



OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

MINUTES OF THE LEGISLATIVE BRANCH AND EXECUTIVE BRANCH COMMITTEE

FOR THE MEETING HELD
THURSDAY, APRIL 9, 2015

Call to Order:

Chair Mills called the meeting of the Legislative Branch and Executive Branch Committee to order at 9:40 a.m.

Members Present:

A quorum was present with committee members Mills, Brooks, Asher, Coley, Curtin, Davidson Tavares, and Trafford in attendance.

Approval of Minutes:

The minutes of the March 12, 2015, meeting of the committee were approved.

Presentations:

Redistricting of Congressional Districts

Representative Kathleen Clyde
75th House District

Representative Clyde presented House Joint Resolution 2 (“HJR 2”) to the Committee. She is a co-sponsor of the resolution, along with Representative Curtin. HJR 2, which proposes to reform congressional districts. It recently was introduced in the House of Representatives.

Rep. Clyde noted that HJR 2 closely mirrors House Joint Resolution 12 (“HJR 12”), the state legislative redistricting reform proposal that passed in the 130th General Assembly. She stated that the work done by the Ohio Constitutional Modernization Commission was instrumental to the passage of HJR 12. Rep. Clyde hopes that the Legislative Branch and Executive Branch Committee, as well as the full Commission, will support and approve HJR 2.

Rep. Clyde emphasized that the passage of HJR 12 did not reform all district line drawing in Ohio because the legislature removed congressional redistricting from HJR 12 before it was passed in December 2014. Rep. Clyde expressed her concern that gerrymandering leads to a legislature that is less responsive to the will of the public.

Rep. Clyde identified the following key points of the redistricting proposal:

- 1) The proposal creates a seven-member bipartisan panel with a least two members from the minority party. The panel will be comprised of four legislative members – two of whom are members of the minority party in each chamber – the Governor, the Auditor of State, and the Secretary of State.
- 2) Two minority votes would be needed to adopt the legislative boundaries for a 10-year period.
- 3) If the panel cannot agree on legislative boundaries, the maps will need to be drawn after four years. During that time, elections could bring new members to the panel.
- 4) If the panel cannot agree a second time, the new map will go into effect for the remaining six years. However, this map must adhere to tougher standards.
- 5) The Ohio Supreme Court is given clear guidance on how to determine if the maps are drawn properly.
- 6) The panel must draw the maps in such a way that minimizes the number of splits of counties, municipalities, and contiguous townships.
- 7) The constitutional provision would explicitly state that “No General Assembly district plan shall be drawn primarily to favor or disfavor a political party.”

Finally, Rep. Clyde addressed the pending U.S. Supreme Court decision in *Arizona State Legislature v. Arizona Independent Redistricting Commission*. If the Court issues a ruling that is inconsistent with the proposal, the power to draw congressional lines will stay with the legislature. The legislature, however, also must adhere to the new rules and fairness criteria listed in HJR 2.

Rep. Curtin then stated his support for HJR 2. He discussed the increasing problem that gerrymandering presents as the state and the nation become increasingly polarized. He also spoke about the previous passage of HJR 12, the success the legislature has experienced with state redistricting reform. Rep. Curtin said a bipartisan plan worked for the General Assembly on state legislative redistricting, which he thought it was impossible and considers a miracle. He said if HJR 12 is adopted by voters, it would bring to a close four decades of partisan gerrymandering that got worse with each decade. He said he studied this subject during his time as a reporter at the *Columbus Dispatch* and he had concluded Ohio wouldn't be able to come up with a bipartisan plan, but “we got it done,” in the General Assembly. He emphasized that congressional redistricting reform is “the last elephant left in the room.” Rep. Curtin

commented that the congressional district maps are some of the most egregious maps in the nation, and mentioned that no one has stood up to defend them. According to Rep. Curtin, none of the districts make any sense because they are not drawn to make sense, and that the district maps are “ridiculous, geographic absurdities.” He expressed his hope that reform will continue. He said, “We had tremendous showing of bipartisan agreement, we want to keep that going.”

Senator Coley responded that he would stand by the congressional maps as they are currently drawn. He also commented that the congressional districts in Ohio are not the worst in the nation, making specific reference to congressional district maps in the south. However, Sen. Coley stated that he agrees that politics should be removed from the process of drawing congressional district lines, which is why he supported state legislative redistricting reform last year.

Sen. Coley then asked whether the representatives should wait until after the Supreme Court rules on *Arizona State Legislature v. Arizona Independent Redistricting Commission* to finalize a plan for congressional redistricting.

Rep. Curtin stated that because of a secondary option built into HJR 2, it is not necessary to wait until the Arizona case is decided. Rep. Curtin said the case can only come out one of two ways: either the word “legislature” in the U.S. Constitution will be interpreted to mean the legislature, or it means the electorate and the legislature. He said because of this, if the court rules that an independent commission cannot do the job of congressional redistricting, then the task will be kept by the General Assembly. He said if the court rules it is permissible for an independent commission to play that role, having a commission is okay. According to Rep. Curtin, under the resolution, “we are covered either way.”

Rep. Clyde agreed, and reported the opinion of legal experts that were consulted in drafting the proposal. These experts indicated that the Arizona case is distinguishable from the current proposal in Ohio. Rep. Clyde said she does not believe the Arizona case will come to bear on HJR 2, but in case it does, the provision that keeps the line-drawing responsibility in the legislature would relieve that problem. Rep. Clyde added that while they were working on these plans, congressional reform was being discussed alongside it. She said that the planned redistricting commission has a legislative role because four legislative members would be on the commission. By contrast, she said the Arizona plan does not have that. She doesn’t think Arizona comes into play but just in case they included the provision allowing for legislature involvement that she has described.

Speaker Davidson asked for the approximate dates by which congressional lines would need to be drawn. Rep. Clyde responded that, while writing the proposal, they attempted to mirror the current timeline used by the General Assembly.

In his final comment, Rep. Curtin stated that the United States Supreme Court is expected to rule on *Arizona State Legislature v. Arizona Independent Redistricting Commission* in June. If that occurs, it would be possible to meet the August filing deadline that would put HJR 2 on the ballot this November. Rep. Curtin is hopeful that this timeline is possible and hopes that the Commission will keep congressional redistricting on its agenda until that time. He said the only

issue is that there is the pending Arizona case, but if the case is resolved in June, they could continue hearings and possibly act in time for the August filing deadline.

Term Limits

Tony Seegers

Director of State Policy

Ohio Farm Bureau Federation

Tony Seegers, Director of State Policy for the Ohio Farm Bureau Federation (“Bureau”), testified about the Bureau’s policy regarding term limits.

First, Mr. Seegers provided an overview on the Farm Bureau’s process for developing its policies. There is a country farm bureau in each of Ohio’s 88 counties. Members of each county farm bureau recommend public policy and, if approved at the annual county bureau meeting, the policy is submitted for review by the state policy development committee and is voted on at the Ohio Farm Bureau Federation’s annual meeting. Mr. Seegers commented on the extensive policy book that is developed annually through this process.

Then, Mr. Seegers presented the Bureau’s policy on term limits. It states, “We support extending the term limit for state legislators to 12 years. We support extending the term length for a state representative from two years to four years and extending the term length for a state senator from four to six years.” Although the Ohio Farm Bureau Federation supports extending term limits from 8 to 12 years, Mr. Seegers noted that the policy does not speak to a lifetime limit of 12 years for service in the legislature.

Mr. Seegers stated that the Bureau’s policy is based on the recognition that limiting the number of years of service reduces institutional and subject-matter expertise in the legislature.

Sen. Tavares asked Mr. Seegers how the Bureau decided to recommend adding two additional years to each chamber’s term. Because of the process by which Bureau policy is drafted, Mr. Seegers stated that he could only speculate about the reasoning behind the recommendation. He noted that adding additional years to a member’s term allows the member to spend less time campaigning. Sen. Tavares asked Mr. Seegers to provide additional information about how that recommendation was reached.

Vice-chair Brooks noted nuance in the Bureau’s policy, which states that other factors, like redistricting, might impact the Bureau’s position. She then asked how redistricting might change the Bureau’s policy on term limits. Mr. Seegers was unsure of the Bureau’s position, but stated that the answer would depend on the specific redistricting proposal the legislature proposed.

Committee member Asher asked whether the Bureau had discussed staggering the terms of legislators. Mr. Seegers had no knowledge of such a discussion. He believes the Bureau would support term staggering as it currently exists.

Governor Taft asked whether the Ohio Farm Bureau Federation has taken a position on congressional redistricting. Mr. Seegers stated that the Bureau does have a policy on redistricting. However, Mr. Seegers did not have that policy with him during the Committee meeting. He agreed to forward the Bureau's redistricting policy to Director Hollon.

Chair Mills asked whether the Bureau's policy is in favor of extending term limits from 8 to 12 years. Mr. Seegers confirmed that such an extension is the key point of the policy.

Committee Discussion:

Term Limits

Chair Mills opened the floor for further discussion of Article II, Section 2, the provision on term limits. At the last meeting, the Commission staff presented two versions of a report and recommendation that would extend term limits from eight to 12 years.

Rep. Curtin reported the position of the House Minority Caucus on the report and recommendation. He stated that he brought both versions to the caucus and asked for their feedback. Approximately 25 members were present at the caucus meeting, and Rep. Curtin said that six of them chose to provide feedback. Of those six, five members were not in favor of either proposal. These members believe redistricting is an important issue that may not pass if it is paired with a controversial issue, like term limit expansion. Rep. Curtin emphasized that these caucus members are not opposed to extending term limits. However, they are concerned about the timing of a term limit proposal on the ballot.

Sen. Tavares reported a similar position expressed by the Senate Minority Caucus. She commented that her caucus also believes redistricting should be on the ballot before term limit expansion. Sen. Tavares then presented an amendment that she prepared for either option of the report and recommendation. The amendment would delay putting the term limit proposal on the ballot until 2016 or later.

Dr. Asher made a motion to adopt both options of the report and recommendation, explaining that adopting both options would have the effect of bringing the issue before the full Commission. This motion was seconded by Vice-Chair Brooks.

Sen. Tavares then made a motion to amend the reports and recommendations to reflect that the committee recommends that the term limit proposal would not be added to the ballot until 2016 or later. Rep. Curtin seconded that motion.

A roll call vote was taken on the motion to amend:

- Mills – yea
- Brooks – yea
- Asher – yea
- Coley – nay
- Curtin – yea

- Davidson – nay
- Taft – yea
- Tavares – yea
- Trafford – yea

The motion to amend passed.

Ms. Trafford asked why the committee should adopt both versions of the report and recommendation. Since only the committee had the benefit of the testimony, she wondered whether the Commission would be confused about the decision to recommend both options.

Dr. Asher replied that the difference between the two versions of the report and recommendation is inherently political. The options have essentially the same merit, but the version selected might impact whether the issue passes when it is put in front of the voters. Dr. Asher stated his belief that the full commission should have the opportunity to weigh in on that political question. He indicated it is better to give both options, rather than requiring the Commission to make the changes. “This puts everything on the table,” he said.

A roll call vote was taken on the adoption of both versions of the report and recommendation:

- Mills – yea
- Brooks – yea
- Asher – yea
- Coley – nay
- Curtin – yea
- Davidson – yea
- Taft – yea
- Tavares – yea
- Trafford – yea

The motioned passed. Chair Mills announced that both versions 1 and 2 of the report and recommendations to extend term limits, with the amendment that will postpone placing the issue on the ballot until 2016 or later, will be sent to the Coordinating Committee for discussion.

SJR 1 – Public Office Compensation Commission

Director Hollon reported that the staff has contacted speakers who will give testimony about the proposed compensation commission. He stated that there are several interested parties who are preparing to give testimony, but they are not prepared to do so at this meeting.

Chair Mills said that he fully intends to hold a meeting next month to discuss SJR 1.

Adjournment:

With no further business to come before the committee, the meeting adjourned at 1:30 p.m.

Attachments:

- Notice
- Agenda
- Roll call sheet
- Prepared remarks of Representative Kathleen Clyde
- Prepared remarks of Tony Seegers

Approval:

These minutes of the April 9, 2015 meeting of the Legislative Branch and Executive Branch Committee were approved at the May 14, 2015 meeting of the committee.

/s/ Frederick E. Mills

Frederick E. Mills, Chair

/s/ Paula Brooks

Paula Brooks, Vice-Chair