

As Introduced

**131st General Assembly
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H. J. R. No. 2

Representatives Clyde, Curtin

**Cosponsors: Representatives Antonio, Smith, K., Stinziano, Leland, Driehaus,
Bishoff, Johnson, G., Celebrezze, Ashford, Fedor, Lepore-Hagan, Sheehy**

AJOINT RESOLUTION

Proposing to enact Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 1
of Article XIX of the Constitution of the State of 2
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 electors 7
of the state, in the manner prescribed by law at the general 8
election to be held on November 3, 2015, a proposal to enact 9
Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 of Article XIX of the 10
Constitution of the State of Ohio to read as follows: 11

ARTICLE XIX 12

Section 1. (A) The Ohio redistricting commission shall be 13
responsible for the redistricting of this state for congress. 14
The commission shall consist of the following seven members: 15

(1) The governor; 16

(2) The auditor of state; 17

<u>(3) The secretary of state;</u>	18
<u>(4) One person appointed by the speaker of the house of representatives;</u>	19 20
<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>	21 22 23
<u>(6) One person appointed by the president of the senate;</u> <u>and</u>	24 25
<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>	26 27 28
<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>	29 30 31 32 33
<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>	34 35 36
<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 any of the following:</u>	37 38 39 40 41 42
<u>(i) Adopt rules of the commission;</u>	43
<u>(ii) Hire staff for the commission;</u>	44
<u>(iii) Expend funds.</u>	45

(b) If the commission is unable to agree, by the vote 46
required under division (B)(2)(a) of this section, on the manner 47
in which funds should be expended, each co-chairperson of the 48
commission shall have the authority to expend one-half of the 49
funds that have been appropriated to the commission. 50

(3) The affirmative vote of four members of the 51
commission, including at least two members of the commission who 52
represent each of the two largest political parties represented 53
in the general assembly, shall be required to adopt any 54
congressional district plan. For the purpose of this division, a 55
member of the commission shall be considered to represent a 56
political party if the member was appointed to the commission by 57
a member of that political party or if, in the case of the 58
governor, the auditor of state, or the secretary of state, the 59
member is a member of that political party. 60

(C) At the first meeting of the commission, which the 61
governor shall convene only in a year ending in the numeral one, 62
except as provided in Sections 6 and 7 of this article, the 63
commission shall set a schedule for the adoption of procedural 64
rules for the operation of the commission. 65

The commission shall release to the public a proposed 66
congressional district plan for the boundaries for the 67
prescribed number of congressional districts as apportioned to 68
the state pursuant to Section 2 of Article I of the Constitution 69
of the United States. The commission shall draft the proposed 70
plan in the manner prescribed in this article. Before adopting, 71
but after introducing, a proposed plan, the commission shall 72
conduct a minimum of three public hearings across the state to 73
present the proposed plan and shall seek public input regarding 74
the proposed plan. All meetings of the commission shall be open 75
to the public. Meetings shall be broadcast by electronic means 76

of transmission using a medium readily accessible by the general public. 77
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The commission shall adopt a final congressional district plan not later than the first day of September of a year ending in the numeral one. After the commission adopts a final plan, the commission shall promptly file the plan with the secretary of state. Upon filing with the secretary of state, the plan shall become effective. 79
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Four weeks after the adoption of a congressional district plan, the commission shall be automatically dissolved. 85
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(D) The general assembly shall be responsible for making the appropriations it determines necessary in order for the commission to perform its duties under this article. 87
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Section 2. Each congressional district shall be entitled to a single representative in the United States house of representatives in each congress. 90
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Section 3. (A) The whole population of the state, as determined by the federal decennial census or, if such is unavailable, such other basis as the general assembly may direct, shall be divided by the number of congressional districts apportioned to the state pursuant to Section 2 of Article I of the Constitution of the United States, and the quotient shall be the congressional ratio of representation for ten years next succeeding such redistricting. 93
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(B) A congressional district plan shall comply with all of the requirements of division (B) of this section. 101
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(1) The population of each congressional district shall be as equal to the congressional ratio of representation as practicable. 103
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(2) Any congressional district plan adopted by the 106
commission shall comply with all applicable provisions of the 107
constitutions of Ohio and the United States and of federal law. 108

(3) Every congressional district shall be composed of 109
contiguous territory, and the boundary of each district shall be 110
a single nonintersecting continuous line. 111

(C) Congressional districts shall be created and numbered 112
in the following order of priority, to the extent that such 113
order is consistent with the foregoing standards: 114

(1) Proceeding in succession from the largest to the 115
smallest, each county containing population greater than one 116
congressional ratio of representation shall be divided into as 117
many congressional districts as it has whole ratios of 118
representation. Any fraction of the population in excess of a 119
whole ratio shall be a part of only one adjoining congressional 120
district. 121

(2) Each county containing population equal to the 122
congressional ratio of representation shall be designated a 123
congressional district. 124

(3) The remaining territory of the state shall be divided 125
into congressional districts by combining the areas of counties, 126
municipal corporations, and townships. Where feasible, no county 127
shall be split more than once. 128

(D) (1) A county, municipal corporation, or township is 129
considered to be split if any contiguous portion of its 130
territory is not contained entirely within one district. 131

(2) Where the requirements of divisions (B) and (C) of 132
this section cannot feasibly be attained by forming a 133
congressional district from whole municipal corporations and 134

townships, the district shall be formed by splitting not more 135
than one municipal corporation or township. If the commission 136
must choose between multiple municipal corporations or townships 137
for the purpose of splitting a municipal corporation or township 138
under this division, the municipal corporation or township with 139
the smallest population shall be split. 140

(E) (1) If it is not possible for the commission to comply 141
with all of the requirements of divisions (B), (C), and (D) of 142
this section in drawing a particular congressional district, the 143
commission shall take the first action listed below that makes 144
it possible for the commission to draw that district: 145

(a) Notwithstanding division (D) (2) of this section, the 146
commission shall create the district by splitting two municipal 147
corporations or townships. If the commission must choose between 148
more than two municipal corporations or townships for the 149
purpose of splitting municipal corporations and townships under 150
this division, the municipal corporations or townships shall be 151
split in order of population, proceeding from the smallest to 152
the largest. 153

(b) Notwithstanding division (C) (2) of this section, the 154
commission shall create the district by splitting, once, a 155
single county that contains a population equal to the 156
congressional ratio of representation. 157

(c) Notwithstanding division (C) (1) of this section, the 158
commission shall create the district by including in two 159
districts portions of the territory that remain after a county 160
that contains a population of more than one congressional ratio 161
of representation has been divided into as many congressional 162
districts as it has whole ratios of representation. 163

(2) If the commission takes an action under division (E) 164

(1) of this section, the commission shall include in the 165
congressional district plan a statement explaining which action 166
the commission took under that division and the reason the 167
commission took that action. 168

(3) If the commission complies with divisions (E) (1) and 169
(2) of this section in drawing a district, the commission shall 170
not be considered to have violated division (C) (1), (C) (2), or 171
(D) (2) of this section, as applicable, in drawing that district, 172
for the purpose of an analysis under division (D) of Section 7 173
of this article. 174

Section 4. The Ohio redistricting commission shall attempt 175
to draw a congressional district plan that meets all of the 176
following standards: 177

(A) No congressional district plan shall be drawn 178
primarily to favor or disfavor a political party. 179

(B) The statewide proportion of districts whose voters, 180
based on statewide state and federal partisan general election 181
results during the last ten years, favor each political party 182
shall correspond closely to the statewide preferences of the 183
voters of Ohio. 184

(C) Congressional districts shall be compact. 185

Nothing in this section permits the commission to violate 186
the district standards described in Section 2, 3, or 5 of this 187
article. 188

Section 5. Notwithstanding the fact that boundaries of 189
counties, municipal corporations, and townships within a 190
district may be changed, district boundaries shall be created by 191
using the boundaries of counties, municipal corporations, and 192
townships as they exist at the time of the federal decennial 193

census on which the redistricting is based, or, if unavailable, 194
on such other basis as the general assembly has directed. 195

Section 6. (A) (1) If the Ohio redistricting commission 196
fails to adopt a final congressional district plan not later 197
than the first day of September of a year ending in the numeral 198
one, in accordance with Section 1 of this article, the 199
commission shall introduce a proposed congressional district 200
plan by a simple majority vote of the commission. 201

(2) After introducing a proposed congressional district 202
plan under division (A) (1) of this section, the commission shall 203
hold a public hearing concerning the proposed plan, at which the 204
public may offer testimony and at which the commission may adopt 205
amendments to the proposed plan. Members of the commission 206
should attend the hearing; however, only a quorum of the members 207
of the commission is required to conduct the hearing. 208

(3) After the hearing described in division (A) (2) of this 209
section is held, and not later than the fifteenth day of 210
September of a year ending in the numeral one, the commission 211
shall adopt a final congressional district plan, either by the 212
vote required to adopt a plan under division (B) (3) of Section 1 213
of this article or by a simple majority vote of the commission. 214

(B) If the commission adopts a final congressional 215
district plan in accordance with division (A) (3) of this section 216
by the vote required to adopt a plan under division (B) (3) of 217
Section 1 of this article, the plan shall take effect upon 218
filing with the secretary of state and shall remain effective 219
until the next year ending in the numeral one, except as 220
provided in Section 7 of this article. 221

(C) (1) (a) Except as otherwise provided in division (C) (1) 222
(b) of this section, if the commission adopts a final 223

congressional district plan in accordance with division (A) (3) 224
of this section by a simple majority vote of the commission, and 225
not by the vote required to adopt a plan under division (B) (3) 226
of Section 1 of this article, the plan shall take effect upon 227
filing with the secretary of state and shall remain effective 228
until two general elections for the United States house of 229
representatives have occurred under the plan. 230

(b) If the commission adopts a final congressional 231
district plan in accordance with division (A) (3) of this section 232
by a simple majority vote of the commission, and not by the vote 233
required to adopt a plan under division (B) of Section 1 of this 234
article, and that plan is adopted to replace a plan that ceased 235
to be effective under division (C) (1) (a) of this section before 236
a year ending in the numeral one, the plan adopted under this 237
division shall take effect upon filing with the secretary of 238
state and shall remain effective until a year ending in the 239
numeral one, except as provided in Section 7 of this article. 240

(2) A final congressional district plan adopted under 241
division (C) (1) (a) or (b) of this section shall include a 242
statement explaining what the commission determined to be the 243
statewide preferences of the voters of Ohio and the manner in 244
which the statewide proportion of districts in the plan whose 245
voters, based on statewide state and federal partisan general 246
election results during the last ten years, favor each political 247
party corresponds closely to those preferences, as described in 248
division (B) of Section 4 of this article. At the time the plan 249
is adopted, a member of the commission who does not vote in 250
favor of the plan may submit a declaration of the member's 251
opinion concerning the statement included with the plan. 252

(D) After a congressional district plan adopted under 253
division (C) (1) (a) of this section ceases to be effective, and 254

not earlier than the first day of July of the year following the 255
year in which the plan ceased to be effective, the commission 256
shall be reconstituted as provided in Section 1 of this article, 257
convene, and adopt a new congressional district plan in 258
accordance with this article, to be used until the next time for 259
redistricting under this article. The commission shall draw the 260
new congressional district plan using the same population and 261
county, municipal corporation, and township boundary data as 262
were used to draw the previous plan adopted under division (C) 263
of this section. 264

Section 7. (A) The supreme court of Ohio shall have 265
exclusive, original jurisdiction in all cases arising under this 266
article. 267

(B) In the event that any section of this constitution 268
relating to redistricting, any congressional district plan made 269
by the Ohio redistricting commission, or any district is 270
determined to be invalid by an unappealed final order of a court 271
of competent jurisdiction then, notwithstanding any other 272
provisions of this constitution, the commission shall be 273
reconstituted as provided in Section 1 of this article, convene, 274
and ascertain and determine a congressional district plan in 275
conformity with such provisions of this constitution as are then 276
valid, to be used until the next time for redistricting under 277
this article in conformity with such provisions of this 278
constitution as are then valid. 279

(C) (1) No court shall order, in any circumstance, the 280
implementation or enforcement of any congressional district plan 281
that has not been approved by the commission in the manner 282
prescribed by this article. 283

(2) No court shall order the commission to adopt a 284

particular congressional district plan or to draw a particular 285
district. 286

(3) If the supreme court of Ohio determines that a 287
congressional district plan adopted by the commission does not 288
comply with the requirements of Section 2, 3, or 5 of this 289
article, the available remedies shall be as follows: 290

(a) If the court finds that the plan contains one or more 291
isolated violations of those requirements, the court shall order 292
the commission to amend the plan to correct the violation. 293

(b) If, in considering a plan adopted under division (C) 294
of Section 6 of this article, the court determines that both of 295
the following are true, the court shall order the commission to 296
adopt a new congressional district plan in accordance with this 297
article: 298

(i) The plan significantly violates those requirements in 299
a manner that materially affects the ability of the plan to 300
contain districts whose voters favor political parties in an 301
overall proportion that corresponds closely to the statewide 302
political party preferences of the voters of Ohio, as described 303
in division (B) of Section 4 of this article. 304

(ii) The statewide proportion of districts in the plan 305
whose voters, based on statewide state and federal partisan 306
general election results during the last ten years, favor each 307
political party does not correspond closely to the statewide 308
preferences of the voters of Ohio. 309

Section 8. If a court of competent jurisdiction issues an 310
unappealed final order that the general assembly must be 311
responsible for the redistricting of this state for congress, 312
all of the following shall apply: 313

(A) The general assembly shall adopt a final congressional district plan not later than the first day of September of a year ending in the numeral one. 314
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(B) The congressional district plan shall comply with the requirements of Sections 2, 3, and 5 of this article. 317
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(C) The general assembly shall attempt to comply with the standards described in Section 4 of this article in drawing the congressional district plan. 319
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(D) Section 7 of this article shall apply to a congressional district plan adopted by the general assembly. 322
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Section 9. The various provisions of this article are intended to be severable, and the invalidity of one or more of such provisions shall not affect the validity of the remaining provisions. 324
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EFFECTIVE DATE 328

If adopted by a majority of the electors voting on this proposal, Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 of Article XIX of the Constitution of the State of Ohio enacted by this proposal take effect January 1, 2021. 329
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