

MEMORANDUM

TO: Legislative and Executive Branch Committee of the Ohio Constitutional Modernization Commission

FROM: State Representative Kathleen Clyde

DATE: January 14, 2016

RE: Report and Recommendation on Congressional Redistricting

Suggested amendment of the Report and Recommendation to reform congressional redistricting:

- 1) Lines 158, 161, and 174 be amended to remove the word “contiguous.” The original language of the draft was chosen to mirror the language from the proposal for redrawing general assembly districts. However, because congressional districts are much larger, the accommodation for municipalities and townships that are noncontiguous is not needed.
- 2) Lines 149, 174, and 195 be amended to change “fifty” to “thirty.” Again, language was pulled for this draft from the proposal for redrawing general assembly districts that does not exactly fit the context of drawing much larger congressional districts. The preservation of political subdivisions will be better achieved if we preserve those political subdivisions that are at least 30% of the size of a congressional district (about 225,000 people) rather than those that are 50% of the size of a congressional district (about 325,000 people).

COMPARISON OF CONGRESSIONAL REDISTRICTING PROPOSALS

January 2016

Topic	HJR 12 (Issue 1)	HJR 2	SJR 2	LR 131 0157	Significance
How it Amends or would Amend the Ohio Constitution	Enacts new sections 1 through 10 of Article XI, and repeals Sections 1 through 15 of Article XI.	Creates a new article, Article XIX, and Enacts Sections 1 through 9 of Article XIX.	Creates a new article, Article XIX, and Enacts Sections 1 through 8 of Article XIX.	Amends new sections of Article XI created by passage of Issue 1 by adding “Congressional districts” where appropriate, adding a new Section 3, and renumbering the other sections accordingly.	HJR 2 and SJR 2 would create a new article in the constitution specifically addressing Congressional redistricting. LR 131 0157 would amend Article XI (as amended by passage of Issue 1) to include Congressional redistricting as part of the duties of the Redistricting Commission.
Persons Responsible for Drawing Map	Specifies that the Ohio Redistricting Commission, consisting of specific elected officeholders and other appointed persons, is responsible for redistricting the state for the General Assembly. <i>Section 1(A)</i>	Specifies that the Ohio Redistricting Commission, consisting of specific elected officeholders and other appointed persons, is responsible for redistricting the state for Congress. <i>Section 1(A)</i>	Same as HJR 2 <i>Section 1(A)</i>	Combines Section 1(A) of HJR 12 (Issue 1) and Section 1(A) of HJR 2. Specifies that the Ohio Redistricting Commission, consisting of specific elected officeholders and other appointed persons, is responsible for redistricting the state for Congress and for the General Assembly. <i>Section 1(A)</i>	Seven-Member Redistricting Commission consists of: (1) Governor (2) Auditor (3) Secretary of State (4) One person appointed by the Speaker of the House. (5) One person appointed by the House minority leader. (6) One person appointed by the President of the Senate. (7) One person appointed by the Senate minority leader.

Appointing Chairpersons	Requires the legislative leaders in the Senate and the House of Representatives of each of the two largest political parties represented in the General Assembly, acting jointly by political party, to appoint a co-chairperson of the Commission. <i>Section 1(A)(7)</i>	Same as HJR 12 (Issue 1) <i>Section 1(A)(7)</i>	Same as HJR 12 (Issue 1) <i>Section 1(A)(7)</i>	Same as HJR 12 (Issue 1) <i>Section 1(A)(7)</i>	Each of the two major parties is represented by a chairperson.
Commission Member may not be Member of Congress			No appointed member of the Commission shall be a member of Congress. <i>Section 1(A), Section 1(E)(2)</i>	No appointed member of the Commission shall be a member of Congress. <i>Section 1(A)</i>	Neither HJR 12 (Issue 1) nor HJR 2 prevent members of Congress from serving on the Redistricting Commission, while both SJR 2 and LR 131 0157 contain that prohibition.
Simple Majority Required for Action	Unless otherwise specified, a simple majority of the Commission members is required for any action. <i>Section 1(B)(1)</i>	Same <i>Section 1(B)(1)</i>	Same <i>Section 1(B)(1)</i>	Same <i>Section 1(B)(1)</i>	

<p>Majority Vote Needed to Perform Administrative Functions</p>	<p>Except as provided in Section 1(B)(2)(b), a majority vote of the Commission, including at least one member of each of the two major political parties, is required to:</p> <ul style="list-style-type: none"> • Adopt rules of the Commission; • Hire staff for the Commission; • Expend funds. <p>If the Commission is unable to agree by majority vote, each co-chairperson has the authority to spend half the funds that have been appropriated to the Commission. <i>Section 1(B)(2)(a) and (b)</i></p>	<p>Same as HJR 12 (Issue 1). <i>Section 1(B)(2)(a) and (b)</i></p>	<p>Same as HJR 12 (Issue 1). <i>Section 1(B)(2)(a) and (b)</i></p>	<p>Same as HJR 12 (Issue 1). <i>Section 1(B)(2)(a) and (b)</i></p>	<p>Designates how the Commission is to adopt rules, hire staff, and expend funds.</p>
<p>Number Required to Adopt plan</p>	<p>Affirmative vote of four members, including at least two members who represent each of the two largest parties, are required to adopt any General Assembly district plan. <i>Section 1(B)(3)</i></p>	<p>Affirmative vote of four members, including at least two members who represent each of the two largest parties, are required to adopt any Congressional district plan. <i>Section 1(B)(3)</i></p>	<p>Same as HJR 2. <i>Section 1(B)(3)</i></p>	<p>Combines Section 1(B)(3) of HJR 12 (Issue 1) and Section 1(B)(3) of HJR 2.</p> <p>Affirmative vote of four members, including at least two members who represent each of the two largest parties, are required to adopt any Congressional or General Assembly district plan. <i>Section 1(B)(3)</i></p>	<p>Requires bipartisan support in order to adopt a plan.</p>

Public Notice	Commission to release to the public a proposed district plan for the General Assembly. <i>Section 1(C)</i>	Commission to release to the public a proposed Congressional district plan. <i>Section 1(C)</i>	Same as HJR 2. <i>Section 1(C)</i>	Combines Section 1(C) of HJR 12 (Issue 1) and Section 1(C) of HJR 2. Commission to release to the public proposed plans for both Congressional and General Assembly districts. <i>Section 1(C)</i>	Accommodates transparency.
Public Hearings	Before adopting a plan, the Commission shall conduct at least three public hearings about the plan. <i>Section 1(C)</i>	Same as HJR 12 (Issue 1). <i>Section 1(C)</i>	Same as HJR 12 (Issue 1). <i>Section 1(C)</i>	Same as HJR 12 (Issue 1). <i>Section 1(C)</i>	Allows for public participation.
Deadline	The Commission shall adopt a final General Assembly district plan no later than September 1 of a year ending in "1." <i>Section 1(C)</i>	The Commission shall adopt a final Congressional district plan no later than September 1 of a year ending in "1." <i>Section 1(C)</i>	Same as HJR 2. <i>Section 1(C)</i>	The Commission shall adopt a final Congressional and a final General Assembly district plan no later than September 1 of a year ending in "1." <i>Section 1(C)</i>	Plans must be finalized by September 1.
Dissolution of the Commission	Four weeks after the adoption of a General Assembly district plan, the Commission shall be automatically dissolved. <i>Section 1(C)</i>	Four weeks after the adoption of a Congressional district plan, the Commission shall be automatically dissolved. <i>Section 1(C)</i>	Same as HJR 2. <i>Section 1(C)</i>	Four weeks after the adoption of a Congressional or a General Assembly district plan, whichever is later, the Commission to be automatically dissolved. <i>Section 1(C)</i>	Commission to dissolve one month after adopting a plan.
One District, One Representative or Senator	Each Ohio House district is entitled to a single representative; each Ohio Senate district is entitled to a single senator. <i>Section 2</i>	Same as HJR 12 (Issue 1), but for Ohio Congressional districts. <i>Section 2</i>	Same as HJR 2. <i>Section 2</i>	Each Congressional district entitled to a single representative in U.S. House, each Ohio House and Senate district entitled to a single representative and senator, respectively. <i>Section 2</i>	One district, one representative or senator.

<p>Ratio of Representation</p> <p>GENERAL ASSEMBLY</p>	<p>Ratio of Representation is the whole population of the state, as determined by federal Census, divided by 99 for Ohio House and 33 for Ohio Senate.</p> <p><i>Section 3(A)</i></p> <p>Population of each Ohio House and Senate district to be substantially equal to the ratio of representation for each.</p> <p><i>Section 3(B)(1)</i></p> <p>No district to contain a population of less than 95%, nor more than 105%, of the applicable ratio of representation.</p> <p><i>Section 3(B)(1)</i></p>			<p>Same as HJR 12 (Issue 1).</p> <p>[New] <i>Section 4(A)</i>, <i>Section 4(B)(1)</i></p>	<p>Provides the formula for determining the ratio of representation for Ohio General Assembly seats.</p>
<p>Ratio of Representation</p> <p>CONGRESSIONAL</p>		<p>Ratio of Representation is the whole population of the state, as determined by federal Census, divided by number of Congressional districts as apportioned to the state.</p> <p><i>Section 3(A)</i></p> <p>Population of each Congressional district shall be as equal to the Congressional ratio of representation as practicable.</p> <p><i>Section 3(B)(1)</i></p>	<p>Same as HJR 2 with regard to Section 3(A). Alters HJR 2 as follows: Commission shall minimize the extent to which each Congressional district's population differs from the Congressional ratio of representation, as is practicable, while taking into account other legitimate state objectives. Commission may include an explanation for why a district contains a population that is not equal to the Congressional ratio.</p> <p><i>Section 3(B)(1)</i></p>	<p>Whole population of the state, as determined by federal Census, divided by number of Congressional districts as apportioned to the state, is the ratio of representation.</p> <p>[New] <i>Section 3(A)</i></p> <p>Same as SJR 2 <i>Section 3(B)(1)</i></p>	<p>Provides the formula for determining the ratio of representation for U.S. House of Representatives seats.</p>

Compliance with Existing Law	Any General Assembly district plan adopted by the Commission shall comply with Ohio and U.S. Constitutions and federal law. <i>Section 3(B)(2)</i>	Any Congressional district plan shall comply with Ohio and U.S. Constitutions and federal law. <i>Section 3(B)(2)</i>	Same as HJR 2. <i>Section 3(B)(2)</i>	Same as HJR 12 (Issue 1) as regards General Assembly. [New] <i>Section 4(B)(2)</i> Same as HJR 2 as regards Congressional. <i>Section 3(B)(2)</i>	District plans must comply with applicable law.
Boundaries GENERAL ASSEMBLY AND CONGRESSIONAL	Every General Assembly district shall be composed of contiguous territory, and the boundary of each district shall be a single nonintersecting continuous line. <i>Section 3(B)(3)</i>	Every Congressional district shall be composed of contiguous territory, and the boundary of each district shall be a single nonintersecting continuous line. <i>Section 3(B)(3)</i>	Same as HJR 2 <i>Section 3(B)(3)</i>	Same as HJR 12 (Issue 1) as regards General Assembly districts. [New] <i>Section 4(B)(3)</i> Same as HJR 2 as regards Congressional districts. <i>Section 3(B)(3)</i>	Specifics for drawing the maps.

<p>Order of Priority</p> <p>GENERAL ASSEMBLY</p>	<p>Ohio House districts order of priority:</p> <p>(1) From largest to smallest, each county containing population greater than 105% of the ratio shall be divided into as many House districts as it has whole ratios of representation. Any fraction in excess of a whole ratio shall be a part of only one adjoining House district.</p> <p>(2) Each county containing population of not less than 95% of the ratio of representation in the House, nor more than 105% of the ratio, shall be designated a representative district.</p> <p>(3) The remaining state territory shall be divided by combining areas of counties, municipalities, and townships. Where feasible, no county shall be split more than once. <i>Section 3(C)</i></p>			<p>Same as HJR 12 (Issue 1) as regards General Assembly districts. [New] <i>Section 4(C)</i></p>	<p>Requirements for district populations.</p>
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<p>Order of Priority</p> <p>CONGRESSIONAL</p>		<p>Congressional districts order of priority:</p> <p>(1) From largest to smallest, each county containing population greater than one Congressional ratio of representation shall be divided into as many Congressional districts as it has whole ratios of representation. Any fraction in excess of a whole ratio shall be part of only one adjoining Congressional district.</p> <p>(2) Each county containing population equal to the Congressional ratio of representation shall be designated a Congressional district.</p> <p>(3) The remaining territory of the state shall be divided into Congressional districts by combining the areas of counties, municipal corporations, and townships. Where feasible, no county shall be split more than once. <i>Section 3(C)</i></p>	<p>Same as HJR 2, except (2) and (3) state:</p> <p>(2) Each county containing population equal to the one Congressional ratio of representation shall be designated a Congressional district.</p> <p>(3) The remaining territory of the state shall be divided into Congressional districts by combining the areas of <u>whole</u> counties, municipal corporations, and townships. Where feasible, no county shall be split more than once. <i>Section 3(C)</i></p>	<p>Same as SJR 2 as regards Congressional districts, except:</p> <p>(2) Proceeding in succession from the largest to the smallest, each county containing a population of more than 50%, but less than 100% of one Congressional ratio of representation shall be included in only one Congressional district.</p> <p>(3) The remaining territory of the state shall be divided into Congressional districts by combining the areas of whole municipal corporations and townships. <i>Section 3(C)</i></p>	
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<p>When a Political Subdivision is Considered to be Split</p>	<p>Except as in (D)(1)(b) and (c), a county, municipal corporation, or township is considered to be split if any contiguous portion of its territory is not contained entirely within one district. <i>Section 3(D)(1)(a)</i></p>	<p>Same as HJR 12 (Issue 1). <i>Section 3(D)(1)</i></p>	<p>Same as HJR 12 (Issue 1). <i>Section 3(D)(1)(a)</i></p>	<p>Same as HJR 12 (Issue 1) as to General Assembly districts. [New] <i>Section 4 (D)(1)(a)</i></p> <p>Same as HJR 12 (Issue 1) as to Congressional districts. <i>Section 3(D)(1)(a)</i></p>	<p>What it means to “split” a municipality or township.</p>
<p>When a Political Subdivision is Considered to be Separate</p>	<p>If a municipal corporation or township has territory in more than one county, the contiguous portion of that entity that lies in each county shall be considered to be a separate municipal corporation or township for the purposes of this section. <i>Section 3(D)(1)(b)</i></p>		<p>Same as HJR 12 (Issue 1). <i>Section 3(D)(1)(b)</i></p>	<p>Same as HJR 12 (Issue 1) as to General Assembly districts. [New] <i>Section 4(D)(1)(b)</i></p> <p>Same as HJR 12 (Issue 1) as to Congressional districts. <i>Section 3(D)(1)(b)</i></p>	<p>What it means to be a “separate” municipality or township.</p>

<p>Effect of Splitting</p> <p>GENERAL ASSEMBLY AND CONGRESSIONAL</p>	<p>If a municipal corporation or township located in a county containing a municipal corporation or township that has a population of more than one ratio of representation is split for the purpose of complying with division (E)(1)(a), each portion of that municipal corporation or township shall be considered to be a separate municipal corporation or township for the purposes of this section.</p> <p><i>Section 3(D)(1)(c)</i></p>		<p>Same as HJR 12 (Issue 1).</p> <p><i>Section 3(D)(1)(c)</i></p>	<p>Same as HJR 12 (Issue 1) as to General Assembly.</p> <p>[New] <i>Section 4(D)(1)(c)</i>.</p> <p>As to Congressional districts, same as HJR 12 (Issue 1), but for underlined portion:</p> <p>If a municipal corporation or township located in a county containing a municipal corporation or township that has a population of more than one ratio of representation is split for the purpose of complying with division (E)(1)(a) or <u>(b)</u> each portion of that municipal corporation or township shall be considered to be a separate municipal corporation or township for the purposes of this section.</p> <p><i>Section 3(D)(1)(c)</i></p>	<p>Result of splitting a municipality or township.</p>
<p>Splitting Districts</p> <p>GENERAL ASSEMBLY AND CONGRESSIONAL</p>	<p>Representative districts shall be drawn so as to split the smallest possible number of municipal corporations and townships whose contiguous portions contain a population of more than 50%, but less than 100%, of one ratio of representation.</p> <p><i>Section 3(D)(2)</i></p>		<p>Congressional districts shall be drawn so as to split the smallest possible number of municipal corporations and townships whose contiguous portions contain a population of more than 50%, but less than 100%, of one ratio of representation.</p> <p><i>Section 3(D)(2)</i></p>	<p>Same as HJR 12 (Issue 1) as to General Assembly districts.</p> <p>[New] <i>Section 4(D)(2)</i></p> <p>Same as HJR 12 (Issue 1), but applied to Congressional districts.</p> <p><i>Section 3(D)(2)</i></p>	<p>Goal of drawing districts is to split the smallest possible number of municipalities and townships.</p>

<p>Limitation on Splitting Political Subdivisions</p> <p>GENERAL ASSEMBLY AND CONGRESSIONAL</p>	<p>Where the requirements of divisions (B), (C), and (D) of this section cannot feasibly be attained by forming a representative district from whole municipalities and townships, not more than one municipality or township may be split per representative district.</p> <p><i>Section 3(D)(3)</i></p>	<p>Where the requirements of divisions (B), (C), and (D) of this section cannot feasibly be attained by forming a Congressional district from whole counties, municipalities, and townships, not more than one county and not more than one municipal corporation or township may be split per Congressional district. If the Commission must choose between multiple municipalities or townships for the purpose of splitting under this division, the municipality or township with the smallest population shall be split.</p> <p><i>Section 3(D)(2)</i></p>	<p>Where the requirements of divisions (B), (C), and (D) of this section cannot feasibly be attained by forming a Congressional district from whole counties, municipal corporations, and townships, not more than one county and not more than one municipal corporation or township may be split per Congressional district.</p> <p><i>Section 3(D)(3)</i></p>	<p>Same as HJR 12 (Issue 1) as to General Assembly districts.</p> <p>[New] <i>Section 4(D)(3)</i></p> <p>Same as HJR 12 (Issue 1) but applied to Congressional districts.</p> <p><i>Section 3(D)(3)</i></p>	<p>Can only split one municipality or township per representative district.</p>
<p>Action if (B),(C), and (D) Not Possible</p> <p>GENERAL ASSEMBLY AND CONGRESSIONAL</p>				<p>Same as HJR 12 (Issue 1) as to General Assembly districts.</p> <p>[New] <i>Section 4(E)(1)(a) through (d)</i></p> <p>Congressional districts as follows:</p>	<p>Other options for drawing the districts.</p>
	<p>If it is not possible to comply with the requirements of (B), (C), and (D), the Commission shall take the first action listed allowing it to draw the district:</p>	<p>If it is not possible to comply with the requirements of (B), (C), and (D) In drawing a particular Congressional district, the Commission shall take the first action listed allowing it to draw the district:</p>	<p>If it is not possible to comply with the requirements of (B), (C), and (D) In drawing a particular Congressional district, the Commission shall take the first action listed allowing it to draw the district:</p>	<p>If it is not possible to comply with the requirements of (B), (C), and (D) In drawing a particular Congressional district, the Commission shall take the first action listed allowing it to draw the district:</p>	

	(a) Create district by splitting two municipal corporations or townships whose contiguous portions do not contain a population of more than 50%, but less than 100%, of one ratio of representation;	(a) Create the district by splitting two municipal corporations or townships. If the Commission must choose between more than two municipal corporations or townships for the purpose of splitting them under this division, the municipal corporations or townships shall be split in order of population, proceeding from the smallest to the largest;	(a) Create the district by splitting two municipal corporations or townships. If the Commission must choose between more than two municipal corporations or townships, the Commission shall split the municipal corporations or townships having the smallest populations;	(a) Create the district by splitting two municipal corporations or townships. If the Commission must choose between more than two municipal corporations or townships, the Commission shall split the municipal corporations in order of population, proceeding from the smallest to the largest;	
	(b) Create the district by splitting a municipal corporation or township whose contiguous portions contain a population of more than 50% but less than 100% of one ratio of representation;	(b) Create the district by splitting, once, a single county that contains a population equal to the Congressional ratio of representation.	(b) Create the district by splitting two counties;	(b) Create the district by splitting, once, a single county that contains a population of more than 50%, but less than 100%, of one Congressional ratio of representation;	
	(c) Create the district by splitting, once, a single county that contains a population of not less than 95% of the ratio of representation, but not more than 100% of the ratio of representation.	(c) Create the district by including in two districts portions of the territory that remain after a county containing a population of more than one Congressional ratio of representation has been divided into as many Congressional districts as it has whole ratios of representation. <i>Section 3(E)(1)(a) through (c)</i>	(c) Create the district by splitting, once, a single county that contains a population equal to the Congressional ratio of representation;	(c) Create the district by including in two districts portions of the territory that remain after a county containing a population of more than one Congressional ratio of representation has been divided into as many Congressional districts as it has whole ratios of representation. <i>Section 3(E)(1)(a) through (c)</i>	

	<p>(d) Create the district by including in two districts portions of the territory that remains after a county that contains a population of more than 105% of the ratio of representation has been divided into as many House of Representatives districts as it has whole ratios of representation. <i>Section 3(E)(1)(a) through (d)</i></p>		<p>(d) Create the district by including in two districts portions of the territory that remains after a county that contains a population equal to more than one Congressional ratio of representation has been divided into as many Congressional districts as it has whole ratios of representation. <i>Section 3(E)(1)(a) through (d)</i></p>		
			<p>If it is not possible for the Commission to comply with division (E)(1), the Commission shall take the first action listed that makes it possible for the Commission to draw that district:</p> <p>(a) Create the district by taking two of the actions described in (E)(1)(a) to (d);</p> <p>(b) Create the district by taking three of the actions described in (E)(1)(a) To (d);</p> <p>(c) Create the district by taking all four of the actions described in divisions (E)(1)(a) to (d). <i>Section 3 (E)(2)(a) through (c)</i></p>		

<p>Statement of Explanation Required if Division (E) Is Used</p> <p>GENERAL ASSEMBLY AND CONGRESSIONAL</p>	<p>If the Commission takes an action under division (E)(1), the Commission shall include in the General Assembly district plan a statement explaining which action was taken and the reason therefor.</p> <p><i>Section 3(E)(2)</i></p>	<p>If the Commission takes an action under division (E)(1), the Commission shall include in the Congressional district plan a statement explaining which action was taken and the reason therefor.</p> <p><i>Section 3(E)(2)</i></p>	<p>Same as HJR 2, but found at:</p> <p><i>Section 3(E)(3)</i></p>	<p>Same as HJR 12 (Issue 1). [New] <i>Section 4 (E)(2)</i>[General Assembly] [New] <i>Section 3(E)(2)</i> [Congressional]</p>	<p>Commission must explain its decisions.</p>
<p>No violation of (C) or (D) If (E) Is followed</p> <p>GENERAL ASSEMBLY AND CONGRESSIONAL</p>	<p>If the Commission complies with divisions (E)(1) and (2) in drawing a district, the Commission shall not be considered to have violated (C)(1), (C)(2), (D)(2), or (D)(3) of Section 3 in drawing that district, for the purposes of analysis under Section 9(D).</p> <p><i>Section 3(E)(3)</i></p>	<p>If the Commission complies with divisions (E)(1) and (2) In drawing a district, the Commission shall not be considered to have violated (C)(1), (C)(2), (D)(2) of Section 3 in drawing that district, for the purposes of analysis under Section 7(D).</p> <p><i>Section 3(E)(3)</i></p>	<p>Same as HJR 2, but found at:</p> <p><i>Section 3(E)(4)</i></p>	<p>Same as HJR12 (Issue 1) as to General Assembly districts. [New] <i>Section 4(E)(3)</i></p> <p>As to Congressional districts, Same as HJR 12 (Issue 1), but renumbers the purposes of analysis as being under Section 10(D). <i>Section 3(E)(3)</i></p>	<p>When the Commission is excused from complying with certain requirements for drawing districts.</p>
<p>Senate Districts</p> <p>GENERAL ASSEMBLY</p>	<p>Senate districts to be composed of three contiguous House of Representatives districts.</p> <p>Additional instructions for drawing district lines for Senate districts.</p> <p>Additional instructions regarding expiration of senator terms in relation to district lines.</p> <p><i>Sections 4 and 5</i></p>			<p>Same as HJR 12 (Issue 1).</p> <p>Senate districts to be composed of three contiguous House of Representatives districts.</p> <p>Additional instructions for drawing district lines for Senate districts. [New] <i>Sections 5 and 6</i></p>	<p>Additional instructions regarding state Senate districts.</p>

Standards for Drawing a District Plan GENERAL ASSEMBLY AND CONGRESSIONAL	The Ohio redistricting Commission shall attempt to draw a General Assembly district plan that meets all of the following standards:	The Ohio redistricting Commission shall attempt to draw a Congressional district plan that meets all of the following standards:	Same as HJR 2. <i>Section 4</i>	The Ohio redistricting Commission shall attempt to draw Congressional and General Assembly district plans that meet all following standards:	Standards for drawing lines, emphasizing bipartisan goals.
	(A) No plan shall be drawn primarily to favor or disfavor a political party;	(A) No plan shall be drawn primarily to favor or disfavor a political party;		(A) No plan shall be drawn primarily to favor or disfavor a political party;	
	(B) The statewide proportion of districts whose voters, based on statewide state and federal partisan general election results during the last 10 years, favor each party shall correspond closely to the statewide preferences of the voters of Ohio;	(B) The statewide proportion of districts whose voters, based on statewide state and federal partisan general election results during the last 10 years, favor each party shall correspond closely to the statewide preferences of the voters of Ohio;		(B) The statewide proportion of districts whose voters, based on statewide state and federal partisan general election results during the last 10 years, favor each party shall correspond closely to the statewide preferences of the voters of Ohio;	
	(C) General Assembly districts shall be compact.	(C) General Assembly districts shall be compact.		(C) General Assembly districts shall be compact.	
	Nothing in the section permits the Commission to violate the district standards described in Sections 2, 3, 4, 5, or 7. <i>Section 6</i>	Nothing in the section permits the Commission to violate the district standards described in Sections 2, 3, or 5. <i>Section 4</i>		Nothing in the section permits the Commission to violate the district standards described in Sections 2, 3, 4, 5, 6, or 8. [New] <i>Section 7</i>	
Census to be Source for Political Subdivision Boundaries GENERAL ASSEMBLY AND CONGRESSIONAL	District boundaries to be created by using political subdivision boundaries as they exist at the time of the Census on which the redistricting is based, or, if unavailable, on other basis directed by the General Assembly. <i>Section 7</i>	Same as HJR 12 (Issue 1). <i>Section 5</i>	Same as HJR 12 (Issue 1). <i>Section 5</i>	Same as HJR 12 (Issue 1). [New] <i>Section 8</i>	Describes source of geographical information to be used in drawing lines.

<p>Timeline</p> <p>GENERAL ASSEMBLY AND CONGRESSIONAL</p>	<p>(A)(1) If the Commission fails to adopt a final General Assembly district plan not later than September 1 of a year ending in “1,” the Commission shall introduce a proposed plan by a simple majority vote of the Commission.</p> <p>(2) After introducing such plan, the Commission shall hold a public hearing concerning the proposed plan, allowing the public to offer testimony, and the Commission to adopt amendments to the plan. Only a quorum of members is required to conduct the meeting.</p> <p>(3) After the hearing, and no later than September 15 of a year ending in “1,” the Commission shall adopt a final General Assembly district plan, either by the vote required to adopt a plan under Section 1 (B)(3) or by a simple majority vote. <i>Section 8(A)(1) through (3)</i></p>	<p>(A)(1) If the Commission fails to adopt a final Congressional district plan not later than September 1 of a year ending in “1,” the Commission shall introduce a proposed plan by a simple majority vote of the Commission.</p> <p>(2) After introducing such plan, the Commission shall hold a public hearing concerning the proposed plan, allowing the public to offer testimony, and the Commission to adopt amendments to the plan. Only a quorum of members is required to conduct the meeting.</p> <p>(3) After the hearing, and no later than September 15 of a year ending in “1,” the Commission shall adopt a final Congressional district plan, either by the vote required to adopt a plan under Section 1 (B)(3) or by a simple majority vote. <i>Section 6(A)(1) through (3)</i></p>	<p>Same as HJR 2. <i>Section 6(A)(1) through (3)</i></p>	<p>Same as HJR 12 (Issue 1), but relates to both Congressional and General Assembly district plans. [New] <i>Section 9(A)</i></p>	<p>Prescribes remedial measures if Commission fails to successfully create a new map using standard procedural requirements.</p>
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<p>When Plan Takes Effect</p> <p>GENERAL ASSEMBLY AND CONGRESSIONAL</p>	<p>If the Commission adopts a final General Assembly district plan under (A)(3) by the vote required under Section 1(B)(3), the plan shall take effect upon filing with the secretary of state and shall remain effective until the next year ending in “1,” except as provided in Section 9. <i>Section 8(B)</i></p>	<p>If the Commission adopts a final Congressional district plan under (A)(3) by the vote required under Section 1(B)(3), the plan shall take effect upon filing with the secretary of state and shall remain effective until the next year ending in “1,” except as provided in Section 7. <i>Section 6(B)</i></p>	<p>Same as HJR 2. <i>Section 6(B)</i></p>	<p>If the Commission adopts a final district plan under (A)(3), by the vote required under Section 1(B)(3), the plan shall take effect upon filing with the secretary of state and shall remain effective until the next year ending in “1,” except as provided in Section 7. [New] <i>Section 9(B)</i></p>	<p>If the Commission adopts a plan by bipartisan vote, the plan is effective until the next year ending in “1” unless a court convenes the Commission to redraw judicially-invalidated districts.</p>
<p>How Long Plan is in Effect</p> <p>GENERAL ASSEMBLY AND CONGRESSIONAL</p>	<p>(1)(a) Except as provided in Section 8(C)(1)(b), if the Commission adopts a final General Assembly district plan under (A)(3) by a simple majority vote, the plan shall take effect on filing with the secretary of state and shall remain effective until two general elections for the House of Representatives have occurred under the plan.</p>	<p>(1)(a) Except as provided in Section 6(C)(1)(b), if the Commission adopts a final Congressional district plan under (A)(3) by a simple majority vote, the plan shall take effect on filing with the secretary of state and shall remain effective until two general elections for the United States House of Representatives have occurred under the plan.</p>	<p>Same as HJR 2. <i>Section 6(C)</i></p>	<p>(1)(a) Except as provided in [New] Section 9 (C)(1)(b), if the Commission adopts a final Congressional district plan under (A)(3) by a simple majority vote, the plan shall take effect on filing with the secretary of state and shall remain effective until two general elections for the United States House of Representatives have occurred under the plan.</p> <p>Except as provided in Section 9(C)(1)(b), if the Commission adopts a final General Assembly district plan under (A)(3) by a simple majority vote, the plan shall take effect on filing with the secretary of state and shall remain effective</p>	<p>If the Commission adopts a plan by a simple majority vote, the plan remains in effect until two general elections for either the Congressional House or the Ohio House have occurred under the plan.</p>

				until two general elections for the House of Representatives have occurred under the plan.	
	(b) If the Commission adopts a final General Assembly district plan under (A)(3) by a simple majority vote and that plan is adopted to replace a plan that ceased to be effective under division (C)(1)(a) before a year ending in “1,” the plan adopted under this division shall take effect on filing with the secretary of state and shall remain effective until a year ending in “1” except as provided in Section 9.	(b) If the Commission adopts a final Congressional district plan under (A)(3) by a simple majority vote and that plan is adopted to replace a plan that ceased to be effective under division (C)(1)(a) before a year ending in “1,” the plan adopted under this division shall take effect on filing with the secretary of state and shall remain effective until a year ending in “1” except as provided in Section 7.		(b) If the Commission adopts a final district plan under (A)(3) by a simple majority vote and that plan is adopted to replace a plan that ceased to be effective under division (C)(1)(a) before a year ending in “1,” the plan adopted under this division shall take effect on filing with the secretary of state and shall remain effective until a year ending in “1” except as provided in Section 10.	
	(2) A final General Assembly district plan adopted under (C)(1)(a) or (b) shall include a statement explaining what the Commission determined to be the statewide preferences of the voters of Ohio and the manner in which the statewide proportion of districts in the plan whose voters, based on statewide state and federal partisan general election results during the last 10 years, favor each political party corresponds closely to	(2) A final Congressional district plan adopted under (C)(1)(a) or (b) shall include a statement explaining what the Commission determined to be the statewide preferences of the voters of Ohio and the manner in which the statewide proportion of districts in the plan whose voters, based on statewide state and federal partisan general election results during the last 10 years, favor each political party corresponds closely to those preferences, as		(2) A final district plan adopted under (C)(1)(a) or (b) shall include a statement explaining what the Commission determined to be the statewide preferences of the voters of Ohio and the manner in which the statewide proportion of districts in the plan whose voters, based on statewide state and federal partisan general election results during the last 10 years, favor each political party corresponds closely to those preferences, as	

	those preferences, as described in Section 6(B). At the time the plan is adopted a member who does not vote in favor of the plan may submit a declaration of the member's opinion concerning the statement included with the plan. <i>Section 8(C)</i>	described in Section 4(B). At the time the plan is adopted a member who does not vote in favor of the plan may submit a declaration of the member's opinion concerning the statement included with the plan. <i>Section 6(C)</i>		described in Section 7(B). At the time the plan is adopted a member who does not vote in favor of the plan may submit a declaration of the member's opinion concerning the statement included with the plan. [New] <i>Section 9(C)</i>	
Reconstituting the Commission GENERAL ASSEMBLY AND CONGRESSIONAL	After a General Assembly district plan adopted under (C)(1)(a) ceases to be effective, and not earlier than July 1 of the year following the year in which the plan ceased to be effective, Commission shall be reconstituted as provided in Section 1, convene, and adopt a new General Assembly district plan in accordance with this article, to be used until the next time for redistricting under this article. Commission shall draw the new General Assembly district plan using the same population and county, municipal corporation, and township boundary data as were used to draw the previous plan adopted under division (C). <i>Section 8(D)</i>	After a Congressional district plan adopted under (C)(1)(a) ceases to be effective, and not earlier than July 1 of the year following the year in which the plan ceased to be effective, the Commission shall be reconstituted as provided in Section 1, convene, and adopt a new Congressional district plan in accordance with this article, to be used until the next time for redistricting under this article. The Commission shall draw the new Congressional district plan using the same population and county, municipal corporation, and township boundary data as were used to draw the previous plan adopted under division (C). <i>Section 6(D)</i>	Same as HJR 2. <i>Section 6(D)</i>	After a district plan adopted under (C)(1)(a) ceases to be effective, and not earlier than July 1 of the year following the year in which the plan ceased to be effective, the Commission shall be reconstituted as provided in Section 1, convene, and adopt a new district plan of the applicable type in accordance with this article, to be used until the next time for redistricting under this article. The Commission shall draw the new district plan using the same population and county, municipal corporation, and township boundary data as were used to draw the previous plan adopted under division (C). [New] <i>Section 9(D)</i>	When and for what reasons the Commission reconvenes.

<p>Legal Challenges</p> <p>GENERAL ASSEMBLY AND CONGRESSIONAL</p>	<p>(A) Supreme Court of Ohio to have exclusive, original jurisdiction.</p> <p>(B) If any section of this constitution relating to redistricting, any General Assembly district plan made by the Ohio Redistricting Commission, or any district is determined to be invalid by an unappealed final order of a court of competent jurisdiction, Commission shall be reconstituted as provided in Section 1, convene, and ascertain and determine a General Assembly district plan in conformity with such provisions of the 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 time for redistricting under this article in conformity with such provisions of this constitution as are then valid. <i>Section 9(A) and (B)</i></p>	<p>(A) Supreme Court of Ohio to have exclusive, original jurisdiction.</p> <p>(B) If any section of this constitution relating to redistricting, any Congressional district plan made by the Ohio redistricting Commission, or any district is determined to be invalid by an unappealed final order of a court of competent jurisdiction, Commission shall be reconstituted as provided in Section 1, convene, and ascertain and determine a Congressional district plan in conformity with such provisions of the constitution as are then valid, to be used until the next time for redistricting under this article in conformity with such provisions of this constitution as are then valid. <i>Section 7(A) and (B)</i></p>	<p>Same as HJR 2. <i>Section 7(A) and (B)</i></p>	<p>Same as HJR 12 (Issue 1) and HJR 2, combining references to General Assembly and Congressional district plans. [New] <i>Section 10(A) and (B)</i></p>	<p>Ohio Supreme Court to adjudicate legal challenges.</p>
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Legal Challenges – Remedies GENERAL ASSEMBLY	(C) General Assembly district plan made pursuant to Section 9 shall allow 30 days for persons to change residence in order to be eligible for election. <i>Section 9(C)</i>			(C) General Assembly district plan made pursuant to Section 10 shall allow 30 days for persons to change residence in order to be eligible for election. [New] <i>Section 10(C)</i>	Allows time to change residences for those seeking election to the General Assembly.
Limitation on Remedies	(D)(1) No court shall order the implementation or enforcement of any General Assembly district plan that has not been approved by the Commission in the manner prescribed by this article.	(C)(1) No court shall order the implementation or enforcement of any Congressional district plan that has not been approved by the Commission in the manner prescribed by this article.	Same as HJR 2 as to Section 7(C)(1).	(D)(1) No court shall order the implementation or enforcement of any Congressional or General Assembly district plan that has not been approved by the Commission in the manner prescribed by this article.	Protects against overreaching by a court. Provides that if a court finds it necessary to amend more than a certain number of districts, the court must declare the plan invalid and order the Commission to adopt a new plan.
	(2) No court shall order the Commission to adopt a particular General Assembly district plan or to draw a particular district.	(2) No court shall order the Commission to adopt a particular Congressional district plan or to draw a particular district.	Same as HJR 2 as to Section 7(C)(2).	(2) No court shall order the Commission to adopt a particular Congressional or General Assembly district plan or to draw a particular district.	
	(3) If the Supreme Court of Ohio determines that a General Assembly district plan adopted by the Commission does not comply with the requirements of Section 2, 3, 4, 5, or 7 of this article, the available remedies shall be as follows:	(3) If the Supreme Court of Ohio determines that a General Assembly district plan adopted by the Commission does not comply with the requirements of Section 2, 3, or 5 of this article, the available remedies shall be as follows:	(3) If the Supreme Court of Ohio determines that a General Assembly district plan adopted by the Commission does not comply with the requirements of Section 2, 3, or 5 of this article, the available remedies shall be as follows:	(3) If the Supreme Court of Ohio determines that a Congressional or General Assembly district plan adopted by the Commission does not comply with the requirements of Section 2, 3, 4, 5, 6, or 8 of this article, the available remedies shall be as follows:	
	(a) If a court finds the plan contains one or more isolated violations	(a) If a court finds the plan contains one or more isolated violations	(a) If a court finds the plan contains one or more isolated violations	(a) If a court finds the plan contains one or more isolated violations	

	of those requirements, the court shall order the Commission to amend the plan to correct the violation;	of those requirements, the court shall order the Commission to amend the plan to correct the violation;	of those requirements, the court shall order the Commission to amend the plan to correct the violation;	of those requirements, the court shall order the Commission to amend the plan to correct the violation;	
	(b) If the court finds that it is necessary to amend not fewer than 6 house districts to correct violations, to amend not fewer than 2 senate districts to correct violations of those requirements, or both, the court shall declare the plan invalid and shall order the Commission to adopt a new General Assembly district plan in accordance with this article;		(b) If the court finds that it is necessary to amend not fewer than two Congressional districts to correct violations of those requirements, the court shall declare the plan invalid and shall order the Commission to adopt a new Congressional district plan in accordance with this article.	(b) In the case of a Congressional district plan, if the court finds that it is necessary to amend not fewer than two Congressional districts to correct violations of those requirements, the court shall declare the plan invalid and shall order the Commission to adopt a new Congressional district plan in accordance with this article. In the case of a General Assembly district plan, if the court finds that it is necessary to amend not fewer than 6 house districts to correct violations, to amend not fewer than 2 senate districts to correct violations of those requirements, or both, the court shall declare the plan invalid and shall order the Commission to adopt a new General Assembly district plan in accordance with this article;	

	(c) If, in considering a plan adopted under Section 8(C), the court determines that both of the following are true, the court shall order the Commission to adopt a new General Assembly district plan in accordance with this article:	(b) If, in considering a plan adopted under Section 6(C), the court determines that both of the following are true, the court shall order the Commission to adopt a new General Assembly district plan in accordance with this article:	(c) If, in considering a plan adopted under Section 6(C), the court determines that both of the following are true, the court shall order the Commission to adopt a new General Assembly district plan in accordance with this article:	(c) If, in considering a plan adopted under Section 9(C), the court determines that both of the following are true, the court shall order the Commission to adopt a new Congressional or General Assembly district plan in accordance with this article:	
	<p>(i) The plan significantly violates those requirements in a manner that materially affects the ability of the plan to contain districts whose voters favor political parties in an overall proportion that corresponds closely to the statewide political party preferences of the voters of Ohio, as described in Section 6(B);</p> <p>(ii) The statewide proportion of districts in the plan whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party does not correspond closely to the statewide preferences of the voters of Ohio. <i>Section 9(D)</i></p>	<p>(i) The plan significantly violates those requirements in a manner that materially affects the ability of the plan to contain districts whose voters favor political parties in an overall proportion that corresponds closely to the statewide political party preferences of the voters of Ohio, as described in Section 4(B);</p> <p>(ii) The statewide proportion of districts in the plan whose voters, based on statewide state and federal partisan general election results during the last 10 years, favor each political party does not correspond closely to the statewide preferences of the voters of Ohio. <i>Section 7(C)</i></p>	<p>(i) The plan significantly violates those requirements in a manner that materially affects the ability of the plan to contain districts whose voters favor political parties in an overall proportion that corresponds closely to the statewide political party preferences of the voters of Ohio, as described in Section 4(B);</p> <p>(ii) The statewide proportion of districts in the plan whose voters, based on statewide state and federal partisan general election results during the last 10 years, favor each political party does not correspond closely to the statewide preferences of the voters of Ohio. <i>Section 7(C)</i></p>	<p>(i) The plan significantly violates those requirements in a manner that materially affects the ability of the plan to contain districts whose voters favor political parties in an overall proportion that corresponds closely to the statewide political party preferences of the voters of Ohio, as described in Section 7(B);</p> <p>(ii) The statewide proportion of districts in the plan whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party does not correspond closely to the statewide preferences of the voters of Ohio. [New] <i>Section 9(D)</i></p>	

<p>Provision to Address Potential Effect of <i>Arizona State Legislature</i> Case</p>		<p>If a court of competent jurisdiction issues an unappealed final order that the General Assembly must be responsible for the redistricting of this state for Congress, all of the following shall apply:</p> <p>(A) The General Assembly shall adopt a final Congressional district plan not later than September 1 of a year ending in “1.”</p> <p>(B) The Congressional district plan shall comply with the requirements of Sections 2, 3, and 5 of this article.</p> <p>(C) The General Assembly shall attempt to comply with the standards described in Section 4 of this article in drawing the Congressional district plan.</p> <p>(D) Section 7 of this article shall apply to a Congressional district plan adopted by the General Assembly.</p> <p><i>Section 8</i></p>			<p>This proposed provision has been rendered unnecessary by the decision in the United States Supreme Court case of <i>Arizona State Legislature v. Arizona Indep. Redistricting Comm.</i>, 576 U.S. ____, 135 S.Ct. 2652 (2015).</p>
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<p>Severability</p> <p>GENERAL ASSEMBLY AND CONGRESSIONAL</p>	<p>The various provisions of this article are intended to be severable, and the invalidity of one or more of such provisions shall not affect the validity of the remaining provisions.</p> <p><i>Section 10</i></p>	<p>Identical to HJR 12 (Issue 1).</p> <p><i>Section 9</i></p>	<p>Identical to HJR 12 (Issue 1).</p> <p><i>Section 8</i></p>	<p>Identical to HJR 12 (Issue 1).</p> <p>[New] <i>Section 11</i></p>	<p>Allows the remainder of the constitutional enactment to survive if some part of it is declared invalid.</p>
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Source: O'Neill for OCMC
2016.01.07