

**As Reported by the House Rules and Reference Committee**

**132nd General Assembly**

**Regular Session  
2017-2018**

**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 Speaker Rosenberger, Representatives  
Schuring, Blessing, Brenner, Carfagna, Lipps, Manning, Pelanda, Reineke,  
Ryan, Scherer**

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**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**

**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

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commission members shall be required for any action by the 42  
commission. 43

(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

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

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

(B) If a congressional district plan is not passed not later than the last day of September of a year ending in the numeral one and filed with the secretary of state in accordance with Section 16 of Article II of this constitution, then the Ohio redistricting commission described in Article XI of this constitution shall adopt a congressional district plan not later than the last day of October of that year by 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. 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 3 of this article.

(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 favors or disfavors a political party or its incumbents. 219  
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(b) The general assembly shall not unduly split governmental units, giving preference to keeping whole, in the order named, counties, then townships and municipal corporations. 221  
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(c) Division (B)(2) of Section 2 of this article shall not apply to the plan. The general assembly shall attempt to draw districts that are compact. 225  
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(d) The general assembly shall include in the plan an explanation of the plan's compliance with divisions (F)(3)(a) to (c) of this section. 228  
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(e) If the plan becomes law, the plan shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article. 231  
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(G) Before the general assembly passes a congressional district plan under any division of this section, a joint committee of the general assembly shall hold at least two public committee hearings concerning a proposed plan. Before the Ohio redistricting commission adopts a congressional district plan under any division of this section, the commission shall hold at least two public hearings concerning a proposed plan. 234  
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(H) The general assembly and the Ohio redistricting commission shall facilitate and allow for the submission of proposed congressional district plans by members of the public. The general assembly shall provide by law the manner in which members of the public may do so. 241  
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(I) For purposes of filing a congressional district plan with the governor or the secretary of state under this article, 246  
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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