



Ohio Legislative Service Commission

Resolution Analysis

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Sub. S.J.R. 5*

129th General Assembly

(As Reported by S. State and Local Government and Veterans Affairs)

Sens. Sawyer and LaRose, Turner, Faber

RESOLUTION SUMMARY

Persons responsible for drawing map

- Specifies that the Ohio Redistricting Commission, consisting of the Governor, Auditor of State, Secretary of State, one person appointed by the Speaker of the House of Representatives, one person appointed by the Minority Leader of the House of Representatives, one person appointed by the President of the Senate, and one person appointed by the Minority Leader of the Senate, is responsible for redistricting the state.
- Provides that no appointed member of the Commission may be a current member of the General Assembly.¹

Timeline

- Requires the Governor to convene the first meeting of the Ohio Redistricting Commission only in a year ending in the numeral one, unless the Commission is convened by a court to redraw judicially invalidated districts.
- Requires the Commission, not later than September 15 of a year ending in the numeral one, to release to the public a proposed plan of General Assembly and Congressional districts.
- Requires the Commission to adopt final redistricting plans not earlier than the last week of October of a year ending in the numeral one but not later than the second week of November of such a year.

* This analysis was prepared before the introduction of the resolution appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

¹ Proposed Article XI, Section 1(A).

- Specifies that the final plans become effective upon filing with the Secretary of State.²

Organizational procedures

- Requires all meetings of the Ohio Redistricting Commission to be open to the public.
- Specifies that meetings must be broadcast by electronic means of transmission using a medium readily accessible by the general public, subject to the discretion of the Commission.
- Requires, at the Commission's first meeting, the members to convene, select co-chairpersons, one of whom must 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.
- Requires the Commission, after the plans are introduced but before they are adopted to conduct a minimum of three public hearings across the state and to seek public input regarding the proposed redistricting plans.
- Generally requires a simple majority of its members for any action by the Commission, except that the affirmative vote of five members of the Commission, including at least one member who is a member of a political party other than the largest one represented on the Commission, is required to adopt any plan.
- Requires the co-chairpersons of the Commission to jointly dissolve the Commission not more than six weeks after the adoption of a Congressional plan and a General Assembly plan.³

Districts to be drawn under the process

- Specifies that the Ohio Redistricting Commission is responsible for the redistricting of Ohio for Congress and the General Assembly.⁴

District population requirements

- Permits the General Assembly to designate a method for determining the population of the state for purposes of calculating the ratios of representation in the General Assembly, if the federal decennial census is unavailable.

² Proposed Article XI, Section 1(C).

³ Proposed Article XI, Section 1(B) and (C).

⁴ Proposed Article XI, Section 1(A).

- Requires the population of each House of Representatives district to be substantially equal to the ratio of representation in the House of Representatives, and the population of each Senate district to be substantially equal to the ratio of representation in the Senate.
- Requires each House of Representatives district to contain a population between 95% and 105% of the ratio of representation in the House of Representatives, except in the case of a county with a population between 90% and 110%, which may be designated as its own district.
- Requires each Senate district to contain a population between 95% and 105% of the ratio of representation in the Senate.
- Specifies that each Congressional district is entitled to a single representative in the United States House of Representatives, and specifies that each House and Senate district is entitled to a single representative in each General Assembly.⁵

District standards

- Requires any plan adopted by the Ohio Redistricting Commission to comply with all applicable Ohio and federal constitutional provisions and all applicable federal statutory provisions.
- Prohibits any individual district from being drawn primarily with the intent to favor or disfavor a political party.
- Requires every Congressional and General Assembly district to be compact and composed of contiguous territory, and requires the boundary of each district line to be a single nonintersecting continuous line.
- Requires the Commission to avoid splitting political subdivisions. Defines a "political subdivision" for this purpose as a county, a municipal corporation, a township, or a municipal ward.
- Provides that dividing a noncontiguous political subdivision is not considered splitting that political subdivision if its noncontiguous portions are included in separate districts, but that dividing a noncontiguous political subdivision is considered splitting the political subdivision if any noncontiguous portion is divided into separate districts.

⁵ Proposed Article XI, Sections 2 and 3.

- Provides that dividing, along a county line, a political subdivision that has territory in more than one county is not considered splitting the political subdivision.
- Specifies that, notwithstanding the other provisions of the resolution, where it is necessary to divide political subdivisions, only two such political subdivisions, other than a county, may be divided per House of Representatives district.
- Requires the Commission, subject to all of the Ohio Constitution's other redistricting requirements, to preserve together whole suburban, urban, and rural communities that share similar characteristics.⁶
- Eliminates a current requirement that district boundaries established in a prior redistricting be adopted to the extent that they are reasonably consistent with the redistricting requirements.⁷
- Requires a county having at least one House of Representatives ratio of representation to have as many House of Representatives districts wholly within the boundaries of the county as it has whole ratios of representation, and requires any fraction of the population in excess of a whole ratio to be a part of only one adjoining House of Representatives district.⁸
- Requires each House of Representatives district to be created and numbered in the following order, to the extent that that order is consistent with the above standards:
 - (1) Each county containing population substantially equal to one ratio of representation in the House of Representatives, but in no event less than 95% of the ratio or more than 105% of the ratio, must be designated a representative district.
 - (2) Each county with a population between 90% and 95% or between 105% and 110% of the ratio of representation in the House of Representatives may be designated a representative district.
 - (3) If political subdivisions must be divided in order to create the remaining House of Representatives districts, those districts must be formed by combining the whole areas of political subdivisions, beginning with the political subdivisions with the smallest populations and proceeding to the largest.

⁶ Proposed Article XI, Section 4.

⁷ Proposed repeal of existing Article XI, Section 7.

⁸ Proposed Article XI, Section 5.

(4) Each remaining county containing more than one whole ratio of representation, proceeding in succession from the largest to the smallest, must be divided into House of Representatives districts, and any remaining territory within such a county containing a fraction of one whole ratio of representation must be included in one representative district by combining it with adjoining territory outside the county.

(5) Of the remaining territory of the state, where feasible, multiple whole counties must be combined as single representative districts.

(6) Of the remaining territory of the state, the Commission must draw the boundary lines of representative districts as to delineate an area containing at least one whole county and the necessary additional territory.

(7) The remaining territory of the state must be combined into representative districts.⁹

- Requires Senate districts to be composed of three contiguous House of Representatives districts.
- Requires a county having at least one whole Senate ratio of representation to have as many Senate districts wholly within the boundaries of the county as it has whole Senate ratios of representation, and requires any fraction of the population in excess of a whole ratio to be a part of only one adjoining Senate district.
- Specifies that counties having less than one Senate ratio of representation, but at least one House of Representatives ratio of representation, must be part of only one Senate district.¹⁰
- So long as that this order is consistent with the above standards, requires each county containing more than one whole ratio of representation in Congress, proceeding in succession from the largest to the smallest, to be divided into the appropriate number of Congressional districts, as that county contains whole ratios of representation, and requires the remaining territory of the state to be combined into Congressional districts.¹¹
- Notwithstanding the fact that the boundaries of political subdivisions within a district may be changed, requires the Commission to create district boundaries by

⁹ Proposed Article XI, Section 6.

¹⁰ Proposed Article XI, Section 7.

¹¹ Proposed Article XI, Section 8.

using the boundaries of political subdivisions and municipal wards as they exist at the time of the federal decennial census on which the redistricting is based, or if the census is unavailable, on a basis the General Assembly specifies.¹²

Senators whose terms will not expire

- Relocates but generally retains the constitutional provision for numbering a Senate district when the term of the Senator who represents the district does not immediately expire.¹³

Legal challenges

- Specifies that the Attorney General is responsible for defending a plan adopted by the members of the Ohio Redistricting Commission in any legal action arising from the redistricting.¹⁴
- Specifies that the Supreme Court of Ohio has exclusive, original jurisdiction in all cases arising under Article XI.
- Specifies that, if any section of this Constitution relating to redistricting, or any redistricting plan made by the Ohio Redistricting Commission, is determined to be invalid by an unappealed final order of a court of competent jurisdiction, the Commission must reconvene to ascertain and determine a redistricting plan that conforms with such provisions of this 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 the Constitution as are then valid.
- Prohibits a court, in any circumstance, from ordering the implementation or enforcement of any plan that has not been approved by the Commission.
- Requires a new redistricting plan made as a result of a legal challenge to allow 30 days for persons to change residence in order to be eligible for election.¹⁵

¹² Proposed Article XI, Section 9.

¹³ Proposed Article XI, Section 10.

¹⁴ Proposed Article XI, Section 1(E).

¹⁵ Proposed Article XI, Section 11.

Changes to district plans between censuses

- Permits the Commission to be convened only in a year ending in the numeral one, unless the Commission is reconvened by a court to redraw judicially invalidated districts.¹⁶

Appropriations

- Specifies that the General Assembly is responsible for making the appropriations it determines necessary in order for the Ohio Redistricting Commission to perform its duties.¹⁷

Severability

- Relocates, but otherwise does not change, the current constitutional severability language.¹⁸

Miscellaneous

- Repeals the current constitutional provision describing the district plans in effect until January 1, 1973.¹⁹

Date proposal scheduled to appear on the ballot

- November 5, 2013.

Effective date of proposal, if approved by the voters

- January 1, 2021.

HISTORY

ACTION	DATE
Introduced	12-11-12
Reported, S. State & Local Government & Veterans Affairs	---

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¹⁶ Proposed Article XI, Section 1(C).

¹⁷ Proposed Article XI, Section 1(D).

¹⁸ Proposed Article XI, Section 12.

¹⁹ Proposed repeal of Article XI, Section 14.

