

**As Reported by the Senate State and Local Government and
Veterans Affairs Committee**

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

Sub. 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, but 55
after introducing, a final congressional or general assembly 56
district plan, the commission shall conduct a minimum of three 57
public hearings across the state and shall seek public input 58
regarding the proposed plans. All meetings of the commission shall 59
be open to the public. Meetings shall be broadcast by electronic 60
means of transmission using a medium readily accessible by the 61
general public, subject to the discretion of the commission. 62

The commission shall adopt final plans not earlier than the 63
last week of October of a year ending in the numeral one but not 64
later than the second week of November of a year ending in the 65
numeral one. After the commission adopts a plan, the commission 66
shall file the plan with the secretary of state. Upon filing with 67
the secretary of state, the plan shall become effective. 68

Not more than six weeks after the adoption of a congressional 69
plan and a general assembly plan, the co-chairpersons of the 70
commission shall jointly dissolve the commission. 71

(D) The general assembly shall be responsible for making the 72
appropriations it determines necessary in order for the commission 73
to perform its duties under this article. 74

(E) The attorney general shall be responsible for defending a 75
plan adopted by the commission in any legal action arising from 76
the process described in this article. 77

Section 2. Each congressional district shall be entitled to a 78
single representative in the United States house of 79
representatives in each congress. Each house of representatives 80
district shall be entitled to a single representative in each 81

general assembly. Each senate district shall be entitled to a 82
single senator in each general assembly. 83

Section 3. (A) The whole population of the state, as 84
determined by the federal decennial census or, if such is 85
unavailable, such other basis as the general assembly may direct, 86
shall be divided by the number "ninety-nine" and by the number 87
"thirty-three" and the quotients shall be the ratio of 88
representation in the house of representatives and in the senate, 89
respectively, for ten years next succeeding such redistricting. 90

(B) The population of each house of representatives district 91
shall be substantially equal to the ratio of representation in the 92
house of representatives, and the population of each senate 93
district shall be substantially equal to the ratio of 94
representation in the senate, as provided in division (A) of this 95
section. In no event shall any district contain a population of 96
less than ninety-five per cent nor more than one hundred five per 97
cent of the applicable ratio of representation, except as 98
otherwise provided in division (B) of Section 6 of this article. 99

Section 4. (A) Any plan adopted by the commission shall 101
comply with all applicable provisions of the constitutions of Ohio 102
and the United States and of federal law. 103

(B) No individual district shall be drawn primarily with the 104
intent to favor or disfavor a political party. 105

(C)(1) Every congressional and general assembly district 106
shall be compact and composed of contiguous territory, and the 107
boundary of each district shall be a single nonintersecting 108
continuous line. 109

(2) The commission shall avoid splitting political 110
subdivisions. As used in this section and Sections 6 and 9 of this 111
article, "political subdivision" means a county, a municipal 112
corporation, a township, or a municipal ward. 113

(a) Dividing a noncontiguous political subdivision shall not 114
be considered splitting the political subdivision if its 115
noncontiguous portions are included in separate districts. 116
However, dividing a noncontiguous political subdivision shall be 117
considered splitting the political subdivision if any 118
noncontiguous portion is divided into separate districts. 119

(b) Dividing, along a county line, a political subdivision 120
that has territory in more than one county shall not be considered 121
splitting the political subdivision. 122

(D) Notwithstanding the other provisions of this article, 123
where it is necessary to divide political subdivisions, only two 124
political subdivisions, other than a county, may be divided per 125
house of representatives district. 126

(E) Subject to all other requirements of this article, the 127
commission shall preserve together whole suburban, urban, and 128
rural communities that share similar characteristics. 129

Section 5. A county having at least one house of 130
representatives ratio of representation shall have as many house 131
of representatives districts wholly within the boundaries of the 132
county as it has whole ratios of representation. Any fraction of 133
the population in excess of a whole ratio shall be a part of only 134
one adjoining house of representatives district. 135

The number of whole ratios of representation for a county 136
shall be determined by dividing the population of the county by 137
the ratio of representation for the house of representatives 138
determined under Section 3 of this article. 139

Section 6. The standards prescribed in this section and 140
Sections 3, 4, and 5 of this article shall govern the 141
establishment of house of representatives districts, which shall 142
be created and numbered in the following order to the extent that 143
such order is consistent with the foregoing standards: 144

(A) Each county containing population substantially equal to 145
one ratio of representation in the house of representatives, as 146
provided in Section 3 of this article, but in no event less than 147
ninety-five per cent of the ratio nor more than one hundred five 148
per cent of the ratio, shall be designated a representative 149
district. 150

(B) Each county containing population between ninety and 151
ninety-five per cent of the ratio or between one hundred five and 152
one hundred ten per cent of the ratio may be designated a 153
representative district. 154

(C)(1) If political subdivisions must be divided in order to 155
create the remaining representative districts, those districts 156
shall be formed by combining the whole areas of political 157
subdivisions, beginning with the political subdivisions with the 158
smallest populations and proceeding to the largest. 159

(2) Proceeding in succession from the largest to the 160
smallest, each remaining county containing more than one whole 161
ratio of representation shall be divided into house of 162
representatives districts. Any remaining territory within such 163
county containing a fraction of one whole ratio of representation 164
shall be included in one representative district by combining it 165
with adjoining territory outside the county. 166

(3) Of the remaining territory of the state, where feasible, 167
multiple whole counties shall be combined as single representative 168
districts. 169

(4) Of the remaining territory of the state, the commission 170
shall draw the boundary lines of representative districts as to 171
delineate an area containing at least one whole county and the 172
necessary additional territory. 173

(D) The remaining territory of the state shall be combined 174
into representative districts. 175

Section 7. Senate districts shall be composed of three 176
contiguous house of representatives districts. A county having at 177
least one whole senate ratio of representation shall have as many 178
senate districts wholly within the boundaries of the county as it 179
has whole senate ratios of representation. Any fraction of the 180
population in excess of a whole ratio shall be a part of only one 181
adjoining senate district. Counties having less than one senate 182
ratio of representation, but at least one house of representatives 183
ratio of representation shall be part of only one senate district. 184

The number of whole ratios of representation for a county 185
shall be determined by dividing the population of the county by 186
the ratio of representation in the senate determined under Section 187
3 of this article. 188

Senate districts shall be numbered from one through 189
thirty-three and as provided in Section 10 of this article. 190

Section 8. The standards prescribed in this section and 191
Section 4 of this article shall govern the establishment of 192
congressional districts, which shall be created in the following 193
order so long as such order is consistent with the foregoing 194
standards: 195

(A) The whole population of the state, as determined by the 196
federal decennial census, shall be divided by the number of 197
congressional districts apportioned to the state pursuant to 198
Section 2 of Article I of the constitution of the United States, 199
and the quotient shall be the congressional ratio of 200
representation for ten years next succeeding such apportionment. 201

(B) The number of whole ratios of representation for a county 202
shall be determined by dividing the population of the county by 203
the congressional ratio of representation. 204

(C) Proceeding in succession from the largest to the 205
smallest, each county containing more than one whole ratio of 206

representation shall be divided into the appropriate number of 207
congressional districts, as that county contains whole ratios of 208
representation. 209

(D) The remaining territory of the state shall be combined 210
into congressional districts. 211

Section 9. Notwithstanding the fact that boundaries of 212
political subdivisions within a district may be changed, district 213
boundaries shall be created by using the boundaries of political 214
subdivisions as they exist at the time of the federal decennial 215
census on which the redistricting is based, or, if unavailable, on 216
such other basis as the general assembly has directed. 217

Section 10. At any time the boundaries of senate districts 218
are changed in any plan of redistricting made pursuant to any 219
provision of this article, a senator whose term will not expire 220
within two years of the time the plan of redistricting is made 221
shall represent, for the remainder of the term for which the 222
senator was elected, the senate district which contains the 223
largest portion of the population of the district from which the 224
senator was elected, and the district shall be given the number of 225
the district from which the senator was elected. If more than one 226
senator whose term will not so expire would represent the same 227
district by following the provisions of this section, the 228
commission shall designate which senator shall represent the 229
district and shall designate which district the other senator or 230
senators shall represent for the balance of their term or terms. 231

Section 11. (A) The supreme court of Ohio shall have 232
exclusive, original jurisdiction in all cases arising under this 233
article. 234

(B) In the event that any section of this constitution 235
relating to redistricting or any plan of redistricting made by the 236
Ohio redistricting commission is determined to be invalid by an 237

unappealed final order of a court of competent jurisdiction then, 238
notwithstanding any other provisions of this constitution, the 239
commission shall reconvene to ascertain and determine a plan of 240
redistricting in conformity with such provisions of this 241
constitution as are then valid, including establishing terms of 242
office and election of members of the general assembly from 243
districts designated in the plan, to be used until the next 244
regular redistricting in conformity with such provisions of this 245
constitution as are then valid. 246

(C) Notwithstanding any provision of this constitution or any 247
law regarding the residence of senators and representatives, a 248
plan of redistricting made pursuant to this section shall allow 249
thirty days for persons to change residence in order to be 250
eligible for election. 251

(D) No court shall order, in any circumstance, the 252
implementation or enforcement of any plan that has not been 253
approved by the commission in the manner prescribed by this 254
article. 255

Section 12. The various provisions of this article are 256
intended to be severable, and the invalidity of one or more of 257
such provisions shall not affect the validity of the remaining 258
provisions. 259

EFFECTIVE DATE AND REPEAL 260

If adopted by a majority of the electors voting on this 261
proposal, new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 262
of Article XI take effect January 1, 2021 and existing Sections 1, 263
2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of Article XI and Sections 264
13, 14, and 15 of Article XI of the Constitution of the State of 265
Ohio are repealed from that effective date. 266

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