

**As Adopted by the Senate**

**130th General Assembly**

**Regular Session**

**2013-2014**

**Am. Sub. H. J. R. No. 12**

**Representatives Huffman, Sykes**

**Cosponsors: Representatives Amstutz, Anielski, Ashford, Baker, Brown, Burkley, Clyde, Duffey, Grossman, Hackett, Hagan, C., Hayes, Kunze, Letson, McClain, McGregor, Patmon, Scherer, Schuring, Stebelton, Wachtmann, Speaker Batchelder Senators Faber, Coley, Bacon, Balderson, Beagle, Burke, Eklund, Gardner, Gentile, Hite, LaRose, Lehner, Peterson, Sawyer, Schiavoni, Turner, Widener**

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**JOINT RESOLUTION**

Proposing to enact new Sections 1, 2, 3, 4, 5, 6, 7, 1  
8, 9, and 10 of Article XI and to repeal Sections 2  
1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 3  
15 of Article XI of the Constitution of the State 4  
of Ohio to revise the redistricting process for 5  
General Assembly 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 3, 2015, a proposal to enact new Sections 1, 11  
2, 3, 4, 5, 6, 7, 8, 9, and 10 of Article XI of the Constitution 12  
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 the general 16

assembly. The commission shall consist of the following seven 17  
members: 18

(1) The governor; 19

(2) The auditor of state; 20

(3) The secretary of state; 21

(4) One person appointed by the speaker of the house of 22  
representatives; 23

(5) One person appointed by the legislative leader of the 24  
largest political party in the house of representatives of which 25  
the speaker of the house of representatives is not a member; 26

(6) One person appointed by the president of the senate; and 27

(7) One person appointed by the legislative leader of the 28  
largest political party in the senate of which the president of 29  
the senate is not a member. 30

The legislative leaders in the senate and the house of 31  
representatives of each of the two largest political parties 32  
represented in the general assembly, acting jointly by political 33  
party, shall appoint a member of the commission to serve as a 34  
co-chairperson of the commission. 35

(B)(1) Unless otherwise specified in this article, a simple 36  
majority of the commission members shall be required for any 37  
action by the commission. 38

(2)(a) Except as otherwise provided in division (B)(2)(b) of 39  
this section, a majority vote of the members of the commission, 40  
including at least one member of the commission who is a member of 41  
each of the two largest political parties represented in the 42  
general assembly, shall be required to do any of the following: 43

(i) Adopt rules of the commission; 44

(ii) Hire staff for the commission; 45

(iii) Expend funds. 46

(b) If the commission is unable to agree, by the vote 47  
required under division (B)(2)(a) of this section, on the manner 48  
in which funds should be expended, each co-chairperson of the 49  
commission shall have the authority to expend one-half of the 50  
funds that have been appropriated to the commission. 51

(3) The affirmative vote of four members of the commission, 52  
including at least two members of the commission who represent 53  
each of the two largest political parties represented in the 54  
general assembly shall be required to adopt any general assembly 55  
district plan. For the purpose of this division, a member of the 56  
commission shall be considered to represent a political party if 57  
the member was appointed to the commission by a member of that 58  
political party or if, in the case of the governor, the auditor of 59  
state, or the secretary of state, the member is a member of that 60  
political party. 61

(C) At the first meeting of the commission, which the 62  
governor shall convene only in a year ending in the numeral one, 63  
except as provided in Sections 8 and 9 of this article, the 64  
commission shall set a schedule for the adoption of procedural 65  
rules for the operation of the commission. 66

The commission shall release to the public a proposed general 67  
assembly district plan for the boundaries for each of the 68  
ninety-nine house of representatives districts and the 69  
thirty-three senate districts. The commission shall draft the 70  
proposed plan in the manner prescribed in this article. Before 71  
adopting, but after introducing, a proposed plan, the commission 72  
shall conduct a minimum of three public hearings across the state 73  
to present the proposed plan and shall seek public input regarding 74  
the proposed plan. All meetings of the commission shall be open to 75  
the public. Meetings shall be broadcast by electronic means of 76  
transmission using a medium readily accessible by the general 77

public. 78

The commission shall adopt a final general assembly district 79  
plan not later than the first day of September of a year ending in 80  
the numeral one. After the commission adopts a final plan, the 81  
commission shall promptly file the plan with the secretary of 82  
state. Upon filing with the secretary of state, the plan shall 83  
become effective. 84

Four weeks after the adoption of a general assembly district 85  
plan, the commission shall be automatically dissolved. 86

(D) The general assembly shall be responsible for making the 87  
appropriations it determines necessary in order for the commission 88  
to perform its duties under this article. 89

**Section 2.** Each house of representatives district shall be 90  
entitled to a single representative in each general assembly. Each 91  
senate district shall be entitled to a single senator in each 92  
general assembly. 93

**Section 3.** (A) The whole population of the state, as 94  
determined by the federal decennial census or, if such is 95  
unavailable, such other basis as the general assembly may direct, 96  
shall be divided by the number "ninety-nine" and by the number 97  
"thirty-three" and the quotients shall be the ratio of 98  
representation in the house of representatives and in the senate, 99  
respectively, for ten years next succeeding such redistricting. 100

(B) A general assembly district plan shall comply with all of 101  
the requirements of division (B) of this section. 102

(1) The population of each house of representatives district 103  
shall be substantially equal to the ratio of representation in the 104  
house of representatives, and the population of each senate 105  
district shall be substantially equal to the ratio of 106  
representation in the senate, as provided in division (A) of this 107  
section. In no event shall any district contain a population of 108

less than ninety-five per cent nor more than one hundred five per 109  
cent of the applicable ratio of representation. 110

(2) Any general assembly district plan adopted by the 111  
commission shall comply with all applicable provisions of the 112  
constitutions of Ohio and the United States and of federal law. 113

(3) Every general assembly district shall be composed of 114  
contiguous territory, and the boundary of each district shall be a 115  
single nonintersecting continuous line. 116

(C) House of representatives districts shall be created and 117  
numbered in the following order of priority, to the extent that 118  
such order is consistent with the foregoing standards: 119

(1) Proceeding in succession from the largest to the 120  
smallest, each county containing population greater than one 121  
hundred five per cent of the ratio of representation in the house 122  
of representatives shall be divided into as many house of 123  
representatives districts as it has whole ratios of 124  
representation. Any fraction of the population in excess of a 125  
whole ratio shall be a part of only one adjoining house of 126  
representatives district. 127

(2) Each county containing population of not less than 128  
ninety-five per cent of the ratio of representation in the house 129  
of representatives nor more than one hundred five per cent of the 130  
ratio shall be designated a representative district. 131

(3) The remaining territory of the state shall be divided 132  
into representative districts by combining the areas of counties, 133  
municipal corporations, and townships. Where feasible, no county 134  
shall be split more than once. 135

(D)(1)(a) Except as otherwise provided in divisions (D)(1)(b) 136  
and (c) of this section, a county, municipal corporation, or 137  
township is considered to be split if any contiguous portion of 138  
its territory is not contained entirely within one district. 139

(b) If a municipal corporation or township has territory in 140  
more than one county, the contiguous portion of that municipal 141  
corporation or township that lies in each county shall be 142  
considered to be a separate municipal corporation or township for 143  
the purposes of this section. 144

(c) If a municipal corporation or township that is located in 145  
a county that contains a municipal corporation or township that 146  
has a population of more than one ratio of representation is split 147  
for the purpose of complying with division (E)(1)(a) or (b) of 148  
this section, each portion of that municipal corporation or 149  
township shall be considered to be a separate municipal 150  
corporation or township for the purposes of this section. 151

(2) Representative districts shall be drawn so as to split 152  
the smallest possible number of municipal corporations and 153  
townships whose contiguous portions contain a population of more 154  
than fifty per cent, but less than one hundred per cent, of one 155  
ratio of representation. 156

(3) Where the requirements of divisions (B), (C), and (D) of 157  
this section cannot feasibly be attained by forming a 158  
representative district from whole municipal corporations and 159  
townships, not more than one municipal corporation or township may 160  
be split per representative district. 161

(E)(1) If it is not possible for the commission to comply 162  
with all of the requirements of divisions (B), (C), and (D) of 163  
this section in drawing a particular representative district, the 164  
commission shall take the first action listed below that makes it 165  
possible for the commission to draw that district: 166

(a) Notwithstanding division (D)(3) of this section, the 167  
commission shall create the district by splitting two municipal 168  
corporations or townships whose contiguous portions do not contain 169  
a population of more than fifty per cent, but less than one 170

hundred per cent, of one ratio of representation. 171

(b) Notwithstanding division (D)(2) of this section, the 172  
commission shall create the district by splitting a municipal 173  
corporation or township whose contiguous portions contain a 174  
population of more than fifty per cent, but less than one hundred 175  
per cent, of one ratio of representation. 176

(c) Notwithstanding division (C)(2) of this section, the 177  
commission shall create the district by splitting, once, a single 178  
county that contains a population of not less than ninety-five per 179  
cent of the ratio of representation, but not more than one hundred 180  
five per cent of the ratio of representation. 181

(d) Notwithstanding division (C)(1) of this section, the 182  
commission shall create the district by including in two districts 183  
portions of the territory that remains after a county that 184  
contains a population of more than one hundred five per cent of 185  
the ratio of representation has been divided into as many house of 186  
representatives districts as it has whole ratios of 187  
representation. 188

(2) If the commission takes an action under division (E)(1) 189  
of this section, the commission shall include in the general 190  
assembly district plan a statement explaining which action the 191  
commission took under that division and the reason the commission 192  
took that action. 193

(3) If the commission complies with divisions (E)(1) and (2) 194  
of this section in drawing a district, the commission shall not be 195  
considered to have violated division (C)(1), (C)(2), (D)(2), or 196  
(D)(3) of this section, as applicable, in drawing that district, 197  
for the purpose of an analysis under division (D) of Section 9 of 198  
this article. 199

**Section 4.** (A) Senate districts shall be composed of three 200  
contiguous house of representatives districts. 201

(B)(1) A county having at least one whole senate ratio of representation shall have as many senate districts wholly within the boundaries of the county as it has whole senate ratios of representation. Any fraction of the population in excess of a whole ratio shall be a part of only one adjoining senate district. 202  
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(2) Counties having less than one senate ratio of representation, but at least one house of representatives ratio of representation, shall be part of only one senate district. 207  
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(3) If it is not possible for the commission to draw representative districts that comply with all of the requirements of this article and that make it possible for the commission to comply with all of the requirements of divisions (B)(1) and (2) of this section, the commission shall draw senate districts so as to commit the fewest possible violations of those divisions. If the commission complies with this division in drawing senate districts, the commission shall not be considered to have violated division (B)(1) or (2) of this section, as applicable, in drawing those districts, for the purpose of an analysis under division (D) of Section 9 of this article. 210  
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(C) The number of whole ratios of representation for a county shall be determined by dividing the population of the county by the ratio of representation in the senate determined under division (A) of Section 3 of this article. 221  
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(D) Senate districts shall be numbered from one through thirty-three and as provided in Section 5 of this article. 225  
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**Section 5.** At any time the boundaries of senate districts are changed in any general assembly district plan made pursuant to any provision of this article, a senator whose term will not expire within two years of the time the plan becomes effective shall represent, for the remainder of the term for which the senator was elected, the senate district that contains the largest portion of 227  
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the population of the district from which the senator was elected, 233  
and the district shall be given the number of the district from 234  
which the senator was elected. If more than one senator whose term 235  
will not so expire would represent the same district by following 236  
the provisions of this section, the plan shall designate which 237  
senator shall represent the district and shall designate which 238  
district the other senator or senators shall represent for the 239  
balance of their term or terms. 240

**Section 6.** The Ohio redistricting commission shall attempt to 241  
draw a general assembly district plan that meets all of the 242  
following standards: 243

(A) No general assembly district plan shall be drawn 244  
primarily to favor or disfavor a political party. 245

(B) The statewide proportion of districts whose voters, based 246  
on statewide state and federal partisan general election results 247  
during the last ten years, favor each political party shall 248  
correspond closely to the statewide preferences of the voters of 249  
Ohio. 250

(C) General assembly districts shall be compact. 251

Nothing in this section permits the commission to violate the 252  
district standards described in Section 2, 3, 4, 5, or 7 of this 253  
article. 254

**Section 7.** Notwithstanding the fact that boundaries of 255  
counties, municipal corporations, and townships within a district 256  
may be changed, district boundaries shall be created by using the 257  
boundaries of counties, municipal corporations, and townships as 258  
they exist at the time of the federal decennial census on which 259  
the redistricting is based, or, if unavailable, on such other 260  
basis as the general assembly has directed. 261

**Section 8.** (A)(1) If the Ohio redistricting commission fails 262  
to adopt a final general assembly district plan not later than the 263

first day of September of a year ending in the numeral one, in 264  
accordance with Section 1 of this article, the commission shall 265  
introduce a proposed general assembly district plan by a simple 266  
majority vote of the commission. 267

(2) After introducing a proposed general assembly district 268  
plan under division (A)(1) of this section, the commission shall 269  
hold a public hearing concerning the proposed plan, at which the 270  
public may offer testimony and at which the commission may adopt 271  
amendments to the proposed plan. Members of the commission should 272  
attend the hearing; however, only a quorum of the members of the 273  
commission is required to conduct the hearing. 274

(3) After the hearing described in division (A)(2) of this 275  
section is held, and not later than the fifteenth day of September 276  
of a year ending in the numeral one, the commission shall adopt a 277  
final general assembly district plan, either by the vote required 278  
to adopt a plan under division (B)(3) of Section 1 of this article 279  
or by a simple majority vote of the commission. 280

(B) If the commission adopts a final general assembly 281  
district plan in accordance with division (A)(3) of this section 282  
by the vote required to adopt a plan under division (B)(3) of 283  
Section 1 of this article, the plan shall take effect upon filing 284  
with the secretary of state and shall remain effective until the 285  
next year ending in the numeral one, except as provided in Section 286  
9 of this article. 287

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

plan. 296

(b) If the commission adopts a final general assembly 297  
district plan in accordance with division (A)(3) of this section 298  
by a simple majority vote of the commission, and not by the vote 299  
required to adopt a plan under division (B) of Section 1 of this 300  
article, and that plan is adopted to replace a plan that ceased to 301  
be effective under division (C)(1)(a) of this section before a 302  
year ending in the numeral one, the plan adopted under this 303  
division shall take effect upon filing with the secretary of state 304  
and shall remain effective until a year ending in the numeral one, 305  
except as provided in Section 9 of this article. 306

(2) A final general assembly 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 the 309  
statewide preferences of the voters of Ohio and the manner in 310  
which the statewide proportion of districts in the plan whose 311  
voters, based on statewide state and federal partisan general 312  
election results during the last ten years, favor each political 313  
party corresponds closely to those preferences, as described in 314  
division (B) of Section 6 of this article. At the time the plan is 315  
adopted, a member of the commission who does not vote in favor of 316  
the plan may submit a declaration of the member's opinion 317  
concerning the statement included with the plan. 318

(D) After a general assembly district plan adopted under 319  
division (C)(1)(a) of this section ceases to be effective, and not 320  
earlier than the first day of July of the year following the year 321  
in which the plan ceased to be effective, the commission shall be 322  
reconstituted as provided in Section 1 of this article, convene, 323  
and adopt a new general assembly district plan in accordance with 324  
this article, to be used until the next time for redistricting 325  
under this article. The commission shall draw the new general 326  
assembly district plan using the same population and county, 327

municipal corporation, and township boundary data as were used to 328  
draw the previous plan adopted under division (C) of this section. 329

Section 9. (A) The supreme court of Ohio shall have 330  
exclusive, original jurisdiction in all cases arising under this 331  
article. 332

(B) In the event that any section of this constitution 333  
relating to redistricting, any general assembly district plan made 334  
by the Ohio redistricting commission, or any district is 335  
determined to be invalid by an unappealed final order of a court 336  
of competent jurisdiction then, notwithstanding any other 337  
provisions of this constitution, the commission shall be 338  
reconstituted as provided in Section 1 of this article, convene, 339  
and ascertain and determine a general assembly district plan in 340  
conformity with such provisions of this constitution as are then 341  
valid, including establishing terms of office and election of 342  
members of the general assembly from districts designated in the 343  
plan, to be used until the next time for redistricting under this 344  
article in conformity with such provisions of this constitution as 345  
are then valid. 346

(C) Notwithstanding any provision of this constitution or any 347  
law regarding the residence of senators and representatives, a 348  
general assembly district plan made pursuant to this section shall 349  
allow thirty days for persons to change residence in order to be 350  
eligible for election. 351

(D)(1) No court shall order, in any circumstance, the 352  
implementation or enforcement of any general assembly district 353  
plan that has not been approved by the commission in the manner 354  
prescribed by this article. 355

(2) No court shall order the commission to adopt a particular 356  
general assembly district plan or to draw a particular district. 357

(3) If the supreme court of Ohio determines that a general 358

assembly district plan adopted by the commission does not comply 359  
with the requirements of Section 2, 3, 4, 5, or 7 of this article, 360  
the available remedies shall be as follows: 361

(a) If the court finds that the plan contains one or more 362  
isolated violations of those requirements, the court shall order 363  
the commission to amend the plan to correct the violation. 364

(b) If the court finds that it is necessary to amend not 365  
fewer than six house of representatives districts to correct 366  
violations of those requirements, to amend not fewer than two 367  
senate districts to correct violations of those requirements, or 368  
both, the court shall declare the plan invalid and shall order the 369  
commission to adopt a new general assembly district plan in 370  
accordance with this article. 371

(c) If, in considering a plan adopted under division (C) of 372  
Section 8 of this article, the court determines that both of the 373  
following are true, the court shall order the commission to adopt 374  
a new general assembly district plan in accordance with this 375  
article: 376

(i) The plan significantly violates those requirements in a 377  
manner that materially affects the ability of the plan to contain 378  
districts whose voters favor political parties in an overall 379  
proportion that corresponds closely to the statewide political 380  
party preferences of the voters of Ohio, as described in division 381  
(B) of Section 6 of this article. 382

(ii) The statewide proportion of districts in the plan whose 383  
voters, based on statewide state and federal partisan general 384  
election results during the last ten years, favor each political 385  
party does not correspond closely to the statewide preferences of 386  
the voters of Ohio. 387

**Section 10.** The various provisions of this article are 388  
intended to be severable, and the invalidity of one or more of 389

such provisions shall not affect the validity of the remaining 390  
provisions. 391

EFFECTIVE DATE AND REPEAL 392

If adopted by a majority of the electors voting on this 393  
proposal, new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of 394  
Article XI take effect January 1, 2021, and Sections 1, 2, 3, 4, 395  
5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of Article XI of the 396  
Constitution of the State of Ohio are repealed from that effective 397  
date. 398