

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

S. J. R. No. 5

Senator Huffman

A JOINT RESOLUTION

Proposing to amend the version of Section 1 of Article XI 1
that is scheduled to take effect January 1, 2021, and 2
to enact Sections 1, 2, and 3 of Article XIX of the 3
Constitution of the State of Ohio to establish a 4
process for congressional redistricting. 5

Be it resolved by the General Assembly of the State of 6
Ohio, three-fifths of the members elected to each house 7
concurring herein, that there shall be submitted to the electors 8
of the state, in the manner prescribed by law at a special 9
election to be held on May 8, 2018, a proposal to amend the 10
version of Section 1 of Article XI that is scheduled to take 11
effect January 1, 2021, and to enact Sections 1, 2, and 3 of 12
Article XIX of the Constitution of the State of Ohio to read as 13
follows: 14

ARTICLE XI 15

Section 1. (A) The Ohio redistricting commission shall be 16
responsible for the redistricting of this state for the general 17
assembly. The commission shall consist of the following seven 18
members: 19

(1) The governor; 20

(2) The auditor of state;	21
(3) The secretary of state;	22
(4) One person appointed by the speaker of the house of representatives;	23 24
(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;	25 26 27
(6) One person appointed by the president of the senate; and	28 29
(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.	30 31 32
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.	33 34 35 36 37
(B) (1) Unless otherwise specified in this article <u>or in</u> <u>Article XIX of this constitution</u> , a simple majority of the commission members shall be required for any action by the commission.	38 39 40 41
(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:	42 43 44 45 46 47
(i) Adopt rules of the commission;	48

(ii) Hire staff for the commission;	49
(iii) Expend funds.	50
(b) If the commission is unable to agree, by the vote required under division (B) (2) (a) of this section, on the manner in which funds should be expended, each co-chairperson of the commission shall have the authority to expend one-half of the funds that have been appropriated to the commission.	51 52 53 54 55
(3) The affirmative vote of four members of the commission, including at least two members of the commission who represent each of the two largest political parties represented in the general assembly shall be required to adopt any general assembly district plan. For the purpose of this division, a member of the commission shall be considered to represent a political party if the member was appointed to the commission by a member of that political party or if, in the case of the governor, the auditor of state, or the secretary of state, the member is a member of that political party.	56 57 58 59 60 61 62 63 64 65
(C) At the first meeting of the commission, which the governor shall convene only in a year ending in the numeral one, except as provided in Sections 8 and 9 of this article <u>and in Sections 1 and 3 of Article XIX of this constitution</u> , the commission shall set a schedule for the adoption of procedural rules for the operation of the commission.	66 67 68 69 70 71
The commission shall release to the public a proposed general assembly district plan for the boundaries for each of the ninety-nine house of representatives districts and the thirty-three senate districts. The commission shall draft the proposed plan in the manner prescribed in this article. Before adopting, but after introducing, a proposed plan, the commission shall conduct a minimum of three public hearings across the	72 73 74 75 76 77 78

state to present the proposed plan and shall seek public input 79
regarding the proposed plan. All meetings of the commission 80
shall be open to the public. Meetings shall be broadcast by 81
electronic means of transmission using a medium readily 82
accessible by the general public. 83

The commission shall adopt a final general assembly 84
district plan not later than the first day of September of a 85
year ending in the numeral one. After the commission adopts a 86
final plan, the commission shall promptly file the plan with the 87
secretary of state. Upon filing with the secretary of state, the 88
plan shall become effective. 89

Four weeks after the adoption of a general assembly 90
district plan or a congressional district plan, whichever is 91
later, the commission shall be automatically dissolved. 92

(D) The general assembly shall be responsible for making 93
the appropriations it determines necessary in order for the 94
commission to perform its duties under this article and Article 95
XIX of this constitution. 96

ARTICLE XIX 97

Section 1. (A) (1) Except as otherwise provided in this 98
section, the general assembly shall be responsible for the 99
redistricting of this state for congress based on the prescribed 100
number of congressional districts apportioned to the state 101
pursuant to Section 2 of Article I of the Constitution of the 102
United States. 103

(2) Not later than the last day of September of a year 104
ending in the numeral one, the general assembly shall adopt a 105
congressional district plan in the form of a joint resolution by 106
the affirmative vote of three-fifths of the members of each 107

house of the general assembly, including the affirmative vote of 108
at least one-third of the members of each house of the general 109
assembly who are not members of the largest political party 110
represented in that house. A congressional district plan adopted 111
under this division shall take effect immediately upon filing 112
with the secretary of state and shall remain effective until the 113
next year ending in the numeral one, except as provided in 114
Section 3 of this article. 115

(3) Before the general assembly adopts a congressional 116
district plan under division (A) (2) of this section, a joint 117
committee of the general assembly shall hold at least two public 118
committee hearings concerning congressional redistricting. 119

(B) (1) (a) If the general assembly does not adopt a 120
congressional district plan under division (A) (2) of this 121
section not later than the last day of September of that year, 122
then the Ohio redistricting commission described in Article XI 123
of this constitution shall adopt a congressional district plan 124
not later than the last day of October of that year. 125

(b) If an appointed member of the Ohio redistricting 126
commission is a current member of congress, that member's seat 127
shall be considered vacant for the purpose of adopting a 128
congressional district plan, and the authority who appointed the 129
member to fill that seat shall appoint a replacement member to 130
deliberate and vote upon a congressional district plan. 131

(c) After proposing, but before adopting, a congressional 132
district plan under division (B) (1) (a) of this section, the 133
commission shall hold at least two public hearings concerning 134
the proposed plan. 135

(2) If the commission adopts a congressional district plan 136
under division (B) (1) (a) of this section by the affirmative vote 137

of four members of the commission, including at least two 138
members of the commission who represent each of the two largest 139
political parties represented in the general assembly, the plan 140
shall take effect upon filing with the secretary of state and 141
shall remain effective until the next year ending in the numeral 142
one, except as provided in Section 3 of this article. For 143
purposes of this division, a member of the commission shall be 144
considered to represent a political party if the member was 145
appointed to the commission by a member of that political party 146
or if, in the case of the governor, the auditor of state, or the 147
secretary of state, the member is a member of that political 148
party. 149

(3) (a) If the commission adopts a congressional district 150
plan under division (B) (1) (a) of this section by a simple 151
majority vote of the commission, and not by the vote described 152
in division (B) (2) of this section, the plan shall take effect 153
upon filing with the secretary of state. The commission also 154
immediately shall file copies of the plan with the clerks of the 155
senate and the house of representatives. 156

(b) If the commission adopts a plan under division (B) (3) 157
(a) of this section, then not later than the last day of 158
November of that year, the general assembly may approve that 159
plan without amendment by adopting a joint resolution by the 160
affirmative vote of a majority of the members of each house of 161
the general assembly, including the affirmative vote of at least 162
one-fifth of the members of each house of the general assembly 163
who are not members of the largest political party represented 164
in that house. If the general assembly approves the 165
congressional district plan adopted under division (B) (3) (a) of 166
this section, the general assembly shall file the joint 167
resolution with the secretary of state, and the plan shall 168

remain effective until the next year ending in the numeral one, 169
except as provided in Section 3 of this article. 170

(c) (i) If the commission adopts a plan under division (B) 171
(3) (a) of this section and the general assembly does not approve 172
the plan under division (B) (3) (b) of this section not later than 173
the last day of November of that year, the plan shall remain 174
effective until two general elections for the United States 175
house of representatives have occurred under the plan, except as 176
provided in Section 3 of this article. 177

(ii) Not later than the last day of September of the year 178
after the year in which a plan expires under division (B) (3) (c) 179
(i) of this section, the general assembly shall adopt a 180
congressional district plan in the form of a joint resolution by 181
the affirmative vote of three-fifths of the members of each 182
house of the general assembly, including the affirmative vote of 183
at least one-third of the members of each house of the general 184
assembly who are not members of the largest political party 185
represented in that house. A congressional district plan adopted 186
under this division shall be drawn using the federal decennial 187
census data or other data on which the previous redistricting 188
was based, shall take effect upon filing with the secretary of 189
state, and shall remain effective until the next year ending in 190
the numeral one, except as provided in Section 3 of this 191
article. Before the general assembly adopts a congressional 192
district plan under this division, a joint committee of the 193
general assembly shall hold at least two public committee 194
hearings concerning congressional redistricting. 195

(iii) If the general assembly does not adopt a 196
congressional district plan under division (B) (3) (c) (ii) of this 197
section not later than the last day of September of the year 198
after the year in which the previous plan expires, then the Ohio 199

redistricting commission described in Article XI of this 200
constitution shall be reconstituted and reconvene, and shall 201
adopt a congressional district plan by a simple majority vote 202
not later than the last day of October of that year. If an 203
appointed member of the Ohio redistricting commission is a 204
current member of congress, that member's seat shall be 205
considered vacant for the purpose of adopting a congressional 206
district plan, and the authority who appointed the member to 207
fill that seat shall appoint a replacement member to deliberate 208
and vote upon a congressional district plan. After proposing, 209
but before adopting, a congressional district plan under this 210
division, the commission shall hold at least two public hearings 211
concerning the proposed plan. A congressional district plan 212
adopted under this division shall take effect upon filing with 213
the secretary of state and shall remain effective until the next 214
year ending in the numeral one, except as provided in Section 3 215
of this article. 216

(C)(1) For purposes of filing a congressional district 217
plan with the secretary of state or with the general assembly 218
under this article, a congressional district plan shall include 219
both a legal description of the boundaries of the congressional 220
districts and all electronic data necessary to create a 221
congressional district map for the purpose of holding 222
congressional elections. 223

(2) When a congressional district plan ceases to be 224
effective under this article, the district boundaries described 225
in that plan shall continue in operation for the purpose of 226
holding elections until a new congressional district plan is 227
adopted in accordance with this article. 228

Section 2. (A)(1) Each congressional district shall be 229
entitled to a single representative in the United States house 230

of representatives in each congress. 231

(2) The whole population of the state, as determined by 232
the federal decennial census or, if the federal decennial census 233
is unavailable, another basis as directed by the general 234
assembly, shall be divided by the number of congressional 235
districts apportioned to the state pursuant to Section 2 of 236
Article I of the Constitution of the United States, and the 237
quotient shall be the congressional ratio of representation for 238
the next ten years. 239

(3) Notwithstanding the fact that boundaries of counties, 240
municipal corporations, and townships within a district may be 241
changed, district boundaries shall be created by using the data 242
from the most recent federal decennial census or from the basis 243
directed by the general assembly, as applicable. 244

(B) A congressional district plan shall comply with all of 245
the following requirements: 246

(1) The plan shall comply with all applicable provisions 247
of the constitutions of Ohio and the United States and of 248
federal law. 249

(2) The population of each congressional district shall be 250
equal to the congressional ratio of representation, except that 251
the population of a district may be greater or lesser than the 252
congressional ratio of representation by one person if the total 253
population of the state is not divisible by the number of 254
congressional districts apportioned to the state pursuant to 255
Section 2 of Article I of the Constitution of the United States. 256

(3) Every congressional district shall be compact and 257
composed of contiguous territory, and the boundary of each 258
district shall be a single nonintersecting continuous line. 259

(4) (a) Except as otherwise required by federal law, each 260
municipal corporation or township that contains a population 261
that exceeds the congressional ratio of representation shall be 262
divided into as many congressional districts as it has whole 263
ratios of representation. For the purpose of drawing a 264
congressional district under this division, if the territory of 265
a municipal corporation or township completely surrounds the 266
territory of another municipal corporation or township, the 267
authority drawing the districts shall give preference to 268
maintaining the territory of the surrounding municipal 269
corporation or township in a single district rather than 270
including the surrounded municipal corporation or township in 271
that district, to the extent practicable while taking into 272
account the requirements of this section. 273

(b) Except as otherwise required by federal law, in a 274
county that contains a population that exceeds the congressional 275
ratio of representation, if the county contains one municipal 276
corporation or township that has a population of not less than 277
one hundred thousand and not more than the congressional ratio 278
of representation, and a district was not created in that county 279
under division (B) (4) (a) of this section, that municipal 280
corporation or township shall not be split. If that county 281
contains two or more such municipal corporations or townships, 282
only the most populous of those municipal corporations or 283
townships shall not be split. 284

(5) (a) Each county, other than the ten most populous 285
counties in the state, shall be split not more than once. 286

(b) Of the ten most populous counties in the state, two 287
counties shall be split not more than three times and the 288
remaining counties shall be split not more than twice. The 289
authority drawing the districts may determine which of those ten 290

counties shall be split not more than three times. 291

(6) If a congressional district includes only part of the 292
territory of a particular county, the part of that congressional 293
district that lies in that particular county shall be contiguous 294
within the boundaries of the county. 295

(7) Except for a county whose population exceeds four 296
hundred thousand, no two congressional districts shall share 297
portions of the territory of more than one county. 298

(8) The authority drawing congressional districts shall 299
attempt to include at least one whole county in each 300
congressional district. This division does not apply to a 301
congressional district that is contained entirely within one 302
county or that cannot be drawn in that manner while complying 303
with federal law. 304

(C) (1) Except as otherwise provided in division (C) (2) of 305
this section, for purposes of this section, a county, municipal 306
corporation, or township is considered to be split if, based on 307
the census data used for the purpose of redistricting, any 308
contiguous portion of its territory is not contained entirely 309
within one district. 310

(2) If a municipal corporation or township has territory 311
in more than one county, the contiguous portion of that 312
municipal corporation or township that lies in each county shall 313
be considered to be a separate municipal corporation or township 314
for purposes of this section. 315

Section 3. (A) The supreme court of Ohio shall have 316
exclusive, original jurisdiction in all cases arising under this 317
article. 318

(B) (1) In the event that any section of this constitution 319

relating to congressional redistricting, any congressional 320
district plan, or any congressional district is determined to be 321
invalid by an unappealed final order of a court of competent 322
jurisdiction then, notwithstanding any other provisions of this 323
constitution, the general assembly shall adopt a congressional 324
district plan in conformity with the provisions of this 325
constitution that are then valid, to be used until the next time 326
for redistricting under this article in conformity with the 327
provisions of this constitution that are then valid. A 328
congressional district plan adopted under this division shall 329
remedy any legal defects in the previous plan identified by the 330
court but shall include no changes to the previous plan other 331
than those made in order to remedy those defects. 332

(2) If the general assembly does not adopt a new 333
congressional district plan under division (B)(1) of this 334
section, the Ohio redistricting commission shall adopt a 335
congressional district plan in accordance with the provisions of 336
this constitution that are then valid, to be used until the next 337
time for redistricting under this article in conformity with the 338
provisions of this constitution that are then valid. A 339
congressional district plan adopted under this division shall 340
remedy any legal defects in the previous plan identified by the 341
court but shall include no other changes to the previous plan 342
other than those made in order to remedy those defects. 343

EFFECTIVE DATE AND REPEAL 344

If adopted by a majority of the electors voting on this 345
proposal, Section 1 of Article XI amended by this proposal and 346
Sections 1, 2, and 3 of Article XIX of the Constitution of the 347
State of Ohio enacted by this proposal take effect January 1, 348
2021, and the existing version of Section 1 of Article XI of the 349
Constitution of the State of Ohio that was scheduled to take 350

effect January 1, 2021, is repealed from that effective date.

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