, and a challenged provision is not related to that subject, the court typically overturns

⁷ Hoffer, Stephanie, and Travis McDade. “Of Disunity and Logrolling: Ohio’s One-Subject Rule and the Very Evils It Was Designed to Prevent.” *Cleveland State Law Review*, 2004, p. 561; see also *Dix*, 11 Ohio St.3d.

⁸ Hoffer, Stephanie, and Travis McDade. “Of Disunity and Logrolling: Ohio’s One-Subject Rule and the Very Evils It Was Designed to Prevent.” *Cleveland State Law Review*, 2004, p. 562.

⁹ *Dix*, 11 Ohio St.3d at 145.

¹⁰ *Dix*, 11 Ohio St.3d at 144.

only the challenged provision.¹¹ But, if the court cannot determine the primary subject, the court might overturn the entire act.¹²

More recently, in 2004, the Supreme Court of Ohio wrote:

For the past century and a half, this court has struggled to define its role in the enforcement of the one-subject provision of Section 15(D), Article II of the Ohio Constitution. In so doing, the court has been fairly straightforward in delineating the history, purpose, and scope of the one-subject provision, but has not been as forthcoming in characterizing its nature It is high time that we clarified this matter.¹³

In this way, the Supreme Court of Ohio clarified that because there are consequences when the General Assembly is found not to have followed the rule, the rule cannot be considered merely directory in nature.

Objectives of the rule

The one-subject rule has been interpreted by courts differently over time, yet, based on historical evidence, the intent behind the rule is more settled. The primary objectives to be accomplished by the rule are: (1) eliminating logrolling and riders and (2) promoting legislative transparency and public accountability.

Logrolling

Logrolling is the practice of several political minorities combining their several proposals as different provisions of an omnibus bill, thus consolidating their votes so that a majority is obtained for the omnibus bill where perhaps no single proposal of each minority could have obtained majority approval separately.¹⁴ Put differently, logrolling is the combination of unrelated bills into an omnibus bill to secure “a degree of support for the measure which it might not have enjoyed on its own merits.”¹⁵

The Court rejected a two-part test designed to detect whether an act was the product of logrolling and was, consequently, in violation of the one-subject rule. First, a reviewing court would determine whether an act contained the absence of a common purpose among multiple subjects. If so, then a reviewing court would inquire whether the disunity among subjects

¹¹ See, for example, *State ex rel. Hinkle v. Franklin County Board of Elections*, 62 Ohio St.3d 145 (1991) (H.B. 200 of the 119th General Assembly); and *State ex rel. Ohio AFL-CIO v. Voinovich*, 69 Ohio St.3d 225 (1994) (H.B. 107 of the 120th General Assembly).

¹² See, for example, *State ex rel. Ohio Academy of Trial Lawyers v. Sheward*, 86 Ohio St.3d 451 (1999) (H.B. 350 of the 121st General Assembly).

¹³ *In re Nowak*, 104 Ohio St.3d 466, 471 (2004).

¹⁴ *Dix*, 11 Ohio St.3d at 142-143.

¹⁵ Bowers, Douglas E. “From Logrolling to Corruption: The Development of Lobbying in Pennsylvania, 1815-1861.” *Journal of the Early Republic*, vol. 3, no. 4, 1983, p. 448.

contained in the bill was the result of logrolling. The Supreme Court considered the test problematic:

[The] proposed test invites the evil it claims to avoid. It purports to be steeped in concerns of legislative autonomy and judicial noninterference, yet directs us to look beyond the four corners of a bill and inquire into the doings of legislators. By its own terms, this test requires that we perform the inherently legislative function of gauging the extent to which particular proposals are likely to generate political controversy or invoke political opposition, which is a kind of entanglement with the legislative process that far exceeds any legitimate judicial function.¹⁶

An act need not be proven to be the product of logrolling in order to be ruled unconstitutional. Rather, if a provision of an act does not share a common purpose or relationship with the balance of the whole act, it may be severed regardless of whether the provision was in fact included as a result of logrolling.

Riders

A rider, on the other hand, is an amendment to a bill that is so certain of adoption that the rider will achieve adoption not on its own merits, but on the merits of the measure to which it is attached.¹⁷ In this way, the Supreme Court of Ohio maintains that the legitimacy of an act is derived from transparent and focused deliberation among legislators. The Court argues, “The resultant effect of the one-subject provision is a more orderly and fair legislative process. By limiting each bill to one subject, the issues presented can be better grasped and more intelligently discussed.”¹⁸

For example, in 2020, a federal district court decided that a provision of H.B. 166 of the 133rd General Assembly (the main operating budget act for FY 2020-FY 2021) concerning school district territory transfers violated the one-subject rule because it was a “rider.” The court reasoned the provision was “a significant and controversial statute that has only a hypothetical and tangential bearing on the state’s biennial operating budget [and] is tactically attached, without discussion, testimony, or debate.” As a result, the court struck down the school transfer provision but left the rest of the act intact.¹⁹

¹⁶ *Nowak*, 104 Ohio St.3d at 481 (2004). The Supreme Court of Ohio has published an article about this case entitled “[Court Clarifies Constitutional Rule That Limits Legislative Bills to ‘Single Subject’](#)” which is available on the Supreme Court of Ohio’s website: supremecourt.ohio.gov.

¹⁷ *Dix*, 11 Ohio St.3d at 143. The [U.S. Senate’s glossary](#) defines a “rider” as a “*nongermane amendment to a bill* or an amendment to an appropriation bill that changes the permanent law governing a program funded by the bill” (italics added).

¹⁸ *Dix*, 11 Ohio St.3d at 143.

¹⁹ *Plain Local School Dist. Bd. of Edn. v. Dewine*, 486 F.Supp.3d 1173, 1209 (S.D. Ohio 2020).

Case law

Today, a court may invalidate an act passed by the General Assembly in part or entirely, depending on whether the act blatantly violates the one-subject rule. A blatant violation of the rule generally is understood to be “when there is an absence of common purpose or relationship between specific topics in an act and when there are no discernible practical, rational or legitimate reasons for combining the provisions in one act”²⁰

S.B. 331 of the 131st General Assembly, passed in late 2016, is an example of an act found to violate the one-subject rule and consequently struck down in its entirety. The act concerned the regulation of the sale of dogs from pet stores and dog retailers, as well as the licensing of pet stores, among other subjects. A common pleas court, upheld on appeal, found that “[p]rohibitions against pet sales, animal fighting, and sexual acts with animals share nothing in common with small cell wireless facilities and equipment or statewide minimum wage provisions and work condition policies.” The appellate court was unable to determine the primary subject of the act, and thus overturned the entire act as unconstitutional.²¹

The state biennial operating budget is passed by the General Assembly much like any other bill, but the courts tend to afford the state legislature a considerable amount of discretion in determining the scope of the budget. For example, H.B. 49 of the 132nd General Assembly, the state’s biennial operating budget for FY 2018-FY 2019, was challenged on multiple grounds, including a violation of the one-subject rule. The reviewing court stated, “Appropriations bills, which fund the state’s programs and departments, necessarily address a wide range of topics These bills, however, are bound by a single subject: the balancing of state expenditures against state revenues to ensure operation of state programs.”²² The court asserted that the challenged provisions of the budget bill did not constitute a “manifestly gross and fraudulent” violation of the one-subject rule for two reasons: (1) the challenged provisions of the budget bill required an appropriation and were therefore related to other state operating expenses, contrary to the plaintiff’s claims, and (2) the challenged provisions were related to municipal tax revenue, which is relevant to the budget bill due to “the interconnected nature of the municipal and state fiscal systems.”²³

A previous biennial operating budget, H.B. 59 of the 130th General Assembly (FY 2014-FY 2015), was challenged on similar grounds. Once again, the court rejected the plaintiff’s argument that the budget bill violated the one-subject rule, instead introducing new standards by which a plaintiff’s standing must be determined in the future:

[A] party challenging multiple provisions in an enactment of the General Assembly as violating the Single Subject Clause must prove standing as to each provision the party seeks to have severed from the enactment by demonstrating it suffered or is threatened

²⁰ *Dix*, 11 Ohio St.3d at 145.

²¹ *City of Toledo v. State*, 123 N.E. 3d 343, 349 (6th Dist.).

²² *City of Athens v. Testa*, 119 N.E. 3d 469, 481 (10th Dist.).

²³ *City of Athens v. Testa*, 119 N.E. 3d 469, 482 (10th Dist.).

with direct and concrete injury in a manner or degree different from that suffered by the general public because of each provision. Otherwise the relief requested would not redress an injury of the party.²⁴

Although there may be a relatively high burden of proof to sever sections from a biennial budget bill, no bill passed by the General Assembly is immune to the one-subject rule.

²⁴ *Preterm-Cleveland, Inc. v. Kasich*, 153 Ohio St.3d 157, 166 (2018).