

SUPREME COURT OF OHIO

Ohio Manufacturers' Association v. Ohioans for Drug Price Relief Act

Ohio Manufacturers' Assn. v. Ohioans for Drug Price Relief Act, 147 Ohio St. 3d 42 (2016) · No. 2016-0313 ·
Decided May 18, 2016

SUMMARY

The Supreme Court of Ohio denied respondents' motion for judgment on the pleadings in a challenge to petition signatures supporting the Ohio Drug Price Relief Act. The court held that Article II, Section 1g of the Ohio Constitution gives it original jurisdiction over the challenge and concluded that factual disputes precluded dismissal of claims concerning allegedly false circulator statements and unauthorized signature deletions.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Maureen O'Connor, Chief Justice; Terrence O'Donnell, Justice; Lundberg Stratton Lanzinger, Justice; Sharon L. Kennedy, Justice; Judith L. French, Justice; William M. O'Neill, Justice; William H. Pfeifer, Justice
JURISDICTION	Ohio
DECIDED	May 18, 2016
DOCKET	2016-0313
DISPOSITION	other
PROCEDURAL POSTURE	Original action challenging petition signatures under Article II, Section 1g of the Ohio Constitution. The respondents moved for judgment on the pleadings under Ohio Civ.R. 12(C), asserting lack of original jurisdiction and, alternatively, seeking partial judgment on two petition-defect claims.
STANDARD OF REVIEW	For a Civ.R. 12(C) motion, the court construes the material allegations in the complaint and reasonable inferences in favor of the nonmoving party as true. Judgment is proper only when it appears beyond doubt that the nonmoving party can prove no set of facts entitling it to relief.
PRECEDENTIAL VALUE	Published opinion; precedential authority of the Supreme Court of Ohio.

PARTIES

Ohio Manufacturers' Association, Ohio Chamber of Commerce, Pharmaceutical Research and Manufacturers of America, Keith A. Lake, Ryan R. Augsburger v. William S. Booth, Daniel L. Darland, Tracy L. Jones, Latonya D. Thurman, Jon Husted, Ohio Secretary of State

TOPICS

election law election administration subject matter jurisdiction motion for judgment on the pleadings constitutional law

PRACTICE AREAS

election law constitutional law civil procedure

QUESTIONS PRESENTED

1. Whether Article II, Section 1g of the Ohio Constitution grants the Supreme Court of Ohio original jurisdiction over a challenge to signatures on Section 1b proposal petitions submitted for legislative consideration.
2. Whether judgment on the pleadings was warranted on the claim that circulator statements overstated the number of signatures witnessed.
3. Whether judgment on the pleadings was warranted on the claim that contractors' unauthorized deletion of signatures required invalidation of entire part-petitions.

HOLDINGS

1. Article II, Section 1g of the Ohio Constitution grants the Supreme Court of Ohio original jurisdiction over the challenge to the Section 1b proposal petitions and signatures.
2. Judgment on the pleadings was improper because the allegation that circulators wrote a maximum signature number despite witnessing fewer signatures presented disputed factual questions concerning what signatures the circulators actually witnessed and whether the statements were false or fraudulent.
3. Judgment on the pleadings was improper because the court could not adopt a categorical rule that unauthorized signature deletions can never place the validity of an entire part-petition in question.

KEY QUOTATIONS

“The language of Section 1g is broad and unequivocal: it confers upon this court original exclusive jurisdiction to hear all petition-signature challenges.” (¶ 12)

“We also cannot at this point adopt a blanket rule, as urged by Booth, that a pattern of unauthorized deletions can never, under any circumstances, call into question the validity of an entire part-petition.” (¶ 24)

“For the reasons indicated above, we grant Husted’s motion for leave and we deny Booth’s motion for judgment on the pleadings.” (¶ 25)

FACTUAL BACKGROUND

The respondents submitted part-petitions supporting the proposed Ohio Drug Price Relief Act, and the Secretary of State certified that the submission satisfied the constitutional signature-count and geographic-distribution thresholds. The relators alleged four defects: circulators' use of nonresidential permanent addresses, unauthorized deletion of signatures by contractors, false circulator statements overstating the number of signatures witnessed, and circulation by five ineligible felons. The motion addressed the court's jurisdiction and whether alleged signature overcounts and unauthorized deletions could legally invalidate entire part-petitions.

PROCEDURAL HISTORY

The petition committee submitted part-petitions for the proposed Ohio Drug Price Relief Act to the Secretary of State, who certified that the petitions met the constitutional numerical and geographic signature thresholds. The Ohio Manufacturers' Association and other relators then filed an original petition-signature challenge in the Supreme Court of Ohio. The court denied the respondents' motion for judgment on the pleadings in its entirety, concluding that the jurisdictional issue and the challenged petition defects could not be resolved on the pleadings.

DISPOSITION

other

CASES CITED

- Rayess v. Educational Comm. for Foreign Med. Graduates, 134 Ohio St. 3d 509, 2012-Ohio-5676, 983 N.E.2d 1267, ¶ 18
- State ex rel. Spadafora v. Toledo City Council, 71 Ohio St. 3d 546, 549, 644 N.E.2d 393 (1994)
- State ex rel. Loss v. Lucas Cty. Bd. of Elections, 29 Ohio St. 2d 233, 234-235, 281 N.E.2d 186 (1972)
- State ex rel. Curtis v. Summit Cty. Bd. of Elections, 144 Ohio St. 3d 405, 2015-Ohio-3787, 44 N.E.3d 261, ¶ 8
- State ex rel. Schwarz v. Hamilton Cty. Bd. of Elections, 173 Ohio St. 321, 323, 181 N.E.2d 888 (1962)
- Rust v. Lucas Cty. Bd. of Elections, 108 Ohio St. 3d 139, 2005-Ohio-5795, 841 N.E.2d 766, ¶¶ 13-14
- State ex rel. Citizens for Responsible Taxation v. Scioto Cty. Bd. of Elections, 65 Ohio St. 3d 167, 602 N.E.2d 615 (1992)
- State ex rel. Ministerial Day Care Assn. v. Zelman, 100 Ohio St. 3d 347, 2003-Ohio-6447, 800 N.E.2d 21, ¶ 22

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