

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

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

Sub. S. J. R. No. 8

Senator Faber

Cosponsors: Senators Widener, Patton, Obhof, Oelslager, Peterson

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 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, 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 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 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 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. Except as otherwise provided in Section 10 of this Article, the affirmative vote of four 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 adopt a general assembly district plan.</u>	33 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 Sections 10 and 11 of this Article, the members of the commission shall select two members to be co-chairpersons, one of whom shall be a member of the largest political party represented in the general assembly and one of whom shall be a member of the second largest political party represented in the general assembly, and set a schedule for the adoption of procedural rules for the operation of the commission.</u>	41 42 43 44 45 46 47 48 49
<u>Not later than the fifteenth day of September of a year</u>	50

ending in the numeral one, the commission shall release to the public a proposed general assembly district plan for the boundaries for each of the ninety-nine house of representatives districts and the thirty-three senate districts. The commission shall draft the proposed plan in the manner prescribed in this Article. After introducing a general assembly district plan but before adopting a final general assembly district plan, the commission shall conduct a minimum of three public hearings across the state to present the proposed plan and shall seek public input regarding the proposed plan. All meetings of the commission shall be open to the public. Meetings shall be broadcast by electronic means of transmission using a medium readily accessible by the general public, subject to the discretion of the commission.

The commission shall adopt a final general assembly district plan not earlier than the last week of October of a year ending in the numeral one but not later than the thirty-first day of October of a year ending in the numeral one. After the commission adopts a final general assembly district plan, the commission shall file the plan with the secretary of state. Upon filing with the secretary of state, the plan shall become effective.

Not more than four weeks after the adoption of a general assembly district plan, the co-chairpersons of the commission shall jointly dissolve the commission.

(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.

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.

Section 3. (A) The whole population of the state, as

determined by the federal decennial census or, if such is 82
unavailable, such other basis as the general assembly may direct, 83
shall be divided by the number "ninety-nine" and by the number 84
"thirty-three" and the quotients shall be the ratio of 85
representation in the house of representatives and in the senate, 86
respectively, for ten years next succeeding such redistricting. 87

(B) The population of each house of representatives district 88
shall be substantially equal to the ratio of representation in the 89
house of representatives, and the population of each senate 90
district shall be substantially equal to the ratio of 91
representation in the senate, as provided in division (A) of this 92
section. In no event shall any district contain a population of 93
less than ninety-five per cent nor more than one hundred five per 94
cent of the applicable ratio of representation, except as 95
otherwise provided in division (B) of Section 6 of this Article. 96

Section 4. (A) Every house of representatives district shall 98
be compact and composed of contiguous territory, and the boundary 99
of each district shall be a single nonintersecting continuous 100
line. 101

(B) The commission shall avoid splitting political 102
subdivisions. As used in this section and Sections 8 and 10 of 103
this Article, "political subdivision" means a county, a municipal 104
corporation, or a township. 105

(1) Dividing a noncontiguous political subdivision shall not 106
be considered splitting the political subdivision if its 107
noncontiguous portions are included in separate districts. 108
However, dividing a noncontiguous political subdivision shall be 109
considered splitting the political subdivision if any 110
noncontiguous portion is itself divided into separate districts. 111

(2) Dividing, along a county line, a political subdivision 112
that has territory in more than one county shall not be considered 113

splitting the political subdivision. 114

(C) To the extent consistent with the requirements of Section 3 of this Article, the boundary lines of house of representatives districts shall be so drawn as to delineate an area containing one or more whole counties. 115
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(D) Where the requirements of Section 3 of this Article cannot feasibly be attained by forming a house of representatives district from a whole county or counties, such district shall be formed by combining the areas of whole political subdivisions, other than a county. 119
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(E) Where the requirements of Section 3 of this Article cannot feasibly be attained by combining the areas of whole political subdivisions, other than a county, as prescribed in division (D) of this section, only one such political subdivision may be divided between two house of representatives districts. 124
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(F) In making a new general assembly district plan, district boundaries established by the preceding general assembly district plan shall be adopted to the extent reasonably consistent with the requirements of Section 3 of this Article. 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. 133
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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. 139
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Section 6. The standards prescribed in this section and Sections 3, 4, and 5 of this Article shall govern the 143
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establishment of house of representatives districts, which shall 145
be created and numbered in the following order to the extent that 146
such order is consistent with the foregoing standards: 147

(A) Each county containing population substantially equal to 148
one ratio of representation in the house of representatives, as 149
provided in Section 3 of this Article, but in no event less than 150
ninety-five per cent of the ratio nor more than one hundred five 151
per cent of the ratio, shall be designated a representative 152
district. 153

(B) In those instances where the population of a county is 154
not less than ninety per cent nor more than one hundred ten per 155
cent of the ratio of representation in the house of 156
representatives, reasonable effort shall be made to create a house 157
of representatives district consisting of the whole county. 158

(C) Proceeding in succession from the largest to the 159
smallest, each remaining county containing more than one whole 160
ratio of representation shall be divided into house of 161
representatives districts. Any remaining territory within such 162
county containing a fraction of one whole ratio of representation 163
shall be included in one representative district by combining it 164
with adjoining territory outside the county. 165

(D) The remaining territory of the state shall be combined 166
into representative districts. 167

Section 7. Senate districts shall be composed of three 168
contiguous house of representatives districts. A county having at 169
least one whole senate ratio of representation shall have as many 170
senate districts wholly within the boundaries of the county as it 171
has whole senate ratios of representation. Any fraction of the 172
population in excess of a whole ratio shall be a part of only one 173
adjoining senate district. Counties having less than one senate 174
ratio of representation, but at least one house of representatives 175

ratio of representation shall be part of only one senate district. 176

The number of whole ratios of representation for a county 177
shall be determined by dividing the population of the county by 178
the ratio of representation in the senate determined under Section 179
3 of this Article. 180

Senate districts shall be numbered from one through 181
thirty-three and as provided in Section 9 of this Article. 182

Section 8. District boundaries established pursuant to this 183
Article shall not be changed until the ensuing federal decennial 184
census and the ensuing redistricting or as provided in Section 10 185
or 11 of this Article, notwithstanding the fact that boundaries of 186
political subdivisions or city wards within a district may be 187
changed during that time. District boundaries shall be created by 188
using the boundaries of political subdivisions and city wards as 189
they exist at the time of the federal decennial census on which 190
the redistricting is based, or such other basis as the general 191
assembly has directed. 192

Section 9. At any time the boundaries of senate districts are 193
changed in any plan of redistricting made pursuant to any 194
provision of this Article, a senator whose term will not expire 195
within two years of the time the plan of redistricting is made 196
shall represent, for the remainder of the term for which the 197
senator was elected, the senate district which contains the 198
largest portion of the population of the district from which the 199
senator was elected, and the district shall be given the number of 200
the district from which the senator was elected. If more than one 201
senator whose term will not so expire would represent the same 202
district by following the provisions of this section, the 203
commission, by a majority vote, shall designate which senator 204
shall represent the district and shall designate which district 205
the other senator or senators shall represent for the balance of 206
their term or terms. 207

Section 10. (A) If the Ohio redistricting commission fails to 208
adopt a final general assembly district plan not later than the 209
thirty-first day of October of a year ending in a numeral one, in 210
accordance with Section 1 of this Article, the governor, the 211
auditor of state, and the secretary of state, acting independently 212
of the commission, shall adopt a general assembly district plan by 213
a simple majority vote of their number not later than the first 214
day of December of that year. The governor shall file the plan 215
with the secretary of state not later than the next business day. 216
Upon filing with the secretary of state, the plan shall become 217
effective. 218

(B) A redistricting plan adopted under division (A) of this 219
section shall be effective for elections occurring in the year 220
following the year in which the plan was adopted. At the general 221
election conducted in that year, the following question shall be 222
submitted to the electors of the state: 223

"Shall the Ohio Redistricting Commission reconvene to draw 224
new General Assembly districts?" 225

(C) If a majority of the electors vote in favor of 226
reconvening the commission to adopt a new general assembly 227
district plan, the commission shall reconvene to adopt a new 228
general assembly district plan in accordance with this Article. 229
The commission shall draw the new plan using the same population 230
and political subdivision and city ward boundary data as were used 231
to draw the plan adopted under division (A) of this section. 232

(D) If a majority of the electors vote against reconvening 233
the commission to adopt a new general assembly district plan, the 234
district plan adopted under division (A) of this section shall 235
remain in effect until the next year ending in the numeral one, 236
except as otherwise provided in Section 11 of this Article. 237

Section 11. (A) The supreme court of Ohio shall have 238

exclusive, original jurisdiction in all cases arising under this 239
Article. 240

(B) In the event that any section of this Article relating to 241
redistricting or any plan of redistricting made by the Ohio 242
redistricting commission is determined to be invalid by an 243
unappealed final order of a court of competent jurisdiction then, 244
notwithstanding any other provisions of this Article, the 245
commission shall reconvene to ascertain and determine a general 246
assembly district plan in conformity with such provisions of this 247
Article as are then valid, including establishing terms of office 248
and election of members of the general assembly from districts 249
designated in the plan, to be used until the next regular 250
redistricting in conformity with such provisions of this Article 251
as are then valid. 252

(C) Notwithstanding any provision of this Article or any law 253
regarding the residence of senators and representatives, a general 254
assembly district plan made pursuant to this section shall allow 255
thirty days for persons to change residence in order to be 256
eligible for election. 257

(D) No court shall order, in any circumstance, the 258
implementation or enforcement of any plan that has not been 259
approved by the commission in the manner prescribed by this 260
Article. 261

Section 12. The various provisions of this Article are 262
intended to be severable, and the invalidity of one or more of 263
such provisions shall not affect the validity of the remaining 264
provisions. 265

EFFECTIVE DATE AND REPEAL 266

If adopted by a majority of the electors voting on this 267
proposal, new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 268
of Article XI take effect January 1, 2021 and Sections 1, 2, 3, 4, 269

5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of Article XI of the 270
Constitution of the State of Ohio are repealed from that effective 271
date. 272