



Ohio Legislative Service Commission

Resolution Analysis

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H.J.R. 11

130th General Assembly
(As Introduced)

Rep. Huffman

RESOLUTION SUMMARY

- Proposes an amendment to the Ohio Constitution to establish a constitutional process for the General Assembly to follow in drawing congressional districts in each year ending in the numeral "1."

Proposal by a joint legislative committee

- Requires a joint legislative committee consisting of six members of the General Assembly to propose a congressional district plan to the General Assembly by the affirmative vote of four of its members, including votes from members of the largest and second largest political party represented in the General Assembly.
- Requires, if the committee fails to propose a plan not later than August 15, that the committee propose a congressional district plan not later than September 15 by the affirmative vote of four members of the committee, including votes from at least two Representatives and two Senators, and that the plan be subject to a vote of the electors.

Adoption by the General Assembly

- Requires the General Assembly to vote, without amendment, on whether to adopt the congressional district plan proposed by the joint legislative committee.
- Requires a congressional district plan to be adopted in the form of a joint resolution, by a simple majority of the members of each house of the General Assembly, and filed with the Secretary of State.

- Specifies that if the General Assembly fails to adopt the proposed district plan before the applicable deadline, the proposed plan must be filed with the Secretary of State and must become effective, but must be subject to a vote of the electors.

Ballot question concerning a district plan

- Specifies that if a district plan was proposed without a bipartisan vote of the committee, took effect without being adopted by the General Assembly, or both, the plan is effective for the elections occurring in the year following the year in which the plan took effect.
- Requires that, at the general election conducted in the year following the year in which such a plan takes effect, a ballot question be submitted to the electors, asking whether the General Assembly should be required to draw new congressional districts.
- Specifies that if a majority of the electors vote in favor of requiring the General Assembly to draw new congressional districts, not earlier than February 1 of the following year, a new congressional district plan must be drawn.
- Specifies that if a majority of the electors vote against requiring the General Assembly to draw new congressional districts, the existing district plan remains in effect until $\frac{1}{2}$ of the general elections for Congress to be held using that plan have occurred, and that not earlier than February 1 of the year following the year in which the plan ceases to be effective, a new congressional district plan must be drawn.
- Requires new districts created following a ballot question to be drawn using the same population data as were used to draw the previous district plan.

Congressional district standards

- Requires the General Assembly to redistrict Ohio based on the prescribed number of congressional districts apportioned to the state under the U.S. Constitution.
- Specifies that each congressional district is entitled to a single representative in the U.S. House of Representatives.
- Requires that each county that, based on population, could contain more than one whole congressional district must be divided into not more congressional districts than the number of whole congressional districts the county could contain, plus one.

- Requires a congressional district plan to comply with all applicable provisions of the U.S. Constitution and of federal law.

Changes to district plans between censuses

- Provides that a congressional district plan may take effect only in a year ending in the numeral one, except as the result of a court order or a ballot question.

Initiative, referendum, and veto powers

- Specifies that a congressional district plan is not subject to the referendum and is not subject to the veto of the Governor.
- States that the electors may not propose a congressional district plan by initiative.

Date proposal scheduled to appear on the ballot

- Places the proposal on the ballot on November 3, 2015.

Effective date of proposal, if approved by the voters

- Specifies that, if approved by a majority of electors voting on the issue, the proposal takes effect January 1, 2021.

CONTENT AND OPERATION

The joint resolution proposes an amendment to the Ohio Constitution to establish a constitutional process for the General Assembly to follow in drawing congressional districts. Currently, the General Assembly conducts congressional redistricting according to its own procedures.

Proposal by a joint legislative committee

The resolution requires a joint legislative committee to propose a congressional district plan to the General Assembly. The committee must consist of the following six members, each of whom must be a current member of the General Assembly:

- Two persons appointed by the Speaker of the House of Representatives;
- Two persons appointed by the President of the Senate;
- One person appointed by the Minority Leader of the House of Representatives;



- One person appointed by the Minority Leader of the Senate.

Not later than August 15 of a year ending in the numeral one, the committee must propose a congressional district plan. The committee must do so by the affirmative vote of four of its members, including at least one member of the committee who is a member of the largest political party represented in the General Assembly and one member of the committee who is a member of the second largest political party represented in the General Assembly.

If the committee fails to propose a congressional district plan not later than August 15 of that year, the committee must propose a plan not later than September 15 of that year. The proposal of a plan after August 15 requires the affirmative vote of four members of the committee, including at least two members of the committee who are Representatives and two members of the committee who are Senators. A plan proposed under this provision must be submitted to a vote of the electors (see "**Ballot question concerning a district plan**," below)¹ (see **COMMENT**).

Adoption by the General Assembly

After the joint legislative committee proposes a congressional district plan, the resolution requires the General Assembly to vote on whether to adopt the plan. The General Assembly may not amend a district plan proposed by the committee. A congressional district plan must be adopted in the form of a joint resolution by a simple majority of the members of each house of the General Assembly, notwithstanding the Ohio Constitution's general requirement that all laws be passed by bill. After a district plan is adopted, it must be filed with the Secretary of State. Upon filing with the Secretary of State, the plan takes effect.

If a district plan was proposed not later than August 15 of a year ending in the numeral one, the General Assembly must vote on whether to adopt the plan not later than August 31 of that year. If a district plan was proposed not later than September 15 of that year, the General Assembly must vote on the plan not later than October 1 of that year.

If the General Assembly fails to adopt the congressional district plan proposed by the joint legislative committee not later than the applicable deadline, the proposed plan must be filed with the Secretary of State. Upon filing with the Secretary of State, the plan takes effect. However, a district plan that takes effect without being adopted by

¹ Proposed Art. II, Sec. 43(C)(1).

the General Assembly must be submitted to a vote of the electors (see "**Ballot question concerning a district plan**," below).²

Ballot question concerning a district plan

The resolution requires that certain congressional district plans be made subject to a vote of the electors after they take effect. If either or both of the following occur concerning a district plan, the plan is effective for the elections occurring in the year following the year in which the plan took effect, but the plan must be subject to a ballot question:³

- The joint legislative committee fails to propose the plan by a bipartisan vote, as described above, and instead proposes the plan by the affirmative vote of four members of the committee, including at least two members of the committee who are Representatives and two members of the committee who are Senators.
- The General Assembly does not adopt the plan, and the plan takes effect without adoption, as described above.

For a district plan that meets either or both of the above conditions, the following question must be placed on the ballot at the general election conducted in the year following the year in which the plan takes effect:

"Shall the Ohio General Assembly draw new congressional districts?"

If a majority of the electors vote in favor of requiring the General Assembly to draw new congressional districts, not earlier than February 1 of the following year, the joint legislative committee must propose, and the General Assembly must adopt, new congressional districts. The new districts must be drawn using the same population data as were used to draw the previous district plan.

If a majority of the electors vote against requiring the General Assembly to draw new congressional districts, the existing district plan remains in effect until ½ of the general elections for Congress to be held using that plan have occurred. (If an odd number of applicable elections are scheduled to occur during that period, the number of elections to be held under the plan must be determined by rounding up to the next

² Proposed Art. II, Sec. 43(C)(2). See also Ohio Const. Art. II, Sec. 15(A) (not in the resolution).

³ Proposed Art. II, Sec. 43(D)(1).



whole number.) After that district plan ceases to be effective, and not earlier than February 1 of the year following the year in which the plan ceased to be effective, the joint legislative committee must propose, and the General Assembly must adopt, new congressional districts. The new districts must be drawn using the same population data as were used to draw the previous district plan.⁴

Congressional district standards

The resolution requires the General Assembly to redistrict Ohio based on the prescribed number of congressional districts apportioned to the state under the U.S. Constitution. Each congressional district is entitled to a single representative in the U.S. House of Representatives.⁵

Under the resolution, congressional districts must be created in the following order:⁶

- (1) The whole population of the state, as determined by the federal decennial census, must be divided by the number of congressional districts apportioned to the state, and the quotient must be the congressional ratio of representation for the ten years after that apportionment.
- (2) Proceeding in succession from the largest to the smallest, each county that, based on population, could contain more than one whole congressional district must be divided into not more congressional districts than the number of whole congressional districts the county could contain, plus one. (For example, if a county has sufficient population to contain 1.5 congressional districts, the county must be included in no more than two congressional districts.)
- (3) The remaining territory of the state must be combined into congressional districts.

A congressional district plan must comply with all applicable provisions of the U.S. Constitution and of federal law.⁷

⁴ Proposed Art. II, Sec. 43(D).

⁵ Proposed Art. II, Sec. 43(A)(1).

⁶ Proposed Art. II, Sec. 43(A)(2).

⁷ Proposed Art. II, Sec. 43(A)(3).

Changes to district plans between censuses

Under the resolution, a congressional district plan generally may take effect only in a year ending in the numeral one. However, the resolution permits redistricting to occur in a different year as the result of a court order or a ballot question.⁸

Initiative, referendum, and veto powers

The resolution specifies that a congressional district plan is not subject to the referendum and is not subject to the veto of the Governor. Further, under the resolution, the electors may not propose a congressional district plan by initiative.⁹

Adoption of the proposal

The resolution proposes to place the proposal on the ballot on November 3, 2015. If adopted by a majority of electors voting on the proposal, it would take effect January 1, 2021.¹⁰

COMMENT

The joint legislative committee is comprised of six members and requires the affirmative vote of a supermajority of those members to propose a plan. It is possible, under the resolution, for the committee to deadlock and be unable to propose a plan. In such case, it is unclear how a congressional district plan would be adopted.

HISTORY

ACTION	DATE
Introduced	11-13-14

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⁸ Proposed Art. II, Sec. 43(B).

⁹ Proposed Art. II, Sec. 43(E).

¹⁰ Effective date.

