



Ohio Legislative Service Commission

Resolution Analysis

Lynda J. Jacobsen

S.J.R. 4

128th General Assembly
(As Introduced)

Sens. Coughlin, Cates

RESOLUTION SUMMARY

- Submits to the voters at the November 3, 2009, general election a proposal to revise the provisions of the Ohio Constitution regarding the apportionment of the state by changing the persons responsible for reapportionment and revising the process and criteria for redistricting.
- Specifies that the proposed constitutional changes take effect immediately, if adopted by a majority of electors voting on the proposal.
- Changes the membership of the Apportionment Board to consist of seven members, including the Governor, the Auditor of State, the Secretary of State, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, and the Minority Leader of the Senate.
- Requires an affirmative vote of five or more members of the Apportionment Board to establish the boundaries for each General Assembly district, and requires all members of the Apportionment Board to be present at the meeting.
- Requires the Apportionment Board to establish new districts if the existing district plan is determined to be invalid by an unappealed final order of a court of competent jurisdiction.
- Recodifies the redistricting provisions of the Ohio Constitution.

CONTENT AND OPERATION

Background

Currently, Section 1 of Article XI of the Ohio Constitution provides for the establishment of an Apportionment Board that is responsible for the apportionment of the state for members of the General Assembly. The Board consists of the Governor, Auditor of State, Secretary of State, one person chosen by the Speaker of the House and the leader of the Senate of the political party of which the Speaker is a member, and one person chosen by the legislative leaders in the two houses of the major political party of which the Speaker is not a member. The Board must meet on a date designated by the Governor between August 1 and October 1 in each year ending in one. The Board's apportionment of the House and Senate districts must be published no later than October 5 of the year in which it is made.

Membership of the Apportionment Board

The resolution proposes to increase the total membership of the Apportionment Board to seven. The resolution removes the two individuals selected by the specified members of the General Assembly and replaces them with the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, and the Minority Leader of the Senate. (Proposed Article XI, Section 1, Ohio Constitution.)

Affirmative vote of five or more members

The Constitution currently requires a simple majority of the Apportionment Board to meet and a simple majority vote to perform its duties, including the establishment of the boundaries for districts, the designation of which senator will represent a district if more than one senator whose term will not expire would represent the same district because the boundaries of a district have changed, and the establishment of a new apportionment plan if the Ohio Supreme Court or a federal court has ruled the current apportionment plan to be invalid. The resolution proposes to require the entire Apportionment Board to meet, and an affirmative vote of five or more of the seven members is required to perform each of the listed duties. (Proposed Article XI, Sections 1, 11, and 12, Ohio Constitution.)

Districts established pursuant to court order

The Constitution currently provides that district boundaries established pursuant to its requirements must not be changed until the ensuing federal decennial census and the ensuing redistricting, unless the redistricting plan is determined to be invalid by the Ohio Supreme Court or the United States Supreme Court. The resolution

retains the requirement that General Assembly district boundaries generally be established no more than once per decade, unless the existing redistricting plan is determined to be invalid. (Proposed Article XI, Sections 5 and 12, Ohio Constitution.)

The resolution changes the courts with jurisdiction to determine that a redistricting plan is invalid. Under the existing Constitution, a new redistricting plan may be drawn at a time other than a year ending in the numeral "1" only if the Ohio Supreme Court or the United States Supreme Court determines that the existing plan is invalid. The resolution proposes to require the Apportionment Board to ascertain and determine a plan of apportionment in conformity with the Constitution if the existing plan is determined to be invalid by an unappealed final order of a court of competent jurisdiction. The Supreme Court of Ohio has exclusive, original jurisdiction over cases arising under the resolution. Thus, a new apportionment plan would have to be adopted if the Ohio Supreme Court ruled the plan invalid and that order is not appealed. (Proposed Article XI, Sections 5 and 12, Ohio Constitution.)

Election schedule and effective date

The resolution submits the proposed constitutional changes to the voters at the general election to be held on November 3, 2009. If adopted by a majority of electors voting on the proposal, it will take effect immediately. (Effective date and repeal.)

Elimination of obsolete language

Section 14 of Article XI of the Ohio Constitution specifies the General Assembly districts that were in effect in Ohio until January 1, 1973. Because the time at which this language applied has passed, the resolution proposes to repeal the language (existing Article XI, Section 14, Ohio Constitution--*proposed for repeal by the resolution*).

Recodification of redistricting provisions

In addition to the changes previously discussed, the resolution proposes to relocate numerous constitutional provisions pertaining to redistricting (Article XI). The following tables detail the structure of Article XI of the Ohio Constitution, as proposed by the resolution, and identify any provisions that are proposed to be relocated.

Article XI as Organized under the Current Ohio Constitution

Prior section number	Topic	New section number
Section 1	Persons responsible for apportionment	Unchanged
Section 2	Determination of ratio of representation	Unchanged

Prior section number	Topic	New section number
Section 3	Population of House of Representatives districts	Section 3(A)
Section 4	Population of Senate districts	Section 3(B)
Section 5	Number of representatives per district	Section 4
Section 6	Districts created every 10 years	Section 5
Section 7	District criteria	Section 6
Section 8	Number of House of Representatives districts in each county	Section 7
Section 9	Single county House districts contain 90 - 110% of ratio	Section 8
Section 10	Standards for House of Representatives districts	Section 9
Section 11	Standards for Senate districts	Section 10
Section 12	Assignment of Senate districts to current Senators	Section 11
Section 13	Judicial jurisdiction; district creation after invalidity	Section 12
Section 14	District boundaries until 1973	Repealed
Section 15	Severability	Section 13

Article XI as Proposed to be Organized under the Resolution

New section number	Topic	Prior section number
Section 1	Persons responsible for apportionment	Unchanged
Section 2	Determination of ratio of representation	Unchanged
Section 3(A)	Population of House of Representatives districts	Section 3
Section 3(B)	Population of Senate districts	Section 4
Section 4	Number of representatives per district	Section 5
Section 5	Districts created every 10 years	Section 6
Section 6	District criteria	Section 7



New section number	Topic	Prior section number
Section 7	Number of House of Representatives districts in each county	Section 8
Section 8	Single county House districts contain 90 - 110% of ratio	Section 9
Section 9	Standards for House of Representatives districts	Section 10
Section 10	Standards for Senate districts	Section 11
Section 11	Assignment of Senate districts to current Senators	Section 12
Section 12	Judicial jurisdiction; district creation after invalidity	Section 13
No provision	District boundaries until 1973	Section 14
Section 13	Severability	Section 15

HISTORY

ACTION

DATE

Introduced

03-17-09

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