

**As Introduced**

**131st General Assembly  
Regular Session  
2015-2016**

**H. J. R. No. 2**

**Representatives Clyde, Curtin**

**Cosponsors: Representatives Antonio, Smith, K., Stinziano, Leland, Driehaus,  
Bishoff, Johnson, G., Celebrezze, Ashford, Fedor, Lepore-Hagan, Sheehy**

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**AJOINT RESOLUTION**

Proposing to enact Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 1  
of Article XIX of the Constitution of the State of 2  
Ohio to revise the redistricting process for 3  
congressional districts. 4

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

**ARTICLE XIX** 12

**Section 1. (A) The Ohio redistricting commission shall be** 13  
**responsible for the redistricting of this state for congress.** 14  
**The commission shall consist of the following seven members:** 15

**(1) The governor;** 16

<u>(2) The auditor of state;</u>	17
<u>(3) The secretary of state;</u>	18
<u>(4) One person appointed by the speaker of the house of representatives;</u>	19 20
<u>(5) One person appointed by the legislative leader of the largest political party in the house of representatives of which the speaker of the house of representatives is not a member;</u>	21 22 23
<u>(6) One person appointed by the president of the senate;</u> <u>and</u>	24 25
<u>(7) One person appointed by the legislative leader of the largest political party in the senate of which the president of the senate is not a member.</u>	26 27 28
<u>The legislative leaders in the senate and the house of representatives of each of the two largest political parties represented in the general assembly, acting jointly by political party, shall appoint a member of the commission to serve as a co-chairperson of the commission.</u>	29 30 31 32 33
<u>(B) (1) Unless otherwise specified in this article, a simple majority of the commission members shall be required for any action by the commission.</u>	34 35 36
<u>(2) (a) Except as otherwise provided in division (B) (2) (b) of this section, a majority vote of the members of the commission, including at least one member of the commission who is a member of each of the two largest political parties represented in the general assembly, shall be required to do any of the following:</u>	37 38 39 40 41 42
<u>(i) Adopt rules of the commission;</u>	43
<u>(ii) Hire staff for the commission;</u>	44

(iii) Expend funds. 45

(b) If the commission is unable to agree, by the vote 46  
required under division (B) (2) (a) of this section, on the manner 47  
in which funds should be expended, each co-chairperson of the 48  
commission shall have the authority to expend one-half of the 49  
funds that have been appropriated to the commission. 50

(3) The affirmative vote of four members of the 51  
commission, including at least two members of the commission who 52  
represent each of the two largest political parties represented 53  
in the general assembly, shall be required to adopt any 54  
congressional district plan. For the purpose of this division, a 55  
member of the commission shall be considered to represent a 56  
political party if the member was appointed to the commission by 57  
a member of that political party or if, in the case of the 58  
governor, the auditor of state, or the secretary of state, the 59  
member is a member of that political party. 60

(C) At the first meeting of the commission, which the 61  
governor shall convene only in a year ending in the numeral one, 62  
except as provided in Sections 6 and 7 of this article, the 63  
commission shall set a schedule for the adoption of procedural 64  
rules for the operation of the commission. 65

The commission shall release to the public a proposed 66  
congressional district plan for the boundaries for the 67  
prescribed number of congressional districts as apportioned to 68  
the state pursuant to Section 2 of Article I of the Constitution 69  
of the United States. The commission shall draft the proposed 70  
plan in the manner prescribed in this article. Before adopting, 71  
but after introducing, a proposed plan, the commission shall 72  
conduct a minimum of three public hearings across the state to 73  
present the proposed plan and shall seek public input regarding 74

the proposed plan. All meetings of the commission shall be open 75  
to the public. Meetings shall be broadcast by electronic means 76  
of transmission using a medium readily accessible by the general 77  
public. 78

The commission shall adopt a final congressional district 79  
plan not later than the first day of September of a year ending 80  
in the numeral one. After the commission adopts a final plan, 81  
the commission shall promptly file the plan with the secretary 82  
of state. Upon filing with the secretary of state, the plan 83  
shall become effective. 84

Four weeks after the adoption of a congressional district 85  
plan, the commission shall be automatically dissolved. 86

(D) The general assembly shall be responsible for making 87  
the appropriations it determines necessary in order for the 88  
commission to perform its duties under this article. 89

**Section 2.** Each congressional district shall be entitled 90  
to a single representative in the United States house of 91  
representatives in each congress. 92

**Section 3.** (A) The whole population of the state, as 93  
determined by the federal decennial census or, if such is 94  
unavailable, such other basis as the general assembly may 95  
direct, shall be divided by the number of congressional 96  
districts apportioned to the state pursuant to Section 2 of 97  
Article I of the Constitution of the United States, and the 98  
quotient shall be the congressional ratio of representation for 99  
ten years next succeeding such redistricting. 100

(B) A congressional district plan shall comply with all of 101  
the requirements of division (B) of this section. 102

(1) The population of each congressional district shall be 103

as equal to the congressional ratio of representation as practicable. 104  
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(2) Any congressional district plan adopted by the commission shall comply with all applicable provisions of the constitutions of Ohio and the United States and of federal law. 106  
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(3) Every congressional district shall be composed of contiguous territory, and the boundary of each district shall be a single nonintersecting continuous line. 109  
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(C) Congressional districts shall be created and numbered in the following order of priority, to the extent that such order is consistent with the foregoing standards: 112  
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(1) Proceeding in succession from the largest to the smallest, each county containing population greater than one congressional ratio of representation shall be divided into as many congressional districts as it has whole ratios of representation. Any fraction of the population in excess of a whole ratio shall be a part of only one adjoining congressional district. 115  
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(2) Each county containing population equal to the congressional ratio of representation shall be designated a congressional district. 122  
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(3) The remaining territory of the state shall be divided into congressional districts by combining the areas of counties, municipal corporations, and townships. Where feasible, no county shall be split more than once. 125  
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(D)(1) A county, municipal corporation, or township is considered to be split if any contiguous portion of its territory is not contained entirely within one district. 129  
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(2) Where the requirements of divisions (B) and (C) of this section cannot feasibly be attained by forming a congressional district from whole municipal corporations and townships, the district shall be formed by splitting not more than one municipal corporation or township. If the commission must choose between multiple municipal corporations or townships for the purpose of splitting a municipal corporation or township under this division, the municipal corporation or township with the smallest population shall be split. 132  
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(E) (1) If it is not possible for the commission to comply with all of the requirements of divisions (B), (C), and (D) of this section in drawing a particular congressional district, the commission shall take the first action listed below that makes it possible for the commission to draw that district: 141  
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(a) Notwithstanding division (D) (2) of this section, the commission shall create the district by splitting two municipal corporations or townships. If the commission must choose between more than two municipal corporations or townships for the purpose of splitting municipal corporations and townships under this division, the municipal corporations or townships shall be split in order of population, proceeding from the smallest to the largest. 146  
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(b) Notwithstanding division (C) (2) of this section, the commission shall create the district by splitting, once, a single county that contains a population equal to the congressional ratio of representation. 154  
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(c) Notwithstanding division (C) (1) of this section, the commission shall create the district by including in two districts portions of the territory that remain after a county that contains a population of more than one congressional ratio 158  
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of representation has been divided into as many congressional 162  
districts as it has whole ratios of representation. 163

(2) If the commission takes an action under division (E) 164  
(1) of this section, the commission shall include in the 165  
congressional district plan a statement explaining which action 166  
the commission took under that division and the reason the 167  
commission took that action. 168

(3) If the commission complies with divisions (E) (1) and 169  
(2) of this section in drawing a district, the commission shall 170  
not be considered to have violated division (C) (1), (C) (2), or 171  
(D) (2) of this section, as applicable, in drawing that district, 172  
for the purpose of an analysis under division (D) of Section 7 173  
of this article. 174

**Section 4.** The Ohio redistricting commission shall attempt 175  
to draw a congressional district plan that meets all of the 176  
following standards: 177

(A) No congressional district plan shall be drawn 178  
primarily to favor or disfavor a political party. 179

(B) The statewide proportion of districts whose voters, 180  
based on statewide state and federal partisan general election 181  
results during the last ten years, favor each political party 182  
shall correspond closely to the statewide preferences of the 183  
voters of Ohio. 184

(C) Congressional districts shall be compact. 185

Nothing in this section permits the commission to violate 186  
the district standards described in Section 2, 3, or 5 of this 187  
article. 188

**Section 5.** Notwithstanding the fact that boundaries of 189

counties, municipal corporations, and townships within a 190  
district may be changed, district boundaries shall be created by 191  
using the boundaries of counties, municipal corporations, and 192  
townships as they exist at the time of the federal decennial 193  
census on which the redistricting is based, or, if unavailable, 194  
on such other basis as the general assembly has directed. 195

**Section 6.** (A) (1) If the Ohio redistricting commission 196  
fails to adopt a final congressional district plan not later 197  
than the first day of September of a year ending in the numeral 198  
one, in accordance with Section 1 of this article, the 199  
commission shall introduce a proposed congressional district 200  
plan by a simple majority vote of the commission. 201

(2) After introducing a proposed congressional district 202  
plan under division (A) (1) of this section, the commission shall 203  
hold a public hearing concerning the proposed plan, at which the 204  
public may offer testimony and at which the commission may adopt 205  
amendments to the proposed plan. Members of the commission 206  
should attend the hearing; however, only a quorum of the members 207  
of the commission is required to conduct the hearing. 208

(3) After the hearing described in division (A) (2) of this 209  
section is held, and not later than the fifteenth day of 210  
September of a year ending in the numeral one, the commission 211  
shall adopt a final congressional district plan, either by the 212  
vote required to adopt a plan under division (B) (3) of Section 1 213  
of this article or by a simple majority vote of the commission. 214

(B) If the commission adopts a final congressional 215  
district plan in accordance with division (A) (3) of this section 216  
by the vote required to adopt a plan under division (B) (3) of 217  
Section 1 of this article, the plan shall take effect upon 218  
filing with the secretary of state and shall remain effective 219

until the next year ending in the numeral one, except as 220  
provided in Section 7 of this article. 221

(C) (1) (a) Except as otherwise provided in division (C) (1) 222  
(b) of this section, if the commission adopts a final 223  
congressional district plan in accordance with division (A) (3) 224  
of this section by a simple majority vote of the commission, and 225  
not by the vote required to adopt a plan under division (B) (3) 226  
of Section 1 of this article, the plan shall take effect upon 227  
filing with the secretary of state and shall remain effective 228  
until two general elections for the United States house of 229  
representatives have occurred under the plan. 230

(b) If the commission adopts a final congressional 231  
district plan in accordance with division (A) (3) of this section 232  
by a simple majority vote of the commission, and not by the vote 233  
required to adopt a plan under division (B) of Section 1 of this 234  
article, and that plan is adopted to replace a plan that ceased 235  
to be effective under division (C) (1) (a) of this section before 236  
a year ending in the numeral one, the plan adopted under this 237  
division shall take effect upon filing with the secretary of 238  
state and shall remain effective until a year ending in the 239  
numeral one, except as provided in Section 7 of this article. 240

(2) A final congressional district plan adopted under 241  
division (C) (1) (a) or (b) of this section shall include a 242  
statement explaining what the commission determined to be the 243  
statewide preferences of the voters of Ohio and the manner in 244  
which the statewide proportion of districts in the plan whose 245  
voters, based on statewide state and federal partisan general 246  
election results during the last ten years, favor each political 247  
party corresponds closely to those preferences, as described in 248  
division (B) of Section 4 of this article. At the time the plan 249  
is adopted, a member of the commission who does not vote in 250

favor of the plan may submit a declaration of the member's 251  
opinion concerning the statement included with the plan. 252

(D) After a congressional district plan adopted under 253  
division (C) (1) (a) of this section ceases to be effective, and 254  
not earlier than the first day of July of the year following the 255  
year in which the plan ceased to be effective, the commission 256  
shall be reconstituted as provided in Section 1 of this article, 257  
convene, and adopt a new congressional district plan in 258  
accordance with this article, to be used until the next time for 259  
redistricting under this article. The commission shall draw the 260  
new congressional district plan using the same population and 261  
county, municipal corporation, and township boundary data as 262  
were used to draw the previous plan adopted under division (C) 263  
of this section. 264

**Section 7.** (A) The supreme court of Ohio shall have 265  
exclusive, original jurisdiction in all cases arising under this 266  
article. 267

(B) In the event that any section of this constitution 268  
relating to redistricting, any congressional district plan made 269  
by the Ohio redistricting commission, or any district is 270  
determined to be invalid by an unappealed final order of a court 271  
of competent jurisdiction then, notwithstanding any other 272  
provisions of this constitution, the commission shall be 273  
reconstituted as provided in Section 1 of this article, convene, 274  
and ascertain and determine a congressional district plan in 275  
conformity with such provisions of this constitution as are then 276  
valid, to be used until the next time for redistricting under 277  
this article in conformity with such provisions of this 278  
constitution as are then valid. 279

(C) (1) No court shall order, in any circumstance, the 280

implementation or enforcement of any congressional district plan 281  
that has not been approved by the commission in the manner 282  
prescribed by this article. 283

(2) No court shall order the commission to adopt a 284  
particular congressional district plan or to draw a particular 285  
district. 286

(3) If the supreme court of Ohio determines that a 287  
congressional district plan adopted by the commission does not 288  
comply with the requirements of Section 2, 3, or 5 of this 289  
article, the available remedies shall be as follows: 290

(a) If the court finds that the plan contains one or more 291  
isolated violations of those requirements, the court shall order 292  
the commission to amend the plan to correct the violation. 293

(b) If, in considering a plan adopted under division (C) 294  
of Section 6 of this article, the court determines that both of 295  
the following are true, the court shall order the commission to 296  
adopt a new congressional district plan in accordance with this 297  
article: 298

(i) The plan significantly violates those requirements in 299  
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 303  
in division (B) of Section 4 of this article. 304

(ii) The statewide proportion of districts in the plan 305  
whose voters, based on statewide state and federal partisan 306  
general election results during the last ten years, favor each 307  
political party does not correspond closely to the statewide 308  
preferences of the voters of Ohio. 309

Section 8. If a court of competent jurisdiction issues an 310  
unappealed final order that the general assembly must be 311  
responsible for the redistricting of this state for congress, 312  
all of the following shall apply: 313

(A) The general assembly shall adopt a final congressional 314  
district plan not later than the first day of September of a 315  
year ending in the numeral one. 316

(B) The congressional district plan shall comply with the 317  
requirements of Sections 2, 3, and 5 of this article. 318

(C) The general assembly shall attempt to comply with the 319  
standards described in Section 4 of this article in drawing the 320  
congressional district plan. 321

(D) Section 7 of this article shall apply to a 322  
congressional district plan adopted by the general assembly. 323

Section 9. The various provisions of this article are 324  
intended to be severable, and the invalidity of one or more of 325  
such provisions shall not affect the validity of the remaining 326  
provisions. 327

EFFECTIVE DATE 328

If adopted by a majority of the electors voting on this 329  
proposal, Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 of Article XIX 330  
of the Constitution of the State of Ohio enacted by this 331  
proposal take effect January 1, 2021. 332