

As Introduced

**130th General Assembly
Regular Session
2013-2014**

H. J. R. No. 12

Representative Huffman

JOINT RESOLUTION

Proposing to amend Sections 1, 2, 6, 7, 12, and 13; 1
to amend, for the purpose of adopting a new 2
section number as indicated in parentheses, 3
Section 13 (14); to enact new Section 13; and to 4
repeal Section 14 of Article XI of the 5
Constitution of the State of Ohio to revise the 6
redistricting process for General Assembly 7
districts. 8

Be it resolved by the General Assembly of the State of Ohio, 9
three-fifths of the members elected to each house concurring 10
herein, that there shall be submitted to the electors of the 11
state, in the manner prescribed by law at the general election to 12
be held on November 3, 2015, a proposal to amend Sections 1, 2, 6, 13
7, 12, and 13; to amend, for the purpose of adopting a new section 14
number as indicated in parentheses, Section 13 (14); and to enact 15
new Section 13 of Article XI of the Constitution of the State of 16
Ohio to read as follows: 17

ARTICLE XI

Section 1. The (A) The Ohio redistricting commission shall be 18
responsible for the redistricting of this state for the general 19
assembly. The commission shall consist of the following seven 20
members: 21

(1) The governor; 22

<u>(2) The auditor of state,</u> i	23
<u>(3) The secretary of state,</u> one i	24
<u>(4) One person chosen appointed</u> by the speaker of the house of representatives and i	25 26
<u>(5) One person appointed by the leader in president</u> of the senate of the political party of which the speaker is a member, and one i	27 28 29
<u>(6) One person chosen appointed</u> by the legislative leaders in the two houses <u>leader</u> of the major <u>largest</u> political party <u>in the</u> <u>house of representatives</u> of which the speaker is not a member shall be the persons responsible for the apportionment of this state for members of the general assembly;	30 31 32 33 34
<u>(7) One person appointed by the legislative leader of the</u> <u>largest political party in the senate of which the president of</u> <u>the senate is not a member.</u>	35 36 37
Such persons, or a majority of their number, shall meet and establish in the manner prescribed in this Article the boundaries for each of ninety nine house of representatives districts and thirty three senate districts. Such meeting shall convene on a date designated by the governor between August 1 and October 1 in the year one thousand nine hundred seventy one and every tenth year thereafter. The governor shall give such persons two weeks advance notice of the date, time, and place of such meeting.	38 39 40 41 42 43 44 45
The governor shall cause the apportionment to be published no later than October 5 of the year in which it is made, in such manner as provided by law.	46 47 48
<u>No appointed member of the commission shall be a current</u> <u>member of congress.</u>	49 50
<u>(B) Unless otherwise specified in this Article, a simple</u> <u>majority of the commission members shall be required for any</u>	51 52

action by the commission. Except as otherwise provided in Section 53
14 of this Article, the affirmative vote of four members of the 54
commission, including at least one member of the commission who is 55
a member of the largest political party represented in the general 56
assembly and at least one member of the commission who is a member 57
of the second largest political party represented in the general 58
assembly, shall be required to adopt any plan. 59

(C) At the first meeting of the commission, which the 60
governor shall convene only in a year ending in the numeral one, 61
except as provided in Sections 13 and 14 of this Article, the 62
members shall select co-chairpersons, one of whom shall be a 63
member of the largest political party represented in the general 64
assembly and one of whom shall be a member of the second largest 65
political party represented in the general assembly, and shall set 66
a schedule for the adoption of procedural rules for the operation 67
of the commission. 68

The commission may release to the public a proposed plan for 69
the boundaries for each of the ninety-nine house of 70
representatives districts and the thirty-three senate districts. 71
The commission shall draft a proposed plan in the manner 72
prescribed in this Article. Before adopting a final general 73
assembly district plan, the commission shall conduct a minimum of 74
three public hearings across the state to seek public input 75
regarding the redistricting process and any proposed plan. All 76
meetings of the commission shall be open to the public. Meetings 77
shall be broadcast by electronic means of transmission using a 78
medium readily accessible by the general public, subject to the 79
discretion of the commission. 80

The commission shall adopt a final plan not earlier than the 81
last week of August of a year ending in the numeral one but not 82
later than the thirty-first day of August of a year ending in the 83
numeral one. After the commission adopts a plan, the commission 84

shall file the plan with the secretary of state. Upon filing with 85
the secretary of state, the plan shall become effective. 86

Not more than six weeks after the adoption of a general 87
assembly plan, the co-chairpersons of the commission shall jointly 88
dissolve the commission. 89

(D) The general assembly shall be responsible for making the 90
appropriations it determines necessary in order for the commission 91
to perform its duties under this Article. 92

Section 2. The ~~apportionment~~ redistricting of this state for 93
members of the general assembly shall be made in the following 94
manner: The whole population of the state, as determined by the 95
federal decennial census or, if such is unavailable, such other 96
basis as the general assembly may direct, shall be divided by the 97
number "ninety-nine" and the quotient shall be the ratio of 98
representation in the house of representatives for ten years next 99
succeeding such ~~apportionment~~ redistricting. The whole population 100
of the state as determined by the federal decennial census or, if 101
such is unavailable, such other basis as the general assembly may 102
direct, shall be divided by the number "thirty-three" and the 103
quotient shall be the ratio of representation in the senate for 104
ten years next succeeding such ~~apportionment~~ redistricting. 105

Section 6. District boundaries established pursuant to this 106
Article shall not be changed until the ensuing federal decennial 107
census and the ensuing ~~apportionment~~ redistricting or as provided 108
in section 13 or 14 of this Article, notwithstanding the fact that 109
boundaries of political subdivisions or city wards within the 110
district may be changed during that time. District boundaries 111
shall be created by using the boundaries of political subdivisions 112
and city wards as they exist at the time of the federal decennial 113
census on which the ~~apportionment~~ redistricting is based, or such 114
other basis as the general assembly has directed. 115

Section 7. (A) Every house of representatives district shall 116
be compact and composed of contiguous territory, and the boundary 117
of each district shall be a single nonintersecting continuous 118
line. ~~To~~ 119

(B) The commission shall minimize the splitting of political 120
subdivisions. As used in this section, "political subdivision" 121
means a county, a municipal corporation, a township, or a 122
municipal ward. 123

(1) Dividing a noncontiguous political subdivision shall not 124
be considered splitting the political subdivision if its 125
noncontiguous portions are included in separate districts. 126
However, dividing a noncontiguous political subdivision shall be 127
considered splitting the political subdivision if any 128
noncontiguous portion is divided into separate districts. 129

(2) Dividing, along a county line, a political subdivision 130
that has territory in more than one county shall not be considered 131
splitting the political subdivision. 132

(C) To the extent consistent with the requirements of section 133
3 of this Article, the boundary lines of house of representatives 134
districts shall be so drawn as to delineate an area containing one 135
or more whole counties. 136

~~(B)~~(D) Where the requirements of section 3 of this Article 137
cannot feasibly be attained by forming a house of representatives 138
district from a whole county or counties, such district shall be 139
formed by combining the areas of ~~governmental units giving~~ 140
~~preference in the order named to counties, townships,~~ 141
~~municipalities, and city wards~~ whole political subdivisions, other 142
than a county. 143

~~(C)~~(E) Where the requirements of section 3 of this Article 144
cannot feasibly be attained by combining the areas of ~~governmental~~ 145
~~units~~ whole political subdivisions, other than a county, as 146

prescribed in division ~~(B)~~(D) of this section, only one such ~~unit~~ 147
political subdivision may be divided between two house of 148
representatives districts, ~~giving preference in the selection of a~~ 149
~~unit for division to a township, a city ward, a city, and a~~ 150
~~village in the order named.~~ 151

~~(D)~~(F) In making a new ~~apportionment~~ redistricting plan, 152
house of representatives district boundaries established by the 153
preceding apportionment shall be adopted to the extent reasonably 154
consistent with the requirements of section 3 of this Article. 155

Section 12. At any time the boundaries of senate districts 156
are changed in any plan of ~~apportionment~~ redistricting made 157
pursuant to any provision of this Article, a senator whose term 158
will not expire within two years of the time the plan of 159
~~apportionment~~ redistricting is made shall represent, for the 160
remainder of the term for which ~~he~~ the senator was elected, the 161
senate district which contains the largest portion of the 162
population of the district from which ~~he~~ the senator was elected, 163
and the district shall be given the number of the district from 164
which the senator was elected. If more than one senator whose term 165
will not so expire would represent the same district by following 166
the provisions of this section, the ~~persons responsible for~~ 167
~~apportionment~~ commission, by a majority of ~~their~~ its number, shall 168
designate which senator shall represent the district and shall 169
designate which district the other senator or senators shall 170
represent for the balance of their term or terms. 171

Section 13. (A) If the Ohio redistricting commission fails to 172
adopt a final general assembly district plan not later than the 173
thirty-first day of August of a year ending in a numeral one, in 174
accordance with Section 1 of this Article, the following procedure 175
shall apply: 176

(1) Not later than the twenty-third day of September of that 177
year, the governor, the auditor of state, and the secretary of 178

state, acting independently of the commission and by a simple majority vote of their number, shall create a general assembly district plan. 179
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(2) Not later than the thirtieth day of September of that year, the governor, the auditor of state, and the secretary of state shall call a meeting of the commission and shall provide the commission with a final opportunity to adopt the plan created under division (A)(1) of this section by the affirmative vote of four members of the commission, including at least one member of the commission who is a member of the largest political party represented in the general assembly and at least one member of the commission who is a member of the second largest political party represented in the general assembly, in accordance with Section 1 of this Article. 182
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(3) If the commission fails to adopt the plan created under division (A)(1) of this section not later than the first day of October of that year, the governor shall file the plan with the secretary of state. Upon filing with the secretary of state, the plan shall become effective. 193
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(B) A general assembly district plan that becomes effective under division (A)(3) of this section shall be effective for elections occurring in the year following the year in which the plan was adopted. At the general election conducted in that year, the following question shall be submitted to the electors of the state: 198
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"Shall the Ohio Redistricting Commission convene to draw new General Assembly districts?" 204
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(C) If a majority of the electors vote in favor of convening the commission to adopt a new general assembly district plan, the commission shall convene not earlier than the first day of February of the following year to adopt a plan in accordance with 206
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this Article. The commission shall draw the new plan using the 210
same population and political subdivision and city ward boundary 211
data as were used to draw the plan that became effective under 212
division (A)(3) of this section. 213

(D) If a majority of the electors vote against convening the 214
commission to adopt a new general assembly district plan, the 215
district plan that became effective under division (A)(3) of this 216
section shall remain in effect until one-half of the general 217
elections for the general assembly scheduled to occur during the 218
period beginning after the election at which the electors voted 219
not to convene the commission for the plan and ending in the next 220
year ending in the numeral one have occurred. If an odd number of 221
applicable elections are scheduled to occur during that period, 222
the number of general elections to be held using the plan that 223
became effective under division (A)(3) of this section shall be 224
determined by rounding up to the next whole number. After a plan 225
that became effective under division (A)(3) of this section ceases 226
to be effective under this division, and not earlier than the 227
first day of February of the year following the year in which the 228
plan ceased to be effective, the commission shall convene to adopt 229
a plan, in accordance with this Article, to be used until the next 230
time for redistricting under this Article. The commission shall 231
draw the new plan using the same population and political 232
subdivision and city ward boundary data as were used to draw the 233
plan that became effective under division (A)(3) of this section. 234

Section 13 14. (A) The supreme court of Ohio shall have 235
exclusive, original jurisdiction in all cases arising under this 236
Article. ~~In~~ 237

(B) In the event that any section of this Constitution 238
relating to ~~apportionment~~ redistricting or any plan of 239
~~apportionment~~ redistricting made by the ~~persons responsible for~~ 240
~~apportionment~~, by a majority of their number, Ohio redistricting 241

~~commission~~ is determined to be invalid by either ~~the supreme court~~ 242
~~of Ohio, or the supreme~~ an unappealed final order of a court of 243
~~the United States~~ competent jurisdiction, then notwithstanding any 244
other provisions of this Constitution, the ~~persons responsible for~~ 245
~~apportionment by a majority of their number~~ commission shall 246
reconvene to ascertain and determine a plan of ~~apportionment~~ 247
redistricting in conformity with such provisions of this 248
Constitution as are then valid, including establishing terms of 249
office and election of members of the general assembly from 250
districts designated in the plan, to be used until the next 251
regular ~~apportionment~~ redistricting in conformity with such 252
provisions of this Constitution as are then valid. 253

(C) Notwithstanding any provision of this Constitution or any 254
law regarding the residence of senators and representatives, a 255
plan of ~~apportionment~~ redistricting made pursuant to this section 256
shall allow thirty days for persons to change residence in order 257
to be eligible for election. 258

~~The governor shall give the persons responsible for~~ 259
~~apportionment two weeks advance written notice of the date, time,~~ 260
~~and place of any meeting held pursuant to this section.~~ 261

(D) No court shall order, in any circumstance, the 262
implementation or enforcement of any plan that has not been 263
approved by the commission in the manner prescribed by this 264
Article. 265

EFFECTIVE DATE AND REPEAL 266

If adopted by a majority of the electors voting on this 267
proposal, Sections 1, 2, 6, 7, 12, and 13 (14) of Article XI 268
amended or amended and renumbered by this proposal and new Section 269
13 of Article XI enacted by this proposal take effect January 1, 270
2021, and existing Sections 1, 2, 6, 7, 12, and 13 and Section 14 271
of Article XI of the Constitution of the State of Ohio are 272
repealed from that effective date. 273

SCHEDULE 274

The amendments to Section 12 of Article XI of the Ohio 275
Constitution in part substitute gender neutral for gender specific 276
language. These gender neutralizing amendments are not intended to 277
make a substantive change in the Ohio Constitution. The gender 278
neutral language is to be construed as a restatement of, and 279
substituted in a continuing way for, the corresponding gender 280
specific language existing prior to adoption of the gender 281
neutralizing amendments. 282