



Ohio Legislative Service Commission

Resolution Analysis

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H.J.R. 12

130th General Assembly
(As Introduced)

Rep. Huffman

RESOLUTION SUMMARY

Ohio Redistricting Commission

- Replaces the Apportionment Board with the Ohio Redistricting Commission, and makes the Commission responsible for redistricting the state for the General Assembly.
- Specifies that the Commission consists of the Governor, the Auditor of State, the Secretary of State, and four persons appointed by majority and minority leaders in the General Assembly, and provides that no appointed member of the Commission may be a current member of Congress.
- Requires the Governor to convene the Commission only in year ending in the numeral one, unless the Commission is convened by a court to draw judicially invalidated districts or the electors vote to require the Commission to draw new districts.
- Prescribes procedural requirements for meetings of the Commission.
- Requires the General Assembly to make the appropriations it determines are necessary in order for the Commission to perform its duties.

Method of selecting a district plan

- Requires the Commission to adopt a district plan by an affirmative vote of four members, including at least one member of the Commission who is a member of the largest, and one member of the Commission who is a member of the second largest, political party represented in the General Assembly.

- Specifies that, if the Commission fails to adopt a final district plan not later than August 31, the Governor, the Auditor of State, and the Secretary of State, acting independently of the Commission and by a simple majority of their number, must create a General Assembly district plan not later than September 23.
- Requires the Governor, the Auditor of State, and the Secretary of State to call a meeting of the Commission not later than September 30 to provide the Commission with a final opportunity to adopt those officers' plan by the required bipartisan vote.
- Specifies that, if the Commission fails to adopt the plan created by the Governor, the Auditor of State, and the Secretary of State not later than October 1, the Governor must file the plan with the Secretary of State, causing the plan to take effect, but that the plan must be subject to a vote of the electors.

Ballot question concerning a district plan

- Specifies that a district plan that is created by the Governor, the Auditor of State, and the Secretary of State and is not adopted by a bipartisan vote of the Commission is effective for elections occurring in the year following the year in which the plan was adopted.
- Requires a ballot question to be submitted to the electors at the general election conducted in that year, asking whether the Ohio Redistricting Commission should convene to draw new General Assembly districts.
- Specifies that if a majority of the electors vote in favor of convening the Commission to adopt new General Assembly districts, the Commission must do so.
- Specifies that if a majority of the electors vote against convening the Commission to adopt new General Assembly districts, the plan created by the Governor, the Auditor, and the Secretary of State must remain in effect until $\frac{1}{2}$ of the general elections to be held using that plan have occurred, at which point the Commission must adopt a new plan.

District standards

- Requires the Commission to minimize the splitting of political subdivisions.
- Specifies circumstances in which dividing a political subdivision is not considered splitting that political subdivision.
- Clarifies some instances in which continuing district requirements might be construed to apply to both House of Representatives and Senate districts, instead of only House districts, as specified in the resolution.



Legal challenges

- Specifies that, if any section of the Constitution relating to redistricting or any plan of redistricting is determined to be invalid by an unappealed final order of a court of competent jurisdiction, then the Commission must reconvene to adopt a district plan that conforms with the provisions of the Constitution that are then valid.
- Prohibits a court, in any circumstance, from ordering the implementation or enforcement of any plan that has not been approved by the Commission.

Miscellaneous

- Repeals the current constitutional provision describing the district plans in effect until January 1, 1973.

Date proposal scheduled to appear on the ballot

- Places the proposal on the ballot on November 3, 2015.

Effective date of proposal, if approved by the voters

- Specifies that, if approved by a majority of electors voting on it, the proposal takes effect January 1, 2021.

CONTENT AND OPERATION

Ohio Redistricting Commission

The joint resolution proposes an amendment to the Ohio Constitution to create the Ohio Redistricting Commission to replace the Apportionment Board as the body responsible for drawing General Assembly districts.

Composition

Under the resolution, the Ohio Redistricting Commission consists of the following seven members:¹

- The Governor;
- The Auditor of State;
- The Secretary of State;

¹ Ohio Const. Art. XI, Sec. 1(A).



- One person appointed by the Speaker of the House of Representatives;
- One person appointed by the President of the Senate;
- One person appointed by the Minority Leader of the House of Representatives;
- One person appointed by the Minority Leader of the Senate.

The resolution specifies that no member of the Commission may be a current member of Congress.

Currently, the Apportionment Board is responsible for drawing General Assembly districts. The Apportionment Board consists of the Governor, the Auditor of State, the Secretary of State, one person chosen by the Speaker of the House of Representatives and the leader in 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 political party of which the Speaker is not a member.²

Organizational procedures

The resolution requires the Governor to convene the Ohio Redistricting Commission only in a year ending in the numeral one, unless the Commission is convened by a court to draw judicially invalidated districts or the electors vote to require the Commission to draw new districts (see "**Ballot question concerning a district plan**," below). Under the resolution, district boundaries must not be changed at any other time.

The Constitution currently requires the Governor to convene the Apportionment Board between August 1 and October 1 of a year ending in the numeral "1," and to give the Board two weeks advance notice of the date, time, and place of the meeting.

At the Commission's first meeting, the proposal requires the members to select co-chairpersons, one of whom must be a member of the largest political party represented in the General Assembly and one of whom must be a member of the second largest political party represented in the General Assembly. Also at that meeting, the Commission must set a schedule for the adoption of procedural rules for the operation of the Commission.

² Ohio Const. Art. XI, Sec. 1(A).



Under the resolution, a simple majority of the Commission generally is required for any action by the Commission, except for a vote to adopt a district plan (see "**Method of selecting a district plan**," below).

Before the Ohio Redistricting Commission adopts a final General Assembly district plan, the resolution allows the Commission to release a proposed district plan to the public. A proposed plan must be drafted according to the constitutional requirements. Also before adopting a final plan, the Commission must conduct a minimum of three public hearings across the state to seek public input regarding the redistricting process and any proposed plan. All meetings of the Ohio Redistricting Commission must be open to the public. Meetings must be broadcast by electronic means of transmission using a medium readily accessible to the general public, subject to the discretion of the Commission.

The co-chairpersons of the Commission must jointly dissolve the Commission not more than six weeks after the adoption of a General Assembly district plan.

Finally, under the resolution, the General Assembly must make the appropriations it determines are necessary in order for the Commission to perform its duties.³

Method of selecting a district plan

In order to adopt a final district plan, the resolution requires the affirmative vote of four members of the Commission, including at least one member of the Commission who is a member of the largest political party represented in the General Assembly and one member of the Commission who is a member of the second largest political party represented in the General Assembly.

The Commission must adopt a final General Assembly district plan not earlier than the last week of August of a year ending in the numeral one but not later than August 31 of that year. The plan becomes effective upon filing with the Secretary of State.⁴

If the Commission fails to adopt a final district plan by that deadline, the Governor, the Auditor of State, and the Secretary of State, acting independently of the Commission and by a simple majority of their number, must create a General Assembly district plan not later than September 23. Then, not later than September 30, the Governor, the Auditor of State, and the Secretary of State must call a meeting of the

³ Ohio Const. Art. XI, Secs. 1 and 6.

⁴ Ohio Const. Art. XI, Sec. 1.



Commission and provide the Commission with a final opportunity to adopt those officers' plan by the required bipartisan vote.

Under the resolution, if the Commission fails to adopt the plan created by the Governor, the Auditor of State, and the Secretary of State not later than October 1, the Governor must file the plan with the Secretary of State, causing the plan to take effect. However, a plan that takes effect in this manner is subject to a vote of the electors (see "**Ballot question concerning a district plan**," below).⁵

Existing law requires a majority vote of the Apportionment Board to adopt a district plan, and requires the Governor to cause a district plan to be published no later than October 5 of the year in which it is made.⁶

Ballot question concerning a district plan

Under the proposal, a General Assembly district plan that is created by the Governor, the Auditor of State, and the Secretary of State and is not adopted by a bipartisan vote of the Ohio Redistricting Commission is effective for elections occurring in the year following the year in which the plan was adopted.

At the general election conducted in that year, the following ballot question must be submitted to the electors:

"Shall the Ohio Redistricting Commission convene to draw new General Assembly districts?"

If a majority of the electors vote in favor of convening the Commission to adopt new General Assembly districts, the Commission must convene not earlier than February 1 of the following year to adopt new districts in accordance with the Constitution.

If a majority of the electors vote against convening the Commission to adopt new General Assembly districts, the plan created by the Governor, the Auditor, and the Secretary of State must remain in effect until $\frac{1}{2}$ of the general elections to be held using that plan have occurred. (If an odd number of applicable elections are scheduled to occur during that period, the number of general elections to be held using the plan must be determined by rounding up to the next whole number.) After a plan for which the electors did not convene the Commission ceases to be effective, the Commission must convene not earlier than February 1 of the year following the year in which the plan

⁵ Ohio Const. Art. XI, Sec. 13(A).

⁶ Ohio Const. Art. XI, Sec. 1.



ceases to be effective to adopt a new plan, in accordance with the Constitution, to be used until the next time for redistricting.

Under the resolution, when the Commission draws a new district plan following a ballot question, the Commission must use the same population and political subdivision data as were used to draw the plan created by the Governor, the Auditor, and the Secretary of State.⁷

District standards

Splitting political subdivisions

The resolution adds a requirement that the Ohio Redistricting Commission minimize the splitting of political subdivisions. "Political subdivision" means a county, a municipal corporation, a township, or a municipal ward.

Under the proposal, dividing a noncontiguous political subdivision is not considered splitting the political subdivision if its noncontiguous portions are included in separate districts. But, dividing a noncontiguous political subdivision is considered splitting the political subdivision if any noncontiguous portion is divided into separate districts. And, if a political subdivision has territory in more than one county, dividing that political subdivision along a county line is not considered splitting the political subdivision.⁸

Changes to district standards

The resolution makes conforming changes to, but generally retains, the current population requirements and district standards for General Assembly districts. However, the resolution clarifies some instances in which continuing district requirements might be construed to apply to both House of Representatives and Senate districts, instead of only House districts, as specified in the resolution.

The resolution states that, to the extent consistent with population requirements, the boundary lines of House of Representatives districts, instead of "the boundary lines of districts," must be drawn so as to delineate an area containing one or more whole counties. Similarly, under the resolution, where the population requirements cannot feasibly be attained by forming a *House of Representatives* district from a whole county or counties, the district must be formed by combining the areas of whole political subdivisions, other than a county. And, where political subdivisions must be divided to

⁷ Ohio Const. Art. XI, Sec. 13.

⁸ Ohio Const. Art. XI, Sec. 7(B).



meet population requirements, only one political subdivision, other than a county, may be divided between two *House of Representatives* districts.⁹

Legal challenges

Under the resolution, if any section of the Constitution relating to redistricting or any plan of redistricting is determined to be invalid by an unappealed final order of a court of competent jurisdiction, then the Commission must reconvene to adopt a district plan that conforms with the provisions of the Constitution that are then valid. Currently, the Constitution requires new districts to be drawn if provisions of the Constitution or a district plan are determined to be invalid by either the Ohio Supreme Court or the U.S. Supreme Court.

The proposal prohibits a court, in any circumstance, from ordering the implementation or enforcement of any plan that has not been approved by the Commission.

The resolution retains provisions specifying that the Ohio Supreme Court has exclusive, original jurisdiction in all cases arising under Article XI and that a new redistricting plan made as a result of a legal challenge must allow 30 days for persons to change residence in order to be eligible for election. Continuing law also specifies that the various provisions of Article XI are intended to be severable, and that the invalidity of one or more of the provisions does not affect the validity of the remaining provisions.

Finally, the resolution eliminates a requirement that the Governor give the Apportionment Board two weeks advance written notice of the date, time, and place of any meeting held pursuant to a court order invalidating a district plan.¹⁰

Miscellaneous

The resolution repeals the current constitutional provision that describes the district plans that were in effect until January 1, 1973.¹¹

Effective date

The resolution places the proposal on the ballot on November 3, 2015. If adopted by a majority of electors voting on it, the proposal takes effect January 1, 2021.

⁹ Ohio Const. Art. XI, Sec. 7(C), (D), and (E).

¹⁰ Ohio Const. Art. XI, Sec. 14.

¹¹ Repeal of existing Ohio Const. Art. XI, Sec. 14.



HISTORY

ACTION

DATE

Introduced

11-13-14

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