

**As Reported by the Senate State Government Oversight and
Reform Committee**

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

Am. S. J. R. No. 1

Senators Sawyer, LaRose

Cosponsors: Senators Turner, Faber, Uecker

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

Be it resolved by the General Assembly of the State of Ohio, 8
three-fifths of the members elected to each house concurring 9
herein, that there shall be submitted to the electors of the 10
state, in the manner prescribed by law at the general election to 11
be held on November 5, 2013, a proposal to enact new Sections 1, 12
2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of Article XI of the 13
Constitution of the State of Ohio to read as follows: 14

ARTICLE XI 15

Section 1. (A) The Ohio redistricting commission shall be 16
responsible for the redistricting of this state for congress and 17
the general assembly. The commission shall consist of the 18
following seven members: 19

(1) The governor; 20

<u>(2) The auditor of state;</u>	21
<u>(3) The secretary of state;</u>	22
<u>(4) One person appointed by the speaker of the house of representatives;</u>	23 24
<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>	25 26 27
<u>(6) One person appointed by the president of the senate; and</u>	28
<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>	29 30 31
<u>No appointed member of the commission shall be a current member of the general assembly or of congress.</u>	32 33
<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>	34 35 36 37 38 39 40
<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>	41 42 43 44 45 46 47
<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</u>	48 49 50

ninety-nine house of representatives districts and the 51
thirty-three senate districts, and a proposed plan for the 52
prescribed number of congressional districts as apportioned to the 53
state pursuant to Section 2 of Article 1 of the constitution of 54
the United States. The commission shall draft each proposed plan 55
in the manner prescribed in this article. Before adopting, but 56
after introducing, a final congressional or general assembly 57
district plan, the commission shall conduct a minimum of three 58
public hearings across the state to present the plans and shall 59
seek public input regarding the proposed plans. All meetings of 60
the commission shall be open to the public. Meetings shall be 61
broadcast by electronic means of transmission using a medium 62
readily accessible by the general public, subject to the 63
discretion of the commission. 64

The commission shall adopt final plans not earlier than the 65
last week of October of a year ending in the numeral one but not 66
later than the second week of November of a year ending in the 67
numeral one. After the commission adopts a plan, the commission 68
shall file the plan with the secretary of state. Upon filing with 69
the secretary of state, the plan shall become effective. 70

Not more than six weeks after the adoption of a congressional 71
plan and a general assembly plan, the co-chairpersons of the 72
commission shall jointly dissolve the commission. 73

(D) The general assembly shall be responsible for making the 74
appropriations it determines necessary in order for the commission 75
to perform its duties under this article. 76

(E) The attorney general shall be responsible for defending a 77
plan adopted by the commission in any legal action arising from 78
the process described in this article. 79

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

representatives in each congress. Each house of representatives 82
district shall be entitled to a single representative in each 83
general assembly. Each senate district shall be entitled to a 84
single senator in each general assembly. 85

Section 3. (A) The whole population of the state, as 86
determined by the federal decennial census or, if such is 87
unavailable, such other basis as the general assembly may direct, 88
shall be divided by the number "ninety-nine" and by the number 89
"thirty-three" and the quotients shall be the ratio of 90
representation in the house of representatives and in the senate, 91
respectively, for ten years next succeeding such redistricting. 92

(B) The population of each house of representatives district 93
shall be substantially equal to the ratio of representation in the 94
house of representatives, and the population of each senate 95
district shall be substantially equal to the ratio of 96
representation in the senate, as provided in division (A) of this 97
section. In no event shall any district contain a population of 98
less than ninety-five per cent nor more than one hundred five per 99
cent of the applicable ratio of representation, except as 100
otherwise provided in division (B) of Section 6 of this article. 101

Section 4. (A) Any plan adopted by the commission shall 103
comply with all applicable provisions of the constitutions of Ohio 104
and the United States and of federal law. 105

(B) No individual district shall be drawn primarily with the 106
intent to favor or disfavor a political party. 107

(C)(1) Every congressional and general assembly district 108
shall be compact and composed of contiguous territory, and the 109
boundary of each district shall be a single nonintersecting 110
continuous line. 111

(2) The commission shall avoid splitting political 112
subdivisions. As used in this section and Sections 6 and 9 of this 113

article, "political subdivision" means a county, a municipal corporation, a township, or a municipal ward. 114
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(a) Dividing a noncontiguous political subdivision shall not be considered splitting the political subdivision if its noncontiguous portions are included in separate districts. However, dividing a noncontiguous political subdivision shall be considered splitting the political subdivision if any noncontiguous portion is divided into separate districts. 116
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(b) Dividing, along a county line, a political subdivision that has territory in more than one county shall not be considered splitting the political subdivision. 122
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(D) Notwithstanding the other provisions of this article, where it is necessary to divide political subdivisions, only two political subdivisions, other than a county, may be divided per house of representatives district. 125
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(E) Subject to all other requirements of this article, the commission shall preserve together whole suburban, urban, and rural communities that share similar characteristics. 129
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Section 5. A county having at least one house of representatives ratio of representation shall have as many house of representatives districts wholly within the boundaries of the county 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. 132
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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 for the house of representatives determined under Section 3 of this article. 138
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Section 6. The standards prescribed in this section and Sections 3, 4, and 5 of this article shall govern the establishment of house of representatives districts, which shall 142
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be created and numbered in the following order to the extent that 145
such order is consistent with the foregoing standards: 146

(A) Each county containing population substantially equal to 147
one ratio of representation in the house of representatives, as 148
provided in Section 3 of this article, but in no event less than 149
ninety-five per cent of the ratio nor more than one hundred five 150
per cent of the ratio, shall be designated a representative 151
district. 152

(B) Each county containing population between ninety and 153
ninety-five per cent of the ratio or between one hundred five and 154
one hundred ten per cent of the ratio may be designated a 155
representative district. 156

(C)(1) If political subdivisions must be divided in order to 157
create the remaining representative districts, those districts 158
shall be formed by combining the whole areas of political 159
subdivisions, beginning with the political subdivisions with the 160
smallest populations and proceeding to the largest. 161

(2) Proceeding in succession from the largest to the 162
smallest, each remaining county containing more than one whole 163
ratio of representation shall be divided into house of 164
representatives districts. Any remaining territory within such 165
county containing a fraction of one whole ratio of representation 166
shall be included in one representative district by combining it 167
with adjoining territory outside the county. 168

(3) Of the remaining territory of the state, where feasible, 169
multiple whole counties shall be combined as single representative 170
districts. 171

(4) Of the remaining territory of the state, the commission 172
shall draw the boundary lines of representative districts as to 173
delineate an area containing at least one whole county and the 174
necessary additional territory. 175

(D) The remaining territory of the state shall be combined 176
into representative districts. 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. 192

Section 8. The standards prescribed in this section and 193
Section 4 of this article shall govern the establishment of 194
congressional districts, which shall be created in the following 195
order so long as such order is consistent with the foregoing 196
standards: 197

(A) The whole population of the state, as determined by the 198
federal decennial census, shall be divided by the number of 199
congressional districts apportioned to the state pursuant to 200
Section 2 of Article I of the constitution of the United States, 201
and the quotient shall be the congressional ratio of 202
representation for ten years next succeeding such apportionment. 203

(B) The number of whole ratios of representation for a county 204
shall be determined by dividing the population of the county by 205
the congressional ratio of representation. 206

(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. 207
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(D) The remaining territory of the state shall be combined into congressional districts. 212
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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. 214
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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. 220
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Section 11. (A) The supreme court of Ohio shall have exclusive, original jurisdiction in all cases arising under this article. 234
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(B) In the event that any section of this constitution 237

relating to redistricting or any plan of redistricting made by the 238
Ohio redistricting commission is determined to be invalid by an 239
unappealed final order of a court of competent jurisdiction then, 240
notwithstanding any other provisions of this constitution, the 241
commission shall reconvene to ascertain and determine a plan of 242
redistricting in conformity with such provisions of this 243
constitution as are then valid, including establishing terms of 244
office and election of members of the general assembly from 245
districts designated in the plan, to be used until the next 246
regular redistricting in conformity with such provisions of this 247
constitution as are then valid. 248

(C) Notwithstanding any provision of this constitution or any 249
law regarding the residence of senators and representatives, a 250
plan of redistricting made pursuant to this section shall allow 251
thirty days for persons to change residence in order to be 252
eligible for election. 253

(D) No court shall order, in any circumstance, the 254
implementation or enforcement of any plan that has not been 255
approved by the commission in the manner prescribed by this 256
article. 257

Section 12. The various provisions of this article are 258
intended to be severable, and the invalidity of one or more of 259
such provisions shall not affect the validity of the remaining 260
provisions. 261

EFFECTIVE DATE AND REPEAL 262

If adopted by a majority of the electors voting on this 263
proposal, new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 264
of Article XI take effect January 1, 2021 and Sections 1, 2, 3, 4, 265
5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of Article XI of the 266
Constitution of the State of Ohio are repealed from that effective 267
date. 268