

As Introduced

**129th General Assembly
Regular Session
2011-2012**

S. J. R. No. 5

**Senators Sawyer, LaRose
Cosponsors: Senators Turner, Faber**

JOINT RESOLUTION

Proposing to enact new Sections 1, 2, 3, 4, 5, 6, 7, 1
8, 9, 10, 11, and 12 of Article XI and to repeal 2
Sections 13, 14, and 15 of Article XI of the 3
Constitution of the State of Ohio to revise the 4
redistricting process for General Assembly and 5
Congressional districts. 6

Be it resolved by the General Assembly of the State of Ohio, 7
three-fifths of the members elected to each house concurring 8
herein, that there shall be submitted to the electors of the 9
state, in the manner prescribed by law at the general election to 10
be held on November 5, 2013, a proposal to enact new Sections 1, 11
2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of Article XI of the 12
Constitution of the State of Ohio to read as follows: 13

ARTICLE XI 14

Section 1. (A) The Ohio redistricting commission shall be 15
responsible for the redistricting of this state for congress and 16
the general assembly. The commission shall consist of the 17
following seven members: 18

(1) The governor; 19

(2) The auditor of state; 20

<u>(3) The secretary of state;</u>	21
<u>(4) One person appointed by the speaker of the house of representatives;</u>	22 23
<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>	24 25 26
<u>(6) One person appointed by the president of the senate; and</u>	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 the general assembly or of congress.</u>	31 32
<u>(B) Unless otherwise specified in this article, a simple majority of the commission members shall be required for any action by the commission. The affirmative vote of five members of the commission, including at least one member of the commission who is a member of a political party other than the largest one represented on the commission, shall be required to adopt any plan.</u>	33 34 35 36 37 38 39
<u>(C) At the first meeting of the commission, which the governor shall convene only in a year ending in the numeral one, except as provided in Section 11 of this article, the members shall select co-chairpersons, one of whom shall be a member of a political party other than the largest one represented on the commission, and set a schedule for the adoption of procedural rules for the operation of the commission.</u>	40 41 42 43 44 45 46
<u>Not later than the fifteenth day of September of a year ending in the numeral one, the commission shall release to the public a proposed plan for the boundaries for each of the ninety-nine house of representatives districts and the</u>	47 48 49 50

thirty-three senate districts, and a proposed plan for the 51
prescribed number of congressional districts as apportioned to the 52
state pursuant to Section 2 of Article 1 of the constitution of 53
the United States. The commission shall draft each proposed plan 54
in the manner prescribed in this article. Before adopting a final 55
congressional or general assembly district plan, the commission 56
shall conduct a minimum of three public hearings across the state 57
and shall seek public input regarding the proposed plans. All 58
meetings of the commission shall be open to the public. 59

The commission shall adopt final plans not earlier than the 60
last week of October of a year ending in the numeral one but not 61
later than the second week of November of a year ending in the 62
numeral one. After the commission adopts a plan, the commission 63
shall file the plan with the secretary of state. Upon filing with 64
the secretary of state, the plan shall become effective. 65

Not more than six weeks after the adoption of a congressional 66
plan and a general assembly plan, the co-chairpersons of the 67
commission shall jointly dissolve the commission. 68

(D) The general assembly shall be responsible for making the 69
appropriations it determines necessary in order for the commission 70
to perform its duties under this article. 71

(E) The attorney general shall be responsible for defending a 72
plan adopted by the commission in any legal action arising from 73
the process described in this article. 74

Section 2. Each congressional district shall be entitled to a 75
single representative in the United States house of 76
representatives in each congress. Each house of representatives 77
district shall be entitled to a single representative in each 78
general assembly. Each senate district shall be entitled to a 79
single senator in each general assembly. 80

Section 3. (A) The whole population of the state, as 81

determined by the federal decennial census or, if such is 82
unavailable, such other basis as the general assembly may direct, 83
shall be divided by the number "ninety-nine" and by the number 84
"thirty-three" and the quotients shall be the ratio of 85
representation in the house of representatives and in the senate, 86
respectively, for ten years next succeeding such redistricting. 87

(B) The population of each house of representatives district 88
shall be substantially equal to the ratio of representation in the 89
house of representatives, and the population of each senate 90
district shall be substantially equal to the ratio of 91
representation in the senate, as provided in division (A) of this 92
section. In no event shall any district contain a population of 93
less than ninety-five per cent nor more than one hundred five per 94
cent of the applicable ratio of representation, except as 95
otherwise provided in division (B) of Section 6 of this article. 96

Section 4. (A) Any plan adopted by the commission shall 98
comply with all applicable provisions of the constitutions of Ohio 99
and the United States and of federal law. 100

(B) No individual district shall be drawn primarily with the 101
intent to favor or disfavor a political party. 102

(C)(1) Every congressional and general assembly district 103
shall be compact and composed of contiguous territory, and the 104
boundary of each district shall be a single nonintersecting 105
continuous line. 106

(2) The commission shall attempt to avoid splitting political 107
subdivisions. As used in this section and Sections 6 and 9 of this 108
article, "political subdivision" means a county, a municipal 109
corporation, a township, or a municipal ward. 110

(a) Dividing a noncontiguous political subdivision shall not 111
be considered splitting the political subdivision if its 112
noncontiguous portions are included in separate districts. 113

However, dividing a noncontiguous political subdivision shall be 114
considered splitting the political subdivision if any 115
noncontiguous portion is divided into separate districts. 116

(b) Dividing, along a county line, a political subdivision 117
that has territory in more than one county shall not be considered 118
splitting the political subdivision. 119

(D) Where the requirements of this article cannot feasibly be 120
attained by combining whole political subdivisions, only two 121
political subdivisions, other than a county, may be divided per 122
house of representatives district. 123

(E) To the extent consistent with all other requirements of 124
this article, the commission shall preserve together whole 125
suburban, urban, and rural communities that share similar 126
characteristics. 127

Section 5. A county having at least one house of 128
representatives ratio of representation shall have as many house 129
of representatives districts wholly within the boundaries of the 130
county as it has whole ratios of representation. Any fraction of 131
the population in excess of a whole ratio shall be a part of only 132
one adjoining house of representatives district. 133

The number of whole ratios of representation for a county 134
shall be determined by dividing the population of the county by 135
the ratio of representation for the house of representatives 136
determined under Section 3 of this article. 137

Section 6. The standards prescribed in this section and 138
Sections 3, 4, and 5 of this article shall govern the 139
establishment of house of representatives districts, which shall 140
be created and numbered in the following order to the extent that 141
such order is consistent with the foregoing standards: 142

(A) Each county containing population substantially equal to 143
one ratio of representation in the house of representatives, as 144

provided in Section 3 of this article, but in no event less than 145
ninety-five per cent of the ratio nor more than one hundred five 146
per cent of the ratio, shall be designated a representative 147
district. 148

(B) Each county containing population between ninety and 149
ninety-five per cent of the ratio or between one hundred five and 150
one hundred ten per cent of the ratio may be designated a 151
representative district. 152

(C)(1) If political subdivisions must be divided in order to 153
create the remaining representative districts, those districts 154
shall be formed by combining the whole areas of political 155
subdivisions, beginning with the political subdivisions with the 156
smallest populations and proceeding to the largest. 157

(2) Proceeding in succession from the largest to the 158
smallest, each remaining county containing more than one whole 159
ratio of representation shall be divided into house of 160
representatives districts. Any remaining territory within such 161
county containing a fraction of one whole ratio of representation 162
shall be included in one representative district by combining it 163
with adjoining territory outside the county. 164

(3) Of the remaining territory of the state, where feasible, 165
multiple whole counties shall be combined as single representative 166
districts. 167

(4) Of the remaining territory of the state, the commission 168
shall attempt to draw the boundary lines of representative 169
districts as to delineate an area containing at least one whole 170
county and the necessary additional territory. 171

(D) The remaining territory of the state shall be combined 172
into representative districts. 173

(E) To the extent possible under the requirements of this 174
section, the commission shall attempt to give each house of 175

representatives district the same number as the previous house of 176
representatives district that covered that geographic area. 177

Section 7. Senate districts shall be composed of three 178
contiguous house of representatives districts. A county having at 179
least one whole senate ratio of representation shall have as many 180
senate districts wholly within the boundaries of the county as it 181
has whole senate ratios of representation. Any fraction of the 182
population in excess of a whole ratio shall be a part of only one 183
adjoining senate district. Counties having less than one senate 184
ratio of representation, but at least one house of representatives 185
ratio of representation shall be part of only one senate district. 186

The number of whole ratios of representation for a county 187
shall be determined by dividing the population of the county by 188
the ratio of representation in the senate determined under Section 189
3 of this article. 190

Senate districts shall be numbered from one through 191
thirty-three and as provided in Section 10 of this article. To the 192
extent possible under the requirements of this section and Section 193
10 of this article, the commission shall attempt to give each 194
senate district the same number as the previous senate district 195
that covered that geographic area. 196

Section 8. The standards prescribed in this section and 197
Section 4 of this article shall govern the establishment of 198
congressional districts, which shall be created in the following 199
order to the extent that such order is consistent with the 200
foregoing standards: 201

(A) The whole population of the state, as determined by the 202
federal decennial census, shall be divided by the number of 203
congressional districts apportioned to the state pursuant to 204
Section 2 of Article I of the constitution of the United States, 205
and the quotient shall be the congressional ratio of 206

representation for ten years next succeeding such apportionment. 207

(B) The number of whole ratios of representation for a county shall be determined by dividing the population of the county by the congressional ratio of representation. 208
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(C) Proceeding in succession from the largest to the smallest, each county containing more than one whole ratio of representation shall be divided into the appropriate number of congressional districts, as that county contains whole ratios of representation. 211
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(D) The remaining territory of the state shall be combined into congressional districts. 216
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Section 9. Notwithstanding the fact that boundaries of political subdivisions within a district may be changed, district boundaries shall be created by using the boundaries of political subdivisions as they exist at the time of the federal decennial census on which the redistricting is based, or, if unavailable, on such other basis as the general assembly has directed. 218
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Section 10. At any time the boundaries of senate districts are changed in any plan of redistricting made pursuant to any provision of this article, a senator whose term will not expire within two years of the time the plan of redistricting is made shall represent, for the remainder of the term for which the senator was elected, the senate district which contains the largest portion of the population of the district from which the senator was elected, and the district shall be given the number of the district from which the senator was elected. If more than one senator whose term will not so expire would represent the same district by following the provisions of this section, the commission shall designate which senator shall represent the district and shall designate which district the other senator or senators shall represent for the balance of their term or terms. 224
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Section 11. (A) The supreme court of Ohio shall have 238
exclusive, original jurisdiction in all cases arising under this 239
article. 240

(B) In the event that any section of this constitution 241
relating to redistricting or any plan of redistricting made by the 242
Ohio redistricting commission is determined to be invalid by an 243
unappealed final order of a court of competent jurisdiction then, 244
notwithstanding any other provisions of this constitution, the 245
commission shall reconvene to ascertain and determine a plan of 246
redistricting in conformity with such provisions of this 247
constitution as are then valid, including establishing terms of 248
office and election of members of the general assembly from 249
districts designated in the plan, to be used until the next 250
regular redistricting in conformity with such provisions of this 251
constitution as are then valid. 252

(C) Notwithstanding any provision of this constitution or any 253
law regarding the residence of senators and representatives, a 254
plan of redistricting made pursuant to this section shall allow 255
thirty days for persons to change residence in order to be 256
eligible for election. 257

(D) No court shall order, in any circumstance, the 258
implementation or enforcement of any plan that has not been 259
approved by the commission in the manner prescribed by this 260
article. 261

Section 12. The various provisions of this article are 262
intended to be severable, and the invalidity of one or more of 263
such provisions shall not affect the validity of the remaining 264
provisions. 265

EFFECTIVE DATE AND REPEAL 266

If adopted by a majority of the electors voting on this 267
proposal, new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 268

of Article XI take effect January 1, 2021 and existing Sections 1, 269
2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of Article XI and Sections 270
13, 14, and 15 of Article XI of the Constitution of the State of 271
Ohio are repealed from that effective date. 272
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