

As Adopted by the Senate

CORRECTED VERSION

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Sub. S. J. R. No. 5

Senators Huffman, Sykes

**Cosponsors: Senators Uecker, LaRose, Balderson, Beagle, Dolan, Eklund,
Gardner, Hackett, Hoagland, Hottinger, Kunze, Lehner, Manning, Obhof,
Oelslager, Peterson, Terhar, Wilson**

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 responsible for the redistricting of this state for the general assembly. The commission shall consist of the following seven members:

(1) The governor;

(2) The auditor of state;

(3) The secretary of state;

(4) One person appointed by the speaker of the house of representatives;

(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;

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

(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.

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

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.

(B) (1) Unless otherwise specified in this article or in Article XIX of this constitution, a simple majority of the commission members shall be required for any action by the commission.

(2) (a) Except as otherwise provided in division (B) (2) (b) 44
of this section, a majority vote of the members of the 45
commission, including at least one member of the commission who 46
is a member of each of the two largest political parties 47
represented in the general assembly, shall be required to do any 48
of the following: 49

(i) Adopt rules of the commission; 50

(ii) Hire staff for the commission; 51

(iii) Expend funds. 52

(b) If the commission is unable to agree, by the vote 53
required under division (B) (2) (a) of this section, on the manner 54
in which funds should be expended, each co-chairperson of the 55
commission shall have the authority to expend one-half of the 56
funds that have been appropriated to the commission. 57

(3) The affirmative vote of four members of the 58
commission, including at least two members of the commission who 59
represent each of the two largest political parties represented 60
in the general assembly shall be required to adopt any general 61
assembly district plan. For the ~~purpose~~purposes of this 62
division and of Section 1 of Article XIX of this constitution, a 63
member of the commission shall be considered to represent a 64
political party if the member was appointed to the commission by 65
a member of that political party or if, in the case of the 66
governor, the auditor of state, or the secretary of state, the 67
member is a member of that political party. 68

(C) At the first meeting of the commission, which the 69
governor shall convene only in a year ending in the numeral one, 70
except as provided in Sections 8 and 9 of this article and in 71
Sections 1 and 3 of Article XIX of this constitution, the 72

commission shall set a schedule for the adoption of procedural 73
rules for the operation of the commission. 74

The commission shall release to the public a proposed 75
general assembly district plan for the boundaries for each of 76
the ninety-nine house of representatives districts and the 77
thirty-three senate districts. The commission shall draft the 78
proposed plan in the manner prescribed in this article. Before 79
adopting, but after introducing, a proposed plan, the commission 80
shall conduct a minimum of three public hearings across the 81
state to present the proposed plan and shall seek public input 82
regarding the proposed plan. All meetings of the commission 83
shall be open to the public. Meetings shall be broadcast by 84
electronic means of transmission using a medium readily 85
accessible by the general public. 86

The commission shall adopt a final general assembly 87
district plan not later than the first day of September of a 88
year ending in the numeral one. After the commission adopts a 89
final plan, the commission shall promptly file the plan with the 90
secretary of state. Upon filing with the secretary of state, the 91
plan shall become effective. 92

Four weeks after the adoption of a general assembly 93
district plan or a congressional district plan, whichever is 94
later, the commission shall be automatically dissolved. 95

(D) The general assembly shall be responsible for making 96
the appropriations it determines necessary in order for the 97
commission to perform its duties under this article and Article 98
XIX of this constitution. 99

ARTICLE XIX 100

Section 1. (A) Except as otherwise provided in this 101

section, the general assembly shall be responsible for the 102
redistricting of this state for congress based on the prescribed 103
number of congressional districts apportioned to the state 104
pursuant to Section 2 of Article I of the Constitution of the 105
United States. 106

Not later than the last day of September of a year ending 107
in the numeral one, the general assembly shall pass a 108
congressional district plan in the form of a bill by the 109
affirmative vote of three-fifths of the members of each house of 110
the general assembly, including the affirmative vote of at least 111
one-half of the members of each of the two largest political 112
parties represented in that house. A congressional district plan 113
that is passed under this division and becomes law shall remain 114
effective until the next year ending in the numeral one, except 115
as provided in Section 3 of this article. 116

(B) If a congressional district plan is not passed not 117
later than the last day of September of a year ending in the 118
numeral one and filed with the secretary of state in accordance 119
with Section 16 of Article II of this constitution, then the 120
Ohio redistricting commission described in Article XI of this 121
constitution shall adopt a congressional district plan not later 122
than the last day of October of that year by the affirmative 123
vote of four members of the commission, including at least two 124
members of the commission who represent each of the two largest 125
political parties represented in the general assembly. The plan 126
shall take effect upon filing with the secretary of state and 127
shall remain effective until the next year ending in the numeral 128
one, except as provided in Section 3 of this article. 129

(C) (1) If the Ohio redistricting commission does not adopt 130
a plan not later than the last day of October of a year ending 131
in the numeral one, then the general assembly shall pass a 132

congressional district plan in the form of a bill not later than 133
the last day of November of that year. 134

(2) If the general assembly passes a congressional 135
district plan under division (C) (1) of this section by the 136
affirmative vote of three-fifths of the members of each house of 137
the general assembly, including the affirmative vote of at least 138
one-third of the members of each of the two largest political 139
parties represented in that house, and the plan becomes law, the 140
plan shall remain effective until the next year ending in the 141
numeral one, except as provided in Section 3 of this article. 142

(3) If the general assembly passes a congressional 143
district plan under division (C) (1) of this section by a simple 144
majority of the members of each house of the general assembly, 145
and not by the vote described in division (C) (2) of this 146
section, all of the following shall apply: 147

(a) The general assembly shall not pass a plan that unduly 148
favors or disfavors a political party or its incumbents. 149

(b) The general assembly shall not unduly split 150
governmental units, giving preference to keeping whole, in the 151
order named, counties, then townships and municipal 152
corporations. 153

(c) Division (B) (2) of Section 2 of this article shall not 154
apply to the plan. The general assembly shall attempt to draw 155
districts that are compact. 156

(d) The general assembly shall include in the plan an 157
explanation of the plan's compliance with divisions (C) (3) (a) to 158
(c) of this section. 159

(e) If the plan becomes law, the plan shall remain 160
effective until two general elections for the United States 161

house of representatives have occurred under the plan, except as 162
provided in Section 3 of this article. 163

(D) Not later than the last day of September of the year 164
after the year in which a plan expires under division (C) (3) (e) 165
of this section, the general assembly shall pass a congressional 166
district plan in the form of a bill by the affirmative vote of 167
three-fifths of the members of each house of the general 168
assembly, including the affirmative vote of at least one-half of 169
the members of each of the two largest political parties 170
represented in that house. A congressional district plan that is 171
passed under this division and becomes law shall remain 172
effective until the next year ending in the numeral one, except 173
as provided in Section 3 of this article. 174

A congressional district plan passed under this division 175
shall be drawn using the federal decennial census data or other 176
data on which the previous redistricting was based. 177

(E) If a congressional district plan is not passed not 178
later than the last day of September of the year after the year 179
in which a plan expires under division (C) (3) (e) of this section 180
and filed with the secretary of state in accordance with Section 181
16 of Article II of this constitution, then the Ohio 182
redistricting commission described in Article XI of this 183
constitution shall be reconstituted and reconvene and shall 184
adopt a congressional district plan not later than the last day 185
of October of that year by the affirmative vote of four members 186
of the commission, including at least two members of the 187
commission who represent each of the two largest political 188
parties represented in the general assembly. A congressional 189
district plan adopted under this division shall take effect upon 190
filing with the secretary of state and shall remain effective 191
until the next year ending in the numeral one, except as 192

provided in Section 3 of this article. 193

A congressional district plan adopted under this division 194
shall be drawn using the federal decennial census data or other 195
data on which the previous redistricting was based. 196

(F) (1) If the Ohio redistricting commission does not adopt 197
a congressional district plan not later than the last day of 198
October of the year after the year in which a plan expires under 199
division (C) (3) (e) of this section, then the general assembly 200
shall pass a congressional district plan in the form of a bill 201
not later than the last day of November of that year. 202

A congressional district plan adopted under this division 203
shall be drawn using the federal decennial census data or other 204
data on which the previous redistricting was based. 205

(2) If the general assembly passes a congressional 206
district plan under division (F) (1) of this section by the 207
affirmative vote of three-fifths of the members of each house, 208
including the affirmative vote of at least one-third of the 209
members of each of the two largest political parties represented 210
in that house, and the plan becomes law, it shall remain 211
effective until the next year ending in the numeral one, except 212
as provided in Section 3 of this article. 213

(3) If the general assembly passes a congressional 214
district plan under division (F) (1) of this section by a simple 215
majority vote of the members of each house of the general 216
assembly, and not by the vote described in division (F) (2) of 217
this section, all of the following shall apply: 218

(a) The general assembly shall not pass a plan that unduly 219
favors or disfavors a political party or its incumbents. 220

(b) The general assembly shall not unduly split 221

governmental units, giving preference to keeping whole, in the 222
order named, counties, then townships and municipal 223
corporations. 224

(c) Division (B) (2) of Section 2 of this article shall not 225
apply to the plan. The general assembly shall attempt to draw 226
districts that are compact. 227

(d) The general assembly shall include in the plan an 228
explanation of the plan's compliance with divisions (F) (3) (a) to 229
(c) of this section. 230

(e) If the plan becomes law, the plan shall remain 231
effective until the next year ending in the numeral one, except 232
as provided in Section 3 of this article. 233

(G) Before the general assembly passes a congressional 234
district plan under any division of this section, a joint 235
committee of the general assembly shall hold at least two public 236
committee hearings concerning a proposed plan. Before the Ohio 237
redistricting commission adopts a congressional district plan 238
under any division of this section, the commission shall hold at 239
least two public hearings concerning a proposed plan. 240

(H) The general assembly and the Ohio redistricting 241
commission shall facilitate and allow for the submission of 242
proposed congressional district plans by members of the public. 243
The general assembly shall provide by law the manner in which 244
members of the public may do so. 245

(I) For purposes of filing a congressional district plan 246
with the governor or the secretary of state under this article, 247
a congressional district plan shall include both a legal 248
description of the boundaries of the congressional districts and 249
all electronic data necessary to create a congressional district 250

map for the purpose of holding congressional elections. 251

(J) When a congressional district plan ceases to be 252
effective under this article, the district boundaries described 253
in that plan shall continue in operation for the purpose of 254
holding elections until a new congressional district plan takes 255
effect in accordance with this article. If a vacancy occurs in a 256
district that was created under the previous district plan, the 257
election to fill the vacancy for the remainder of the unexpired 258
term shall be held using the previous district plan. 259

Section 2. (A) (1) Each congressional district shall be 260
entitled to a single representative in the United States house 261
of representatives in each congress. 262

(2) The whole population of the state, as determined by 263
the federal decennial census or, if the federal decennial census 264
is unavailable, another basis as directed by the general 265
assembly, shall be divided by the number of congressional 266
districts apportioned to the state pursuant to Section 2 of 267
Article I of the Constitution of the United States, and the 268
quotient shall be the congressional ratio of representation for 269
the next ten years. 270

(3) Notwithstanding the fact that boundaries of counties, 271
municipal corporations, and townships within a district may be 272
changed, district boundaries shall be created by using the data 273
from the most recent federal decennial census or from the basis 274
directed by the general assembly, as applicable. 275

(B) A congressional district plan shall comply with all of 276
the following requirements: 277

(1) The plan shall comply with all applicable provisions 278
of the constitutions of Ohio and the United States and of 279

federal law, including federal laws protecting racial minority 280
voting rights. 281

(2) Every congressional district shall be compact. 282

(3) Every congressional district shall be composed of 283
contiguous territory, and the boundary of each district shall be 284
a single nonintersecting continuous line. 285

(4) Except as otherwise required by federal law, in a 286
county that contains a population that exceeds the congressional 287
ratio of representation, the authority drawing the districts 288
shall take the first of the following actions that applies to 289
that county: 290

(a) If a municipal corporation or township located in that 291
county contains a population that exceeds the congressional 292
ratio of representation, the authority shall attempt to include 293
a significant portion of that municipal corporation or township 294
in a single district and may include in that district other 295
municipal corporations or townships that are located in that 296
county and whose residents have similar interests as the 297
residents of the municipal corporation or township that contains 298
a population that exceeds the congressional ratio of 299
representation. In determining whether the population of a 300
municipal corporation or township exceeds the congressional 301
ratio of representation for the purpose of this division, if the 302
territory of that municipal corporation or township completely 303
surrounds the territory of another municipal corporation or 304
township, the territory of the surrounded municipal corporation 305
or township shall be considered part of the territory of the 306
surrounding municipal corporation or township. 307

(b) If one municipal corporation or township in that 308
county contains a population of not less than one hundred 309

thousand and not more than the congressional ratio of 310
representation, that municipal corporation or township shall not 311
be split. If that county contains two or more such municipal 312
corporations or townships, only the most populous of those 313
municipal corporations or townships shall not be split. 314

(5) Of the eighty-eight counties in this state, sixty-five 315
counties shall be contained entirely within a district, eighteen 316
counties may be split not more than once, and five counties may 317
be split not more than twice. The authority drawing the 318
districts may determine which counties may be split. 319

(6) If a congressional district includes only part of the 320
territory of a particular county, the part of that congressional 321
district that lies in that particular county shall be contiguous 322
within the boundaries of the county. 323

(7) No two congressional districts shall share portions of 324
the territory of more than one county, except for a county whose 325
population exceeds four hundred thousand. 326

(8) The authority drawing the districts shall attempt to 327
include at least one whole county in each congressional 328
district. This division does not apply to a congressional 329
district that is contained entirely within one county or that 330
cannot be drawn in that manner while complying with federal law. 331

(C) (1) Except as otherwise provided in division (C) (2) of 332
this section, for purposes of this article, a county, municipal 333
corporation, or township is considered to be split if, based on 334
the census data used for the purpose of redistricting, any 335
contiguous portion of its territory is not contained entirely 336
within one district. 337

(2) If a municipal corporation or township has territory 338

in more than one county, the contiguous portion of that 339
municipal corporation or township that lies in each county shall 340
be considered to be a separate municipal corporation or township 341
for purposes of this section. 342

Section 3. (A) The supreme court of Ohio shall have 343
exclusive, original jurisdiction in all cases arising under this 344
article. 345

(B) (1) In the event that any section of this constitution 346
relating to congressional redistricting, any congressional 347
district plan, or any congressional district or group of 348
congressional districts is challenged and is determined to be 349
invalid by an unappealed final order of a court of competent 350
jurisdiction then, notwithstanding any other provisions of this 351
constitution, the general assembly shall pass a congressional 352
district plan in accordance with the provisions of this 353
constitution that are then valid, to be used until the next time 354
for redistricting under this article in accordance with the 355
provisions of this constitution that are then valid. 356

The general assembly shall pass that plan not later than 357
the thirtieth day after the last day on which an appeal of the 358
court order could have been filed or, if the order is not 359
appealable, the thirtieth day after the day on which the order 360
is issued. 361

A congressional district plan passed under this division 362
shall remedy any legal defects in the previous plan identified 363
by the court but shall include no changes to the previous plan 364
other than those made in order to remedy those defects. 365

(2) If a new congressional district plan is not passed in 366
accordance with division (B) (1) of this section and filed with 367
the secretary of state in accordance with Section 16 of Article 368

II of this constitution, the Ohio redistricting commission shall 369
be reconstituted and reconvene and shall adopt a congressional 370
district plan in accordance with the provisions of this 371
constitution that are then valid, to be used until the next time 372
for redistricting under this article in accordance with the 373
provisions of this constitution that are then valid. 374

The commission shall adopt that plan not later than the 375
thirtieth day after the deadline described in division (B) (1) of 376
this section. 377

A congressional district plan adopted under this division 378
shall remedy any legal defects in the previous plan identified 379
by the court but shall include no other changes to the previous 380
plan other than those made in order to remedy those defects. 381

EFFECTIVE DATE AND REPEAL 382

If adopted by a majority of the electors voting on this 383
proposal, the version of Section 1 of Article XI amended by this 384
proposal and Sections 1, 2, and 3 of Article XIX of the 385
Constitution of the State of Ohio enacted by this proposal take 386
effect January 1, 2021, and the existing version of Section 1 of 387
Article XI of the Constitution of the State of Ohio that is 388
scheduled to take effect January 1, 2021, is repealed from that 389
effective date. 390