

## Summary of the Fair Congressional Districts for Ohio Initiative Proposal

This initiative would amend Article XI of the Ohio Constitution to transfer responsibility for redrawing congressional district lines to the bipartisan Ohio Redistricting Commission, whose establishment was approved by the overwhelming majority (71.5 percent) of Ohio voters in 2015. Currently, the state legislature is responsible for drawing congressional districts and bipartisan approval is not required. This would go into effect following the 2020 census, and the new congressional district boundaries would enter into effect in 2022.

The Ohio Redistricting Commission consists of the Governor, the Secretary of State, the Auditor of State, and one person each appointed by the Ohio House and Senate Majority and Minority leaders. No member of Congress may serve on the Commission.

Any citizen of Ohio may propose a plan for the Commission's consideration.

To adopt a congressional map, the plan must be supported by a majority of the Commission, including at least two members of the minority party.

The plan adopted must conform to the following criteria:

- No congressional district map shall be drawn to favor or disfavor a political party or candidates.
- Each district will be nearly equal in population (one person, one vote).
- The plan shall minimize the splitting of counties, municipalities and townships, and no county shall be split more than once.
- Districts shall be geographically contiguous and compact.
- The Voting Rights Act and other state and federal laws that protect minority representation shall be respected.
- Representational fairness is required. This means that the statewide percentage of districts leaning towards each of the two major parties shall closely correspond to the partisan preferences of the voters of Ohio as measured by the statewide proportion of votes in state and federal partisan statewide general elections over the previous ten years.

## FULL TEXT OF PROPOSED AMENDMENT

Be it Resolved by the People of the State of Ohio that Article XI of the Ohio Constitution is hereby amended to add the following language shown underlined below, and repeal the existing language shown by strikethrough. Current language that is not changed appears without underline or strikethrough:

Section 1. (A) The Ohio redistricting commission shall be responsible for the redistricting of this state for the United States congressional house of representatives and for the general assembly. The commission shall consist of the following seven members:

- (1) The governor;
- (2) The auditor of state;
- (3) The secretary of state;
- (4) One person appointed by the speaker of the house of representatives;
- (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;
- (6) One person appointed by the president of the senate; and
- (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.

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.

(8) No appointed member of the commission shall be a current member of Congress.

(B)(1) Unless otherwise specified in this article, a simple majority of the commission members shall be required for any action by the commission.

(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:

- (i) Adopt rules of the commission;
- (ii) Hire staff for the commission;
- (iii) Expend funds.

(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.

(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 congressional or 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.

(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, the commission shall set a schedule for the adoption of procedural rules for the operation of the commission.

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 also release to the public a proposed congressional district plan for the boundaries of the districts for the prescribed number of congressional representatives as apportioned to the state pursuant to the Constitution of the United States. The commission shall draft the proposed plans in the manner prescribed in this article. Before 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 congressional district plan and 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 congressional district plan and a general assembly district plan, 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.

Section 3a. (A)(1) The whole population of the state, as determined by the most recent federal decennial census, shall be divided by the number of congressional representatives as apportioned to the state pursuant to the Constitution of the United States, and the quotient shall be the congressional ratio of representation for ten years next succeeding such redistricting.

(2) The commission shall minimize the extent to which each congressional district's population differs from the congressional ratio of representation to comply with federal constitutional standards and in doing so shall adhere to the criteria set forth in division (C) of this section in the creation of congressional districts. The commission shall include in a congressional district plan an explanation of the reason that any district contains a population that is not equal to the congressional ratio of representation.

(B) Any citizen of the United States permanently residing in the state of Ohio may submit a congressional district plan for the Ohio redistricting commission's consideration. The office of the Ohio Secretary of State shall make available upon request by any Ohio citizen the data and computer software needed to draw a legally valid map in accord with the criteria set forth in division (C) of this section. The Ohio redistricting commission shall establish and publicly announce a time period of at least two weeks for the public to submit plans for the United States Congress and the general assembly for the commission's consideration.

(C) The Ohio redistricting commission shall draw congressional districts to maximize compliance with the following criteria. If all of the criteria cannot feasibly be maximized, then priority shall be given based on the order in which each criterion is listed below.

(1) Any congressional district plan adopted by the commission shall comply with all applicable provisions of the constitutions of Ohio and the United States and of federal law, including, but not limited to, those protecting minority voting rights.

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

(3) No congressional district plan shall be drawn to favor or disfavor a political party or candidates.

(4)(a) The Ohio redistricting commission shall minimize the number of splits of counties, municipal corporations, and townships, in that order, and, where feasible, no county shall be split more than once.

(b) A county, municipal corporation, or township is considered to be split if any portion of its territory is not contained entirely within one district.

(c) For the purposes of this section, if a district is entirely contained within a single county, that district shall not be considered to be a county split.

(d) For the purposes of this section, if a municipal corporation or township has territory in more than one county, the municipal corporation or township shall not be considered split so long as all portions of that municipal corporation or township within a county are contained within a single district.

(5) The Ohio redistricting commission shall maximize representational fairness by adopting a plan whose statewide proportion of districts most closely corresponds to the partisan preferences of the voters of Ohio as measured by the statewide proportion of votes in state and federal partisan statewide general election results during the previous ten years.

(6) To the extent that is compatible with the other criteria in this section, the congressional district plan shall attempt to maximize compactness.

(7) The commission shall provide a written statement explaining how the congressional district map maximizes compliance with the criteria found in this division, in the priority order in which they are listed.

Section 7. Notwithstanding the fact that boundaries of counties, municipal corporations, and townships within a district may be changed, district boundaries for both the United States Congress and the general assembly shall be created by using the boundaries of counties, municipal corporations, and townships as they exist at the time of the federal decennial census on which the redistricting is based, or, if unavailable, on such other basis as the general assembly has directed.

Section 9. (A) The supreme court of Ohio shall have exclusive, original jurisdiction in all cases arising under this article.

(B) In the event that any section of this constitution relating to redistricting, any congressional district plan or general assembly district plan made by the Ohio redistricting commission, or any district is determined to be invalid by an unappealed final order of a court of competent jurisdiction then, notwithstanding any other provisions of this constitution, the commission shall be reconstituted as provided in Section 1 of this article, convene, and ascertain and determine a congressional district plan or general assembly district plan in conformity with such provisions of this constitution as are then valid, including establishing terms of office and election of members of the United States Congress or the general assembly from districts designated in the plans, to be used until the next time for redistricting under this article in conformity with such provisions of this constitution as are then valid.

(C) Notwithstanding any provision of this constitution or any law regarding the residence of senators, ~~and~~ representatives, or members of Congress, a congressional district plan or general assembly district plan made pursuant to this section shall allow thirty days for persons to change residence in order to be eligible for election.

(D)(1) No court shall order, in any circumstance, the implementation or enforcement of any general assembly district plan that has not been approved by the commission in the manner prescribed by this article.

(2) No court shall order the commission to adopt a particular general assembly district plan or to draw a particular district.

(3) If the supreme court of Ohio determines that a general assembly district plan adopted by the commission does not comply with the requirements of Section 2, 3, 4, 5, or 7 of this article, the available remedies shall be as follows:

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

(b) If the court finds that it is necessary to amend not fewer than six house of representatives districts to correct violations of those requirements, to amend not fewer than two senate districts to correct violations of those requirements, or both, the court shall declare the plan invalid and shall order the commission to adopt a new general assembly district plan in accordance with this article.

(c) If, in considering a plan adopted under division (C) of Section 8 of this article, the court determines that both of the following are true, the court shall order the commission to adopt a new general assembly district plan in accordance with this article:

(i) The plan significantly violates those requirements in a manner that materially affects the ability of the plan to contain districts whose voters favor political parties in an overall proportion that corresponds closely to the statewide political party preferences of the voters of Ohio, as described in division (B) of Section 6 of this article.

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