

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 644

Representative Clyde

**Cosponsors: Representatives Boggs, Patterson, Ramos, Antonio, Kelly, Brown,
West**

A BILL

To amend sections 101.30 and 103.51 and to enact 1
sections 103.52 and 103.53 of the Revised Code 2
to specify public records, public meetings, and 3
other requirements with which the Ohio 4
Redistricting Commission, the General Assembly, 5
and the Legislative Task Force on Redistricting 6
and Demographic Research must comply during the 7
redistricting process. 8

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 101.30 and 103.51 be amended and 9
sections 103.52 and 103.53 of the Revised Code be enacted to 10
read as follows: 11

Sec. 101.30. (A) As used in this section: 12

(1) "Legislative document" includes, but is not limited 13
to, all of the following: 14

(a) A working paper, work product, correspondence, 15
preliminary draft, note, proposed bill or resolution, proposed 16
amendment to a bill or resolution, analysis, opinion, 17

memorandum, or other document in whatever form or format 18
prepared by legislative staff for a member of the general 19
assembly or for general assembly staff; 20

(b) Any document or material in whatever form or format 21
provided by a member of the general assembly or general assembly 22
staff to legislative staff that requests, or that provides 23
information or materials to assist in, the preparation of any of 24
the items described in division (A) (1) (a) of this section; 25

(c) Any summary of a bill or resolution or of an amendment 26
to a bill or resolution in whatever form or format that is 27
prepared by or in the possession of a member of the general 28
assembly or general assembly staff, if the summary is prepared 29
before the bill, resolution, or amendment is filed for 30
introduction or presented at a committee hearing or floor 31
session, as applicable. 32

(2) "Legislative staff" means the staff of the legislative 33
service commission, ~~legislative budget office of the legislative~~ 34
~~service commission,~~ or any other legislative agency included in 35
the legislative service commission budget group. 36

(3) "General assembly staff" means an officer or employee 37
of either house of the general assembly who acts on behalf of a 38
member of the general assembly or on behalf of a committee or 39
either house of the general assembly. 40

(B) Legislative staff shall maintain a confidential 41
relationship with each member of the general assembly, and with 42
each member of the general assembly staff, with respect to 43
communications between the member of the general assembly or 44
general assembly staff and legislative staff. Except as 45
otherwise provided in this division and division (C) of this 46

section and in sections 103.51, 103.52, and 103.53 of the 47
Revised Code, a legislative document arising out of this 48
confidential relationship is not a public record for purposes of 49
section 149.43 of the Revised Code. When it is in the public 50
interest and with the consent of the commission, the director of 51
the commission may release to the public any legislative 52
document in the possession of the commission staff arising out 53
of a confidential relationship with a former member of the 54
general assembly or former member of the general assembly staff 55
who is not available to make the legislative document a public 56
record as provided in division (C) of this section because of 57
death or disability, whom the director is unable to contact for 58
that purpose, or who fails to respond to the director after the 59
director has made a reasonable number of attempts to make such 60
contact. 61

(C) (1) A legislative document is a public record for 62
purposes of section 149.43 of the Revised Code if it is an 63
analysis, synopsis, fiscal note, or local impact statement 64
prepared by legislative staff that is required to be prepared by 65
law, or by a rule of either house of the general assembly, for 66
the benefit of the members of either or both of those houses or 67
any legislative committee and if it has been presented to those 68
members. 69

(2) A legislative document is a public record for purposes 70
of section 149.43 of the Revised Code if a member of the general 71
assembly for whom legislative staff prepared the legislative 72
document does any of the following: 73

(a) Files it for introduction with the clerk of the senate 74
or the clerk of the house of representatives, if it is a bill or 75
resolution; 76

(b) Presents it at a committee hearing or floor session, 77
if it is an amendment to a bill or resolution or is a substitute 78
bill or resolution; 79

(c) Releases it, or authorizes general assembly staff or 80
legislative staff to release it, to the public. 81

Sec. 103.51. (A) There is hereby created the legislative 82
task force on redistricting, ~~reapportionment~~, and demographic 83
research, consisting of six members. The president of the senate 84
shall appoint three members, not more than two of whom shall be 85
members of the same political party. One member appointed by the 86
president shall not be a member of the general assembly. The 87
speaker of the house of representatives shall appoint three 88
members, not more than two of whom shall be members of the same 89
political party. One member appointed by the speaker shall not 90
be a member of the general assembly. 91

Appointments to the task force shall be made within 92
fifteen days after the commencement of the first regular session 93
of each general assembly in the manner prescribed in this 94
division. A vacancy on the task force shall be filled for the 95
unexpired term in the same manner as the original appointment. 96
Members of the task force shall serve on the task force until 97
the appointments are made in the first regular session of the 98
following general assembly or, in the case of task force members 99
who also are general assembly members when appointed, until they 100
are no longer general assembly members. 101

The president of the senate shall appoint a member of the 102
task force, and the speaker of the house of representatives 103
shall appoint a member of the task force, to serve as ~~co-~~ 104
chairmen co-chairpersons of the task force. The ~~co-chairmen~~ co- 105
chairpersons shall be members of different political parties. 106

The ~~co-chairmen~~ co-chairpersons may enter into any agreements on 107
behalf of the task force and perform any acts that may be 108
necessary or proper for the task force to carry out its powers 109
and duties under this section. 110

(B) The members of the task force shall serve without 111
compensation, but shall be reimbursed for their actual and 112
necessary expenses incurred in the performance of their official 113
duties. 114

(C) The task force shall do all of the following: 115

(1) Provide such assistance to the general assembly and 116
its committees as requested in order to help the general 117
assembly fulfill its duty to establish districts for the 118
election of representatives to congress; 119

(2) Provide such assistance to the ~~apportionment board~~ 120
Ohio redistricting commission as requested in order to help it 121
fulfill its ~~duty to provide for the apportionment of this state~~ 122
~~for members of duties under the general assembly Ohio~~ 123
Constitution. As used in this section, "~~apportionment board~~" 124
"Ohio redistricting commission" means the ~~persons designated~~ 125
commission described in Section 1 of Article XI, Ohio 126
Constitution, ~~as being responsible for that apportionment.~~ 127

(3) Engage in such research studies and other activities 128
as the task force considers necessary or appropriate in the 129
preparation and formulation of a plan for the next ~~apportionment~~ 130
redistricting of the state for ~~members of the~~ general assembly 131
and ~~a plan for the next establishment of districts for the~~ 132
~~election of representatives to congress~~ and in the utilization 133
of census and other demographic and statistical data for policy 134
analysis, program development, and program evaluation purposes 135

for the benefit of the general assembly.	136
(D) Notwithstanding any provision of law to the contrary,	137
the task force may do all of the following:	138
(1) Hire such employees and engage such experts and	139
technical advisors and fix their compensation, and obtain such	140
services, as are necessary for the task force to exercise its	141
duties under this section;	142
(2) Authorize the providing of such services and the	143
furnishing of such data by the task force to any state agency or	144
political subdivision of this state as the task force may	145
specify, on such terms and conditions as the task force may	146
specify, including the amount of the payment for providing the	147
services and furnishing the data;	148
(3) Conduct meetings and hearings both within and outside	149
this state and otherwise exercise all of the powers of a	150
standing or select committee of the general assembly;	151
(4) Request and receive from any state agency or political	152
subdivision of this state such assistance and data as will	153
enable the task force to exercise its powers and duties under	154
this section.	155
<u>(E) (1) Notwithstanding any contrary provision of section</u>	156
<u>121.22 of the Revised Code, the co-chairpersons of the task</u>	157
<u>force shall provide the public with at least seventy-two hours</u>	158
<u>of advance notice of the time and location of any meeting</u>	159
<u>concerning the duties of the task force, shall make that meeting</u>	160
<u>open to the public, and shall hold that meeting in a government</u>	161
<u>building or office. As used in this division, "meeting" means</u>	162
<u>any prearranged discussion at which any member of the task force</u>	163
<u>or the member's employee or agent is present.</u>	164

(2) Notwithstanding any contrary provision of section 165
101.30 of the Revised Code, all records related to the work of 166
the task force kept by any member of the task force or the 167
member's employee or agent, including any contractor or 168
consultant directly or indirectly retained by any member of the 169
General Assembly, any task force member, or the Ohio 170
redistricting commission, or by any other public office are 171
public records within the meaning of section 149.43 of the 172
Revised Code. 173

(3) The attorney general or any citizen of this state may 174
commence a mandamus action to obtain a judgment that orders a 175
member of the task force or any other public official, employee, 176
or agent to comply with the requirements of division (E)(1) or 177
(2) of this section. The court shall hear the action on an 178
expedited basis unless the court determines that the action is 179
frivolous or is brought for the purpose of delay. 180

Sec. 103.52. (A) During the period beginning on the day 181
the governor convenes the Ohio redistricting commission and 182
ending on the day the commission is dissolved, the chairpersons 183
of the commission shall do all of the following: 184

(1) Hold a public hearing or briefing concerning the 185
status of the commission's work at least once each week. 186

(2) Issue a written progress report to the public at least 187
once each week concerning the status of the commission's work. 188
The report shall be signed by both of the chairpersons and shall 189
include copies of all draft redistricting plans that have been 190
shared between two or more members of the commission or their 191
employees or agents during the period covered by the report. 192

(3) Develop and maintain a process by which the commission 193

receives and considers, in real time, comments submitted by 194
members of the public concerning any draft redistricting plan. 195

(B) Notwithstanding any contrary provision of section 196
121.22 of the Revised Code, the chairpersons of the commission 197
shall provide the public with at least seventy-two hours of 198
advance notice of the time and location of any meeting 199
concerning redistricting, shall make that meeting open to the 200
public, and shall hold that meeting in a government building or 201
office. As used in this division, "meeting" means any 202
prearranged discussion at which any member of the commission or 203
the member's employee or agent is present. 204

(C) Notwithstanding any contrary provision of section 205
101.30 of the Revised Code, all records related to redistricting 206
kept by any member of the commission or the member's employee or 207
agent or by any other public office are public records within 208
the meaning of section 149.43 of the Revised Code. 209

(D) The attorney general or any citizen of this state may 210
commence a mandamus action to obtain a judgment that orders a 211
member of the commission or any other public official or 212
employee to comply with the requirements of this section. The 213
court shall hear the action on an expedited basis unless the 214
court determines that the action is frivolous or is brought for 215
the purpose of delay. 216

Sec. 103.53. (A) During any period in which any two or 217
more members of the general assembly or their employees or 218
agents deliberate upon proposed changes to the boundaries of the 219
congressional districts of this state and the necessary census 220
and political subdivision boundary data are available for the 221
members of the general assembly to use for that purpose, the 222
speaker and minority leader of the house of representatives and 223

the president and minority leader of the senate shall do all of 224
the following: 225

(1) Hold a public hearing or briefing concerning the 226
status of the general assembly's work on congressional 227
redistricting at least once each week. 228

(2) Issue a written progress report to the public at least 229
once each week concerning the status of the general assembly's 230
work on congressional redistricting. The report shall be signed 231
by the speaker and minority leader of the house of 232
representatives and by the president and minority leader of the 233
senate and shall include copies of all draft redistricting plans 234
that have been shared between two or more members of the general 235
assembly or their employees or agents during the period covered 236
by the report. 237

(3) Develop and maintain a process by which the members of 238
the general assembly receive and consider, in real time, 239
comments submitted by members of the public concerning any draft 240
congressional redistricting plan. 241

(B) Notwithstanding any contrary provision of section 242
121.22 of the Revised Code, the public shall be provided with at 243
least seventy-two hours of advance notice of the time and 244
location of any meeting concerning congressional redistricting, 245
and that meeting shall be open to the public and held in a 246
government building or office. As used in this division, 247
"meeting" means any prearranged discussion at which any member 248
of the general assembly or the member's employee or agent is 249
present. 250

(C) Notwithstanding any contrary provision of section 251
101.30 of the Revised Code, all records related to congressional 252

redistricting kept by any member of the general assembly, the 253
member's employee or agent, or any other public office are 254
public records within the meaning of section 149.43 of the 255
Revised Code. 256

(D) The attorney general or any citizen of this state may 257
commence a mandamus action to obtain a judgment that orders a 258
member of the general assembly or any other public official or 259
employee to comply with the requirements of this section. The 260
court shall hear the action on an expedited basis unless the 261
court determines that the action is frivolous or is brought for 262
the purpose of delay. 263

Section 2. That existing sections 101.30 and 103.51 of the 264
Revised Code are hereby repealed. 265