

**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**

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**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

(1) The governor; 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 represented in the general assembly, shall be required to do</u>	41 42 43 44 45

<u>any of the following:</u>	46
<u>(i) Adopt rules of the commission;</u>	47
<u>(ii) Hire staff for the commission;</u>	48
<u>(iii) Expend funds.</u>	49
<u>(b) If the commission is unable to agree, by the vote</u>	50
<u>required under division (B) (2) (a) of this section, on the</u>	51
<u>manner in which funds should be expended, each co-</u>	52
<u>chairperson of the commission shall have the authority to</u>	53
<u>expend one-half of the funds that have been appropriated to</u>	54
<u>the commission.</u>	55
<u>(3) The affirmative vote of four members of the</u>	56
<u>commission, including at least two members of the commission</u>	57
<u>who represent each of the two largest political parties</u>	58
<u>represented in the general assembly, shall be required to</u>	59
<u>adopt any congressional district plan. For the purpose of</u>	60
<u>this division, a member of the commission shall be</u>	61
<u>considered to represent a political party if the member was</u>	62
<u>appointed to the commission by a member of that political</u>	63
<u>party or if, in the case of the governor, the auditor of</u>	64
<u>state, or the secretary of state, the member is a member of</u>	65
<u>that political party.</u>	66
<u>(C) At the first meeting of the commission, which the</u>	67
<u>governor shall convene only in a year ending in the numeral</u>	68
<u>one, except as provided in Sections 6 and 7 of this article,</u>	69
<u>the commission shall set a schedule for the adoption of</u>	70
<u>procedural rules for the operation of the commission.</u>	71
<u>The commission shall release to the public a proposed</u>	72
<u>congressional district plan for the boundaries for the</u>	73
<u>prescribed number of congressional districts as apportioned</u>	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  
of this section. 221



(c) The commission shall create the district by taking 222  
all four of the actions described in divisions (E) (1) (a) to 223  
(d) of this section. 224

(3) If the commission draws a congressional district in 225  
accordance with division (E) (1) or (2) of this section, the 226  
commission shall include in the congressional district plan 227  
a statement explaining the action or actions the commission 228  
took and the reason the commission did so. 229

(4) If the commission complies with divisions (E) (1), 230  
(2), and (3) of this section in drawing a district, the 231  
commission shall not be considered to have violated division 232  
(C) (1), (C) (2), or (D) (3) of this section, as applicable, in 233  
drawing that district, for the purpose of an analysis under 234  
division (C) of Section 7 of this article. 235

**Section 4.** The Ohio redistricting commission shall 236  
attempt to draw a congressional district plan that meets all 237  
of the following standards: 238

(A) No congressional district plan shall be drawn 239  
primarily to favor or disfavor a political party. 240

(B) The statewide proportion of districts whose voters, 241  
based on statewide state and federal partisan general 242  
election results during the last ten years, favor each 243  
political party shall correspond closely to the statewide 244  
preferences of the voters of Ohio. 245

(C) Congressional districts shall be compact. 246

Nothing in this section permits the commission to 247  
violate the district standards described in Section 2, 3, or 248  
5 of this article. 249

Section 5. Notwithstanding the fact that boundaries of 250  
counties, municipal corporations, and townships within a 251  
district may be changed, district boundaries shall be 252  
created by using the boundaries of counties, municipal 253  
corporations, and townships as they exist at the time of the 254  
federal decennial census on which the redistricting is 255  
based, or, if unavailable, on such other basis as the 256  
general assembly has directed. 257

Section 6. (A) (1) If the Ohio redistricting commission 258  
fails to adopt a final congressional district plan not later 259  
than the first day of September of a year ending in the 260  
numeral one, in accordance with Section 1 of this article, 261  
the commission shall introduce a proposed congressional 262  
district plan by a simple majority vote of the commission. 263

(2) After introducing a proposed congressional district 264  
plan under division (A) (1) of this section, the commission 265  
shall hold a public hearing concerning the proposed plan, at 266  
which the public may offer testimony and at which the 267  
commission may adopt amendments to the proposed plan. 268  
Members of the commission should attend the hearing; 269  
however, only a quorum of the members of the commission is 270  
required to conduct the hearing. 271

(3) After the hearing described in division (A) (2) of 272  
this section is held, and not later than the fifteenth day 273  
of September of a year ending in the numeral one, the 274  
commission shall adopt a final congressional district plan, 275  
either by the vote required to adopt a plan under division 276  
(B) (3) of Section 1 of this article or by a simple majority 277  
vote of the commission. 278

(B) If the commission adopts a final congressional 279

district plan in accordance with division (A) (3) of this 280  
section by the vote required to adopt a plan under division 281  
(B) (3) of Section 1 of this article, the plan shall take 282  
effect upon filing with the secretary of state and shall 283  
remain effective until the next year ending in the numeral 284  
one, except as provided in Section 7 of this article. 285

(C) (1) (a) Except as otherwise provided in division (C) 286  
(1) (b) of this section, if the commission adopts a final 287  
congressional district plan in accordance with division (A) 288  
(3) of this section by a simple majority vote of the 289  
commission, and not by the vote required to adopt a plan 290  
under division (B) (3) of Section 1 of this article, the plan 291  
shall take effect upon filing with the secretary of state 292  
and shall remain effective until two general elections for 293  
the United States house of representatives have occurred 294  
under the plan. 295

(b) If the commission adopts a final congressional 296  
district plan in accordance with division (A) (3) of this 297  
section by a simple majority vote of the commission, and not 298  
by the vote required to adopt a plan under division (B) of 299  
Section 1 of this article, and that plan is adopted to 300  
replace a plan that ceased to be effective under division 301  
(C) (1) (a) of this section before a year ending in the 302  
numeral one, the plan adopted under this division shall take 303  
effect upon filing with the secretary of state and shall 304  
remain effective until a year ending in the numeral one, 305  
except as provided in Section 7 of this article. 306

(2) A final congressional district plan adopted under 307  
division (C) (1) (a) or (b) of this section shall include a 308  
statement explaining what the commission determined to be 309  
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