

Full Text of Proposed Amendment

(Proposed new language is in bold type. Current language that would be repealed is in italicized, non-bold type and inside brackets. Current language that is not changed is in non-italicized, non-bold type)

Be it Resolved by the People of the State of Ohio that Article XI, Sections 1, 3, 4, 6, 7, 9, 10 and 13 of the Ohio Constitution be amended, Article XI, Sections 8 and 14 of the Ohio Constitution be repealed and Article XI, Section 16 of the Ohio Constitution be adopted as follows:

Article XI, Section 1. **Ohio Citizens Independent Redistricting Commission**

[Repeal Current Section 1 - The governor, auditor of state, secretary of state, one person chosen by the speaker of the house of representatives and the leader in the senate of the political party of which the speaker is a member, and one person chosen by the legislative leaders in the two houses of the major political party of which the speaker is not a member shall be the persons responsible for the apportionment of this state for members of the general assembly.

Such persons, or a majority of their number, shall meet and establish in the manner prescribed in this Article the boundaries for each of ninety-nine house of representatives districts and thirty-three senate districts. Such meeting shall convene on a date designated by the governor between August 1 and October 1 in the year one thousand nine hundred seventy-one and every tenth year thereafter. The governor shall give such persons two weeks advance notice of the date, time, and place of such meeting.

The governor shall cause the apportionment to be published no later than October 5 of the year in which it is made, in such manner as provided by law.]

- (A) In order to provide for the fair and effective representation of the citizens of Ohio, there is hereby created the Ohio Citizens Independent Redistricting Commission, which shall meet and establish in the manner prescribed in this article the boundaries for each of Ohio's state legislative and congressional districts.**
- (B) The Commission shall be established upon the approval of this amendment to the Ohio Constitution by the voters of Ohio and again following each federal decennial census.**
- (C) The Commission shall consist of twelve members, selected as follows:**
 - 1. Any Ohio citizen shall be eligible to serve as a member of the Commission, unless disqualified by subparagraph two.**
 - 2. The following persons shall not be eligible to serve as members of the Commission:**
 - a. Within the ten years preceding the date of application, the person, or a member of his or her immediate family:**
 - i. Served as a federal or state elected official;**
 - ii. Was a paid employee of the Ohio Legislature, the United States Congress, or the office of a federal or state elected official;**
 - iii. Was the director of a state department or agency; or**
 - iv. Was a paid lobbyist, as defined under federal or state law.**

For purposes of this paragraph, "immediate family" means spouse, parent, child, sibling, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

- b. Within the five years preceding the date of application, the person:**

- i. Was a candidate for federal or state office;
 - ii. Was a paid employee or paid consultant of the campaign for a political candidate or for a political committee as defined by federal or state law;
 - iii. Was an official or paid employee of any political party organization; or
 - iv. Made monetary contributions to political campaigns or political parties that exceed a total of \$5,000 during a two year period, which amount shall be adjusted consistent with the consumer price index in future years;
 - c. Any person who has not voted in at least two of the previous three general elections conducted in even numbered years.
3. On or before January 1 of the year that the decennial census is conducted, the Chief Justice of the Supreme Court of Ohio shall select by lot a panel consisting of eight judges of the courts of appeals of Ohio, no more than four of whom may be members of the same political party. This panel of judges shall be responsible for selecting potential members of the Commission. On or before April 1 of the year that the decennial census is conducted, this panel of judges shall appoint an independent auditor who shall assist the judges in determining the eligibility of potential members of the Commission.
 4. Eligible persons may submit applications for membership on the Commission to the Secretary of State by May 1 of the year that the decennial census is conducted. The Secretary of State shall make available an appropriate application form designed to help determine the eligibility and qualifications of applicants and shall publicize the application process. The Secretary of State shall provide the panel of judges with the applications and any other records necessary to determine eligibility of the applicants.
 5. On or before August 1 of the year that the decennial census is conducted, the panel of eight judges described in subparagraph three shall select from the applicants forty-two individuals to serve as potential members of the Commission. The judges, after adopting a selection procedure, shall select applicants who have the relevant skills and abilities, including a capacity for impartiality, and who reflect the diversity of Ohio. These shall include the fourteen most qualified applicants affiliated with each of the two largest political parties, and the fourteen most qualified applicants who have been unaffiliated with either of these political parties during the prior five years. The selection of potential members shall require the affirmative vote of at least five of the eight judges. The two largest political parties shall be determined based on the votes received by the candidates for Governor in the most recent gubernatorial election.
 6. On or before August 15 of the year that the decennial census is conducted, the speaker of the Ohio House of Representatives and the highest ranking member of the House not of the same political party as the speaker may each respectively eliminate up to three of the fourteen potential members affiliated with the largest political party, up to three of the fourteen potential members affiliated with the second largest political party, and up to three of the fourteen potential members not affiliated with either of these parties. This shall result in a final pool of not less than twenty-four potential members of the Commission.

7. From the final pool of potential members, the panel of eight judges, or their designee, shall choose by lot, and in public, three individuals affiliated with each of the two largest political parties and three individuals not affiliated with either of these parties to serve as members of the Commission. On or before October 1 of the year that the decennial census is conducted, these nine members shall meet to select from the final pool of potential members three additional members, which shall include one member affiliated with the largest political party, one member affiliated with the second largest political party, and one member not affiliated with either of these parties. In selecting the final three members, the members of the Commission shall seek a total commission membership that reflects the diversity of Ohio and that has the relevant skills and abilities, including a capacity for impartiality, which will allow the Commission to fulfill its responsibilities. The nine members selected by lot and the three additional members selected by the original nine members shall comprise the full Commission.
 8. Upon the approval of this amendment to Ohio's Constitution, the Chief Justice of the Supreme Court of Ohio shall immediately select by lot a panel consisting of eight judges of the courts of appeals of Ohio, in the manner described in subparagraph three. The remaining time frames set forth in this paragraph shall be adjusted by this panel of judges, as necessary to accomplish the selection of commission members in time for the Commission to establish new districts for use in the next state or federal election.
 9. In the event that Ohio becomes legally required to modify district boundaries that were established by a Commission at any time prior to the next succeeding decennial census, the Commission, as previously established, shall reconvene to establish new district boundaries.
 10. In the event that any member of the Commission is unable to complete his or her service on the Commission, the remaining members of the Commission shall select a new member from the final pool of potential members. The total membership of the Commission shall consist of twelve members, which shall include a total of four members affiliated with the largest political party, four members affiliated with the second largest political party, and four members not affiliated with either of these parties.
 11. No member of the Commission shall be subject to removal by the general assembly or any member of the executive branch.
 12. Members of the Commission shall be ineligible to be elected or appointed to the State Legislature for any districts that were established or modified by that Commission.
- (D) The Commission is authorized to hire necessary staff, experts, and legal counsel and use the services of existing state employees in order to fulfill the Commission's responsibilities. The general assembly shall make appropriations necessary to adequately fund the activities of the Commission including, but not limited to, funds to compensate Commission members; pay for necessary staff, office space, experts, legal counsel and the independent auditor; and purchase necessary supplies and equipment.
- (E) All meetings of the Commission shall be open to the public. The Commission shall adopt rules for its operation and to guide its application of the redistricting factors.

- (F) All records, communications, and draft plans of the Commission, its individual members, or staff that are related to the establishment or possible modification of any Ohio congressional or state legislative district boundaries are public records.
- (G) The Commission shall make available to the public in a timely fashion all information that is available to any member of the Commission and that may be used for preparing or evaluating redistricting plans or maps, including the measures to be used in evaluating community preservation, politically balanced districts, representational fairness, and compactness in accordance with section 7(C) of this article, as well as the consideration to be given to all factors.
- (H) The Commission shall provide a reasonable opportunity for the public to submit proposed redistricting plans, and the Commission shall give full and fair consideration to plans submitted by the public.
- (I) All proposed redistricting plans and maps shall be made available to the public for a reasonable period of time before being approved by the Commission, and a reasonable opportunity shall be provided for the public to testify about proposed plans or maps prior to their being approved.
- (J) The affirmative vote of at least seven members of the Commission shall be required to adopt any plan.
- (K) The Commission shall establish and publish the new district boundaries no later than October 1 of the year prior to the year elections shall be held in the new districts. In the event that the Commission fails to establish district boundaries by this date, an action may be initiated in the Supreme Court of Ohio for the adoption of district boundaries. The Supreme Court shall select from among the plans submitted to or considered by the Commission and shall adopt the plan that most closely meets the requirements of this article and complies with the rules and measures established by the Commission under paragraphs (E) and (G) of this section.

Article XI, Section 3.

The population of each house of representatives district shall be substantially equal to the ratio of representation in the house of representatives, as provided in section 2 of this Article, and in no event shall any house of representatives district contain a population of less than ninety-~~five~~**eight** per cent nor more than one hundred ~~five~~ **two** per cent of the ratio of representation in the house of representatives, except in those instances where reasonable effort is made to avoid dividing a county in accordance with section 9 of this Article.

Article XI, Section 4.

The population of each senate district shall be substantially equal to the ratio of representation in the senate, as provided in section 2 of this Article, and in no event shall any senate district contain a population of less than ninety-~~five~~**eight** per cent nor more than one hundred ~~five~~ **two** per cent of the ratio of representation in the senate as determined pursuant to this Article.

Article XI, Section 6.

Upon the approval of this amendment to the Ohio Constitution, new district boundaries shall be established for Ohio's state legislative and congressional districts. The new district boundaries

shall be used in the next regularly scheduled federal and state elections that are held more than one year after the adoption of this amendment. Thereafter, [D]district boundaries established by the Ohio Citizens Redistricting Commission pursuant to this Article or by the Ohio Supreme Court pursuant to section 1(K) of this Article shall not be changed until the ensuing federal decennial census and the ensuing apportionment [or] except as provided in section 13 of this Article, notwithstanding the fact that boundaries of political subdivisions or city wards within the district may be changed during that time. District boundaries shall be created by using the boundaries of political subdivisions and city wards as they exist at the time of the federal decennial census on which the apportionment is based, or such other basis as the general assembly has directed.

Article XI, Section 7.

[Repeal Current Section 7- (A) Every house of representatives district shall be compact and composed of contiguous territory, and the boundary of each district shall be a single nonintersecting continuous line. To the extent consistent with the requirements of section 3 of this Article, the boundary lines of districts shall be so drawn as to delineate an area containing one or more whole counties.

(B) Where the requirements of section 3 of this Article cannot feasibly be attained by forming a district from a whole county or counties, such district shall be formed by combining the areas of governmental units giving preference in the order named to counties, townships, municipalities, and city wards.

(C) Where the requirements of section 3 of this Article cannot feasibly be attained by combining the areas of governmental units as prescribed in division (B) of this section, only one such unit may be divided between two districts, giving preference in the selection of a unit for division to a township, a city ward, a city, and a village in the order named.

(D) In making a new apportionment, district boundaries established by the preceding apportionment shall be adopted to the extent reasonably consistent with the requirements of section 3 of this Article.]

(A) Any plan adopted by the Commission shall comply with all applicable Ohio and federal constitutional provisions and all applicable federal statutory provisions, including, but not limited to, those dealing specifically with the protection of minority voting rights.

(B) Every state legislative and congressional district shall be composed of contiguous territory, and the boundary of each district shall be a single nonintersecting continuous line and must be in compliance with all other requirements of this article.

(C) The Commission shall adopt the redistricting plan that, in its judgment, most closely meets the following four factors, without violating paragraphs A and B of this section:

- 1. Community preservation - minimizes the number of governmental units that must be divided between different districts, by combining the areas of whole governmental units giving preference in the order named to counties, municipalities, contiguous townships, and city wards.**
- 2. Competitiveness - maximizes the number of politically balanced districts. A "politically balanced district" is a district where the average political party indexes, determined using actual election results from recent representative statewide elections, does not lean toward one party by more than five percent.**
- 3. Representational fairness - balances the number of districts leaning toward each political party so that the number of districts leaning toward each party closely corresponds to the preferences of the voters of Ohio, as determined using actual election results from recent representative statewide elections.**

4. Compactness - creates districts that are compact.

- (D) The Commission shall make publicly available with each proposed redistricting plan a report that identifies the following information for each district: boundaries, population, racial and ethnic composition, compactness measure, governmental units that are divided, and political party indexes. The Commission shall also make publicly available statewide totals of the number of governmental units of each type that are divided, the number of politically balanced districts, and the number of districts that lean toward each political party. The Commission shall use this information in evaluating each plan and shall adopt the plan that most closely meets the requirements of this section.**
- (E) No plan shall be drawn or adopted with intent to favor or disfavor a political party, incumbent, or potential candidate.**

Article XI, Section 8.

[Repeal Current Section 8 - 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.

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 2 of this Article.]

Article XI, Section 9.

In those instances where the population of a county is not less than ninety-**five** per cent nor more than one hundred *[ten]* **five** per cent of the ratio of representation in the house of representatives, reasonable effort shall be made to create a house of representatives district consisting of the whole county.

Article XI, Section 10.

The standards prescribed in sections 3, 7, 8, and 9 of this Article shall govern the establishment of house of representatives districts, which shall be created and numbered in the following order to the extent that such order is consistent with the foregoing standards:

(A) Each county containing population substantially equal to one ratio of representation in the house of representatives, as provided in section 2 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.

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

[Repeal Current Divisions C and D of Section 10 – (C) Proceeding in succession from the largest to the smallest, each remaining county containing more than one whole ratio of representation shall be divided into house of representatives districts. Any remaining territory within such county containing a fraction of one whole ratio of representation shall be included in one representative district by combining it with adjoining territory outside the county.

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

Article XI, Section 13.

[Repeal Current Section 13 -The supreme court of Ohio shall have exclusive, original jurisdiction in all cases arising under this Article. In the event that any section of this Constitution relating to apportionment

or any plan of apportionment made by the persons responsible for apportionment, by a majority of their number, is determined to be invalid by either the supreme court of Ohio, or the supreme court of the United States, then notwithstanding any other provisions of this Constitution, the persons responsible for apportionment by a majority of their number shall ascertain and determine a plan of apportionment in conformity 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 apportionment in conformity with such provisions of this Constitution as are then valid.

Notwithstanding any provision of this Constitution or any law regarding the residence of senators and representatives, a plan of apportionment made pursuant to this section shall allow thirty days for persons to change residence in order to be eligible for election.

The governor shall give the persons responsible for apportionment two weeks advance written notice of the date, time, and place of any meeting held pursuant to this section.]

- A. The Supreme Court of Ohio shall have exclusive, original jurisdiction in all cases arising under this Article.**
- B. In the event that the district boundaries for any of Ohio's state legislative or congressional districts are determined to be invalid by either the Supreme Court of Ohio or the federal courts, the Ohio Citizens Redistricting Commission shall establish new boundaries in conformity with this article.**
- C. If at any time it becomes necessary for any court to establish any district boundaries, it shall select from among the plans submitted to or considered by the Commission and shall adopt the plan that most closely meets the requirements of this article and complies with the rules and measures established by the Commission under Section 1(E) and (G) of this Article. In the event that a court invalidates any district boundaries established by the Commission and establishes new district boundaries, the Commission shall reconvene in accordance with section 1(C)(9) of this article to establish new boundaries. The boundaries established by the court shall not remain in effect for longer than one election cycle.**
- D. Notwithstanding any provision of this Constitution or any law regarding the residence of state senators and representatives, a redistricting plan made pursuant to this Article shall allow thirty days for persons to change residence in order to be eligible for election.**

Article XI, Section 14.

[Repeal Current Section 14 - The boundaries of house of representatives districts and senate districts from which representatives and senators were elected to the 107th general assembly shall be the boundaries of house of representatives and senate districts until January 1, 1973, and representatives and senators elected in the general election in 1966 shall hold office for the terms to which they were elected. In the event all or any part of this apportionment plan is held invalid prior to the general election in the year 1970, the persons responsible for apportionment by a majority of their number shall ascertain and determine a plan of apportionment to be effective until January 1, 1973, in accordance with section 13 of this Article.]

Article XI, Section 16.

All sections of this article shall also apply to the establishment or modification of Ohio's congressional districts, except as otherwise required to comply with applicable federal law.