

130th General Assembly
Regular Session
2013-2014

. J. R. No.

JOINT RESOLUTION

Proposing to amend Sections 1, 2, 6, 12, 13, and 15
of Article XI, to amend, for the purpose of
adopting new section numbers as indicated in
parentheses, Sections 6 (3), 12 (7), 13 (8), and
15 (10) of Article XI, to enact new Sections 4, 5,
6, and 9 of Article XI, and to repeal Sections 3,
4, 5, 7, 8, 9, 10, 11, and 14 of Article XI of the
Constitution of the State of Ohio to revise the
process for redistricting the state for General
Assembly and congressional districts.

Be it resolved by the General Assembly of the State of Ohio,
three-fifths of the members elected to each house concurring
herein, that there shall be submitted to the electors of the
state, in the manner prescribed by law at the general election to
be held on November 4, 2014, a proposal to amend Sections 1, 2, 6,
12, 13, and 15 of Article XI, to amend, for the purpose of
adopting new section numbers as indicated in parentheses, Sections
6 (3), 12 (7), 13 (8), and 15 (10) of Article XI, and to enact new
Sections 4, 5, 6, and 9 of Article XI of the Constitution of the
State of Ohio to read as follows:

ARTICLE XI

Section 1. (A) ~~The governor, auditor of state, 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~~ 24
~~the legislative leaders in the two houses of the major political~~ 25
~~party of which the speaker is not a member shall be the persons~~ 26
~~responsible for the apportionment of this state for members of the~~ 27
~~general assembly~~ Ohio redistricting commission shall be 28
responsible for the redistricting of this state for congress and 29
the general assembly. The commission shall consist of the 30
following six members: 31

(1) One person appointed by the speaker of the house of 32
representatives; 33

(2) One person appointed by the legislative leader of the 34
largest political party in the house of representatives of which 35
the speaker of the house of representatives is not a member; 36

(3) One person appointed by the president of the senate; 37

(4) One person appointed by the legislative leader of the 38
largest political party in the senate of which the president of 39
the senate is not a member; 40

(5) One person, who is not affiliated with a political party, 41
appointed by a unanimous vote of the following individuals: 42

(a) The speaker of the house of representatives; 43

(b) The legislative leader of the largest political party in 44
the house of representatives of which the speaker of the house of 45
representatives is not a member; 46

(c) The president of the senate; and 47

(d) The legislative leader of the largest political party in 48
the senate of which the president of the senate is not a member. 49

(6) The secretary of state, who shall be a nonvoting member. 50

No member of the commission shall be a current member of the 51
general assembly or of congress. 52

~~Such persons, or a majority of their number, (B) The~~ 53
~~commission shall meet and establish in the manner prescribed in~~ 54
~~this Article article a redistricting of the state that defines the~~ 55
~~boundaries for each of Ohio's congressional districts, each of~~ 56
~~ninety-nine house of representatives districts, and thirty-three~~ 57
~~senate districts by the first day of October of the year in which~~ 58
~~the commission convenes. Such meeting shall convene on a date~~ 59
~~designated by the governor between August 1 and October 1 in the~~ 60
~~year one thousand nine hundred seventy one and every tenth year~~ 61
~~thereafter. The governor Unless otherwise specified in this~~ 62
~~article, a simple majority of the commission members shall be~~ 63
~~required for any action by the commission. A unanimous affirmative~~ 64
~~vote of the commission shall be required to adopt any plan.~~ 65

~~(C) All meetings of the commission shall be open to the~~ 66
~~public. The commission shall be convened by the member appointed~~ 67
~~under division (A)(5) of this section, who shall preside at its~~ 68
~~meetings, not later than the third Tuesday in January in each year~~ 69
~~ending in the numeral one. The presiding member shall give such~~ 70
~~persons two weeks advance public notice of the date, time, and~~ 71
~~place of such each commission meeting. The commission may adopt~~ 72
~~procedural rules for its operation.~~ 73

~~The governor (D) Upon its establishment, the secretary of~~ 74
~~state shall cause the apportionment redistricting to be published~~ 75
~~no later than October 5 of the year in which it is made, in such~~ 76
~~manner as provided by law. Upon the publication of the~~ 77
~~redistricting, the commission shall adjourn until the next year~~ 78
~~ending in the numeral one or until convened under Section 8 of~~ 79
~~this article.~~ 80

Section 2. ~~(A) The apportionment redistricting~~ of this state 81
for congress and for members of the general assembly shall be made 82
in the following manner: ~~The~~ 83

(1) The whole population of the state, as determined by the 84

federal decennial census, shall be divided by the number of 85
congressional districts apportioned to the state pursuant to 86
Section 2 of Article I of the constitution of the United States, 87
and the quotient shall be the congressional ratio of 88
representation for ten years next succeeding such redistricting. 89

(2) The whole population of the state, as determined by the 90
federal decennial census or, if such is unavailable, such other 91
basis as the general assembly may direct, shall be divided by the 92
number "ninety-nine" and the quotient shall be the ratio of 93
representation in the house of representatives for ten years next 94
succeeding such ~~apportionment~~ redistricting. The 95

(3) The whole population of the state as determined by the 96
federal decennial census or, if such is unavailable, such other 97
basis as the general assembly may direct, shall be divided by the 98
number "thirty-three" and the quotient shall be the ratio of 99
representation in the senate for ten years next succeeding such 100
~~apportionment~~ redistricting. 101

(B) The population of each congressional district shall be as 102
equal to the congressional ratio of representation as practicable, 103
as provided in division (A) of this section. 104

(C) The population of each house of representatives district 105
shall be substantially equal to the ratio of representation in the 106
house of representatives, as provided in division (A) of this 107
section, and in no event shall any house of representatives 108
district contain a population of less than ninety-five per cent 109
nor more than one hundred five per cent of the ratio of 110
representation in the house of representatives. 111

(D) The population of each senate district shall be 112
substantially equal to the ratio of representation in the senate, 113
as provided in division (A) of this section, and in no event shall 114
any senate district contain a population of less than ninety-five 115

per cent nor more than one hundred five per cent of the ratio of 116
representation in the senate. 117

(E) Each congressional district shall be entitled to a single 118
representative in the United States house of representatives in 119
each congress. Each house of representatives district shall be 120
entitled to a single representative in each general assembly. Each 121
senate district shall be entitled to a single senator in each 122
general assembly. 123

Section 6 3. (A) District boundaries established pursuant to 124
this ~~Article~~ ~~article~~ shall not be changed until the ensuing 125
federal decennial census and the ensuing ~~apportionment~~ 126
~~redistricting~~ or as provided in section ~~13~~ 8 of this ~~Article~~ 127
~~article~~, notwithstanding the fact that boundaries of political 128
subdivisions ~~or city wards~~ within the district may be changed 129
during that time. District boundaries shall be created by using 130
the boundaries of political subdivisions ~~and city wards~~ as they 131
exist at the time of the federal decennial census on which the 132
~~apportionment~~ ~~redistricting~~ is based, or if unavailable, on such 133
other basis as the general assembly has directed. 134

(B) Each congressional district shall be composed of 135
contiguous territory, and the boundary of each district shall be a 136
single nonintersecting contiguous line. 137

(C) Each house of representatives district shall be composed 138
of contiguous territory, and the boundary of each district shall 139
be a single nonintersecting continuous line. 140

(D) Each senate district shall be composed of three 141
contiguous house of representatives districts. 142

(E) Any island shall be part of the district which is 143
geographically closest to the island. 144

Section 4. (A) The secretary of state, by the first day of 145
April in a year ending in the numeral one, shall do all of the 146

<u>following:</u>	147
<u>(1) Gather and make available to the public, in a form that</u>	148
<u>facilitates data analysis and the drawing of legislative</u>	149
<u>districts:</u>	150
<u>(a) Thorough and accurate census data; and</u>	151
<u>(b) Information detailing the boundaries of political</u>	152
<u>subdivisions and election precincts.</u>	153
<u>(2) Establish and make public the statewide partisan index,</u>	154
<u>which shall be calculated as follows:</u>	155
<u>(a) Using the results of all nonjudicial Ohio statewide state</u>	156
<u>or federal elections in the ten years immediately preceding the</u>	157
<u>year of a redistricting, the secretary of state shall determine</u>	158
<u>the three elections that had the smallest percentage margin</u>	159
<u>between the highest and second highest nominees of a political</u>	160
<u>party. If in any of the three elections the percentages of the two</u>	161
<u>highest nominees of political parties do not equal one hundred per</u>	162
<u>cent, the remaining percentage for that election shall be</u>	163
<u>attributed to the parties of the two highest nominees in the ratio</u>	164
<u>of the percentages received by those nominees.</u>	165
<u>(b) The secretary of state then shall add together the</u>	166
<u>percentage of the vote received by the candidates with the same</u>	167
<u>political party affiliation for each of the three elections</u>	168
<u>described in division (A)(2)(a) of this section and divide each of</u>	169
<u>those totals by three to establish the statewide partisan index</u>	170
<u>for those political parties.</u>	171
<u>(3) Establish and make public the precinct partisan index of</u>	172
<u>each election precinct. To establish the precinct partisan index</u>	173
<u>for each precinct in the state, the secretary of state shall add</u>	174
<u>together the percentage of the vote received in that precinct by</u>	175
<u>the political party nominees described in division (A)(2)(a) of</u>	176
<u>this section. If in any of the three elections the percentages of</u>	177

those nominees do not equal one hundred per cent, the remaining 178
percentage for those nominees in those elections shall be 179
attributed to the parties of those nominees in the ratio of the 180
percentages received by those nominees. The secretary of state 181
shall then divide the percentage totals by three to establish the 182
precinct partisan index for each political party in each precinct 183
in the state. 184

(B) The secretary of state shall also provide to the Ohio 185
redistricting commission, and make public, any additional data or 186
election information the commission requests in the form 187
requested. 188

(C) The general assembly shall make appropriations to 189
adequately fund the activities of the commission and the secretary 190
of state's activities in support of the commission, including, but 191
not limited to, the provision of funds for equipment and staff. 192

Section 5. (A) The Ohio redistricting commission shall 193
administer a public competition to determine the congressional 194
district map, the house of representatives district map, and the 195
senate district map that comply, to the greatest extent, with the 196
criteria set forth below. 197

(B) Any resident of Ohio may submit one proposed 198
congressional district map, one proposed house of representatives 199
district map, and one proposed senate district map in the manner 200
prescribed by the commission. Plans shall be kept confidential by 201
the commission and its staff until the deadline for plan 202
submission, at which time all properly submitted plans shall be 203
made public. 204

(C)(1)(a) Proposed maps shall, to the greatest extent 205
possible, contain the number of congressional districts, house of 206
representatives districts, and senate districts that favor each 207
political party represented in the state partisan index in the 208

ratio reflected by that index. 209

(b) No house of representatives district map may be adopted 210
or selected that fails to include the number of districts favoring 211
each political party in the ratio reflected by the state partisan 212
index. 213

(c) No congressional district map or senate district map may 214
be adopted or selected that fails to include the number of 215
districts favoring each political party in the ratio reflected by 216
the state partisan index unless doing so is impossible, in which 217
case the only congressional map or senate map that may be adopted 218
or selected is one that includes the number of districts favoring 219
each political party in a ratio as close to that reflected by the 220
state partisan index as is possible. 221

(2)(a) For the purpose of evaluating proposed maps, the 222
district partisan index shall be calculated for each proposed 223
district in each map submitted in the competition that meets the 224
requirements of division (C)(1) of this section. 225

(b) The district partisan index shall be calculated by first 226
adding together, for each of the elections represented in the 227
calculation of the statewide partisan index, the number of votes 228
cast in each precinct in a proposed district for the nominees of 229
each of the political parties in those elections. The 230
district-wide vote totals for the nominee of each party in each of 231
the three elections shall be used to determine the district 232
partisan ratio for each of those three elections by determining, 233
from all votes cast for either such party in each election, the 234
percentage of votes cast for the nominee of each party in each 235
election. The average of those three percentages for each party 236
will establish the district partisan index for each party in each 237
proposed district. 238

(D) In evaluating proposed maps, the commission shall 239

determine the extent to which the district partisan index of each 240
proposed congressional district, each proposed house of 241
representatives district, and each proposed senate district varies 242
from the statewide partisan index. In particular, for each map, 243
the commission shall determine the number of districts in which 244
the district partisan index varies from the state partisan index 245
by: 246

(1) Less than one per cent; 247

(2) An amount equal to or greater than one per cent and less 248
than three per cent; 249

(3) An amount equal to or greater than three per cent and 250
less than five per cent; 251

(4) An amount equal to or greater than five per cent and less 252
than ten per cent; and 253

(5) An amount equal to or greater than ten per cent. 254

(E) Any map, with respect to the categories set forth in 255
divisions (D)(2) to (5) of this section, that has an equal number 256
of proposed districts in which the district partisan index favors 257
each political party which is represented in the state partisan 258
index in each of those categories will be deemed a better map than 259
one which has an unequal number of proposed districts in which the 260
district partisan index favors each political party in each of 261
those categories. 262

(F) If two or more maps are presented that equally meet the 263
criteria set forth in division (E) of this section, any map with a 264
greater number of proposed districts in which the district 265
partisan indices are between forty-nine per cent and fifty-one per 266
cent will be preferred over other such maps. 267

(G) If no map is presented that meets the criteria set forth 268
in division (E) of this section, or if two or more maps equally 269

meet the criteria set forth in division (F) of this section, the 270
map with closest to an equal number of proposed districts in which 271
the district partisan index favors each political party in each of 272
the categories set forth in division (D) of this section will be 273
deemed a better map than one which has a greater variance from an 274
equal number of proposed districts in which the district partisan 275
index favors each political party in those categories. 276

(H) If two or more maps are presented that equally meet the 277
criteria set forth in division (G) of this section, any map with a 278
greater number of proposed districts in which the district 279
partisan indices are between forty-nine per cent and fifty per 280
cent will be deemed a better map than other such maps. 281

(I) If two or more maps are presented that equally meet the 282
criteria set forth in division (H) of this section, the map that 283
preserves the greatest percentage of undivided municipalities will 284
be deemed a better map than one that preserves fewer undivided 285
municipalities. 286

(J) If two or more maps are presented that equally meet the 287
criteria set forth in division (I) of this section, the map with 288
the lowest compactness index will be deemed a better map than 289
others with a higher compactness index. For the purpose of this 290
division, the compactness index will be calculated by averaging 291
the compactness of all proposed districts in the map. The 292
compactness of each proposed district shall be determined by 293
dividing the area of the proposed district by its perimeter. 294

(K) If two or more maps are presented that equally meet the 295
criteria set forth in division (J) of this section, the commission 296
shall randomly select the map to be deemed the best among those 297
maps which equally meet the criteria set forth in that division. 298

(L) The public competition for the establishment of senate 299
districts shall not commence until the commission has established 300

the house of representatives districts. 301

(M) In calculating any of the percentages or indices in this 302
article, all calculations shall be made to within one 303
one-thousandth of one per cent. 304

Section 6. (A) After the public competition described in 305
Section 5 of this article has ended, the Ohio redistricting 306
commission shall determine the publicly submitted congressional 307
district map, house of representatives district map, and senate 308
district map that comply, to the greatest extent, with the 309
criteria set forth in that section. 310

(B) The commission, by a unanimous affirmative vote, shall 311
adopt a congressional district map, a house of representatives 312
district map, and a senate district map that comply with the 313
criteria set forth in this article. The adopted maps shall be 314
effective for the next subsequent general assembly and congress, 315
as applicable, and shall be in effect until the next 316
redistricting. 317

(C)(1) If the commission fails to adopt a congressional 318
district map on or before the first day of October of the year in 319
which the commission convenes, the congressional district map 320
selected under division (A) of this section shall be effective for 321
the next subsequent congress, and shall be in effect until the 322
next redistricting. 323

(2) If the commission fails to adopt a house of 324
representatives district map on or before the first day of October 325
of the year in which the commission convenes, the house of 326
representatives district map selected under division (A) of this 327
section shall be effective for the next subsequent general 328
assembly, and shall be in effect until the next redistricting. 329

(3) If the commission fails to adopt a senate district map on 330
or before the first day of October of the year in which the 331

commission convenes, the senate district map selected under 332
division (A) of this section shall be effective for the next 333
subsequent general assembly, and shall be in effect until the next 334
redistricting. 335

(D) Any map adopted or selected shall comply with all 336
applicable federal constitutional provisions and all applicable 337
federal statutory provisions, including, but not limited to, those 338
dealing specifically with the protection of minority voting 339
rights. 340

Section 12 7. (A) Except as specified in division (B) of this 341
section, the Ohio redistricting commission shall determine the 342
appropriate district numbers for congressional districts, house of 343
representatives districts, and senate districts, seeking, in its 344
sole and exclusive discretion, to assign numbers that will 345
minimize voter confusion. 346

(B) At any time the boundaries of senate districts are 347
changed in any plan of ~~apportionment~~ redistricting made pursuant 348
to any provision of this ~~Article~~ article, a senator whose term 349
will not expire within two years of the time the plan of 350
~~apportionment~~ redistricting is made shall represent, for the 351
remainder of the term for which ~~he~~ the senator was elected, the 352
senate district which contains the largest portion of the 353
population of the district from which ~~he~~ the senator was elected, 354
and the district shall be given the number of the district from 355
which the senator was elected. If more than one senator whose term 356
will not so expire would represent the same district by following 357
the provisions of this section, the ~~persons responsible for~~ 358
~~apportionment, by a majority of their number,~~ commission shall 359
designate which senator shall represent the district and shall 360
designate which district the other senator or senators shall 361
represent for the balance of their term or terms. 362

Section 13 8. The supreme court of Ohio shall have exclusive, 363

original jurisdiction in all cases arising under this ~~Article~~ 364
~~article~~. In the event that any section of this Constitution 365
relating to ~~apportionment~~ redistricting or any plan of 366
~~apportionment made by the persons responsible for apportionment,~~ 367
~~by a majority of their number,~~ redistricting adopted or selected 368
under Section 6 of this article is determined to be invalid by 369
either the supreme court of Ohio, ~~or the supreme court of the~~ 370
~~United States~~ by an unappealed final order of a federal court of 371
competent jurisdiction, then notwithstanding any other provisions 372
of this Constitution, the ~~persons responsible for apportionment by~~ 373
~~a majority of their number~~ Ohio redistricting commission shall 374
~~ascertain and determine~~ convene to establish a plan of 375
~~apportionment~~ redistricting in conformity with such provisions of 376
this Constitution as are then valid, including establishing terms 377
of office and election of members of the general assembly from 378
districts designated in the plan, to be used until the next 379
regular ~~apportionment~~ redistricting in conformity with such 380
provisions of this Constitution as are then valid. 381

~~Notwithstanding any provision of this Constitution or any law~~ 382
~~regarding the residence of senators and representatives, a plan of~~ 383
~~apportionment made pursuant to this section shall allow thirty~~ 384
~~days for persons to change residence in order to be eligible for~~ 385
~~election.~~ 386

The ~~governor~~ presiding member shall give the ~~persons~~ 387
~~responsible for apportionment~~ members of the commission two weeks 388
advance written notice of the date, time, and place of any meeting 389
held pursuant to this section. 390

Section 9. Notwithstanding any provision of this Constitution 391
or any law regarding the residence of senators and 392
representatives, a plan of redistricting made pursuant to this 393
article shall allow thirty days for persons to change residence in 394
order to be eligible for election. 395

Section 15 10. The various provisions of this ~~Article XI~~ article are intended to be severable, and the invalidity of one or more of such provisions shall not affect the validity of the remaining provisions.

EFFECTIVE DATE 400

If adopted by a majority of the electors voting on this proposal, Sections 1, 2, 6 (3), 12 (7), 13 (8), and 15 (10) of Article XI amended or amended and renumbered by this proposal and new Sections 4, 5, 6, and 9 of Article XI enacted by this proposal shall take effect on January 1, 2021, and existing Sections 1, 2, 6, 12, 13, and 15 and Sections 3, 4, 5, 7, 8, 9, 10, 11, and 14 of Article XI of the Constitution of Ohio are repealed from that effective date.

SCHEDULE 409

The amendments to Section 12 (7) of Article XI of the Ohio Constitution in part substitute gender neutral for gender specific language. These gender neutralizing amendments are not intended to make a substantive change in the Ohio Constitution. The gender neutral language is to be construed as a restatement of, and substituted in a continuing way for, the corresponding gender specific language existing prior to adoption of the gender neutralizing amendments.