

As Introduced

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

S. J. R. No. 1

**Senators Sawyer, LaRose
Cosponsors: Senators Turner, Faber**

JOINT RESOLUTION

Proposing to enact new Sections 1, 2, 3, 4, 5, 6, 7, 1
8, 9, 10, 11, and 12 of Article XI and to repeal 2
Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 3
13, 14, and 15 of Article XI of the Constitution 4
of the State of Ohio to revise the redistricting 5
process for General Assembly and Congressional 6
districts. 7

Be it resolved by the General Assembly of the State of Ohio, 8
three-fifths of the members elected to each house concurring 9
herein, that there shall be submitted to the electors of the 10
state, in the manner prescribed by law at the general election to 11
be held on November 5, 2013, a proposal to enact new Sections 1, 12
2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of Article XI of the 13
Constitution of the State of Ohio to read as follows: 14

ARTICLE XI 15

Section 1. (A) The Ohio redistricting commission shall be 16
responsible for the redistricting of this state for congress and 17
the general assembly. The commission shall consist of the 18
following seven members: 19

(1) The governor; 20

(2) The auditor of state; 21

<u>(3) The secretary of state;</u>	22
<u>(4) One person appointed by the speaker of the house of representatives;</u>	23 24
<u>(5) One person appointed by the legislative leader of the largest political party in the house of representatives of which the speaker of the house of representatives is not a member;</u>	25 26 27
<u>(6) One person appointed by the president of the senate; and</u>	28
<u>(7) One person appointed by the legislative leader of the largest political party in the senate of which the president of the senate is not a member.</u>	29 30 31
<u>No appointed member of the commission shall be a current member of the general assembly or of congress.</u>	32 33
<u>(B) Unless otherwise specified in this article, a simple majority of the commission members shall be required for any action by the commission. The affirmative vote of five members of the commission, including at least one member of the commission who is a member of a political party other than the largest one represented on the commission, shall be required to adopt any plan.</u>	34 35 36 37 38 39 40
<u>(C) At the first meeting of the commission, which the governor shall convene only in a year ending in the numeral one, except as provided in Section 11 of this article, the members shall select co-chairpersons, one of whom shall 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.</u>	41 42 43 44 45 46 47
<u>Not later than the fifteenth day of September of a year ending in the numeral one, the commission shall release to the public a proposed plan for the boundaries for each of the ninety-nine house of representatives districts and the</u>	48 49 50 51

thirty-three senate districts, and a proposed plan for the 52
prescribed number of congressional districts as apportioned to the 53
state pursuant to Section 2 of Article 1 of the constitution of 54
the United States. The commission shall draft each proposed plan 55
in the manner prescribed in this article. Before adopting, but 56
after introducing, a final congressional or general assembly 57
district plan, the commission shall conduct a minimum of three 58
public hearings across the state and shall seek public input 59
regarding the proposed plans. All meetings of the commission shall 60
be open to the public. Meetings shall be broadcast by electronic 61
means of transmission using a medium readily accessible by the 62
general public, subject to the discretion of the commission. 63

The commission shall adopt final plans not earlier than the 64
last week of October of a year ending in the numeral one but not 65
later than the second week of November of a year ending in the 66
numeral one. After the commission adopts a plan, the commission 67
shall file the plan with the secretary of state. Upon filing with 68
the secretary of state, the plan shall become effective. 69

Not more than six weeks after the adoption of a congressional 70
plan and a general assembly plan, the co-chairpersons of the 71
commission shall jointly dissolve the commission. 72

(D) The general assembly shall be responsible for making the 73
appropriations it determines necessary in order for the commission 74
to perform its duties under this article. 75

(E) The attorney general shall be responsible for defending a 76
plan adopted by the commission in any legal action arising from 77
the process described in this article. 78

Section 2. Each congressional district shall be entitled to a 79
single representative in the United States house of 80
representatives in each congress. Each house of representatives 81
district shall be entitled to a single representative in each 82

general assembly. Each senate district shall be entitled to a 83
single senator in each general assembly. 84

Section 3. (A) The whole population of the state, as 85
determined by the federal decennial census or, if such is 86
unavailable, such other basis as the general assembly may direct, 87
shall be divided by the number "ninety-nine" and by the number 88
"thirty-three" and the quotients shall be the ratio of 89
representation in the house of representatives and in the senate, 90
respectively, for ten years next succeeding such redistricting. 91

(B) The population of each house of representatives district 92
shall be substantially equal to the ratio of representation in the 93
house of representatives, and the population of each senate 94
district shall be substantially equal to the ratio of 95
representation in the senate, as provided in division (A) of this 96
section. In no event shall any district contain a population of 97
less than ninety-five per cent nor more than one hundred five per 98
cent of the applicable ratio of representation, except as 99
otherwise provided in division (B) of Section 6 of this article. 100

Section 4. (A) Any plan adopted by the commission shall 102
comply with all applicable provisions of the constitutions of Ohio 103
and the United States and of federal law. 104

(B) No individual district shall be drawn primarily with the 105
intent to favor or disfavor a political party. 106

(C)(1) Every congressional and general assembly district 107
shall be compact and composed of contiguous territory, and the 108
boundary of each district shall be a single nonintersecting 109
continuous line. 110

(2) The commission shall avoid splitting political 111
subdivisions. As used in this section and Sections 6 and 9 of this 112
article, "political subdivision" means a county, a municipal 113
corporation, a township, or a municipal ward. 114

(a) Dividing a noncontiguous political subdivision shall not 115
be considered splitting the political subdivision if its 116
noncontiguous portions are included in separate districts. 117
However, dividing a noncontiguous political subdivision shall be 118
considered splitting the political subdivision if any 119
noncontiguous portion is divided into separate districts. 120

(b) Dividing, along a county line, a political subdivision 121
that has territory in more than one county shall not be considered 122
splitting the political subdivision. 123

(D) Notwithstanding the other provisions of this article, 124
where it is necessary to divide political subdivisions, only two 125
political subdivisions, other than a county, may be divided per 126
house of representatives district. 127

(E) Subject to all other requirements of this article, the 128
commission shall preserve together whole suburban, urban, and 129
rural communities that share similar characteristics. 130

Section 5. A county having at least one house of 131
representatives ratio of representation shall have as many house 132
of representatives districts wholly within the boundaries of the 133
county as it has whole ratios of representation. Any fraction of 134
the population in excess of a whole ratio shall be a part of only 135
one adjoining house of representatives district. 136

The number of whole ratios of representation for a county 137
shall be determined by dividing the population of the county by 138
the ratio of representation for the house of representatives 139
determined under Section 3 of this article. 140

Section 6. The standards prescribed in this section and 141
Sections 3, 4, and 5 of this article shall govern the 142
establishment of house of representatives districts, which shall 143
be created and numbered in the following order to the extent that 144
such order is consistent with the foregoing standards: 145

(A) Each county containing population substantially equal to one ratio of representation in the house of representatives, as provided in Section 3 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. 146
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(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. 152
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(C)(1) If political subdivisions must be divided in order to create the remaining representative districts, those districts shall be formed by combining the whole areas of political subdivisions, beginning with the political subdivisions with the smallest populations and proceeding to the largest. 156
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(2) 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. 161
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(3) Of the remaining territory of the state, where feasible, multiple whole counties shall be combined as single representative districts. 168
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(4) Of the remaining territory of the state, the commission shall draw the boundary lines of representative districts as to delineate an area containing at least one whole county and the necessary additional territory. 171
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(D) The remaining territory of the state shall be combined into representative districts. 175
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Section 7. Senate districts shall be composed of three 177
contiguous house of representatives districts. A county having at 178
least one whole senate ratio of representation shall have as many 179
senate districts wholly within the boundaries of the county as it 180
has whole senate ratios of representation. Any fraction of the 181
population in excess of a whole ratio shall be a part of only one 182
adjoining senate district. Counties having less than one senate 183
ratio of representation, but at least one house of representatives 184
ratio of representation shall be part of only one senate district. 185

The number of whole ratios of representation for a county 186
shall be determined by dividing the population of the county by 187
the ratio of representation in the senate determined under Section 188
3 of this article. 189

Senate districts shall be numbered from one through 190
thirty-three and as provided in Section 10 of this article. 191

Section 8. The standards prescribed in this section and 192
Section 4 of this article shall govern the establishment of 193
congressional districts, which shall be created in the following 194
order so long as such order is consistent with the foregoing 195
standards: 196

(A) The whole population of the state, as determined by the 197
federal decennial census, shall be divided by the number of 198
congressional districts apportioned to the state pursuant to 199
Section 2 of Article I of the constitution of the United States, 200
and the quotient shall be the congressional ratio of 201
representation for ten years next succeeding such apportionment. 202

(B) The number of whole ratios of representation for a county 203
shall be determined by dividing the population of the county by 204
the congressional ratio of representation. 205

(C) Proceeding in succession from the largest to the 206
smallest, each county containing more than one whole ratio of 207

representation shall be divided into the appropriate number of 208
congressional districts, as that county contains whole ratios of 209
representation. 210

(D) The remaining territory of the state shall be combined 211
into congressional districts. 212

Section 9. Notwithstanding the fact that boundaries of 213
political subdivisions within a district may be changed, district 214
boundaries shall be created by using the boundaries of political 215
subdivisions as they exist at the time of the federal decennial 216
census on which the redistricting is based, or, if unavailable, on 217
such other basis as the general assembly has directed. 218

Section 10. At any time the boundaries of senate districts 219
are changed in any plan of redistricting made pursuant to any 220
provision of this article, a senator whose term will not expire 221
within two years of the time the plan of redistricting is made 222
shall represent, for the remainder of the term for which the 223
senator was elected, the senate district which contains the 224
largest portion of the population of the district from which the 225
senator was elected, and the district shall be given the number of 226
the district from which the senator was elected. If more than one 227
senator whose term will not so expire would represent the same 228
district by following the provisions of this section, the 229
commission shall designate which senator shall represent the 230
district and shall designate which district the other senator or 231
senators shall represent for the balance of their term or terms. 232

Section 11. (A) The supreme court of Ohio shall have 233
exclusive, original jurisdiction in all cases arising under this 234
article. 235

(B) In the event that any section of this constitution 236
relating to redistricting or any plan of redistricting made by the 237
Ohio redistricting commission is determined to be invalid by an 238

unappealed final order of a court of competent jurisdiction then, 239
notwithstanding any other provisions of this constitution, the 240
commission shall reconvene to ascertain and determine a plan of 241
redistricting in conformity with such provisions of this 242
constitution as are then valid, including establishing terms of 243
office and election of members of the general assembly from 244
districts designated in the plan, to be used until the next 245
regular redistricting in conformity with such provisions of this 246
constitution as are then valid. 247

(C) Notwithstanding any provision of this constitution or any 248
law regarding the residence of senators and representatives, a 249
plan of redistricting made pursuant to this section shall allow 250
thirty days for persons to change residence in order to be 251
eligible for election. 252

(D) No court shall order, in any circumstance, the 253
implementation or enforcement of any plan that has not been 254
approved by the commission in the manner prescribed by this 255
article. 256

Section 12. The various provisions of this article are 257
intended to be severable, and the invalidity of one or more of 258
such provisions shall not affect the validity of the remaining 259
provisions. 260

EFFECTIVE DATE AND REPEAL 261

If adopted by a majority of the electors voting on this 262
proposal, new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 263
of Article XI take effect January 1, 2021 and Sections 1, 2, 3, 4, 264
5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of Article XI of the 265
Constitution of the State of Ohio are repealed from that effective 266
date. 267