

**As Reported by the House Policy and Legislative Oversight
Committee**

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

Sub. H. J. R. No. 12

Representative Huffman

JOINT RESOLUTION

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

<u>(3) The secretary of state;</u>	21
<u>(4) One person appointed by the speaker of the house of representatives;</u>	22
<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
<u>(6) One person appointed by the president of the senate; and</u>	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
<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>	27
<u>No appointed member of the commission shall be a current member of congress.</u>	28
<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>	29
<u>(2) 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>	30
<u>(a) Adopt rules of the commission;</u>	31
<u>(b) Hire staff for the commission;</u>	32
<u>(c) Expend funds.</u>	33
<u>(3) The affirmative vote of four members of the commission, including at least two members of the commission who represent</u>	34
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each of the two largest political parties represented in the 50
general assembly shall be required to adopt any plan. For the 51
purpose of this division, a member of the commission shall be 52
considered to represent a political party if the member was 53
appointed to the commission by a member of that political party or 54
if, in the case of the governor, the auditor of state, or the 55
secretary of state, the member is a member of that political 56
party. 57

(C) At the first meeting of the commission, which the 58
governor shall convene only in a year ending in the numeral one, 59
except as provided in Sections 9 and 10 of this article, the 60
members shall set a schedule for the adoption of procedural rules 61
for the operation of the commission. 62

The commission shall release to the public a proposed plan 63
for the boundaries for each of the ninety-nine house of 64
representatives districts and the thirty-three senate districts. 65
The commission shall draft the proposed plan in the manner 66
prescribed in this article. Before adopting, but after 67
introducing, a general assembly district plan, the commission 68
shall conduct a minimum of three public hearings across the state 69
to present the plan and shall seek public input regarding the 70
proposed plan. All meetings of the commission shall be open to the 71
public. Meetings shall be broadcast by electronic means of 72
transmission using a medium readily accessible by the general 73
public. 74

The commission shall adopt final plans not later than the 75
first day of September of a year ending in the numeral one. After 76
the commission adopts a plan, the commission shall file the plan 77
with the secretary of state. Upon filing with the secretary of 78
state, the plan shall become effective. 79

Not more than six weeks after the adoption of a general 80
assembly plan, the co-chairpersons of the commission shall jointly 81

<u>dissolve the commission.</u>	82
<u>(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.</u>	83 84 85
<u>Section 2. Each house of representatives district shall be entitled to a single representative in each general assembly. Each senate district shall be entitled to a single senator in each general assembly.</u>	86 87 88 89
<u>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 "ninety-nine" and by the number "thirty-three" and the quotients shall be the ratio of representation in the house of representatives and in the senate, respectively, for ten years next succeeding such redistricting.</u>	90 91 92 93 94 95 96
<u>(B) The population of each house of representatives district shall be substantially equal to the ratio of representation in the house of representatives, and the population of each senate district shall be substantially equal to the ratio of representation in the senate, as provided in division (A) of this section. In no event shall any district contain a population of less than ninety-five per cent nor more than one hundred five per cent of the applicable ratio of representation.</u>	97 98 99 100 101 102 103 104
<u>Section 4. (A)(1) Any plan adopted by the commission shall comply with all applicable provisions of the constitutions of Ohio and the United States and of federal law, including, but not limited to, those provisions dealing specifically with the protection of minority voting rights.</u>	106 107 108 109 110
<u>(2) Every general assembly district shall be compact and composed of contiguous territory, and the boundary of each district shall be a single nonintersecting continuous line.</u>	111 112 113

<u>(B)(1) House of representatives districts shall be created and numbered in the following order of priority, to the extent that such order is consistent with the foregoing standards:</u>	114
<u>(a) Proceeding in succession from the largest to the smallest, each county containing population greater than one hundred five per cent of the ratio of representation in the house of representatives, as provided in Section 3 of this article, shall be divided into as many house of representatives districts as it has whole ratios of representation. Any fraction of the population in excess of a whole ratio shall be a part of only one adjoining house of representatives district.</u>	117
<u>(b) Each county containing population substantially equal to one ratio of representation in the house of representatives, as provided in Section 3 of this article, but in no event less than ninety-five per cent of the ratio nor more than one hundred five per cent of the ratio, shall be designated a representative district.</u>	125
<u>(c) Representative districts shall be drawn so as to split the smallest possible number of municipal corporations and townships whose contiguous portions contain a population of more than fifty per cent, but less than one hundred per cent, of one ratio of representation.</u>	131
<u>(d) The remaining territory of the state shall be divided into representative districts by combining the areas of whole municipal corporations and townships.</u>	136
<u>(e) Where the requirements of division (B)(1) of this section and Section 3 of this article cannot feasibly be attained by forming a representative district from whole municipal corporations and townships, not more than one municipal corporation or township may be split per representative district.</u>	139
<u>(2) If the commission must violate a standard listed in</u>	144

<u>division (B)(1) of this section in order to draw a house of representatives district map, the commission shall violate the standard having the lowest possible priority, as listed in that division. If the commission violates a standard listed in that division, the commission shall include in the district plan a statement explaining which standard was violated and the reason the standard was violated.</u>	145
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<u>(C)(1) Except as otherwise provided in division (C)(2) of this section, a county, municipal corporation, or township is considered to be split if any contiguous portion of its territory is not contained entirely within one district.</u>	152
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<u>(2) Dividing, along a county line, a municipal corporation or township that has territory in more than one county shall not be considered splitting the municipal corporation or township.</u>	156
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<u>Section 5. The Ohio redistricting commission shall attempt to draw a general assembly district plan that meets both of the following standards:</u>	159
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<u>(A) No district plan shall be drawn primarily to favor or disfavor a political party.</u>	162
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<u>(B) The statewide proportion of districts whose voters, based on recent statewide state and federal election results, favor each political party shall correspond closely to the statewide preferences of the voters of Ohio.</u>	164
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<u>Section 6. Senate districts shall be composed of three contiguous house of representatives districts. 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. Counties having less than one senate ratio of representation, but at least one house of representatives</u>	168
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<u>ratio of representation shall be part of only one senate district.</u>	176
<u>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 Section 3 of this article.</u>	177 178 179 180
<u>Senate districts shall be numbered from one through thirty-three and as provided in Section 8 of this article.</u>	181 182
<u>Section 7. Notwithstanding the fact that boundaries of counties, municipal corporations, and townships within a district may be changed, district boundaries shall be created by using the boundaries of counties, municipal corporations, and townships 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.</u>	183 184 185 186 187 188 189
<u>Section 8. 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 district plan 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.</u>	190 191 192 193 194 195 196 197 198 199 200 201 202 203
<u>Section 9. (A)(1) If the Ohio redistricting commission fails to adopt a final general assembly district plan not later than the first day of September of a year ending in the numeral one, in</u>	204 205 206

<u>accordance with Section 1 of this article, the commission shall introduce a general assembly district plan by a simple majority vote of the commission.</u>	207 208 209
<u>(2) After introducing a general assembly district plan under division (A)(1) of this section, the commission shall hold a public hearing concerning the introduced plan, at which the public may offer testimony and at which the commission may adopt amendments to the introduced plan. All members of the commission shall be required to attend the hearing. A quorum of the members of the commission is required to conduct the hearing.</u>	210 211 212 213 214 215 216
<u>(3) After the hearing described in division (A)(2) of this section is held, and not later than the fifteenth day of September of a year ending in the numeral one, the commission shall adopt a final general assembly district plan, either by the vote required to adopt a plan under division (B) of Section 1 of this article or by a simple majority vote of the commission.</u>	217 218 219 220 221 222
<u>(B) If the commission adopts a final general assembly district plan in accordance with division (A)(3) of this section by the vote required to adopt a plan under division (B) of Section 1 of this article, the plan shall take effect upon filing with the secretary of state and shall remain effective until the next year ending in the numeral one, except as provided in Section 10 of this article.</u>	223 224 225 226 227 228 229
<u>(C)(1) If the commission adopts a final general assembly district plan in accordance with division (A)(3) of this section by a simple majority vote of the commission, the plan shall take effect upon filing with the secretary of state and shall remain effective until two general elections for the house of representatives have occurred under the plan or until a year ending in the numeral one, whichever is earlier.</u>	230 231 232 233 234 235 236
<u>(2) A final general assembly district plan adopted in</u>	237

<u>accordance with division (A)(3) of this section by a simple majority vote of the commission shall include a statement explaining what the commission determined to be the statewide preferences of the voters of Ohio and the manner in which the statewide proportion of districts in the plan whose voters, based on recent election results, favor each political party corresponds closely to those preferences, as described in division (B) of Section 5 of this article. At the time the plan is adopted, a member of the commission who does not vote in favor of the plan may submit a declaration of the member's opinion concerning the statement included with the plan.</u>	238 239 240 241 242 243 244 245 246 247 248
<u>(D) After a plan adopted under division (C) of this section ceases to be effective, and not earlier than the first day of July of the year following the year in which the plan ceased to be effective, the commission shall be reconstituted as provided in Section 1 of this article, convene, and adopt a new general assembly district plan in accordance with this article, to be used until the next time for redistricting under this article. The commission shall draw the new plan using the same population and county, municipal corporation, and township boundary data as were used to draw the plan adopted under division (C) of this section.</u>	249 250 251 252 253 254 255 256 257 258
<u>Section 10. (A) The supreme court of Ohio shall have exclusive, original jurisdiction in all cases arising under this article.</u>	259 260 261
<u>(B) In the event that any section of this constitution relating to redistricting or any plan of redistricting made by the Ohio redistricting commission is determined to be invalid by an unappealed final order of a court of competent jurisdiction then, notwithstanding any other provisions of this constitution, the commission shall be reconstituted as provided in Section 1 of this article, convene, and ascertain and determine a plan of redistricting in conformity with such provisions of this</u>	262 263 264 265 266 267 268 269

<u>constitution as are then valid, including establishing terms of office and election of members of the general assembly from districts designated in the plan, to be used until the next regular redistricting in conformity with such provisions of this constitution as are then valid.</u>	270 271 272 273 274
<u>(C) Notwithstanding any provision of this constitution or any law regarding the residence of senators and representatives, a plan of redistricting made pursuant to this section shall allow thirty days for persons to change residence in order to be eligible for election.</u>	275 276 277 278 279
<u>(D)(1) No court shall order, in any circumstance, the implementation or enforcement of any plan that has not been approved by the commission in the manner prescribed by this article.</u>	280 281 282 283
<u>(2) If the supreme court of Ohio determines that a general assembly district plan adopted by the commission does not comply with the standards set forth in this article, the available remedies shall be as follows:</u>	284 285 286 287
<u>(a) If the court finds that the district plan violates the requirements of Section 2, 3, 6, 7, or 8 or division (A)(2), (B), or (C) of Section 4 of this article, the court shall order the commission to correct the violation.</u>	288 289 290 291
<u>(b) If, in considering a district plan adopted under division (C) of Section 9 of this article, the court determines that both of the following are true, the court shall order the commission to adopt a new general assembly district plan in accordance with this article:</u>	292 293 294 295 296
<u>(i) The plan significantly violates the requirements of Section 2, 3, 6, 7, or 8 or division (A)(2), (B)(1)(a), (B)(1)(b), (B)(1)(c), (B)(1)(e), (B)(2), or (C) of Section 4 of this article in a manner that materially affects the ability of the plan to</u>	297 298 299 300

<u>contain districts whose voters favor political parties in an overall proportion that corresponds closely to the statewide political party preferences of the voters of Ohio, as described in division (B) of Section 5 of this article.</u>	301 302 303 304
<u>(ii) The statewide proportion of districts in the plan whose voters, based on recent statewide state and federal election results, favor each political party does not correspond closely to the statewide preferences of the voters of Ohio.</u>	305 306 307 308
<u>Section 11. 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.</u>	309 310 311 312
EFFECTIVE DATE AND REPEAL	313
If adopted by a majority of the electors voting on this proposal, new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 of Article XI take effect January 1, 2021, and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of Article XI of the Constitution of the State of Ohio are repealed from that effective date.	314 315 316 317 318 319