

As Introduced

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

S. J. R. No. 2

Senators LaRose, Sawyer

**Cosponsors: Senators Burke, Hite, Jones, Schiavoni, Yuko, Tavares,
Williams**

A JOINT RESOLUTION

Proposing to enact Sections 1, 2, 3, 4, 5, 6, 7, and 1
8 of Article XIX of the Constitution of the State 2
of 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 7
electors of the state, in the manner prescribed by law at the 8
general election to be held on March 15, 2016, a proposal to 9
enact Sections 1, 2, 3, 4, 5, 6, 7, and 8 of Article XIX of 10
the Constitution of the State of Ohio to read as follows: 11

ARTICLE XIX 12

Section 1. (A) The Ohio redistricting commission shall 13
be responsible for the redistricting of this state for 14
congress. The commission shall consist of the following 15
seven members: 16

<u>(1) The governor;</u>	17
<u>(2) The auditor of state;</u>	18
<u>(3) The secretary of state;</u>	19
<u>(4) One person appointed by the speaker of the house of representatives;</u>	20 21
<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>	22 23 24 25
<u>(6) One person appointed by the president of the senate; and</u>	26 27
<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>	28 29 30
<u>No appointed member of the commission shall be a current member of congress.</u>	31 32
<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>	33 34 35 36 37
<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>	38 39 40
<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</u>	41 42 43 44

represented in the general assembly, shall be required to do 45
any of the following: 46

(i) Adopt rules of the commission; 47

(ii) Hire staff for the commission; 48

(iii) Expend funds. 49

(b) If the commission is unable to agree, by the vote 50
required under division (B) (2) (a) of this section, on the 51
manner in which funds should be expended, each co- 52
chairperson of the commission shall have the authority to 53
expend one-half of the funds that have been appropriated to 54
the commission. 55

(3) The affirmative vote of four members of the 56
commission, including at least two members of the commission 57
who represent each of the two largest political parties 58
represented in the general assembly, shall be required to 59
adopt any congressional district plan. For the purpose of 60
this division, a member of the commission shall be 61
considered to represent a political party if the member was 62
appointed to the commission by a member of that political 63
party or if, in the case of the governor, the auditor of 64
state, or the secretary of state, the member is a member of 65
that political party. 66

(C) At the first meeting of the commission, which the 67
governor shall convene only in a year ending in the numeral 68
one, except as provided in Sections 6 and 7 of this article, 69
the commission shall set a schedule for the adoption of 70
procedural rules for the operation of the commission. 71

The commission shall release to the public a proposed 72
congressional district plan for the boundaries for the 73

prescribed number of congressional districts as apportioned 74
to the state pursuant to Section 2 of Article I of the 75
Constitution of the United States. The commission shall 76
draft the proposed plan in the manner prescribed in this 77
article. Before adopting, but after introducing, a proposed 78
plan, the commission shall conduct a minimum of three public 79
hearings across the state to present the proposed plan and 80
shall seek public input regarding the proposed plan. All 81
meetings of the commission shall be open to the public. 82
Meetings shall be broadcast by electronic means of 83
transmission using a medium readily accessible by the 84
general public. 85

The commission shall adopt a final congressional 86
district plan not later than the first day of September of a 87
year ending in the numeral one. After the commission adopts 88
a final plan, the commission shall promptly file the plan 89
with the secretary of state. Upon filing with the secretary 90
of state, the plan shall become effective. 91

Four weeks after the adoption of a congressional 92
district plan, the commission shall be automatically 93
dissolved. 94

(D) The general assembly shall be responsible for 95
making the appropriations it determines necessary in order 96
for the commission to perform its duties under this article. 97

(E) If Article XI of this constitution is amended to 98
create the Ohio redistricting commission and make the 99
commission responsible for the redistricting of this state 100
for the general assembly, all of the following shall apply: 101

(1) The Ohio redistricting commission, as described in 102
this article, is the commission described in Article XI of 103

this constitution that is responsible for the redistricting 104
of this state for the general assembly. 105

(2) No appointed member of the Ohio redistricting 106
commission shall be a current member of congress. 107

(3) The Ohio redistricting commission shall be 108
automatically dissolved four weeks after the adoption of a 109
final congressional district plan or a final general 110
assembly district plan, whichever is later. 111

Section 2. Each congressional district shall be 112
entitled to a single representative in the United States 113
house of representatives in each congress. 114

Section 3. (A) The whole population of the state, as 115
determined by the federal decennial census or, if such is 116
unavailable, such other basis as the general assembly may 117
direct, shall be divided by the number of congressional 118
districts apportioned to the state pursuant to Section 2 of 119
Article I of the Constitution of the United States, and the 120
quotient shall be the congressional ratio of representation 121
for ten years next succeeding such redistricting. 122

(B) A congressional district plan shall comply with all 123
of the requirements of division (B) of this section. 124

(1) The commission shall minimize the extent to which 125
each congressional district's population differs from the 126
congressional ratio of representation, as is practicable, 127
while taking into account other legitimate state objectives 128
in the creation of congressional districts. The commission 129
may include in a congressional district plan an explanation 130
of the reason that any district contains a population that 131
is not equal to the congressional ratio of representation. 132

(2) Any congressional district plan adopted by the 133
commission shall comply with all applicable provisions of 134
the constitutions of Ohio and the United States and of 135
federal law. 136

(3) Every congressional district shall be composed of 137
contiguous territory, and the boundary of each district 138
shall be a single nonintersecting continuous line. 139

(C) Congressional districts shall be created and 140
numbered in the following order of priority, to the extent 141
that such order is consistent with the foregoing standards: 142

(1) Proceeding in succession from the largest to the 143
smallest, each county containing population greater than one 144
congressional ratio of representation shall be divided into 145
as many congressional districts as it has whole ratios of 146
representation. Any fraction of the population in excess of 147
a whole ratio shall be a part of only one adjoining 148
congressional district. 149

(2) Each county containing population equal to one 150
congressional ratio of representation shall be designated a 151
congressional district. 152

(3) The remaining territory of the state shall be 153
divided into congressional districts by combining the areas 154
of whole counties, municipal corporations, and townships. 155

(D) (1) (a) Except as otherwise provided in divisions (D) 156
(1) (b) and (c) of this section, a county, municipal 157
corporation, or township is considered to be split if any 158
contiguous portion of its territory is not contained 159
entirely within one district. 160

(b) If a municipal corporation or township has 161

territory in more than one county, the contiguous portion of 162
that municipal corporation or township that lies in each 163
county shall be considered to be a separate municipal 164
corporation or township for the purposes of this section. 165

(c) If a municipal corporation or township that is 166
located in a county that contains a municipal corporation or 167
township that has a population of more than one ratio of 168
representation is split for the purpose of complying with 169
division (E) (1) (a) of this section, each portion of that 170
municipal corporation or township shall be considered to be 171
a separate municipal corporation or township for the 172
purposes of this section. 173

(2) Congressional districts shall be drawn so as to 174
split the smallest possible number of municipal corporations 175
and townships whose contiguous portions contain a population 176
of more than fifty per cent, but less than one hundred per 177
cent, of one ratio of representation. 178

(3) Where the requirements of divisions (B), (C), and 179
(D) of this section cannot feasibly be attained by forming a 180
congressional district from whole counties, municipal 181
corporations, and townships, not more than one county and 182
not more than one municipal corporation or township may be 183
split per congressional district. 184

(E) (1) If it is not possible for the commission to 185
comply with all of the requirements of divisions (B), (C), 186
and (D) of this section in drawing a particular 187
congressional district, the commission shall take the first 188
action listed below that makes it possible for the 189
commission to draw that district: 190

(a) Notwithstanding division (D) (3) of this section, 191

the commission shall create the district by splitting two 192
municipal corporations or townships. If the commission must 193
choose between more than two municipal corporations or 194
townships, the commission shall split the municipal 195
corporations or townships having the smallest populations. 196

(b) Notwithstanding division (D) (3) of this section, 197
the commission shall create the district by splitting two 198
counties. 199

(c) Notwithstanding division (C) (2) of this section, 200
the commission shall create the district by splitting, once, 201
a single county that contains a population equal to the 202
congressional ratio of representation. 203

(d) Notwithstanding division (C) (1) of this section, 204
the commission shall create the district by including in two 205
districts portions of the territory that remains after a 206
county that contains a population equal to more than one 207
congressional ratio of representation has been divided into 208
as many congressional districts as it has whole ratios of 209
representation. 210

(2) If it is not possible for the commission to comply 211
with division (E) (1) of this section in drawing a particular 212
congressional district, the commission shall take the first 213
action listed below that makes it possible for the 214
commission to draw that district: 215

(a) The commission shall create the district by taking 216
two of the actions described in divisions (E) (1) (a) to (d) 217
of this section. 218

(b) The commission shall create the district by taking 219
three of the actions described in divisions (E) (1) (a) to (d) 220

<u>of this section.</u>	221
<u>(c) The commission shall create the district by taking</u>	222
<u>all four of the actions described in divisions (E) (1) (a) to</u>	223
<u>(d) of this section.</u>	224
<u>(3) If the commission draws a congressional district in</u>	225
<u>accordance with division (E) (1) or (2) of this section, the</u>	226
<u>commission shall include in the congressional district plan</u>	227
<u>a statement explaining the action or actions the commission</u>	228
<u>took and the reason the commission did so.</u>	229
<u>(4) If the commission complies with divisions (E) (1),</u>	230
<u>(2), and (3) of this section in drawing a district, the</u>	231
<u>commission shall not be considered to have violated division</u>	232
<u>(C) (1), (C) (2), or (D) (3) of this section, as applicable, in</u>	233
<u>drawing that district, for the purpose of an analysis under</u>	234
<u>division (C) of Section 7 of this article.</u>	235
<u>Section 4. The Ohio redistricting commission shall</u>	236
<u>attempt to draw a congressional district plan that meets all</u>	237
<u>of the following standards:</u>	238
<u>(A) No congressional district plan shall be drawn</u>	239
<u>primarily to favor or disfavor a political party.</u>	240
<u>(B) The statewide proportion of districts whose voters,</u>	241
<u>based on statewide state and federal partisan general</u>	242
<u>election results during the last ten years, favor each</u>	243
<u>political party shall correspond closely to the statewide</u>	244
<u>preferences of the voters of Ohio.</u>	245
<u>(C) Congressional districts shall be compact.</u>	246
<u>Nothing in this section permits the commission to</u>	247
<u>violate the district standards described in Section 2, 3, or</u>	248

<u>5 of this article.</u>	249
<u>Section 5. Notwithstanding the fact that boundaries of</u>	250
<u>counties, municipal corporations, and townships within a</u>	251
<u>district may be changed, district boundaries shall be</u>	252
<u>created by using the boundaries of counties, municipal</u>	253
<u>corporations, and townships as they exist at the time of the</u>	254
<u>federal decennial census on which the redistricting is</u>	255
<u>based, or, if unavailable, on such other basis as the</u>	256
<u>general assembly has directed.</u>	257
<u>Section 6. (A) (1) If the Ohio redistricting commission</u>	258
<u>fails to adopt a final congressional district plan not later</u>	259
<u>than the first day of September of a year ending in the</u>	260
<u>numeral one, in accordance with Section 1 of this article,</u>	261
<u>the commission shall introduce a proposed congressional</u>	262
<u>district plan by a simple majority vote of the commission.</u>	263
<u>(2) After introducing a proposed congressional district</u>	264
<u>plan under division (A) (1) of this section, the commission</u>	265
<u>shall hold a public hearing concerning the proposed plan, at</u>	266
<u>which the public may offer testimony and at which the</u>	267
<u>commission may adopt amendments to the proposed plan.</u>	268
<u>Members of the commission should attend the hearing;</u>	269
<u>however, only a quorum of the members of the commission is</u>	270
<u>required to conduct the hearing.</u>	271
<u>(3) After the hearing described in division (A) (2) of</u>	272
<u>this section is held, and not later than the fifteenth day</u>	273
<u>of September of a year ending in the numeral one, the</u>	274
<u>commission shall adopt a final congressional district plan,</u>	275
<u>either by the vote required to adopt a plan under division</u>	276
<u>(B) (3) of Section 1 of this article or by a simple majority</u>	277
<u>vote of the commission.</u>	278

(B) If the commission adopts a final congressional district plan in accordance with division (A) (3) of this section by the vote required to adopt a plan under division (B) (3) of Section 1 of this article, the plan shall take effect upon filing with the secretary of state and shall remain effective until the next year ending in the numeral one, except as provided in Section 7 of this article. 279
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(C) (1) (a) Except as otherwise provided in division (C) (1) (b) of this section, if the commission adopts a final congressional district plan in accordance with division (A) (3) of this section by a simple majority vote of the commission, and not by the vote required to adopt a plan under division (B) (3) of Section 1 of this article, the plan shall take effect upon filing with the secretary of state and shall remain effective until two general elections for the United States house of representatives have occurred under the plan. 286
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(b) If the commission adopts a final congressional district plan in accordance with division (A) (3) of this section by a simple majority vote of the commission, and not by the vote required to adopt a plan under division (B) of Section 1 of this article, and that plan is adopted to replace a plan that ceased to be effective under division (C) (1) (a) of this section before a year ending in the numeral one, the plan adopted under this division shall take effect upon filing with the secretary of state and shall remain effective until a year ending in the numeral one, except as provided in Section 7 of this article. 296
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(2) A final congressional district plan adopted under division (C) (1) (a) or (b) of this section shall include a statement explaining what the commission determined to be 307
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the statewide preferences of the voters of Ohio and the 310
manner in which the statewide proportion of districts in the 311
plan whose voters, based on statewide state and federal 312
partisan general election results during the last ten years, 313
favor each political party corresponds closely to those 314
preferences, as described in division (B) of Section 4 of 315
this article. At the time the plan is adopted, a member of 316
the commission who does not vote in favor of the plan may 317
submit a declaration of the member's opinion concerning the 318
statement included with the plan. 319

(D) After a congressional district plan adopted under 320
division (C) (1) (a) of this section ceases to be effective, 321
and not earlier than the first day of July of the year 322
following the year in which the plan ceased to be effective, 323
the commission shall be reconstituted as provided in Section 324
1 of this article, convene, and adopt a new congressional 325
district plan in accordance with this article, to be used 326
until the next time for redistricting under this article. 327
The commission shall draw the new congressional district 328
plan using the same population and county, municipal 329
corporation, and township boundary data as were used to draw 330
the previous plan adopted under division (C) of this 331
section. 332

Section 7. (A) The supreme court of Ohio shall have 333
exclusive, original jurisdiction in all cases arising under 334
this article. 335

(B) In the event that any section of this constitution 336
relating to redistricting, any congressional district plan 337
made by the Ohio redistricting commission, or any district 338
is determined to be invalid by an unappealed final order of 339
a court of competent jurisdiction then, notwithstanding any 340

other provisions of this constitution, the commission shall 341
be reconstituted as provided in Section 1 of this article, 342
convene, and ascertain and determine a congressional 343
district plan in conformity with such provisions of this 344
constitution as are then valid, to be used until the next 345
time for redistricting under this article in conformity with 346
such provisions of this constitution as are then valid. 347

(C) (1) No court shall order, in any circumstance, the 348
implementation or enforcement of any congressional district 349
plan that has not been approved by the commission in the 350
manner prescribed by this article. 351

(2) No court shall order the commission to adopt a 352
particular congressional district plan or to draw a 353
particular district. 354

(3) If the supreme court of Ohio determines that a 355
congressional district plan adopted by the commission does 356
not comply with the requirements of Section 2, 3, or 5 of 357
this article, the available remedies shall be as follows: 358

(a) If the court finds that the plan contains one or 359
more isolated violations of those requirements, the court 360
shall order the commission to amend the plan to correct the 361
violation. 362

(b) If the court finds that it is necessary to amend 363
not fewer than two congressional districts to correct 364
violations of those requirements, the court shall declare 365
the plan invalid and shall order the commission to adopt a 366
new congressional district plan in accordance with this 367
article. 368

(c) If, in considering a plan adopted under division 369

(C) of Section 6 of this article, the court determines that 370
both of the following are true, the court shall order the 371
commission to adopt a new congressional district plan in 372
accordance with this article: 373

(i) The plan significantly violates those requirements 374
in a manner that materially affects the ability of the plan 375
to contain districts whose voters favor political parties in 376
an overall proportion that corresponds closely to the 377
statewide political party preferences of the voters of Ohio, 378
as described in division (B) of Section 4 of this article. 379

(ii) The statewide proportion of districts in the plan 380
whose voters, based on statewide state and federal partisan 381
general election results during the last ten years, favor 382
each political party does not correspond closely to the 383
statewide preferences of the voters of Ohio. 384

Section 8. The various provisions of this article are 385
intended to be severable, and the invalidity of one or more 386
of such provisions shall not affect the validity of the 387
remaining provisions. 388

EFFECTIVE DATE 389

If adopted by a majority of the electors voting on this 390
proposal, Sections 1, 2, 3, 4, 5, 6, 7, and 8 of Article XIX 391
of the Constitution of the State of Ohio enacted by this 392
proposal take effect January 1, 2021. 393