

LSC 130 2950-5

130th General Assembly
Regular Session
2013-2014

Sub. H. J. R. No. 12

JOINT RESOLUTION

Proposing to enact new Sections 1, 2, 3, 4, 5, 6, 7, 1
8, 9, 10, and 11 of Article XI and to repeal 2
Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 3
13, 14, and 15 of Article XI of the Constitution 4
of the State of Ohio to revise the redistricting 5
process for General Assembly districts. 6

Be it resolved by the General Assembly of the State of Ohio, 7
three-fifths of the members elected to each house concurring 8
herein, that there shall be submitted to the electors of the 9
state, in the manner prescribed by law at the general election to 10
be held on November 3, 2015, a proposal to enact new Sections 1, 11
2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 of Article XI of the 12
Constitution of the State of Ohio to read as follows: 13

ARTICLE XI 14

Section 1. (A) The Ohio redistricting commission shall be 15
responsible for the redistricting of this state for the general 16
assembly. The commission shall consist of the following seven 17
members: 18

(1) The governor; 19

(2) The auditor of state; 20

(3) The secretary of state; 21

(4) One person appointed by the speaker of the house of 22

representatives; 23

(5) One person appointed by the legislative leader of the 24
largest political party in the house of representatives of which 25
the speaker of the house of representatives is not a member; 26

(6) One person appointed by the president of the senate; and 27

(7) One person appointed by the legislative leader of the 28
largest political party in the senate of which the president of 29
the senate is not a member. 30

The legislative leaders in the senate and the house of 31
representatives of each of the two largest political parties 32
represented in the general assembly, acting jointly by political 33
party, shall appoint a member of the commission to serve as a 34
co-chairperson of the commission. 35

No appointed member of the commission shall be a current 36
member of congress. 37

(B)(1) Unless otherwise specified in this article, a simple 38
majority of the commission members shall be required for any 39
action by the commission. 40

(2) A majority vote of the members of the commission, 41
including at least one member of the commission who is a member of 42
each of the two largest political parties represented in the 43
general assembly, shall be required to do any of the following: 44

(a) Adopt rules of the commission; 45

(b) Hire staff for the commission; 46

(c) Expend funds. 47

(3) The affirmative vote of four members of the commission, 48
including at least two members of the commission who represent 49
each of the two largest political parties represented in the 50
general assembly shall be required to adopt any plan. For the 51
purpose of this division, a member of the commission shall be 52

considered to represent a political party if the member was 53
appointed to the commission by a member of that political party or 54
if, in the case of the governor, the auditor of state, or the 55
secretary of state, the member is a member of that political 56
party. 57

(C) At the first meeting of the commission, which the 58
governor shall convene only in a year ending in the numeral one, 59
except as provided in Sections 9 and 10 of this article, the 60
members shall set a schedule for the adoption of procedural rules 61
for the operation of the commission. 62

The commission shall release to the public a proposed plan 63
for the boundaries for each of the ninety-nine house of 64
representatives districts and the thirty-three senate districts. 65
The commission shall draft the proposed plan in the manner 66
prescribed in this article. Before adopting, but after 67
introducing, a general assembly district plan, the commission 68
shall conduct a minimum of three public hearings across the state 69
to present the plan and shall seek public input regarding the 70
proposed plan. All meetings of the commission shall be open to the 71
public. Meetings shall be broadcast by electronic means of 72
transmission using a medium readily accessible by the general 73
public. 74

The commission shall adopt final plans not later than the 75
first day of September of a year ending in the numeral one. After 76
the commission adopts a plan, the commission shall file the plan 77
with the secretary of state. Upon filing with the secretary of 78
state, the plan shall become effective. 79

Not more than six weeks after the adoption of a general 80
assembly plan, the co-chairpersons of the commission shall jointly 81
dissolve the commission. 82

(D) The general assembly shall be responsible for making the 83

appropriations it determines necessary in order for the commission 84
to perform its duties under this article. 85

Section 2. Each house of representatives district shall be 86
entitled to a single representative in each general assembly. Each 87
senate district shall be entitled to a single senator in each 88
general assembly. 89

Section 3. (A) The whole population of the state, as 90
determined by the federal decennial census or, if such is 91
unavailable, such other basis as the general assembly may direct, 92
shall be divided by the number "ninety-nine" and by the number 93
"thirty-three" and the quotients shall be the ratio of 94
representation in the house of representatives and in the senate, 95
respectively, for ten years next succeeding such redistricting. 96

(B) The population of each house of representatives district 97
shall be substantially equal to the ratio of representation in the 98
house of representatives, and the population of each senate 99
district shall be substantially equal to the ratio of 100
representation in the senate, as provided in division (A) of this 101
section. In no event shall any district contain a population of 102
less than ninety-five per cent nor more than one hundred five per 103
cent of the applicable ratio of representation. 104

Section 4. (A)(1) Any plan adopted by the commission shall 106
comply with all applicable provisions of the constitutions of Ohio 107
and the United States and of federal law, including, but not 108
limited to, those provisions dealing specifically with the 109
protection of minority voting rights. 110

(2) Every general assembly district shall be compact and 111
composed of contiguous territory, and the boundary of each 112
district shall be a single nonintersecting continuous line. 113

(B)(1) House of representatives districts shall be created 114
and numbered in the following order of priority, to the extent 115

that such order is consistent with the foregoing standards: 116

(a) Proceeding in succession from the largest to the 117
smallest, each county containing population greater than one 118
hundred five per cent of the ratio of representation in the house 119
of representatives, as provided in Section 3 of this article, 120
shall be divided into as many house of representatives districts 121
as it has whole ratios of representation. Any fraction of the 122
population in excess of a whole ratio shall be a part of only one 123
adjoining house of representatives district. 124

(b) Each county containing population substantially equal to 125
one ratio of representation in the house of representatives, as 126
provided in Section 3 of this article, but in no event less than 127
ninety-five per cent of the ratio nor more than one hundred five 128
per cent of the ratio, shall be designated a representative 129
district. 130

(c) Representative districts shall be drawn so as to split 131
the smallest possible number of municipal corporations and 132
townships whose contiguous portions contain a population of more 133
than fifty per cent, but less than one hundred per cent, of one 134
ratio of representation. 135

(d) The remaining territory of the state shall be divided 136
into representative districts by combining the areas of whole 137
municipal corporations and townships. 138

(e) Where the requirements of division (B)(1) of this section 139
and Section 3 of this article cannot feasibly be attained by 140
forming a representative district from whole municipal 141
corporations and townships, not more than one municipal 142
corporation or township may be split per representative district. 143

(2) If the commission must violate a standard listed in 144
division (B)(1) of this section in order to draw a house of 145
representatives district map, the commission shall violate the 146

standard having the lowest possible priority, as listed in that 147
division. If the commission violates a standard listed in that 148
division, the commission shall include in the district plan a 149
statement explaining which standard was violated and the reason 150
the standard was violated. 151

(C)(1) Except as otherwise provided in division (C)(2) of 152
this section, a county, municipal corporation, or township is 153
considered to be split if any contiguous portion of its territory 154
is not contained entirely within one district. 155

(2) Dividing, along a county line, a municipal corporation or 156
township that has territory in more than one county shall not be 157
considered splitting the municipal corporation or township. 158

Section 5. The Ohio redistricting commission shall attempt to 159
draw a general assembly district plan that meets both of the 160
following standards: 161

(A) No district plan shall be drawn primarily to favor or 162
disfavor a political party. 163

(B) The statewide proportion of districts whose voters, based 164
on recent statewide state and federal election results, favor each 165
political party shall correspond closely to the statewide 166
preferences of the voters of Ohio. 167

Section 6. Senate districts shall be composed of three 168
contiguous house of representatives districts. A county having at 169
least one whole senate ratio of representation shall have as many 170
senate districts wholly within the boundaries of the county as it 171
has whole senate ratios of representation. Any fraction of the 172
population in excess of a whole ratio shall be a part of only one 173
adjoining senate district. Counties having less than one senate 174
ratio of representation, but at least one house of representatives 175
ratio of representation shall be part of only one senate district. 176

The number of whole ratios of representation for a county 177

shall be determined by dividing the population of the county by 178
the ratio of representation in the senate determined under Section 179
3 of this article. 180

Senate districts shall be numbered from one through 181
thirty-three and as provided in Section 8 of this article. 182

Section 7. Notwithstanding the fact that boundaries of 183
counties, municipal corporations, and townships within a district 184
may be changed, district boundaries shall be created by using the 185
boundaries of counties, municipal corporations, and townships as 186
they exist at the time of the federal decennial census on which 187
the redistricting is based, or, if unavailable, on such other 188
basis as the general assembly has directed. 189

Section 8. At any time the boundaries of senate districts are 190
changed in any plan of redistricting made pursuant to any 191
provision of this article, a senator whose term will not expire 192
within two years of the time the plan of redistricting is made 193
shall represent, for the remainder of the term for which the 194
senator was elected, the senate district which contains the 195
largest portion of the population of the district from which the 196
senator was elected, and the district shall be given the number of 197
the district from which the senator was elected. If more than one 198
senator whose term will not so expire would represent the same 199
district by following the provisions of this section, the district 200
plan shall designate which senator shall represent the district 201
and shall designate which district the other senator or senators 202
shall represent for the balance of their term or terms. 203

Section 9. (A)(1) If the Ohio redistricting commission fails 204
to adopt a final general assembly district plan not later than the 205
first day of September of a year ending in the numeral one, in 206
accordance with Section 1 of this article, the commission shall 207
introduce a general assembly district plan by a simple majority 208
vote of the commission. 209

(2) After introducing a general assembly district plan under 210
division (A)(1) of this section, the commission shall hold a 211
public hearing concerning the introduced plan, at which the public 212
may offer testimony and at which the commission may adopt 213
amendments to the introduced plan. All members of the commission 214
shall be required to attend the hearing. A quorum of the members 215
of the commission is required to conduct the hearing. 216

(3) After the hearing described in division (A)(2) of this 217
section is held, and not later than the fifteenth day of September 218
of a year ending in the numeral one, the commission shall adopt a 219
final general assembly district plan, either by the vote required 220
to adopt a plan under division (B) of Section 1 of this article or 221
by a simple majority vote of the commission. 222

(B) If the commission adopts a final general assembly 223
district plan in accordance with division (A)(3) of this section 224
by the vote required to adopt a plan under division (B) of Section 225
1 of this article, the plan shall take effect upon filing with the 226
secretary of state and shall remain effective until the next year 227
ending in the numeral one, except as provided in Section 10 of 228
this article. 229

(C)(1) If the commission adopts a final general assembly 230
district plan in accordance with division (A)(3) of this section 231
by a simple majority vote of the commission, the plan shall take 232
effect upon filing with the secretary of state and shall remain 233
effective until two general elections for the house of 234
representatives have occurred under the plan or until a year 235
ending in the numeral one, whichever is earlier. 236

(2) A final general assembly district plan adopted in 237
accordance with division (A)(3) of this section by a simple 238
majority vote of the commission shall include a statement 239
explaining what the commission determined to be the statewide 240
preferences of the voters of Ohio and the manner in which the 241

statewide proportion of districts in the plan whose voters, based 242
on recent election results, favor each political party corresponds 243
closely to those preferences, as described in division (B) of 244
Section 5 of this article. At the time the plan is adopted, a 245
member of the commission who does not vote in favor of the plan 246
may submit a declaration of the member's opinion concerning the 247
statement included with the plan. 248

(D) After a plan adopted under division (C) of this section 249
ceases to be effective, and not earlier than the first day of July 250
of the year following the year in which the plan ceased to be 251
effective, the commission shall be reconstituted as provided in 252
Section 1 of this article, convene, and adopt a new general 253
assembly district plan in accordance with this article, to be used 254
until the next time for redistricting under this article. The 255
commission shall draw the new plan using the same population and 256
county, municipal corporation, and township boundary data as were 257
used to draw the plan adopted under division (C) of this section. 258

Section 10. (A) The supreme court of Ohio shall have 259
exclusive, original jurisdiction in all cases arising under this 260
article. 261

(B) In the event that any section of this constitution 262
relating to redistricting or any plan of redistricting made by the 263
Ohio redistricting commission is determined to be invalid by an 264
unappealed final order of a court of competent jurisdiction then, 265
notwithstanding any other provisions of this constitution, the 266
commission shall be reconstituted as provided in Section 1 of this 267
article, convene, and ascertain and determine a plan of 268
redistricting in conformity with such provisions of this 269
constitution as are then valid, including establishing terms of 270
office and election of members of the general assembly from 271
districts designated in the plan, to be used until the next 272
regular redistricting in conformity with such provisions of this 273

constitution as are then valid. 274

(C) Notwithstanding any provision of this constitution or any 275
law regarding the residence of senators and representatives, a 276
plan of redistricting made pursuant to this section shall allow 277
thirty days for persons to change residence in order to be 278
eligible for election. 279

(D)(1) No court shall order, in any circumstance, the 280
implementation or enforcement of any plan that has not been 281
approved by the commission in the manner prescribed by this 282
article. 283

(2) If the supreme court of Ohio determines that a general 284
assembly district plan adopted by the commission does not comply 285
with the standards set forth in this article, the available 286
remedies shall be as follows: 287

(a) If the court finds that the district plan violates the 288
requirements of Section 2, 3, 6, 7, or 8 or division (A)(2), (B), 289
or (C) of Section 4 of this article, the court shall order the 290
commission to correct the violation. 291

(b) If, in considering a district plan adopted under division 292
(C) of Section 9 of this article, the court determines that both 293
of the following are true, the court shall order the commission to 294
adopt a new general assembly district plan in accordance with this 295
article: 296

(i) The plan significantly violates the requirements of 297
Section 2, 3, 6, 7, or 8 or division (A)(2), (B)(1)(a), (B)(1)(b), 298
(B)(1)(c), (B)(1)(e), (B)(2), or (C) of Section 4 of this article 299
in a manner that materially affects the ability of the plan to 300
contain districts whose voters favor political parties in an 301
overall proportion that corresponds closely to the statewide 302
political party preferences of the voters of Ohio, as described in 303
division (B) of Section 5 of this article. 304

(ii) The statewide proportion of districts in the plan whose voters, based on recent statewide state and federal election results, favor each political party does not correspond closely to the statewide preferences of the voters of Ohio. 305
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Section 11. The various provisions of this article are intended to be severable, and the invalidity of one or more of such provisions shall not affect the validity of the remaining provisions. 309
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EFFECTIVE DATE AND REPEAL 313

If adopted by a majority of the electors voting on this proposal, new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 of Article XI take effect January 1, 2021, and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of Article XI of the Constitution of the State of Ohio are repealed from that effective date. 314
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