

Comments on Rep. Huffman's Proposed Congressional Redistricting "Reform"

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There are several viable initiatives that could serve as the basis for a meaningful reform of Ohio's redistricting procedures, including:

SJR-5 from 2009 (sponsored by Jon Husted and co-sponsored by 12 Republicans including Keith Faber), which was passed by the Senate.

SJR-1 currently pending Senate ratification (passed by a vote of 32-1 in 2012, revived in the current legislative session and improved by amendments passed unanimously by the relevant committee).

The proposal for altering our Congressional redistricting procedures introduced by Rep. Huffman is not one of them. While it calls itself reform, what it proposes is worse than the current redistricting procedure, which has resulted in one of the most egregious partisan gerrymanders in US history. It would actually reinforce the majoritarian, winner-take-all excesses of our current system, and remove important checks and balances currently in the Ohio Constitution.

The Huffman proposal establishes a 6-member board for the drawing of Congressional district lines, with two members representing the majority party in the Ohio House, two representing the majority party in the Senate, and one each from the minority party in the House and Senate.

Under this proposal, a new Congressional map could be adopted with the approval of at least four members including at least one member from of the minority party. But if no such bipartisan support can be obtained, it would allow four members from the majority party to draw the district lines, subject to ratification by majorities in both houses of the legislature. And since the bill contains no criteria that would encourage fair representation, competitiveness or community representation, they would be unconstrained in doing so, except for the few requirements imposed by the federal government.

The Huffman proposal is worse than what we have now in two important ways. Under the current constitutional provisions, one way in which fundamental change from our current pattern of one-party domination could occur is if the now-minority party were to win the 2018 gubernatorial election and the governor would exercise his/her right to veto the map passed by the legislature. But the Huffman bill would eliminate the governor's veto from the constitutional provisions affecting redistricting. Worse, still, it would prevent the voters from enacting their own plan through referendum. In short, provisions in the current constitution that could limit the excesses of majoritarian, winner-take-all behavior by the majority party would be removed.

The bill claims that, if no minority party support for the bill can be obtained, limiting the duration of the new map to the next two election cycles, coupled with placing on the ballot the question "Shall the Ohio General Assembly draw new congressional districts?" should provide sufficient incentive to encourage the majority party to eschew excessive partisanship and obtain

the support of the minority party. With regard to congressional redistricting, this does not represent a credible deterrent to partisan gerrymandering.

First, if the electorate struck down a plan, the new map would be devised by the legislature under control of the same majority party. And given the extent of gerrymandering that established our current state-legislative district boundaries, there is virtually no possibility that a change in control of either house will occur: In the 2014 elections, for example, just 7 of 99 house-district elections were decided by a vote of 10% or less, and in 4 of the 7 they were decided by at least 8%. Even worse, no senate elections were competitive even to that degree. Given this lack of competitiveness, it is virtually impossible that the minority party can become a majority party under the present redistricting plan.

Second, there is no guidance concerning what a “new” map would entail. It could be claimed, for example, that switching one ward per congressional district is a “new congressional map” (and the recent experience in Florida makes this a likely outcome). Accordingly, the “uncertainty” and “disruption” that proponents of Rep. Huffman’s bill claim would serve as a disincentive for the majority party would be negligible.

These provisions virtually guarantee that the current unfair map (whose electoral disproportionality score of 23 makes it the third-worst in the democratic world) will be fundamentally unchanged until at least 2032.

This proposal does not represent “reform;” it is a giant step backward that would perpetuate one-party domination in Ohio over the next decade and a half and possibly even beyond. And it is a distraction from the more credible reform initiatives mentioned above.

The voters of Ohio deserve better.