

Bond Case Briefs

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REFERENDUM - OHIO

State ex rel. Ethics First-You Decide Ohio Political Action Commt. v. DeWine

Supreme Court of Ohio - May 24, 2016 - N.E.3d - 2016 WL 3015092 - 2016 -Ohio- 3144

Political action committee sought mandamus relief, challenging the constitutionality of statutes authorizing state ballot board to review an initiative proposal and subdivide it if it contained more than one amendment.

The Supreme Court of Ohio held that:

- Supreme Court had jurisdiction;
- Committee failed to state a claim upon which relief could be granted; and
- Separate petitions requirement was not content-based, and thus not presumptively unconstitutional.

Political action committee pleaded a proper claim for declaratory judgment requiring the issuance of a mandatory injunction in order to afford complete relief, and thus, Supreme Court had jurisdiction over committee's mandamus petition challenging the constitutionality of statute requirement that Ohio ballot board review an initiative proposal and subdivide it if it contains more than one amendment.

Mandamus complaint failed to state a claim warranting relief on basis that statutory requirement, that state ballot board review an initiative proposal and subdivide it if it contained more than one amendment, impermissibly restricted right to initiative. When ballot board subdivided a petition, statute merely required the submission of new summaries to the attorney general, which modest imposition did not unduly restrict the right of initiative, given benefit voters enjoyed of being able to vote separately on the proposals.

Separate petitions requirement, of statute authorizing state ballot board to review an initiative proposal and subdivide it if it contained more than one amendment, was not content-based, and thus not presumptively unconstitutional. Requirement applied to all petitions, irrespective of the substantive message the petition sought to communicate.