

# 2023 could be Ohio's slowest lawmaking year since 1955 (at least)

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COLUMBUS, Ohio – The Ohio General Assembly could be in for its least productive year, in terms of passing bills into law, since at least 1955, state records show.

Whether you look on a historical or modern basis, state lawmakers have managed a paltry rate of lawmaking at best. Over the odd-numbered years of the last three decades (during which lawmakers must pass complex, multibillion-dollar, two-year state budgets), lawmakers have passed an average of about 66 bills.

So far in 2023, they've passed 12.

Of legislation that passed this year, four are budget bills, which are mandated by the state constitution. [One](#) is a bill designating Nov. 19 as James Garfield Day. Another incorporates federal tax law changes into state law. A [third](#) reverses a state law they passed late last year regarding EMS training.

"Some people say the best thing the legislature can do is not pass any bills," said state Rep. Dan Troy, a Willowick Democrat who served in the House in the 1980s and 1990s before returning in 2021. "But I agree, we used to move a lot more legislation."

Contributing factors to the slowdown encompass elements of national and local politics. They include an increasingly bitter and divisive tenor in American politics; an Ohio House GOP leadership race that fractured the more rancorous lower chamber; and two statewide referendum elections, both focused to different degrees on women's rights to abortion, in which voters sharply deviated from the wishes of Ohio's Republican political power.

## **What the leaders say**

House Speaker Jason Stephens and Senate President Matt Huffman -- Republicans from Lawrence County and Lima, respectively -- offered little by way of explanation beyond the axiom that quantity doesn't equal quality. Both Stephens and ranking House Minority Leader Allison Russo, a Columbus-area Democrat, noted that oodles of individual bills were rolled into the state budget and signed into law.

But Republicans today [dominate the Statehouse](#). GOP Gov. Mike DeWine is in his second term as governor. Republicans control 67 of 99 House seats and 26 of 33 Senate seats, which Huffman has said is the most lopsided the high chamber has been since 1951.

There's still time left to avoid last place. Only the 17 bills passed in 2009 – when Democrats briefly seized control of the House and governor's office and split statehouse control with a Senate Republican majority – near 2023's malaise. The next closest year is 2019, when the two ranking Republicans [loathed one another](#), and one of them was later [convicted of racketeering](#) in part for stalling unrelated legislation as leverage to help pass a bill he was bribed to champion.

They just don't pass bills today like they used to, historical records show. In the 1990s, lawmakers passed more than 120 bills per year on average. In the 1970s, they'd pass 185 per year on average. In a special legislative session between November and December of 1964, lawmakers passed and enacted 37 bills – three times as many as 2023 thus far.

Lawmakers from both parties offered an array of explanations for the year's lack of production. Many revolve around Stephens' rise to power. He [lost a November 2022 vote within the House Republican caucus](#) to lead but then [clinched the job two months later](#) via a coalition of a minority of House Republicans and the entirety of the House Democrats. This split the Republican caucus, with a faction dedicated to his rival, state Rep. Derek Merrin of the Toledo area, who they've insisted is the [true leader of the House Republicans](#).

Since then, the Merrin loyalists have deployed tactics like using procedural rules to [plunge House sessions into parliamentary muck](#), or [suing Stephens seeking control of the House GOP's political bank account](#). They've accused Stephens of blocking legislation from the floor that has the votes to pass.

Merrin declined an interview request. In a text message, he said Stephens has focused on pushing a “liberal agenda” through the House. This, coupled with canceling voting sessions and “having no desire to bring unity to House Republicans” plows fertile ground for a do-nothing House, he stated. He declined to provide any specifics.

Merrin's allies shared similar comments, with state Rep. Scott Lipps, a Republican committee chairman from Franklin, lambasting Stephens' “failed leadership.”

A key power of the House Speaker is controlling the calendar – what comes up for a vote when. Under Stephens, floor sessions are regularly canceled, probably as a function of a divide within the caucus, according to state Rep. Brian Stewart, an Asheville Republican who backed Merrin.

“We have to be here for bills to pass,” he said. “And we have had, over the first nine months, a large number of sessions canceled. There doesn’t seem to be really a lot of rhyme and reason to when committees meet. And the way we pass bills hasn’t adapted to that.”

Stephens’ allies have been cagier. State Rep. Jay Edwards, an Athens County Republican who runs the powerful House Finance Committee, suggested it might be “friction” between the Stephens and Huffman that’s slowing things down. But he said also “maybe that’s not it at all.” State Rep. Jeff LaRe, a Violet Township Republican, noted that many fully vetted bills were incorporated into the budget and not passed on their own.

“Good question,” he said when asked why so much more legislation ends up in the budget these days.

While bill passage numbers are low, Russo said this is a poor metric to measure policy gains. She said this year’s budget included a laundry list of priorities for House Democrats. As examples, she listed a [\\$150 million state tax credit aimed at developing affordable housing](#), [increased spending on public schools](#), [Medicaid coverage for doula care](#), nixed [sales and use taxes on baby products](#), and others. That Democrats accomplished so much given the partisan breakdown is a feat, she said.

Budget bills are useful because they can be vehicles that carry other policies that have general approval but lack momentum. But as Russo conceded, they can also act as vessels to carry unpopular or divisive legislation that can’t stand up on its own. Passing them within a budget means people can’t evaluate their representatives’ vote independently.

“Where I have a huge problem with it, is where you get things snuck into the budget at the last minute that had absolutely no debate,” she said. “That’s where it becomes problematic.”

She scoffed at Merrin’s claim that Stephens is passing liberal bills. But she, like others, said there’s something of an open secret that Huffman, term-limited out from the Senate after next year, is running for the House and wants to take Stephens’ job, prompting some “jockeying” between the two.

## ‘Crazy stuff’

Most interviewed for this story, like Parma Democratic state Rep. Sean Brennan, said it’s not that there’s a lack of effort or work ethic. Troy said it’s a political paralysis, and that’s fine with him.

“We passed some crazy stuff last term,” he said. “I’m sure we passed a lot more pieces of legislation last time, but they were, you know, [guns in schools](#), [permitless concealed carry](#), we had a resolution [asking that Canada be put on a religious freedom watch list](#).”

One clear driver of the do-nothing year was the extraordinary amount of time and political attention given to legislative efforts during the first half of the year building up to lawmakers [voting in May to schedule an August election](#). Had voters approved in August, it would be much harder to place proposed constitutional amendments on the ballot, and those issues would need a 60% vote to pass instead of the current 50%. This was seen, and at times explicitly argued by proponents, to be an effort to undermine the Nov. 7 election to enshrine a right to abortion access in the state constitution. Voters rejected the August referendum in a 57% to 43% smackdown. The election itself [cost about \\$17.5 million](#). Voters last week approved a constitutional amendment creating a legal right to abortion access in Ohio on a similar margin.

“The GOP has been too busy trying to end majority rule and enacting a fatherhood guarantee for rapists,” said state Sen. Kent Smith, a Euclid Democrat, when asked about the slowdown.

After decades as an influential, conservative lawmaker, state Rep. Bill Seitz, a Cincinnati Republican, announced he will retire at the end of his term. In an email, he offered two possible theories on the slowdown. For one, he said there’s a lot more “armchair quarterbacking” in caucus – a tradition of deference to the committee that reviewed, considered, and passed bills seems to have “eroded.”

He said the legislature is starting to act more like Congress in terms of passing fewer bills and loading up budgets with unrelated policy goals.

“While budget bills have always been laden with significant policy initiatives, it used to be that people could still get more limited policy bills enacted on a stand alone basis,” he said.

Just two years ago, Kenton GOP state Rep. Jon Cross [nearly came to blows with Seitz](#) at a trendy Columbus restaurant. But in a recent interview, a seemingly more

subdued Cross offered a more structural explanation for the recent slowdown. He said Ohio's term limits of 8 years in a row in one chamber create a system where you have too many freshmen running around and not enough veterans who understand the nuances of policy and the finesse of politics. He singled out Seitz as a more seasoned and efficient lawmaker (as did Russo).

Cross also pointed to the national Republican Party's repeated troubles with picking a U.S. House speaker. California Republican Kevin McCarthy earned the job in January on the 15th vote in the wee hours of the night. He was ousted months later, the only time it has ever happened to a U.S. House speaker, which sparked another days-long impasse over his successor. It's just a fractious time to govern, Cross said.

Huffman, the Senate president, declined an interview request but through a spokesman said, "quality over quantity."

During a recent weekly meeting with reporters, Stephens denied any charge that lawmakers aren't getting much done. He said they passed a huge budget this summer that cut taxes and funded schools. And volume, he said, isn't quality.

Later, a reporter asked him what the House wants to accomplish next. He said the big bills remaining in committee are the more "complex" ones, like one that was up recently week [restricting "diversity, equity and inclusion" measures](#) and others from colleges in Ohio.

"We've had a few bills that are in committee this week. We will have committee next week. There's plenty of bills that are about ready," he said. "We actually have a lot of road-naming bills. Most of our bills below the dotted black line [awaiting floor passage] are road-naming bills, so we're going to get through some of those. But you know, we'll see what makes it out of committee this week."

*The data reflected in this story come from the annual digest of legislative enactments published by the Legislative Service Commission. They're published online back to 1997 and in the state library back to 1955.*