

**As Introduced**

**131st General Assembly  
Regular Session  
2015-2016**

**H. J. R. No. 2**

**Representatives Clyde, Curtin**

**Cosponsors: Representatives Antonio, Smith, K., Stinziano, Leland,  
Driehaus, Bishoff, Johnson, G., Celebrezze, Ashford, Fedor, Lepore-Hagan,  
Sheehy**

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**JOINT RESOLUTION**

Proposing to enact Sections 1, 2, 3, 4, 5, 6, 7, 8, 1  
and 9 of Article XIX of the Constitution of the 2  
State of Ohio to revise the redistricting process 3  
for congressional districts. 4

Be it resolved by the General Assembly of the State of 5  
Ohio, three-fifths of the members elected to each house 6  
concurring herein, that there shall be submitted to the 7  
electors of the state, in the manner prescribed by law at the 8  
general election to be held on November 3, 2015, a proposal 9  
to enact Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 of Article 10  
XIX of the Constitution of the State of Ohio to read as 11  
follows: 12

**ARTICLE XIX** 13

**Section 1.** (A) The Ohio redistricting commission shall 14  
be responsible for the redistricting of this state for 15  
congress. The commission shall consist of the following 16

<u>seven members:</u>	17
<u>(1) The governor;</u>	18
<u>(2) The auditor of state;</u>	19
<u>(3) The secretary of state;</u>	20
<u>(4) One person appointed by the speaker of the house of</u> <u>representatives;</u>	21 22
<u>(5) One person appointed by the legislative leader of the</u> <u>largest political party in the house of representatives of which</u> <u>the speaker of the house of representatives is not a member;</u>	23 24 25
<u>(6) One person appointed by the president of the senate;</u> <u>and</u>	26 27
<u>(7) One person appointed by the legislative leader of the</u> <u>largest political party in the senate of which the president of</u> <u>the senate is not a member.</u>	28 29 30
<u>The legislative leaders in the senate and the house of</u> <u>representatives of each of the two largest political parties</u> <u>represented in the general assembly, acting jointly by political</u> <u>party, shall appoint a member of the commission to serve as a</u> <u>co-chairperson of the commission.</u>	31 32 33 34 35
<u>(B) (1) Unless otherwise specified in this article, a</u> <u>simple majority of the commission members shall be required for</u> <u>any action by the commission.</u>	36 37 38
<u>(2) (a) Except as otherwise provided in division (B) (2) (b)</u> <u>of this section, a majority vote of the members of the</u> <u>commission, including at least one member of the commission who</u> <u>is a member of each of the two largest political parties</u> <u>represented in the general assembly, shall be required to do any</u> <u>of the following:</u>	39 40 41 42 43 44

(i) Adopt rules of the commission; 45

(ii) Hire staff for the commission; 46

(iii) Expend funds. 47

(b) If the commission is unable to agree, by the vote 48  
required under division (B) (2) (a) of this section, on the manner 49  
in which funds should be expended, each co-chairperson of the 50  
commission shall have the authority to expend one-half of the 51  
funds that have been appropriated to the commission. 52

(3) The affirmative vote of four members of the 53  
commission, including at least two members of the commission who 54  
represent each of the two largest political parties represented 55  
in the general assembly, shall be required to adopt any 56  
congressional district plan. For the purpose of this division, a 57  
member of the commission shall be considered to represent a 58  
political party if the member was appointed to the commission by 59  
a member of that political party or if, in the case of the 60  
governor, the auditor of state, or the secretary of state, the 61  
member is a member of that political party. 62

(C) At the first meeting of the commission, which the 63  
governor shall convene only in a year ending in the numeral one, 64  
except as provided in Sections 6 and 7 of this article, the 65  
commission shall set a schedule for the adoption of procedural 66  
rules for the operation of the commission. 67

The commission shall release to the public a proposed 68  
congressional district plan for the boundaries for the 69  
prescribed number of congressional districts as apportioned to 70  
the state pursuant to Section 2 of Article I of the Constitution 71  
of the United States. The commission shall draft the proposed 72  
plan in the manner prescribed in this article. Before adopting, 73

but after introducing, a proposed plan, the commission shall 74  
conduct a minimum of three public hearings across the state to 75  
present the proposed plan and shall seek public input regarding 76  
the proposed plan. All meetings of the commission shall be open 77  
to the public. Meetings shall be broadcast by electronic means 78  
of transmission using a medium readily accessible by the general 79  
public. 80

The commission shall adopt a final congressional district 81  
plan not later than the first day of September of a year ending 82  
in the numeral one. After the commission adopts a final plan, 83  
the commission shall promptly file the plan with the secretary 84  
of state. Upon filing with the secretary of state, the plan 85  
shall become effective. 86

Four weeks after the adoption of a congressional district 87  
plan, the commission shall be automatically dissolved. 88

(D) The general assembly shall be responsible for making 89  
the appropriations it determines necessary in order for the 90  
commission to perform its duties under this article. 91

**Section 2.** Each congressional district shall be entitled 92  
to a single representative in the United States house of 93  
representatives in each congress. 94

**Section 3.** (A) The whole population of the state, as 95  
determined by the federal decennial census or, if such is 96  
unavailable, such other basis as the general assembly may 97  
direct, shall be divided by the number of congressional 98  
districts apportioned to the state pursuant to Section 2 of 99  
Article I of the Constitution of the United States, and the 100  
quotient shall be the congressional ratio of representation for 101  
ten years next succeeding such redistricting. 102

(B) A congressional district plan shall comply with all of 103  
the requirements of division (B) of this section. 104

(1) The population of each congressional district shall be 105  
as equal to the congressional ratio of representation as 106  
practicable. 107

(2) Any congressional district plan adopted by the 108  
commission shall comply with all applicable provisions of the 109  
constitutions of Ohio and the United States and of federal law. 110

(3) Every congressional district shall be composed of 111  
contiguous territory, and the boundary of each district shall be 112  
a single nonintersecting continuous line. 113

(C) Congressional districts shall be created and numbered 114  
in the following order of priority, to the extent that such 115  
order is consistent with the foregoing standards: 116

(1) Proceeding in succession from the largest to the 117  
smallest, each county containing population greater than one 118  
congressional ratio of representation shall be divided into as 119  
many congressional districts as it has whole ratios of 120  
representation. Any fraction of the population in excess of a 121  
whole ratio shall be a part of only one adjoining congressional 122  
district. 123

(2) Each county containing population equal to the 124  
congressional ratio of representation shall be designated a 125  
congressional district. 126

(3) The remaining territory of the state shall be divided 127  
into congressional districts by combining the areas of counties, 128  
municipal corporations, and townships. Where feasible, no county 129  
shall be split more than once. 130

(D) (1) A county, municipal corporation, or township is 131  
considered to be split if any contiguous portion of its 132  
territory is not contained entirely within one district. 133

(2) Where the requirements of divisions (B) and (C) of 134  
this section cannot feasibly be attained by forming a 135  
congressional district from whole municipal corporations and 136  
townships, the district shall be formed by splitting not more 137  
than one municipal corporation or township. If the commission 138  
must choose between multiple municipal corporations or townships 139  
for the purpose of splitting a municipal corporation or township 140  
under this division, the municipal corporation or township with 141  
the smallest population shall be split. 142

(E) (1) If it is not possible for the commission to comply 143  
with all of the requirements of divisions (B), (C), and (D) of 144  
this section in drawing a particular congressional district, the 145  
commission shall take the first action listed below that makes 146  
it possible for the commission to draw that district: 147

(a) Notwithstanding division (D) (2) of this section, the 148  
commission shall create the district by splitting two municipal 149  
corporations or townships. If the commission must choose between 150  
more than two municipal corporations or townships for the 151  
purpose of splitting municipal corporations and townships under 152  
this division, the municipal corporations or townships shall be 153  
split in order of population, proceeding from the smallest to 154  
the largest. 155

(b) Notwithstanding division (C) (2) of this section, the 156  
commission shall create the district by splitting, once, a 157  
single county that contains a population equal to the 158  
congressional ratio of representation. 159

(c) Notwithstanding division (C) (1) of this section, the 160

commission shall create the district by including in two 161  
districts portions of the territory that remain after a county 162  
that contains a population of more than one congressional ratio 163  
of representation has been divided into as many congressional 164  
districts as it has whole ratios of representation. 165

(2) If the commission takes an action under division (E) 166  
(1) of this section, the commission shall include in the 167  
congressional district plan a statement explaining which action 168  
the commission took under that division and the reason the 169  
commission took that action. 170

(3) If the commission complies with divisions (E) (1) and 171  
(2) of this section in drawing a district, the commission shall 172  
not be considered to have violated division (C) (1), (C) (2), or 173  
(D) (2) of this section, as applicable, in drawing that district, 174  
for the purpose of an analysis under division (D) of Section 7 175  
of this article. 176

**Section 4.** The Ohio redistricting commission shall attempt 177  
to draw a congressional district plan that meets all of the 178  
following standards: 179

(A) No congressional district plan shall be drawn 180  
primarily to favor or disfavor a political party. 181

(B) The statewide proportion of districts whose voters, 182  
based on statewide state and federal partisan general election 183  
results during the last ten years, favor each political party 184  
shall correspond closely to the statewide preferences of the 185  
voters of Ohio. 186

(C) Congressional districts shall be compact. 187

Nothing in this section permits the commission to violate 188  
the district standards described in Section 2, 3, or 5 of this 189

article. 190

Section 5. Notwithstanding the fact that boundaries of 191  
counties, municipal corporations, and townships within a 192  
district may be changed, district boundaries shall be created by 193  
using the boundaries of counties, municipal corporations, and 194  
townships as they exist at the time of the federal decennial 195  
census on which the redistricting is based, or, if unavailable, 196  
on such other basis as the general assembly has directed. 197

Section 6. (A) (1) If the Ohio redistricting commission 198  
fails to adopt a final congressional district plan not later 199  
than the first day of September of a year ending in the numeral 200  
one, in accordance with Section 1 of this article, the 201  
commission shall introduce a proposed congressional district 202  
plan by a simple majority vote of the commission. 203

(2) After introducing a proposed congressional district 204  
plan under division (A) (1) of this section, the commission shall 205  
hold a public hearing concerning the proposed plan, at which the 206  
public may offer testimony and at which the commission may adopt 207  
amendments to the proposed plan. Members of the commission 208  
should attend the hearing; however, only a quorum of the members 209  
of the commission is required to conduct the hearing. 210

(3) After the hearing described in division (A) (2) of this 211  
section is held, and not later than the fifteenth day of 212  
September of a year ending in the numeral one, the commission 213  
shall adopt a final congressional district plan, either by the 214  
vote required to adopt a plan under division (B) (3) of Section 1 215  
of this article or by a simple majority vote of the commission. 216

(B) If the commission adopts a final congressional 217  
district plan in accordance with division (A) (3) of this section 218  
by the vote required to adopt a plan under division (B) (3) of 219

Section 1 of this article, the plan shall take effect upon 220  
filing with the secretary of state and shall remain effective 221  
until the next year ending in the numeral one, except as 222  
provided in Section 7 of this article. 223

(C) (1) (a) Except as otherwise provided in division (C) (1) 224  
(b) of this section, if the commission adopts a final 225  
congressional district plan in accordance with division (A) (3) 226  
of this section by a simple majority vote of the commission, and 227  
not by the vote required to adopt a plan under division (B) (3) 228  
of Section 1 of this article, the plan shall take effect upon 229  
filing with the secretary of state and shall remain effective 230  
until two general elections for the United States house of 231  
representatives have occurred under the plan. 232

(b) If the commission adopts a final congressional 233  
district plan in accordance with division (A) (3) of this section 234  
by a simple majority vote of the commission, and not by the vote 235  
required to adopt a plan under division (B) of Section 1 of this 236  
article, and that plan is adopted to replace a plan that ceased 237  
to be effective under division (C) (1) (a) of this section before 238  
a year ending in the numeral one, the plan adopted under this 239  
division shall take effect upon filing with the secretary of 240  
state and shall remain effective until a year ending in the 241  
numeral one, except as provided in Section 7 of this article. 242

(2) A final congressional district plan adopted under 243  
division (C) (1) (a) or (b) of this section shall include a 244  
statement explaining what the commission determined to be the 245  
statewide preferences of the voters of Ohio and the manner in 246  
which the statewide proportion of districts in the plan whose 247  
voters, based on statewide state and federal partisan general 248  
election results during the last ten years, favor each political 249  
party corresponds closely to those preferences, as described in 250

division (B) of Section 4 of this article. At the time the plan 251  
is adopted, a member of the commission who does not vote in 252  
favor of the plan may submit a declaration of the member's 253  
opinion concerning the statement included with the plan. 254

(D) After a congressional district plan adopted under 255  
division (C) (1) (a) of this section ceases to be effective, and 256  
not earlier than the first day of July of the year following the 257  
year in which the plan ceased to be effective, the commission 258  
shall be reconstituted as provided in Section 1 of this article, 259  
convene, and adopt a new congressional district plan in 260  
accordance with this article, to be used until the next time for 261  
redistricting under this article. The commission shall draw the 262  
new congressional district plan using the same population and 263  
county, municipal corporation, and township boundary data as 264  
were used to draw the previous plan adopted under division (C) 265  
of this section. 266

**Section 7.** (A) The supreme court of Ohio shall have 267  
exclusive, original jurisdiction in all cases arising under this 268  
article. 269

(B) In the event that any section of this constitution 270  
relating to redistricting, any congressional district plan made 271  
by the Ohio redistricting commission, or any district is 272  
determined to be invalid by an unappealed final order of a court 273  
of competent jurisdiction then, notwithstanding any other 274  
provisions of this constitution, the commission shall be 275  
reconstituted as provided in Section 1 of this article, convene, 276  
and ascertain and determine a congressional district plan in 277  
conformity with such provisions of this constitution as are then 278  
valid, to be used until the next time for redistricting under 279  
this article in conformity with such provisions of this 280  
constitution as are then valid. 281

(C) (1) No court shall order, in any circumstance, the 282  
implementation or enforcement of any congressional district plan 283  
that has not been approved by the commission in the manner 284  
prescribed by this article. 285

(2) No court shall order the commission to adopt a 286  
particular congressional district plan or to draw a particular 287  
district. 288

(3) If the supreme court of Ohio determines that a 289  
congressional district plan adopted by the commission does not 290  
comply with the requirements of Section 2, 3, or 5 of this 291  
article, the available remedies shall be as follows: 292

(a) If the court finds that the plan contains one or more 293  
isolated violations of those requirements, the court shall order 294  
the commission to amend the plan to correct the violation. 295

(b) If, in considering a plan adopted under division (C) 296  
of Section 6 of this article, the court determines that both of 297  
the following are true, the court shall order the commission to 298  
adopt a new congressional district plan in accordance with this 299  
article: 300

(i) The plan significantly violates those requirements in 301  
a manner that materially affects the ability of the plan to 302  
contain districts whose voters favor political parties in an 303  
overall proportion that corresponds closely to the statewide 304  
political party preferences of the voters of Ohio, as described 305  
in division (B) of Section 4 of this article. 306

(ii) The statewide proportion of districts in the plan 307  
whose voters, based on statewide state and federal partisan 308  
general election results during the last ten years, favor each 309  
political party does not correspond closely to the statewide 310

preferences of the voters of Ohio. 311

**Section 8.** If a court of competent jurisdiction issues an 312  
unappealed final order that the general assembly must be 313  
responsible for the redistricting of this state for congress, 314  
all of the following shall apply: 315

(A) The general assembly shall adopt a final congressional 316  
district plan not later than the first day of September of a 317  
year ending in the numeral one. 318

(B) The congressional district plan shall comply with the 319  
requirements of Sections 2, 3, and 5 of this article. 320

(C) The general assembly shall attempt to comply with the 321  
standards described in Section 4 of this article in drawing the 322  
congressional district plan. 323

(D) Section 7 of this article shall apply to a 324  
congressional district plan adopted by the general assembly. 325

**Section 9.** The various provisions of this article are 326  
intended to be severable, and the invalidity of one or more of 327  
such provisions shall not affect the validity of the remaining 328  
provisions. 329

EFFECTIVE DATE 330

If adopted by a majority of the electors voting on this 331  
proposal, Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 of Article XIX 332  
of the Constitution of the State of Ohio enacted by this 333  
proposal take effect January 1, 2021. 334