

132nd General Assembly
Regular Session
2017-2018

Sub. S. J. R. No. 5

A JOINT RESOLUTION

Proposing to amend the version of Section 1 of Article XI 1
that is scheduled to take effect January 1, 2021, and 2
to enact Sections 1, 2, and 3 of Article XIX of the 3
Constitution of the State of Ohio to establish a 4
process for congressional redistricting. 5

Be it resolved by the General Assembly of the State of 6
Ohio, three-fifths of the members elected to each house 7
concurring herein, that there shall be submitted to the electors 8
of the state, in the manner prescribed by law at a special 9
election to be held on May 8, 2018, a proposal to amend the 10
version of Section 1 of Article XI that is scheduled to take 11
effect January 1, 2021, and to enact Sections 1, 2, and 3 of 12
Article XIX of the Constitution of the State of Ohio to read as 13
follows: 14

ARTICLE XI 15

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



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(1) The governor;	20
(2) The auditor of state;	21
(3) The secretary of state;	22
(4) One person appointed by the speaker of the house of representatives;	23 24
(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;	25 26 27
(6) One person appointed by the president of the senate; and	28 29
(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.	30 31 32
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, shall appoint a member of the commission to serve as a co-chairperson of the commission.	33 34 35 36 37
(B) (1) Unless otherwise specified in this article <u>or in</u> <u>Article XIX of this constitution</u> , a simple majority of the commission members shall be required for any action by the commission.	38 39 40 41
(2) (a) Except as otherwise provided in division (B) (2) (b) of this section, a majority vote of the members of the commission, including at least one member of the commission who is a member of each of the two largest political parties represented in the general assembly, shall be required to do any of the following:	42 43 44 45 46 47

(i) Adopt rules of the commission;	48
(ii) Hire staff for the commission;	49
(iii) Expend funds.	50
(b) If the commission is unable to agree, by the vote required under division (B) (2) (a) of this section, on the manner in which funds should be expended, each co-chairperson of the commission shall have the authority to expend one-half of the funds that have been appropriated to the commission.	51 52 53 54 55
(3) The affirmative vote of four members of the commission, including at least two members of the commission who represent each of the two largest political parties represented in the general assembly shall be required to adopt any general assembly district plan. For the purpose of this division, a member of the commission shall be considered to represent a political party if the member was appointed to the commission by a member of that political party or if, in the case of the governor, the auditor of state, or the secretary of state, the member is a member of that political party.	56 57 58 59 60 61 62 63 64 65
(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 Sections 8 and 9 of this article <u>and in</u> <u>Sections 1 and 3 of Article XIX of this constitution</u> , the commission shall set a schedule for the adoption of procedural rules for the operation of the commission.	66 67 68 69 70 71
The commission shall release to the public a proposed general assembly district plan for the boundaries for each of the ninety-nine house of representatives districts and the thirty-three senate districts. The commission shall draft the proposed plan in the manner prescribed in this article. Before	72 73 74 75 76

adopting, but after introducing, a proposed plan, the commission shall conduct a minimum of three public hearings across the state to present the proposed plan and shall seek public input regarding the proposed plan. All meetings of the commission shall be open to the public. Meetings shall be broadcast by electronic means of transmission using a medium readily accessible by the general public.

The commission shall adopt a final general assembly district plan not later than the first day of September of a year ending in the numeral one. After the commission adopts a final plan, the commission shall promptly file the plan with the secretary of state. Upon filing with the secretary of state, the plan shall become effective.

Four weeks after the adoption of a general assembly district plan or a congressional district plan, whichever is later, the commission shall be automatically dissolved.

(D) The general assembly shall be responsible for making the appropriations it determines necessary in order for the commission to perform its duties under this article and Article XIX of this constitution.

ARTICLE XIX

Section 1. (A) Except as otherwise provided in this section, the general assembly shall be responsible for the redistricting of this state for congress based on the prescribed number of congressional districts apportioned to the state pursuant to Section 2 of Article I of the Constitution of the United States.

Not later than the last day of September of a year ending in the numeral one, the general assembly shall pass a

congressional district plan in the form of a bill by the 106
affirmative vote of three-fifths of the members of each house of 107
the general assembly, including the affirmative vote of at least 108
one-half of the members of each of the two largest political 109
parties represented in that house. A congressional district plan 110
that is passed under this division and becomes law shall remain 111
effective until the next year ending in the numeral one, except 112
as provided in Section 3 of this article. 113

Before the general assembly passes a congressional 114
district plan under this division, a joint committee of the 115
general assembly shall hold at least two public committee 116
hearings concerning a proposed plan. 117

(B) (1) If a congressional district plan is not passed not 118
later than the last day of September of a year ending in the 119
numeral one and filed with the secretary of state in accordance 120
with Section 16 of Article II of this constitution, then the 121
Ohio redistricting commission described in Article XI of this 122
constitution shall adopt a congressional district plan not later 123
than the last day of October of that year. 124

If an appointed member of the Ohio redistricting 125
commission is a current member of congress, that member's seat 126
shall be considered vacant for the purpose of adopting a 127
congressional district plan, and the authority who appointed the 128
member to fill that seat shall appoint a replacement member to 129
deliberate and vote upon a congressional district plan. 130

After proposing, but before adopting, a congressional 131
district plan under this division, the commission shall hold at 132
least two public hearings concerning the proposed plan. 133

(2) If the commission adopts a congressional district plan 134
under division (B) (1) of this section by the affirmative vote of 135

four members of the commission, including at least two members 136
of the commission who represent each of the two largest 137
political parties represented in the general assembly, the plan 138
shall take effect upon filing with the secretary of state and 139
shall remain effective until the next year ending in the numeral 140
one, except as provided in Section 3 of this article. For 141
purposes of this division, a member of the commission shall be 142
considered to represent a political party if the member was 143
appointed to the commission by a member of that political party 144
or if, in the case of the governor, the auditor of state, or the 145
secretary of state, the member is a member of that political 146
party. 147

(3) If the commission adopts a congressional district plan 148
under division (B) (1) of this section by a simple majority vote 149
of the commission, and not by the vote described in division (B) 150
(2) of this section, the plan shall take effect upon filing with 151
the secretary of state and shall remain effective until two 152
general elections for the United States house of representatives 153
have occurred under the plan, except as provided in division (C) 154
of this section and in Section 3 of this article. The commission 155
also immediately shall file copies of the plan with the clerks 156
of the senate and the house of representatives. 157

(C) If the commission adopts a plan as described in 158
division (B) (3) of this section, then not later than the last 159
day of November of the year in which the commission does so, the 160
general assembly may approve that plan without amendment by 161
adopting a joint resolution by the affirmative vote of a 162
majority of the members of each house of the general assembly, 163
including the affirmative vote of at least one-third of the 164
members of each of the two largest political parties represented 165
in that house. If the general assembly does so, the general 166

assembly shall file the joint resolution with the secretary of 167
state, and the plan shall remain effective until the next year 168
ending in the numeral one, except as provided in Section 3 of 169
this article. 170

(D) Not later than the last day of September of the year 171
after the year in which a plan expires under division (B) (3) of 172
this section, the general assembly shall pass a congressional 173
district plan in the form of a bill by the affirmative vote of 174
three-fifths of the members of each house of the general 175
assembly, including the affirmative vote of at least one-half of 176
the members of each of the two largest political parties 177
represented in that house. A congressional district plan that is 178
passed under this division and becomes law shall remain 179
effective until the next year ending in the numeral one, except 180
as provided in Section 3 of this article. 181

A congressional district plan passed under this division 182
shall be drawn using the federal decennial census data or other 183
data on which the previous redistricting was based. 184

Before the general assembly passes a congressional 185
district plan under this division, a joint committee of the 186
general assembly shall hold at least two public committee 187
hearings concerning a proposed plan. 188

(E) If a congressional district plan is not passed not 189
later than the last day of September of the year after the year 190
in which a plan expires under division (B) (3) of this section 191
and filed with the secretary of state in accordance with Section 192
16 of Article II of this constitution, then the Ohio 193
redistricting commission described in Article XI of this 194
constitution shall be reconstituted and reconvene and shall 195
adopt a congressional district plan by a simple majority vote 196

not later than the last day of October of that year. A 197
congressional district plan adopted under this division shall 198
take effect upon filing with the secretary of state and shall 199
remain effective until the next year ending in the numeral one, 200
except as provided in Section 3 of this article. 201

A congressional district plan adopted under this division 202
shall be drawn using the federal decennial census data or other 203
data on which the previous redistricting was based. 204

If an appointed member of the Ohio redistricting 205
commission is a current member of congress, that member's seat 206
shall be considered vacant for the purpose of adopting a 207
congressional district plan, and the authority who appointed the 208
member to fill that seat shall appoint a replacement member to 209
deliberate and vote upon a congressional district plan. 210

After proposing, but before adopting, a congressional 211
district plan under this division, the commission shall hold at 212
least two public hearings concerning the proposed plan. 213

(F) For purposes of filing a congressional district plan 214
with the governor, the secretary of state, or the general 215
assembly under this article, a congressional district plan shall 216
include both a legal description of the boundaries of the 217
congressional districts and all electronic data necessary to 218
create a congressional district map for the purpose of holding 219
congressional elections. 220

(G) When a congressional district plan ceases to be 221
effective under this article, the district boundaries described 222
in that plan shall continue in operation for the purpose of 223
holding elections until a new congressional district plan takes 224
effect in accordance with this article. 225

Section 2. (A) (1) Each congressional district shall be 226
entitled to a single representative in the United States house 227
of representatives in each congress. 228

(2) The whole population of the state, as determined by 229
the federal decennial census or, if the federal decennial census 230
is unavailable, another basis as directed by the general 231
assembly, shall be divided by the number of congressional 232
districts apportioned to the state pursuant to Section 2 of 233
Article I of the Constitution of the United States, and the 234
quotient shall be the congressional ratio of representation for 235
the next ten years. 236

(3) Notwithstanding the fact that boundaries of counties, 237
municipal corporations, and townships within a district may be 238
changed, district boundaries shall be created by using the data 239
from the most recent federal decennial census or from the basis 240
directed by the general assembly, as applicable. 241

(B) A congressional district plan shall comply with all of 242
the following requirements: 243

(1) The plan shall comply with all applicable provisions 244
of the constitutions of Ohio and the United States and of 245
federal law, including federal laws protecting racial minority 246
voting rights. 247

(2) Every congressional district shall be compact and 248
composed of contiguous territory, and the boundary of each 249
district shall be a single nonintersecting continuous line. 250

(3) Except as otherwise required by federal law, in a 251
county that contains a population that exceeds the congressional 252
ratio of representation, the authority drawing the districts 253
shall take the first of the following actions that applies to 254

that county: 255

(a) If a municipal corporation or township located in that 256
county contains a population that exceeds the congressional 257
ratio of representation, the authority shall attempt to include 258
a significant portion of that municipal corporation or township 259
in a single district and may include in that district other 260
municipal corporations or townships that are located in that 261
county and whose residents have similar interests as the 262
residents of the municipal corporation or township that contains 263
a population that exceeds the congressional ratio of 264
representation. For the purpose of drawing a congressional 265
district under this division, if the territory of a municipal 266
corporation or township completely surrounds the territory of 267
another municipal corporation or township, the territory of the 268
surrounded municipal corporation or township shall be considered 269
part of the territory of the surrounding municipal corporation 270
or township. 271

(b) If one municipal corporation or township in that 272
county contains a population of not less than one hundred 273
thousand and not more than the congressional ratio of 274
representation, that municipal corporation or township shall not 275
be split. If that county contains two or more such municipal 276
corporations or townships, only the most populous of those 277
municipal corporations or townships may not be split. 278

(4) Sixty-five counties in the state shall be contained 279
entirely within a district, eighteen counties may be split not 280
more than once, and five counties may be split not more than 281
twice. The authority drawing the districts may determine which 282
counties may be split. 283

(5) If a congressional district includes only part of the 284

territory of a particular county, the part of that congressional 285
district that lies in that particular county shall be contiguous 286
within the boundaries of the county. 287

(6) No two congressional districts shall share portions of 288
the territory of more than one county, except for a county whose 289
population exceeds four hundred thousand. 290

(7) The authority drawing the districts shall attempt to 291
include at least one whole county in each congressional 292
district. This division does not apply to a congressional 293
district that is contained entirely within one county or that 294
cannot be drawn in that manner while complying with federal law. 295

(C) (1) Except as otherwise provided in division (C) (2) of 296
this section, for purposes of this section, a county, municipal 297
corporation, or township is considered to be split if, based on 298
the census data used for the purpose of redistricting, any 299
contiguous portion of its territory is not contained entirely 300
within one district. 301

(2) If a municipal corporation or township has territory 302
in more than one county, the contiguous portion of that 303
municipal corporation or township that lies in each county shall 304
be considered to be a separate municipal corporation or township 305
for purposes of this section. 306

Section 3. (A) The supreme court of Ohio shall have 307
exclusive, original jurisdiction in all cases arising under this 308
article. 309

(B) (1) In the event that any section of this constitution 310
relating to congressional redistricting, any congressional 311
district plan, or any congressional district or group of 312
congressional districts is challenged and is determined to be 313

invalid by an unappealed final order of a court of competent 314
jurisdiction then, notwithstanding any other provisions of this 315
constitution, the general assembly shall pass a congressional 316
district plan in accordance with the provisions of this 317
constitution that are then valid, to be used until the next time 318
for redistricting under this article in accordance with the 319
provisions of this constitution that are then valid. A 320
congressional district plan passed under this division shall 321
remedy any legal defects in the previous plan identified by the 322
court but shall include no changes to the previous plan other 323
than those made in order to remedy those defects. 324

(2) If a new congressional district plan is not passed and 325
filed with the secretary of state in accordance with Section 16 326
of Article II of this constitution, the Ohio redistricting 327
commission shall be reconstituted and reconvene and shall adopt 328
a congressional district plan in accordance with the provisions 329
of this constitution that are then valid, to be used until the 330
next time for redistricting under this article in accordance 331
with the provisions of this constitution that are then valid. A 332
congressional district plan adopted under this division shall 333
remedy any legal defects in the previous plan identified by the 334
court but shall include no other changes to the previous plan 335
other than those made in order to remedy those defects. 336

EFFECTIVE DATE AND REPEAL 337

If adopted by a majority of the electors voting on this 338
proposal, the version of Section 1 of Article XI amended by this 339
proposal and Sections 1, 2, and 3 of Article XIX of the 340
Constitution of the State of Ohio enacted by this proposal take 341
effect January 1, 2021, and the existing version of Section 1 of 342
Article XI of the Constitution of the State of Ohio that is 343
scheduled to take effect January 1, 2021, is repealed from that 344

effective date.

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