

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 313

Representative Hicks-Hudson

Cosponsors: Representatives Boyd, Boggs, Skindell, Miranda, Troy, O'Brien, Sheehy, Crossman, Smith, K., Robinson, West, Miller, A., Sweeney, Kelly, Lepore-Hagan, Crawley, Leland, Brown, Weinstein, Miller, J., Denson, Smith, M., Sykes, Upchurch, Liston, Blackshear, Ingram, Brent, Russo, Sobecki, Howse

A BILL

To amend sections 101.30 and 103.51 and to enact 1
sections 103.52 and 103.53 of the Revised Code 2
to delineate the public records, public 3
meetings, and other requirements with which the 4
Ohio Redistricting Commission, the General 5
Assembly, and the Legislative Task Force on 6
Redistricting, Reapportionment, and Demographic 7
Research must comply during the redistricting 8
process, to make an appropriation, and to 9
declare an emergency. 10

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 101.30 and 103.51 be amended and 11
sections 103.52 and 103.53 of the Revised Code be enacted to 12
read as follows: 13

Sec. 101.30. (A) As used in this section: 14

(1) "Legislative document" includes, but is not limited 15
to, all of the following: 16

(a) A working paper, work product, correspondence, 17
preliminary draft, note, proposed bill or resolution, proposed 18
amendment to a bill or resolution, analysis, opinion, 19
memorandum, or other document in whatever form or format 20
prepared by legislative staff for a member of the general 21
assembly or for general assembly staff; 22

(b) Any document or material in whatever form or format 23
provided by a member of the general assembly or general assembly 24
staff to legislative staff that requests, or that provides 25
information or materials to assist in, the preparation of any of 26
the items described in division (A) (1) (a) of this section; 27

(c) Any summary of a bill or resolution or of an amendment 28
to a bill or resolution in whatever form or format that is 29
prepared by or in the possession of a member of the general 30
assembly or general assembly staff, if the summary is prepared 31
before the bill, resolution, or amendment is filed for 32
introduction or presented at a committee hearing or floor 33
session, as applicable. 34

(2) "Legislative staff" means the staff of the legislative 35
service commission, legislative budget office of the legislative 36
service commission, or any other legislative agency included in 37
the legislative service commission budget group. 38

(3) "General assembly staff" means an officer or employee 39
of either house of the general assembly who acts on behalf of a 40
member of the general assembly or on behalf of a committee or 41
either house of the general assembly. 42

(B) Legislative staff shall maintain a confidential 43
relationship with each member of the general assembly, and with 44
each member of the general assembly staff, with respect to 45

communications between the member of the general assembly or 46
general assembly staff and legislative staff. Except as 47
otherwise provided in this division and division (C) of this 48
section and in sections 103.51, 103.52, and 103.53 of the 49
Revised Code, a legislative document arising out of this 50
confidential relationship is not a public record for purposes of 51
section 149.43 of the Revised Code. When it is in the public 52
interest and with the consent of the commission, the director of 53
the commission may release to the public any legislative 54
document in the possession of the commission staff arising out 55
of a confidential relationship with a former member of the 56
general assembly or former member of the general assembly staff 57
who is not available to make the legislative document a public 58
record as provided in division (C) of this section because of 59
death or disability, whom the director is unable to contact for 60
that purpose, or who fails to respond to the director after the 61
director has made a reasonable number of attempts to make such 62
contact. 63

(C) (1) A legislative document is a public record for 64
purposes of section 149.43 of the Revised Code if it is an 65
analysis, synopsis, fiscal note, or local impact statement 66
prepared by legislative staff that is required to be prepared by 67
law, or by a rule of either house of the general assembly, for 68
the benefit of the members of either or both of those houses or 69
any legislative committee and if it has been presented to those 70
members. 71

(2) A legislative document is a public record for purposes 72
of section 149.43 of the Revised Code if a member of the general 73
assembly for whom legislative staff prepared the legislative 74
document does any of the following: 75

(a) Files it for introduction with the clerk of the senate 76
or the clerk of the house of representatives, if it is a bill or 77
resolution; 78

(b) Presents it at a committee hearing or floor session, 79
if it is an amendment to a bill or resolution or is a substitute 80
bill or resolution; 81

(c) Releases it, or authorizes general assembly staff or 82
legislative staff to release it, to the public. 83

Sec. 103.51. (A) There is hereby created the legislative 84
task force on redistricting, reapportionment, and demographic 85
research, consisting of six members. The president of the senate 86
shall appoint three members, not more than two of whom shall be 87
members of the same political party. One member appointed by the 88
president shall not be a member of the general assembly. The 89
speaker of the house of representatives shall appoint three 90
members, not more than two of whom shall be members of the same 91
political party. One member appointed by the speaker shall not 92
be a member of the general assembly. 93

Appointments to the task force shall be made within 94
fifteen days after the commencement of the first regular session 95
of each general assembly in the manner prescribed in this 96
division. A vacancy on the task force shall be filled for the 97
unexpired term in the same manner as the original appointment. 98
Members of the task force shall serve on the task force until 99
the appointments are made in the first regular session of the 100
following general assembly or, in the case of task force members 101
who also are general assembly members when appointed, until they 102
are no longer general assembly members. 103

The president of the senate shall appoint a member of the 104

task force, and the speaker of the house of representatives 105
shall appoint a member of the task force, to serve as ~~ee-~~ 106
~~chairmen~~co-chairpersons of the task force. The ~~ee-chairmen~~co- 107
chairpersons shall be members of different political parties. 108
The ~~ee-chairmen~~co-chairpersons may enter into any agreements on 109
behalf of the task force and perform any acts that may be 110
necessary or proper for the task force to carry out its powers 111
and duties under this section. 112

(B) The members of the task force shall serve without 113
compensation, but shall be reimbursed for their actual and 114
necessary expenses incurred in the performance of their official 115
duties. 116

(C) The task force shall do all of the following: 117

(1) Provide such assistance to the general assembly and 118
its committees as requested in order to help the general 119
assembly fulfill its duty to establish districts for the 120
election of representatives to congress; 121

(2) Provide such assistance to the apportionment board as 122
requested in order to help it fulfill its duty to provide for 123
the apportionment of this state for members of the general 124
assembly. As used in this section, "apportionment board" means 125
the persons designated in Section 1 of Article XI, Ohio 126
Constitution, as being responsible for that apportionment. 127

(3) Engage in such research studies and other activities 128
as the task force considers necessary or appropriate in the 129
preparation and formulation of a plan for the next apportionment 130
of the state for members of the general assembly and a plan for 131
the next establishment of districts for the election of 132
representatives to congress and in the utilization of census and 133

other demographic and statistical data for policy analysis, 134
program development, and program evaluation purposes for the 135
benefit of the general assembly. 136

(D) Notwithstanding any provision of law to the contrary, 137
the task force may do all of the following: 138

(1) Hire such employees and engage such experts and 139
technical advisors and fix their compensation, and obtain such 140
services, as are necessary for the task force to exercise its 141
duties under this section; 142

(2) Authorize the providing of such services and the 143
furnishing of such data by the task force to any state agency or 144
political subdivision of this state as the task force may 145
specify, on such terms and conditions as the task force may 146
specify, including the amount of the payment for providing the 147
services and furnishing the data; 148

(3) Conduct meetings and hearings both within and outside 149
this state and otherwise exercise all of the powers of a 150
standing or select committee of the general assembly; 151

(4) Request and receive from any state agency or political 152
subdivision of this state such assistance and data as will 153
enable the task force to exercise its powers and duties under 154
this section. 155

(E) Notwithstanding any contrary provision of section 156
121.22 of the Revised Code, the co-chairpersons of the task 157
force shall provide the public with at least seventy-two hours 158
of advance notice of the time and location of any meeting or 159
hearing of the task force, shall make that meeting or hearing 160
open to the public, and shall hold that meeting or hearing in a 161
public building or office. 162

(F) Notwithstanding any contrary provision of section 101.30 of the Revised Code, all records related to the work of the task force kept by any member of the task force or the member's employee or agent, including any contractor or consultant directly or indirectly retained by any member of the general assembly, any task force member, or the Ohio redistricting commission, or by any other public office are public records within the meaning of section 149.43 of the Revised Code. 163
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Sec. 103.52. (A) The governor shall convene the Ohio redistricting commission described under Article XI, Ohio Constitution, not later than the first day of June of each year ending in the numeral one. During the period beginning on the day the governor convenes the Ohio redistricting commission and ending on the day the commission is dissolved, the co-chairpersons of the commission shall do all of the following: 172
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(1) Within fourteen days of the commission's convening, adopt rules for the commission, announce the hiring of staff for the commission, announce a plan for spending the commission's appropriated funds in a bipartisan manner, and adopt a plan for holding public hearings both before and after congressional maps are proposed; 179
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(2) Hold a public hearing or briefing concerning the status of the commission's work at least once each week; 185
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(3) Begin holding public hearings at least three weeks before any final map approval vote, the same requirement applying to any committees doing the work of the commission, regardless of whether data from the United States census bureau is available; 187
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(4) Issue a written progress report to the public at least 192
once each week concerning the status of the commission's work, 193
signed by the co-chairpersons and include copies of all draft 194
redistricting plans that have been shared between two or more 195
members of the commission or their employees or agents during 196
the period covered by the report; 197

(5) Develop and maintain a process by which the commission 198
receives and considers, in real time, maps and comments 199
submitted by members of the public concerning any draft 200
redistricting plan; 201

(6) Cause to be developed and maintained the Ohio 202
redistricting web site described in division (B) of this 203
section. 204

(B) The Ohio redistricting web site shall be a publicly 205
accessible online redistricting tool with a population and 206
redistricting data set identical to the data set used by the 207
general assembly and the Ohio redistricting commission to draw 208
new legislative and congressional districts. The most recent 209
census population data from the 2019 American community survey 210
shall be made available on the web site while the United States 211
census bureau finishes compiling enumeration data from the 2020 212
census. The 2020 enumeration data shall be made available on the 213
web site once it is provided to the state by the United States 214
census bureau. The web site shall be hosted by the legislative 215
service commission, shall be accessible from the web site of the 216
legislative service commission, and shall do all of the 217
following: 218

(1) Include a space for members of the public to submit 219
comments on any state legislative or congressional maps, and to 220
submit their own maps in various formats; 221

<u>(2) Provide information on Ohio's redistricting process,</u>	222
<u>including redistricting criteria and previous maps;</u>	223
<u>(3) Provide information about upcoming hearings, including</u>	224
<u>time and place;</u>	225
<u>(4) Provide contact information for all elected officials</u>	226
<u>who are members of the commission, the legislative task force on</u>	227
<u>redistricting and demographic research, or any legislative</u>	228
<u>committees involved in the redistricting process.</u>	229
<u>(C) Notwithstanding any contrary provision of section</u>	230
<u>121.22 of the Revised Code, the co-chairpersons of the</u>	231
<u>commission shall provide the public with at least seventy-two</u>	232
<u>hours of advance notice of the time and location of any meeting</u>	233
<u>or hearing concerning redistricting, shall make that meeting or</u>	234
<u>hearing open to the public, and shall hold that meeting or</u>	235
<u>hearing in a public building or office.</u>	236
<u>(D) Notwithstanding any contrary provision of section</u>	237
<u>121.22 of the Revised Code, the Ohio redistricting commission</u>	238
<u>and any related committees shall conduct public hearings outside</u>	239
<u>of standard working hours and in locations compliant with the</u>	240
<u>"Americans with Disabilities Act of 1990," 42 U.S.C. 12101 et</u>	241
<u>seq. that are accessible by public transportation.</u>	242
<u>(E) Any person who has submitted a complete map, directly</u>	243
<u>or through the Ohio redistricting web site under division (B) of</u>	244
<u>this section, which is compliant with the basic principles of</u>	245
<u>redistricting, to a chairperson or the co-chairpersons of the</u>	246
<u>Ohio redistricting commission or a related committee shall be</u>	247
<u>permitted to discuss the proposed map at any of the general</u>	248
<u>assembly's or commission's public hearings regarding</u>	249
<u>redistricting.</u>	250

(F) Notwithstanding any contrary provision of section 101.30 of the Revised Code, all records related to the Ohio redistricting commission kept by any member of the commission or the member's employee or agent or by any other public office are public records within the meaning of section 149.43 of the Revised Code. 251
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(G) The commission shall allow for virtual, interactive testimony and participation by the public and shall not require members of the public to appear in person to testify. 257
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Sec. 103.53. (A) Beginning on the first day of July in a year ending in the numeral one, and continuing until the general assembly has adopted new congressional districts, the speaker and minority leader of the house of representatives and the president and minority leader of the senate shall do all of the following: 260
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(1) Hold a public hearing or briefing concerning the status of the general assembly's work on congressional redistricting at least once each week; 266
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(2) Issue a written progress report to the public at least once each week concerning the status of the general assembly's work on congressional redistricting, including the public input received with transcribed copies of hearings and public comments submitted on the Ohio redistricting web site under section 103.52 of the Revised Code. The report shall be signed by the speaker and minority leader of the house of representatives and by the president and minority leader of the senate and, notwithstanding section 101.30 of the Revised Code, shall include copies of all draft redistricting plans that have been shared between two or more members of the general assembly or their employees or agents during the period covered by the 269
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report. This report shall be routinely uploaded to the Ohio 281
redistricting web site. 282

(3) Develop and maintain a process by which the members of 283
the general assembly receive and consider, in real time, maps 284
and comments submitted by members of the public concerning any 285
draft congressional redistricting plan. 286

(B) In accordance with Article XIX of the Ohio 287
Constitution, the general assembly shall create a joint 288
committee called the joint committee on redistricting to hold 289
hearings and report a congressional district plan to the general 290
assembly. The committee shall begin holding public hearings at 291
least three weeks before any final map approval vote. Hearings 292
shall take place both before and after maps are introduced for 293
consideration by the committee. The committee shall be comprised 294
of an equal number of majority party and minority party members, 295
who shall be appointed by the speaker of the house of 296
representatives, the minority leader of the house, the president 297
of the senate, and the minority leader of the senate. 298

(C) Notwithstanding any contrary provision of section 299
121.22 of the Revised Code, the public shall be provided with at 300
least seventy-two hours of advance notice of the time and 301
location of any meeting by committees of the general assembly 302
concerning congressional redistricting, and that meeting shall 303
be open to the public and held in a public building or office. 304

(D) Notwithstanding any contrary provision of section 305
101.30 of the Revised Code, all records related to congressional 306
redistricting kept by any member of the general assembly, the 307
member's employee or agent, or any other public office are 308
public records within the meaning of section 149.43 of the 309
Revised Code. 310

(E) The general assembly and its committees shall allow 311
for virtual, interactive participation by the public and shall 312
not require members of the public to appear in person to testify 313
on any matter relating to redistricting. 314

Section 2. That existing sections 101.30 and 103.51 of the 315
Revised Code are hereby repealed. 316

Section 3. All items in this act are hereby appropriated 317
as designated out of any moneys in the state treasury to the 318
credit of the designated fund. For all operating appropriations 319
made in this act, those in the first column are for fiscal year 320
2022 and those in the second column are for fiscal year 2023. 321
The operating appropriations made in this act are in addition to 322
any other operating appropriations made for the FY 2022-FY 2023 323
biennium. 324

Section 4. 325

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A	RDC OHIO REDISTRICTING COMMISSION				
B	General Revenue Fund				
C	GRF	006400	Ohio Redistricting Commission	\$2,000,000	\$0
D	TOTAL GRF General Revenue Fund			\$2,000,000	\$0
E	TOTAL ALL BUDGET FUND GROUPS			\$2,000,000	\$0
	OHIO REDISTRICTING COMMISSION				327

The foregoing appropriation item 006400, Ohio 328
Redistricting Commission, shall be used by the Commission to 329
perform all necessary duties in accordance with Articles XI and 330
XIX of the Ohio Constitution and section 103.52 of the Revised 331
Code. 332

Section 5. Within the limits set forth in this act, the 333
Director of Budget and Management shall establish accounts 334
indicating the source and amount of funds for each appropriation 335
made in this act, and shall determine the form and manner in 336
which appropriation accounts shall be maintained. Expenditures 337
from operating appropriations contained in this act shall be 338
accounted for as though made in the main operating 339
appropriations act of the 134th General Assembly. The operating 340
appropriations made in this act are subject to all provisions of 341
the main operating appropriations act of the 134th General 342
Assembly that are generally applicable to such appropriations. 343

Section 6. This act is hereby declared to be an emergency 344
measure necessary for the immediate preservation of the public 345
peace, health, and safety. The reason for such necessity is that 346
the redistricting process underway this year must be transparent 347
and accessible to the public. Therefore, this act shall go into 348
immediate effect. 349