

**IN THE SUPREME COURT OF OHIO**

**State of Ohio *ex rel.* Citizens Not  
Politicians, *et al.*,**

**Relators,**

**v.**

**Ohio Ballot Board, *et al.*,**

**Respondents.**

**Case No. 2024-1200**

Original Action in Mandamus Pursuant to  
Article XVI, Section 1 of the Ohio  
Constitution

Expedited Election Case  
Pursuant to Supreme Court Rule of  
Practice 12.08

Peremptory and Alternative Writs  
Requested

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**RELATORS' MERIT BRIEF**

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## INTRODUCTION

This November, the people of Ohio will vote on Issue 1, a proposed constitutional amendment that will remove redistricting power from politicians and entrust it to a citizens' redistricting commission (the "Amendment"). If adopted, the Amendment would expressly "ban partisan gerrymandering" by setting forth robust redistricting criteria to ensure fair maps, selection standards to ensure the new commission's impartiality and accountability, and transparency measures to ensure public information and participation. (RELATORS\_016 at Sec. 6(B)).

But the ballot title and language that Respondents the Ohio Ballot Board and Secretary of State Frank LaRose adopted would have voters believe exactly the opposite. According to the adopted text, the Amendment would: "require[] . . . gerrymander[ing]" based on "partisan outcomes as the dominant factor"; mandate that commissioners "belong to the state's two largest political parties" and be insulated from removal even for egregious misconduct; and prohibit public participation in, or legal challenges to, the Commission's work. (RELATORS\_034–36 ¶ 2–5, 8). This is not accurate. The Court need not take Relators' word for it. Earlier this year, Attorney General Dave Yost certified that the Amendment's summary was "fair and truthful." (RELATORS\_042); *see* R.C. 3519.01(A). That summary states, consistent with the Amendment's plain text, that the Amendment would "ban partisan gerrymandering." (RELATORS\_001–06).

Whether the new Amendment offers better public policy than the existing system is for voters to decide. The Ballot Board's job is to provide ballot language that gives voters the facts so that they can make up their own minds. Specifically, "to pass constitutional muster" under Article XVI, ballot language "must fairly and accurately present the question or issue to be decided in order to assure a free, intelligent and informed vote by the average citizen affected." *State ex rel. Voters First v. Ohio Ballot Bd.*, 2012-Ohio-4149, ¶ 29 (per curiam), quoting *State ex rel. Bailey v. Celebrezze*, 67 Ohio St.2d 516, 519 (1981); *see also Jurcisin v. Cuyahoga Cty. Bd. of Elections*,

35 Ohio St. 3d 137, 141–42 (1988). And the ballot title must be “true and impartial.” R.C. 3519.21. The present language and title are none of these things. The Ballot Board’s attempt to put a thumb on the scale against the Amendment is a thumb in the eye of Ohioans who expect their representatives on the Board to carry out their mandatory duties impartially.

The stakes of placing Respondents’ obviously distorted language and title on the ballot are high. As this Court has repeatedly explained, “in many instances, the only real knowledge a voter obtains on the issue for which he is voting comes when he enters the polling place and reads the description of the proposed issue set forth on the ballot.” *Voters First*, 2012-Ohio-4149, at ¶ 29, quoting *Schnoerr v. Miller*, 2 Ohio St.2d 121, 125 (1965). Allowing Respondents’ title and language to go unchecked would be akin to giving Ohio’s elected officials carte blanche to manipulate election outcomes—not just for this Amendment, but for all citizen initiatives. As Chief Justice Kennedy has recognized: “Our state Constitution is founded on the fundamental principle that ‘[a]ll political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform, or abolish the same, whenever they may deem it necessary.’” *State ex rel. DeBlase v. Ohio Ballot Bd.*, 2023-Ohio-1823, ¶ 30 (Kennedy, C.J., concurring), quoting Ohio Const., art. I, § 2. But when politicians use ballot text to obscure the purpose and effect of a citizen-initiated amendment, the political power inherent in the people is subverted; the people cannot fairly decide whether it is necessary to reform their Constitution if the ballot text misleads them about what they are being asked to do.

This Court has never hesitated to strictly enforce the legal requirements for the text that appears on the ballot, in recognition of Ohioans’ century-old right to amend their Constitution and laws through direct democracy. The Court should do the same here, by directing Respondents to start over and adopt ballot language and a ballot title that are consistent with their clear legal duties.

## STATEMENT

### **I. Ohio citizens proposed an amendment to the Ohio Constitution to replace the existing redistricting process with a citizen-led commission.**

On October 31, 2023, Ohio citizens submitted to Attorney General Yost an initiative petition including part-petitions bearing the signatures of more than a thousand qualified electors, a detailed summary, and the full text of a proposed constitutional amendment entitled: “An amendment to replace the current politician-run redistricting process with a citizen-led commission required to create fair state legislative and congressional districts through a more open and independent system.” (RELATORS\_001). As the Amendment’s detailed summary notes: “The proposed Amendment would repeal all existing sections in Articles XI and XIX of the Ohio Constitution related to state and congressional redistricting and add Article XX to the Constitution setting forth a structure and criteria to govern the process for drawing Ohio General Assembly and Ohio Congressional districts.” *Id.*

The initial written petition’s submission triggered the Attorney General’s duty to transmit the part-petitions to the appropriate county boards of elections for signature verification, and to “conduct an examination of the summary.” R.C. 3519.01(A). On November 9, 2023, by letter, Attorney General Yost confirmed that the county boards of elections had verified “at least 1,000 signatures” and that he had determined that the summary was “a fair and truthful statement of the proposed . . . constitutional amendment.” (RELATORS\_042); *see* R.C. 3519.01(A).

On July 1, 2024, the petition committee submitted the Amendment petition, which bore more than 731,000 Ohioans’ signatures, to the Secretary of State’s office. (RELATORS\_044). On July 23, the Secretary’s office certified that the petitioners had submitted 535,005 valid signatures from 58 counties, far more than the 413,487 signatures from 44 counties required by Article II.

(RELATORS\_048). Accordingly, the Amendment qualified for the November 5, 2024 general election ballot. *See* Ohio Const., art. II, §§ 1a, 1g.

**II. The Amendment’s proponents proposed using ballot language mirroring the ballot language used for 2015 and 2018 redistricting amendment proposals.**

The Ballot Board scheduled a meeting on August 16 to adopt ballot language. In advance of the meeting, the Amendment’s proponents proposed ballot language for the Ballot Board’s consideration. The language was crafted to mirror the approach taken by the Ballot Board in 2015 and 2018 to concisely summarize proposed amendments that established politician-controlled processes to draw state legislative and congressional districts, respectively.

[continued on next page]

The 2015 ballot language read:

**Issue 1**  
**Creates a bipartisan, public process for drawing legislative districts**

**Proposed Constitutional Amendment**

**Proposed by Joint Resolution of the General Assembly**

**To enact new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of Article XI and to repeal Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of Article XI of the Constitution of the State of Ohio.**

A majority yes vote is necessary for the amendment to pass.

The proposed amendment would:

- End the partisan process for drawing Ohio House and Senate districts, and replace it with a bipartisan process with the goal of having district boundaries that are more compact and politically competitive.
- Ensure a transparent process by requiring public meetings, public display of maps, and a public letter explaining any plan the Commission adopts by a simple majority vote.
- Establish the bipartisan Ohio Redistricting Commission, composed of 7 members including the Governor, the Auditor of State, the Secretary of State, and 4 members appointed by the majority and minority leaders of the General Assembly.
- Require a bipartisan majority vote of 4 members in order to adopt any final district plan, and prevent deadlock by limiting the length of time any plan adopted without bipartisan support is effective.

If passed, the amendment will become effective immediately.

	<b>YES</b>	<b>SHALL THE AMENDMENT BE APPROVED?</b>
	<b>NO</b>	

(RELATORS\_050).

The 2018 ballot language read:

**Issue 1**

**TITLE**

**Proposed Constitutional Amendment**

**Proposed by Joint Resolution of the General Assembly**

**To amend the version of Section 1 of Article XI that is scheduled to take effect January 1, 2021, and to enact Sections 1, 2, and 3 of Article XIX of the Constitution of the State of Ohio to establish a process for congressional redistricting.**

**A majority yes vote is necessary for the amendment to pass.**

The proposed amendment would:

- End the partisan process for drawing congressional districts, and replace it with a process with the goals of promoting bipartisanship, keeping local communities together, and having district boundaries that are more compact.
- Ensure a transparent process by requiring public hearings and allowing public submission of proposed plans.
- Require the General Assembly or the Ohio Redistricting Commission to adopt new congressional districts by a bipartisan vote for the plan to be effective for the full 10-year period.
- Require that if a plan is adopted by the General Assembly without significant bipartisan support, it cannot be effective for the entire 10-year period and must comply with explicit anti- gerrymandering requirements.

If passed, the amendment will become effective immediately.

	<b>YES</b>	<b>SHALL THE AMENDMENT BE APPROVED?</b>
	<b>NO</b>	

(RELATORS\_051).

In both cases, the ballot language briefly lays out, in plain English: (a) the process used to draw redistricting plans; (b) the affirmative goal of the redistricting process established; and (c) the process by which redistricting plans are adopted by the established Commission and General

Assembly. The language focused on informing the voters and did not extol the virtues of the redistricting system being replaced or denigrate the system being proposed.

Accordingly, this Amendment's proponents, including Relator Annette Tucker Sutherland, proposed that the Ballot Board adopt ballot language mirroring the even-handed approach taken by the Ballot Board for the 2015 and 2018 redistricting amendments. (RELATORS\_053-55).

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The Amendment’s proponents submitted the following proposed ballot language:

**Issue 1**  
**Amendment to the Constitution setting forth a structure and criteria to govern the process for drawing Ohio General Assembly and Ohio Congressional districts.**

**Proposed Constitutional Amendment**  
**Proposed by Initiative Petition**  
**To repeal Articles XI and XIX of the Ohio Constitution and enact Article XX of the Constitution of the State of Ohio.**  
**A majority yes vote is necessary for the amendment to pass.**

The proposed amendment would:

- Establish the Ohio Citizens Redistricting Commission, composed of 15 Ohio citizens, to draw and adopt Ohio General Assembly and Ohio Congressional districts.
- Require that the Commission consist of 15 members who have demonstrated the absence of any disqualifying conflicts of interest and who have shown an ability to conduct the redistricting process with impartiality, integrity, and fairness.
- Set forth that the Commission shall operate in a transparent manner by requiring public hearings that invite broad public participation throughout the state, public displays of redistricting plans, and a public report explaining any plan the Commission adopts.
- Provide that each redistricting plan shall contain single-member districts that are geographically contiguous, comply with federal law, closely correspond to the statewide partisan preferences of Ohio voters, and preserve communities.
- Require that all deliberations and actions of the Commission shall be in public meetings and all actions by the Commission require an affirmative vote of at least 9 of 15 members.

If passed, the amendment will become effective 30 days after the election.

	<b>YES</b>	<b>SHALL THE AMENDMENT BE APPROVED?</b>
	<b>NO</b>	

(RELATORS\_053).

**III. Secretary LaRose drafted and proposed false, misleading, deceptive, and prejudicial ballot language amounting to a persuasive argument against the Amendment, which the Ballot Board voted to make even more biased and inaccurate before adopting.**

The Ballot Board met to prescribe and certify ballot language for the Amendment on August 16, 2024. At the outset, the Ballot Board’s Secretary advised the Board of its substantive obligations. She explained that “[t]he ballot language must properly identify the substance of the proposal to be voted on,” that it “may contain the full text or a condensed version of the proposal,” that “[i]f a condensed version of the proposal is used[,] the ballot language must not omit substance of the proposal that is material,” and that “if the proposed amendment is condensed[,] the resulting language must not result in or imply a persuasive argument.” (RELATORS\_057 at 7:2–17).

After public testimony, Board member and State Senator Paula Hicks-Hudson moved to adopt the ballot language proposed by the Amendment’s proponents as set out above. The motion failed on a 3-2 party line vote. (RELATORS\_071–72 at 61:13–66:10).

Secretary LaRose then proposed adoption of his draft ballot language for the Amendment. (RELATORS\_072 at 66:11–67:4); *see also* (RELATORS\_081–83). As other Ballot Board members pointed out, Secretary LaRose’s proposed language contained numerous inaccuracies and misrepresented many aspects of the Amendment in an improper attempt to persuade voters to vote against it. *See, e.g.*, (RELATORS\_072–73 at 68:5–69:18, 70:12–71:2).

The Board’s majority did not correct these inaccuracies, but instead made them even worse. Board member and State Senator Theresa Gavarone moved to substitute alternative language into paragraph 2 of Secretary LaRose’s proposed ballot language. Rather than falsely state that the Amendment would require the Commission to “manipulate district boundaries” to favor the two major political parties, Senator Gavarone proposed ballot language that went even further,

asserting that the Amendment would *require* the Commission to “gerrymander” the district boundaries to favor either of the two largest political parties. (RELATORS\_074 at 75:3–24).<sup>1</sup>

Board member and State Representative Terrance Upchurch rued that the Ballot Board was being asked to make a bad situation worse. (RELATORS\_075 at 77:9–12). And, after a short recess, Senator Hicks-Hudson stated her opposition to Senator Gavarone’s alternative language, noting, among other things, that the Amendment’s text does not *require* partisan gerrymandering to favor a political party—it expressly *prohibits* partisan gerrymandering to favor a political party. (RELATORS\_076 at 81:17–82:17). The Ballot Board then immediately voted, on a 3-2 party line vote, to adopt the language introduced by Secretary LaRose as amended by Senator Gavarone. (RELATORS\_076–77 at 83:10–84:4, 87:22–88:17).

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<sup>1</sup> Senator Gavarone’s successful proposal also included inserting the words “either of” into paragraph 2 such that the language would read, in relevant part: “Establish a new taxpayer-funded commission of appointees required to gerrymander the boundaries of state legislative and congressional districts to favor either of the two largest political parties in the State of Ohio according to a formula based on partisan outcomes as the dominant factor.” (RELATORS\_034); *see also* (RELATORS\_074 at 75:11–24).

The final ballot language adopted by the Ballot Board and ballot title prescribed by Secretary LaRose read as follows:

**Issue 1**

To create an appointed redistricting commission not elected by or subject to removal by the voters of the state

**Proposed Constitutional Amendment**

**Proposed by Initiative Petition**

**To repeal Sections 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of Article XI,  
Repeal sections 1, 2 and 3 of Article XIX,  
And enact Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of Article XX of the Constitution  
of the State of Ohio**

**A majority yes vote is necessary for the amendment to pass.**

The proposed amendment would:

1. Repeal constitutional protections against gerrymandering approved by nearly three quarters of Ohio electors participating in the statewide elections of 2015 and 2018, and eliminate the longstanding ability of Ohio citizens to hold their representatives accountable for establishing fair state legislative and congressional districts.
2. Establish a new taxpayer-funded commission of appointees required to gerrymander the boundaries of state legislative and congressional districts to favor either of the two largest political parties in the state of Ohio, according to a formula based on partisan outcomes as the dominant factor, so that:
  - A. Each district shall contain single-member districts that are geographically contiguous, but state legislative and congressional districts will no longer be required to be compact; and
  - B. Counties, townships and cities throughout Ohio can be split and divided across multiple districts, and preserving communities of interest will be secondary to the formula that is based on partisan political outcomes.
3. Require that a majority of the partisan commission members belong to the state's two largest political parties.
4. Prevent a commission member from being removed, except by a vote of their fellow commission members, even for incapacity, willful neglect of duty or gross misconduct.

5. Prohibit any citizen from filing a lawsuit challenging a redistricting plan in any court, except if the lawsuit challenges the proportionality standard applied by the commission, and then only before the Ohio Supreme Court.

6. Create the following process for appointing commission members: Four partisan appointees on the Ohio Ballot Board will choose a panel of 4 partisan retired judges (2 affiliated with the first major political party and 2 affiliated with the second major political party). Provide that the 4 legislative appointees of the Ohio Ballot Board would be responsible for appointing the panel members as follows: the Ballot Board legislative appointees affiliated with the same major political party would select 8 applicants and present those to the Ballot Board legislative appointees affiliated with the other major political party, who would then select 2 persons from the 8 for appointment to the panel, resulting in 4 panel appointees. The panel would then hire a private professional search firm to help them choose 6 of the 15 individuals on the commission. The panel will choose those 6 individuals by initially creating a pool of 90 individuals (30 from the first major political party, 30 from the second major political party, and 30 from neither the first nor second major political parties). The panel of 4 partisan retired judges will create a portal for public comment on the applicants and will conduct and publicly broadcast interviews with each applicant in the pool. The panel will then narrow the pool of 90 individuals down to 45 (15 from the first major political party; 15 from the second major political party; and 15 from neither the first nor second major political parties). Randomly, by draw, the 4 partisan retired judges will then blindly select 6 names out of the pool of 45 to be members of the commission (2 from the first major political party; 2 from the second major political party; and 2 from neither the first nor second major political parties). The 6 randomly drawn individuals will then review the applications of the remaining 39 individuals not randomly drawn and select the final 9 individuals to serve with them on the commission, the majority of which shall be from the first and the second major political parties (3 from the first major political party, 3 from the second major political party, and 3 from neither the first nor second major political parties).

7. Require the affirmative votes of 9 of 15 members of the appointed commission to create legislative and congressional districts. If the commission is not able to determine a plan by September 19, 2025, or July 15 of every year ending in one, the following impasse procedure will be used: for any plan at an impasse, each commissioner shall have 3 days to submit no more than one proposed redistricting plan to be subject to a commission vote through a ranked-choice selection process, with the goal of having a majority of the commission members rank one of those plans first. If a majority cannot be obtained, the plan with the highest number of points in the ranked-choice process is eliminated, and the process is repeated until a plan receives a majority of first-place rankings. If the ranked-choice process ends in a tie for the highest point total, the tie shall be broken through a random process.

8. Limit the right of Ohio citizens to freely express their opinions to members of the commission or to commission staff regarding the redistricting process or proposed redistricting plans.
9. Require the commission to immediately create new legislative and congressional districts in 2025 to replace the most recent districts adopted by the citizens of Ohio through their elected representatives.
10. Impose new taxpayer-funded costs on the State of Ohio to pay the commission members, the commission staff and appointed special masters, professionals, and private consultants that the commission is required to hire; and an unlimited amount for legal expenses incurred by the commission in any related litigation.

If passed, the amendment will become effective 30 days after the election.

	<b>YES</b>	<b>SHALL THE AMENDMENT BE APPROVED?</b>
	<b>NO</b>	

(RELATORS\_034–36).

### **LEGAL STANDARD**

“A relator seeking a writ of mandamus must establish (1) a clear legal right to the requested relief, (2) a clear legal duty on the part of the respondent official or governmental unit to provide it, and (3) the lack of an adequate remedy in the ordinary course of the law.” *State ex rel. Manley v. Walsh*, 2014-Ohio-4563, ¶ 18.

### **ARGUMENT**

#### **I. Proposition of Law 1: The ballot language prescribed by the Ballot Board violates the Ohio Constitution and Revised Code.**

The Ballot Board’s prescribed ballot language is contrary to the Constitution and laws of the State of Ohio. Rather than properly identifying the substance of the proposal, it misleads and deceives the voters, and it attempts to persuade them to vote against the Amendment. It suffers from a host of defects, ranging from bald falsehoods and material omissions to improperly

deceptive and out-of-context language. The cumulative effect of these defects is to render the language, as a whole, unlawful under the Ohio Constitution.

Article XVI of the Ohio Constitution establishes the standard that the ballot language must satisfy. Ohio Const., art. XVI, § 1; *see id.*, art. II, § 1g (applying the Article XVI standard to ballot language for citizen-initiated amendments); *see also* R.C. 3505.062(B) (restating the constitutional standard). Specifically, where the Ballot Board elects to summarize a proposed amendment rather than using its full text, Article XVI, Section 1 provides that the ballot language must “properly identify the substance of the proposal to be voted upon,” and may not be “such as to mislead, deceive, or defraud the voters.”<sup>2</sup>

This Court has developed several principles to enforce this constitutional command. The Court generally determines first “whether the language tells voters what they are being asked to vote on and whether the language impermissibly amounts to persuasive argument for or against the issue.” *State ex rel. One Person One Vote v. Ohio Ballot Bd.*, 2023-Ohio-1928, ¶ 8 (per curiam), citing *Bailey*, 67 Ohio St.2d at 519; *accord State ex rel. Ohioans United for Reproductive Rights v. Ohio Ballot Bd.*, 2023-Ohio-3325, ¶ 12. In making that determination, the Court looks to several specific considerations:

The ballot [language] must be complete enough to convey an intelligent idea of the scope and import of the amendment. It ought not to be clouded by undue detail as not to be readily understandable. It ought to be free from any misleading tendency, whether of amplification, or omission. It must in every particular be fair to the voter to the end that intelligent and enlightened judgment may be exercised by the ordinary person in deciding how to mark the ballot.

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<sup>2</sup> Section 3505.062(B) of the Revised Code similarly requires the Ballot Board to “[p]rescribe the ballot language for constitutional amendments . . . which language shall properly identify the substance of the proposal to be voted upon.”

*Markus v. Trumbull Cty. Bd. of Elections*, 22 Ohio St.2d 197, 202–03 (1970). The Court considers material omissions to be just as misleading as explicit inaccuracies. An “omission in the ballot[] board’s condensed ballot language . . . is in the nature of a persuasive argument against its adoption” because it misleads voters by implication. *Voters First*, 2012-Ohio-4149, at ¶ 48.

If the Court determines that “there are defects in ballot language,” it next “examine[s] the defects as a whole and determine[s] whether their cumulative effect violates the constitutional standard.” *One Person One Vote*, 2023-Ohio-1928, at ¶ 8, citing *Bailey*, 67 Ohio St.2d at 519. In assessing the cumulative effect of any defects, the Court has usually looked to the ultimate purpose of the ballot language and asked whether the language adequately serves that purpose. “It is only from the ballot statement that the ultimate deciders of the question can arrive at an efficacious and intelligent expression of opinion.” *Markus*, 22 Ohio St.2d at 203.

Finally, the Court’s analysis takes into account the critical importance of ballot language to voters’ decision-making. In this regard, the Court has recognized that “in many instances, the only real knowledge a voter obtains on the issue for which he is voting comes when he enters the polling place and reads the description of the proposed issue set forth on the ballot.” *Voters First*, 2012-Ohio-4149, at ¶ 29, quoting *Schnoerr*, 2 Ohio St.2d at 125.

**A. The ballot language is defective.**

The Ballot Board’s prescribed language misleads the voters about “what they are being asked to vote on” and “is impermissibly argumentative . . . against” the Amendment. *Ohioans United for Reproductive Rights*, 2023-Ohio-3325, at ¶ 12. Accordingly, the ballot language is defective and thus unlawful. *One Person One Vote*, 2023-Ohio-1928, at ¶ 8. The ballot language suffers from at least the following defects:

- (1) It falsely states that the Amendment would mandate partisan gerrymandering rather than ban it.
- (2) It inappropriately includes information about the vote margin and method by which current law was adopted in an attempt to persuade voters to maintain the status quo and vote against the Amendment, and it mischaracterizes the Amendment’s general impact as a “repeal” of “constitutional protections against gerrymandering.”
- (3) It falsely states that the Amendment would populate the Ohio Citizens Redistricting Commission with partisans, when in fact it would bar partisan politicians and other political actors from serving on the Commission.
- (4) It falsely states that the Amendment would limit Ohio citizens from communicating with the Commission, rather than mandate an open, public, and transparent process for all citizens to be able to have input on redistricting plans.
- (5) It misstates the scope of judicial review under the Amendment.
- (6) It misleadingly states that, under the Amendment, “[c]ounties, townships and cities throughout Ohio can be split and divided across multiple districts, and preserving communities of interest will be secondary to the formula that is based on partisan political outcomes,” omitting the fact that the current redistricting system already permits such splits across multiple districts.
- (7) It mischaracterizes the Amendment as *preventing* a commissioner from being removed, even in the case of incapacity or egregious misconduct.
- (8) It inappropriately and misleadingly states that the Amendment would “replace the most recent districts adopted by the citizens of Ohio through their elected representatives,”

despite the fact that Ohio citizens do not elect members to serve on the existing Ohio Redistricting Commission.

(9) It mischaracterizes the Amendment’s impact on public expenditures.

*See* (RELATORS\_034–36). In all these respects, the ballot language is false, deceptive, misleading, and aimed at persuading voters to vote against the Amendment. Because none can survive under this Court’s precedent, each defect violates Ohio law and must be corrected.

**1. The Amendment would explicitly “ban partisan gerrymandering and prohibit the use of redistricting plans that favor one political party and disfavor others”—but the adopted ballot language claims it says the opposite.**

The Ballot Board voted to adopt ballot language falsely stating that the Amendment would require the Commission to “gerrymander [district] boundaries” to “favor either of the two largest political parties in the state of Ohio.” (RELATORS\_034 ¶ 2). And the Ballot Board members who supported this language explained themselves by merely arguing that because “the term gerrymander has been used [in the Amendment] . . . it must not be an off limits word.” (RELATORS\_075 at 79:8–24).<sup>3</sup> This logic defies credulity. It is akin to saying that an amendment banning drunk driving *permits* drunk driving because the word “drunk” is not an “off limits word.” In fact, in its own words, the Amendment would “*ban* partisan gerrymandering and *prohibit* the use of redistricting plans that favor one political party and disfavor others.” (Emphases added.) (RELATORS\_016 at Sec. 6(B)). And Attorney General Yost approved proponents’ summary stating that the Amendment would “ban partisan gerrymandering and redistricting plans that favor or disfavor a political party,” (RELATORS\_003 ¶ 22), as “fair and truthful,” (RELATORS\_042).

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<sup>3</sup> These Ballot Board members also noted that the definition of “gerrymander . . . is to manipulate the boundaries of an electoral constituency so as to favor one party over another.” (RELATORS\_074 at 76:12–17).

The Amendment prohibits gerrymandering by ensuring that the plans adopted by the Commission seek to approximate the statewide partisan preferences of Ohioans while drawing geographically contiguous districts that also reflect communities of interest. (RELATORS\_016 at Sec. 6(A)–(B)). Preventing partisan gerrymandering through this kind of partisan neutrality standard is not a new concept in Ohio law. Under current law, the Ohio Redistricting Commission is required to attempt drawing General Assembly district plans that do not favor or disfavor a political party and in which “[t]he statewide proportion of districts whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party [] correspond closely to the statewide preferences of the voters of Ohio.” Ohio Const., art. XI, § 6(B). And yet the ballot language used by the Ballot Board in 2015 to explain this process did not describe it as “gerrymandering”—it said that the relevant proposal would “[e]nd the partisan process for drawing Ohio House and Senate districts.” (RELATORS\_050). If that was an accurate description of similar language, then it cannot possibly be the case that the Ballot Board is accurately describing the Amendment here.<sup>4</sup>

Thus, the Ballot Board’s language is legally deficient because it is deceptive and “impermissibly argumentative . . . against” the Amendment, and it does not “tell[] voters what they are being asked to vote on.” *Ohioans United for Reproductive Rights*, 2023-Ohio-3325, at ¶ 12.

**2. The ballot language describing the general impact of the Amendment is deceptive, misleading, and impermissibly persuasive.**

The very first paragraph of the Ballot Board’s language is crafted to be deceptive and misleading, and thereby fails to properly convey “the scope and import” of the Amendment,

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<sup>4</sup> At the Ballot Board’s meeting, public testimony from undersigned counsel noted that the word “draw” accurately reflects what the Commission does, whereas the Secretary’s proposed language used “manipulate,” which is a word with “very negative connotations to most people.” (RELATORS\_059 at 16:12–24).

“impermissibly amount[ing] to persuasive argument . . . against the issue.” *One Person One Vote*, 2023-Ohio-1928, at ¶ 8, 11, quoting *Markus*, 22 Ohio St.2d at 203. That language reads:

Repeal constitutional protections against gerrymandering approved by nearly three-quarters of Ohio electors participating in the statewide elections of 2015 and 2018, and eliminate the longstanding ability of Ohio citizens to hold their representatives accountable for establishing fair state legislative and congressional districts.

(RELATORS\_034 ¶ 1). There are numerous fatal flaws with this language.

First, it is patently inappropriate, irrelevant, and seemingly unprecedented for the Ballot Board to include information about the vote margin or method by which current law was adopted. The *only* reason to include this information is to persuade voters that they are being asked to repeal a “popular” redistricting system. See *One Person One Vote*, 2023-Ohio-1928, at ¶ 10–12 (explaining that ballot language need not “inform voters about current law” or “describe the pre-amendment status quo”).

Second, it is misleading and prejudicial to characterize the Amendment as a “repeal” of “constitutional protections against gerrymandering,” and to juxtapose that claim with the second paragraph’s claim the Amendment would require the Commission to “gerrymander” district boundaries for partisan purposes. (RELATORS\_034 ¶ 1–2). This is (inaccurate) campaign rhetoric designed to persuade—it is not impartial, factual information meant to inform voters.

Third, and similarly, the claim that the Amendment would “eliminate the longstanding ability of Ohio citizens to hold their representatives accountable for establishing fair state legislative and congressional districts,” is nonsense. *Id.* ¶ 1. This is not a neutral statement of what the Amendment would do. The Amendment is needed precisely because representatives are *not* accountable in districts that are carefully rigged to inoculate politicians from voter dissatisfaction.

Where the Ballot Board wishes to neutrally describe a ballot measure shifting governmental authority to an appointed commission, it knows how to do so. For example, in

language adopted for the 2015 constitutional amendment regarding the commercial production and sale of marijuana, the Ballot Board described that amendment as “[l]imit[ing] the ability of the legislature and local governments from regulating the manufacture, sales, distribution and use of marijuana . . . [and] [c]reat[ing] a new state government agency called the marijuana control commission (with limited authority) to regulate the industry, comprised of seven Ohio residents appointed by the Governor . . . .” (RELATORS\_109). But here the Ballot Board has adopted language that is “impermissibly argumentative . . . against” the Amendment and does not properly “tell[] voters what they are being asked to vote on.” *Ohioans United for Reproductive Rights*, 2023-Ohio-3325, at ¶ 12. Because it is not an impartial description of the Amendment’s effects, this language is legally deficient under Ohio law.

**3. The Amendment does not require a majority of commissioners to “belong to” the State’s two largest political parties.**

Paired with the baseless allegation that the Amendment’s prohibition on gerrymandering actually *requires* gerrymandering, the Ballot Board’s ballot language inaccurately and misleadingly describes who can serve on the new Ohio Citizens Redistricting Commission: It asserts that a majority of the “partisan” commissioners must “belong to” the two largest political parties. (RELATORS\_034 ¶ 3). The plain intent of this falsehood is to mislead voters into believing that the proposed Amendment would constitutionalize partisan control of the Commission rather than prohibiting such partisan control.

As an initial matter, the Amendment does not use the word “belong to” and in fact does *not* require any Ohio citizen serving on the Commission to “belong to” a political party. The Amendment actually *bans* from service: (1) current elected or appointive officials; (2) candidates; (3) officers, paid consultants, or contractors to any political party, political action committee, or campaign committee; staff members, paid consultants, or contractors to any elected official or

candidate; (4) registered lobbyists and legislative agents; (5) people who have served in those capacities over the last six years; and (6) family members of such individuals. (RELATORS\_012–13 at Sec. 3(C)).

Instead, to ensure that the Commission is independent and *not* dominated by any political party, the Amendment requires that no more than five commissioners be “affiliated” with each of the two major political parties, and it requires that five commissioners must be *unaffiliated* with either of the two major parties. (RELATORS\_007 at Sec. 1(C)). And the Amendment sets out exactly what it means to be “affiliated” with a party: “Party affiliation shall be determined based on the applicant’s voting record in party primaries and various other relevant factors including, but not limited to, political contributions, campaign activities, and other reliable indicia of partisan affiliation.” (RELATORS\_009 at Sec. 2(D)(2)(a)).

By contrast, “belongs to” implies membership, and being a member of a political party is different from being affiliated with a political party. *See* R.C. 3513.19(A)(3) (explaining that a person is entitled to vote in a partisan primary if they are “affiliated with” *or* a “member of the political party whose ballot the person desires to vote”). It is misleading to suggest that a person *must* “belong to”—i.e., be a member of—one of the two major political parties to serve on the Ohio Citizens Redistricting Commission.

The Amendment sets rules and restrictions on who can and cannot serve on the Commission, including barring a wide array of political actors. The ballot language falsely describes who can serve on the Commission and does not indicate how many commissioners there will be from each affiliation category. Notably, the Amendment also requires the affirmative vote of at least nine commissioners, including at least two from each affiliation category (including unaffiliated commissioners), for all actions by the Commission. *See* (RELATORS\_013 at

Sec. 4(A)). The balanced, tripartite commission structure and minimum cross-affiliation and non-affiliation voting requirements ensure that the Commission's actions will *not* be dominated by partisan actors.

Thus, paragraph 3 of the Ballot Board's language is both false and deceptive. And, likewise, the material omissions of any mention of the Amendment's rules barring conflicts of interest and requiring a demonstration of a commissioner's ability to serve with impartiality, integrity, and fairness, along with the Commission's voting requirements, further render it legally deficient.

**4. The Amendment does not limit the right of any Ohioan to freely express their public opinions to the Commission.**

The Ballot Board's language falsely states that the Amendment will “[l]imit the right of Ohio citizens to freely express their opinions to members of the commission or to commission staff regarding the redistricting process or proposed redistricting plans.” (RELATORS\_035–36 ¶ 8). This baseless statement is explicitly contradicted by numerous provisions of the Amendment, all of which exemplify its clear aims to ensure maximum transparency and opportunities for all Ohioans to participate and be heard. And Attorney General Yost likewise agreed at the summary certification stage that the Amendment would require the Ohio Citizens Redistricting Commission to operate in an “open and transparent process” that “invites broad participation throughout the state” and includes public meetings and hearings. (RELATORS\_001–03, 005 ¶ 2, 11, 14–18, 46); *see* (RELATORS\_042).

*Nothing* in the Amendment prohibits any Ohioan from exercising their right to express their opinions to the Commission. The Amendment explicitly requires that “[a]ll deliberations and actions of the commission shall be in public meetings,” (RELATORS\_013 at Sec. 4(A)), and guarantees that “[t]he commission shall conduct its hearings in a manner that *invites broad public*

*participation throughout the state*, including by using technology to broadcast commission meetings and to facilitate meaningful participation from a range of Ohioans.” (Emphasis added.) (RELATORS\_014 at Sec. 5(A)). The Amendment also requires the Commission to “hold at least three rounds of public meetings” before adopting a redistricting plan, as well as at least five public input hearings across Ohio both before and after the release of draft redistricting plans.<sup>5</sup> (RELATORS\_014–15 at Sec. 5(B)). In addition to peripatetically traversing the State to hold public hearings, the Commission is also required to “provide a portal for digital submission of public comments.” (RELATORS\_015 at Sec. 5(C)).

The Amendment further requires that all “commissioners and commission staff, professionals and consultants . . . adhere to all applicable public records and open meetings laws.” (RELATORS\_014 at Sec. 5(A)(1)). And because the Commission is required to conduct its business transparently in open public meetings, the Amendment prohibits the Commission and its staff from communicating with “any outside person about the redistricting process or redistricting plan outcomes” outside public meetings and official Commission portals. *Id.* at Sec. 5(A)(2).

Although the Amendment prohibits such *ex parte* communications between the Commission and outside persons, it does so in furtherance of *ensuring* transparency and opportunities for all Ohioans to participate on equal footing and preventing undue influence through behind-the-scenes communications. To be sure, the Amendment provides that “no person shall attempt to contact any member or members of the commission or commission staff, professional, or consultants with the intent to influence the redistricting process or redistricting

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<sup>5</sup> These hearings must “take place in all five regions of Ohio, with at least one hearing in the northwest region, one in the northeast region, one in the southeast region, one in the southwest region, and one in the central region.” (RELATORS\_014–15 at Sec. 5(B)(1)); *see also* (RELATORS\_015 at Sec. 5(B)(2)).

plan outcomes *other than through designated public meetings or official commission portals.*” (Emphasis added.) *Id.* at Sec. 5(A)(3). But the Amendment *does not* prohibit any person from opining on the redistricting process or proposed redistricting plans—it simply includes a sunshine provision to ensure attempts to influence the outcome occur publicly.

These purposes are evident from the consequences for noncompliance: If a commissioner, for example, receives such an *ex parte* communication, *they* must “immediately disclose[] [it] to the commission as a whole including legal counsel.” (RELATORS\_014 at Sec. 5(A)(3)). The person *making* the communication faces no punishment or consequences. Instead, if the Commission determines that the communication is a material violation and that the identity of the person making that communication would be of public interest, it may vote to make public the attempt to influence the Commission privately. *Id.* The person making the communication is not “limited” from expressing their opinion—other Ohioans will simply be informed of it, thereby allowing them to express their own opinions about other forces seeking to influence the Commission. Thus, far from limiting any Ohio citizen’s ability to freely express themselves before the Commission, these procedures ensure fairness both in Ohioans’ opportunities to participate and in the Commission’s own decision making. *Cf. Myers v. Pub. Util. Comm.*, 64 Ohio St. 3d 299, 303 (1992) (recognizing that purpose of prohibition on *ex parte* communications “is to prevent a party from gaining an unfair advantage”); *Paridon v. Trumbull Cty. Children Servs. Bd.*, 2013-Ohio-881, ¶ 29 (recognizing that Ohio’s Sunshine Law is “aimed at promoting openness in government” and does not guarantee anonymity for citizens participating in public meetings). The Amendment allows every Ohioan to freely express their opinion to the Commission. But if that opinion is expressed outside the Commission’s public process, and is a material communication about the redistricting process, the Commission can vote to make the communication public.

Not only does the ballot language flatly misstate what the Amendment would require, but it also *says nothing at all* about the public process requirements outlined above. Again, the Court has long recognized that ballot language marred by material omissions is defective. *Voters First*, 2012-Ohio-4149, at ¶ 27–31.

**5. The ballot language falsely states the Amendment’s effects on the scope of judicial review.**

The Ballot Board’s language falsely states that the Amendment will “[p]rohibit any citizen from filing a lawsuit challenging a redistricting plan in any court, except if the lawsuit challenges the proportionality standard applied by the commission, and then only before the Ohio Supreme Court.” (RELATORS\_034–35 ¶ 5). Again, this assertion is outright wrong: The Amendment simply does not say or do what the Ballot Board’s language claims.

First, the Amendment does not preclude federal courts from hearing redistricting challenges otherwise falling within their jurisdiction. Thus, the Amendment does not preclude “any court” from hearing a challenging to a redistricting plan passed by the Commission, because it could not do so. The Supremacy Clause of the U.S. Constitution would preclude any such attempt. *See United States v. Washington*, 596 U.S. 832, 835 (2022) (recognizing that states cannot “directly regulate or discriminate against” the federal government without its consent). Naturally, only the federal government—i.e., Congress—has the power to strip federal courts from hearing cases that are otherwise properly before them. *See Patchak v. Zinke*, 583 U.S. 244, 250–51 (2018); *see also Cary v. Curtis*, 44 U.S. 236, 245 (1845) (“[T]he judicial power of the United States . . . is . . . dependent . . . entirely upon the action of Congress, who possess the sole power of creating the tribunals (inferior to the Supreme Court) for the exercise of the judicial power, and of investing them with jurisdiction[.]”). Federal courts thus remain free to hear and decide any number of cases related to redistricting in Ohio, such as malapportionment claims under the U.S. Constitution, *see*

*Harris v. Arizona Indep. Redistricting Comm.*, 578 U.S. 253, 258–59 (2016), quoting *Reynolds v. Sims*, 377 U.S. 533, 577, 579 (1964), or vote dilution claims under the Voting Rights Act, see *Allen v. Milligan*, 599 U.S. 1, 17–18 (2023).

Second, the Amendment does not limit lawsuits brought before this Court to only those challenging a so-called “proportionality standard.” As an initial matter, the Amendment does not expressly authorize challenges *to* the “proportionality standard,” but rather to the Commission’s *application* of the requirement that a plan not unduly favor or disfavor a party compared to Ohioans’ actual voting preferences.” (RELATORS\_016, 019 at Secs. 6(B), 8(A)). Moreover, this Court is granted jurisdiction over “*all cases* which contend that a redistricting plan adopted by the commission fails to comply *with the requirements of section 6(B)*.” (Emphases added.) (RELATORS\_019 at Sec. 8(A)). And Section 6(B) covers a range of redistricting criteria and requirements. It does, of course, “ban partisan gerrymandering and prohibit the use of redistricting plans that favor one political party and disfavor others.” (RELATORS\_016 at Sec. 6(B)). But it additionally prohibits any redistricting plan from considering “the place of residence of any incumbent elected official or any candidate for state or congressional office.” *Id.* at Sec. 6(B)(4). Likewise, it prohibits the Commission from accounting for “senators whose terms will not expire within two years of the plan’s effective date” in the state legislative redistricting process. *Id.* at Sec. 6(B)(5). Both criteria are clearly distinct from what the Ballot Board characterizes as the “proportionality standard.”

Thus, the Ballot Board’s language purporting to describe the Amendment’s effect on judicial review is legally deficient because it does not “tell[] voters what they are being asked to vote on.” *Ohioans United for Reproductive Rights*, 2023-Ohio-3325, at ¶ 12.

**6. The ballot language mischaracterizes Amendment provisions regarding communities of interest in an improper attempt to persuade.**

In addition to the aforementioned defects in paragraph 2 of the Ballot Board’s language, *see supra* Section I.A.1, sub-paragraph 2(B) does not accurately convey the criteria the Commission is to use to draw districts. That ballot language says that “[c]ounties, townships and cities throughout Ohio can be split and divided across multiple districts, and preserving communities of interest will be secondary to the formula that is based on partisan political outcomes.” (RELATORS\_034 ¶ 2(B)). This suggests that, under the current redistricting system, counties, cities, and towns *cannot* be split across multiple districts, and that preservation of communities of interest is a redistricting criterion of predominant importance. Neither is true.

This Court knows from experience that the current constitutional provisions *do* allow political subdivisions to be split and *do not* provide any protection for communities of interest. *Cf. Adams v. DeWine*, 2022-Ohio-89, ¶ 62 (recognizing that “keeping communities of interest together” is a *traditional* redistricting criterion rather than one mandated by Ohio law), quoting *Rucho v. Common Cause*, 588 U.S. 684, 706 (2019). And, in fact, the Amendment affirmatively sets out extensive *new* constitutional rules for “preserv[ing] communities of interest to the extent practicable,” including political subdivisions. (RELATORS\_017 at Sec. 6(C)(3)).

**7. The ballot language mischaracterizes the Amendment as generally preventing a commissioner from being removed, even in cases of incapacity or egregious misconduct.**

Paragraph 4 of the Ballot Board’s adopted ballot language flips the Commission’s power to remove commissioners on its head. The ballot language asserts that the Amendment would “[p]revent a commission member from being removed, except by a vote of their fellow commission members, even for incapacity, willful neglect of duty or gross misconduct.” (Emphasis added.) (RELATORS\_034 ¶ 4). The only reason for this elliptical sentence construction

is to mislead voters, suggesting that commission members will be generally insulated from scrutiny. This language is particularly rich given that the constitutional provisions that govern the current Ohio Redistricting Commission provide *no way* to remove a commissioner, no matter how egregious their conduct.

In reality, the Amendment sets out mandatory duties and responsibilities of commissioners and establishes a procedure for the Commission to remove commissioners for “cause,” such as “acts that undermine the public’s trust in the commission and the redistricting process.” (RELATORS\_013 at Sec. 4(C)(5)). The Amendment *establishes* a removal procedure to ensure accountability, rather than *preventing* removal to shield commissioners from scrutiny.

**8. The ballot language misleadingly suggests that Ohio citizens get a vote in the current redistricting process.**

Next, paragraph 9 of the Ballot Board’s adopted ballot language inaccurately and misleadingly implies that voters themselves adopted the current redistricting plan, stating that Commission-adopted plans would “replace the most recent districts adopted by the citizens of Ohio through their elected representatives.” (RELATORS\_036 ¶ 9). But citizens of Ohio do not get a vote on the existing Ohio Redistricting Commission, which adopted the existing state legislative and congressional districts. *See League of Women Voters of Ohio v. Ohio Redistricting Comm.*, 2023-Ohio-4271, ¶ 1. Moreover, the overwhelming majority of Ohioans did not have an opportunity to vote for a majority of the current commissioners, because a majority of the current Commission were members of the General Assembly elected from specific state legislative districts. *League of Women Voters of Ohio v. Ohio Redistricting Comm.*, 2022-Ohio-65, ¶ 10 (noting that four of seven members were members of the General Assembly).

The Court has seen this kind of gambit from the Ballot Board before—adoption of language suggesting that action of the State is coterminous with action of citizens. *See Ohioans United for*

*Reproductive Rights*, 2023-Ohio-3325, at ¶ 24–26 (rejecting Ballot Board argument that “the ‘State’ and the ‘citizens of the State’ are synonymous from the standpoint of the exercise of governmental power”). Just as in the matter before the Court last year, this is an improper attempt at persuasion and should be corrected.

**9. The ballot language mischaracterizes the Amendment’s impact on public expenditures.**

Finally, paragraph 10 of the Ballot Board’s adopted ballot language provides a misleading and prejudicial description of the costs associated with the Amendment. Under current law, 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 and Article XIX of this constitution.” Ohio Const., art. XI, § 1(D). This includes paying for staff hired by the Ohio Redistricting Commission. *Id.* § 1(B)(2)(a). And, famously, the Ohio Redistricting Commission and Ohio General Assembly have incurred more than a million dollars in legal fees defending its recidivist violations of Ohio law. (RELATORS\_084–87).

Thus, it is grossly misleading and prejudicial to describe the Amendment’s preservation of current practices as “[i]mpos[ing] new taxpayer-funded costs on the State of Ohio” and requiring payment of “unlimited” legal fees. (RELATORS\_036 ¶ 10).

**B. The ballot language’s myriad and cumulative defects violate the constitutional and statutory standards.**

Clearly, there are numerous “defects in [the] ballot language.” *One Person One Vote*, 2023-Ohio-1928, at ¶ 8. Accordingly, this Court must “examine the defects as a whole and determine whether their cumulative effect violates the constitutional standard.” *Id.*; *accord Ohioans United for Reproductive Rights*, 2023-Ohio-3325, at ¶ 12. That standard asks whether the ballot language “properly identif[ies] the substance of the proposal to be voted upon,” or instead is “such as to mislead, deceive, or defraud the voters.” Ohio Const., art. XVI, § 1. Put another way, the question

is whether the ballot language will assist the voters in casting intelligent, fully and accurately informed votes: “It is only from the ballot statement that the ultimate deciders of the question can arrive at an efficacious and intelligent expression of opinion.” *Markus*, 22 Ohio St.2d at 203.

As the Ballot Board would have Ohio voters believe, the Amendment would *require* partisan gerrymandering, rather than prevent it. *But see supra* Section I.A.1. To do so, the Ballot Board’s version of the Amendment creates a redistricting commission dominated by unaccountable partisan actors, leaving it for voters to fill in the blank with whichever political party they oppose. *But see supra* Sections I.A.2–I.A.3, I.A.7–I.A.8. This allegedly partisan-dominated commission would draw redistricting plans, without regard to Ohio’s communities of interest, while limiting the free input of Ohio citizens exercising their right to express their opinions. *But see supra* Sections I.A.4, I.A.6. And, according to the Ballot Board, any legal challenges to the actions of that commission would be exclusively limited to actions challenging the “proportionality standard.” *But see supra* Section I.A.5. All this at the apparent greater expense of the State of Ohio and its taxpayers. *But see supra* Section I.A.9. Taken as a whole, the Ballot Board’s adopted ballot language describes a fundamentally different constitutional amendment—it does not fairly or accurately describe the Amendment in any sense of those words.

In contrast, Attorney General Yost—who *now defends* the Ballot Board’s false and misleading language—*previously confirmed* that the summary submitted by the Amendment’s proponents was “a fair and truthful statement of the proposed initiated constitutional amendment.” (RELATORS\_042). In contrast to the Ballot Board’s language, proponents’ summary stated that the Amendment would in fact “ban partisan gerrymandering and redistricting plans that favor or disfavor a political party,” (RELATORS\_003 ¶ 22), by creating a 15-member commission composed of an even bipartisan split of partisan-affiliated and unaffiliated commissioners,

(RELATORS\_001–02 ¶ 1, 3–4, 6–7), who are subject to for-cause removal procedures, (RELATORS\_003 ¶ 12), and who must operate in an “open and transparent process” that “invites broad participation throughout the state” and includes public meetings and hearings, (RELATORS\_001–03, 005 ¶ 2, 11, 14–18, 46). The proponents’ Yost-approved summary also provided that redistricting plans should prioritize “preserv[ing] communities of interest to the extent practicable,” (RELATORS\_003–04 ¶ 23, 26–29), “that the Ohio Supreme Court will have exclusive original jurisdiction in all cases that contend that an adopted plan fails to comply with the proportionality *and incumbency and candidacy provisions* set forth in Section 6(B) of the Amendment,” (emphasis added.) (RELATORS\_004–05 ¶ 33), and that the Amendment sets forth rules for “adequate[ly] funding” the new redistricting process, (RELATORS\_005 ¶ 38–42).

But despite the Attorney General’s apparent about-face, the Ballot Board’s language cannot withstand scrutiny under Ohio law. Each of the individual defects identified and discussed in Section I.A, *supra*, violates the constitutional standard and is material in and of itself. These defects “mislead, deceive, [and] defraud the voters” and impermissibly seek to persuade those voters against the Amendment, rather than identify “the substance of the proposal,” Ohio Const., art. XVI, § 1. The ballot language utterly fails to “accurately tell the voters what they are being asked to vote on.” *Ohioans United for Reproductive Rights*, 2023-Ohio-3325, at ¶ 29. Far from “convey[ing] an intelligent idea of the scope and import of the amendment,” *Markus*, 22 Ohio St.2d at 202–03, the ballot language cumulatively seeks to rewrite the Amendment in a painfully obvious attempt to prejudice voters against it. Such fundamental defects are contrary to Ohio law and cannot be permitted to appear on the November 2024 general election ballot.

## II. Proposition of Law 2: The ballot title prescribed by the Secretary of State violates the Ohio Revised Code.

The ballot title prescribed by Secretary LaRose at the Ballot Board’s August 16 meeting—“To create an appointed redistricting commission not elected by or subject to removal by the voters of the state”—also violates state law. Under Section 3519.21 of the Revised Code, the ballot title must be “true and impartial” and not likely to “create prejudice for or against the measure.” Accordingly, this Court “must examine whether the ballot title tells voters what they are being asked to vote on and whether it impermissibly uses language that amounts to persuasive argument.” *One Person One Vote*, 2023-Ohio-1928, at ¶ 24, citing *Jurcisin*, 35 Ohio St. 3d at 141. Secretary LaRose’s prescribed title does not pass the test.

First, the ballot title is inaccurate—particularly when read consistently with the ballot language that was adopted simultaneously—and it doubles down on the falsehoods injected into the Ballot Board’s adopted language. As explained above, paragraph 4 of the ballot language mischaracterizes the Amendment by suggesting that it inappropriately insulates commissioners from accountability when in fact the Amendment seeks to *introduce* additional safeguards to ensure redistricting in Ohio is accountable to the citizens, not the politicians. *See supra* Section I.A.7. Meanwhile, paragraph 9 misleadingly states that, under the current Commission structure, the “citizens of Ohio” themselves “adopted” the “most recent districts” drawn by the Commission. *See supra* Section I.A.8. They did not. Partisan politicians serving on the Commission did—most of whom were elected to represent only a few slivers of the electorate. In stark juxtaposition, the title states that the Ohio Citizens Redistricting Commission would “not [be] elected by or subject to removal by the voters of the state.” (RELATORS\_034). Simply put, the Ballot Board and Secretary LaRose cannot have their cake and eat it too. If the “voters” act through the Commission under the current system, then so, too, would the voters act through the

bipartisan screening panel of Ohio citizens who select commissioners, and thus through the Ohio citizens who ultimately serve on the new Commission. For one, if the Amendment is approved, the voters themselves will have authorized the operations of the new Commission. More importantly, however, the new Commission in fact shortens the chain of accountability between the voters and the decisionmakers drawing Ohio’s electoral districts by permitting the voters themselves to serve as commissioners, and by cutting out the middlemen politicians who retain vested interests in their own district borders and consequent electoral prospects.

In any event, and fatally, the title is improperly persuasive because it presents a distorted description of the Ohio Citizens Redistricting Commission and thus “is ‘in the nature of a persuasive argument . . . against the issue.’” *One Person One Vote*, 2023-Ohio-1928, at ¶ 28, quoting *Bailey*, 67 Ohio St.2d at 519. By stating *only* that the Commission is “not elected by or subject to removal by the voters of the state,” the title ignores not only how the commissioners *are* selected and removed, but also the myriad other things that the Commission is *not*. For the title to cherry-pick a single negative descriptor is nothing if not improperly persuasive. Indeed, the Secretary’s prescribed title is akin to a title such as: “To create an appointed redistricting commission not authorized to lower Ohioans’ taxes.” The Secretary cannot include whatever he wants in a ballot title—rather, the title must affirmatively describe the Amendment’s text, and it must do so in a way that is not designed to mislead or persuade.

Respondents may attempt to argue that the ballot title’s language simply emphasizes a point of contrast to the existing Ohio Redistricting Commission. But that is not the case. The current Commission is neither “elected” nor “subject to removal by the voters of the state.” Rather, it consists of *ex officio* members, only a minority of whom were elected by all Ohio voters—and that, too, to serve in positions that are largely unrelated to redistricting (Governor, Secretary of

State, and Auditor of State). *See generally* Ohio Const., art. XI, § 1. Indeed, the majority of the commissioners are appointed by the leaders of each state legislative caucus without public input; they need not be elected representatives at all. *Id.* And there is no procedure set forth for removing any of the commissioners from the Commission. *Id.*; *cf. supra* Section I.A.7. Regardless, this Court has explained that ballot language need not “inform voters about current law” or “describe the pre-amendment status quo.” *One Person One Vote*, 2023-Ohio-1928, at ¶ 10–12.

As a point of comparison, the ballot title proposed by the Amendment’s proponents is impartial, factually accurate, and not designed to prejudice voters for or against the measure, stating simply and neutrally that Issue 1 presents an “Amendment to the Constitution setting forth a structure and criteria to govern the process for drawing Ohio General Assembly and Ohio Congressional districts.” (RELATORS\_053).

The defects in the Secretary’s title are fatal to the validity of the ballot because they render the title neither “true” nor “impartial”—in direct contravention of the Secretary’s statutory mandate. *See* R.C. 3519.21.

### **III. Proposition of Law 3: Relators are entitled to writs of mandamus.**

Mandamus relief is appropriate here because Respondents, the Ballot Board and Secretary LaRose, have acted in clear disregard of applicable law by refusing to adhere to the clear dictates of the Ohio Constitution and Revised Code. Relators have a clear legal right to the requested relief because the ballot language and title violate the express requirements of the Constitution and Revised Code. *See supra* Parts I, II. Respondent the Ballot Board has a clear legal duty to provide the requested relief because it has a mandatory duty under Article XVI and Section 3505.062(B) to prescribe lawful ballot language. Thus far, it has abused its discretion and acted in clear disregard of applicable law and its legal duty. Similarly, Respondent Secretary LaRose has a clear

legal duty to provide the requested relief because he has a mandatory duty under Section 3519.21 to prescribe a lawful ballot title. Thus far, he has abused his discretion and acted in clear disregard of applicable law and his legal duty. And Relators lack an adequate remedy at law because this Court has original and exclusive jurisdiction of the subject matter of the action under Article XVI and has long treated mandamus as the only available remedy an elector seeks to challenge the form in which a ballot issue is to be submitted. *See, e.g., Voters First*, 2012-Ohio-4149, at ¶ 22.

This Court should therefore grant a writ of mandamus that specifies each of the existing language’s defects, as set out above, and notes the specific corrections necessary to redress those defects, as follows:

- **Paragraph 1:** The ballot language must avoid irrelevant language whose purpose is to improperly persuade. Accordingly, this paragraph must be removed entirely. *See supra* Section I.A.2.
- **Paragraph 2:** The ballot language must not inaccurately state that the Amendment *requires* gerrymandering to favor Ohio’s two largest political parties when it expressly does the opposite. It should thus omit language stating that the Ohio Citizens Redistricting Commission is “required to gerrymander the boundaries of state legislative and congressional districts to favor either of the two largest political parties in the state of Ohio” and instead accurately describe the criteria by which districts must be drawn.<sup>6</sup> *See supra* Section I.A.1. Furthermore, the ballot language must omit language that suggests that, under the current redistricting system,

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<sup>6</sup> Importantly, the Secretary’s original proposed term (“manipulate”) is also inappropriately persuasive because of its negative connotations. *See* (RELATORS\_081); *see also supra* notes 3–5. Appropriate and neutral terms for describing the act of creating districting plans include “draw,” “create,” or “craft.”

counties, cities, and towns *cannot* be split across multiple districts, or that preservation of communities of interest is a redistricting criterion of predominant importance. *See supra* Section I.A.6.

- **Paragraph 3:** The ballot language must accurately describe the composition of the new Ohio Citizens Redistricting Commission and replace language stating that the Amendment “require[s] that a majority of the partisan commission members belong to the state’s two largest political parties” with language explaining the requirements for the composition of the Commission’s entire membership and for its voting procedures. *See supra* Section I.A.3.
- **Paragraph 4:** The ballot language must not distort the Commission’s power to remove commissioners. The existing language here must be replaced with language accurately describing the removal process. *See supra* Section I.A.7.
- **Paragraph 5:** The ballot language must not falsely state that the Amendment prohibits or limits challenges to Commission-drawn redistricting plans. The existing language here must be replaced with language accurately describing the Ohio Supreme Court’s exclusive, original jurisdiction under the Amendment. *See supra* Section I.A.5.
- **Paragraph 8:** The ballot language must not inaccurately state or imply that Ohioans will not have the ability to provide input during the redistricting process. The existing language here must be replaced with language describing the Amendment’s transparency and public participation provisions. *See supra* Section I.A.4.

- **Paragraph 9:** The ballot language must not misleadingly state that Ohio citizens adopted the current redistricting plans, which were adopted by the former Ohio Redistricting Commission, of which the majority were General Assembly members elected from specific state legislative districts. This paragraph should omit language stating that the most recent plans were “adopted by the citizens of Ohio through their elected representatives.” *See supra* Section I.A.8.
- **Paragraph 10:** The ballot language must not use prejudicial language to describe the Amendment’s costs. This paragraph should set forth any information about such costs in a neutral manner. *See supra* Section I.A.9.

*See* (RELATORS\_088–89) (Relators’ demonstrative ballot title and language); *see also* (RELATORS\_001–006) (Amendment proponents’ Yost-approved summary).

Likewise, the Court should grant a writ of mandamus ordering that Respondent Secretary LaRose prescribe a lawful ballot title that omits the inaccurate and prejudicial phrase “not elected by or subject to removal by the voters of the state.” (RELATORS\_034).

Finally, this Court has inherent and express authority to retain jurisdiction of an action, and it should do so here. Ohio courts have inherent authority to enforce their orders. *See Infinite Sec. Solutions, L.L.C. v. Karam Properties, II, Ltd.*, 2015-Ohio-1101, ¶ 27 (“Courts have inherent authority to enforce their final judgments and decrees.”), citing *Rieser v. Rieser*, 2010-Ohio-6227, ¶ 5 (2d Dist.) and *In re Whallon* 6 Ohio App. 80, 83 (1st Dist. 1915). This Court has previously retained jurisdiction where doing so was necessary to effectuate an order in time for an upcoming election. *League of Women Voters of Ohio*, 2022-Ohio-65, at ¶ 136–37 (“[B]ecause the election cycle should not proceed with a General Assembly-district map that we have declared invalid, . . . [w]e also retain jurisdiction to review the [remedial] plan that the commission adopts for

compliance with our order.”). And the Revised Code expressly confirms the Court’s authority, in an action for mandamus, “to carry its order and judgment into execution, or to punish any officer . . . for contempt or disobedience of its orders or writs.” R.C. 2731.16.

Insofar as the Court grants relief, it should also retain jurisdiction to ensure Respondents fully comply with its remedial orders, given the limited time there would be to bring a second lawsuit in the current election calendar. *See* Ohio Const., art. XVI, § 1 (“No such case challenging the ballot language . . . shall be filed later than sixty-four days before the election.”); *see also* 52 U.S.C. § 20302(a)(8)(a) (requiring Ohio to transmit ballots to overseas and military voters “not later than 45 days before the election”—meaning, this cycle, by September 21). Retaining jurisdiction is thus necessary to afford complete relief, protect the Court’s own authority, and preserve the separation of powers.

### CONCLUSION

For the foregoing reasons, Relators request that this Court issue a writ of mandamus directing the Ohio Ballot Board to reconvene and prescribe lawful ballot language for the Amendment, as detailed in Part III, *supra*. *See also supra* Part I.

Relators also request that the Court issue a writ of mandamus directing Respondent Secretary LaRose to prescribe a lawful ballot title for the Amendment, meaning that the title must not use words or phrases that are likely to create prejudice against the Amendment or mislead electors about the Amendment’s operation. *See supra* Part II.

Relators further request that this Court retain jurisdiction of this action pursuant to its inherent enforcement authority and Revised Code Section 2731.16, and render any and all further orders that the Court may deem necessary, including, but not limited to, determining the validity of any new ballot language prescribed by the Ohio Ballot Board and any new ballot title prescribed by the Secretary of State.

Finally, Relators request that this Court grant such other or further relief the Court deems appropriate, including, but not limited to, an award of Relators' reasonable costs.

Dated: August 29, 2024

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I hereby certify that the foregoing was sent via email this 29th day of August 2024 to the following:

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**APPENDIX  
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

**Ohio Constitution, Article II**

**Section 1a: Initiative and referendum to amend constitution.**

The first aforesaid power reserved by the people is designated the initiative, and the signatures of ten per centum of the electors shall be required upon a petition to propose an amendment to the constitution. When a petition signed by the aforesaid required number of electors, shall have been filed with the secretary of state, and verified as herein provided, proposing an amendment to the constitution, the full text of which shall have been set forth in such petition, the secretary of state shall submit for the approval or rejection of the electors, the proposed amendment, in the manner hereinafter provided, at the next succeeding regular or general election in any year occurring subsequent to one hundred twenty-five days after the filing of such petition. The initiative petitions, above described, shall have printed across the top thereof: "Amendment to the Constitution Proposed by Initiative Petition to be Submitted Directly to the Electors."

**Section 1g: Requirements for initiative and referendum petitions.**

Any initiative, supplementary, or referendum petition may be presented in separate parts but each part shall contain a full and correct copy of the title, and text of the law, section or item thereof sought to be referred, or the proposed law or proposed amendment to the constitution. Each signer of any initiative, supplementary, or referendum petition must be an elector of the state and shall place on such petition after his name the date of signing and his place of residence. A signer residing outside of a municipality shall state the county and the rural route number, post office address, or township of his residence. A resident of a municipality shall state the street and number, if any, of his residence and the name of the municipality or post office address. The names of all signers to such petitions shall be written in ink, each signer for himself. To each part of such petition shall be attached the statement of the circulator, as may be required by law, that he witnessed the affixing of every signature. The secretary of state shall determine the sufficiency of the signatures not later than one hundred five days before the election.

The Ohio supreme court shall have original, exclusive jurisdiction over all challenges made to petitions and signatures upon such petitions under this section. Any challenge to a petition or signature on a petition shall be filed not later than ninety-five days before the day of the election. The court shall hear and rule on any challenges made to petitions and signatures not later than eighty-five days before the election. If no ruling determining the petition or signatures to be insufficient is issued at least eighty-five days before the election, the petition and signatures upon such petitions shall be presumed to be in all respects sufficient.

If the petitions or signatures are determined to be insufficient, ten additional days shall be allowed for the filing of additional signatures to such petition. If additional signatures are filed, the secretary of state shall determine the sufficiency of those additional signatures not later than sixty-five days before the election. Any challenge to the additional signatures shall be filed not later than fifty-five days before the day of the election. The court shall hear and rule on any challenges made to the additional signatures not later than forty-five days before the election. If no ruling

determining the additional signatures to be insufficient is issued at least forty-five days before the election, the petition and signatures shall be presumed to be in all respects sufficient.

No law or amendment to the constitution submitted to the electors by initiative and supplementary petition and receiving an affirmative majority of the votes cast thereon, shall be held unconstitutional or void on account of the insufficiency of the petitions by which such submission of the same was procured; nor shall the rejection of any law submitted by referendum petition be held invalid for such insufficiency. Upon all initiative, supplementary, and referendum petitions provided for in any of the sections of this article, it shall be necessary to file from each of one-half of the counties of the state, petitions bearing the signatures of not less than one-half of the designated percentage of the electors of such county. A true copy of all laws or proposed laws or proposed amendments to the constitution, together with an argument or explanation, or both, for, and also an argument or explanation, or both, against the same, shall be prepared. The person or persons who prepare the argument or explanation, or both, against any law, section, or item, submitted to the electors by referendum petition, may be named in such petition and the persons who prepare the argument or explanation, or both, for any proposed law or proposed amendment to the constitution may be named in the petition proposing the same. The person or persons who prepare the argument or explanation, or both, for the law, section, or item, submitted to the electors by referendum petition, or against any proposed law submitted by supplementary petition, shall be named by the general assembly, if in session, and if not in session then by the governor. The law, or proposed law, or proposed amendment to the constitution, together with the arguments and explanations, not exceeding a total of three hundred words for each, and also the arguments and explanations, not exceeding a total of three hundred words against each, shall be published once a week for three consecutive weeks preceding the election, in at least one newspaper of general circulation in each county of the state, where a newspaper is published. The secretary of state shall cause to be placed upon the ballots, the ballot language for any such law, or proposed law, or proposed amendment to the constitution, to be submitted. The ballot language shall be prescribed by the Ohio ballot board in the same manner, and subject to the same terms and conditions, as apply to issues submitted by the general assembly pursuant to Section 1 of Article XVI of this constitution. The ballot language shall be so prescribed and the secretary of state shall cause the ballots so to be printed as to permit an affirmative or negative vote upon each law, section of law, or item in a law appropriating money, or proposed law, or proposed amendment to the constitution. The style of all laws submitted by initiative and supplementary petition shall be: "Be it Enacted by the People of the State of Ohio," and of all constitutional amendments: "Be it Resolved by the People of the State of Ohio." The basis upon which the required number of petitioners in any case shall be determined shall be the total number of votes cast for the office of governor at the last preceding election therefor. The foregoing provisions of this section shall be self-executing, except as herein otherwise provided. Laws may be passed to facilitate their operation, but in no way limiting or restricting either such provisions or the powers herein reserved.

## Ohio Constitution, Article IV

### Section 2: Organization and jurisdiction of Supreme Court

...

(B)

(1) The Supreme Court shall have original jurisdiction in the following:

(a) Quo warranto;

(b) Mandamus;

(c) Habeas corpus;

(d) Prohibition;

(e) Procedendo;

(f) In any cause on review as may be necessary to its complete determination;

(g) Admission to the practice of law, the discipline of persons so admitted, and all other matters relating to the practice of law.

...

## Ohio Constitution, Article XVI

### Section 1: Constitutional amendment proposed by joint resolution of General Assembly; procedure.

Either branch of the General Assembly may propose amendments to this constitution; and, if the same shall be agreed to by three-fifths of the members elected to each house, such proposed amendments shall be entered on the journals, with the yeas and nays, and shall be filed with the secretary of state at least ninety days before the date of the election at which they are to be submitted to the electors, for their approval or rejection. They shall be submitted on a separate ballot without party designation of any kind, at either a special or a general election as the General Assembly may prescribe.

The ballot language for such proposed amendments shall be prescribed by a majority of the Ohio ballot board, consisting of the secretary of state and four other members, who shall be designated in a manner prescribed by law and not more than two of whom shall be members of the same political party. The ballot language shall properly identify the substance of the proposal to be voted upon. The ballot need not contain the full text nor a condensed text of the proposal. The board shall also prepare an explanation of the proposal, which may include its purpose and effects, and shall certify the ballot language and the explanation to the secretary of state not later than seventy-

five days before the election. The ballot language and the explanation shall be available for public inspection in the office of the secretary of state.

The Supreme Court shall have exclusive, original jurisdiction in all cases challenging the adoption or submission of a proposed constitutional amendment to the electors. No such case challenging the ballot language, the explanation, or the actions or procedures of the General Assembly in adopting and submitting a constitutional amendment shall be filed later than sixty-four days before the election. The ballot language shall not be held invalid unless it is such as to mislead, deceive, or defraud the voters.

Unless the General Assembly otherwise provides by law for the preparation of arguments for and, if any, against a proposed amendment, the board may prepare such arguments.

Such proposed amendments, the ballot language, the explanations, and the arguments, if any, shall be published once a week for three consecutive weeks preceding such election, in at least one newspaper of general circulation in each county of the state, where a newspaper is published. The General Assembly shall provide by law for other dissemination of information in order to inform the electors concerning proposed amendments. An election on a proposed constitutional amendment submitted by the general assembly shall not be enjoined nor invalidated because the explanation, arguments, or other information is faulty in any way. If the majority of the electors voting on the same shall adopt such amendments the same shall become a part of the constitution. When more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment, separately.

## **Ohio Constitution, Article XI**

### **Section 1: Ohio redistricting commission.**

(A) The Ohio redistricting commission shall be responsible for the redistricting of this state 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.

No appointed member of the commission shall be a current member of congress.

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.

(B)(1) Unless otherwise specified in this article or in Article XIX of this constitution, 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 general assembly district plan. For the purposes of this division and of Section 1 of Article XIX of this constitution, 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 and in Sections 1 and 3 of Article XIX of this constitution, 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 draft the proposed plan 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 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 general assembly district plan or a congressional district plan, whichever is later, 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 and Article XIX of this constitution.

**Section 2: Number of representatives per house of representatives district; number of senators per senate district.**

Each house of representatives district shall be entitled to a single representative in each general assembly. Each senate district shall be entitled to a single senator in each general assembly.

**Section 3: Ratio of representation in house and senate; requirements for general assembly district plan; priority for creation and numbering of house districts; splitting of counties, municipal corporations, or townships.**

(A) The whole population of the state, as determined by the federal decennial census or, if such is unavailable, such other basis as the general assembly may direct, shall be divided by the number “ninety-nine” and by the number “thirty-three” and the quotients shall be the ratio of representation in the house of representatives and in the senate, respectively, for ten years next succeeding such redistricting.

(B) A general assembly district plan shall comply with all of the requirements of division (B) of this section.

(1) The population of each house of representatives district shall be substantially equal to the ratio of representation in the house of representatives, and the population of each senate district shall be substantially equal to the ratio of representation in the senate, as provided in division (A) of this section. In no event shall any district contain a population of less than ninety-five per cent nor more than one hundred five per cent of the applicable ratio of representation.

(2) Any general assembly 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.

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

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

(1) Proceeding in succession from the largest to the smallest, each county containing population greater than one hundred five per cent of the ratio of representation in the house of representatives shall be divided into as many house of representatives districts as it has whole ratios of representation. Any fraction of the population in excess of a whole ratio shall be a part of only one adjoining house of representatives district.

(2) Each county containing population of not less than ninety-five per cent of the ratio of representation in the house of representatives nor more than one hundred five per cent of the ratio shall be designated a representative district.

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

(D)(1)(a) Except as otherwise provided in divisions (D)(1)(b) and (c) of this section, a county, municipal corporation, or township is considered to be split if any contiguous portion of its territory is not contained entirely within one district.

(b) If a municipal corporation or township has territory in more than one county, the contiguous portion of that municipal corporation or township that lies in each county shall be considered to be a separate municipal corporation or township for the purposes of this section.

(c) If a municipal corporation or township that is located in a county that contains a municipal corporation or township that has a population of more than one ratio of representation is split for the purpose of complying with division (E)(1)(a) or (b) of this section, each portion of that municipal corporation or township shall be considered to be a separate municipal corporation or township for the purposes of this section.

(2) Representative districts shall be drawn so as to split the smallest possible number of municipal corporations and townships whose contiguous portions contain a population of more than fifty per cent, but less than one hundred per cent, of one ratio of representation.

(3) Where the requirements of divisions (B), (C), and (D) of this section cannot feasibly be attained by forming a representative district from whole municipal corporations and townships, not more than one municipal corporation or township may be split per representative district.

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

(a) Notwithstanding division (D)(3) of this section, the commission shall create the district by splitting two municipal corporations or townships whose contiguous portions do not contain a population of more than fifty per cent, but less than one hundred per cent, of one ratio of representation.

(b) Notwithstanding division (D)(2) of this section, the commission shall create the district by splitting a municipal corporation or township whose contiguous portions contain a population of more than fifty per cent, but less than one hundred per cent, of one ratio of representation.

(c) Notwithstanding division (C)(2) of this section, the commission shall create the district by splitting, once, a single county that contains a population of not less than ninety-five per cent of the ratio of representation, but not more than one hundred five per cent of the ratio of representation.

(d) Notwithstanding division (C)(1) of this section, the commission shall create the district by including in two districts portions of the territory that remains after a county that contains a population of more than one hundred five per cent of the ratio of representation has been divided into as many house of representatives districts as it has whole ratios of representation.

(2) If the commission takes an action under division (E)(1) of this section, the commission shall include in the general assembly district plan a statement explaining which action the commission took under that division and the reason the commission took that action.

(3) If the commission complies with divisions (E)(1) and (2) of this section in drawing a district, the commission shall not be considered to have violated division (C)(1), (C)(2), (D)(2), or (D)(3) of this section, as applicable, in drawing that district, for the purpose of an analysis under division (D) of Section 9 of this article.

#### **Section 4: Composition and numbering of senate districts.**

(A) Senate districts shall be composed of three contiguous house of representatives districts.

(B)(1) A county having at least one whole senate ratio of representation shall have as many senate districts wholly within the boundaries of the county as it has whole senate ratios of representation. Any fraction of the population in excess of a whole ratio shall be a part of only one adjoining senate district.

(2) Counties having less than one senate ratio of representation, but at least one house of representatives ratio of representation, shall be part of only one senate district.

(3) If it is not possible for the commission to draw representative districts that comply with all of the requirements of this article and that make it possible for the commission to comply with all of the requirements of divisions (B)(1) and (2) of

this section, the commission shall draw senate districts so as to commit the fewest possible violations of those divisions. If the commission complies with this division in drawing senate districts, the commission shall not be considered to have violated division (B)(1) or (2) of this section, as applicable, in drawing those districts, for the purpose of an analysis under division (D) of Section 9 of this article.

(C) The number of whole ratios of representation for a county shall be determined by dividing the population of the county by the ratio of representation in the senate determined under division (A) of Section 3 of this article.

(D) Senate districts shall be numbered from one through thirty-three and as provided in Section 5 of this article.

**Section 5: Determining which senator will represent district when senate district boundaries are changed in general assembly district plan.**

At any time the boundaries of senate districts are changed in any general assembly district plan made pursuant to any provision of this article, a senator whose term will not expire within two years of the time the plan becomes effective shall represent, for the remainder of the term for which the senator was elected, the senate district that contains the largest portion of the population of the district from which the senator was elected, and the district shall be given the number of the district from which the senator was elected. If more than one senator whose term will not so expire would represent the same district by following the provisions of this section, the plan shall designate which senator shall represent the district and shall designate which district the other senator or senators shall represent for the balance of their term or terms.

**Section 6: Standards for Ohio redistricting commission in drawing general assembly district plan.**

The Ohio redistricting commission shall attempt to draw a general assembly district plan that meets all of the following standards:

(A) No general assembly district plan shall be drawn primarily to favor or disfavor a political party.

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

(C) General assembly districts shall be compact.

Nothing in this section permits the commission to violate the district standards described in Section 2, 3, 4, 5, or 7 of this article.

**Section 7: District boundaries to be created by using boundaries of counties, municipal corporations, and townships as they exist at time of federal decennial census on which redistricting is based.**

Notwithstanding the fact that boundaries of counties, municipal corporations, and townships within a district may be changed, district boundaries 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 8: Proceedings when Ohio redistricting commission fails to timely adopt final general assembly district plan under Art. XI, § 1.**

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

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

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

(B) If the commission adopts a final general assembly district plan in accordance with division (A)(3) of this section by the vote required to adopt a plan under division (B)(3) of Section 1 of this article, the plan shall take effect upon filing with the secretary of state and shall remain effective until the next year ending in the numeral one, except as provided in Section 9 of this article.

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

(b) If the commission adopts a final general assembly district plan in accordance with division (A)(3) of this section by a simple majority vote of the commission, and not by the vote required to adopt a plan under division (B) of Section 1 of this article, and that plan is adopted to replace a plan that

ceased to be effective under division (C)(1)(a) of this section before a year ending in the numeral one, the plan adopted under this division shall take effect upon filing with the secretary of state and shall remain effective until a year ending in the numeral one, except as provided in Section 9 of this article.

(2) A final general assembly district plan adopted under division (C)(1)(a) or (b) of this section shall include a statement explaining what the commission determined to be the statewide preferences of the voters of Ohio and the manner in which 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 corresponds closely to those preferences, as described in division (B) of Section 6 of this article. At the time the plan is adopted, a member of the commission who does not vote in favor of the plan may submit a declaration of the member's opinion concerning the statement included with the plan.

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

### **Section 9: Jurisdiction; proceedings upon determination of invalidity by unappealed, final court order.**

(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 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 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 general assembly from districts designated in the plan, 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, a 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.

### **Ohio Constitution, Article XIX**

#### **Section 1: Adoption of congressional district plan.**

(A) Except as otherwise provided in this section, the general assembly shall be responsible for the redistricting of this state for congress based on the prescribed number of congressional districts apportioned to the state pursuant to Section 2 of Article I of the Constitution of the United States.

Not later than the last day of September of a year ending in the numeral one, the general assembly shall pass a congressional district plan in the form of a bill by the affirmative vote of three-fifths of the members of each house of the general assembly, including the affirmative vote of at least one-half of the members of each of the two largest political parties represented in that house. A congressional district plan that is passed under this division and becomes law shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(B) If a congressional district plan is not passed not later than the last day of September of a year ending in the numeral one and filed with the secretary of state in accordance with Section 16 of Article II of this constitution, then the Ohio redistricting commission described in Article XI of this constitution shall adopt a congressional district plan not later than the last day of October of that year by 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. The plan shall take effect upon filing with the secretary of state and shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(C)(1) If the Ohio redistricting commission does not adopt a plan not later than the last day of October of a year ending in the numeral one, then the general assembly shall pass a congressional district plan in the form of a bill not later than the last day of November of that year.

(2) If the general assembly passes a congressional district plan under division (C)(1) of this section by the affirmative vote of three-fifths of the members of each house of the general assembly, including the affirmative vote of at least one-third of the members of each of the two largest political parties represented in that house, and the plan becomes law, the plan shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(3) If the general assembly passes a congressional district plan under division (C)(1) of this section by a simple majority of the members of each house of the general assembly, and not by the vote described in division (C)(2) of this section, all of the following shall apply:

(a) The general assembly shall not pass a plan that unduly favors or disfavors a political party or its incumbents.

(b) The general assembly shall not unduly split governmental units, giving preference to keeping whole, in the order named, counties, then townships and municipal corporations.

(c) Division (B)(2) of Section 2 of this article shall not apply to the plan. The general assembly shall attempt to draw districts that are compact.

(d) The general assembly shall include in the plan an explanation of the plan's compliance with divisions (C)(3)(a) to (c) of this section.

(e) If the plan becomes law, the plan shall remain effective until two general elections for the United States house of representatives have occurred under the plan, except as provided in Section 3 of this article.

(D) Not later than the last day of September of the year after the year in which a plan expires under division (C)(3)(e) of this section, the general assembly shall pass a congressional district plan in the form of a bill by the affirmative vote of three-fifths of the members of each house of the general assembly, including the affirmative vote of at least one-half of the members of each of the two largest political parties represented in that house. A congressional district plan that is passed under this division and becomes law shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

A congressional district plan passed under this division shall be drawn using the federal decennial census data or other data on which the previous redistricting was based.

(E) If a congressional district plan is not passed not later than the last day of September of the year after the year in which a plan expires under division (C)(3)(e) of this section and filed with the secretary of state in accordance with Section 16 of Article II of this constitution, then the Ohio redistricting commission described in Article XI of this constitution shall be reconstituted and reconvene and shall adopt a congressional district plan not later than the last day of October of that year by 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. A congressional district plan adopted under this division shall take effect upon filing with the secretary of state and shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

A congressional district plan adopted under this division shall be drawn using the federal decennial census data or other data on which the previous redistricting was based.

(F)(1) If the Ohio redistricting commission does not adopt a congressional district plan not later than the last day of October of the year after the year in which a plan expires under division (C) (3)(e) of this section, then the general assembly shall pass a congressional district plan in the form of a bill not later than the last day of November of that year.

A congressional district plan adopted under this division shall be drawn using the federal decennial census data or other data on which the previous redistricting was based.

(2) If the general assembly passes a congressional district plan under division (F)(1) of this section by the affirmative vote of three-fifths of the members of each house, including the affirmative vote of at least one-third of the members of each of the two largest political parties represented in that house, and the plan becomes law, it shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(3) If the general assembly passes a congressional district plan under division (F)(1) of this section by a simple majority vote of the members of each house of the

general assembly, and not by the vote described in division (F)(2) of this section, all of the following shall apply:

(a) The general assembly shall not pass a plan that unduly favors or disfavors a political party or its incumbents.

(b) The general assembly shall not unduly split governmental units, giving preference to keeping whole, in the order named, counties, then townships and municipal corporations.

(c) Division (B)(2) of Section 2 of this article shall not apply to the plan. The general assembly shall attempt to draw districts that are compact.

(d) The general assembly shall include in the plan an explanation of the plan's compliance with divisions (F)(3)(a) to (c) of this section.

(e) If the plan becomes law, the plan shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(G) Before the general assembly passes a congressional district plan under any division of this section, a joint committee of the general assembly shall hold at least two public committee hearings concerning a proposed plan. Before the Ohio redistricting commission adopts a congressional district plan under any division of this section, the commission shall hold at least two public hearings concerning a proposed plan.

(H) The general assembly and the Ohio redistricting commission shall facilitate and allow for the submission of proposed congressional district plans by members of the public. The general assembly shall provide by law the manner in which members of the public may do so.

(I) For purposes of filing a congressional district plan with the governor or the secretary of state under this article, a congressional district plan shall include both a legal description of the boundaries of the congressional districts and all electronic data necessary to create a congressional district map for the purpose of holding congressional elections.

(J) When a congressional district plan ceases to be effective under this article, the district boundaries described in that plan shall continue in operation for the purpose of holding elections until a new congressional district plan takes effect in accordance with this article. If a vacancy occurs in a district that was created under the previous district plan, the election to fill the vacancy for the remainder of the unexpired term shall be held using the previous district plan.

## **Section 2: Requirements for congressional district plan.**

(A)(1) Each congressional district shall be entitled to a single representative in the United States house of representatives in each congress.

(2) The whole population of the state, as determined by the federal decennial census or, if the federal decennial census is unavailable, another basis as directed by the general assembly, shall be divided by the number of congressional districts apportioned to the state pursuant to Section 2 of Article I of the Constitution of the United States, and the quotient shall be the congressional ratio of representation for the next ten years.

(3) Notwithstanding the fact that boundaries of counties, municipal corporations, and townships within a district may be changed, district boundaries shall be created by using the data from the most recent federal decennial census or from the basis directed by the general assembly, as applicable.

(B) A congressional district plan shall comply with all of the following requirements:

(1) The plan shall comply with all applicable provisions of the constitutions of Ohio and the United States and of federal law, including federal laws protecting racial minority voting rights.

(2) Every congressional district shall be compact.

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

(4) Except as otherwise required by federal law, in a county that contains a population that exceeds the congressional ratio of representation, the authority drawing the districts shall take the first of the following actions that applies to that county:

(a) If a municipal corporation or township located in that county contains a population that exceeds the congressional ratio of representation, the authority shall attempt to include a significant portion of that municipal corporation or township in a single district and may include in that district other municipal corporations or townships that are located in that county and whose residents have similar interests as the residents of the municipal corporation or township that contains a population that exceeds the congressional ratio of representation. In determining whether the population of a municipal corporation or township exceeds the congressional ratio of representation for the purpose of this division, if the territory of that municipal corporation or township completely surrounds the territory of another municipal corporation or township, the territory of the surrounded municipal corporation or township shall be considered part of the territory of the surrounding municipal corporation or township.

(b) If one municipal corporation or township in that county contains a population of not less than one hundred thousand and not more than the congressional ratio of representation, that municipal corporation or township shall not be split. If that county contains two or more such

municipal corporations or townships, only the most populous of those municipal corporations or townships shall not be split.

(5) Of the eighty-eight counties in this state, sixty-five counties shall be contained entirely within a district, eighteen counties may be split not more than once, and five counties may be split not more than twice. The authority drawing the districts may determine which counties may be split.

(6) If a congressional district includes only part of the territory of a particular county, the part of that congressional district that lies in that particular county shall be contiguous within the boundaries of the county.

(7) No two congressional districts shall share portions of the territory of more than one county, except for a county whose population exceeds four hundred thousand.

(8) The authority drawing the districts shall attempt to include at least one whole county in each congressional district. This division does not apply to a congressional district that is contained entirely within one county or that cannot be drawn in that manner while complying with federal law.

(C)(1) Except as otherwise provided in division (C)(2) of this section, for purposes of this article, a county, municipal corporation, or township is considered to be split if, based on the census data used for the purpose of redistricting, any contiguous portion of its territory is not contained entirely within one district.

(2) If a municipal corporation or township has territory in more than one county, the contiguous portion of that municipal corporation or township that lies in each county shall be considered to be a separate municipal corporation or township for purposes of this section.

### **Section 3: Jurisdiction; legal challenges; procedures upon invalidation of congressional district plan.**

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

(B)(1) In the event that any section of this constitution relating to congressional redistricting, any congressional district plan, or any congressional district or group of congressional districts is challenged and 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 general assembly shall pass a congressional district plan in accordance with the provisions of this constitution that are then valid, to be used until the next time for redistricting under this article in accordance with the provisions of this constitution that are then valid.

The general assembly shall pass that plan not later than the thirtieth day after the last day on which an appeal of the court order could have been filed or, if the order is not appealable, the thirtieth day after the day on which the order is issued.

A congressional district plan passed under this division shall remedy any legal defects in the previous plan identified by the court but shall include no changes to the previous plan other than those made in order to remedy those defects.

(2) If a new congressional district plan is not passed in accordance with division (B)(1) of this section and filed with the secretary of state in accordance with Section 16 of Article II of this constitution, the Ohio redistricting commission shall be reconstituted and reconvene and shall adopt a congressional district plan in accordance with the provisions of this constitution that are then valid, to be used until the next time for redistricting under this article in accordance with the provisions of this constitution that are then valid.

The commission shall adopt that plan not later than the thirtieth day after the deadline described in division (B)(1) of this section.

A congressional district plan adopted under this division shall remedy any legal defects in the previous plan identified by the court but shall include no other changes to the previous plan other than those made in order to remedy those defects.

## **Ohio Revised Code, Title 27**

### **Section 2731.01: Mandamus defined.**

Mandamus is a writ, issued in the name of the state to an inferior tribunal, a corporation, board, or person, commanding the performance of an act which the law specially enjoins as a duty resulting from an office, trust, or station.

### **Section 2731.02: Courts authorized to issue writ – contents.**

The writ of mandamus may be allowed by the supreme court, the court of appeals, or the court of common pleas and shall be issued by the clerk of the court in which the application is made. Such writ may issue on the information of the party beneficially interested.

Such writ shall contain a copy of the petition, verification, and order of allowance.

### **Section 2731.04: Application for writ.**

Application for the writ of mandamus must be by petition, in the name of the state on the relation of the person applying, and verified by affidavit. The court may require notice of it to be given to the defendant, or grant an order to show cause why it should not be allowed, or allow the writ without notice.

### **Section 2731.05: Adequacy of law remedy bar to writ.**

The writ of mandamus must not be issued when there is a plain and adequate remedy in the ordinary course of the law.

**Section 2731.06: Peremptory writ in first instance.**

When the right to require the performance of an act is clear and it is apparent that no valid excuse can be given for not doing it, a court, in the first instance, may allow a peremptory mandamus. In all other cases an alternative writ must first be issued on the allowance of the court, or a judge thereof.

**Section 2731.16: Power of court.**

Sections 2731.14 and 2731.15 of the Revised Code do not limit the power of the court to carry its order and judgment into execution, or to punish any officer named therein for contempt or disobedience of its orders or writs.

**Ohio Revised Code, Title 35**

**Section 3501.05: Election duties of secretary of state.**

The secretary of state shall do all of the following:

...

(G) Determine and prescribe the forms of ballots and the forms of all blanks, cards of instructions, pollbooks, tally sheets, certificates of election, and forms and blanks required by law for use by candidates, committees, and boards;

(H) Prepare the ballot title or statement to be placed on the ballot for any proposed law or amendment to the constitution to be submitted to the voters of the state;

(I) Except as otherwise provided in section 3519.08 of the Revised Code, certify to the several boards the forms of ballots and names of candidates for state offices, and the form and wording of state referendum questions and issues, as they shall appear on the ballot;

[Divisions (J) through (EE) omitted.]

**Section 3505.06: Questions and issues ballot.**

(A) On the questions and issues ballot shall be printed all questions and issues to be submitted at any one election together with the percentage of affirmative votes necessary for passage as required by law. Such ballot shall have printed across the top thereof, and below the stubs, "Official Questions and Issues Ballot."

(B)

(1) Questions and issues shall be grouped together on the ballot from top to bottom as provided in division (B)(1) of this section, except as otherwise provided in division (B)(2) of this section. State questions and issues shall always appear as the top group of questions and issues. In calendar year 1997, the following questions

and issues shall be grouped together on the ballot, in the following order from top to bottom, after the state questions and issues:

- (a) County questions and issues;
- (b) Municipal questions and issues;
- (c) Township questions and issues;
- (d) School or other district questions and issues.

In each succeeding calendar year after 1997, each group of questions and issues described in division (B)(1)(a) to (d) of this section shall be moved down one place on the ballot except that the group that was last on the ballot during the immediately preceding calendar year shall appear at the top of the ballot after the state questions and issues. The rotation shall be performed only once each calendar year, beginning with the first election held during the calendar year. The rotation of groups of questions and issues shall be performed during each calendar year as required by division (B)(1) of this section, even if no questions and issues from any one or more such groups appear on the ballot at any particular election held during that calendar year.

(2) Questions and issues shall be grouped together on the ballot, from top to bottom, in the following order when it is not practicable to group them together as required by division (B)(1) of this section because of the type of voting machines used by the board of elections: state questions and issues, county questions and issues, municipal questions and issues, township questions and issues, and school or other district questions and issues. The particular order in which each of a group of state questions or issues is placed on the ballot shall be determined by, and certified to each board of elections by, the secretary of state.

(3) Failure of the board of elections to rotate questions and issues as required by division (B)(1) of this section does not affect the validity of the election at which the failure occurred, and is not grounds for contesting an election under section 3515.08 of the Revised Code.

(C) The particular order in which each of a group of county, municipal, township, or school district questions or issues is placed on the ballot shall be determined by the board providing the ballots.

(D) The printed matter pertaining to each question or issue on the ballot shall be enclosed at the top and bottom thereof by a heavy horizontal line across the width of the ballot. Immediately below such top line shall be printed a brief title descriptive of the question or issue below it, such as "Proposed Constitutional Amendment," "Proposed Bond Issue," "Proposed Annexation of Territory," "Proposed Increase in Tax Rate," or such other brief title as will be descriptive of the question or issue to which it pertains, together with a brief statement of the percentage of affirmative votes necessary for passage, such as "A sixty-five per cent affirmative vote is necessary for passage," "A majority vote is necessary for

passage," or such other brief statement as will be descriptive of the percentage of affirmative votes required.

(E) The questions and issues ballot need not contain the full text of the proposal to be voted upon. A condensed text that will properly describe the question, issue, or an amendment proposed by other than the general assembly shall be used as prepared and certified by the secretary of state for state-wide questions or issues or by the board for local questions or issues. If other than a full text is used, the full text of the proposed question, issue, or amendment together with the percentage of affirmative votes necessary for passage as required by law shall be posted in each polling place in some spot that is easily accessible to the voters.

(F) Each question and issue appearing on the questions and issues ballot may be consecutively numbered. The question or issue determined to appear at the top of the ballot may be designated on the face thereof by the Arabic numeral "1" and all questions and issues placed below on the ballot shall be consecutively numbered. Such numeral shall be placed below the heavy top horizontal line enclosing such question or issue and to the left of the brief title thereof.

(G) No portion of a ballot question proposing to levy a property tax in excess of the ten-mill limitation under any section of the Revised Code, including the renewal or replacement of such a levy, may be printed in boldface type or in a font size that is different from the font size of other text in the ballot question. The prohibitions in division (G) of this section do not apply to printed matter either described in division (D) of this section related to such a ballot question or located in the area of the ballot in which votes are indicated for or against that question.

#### **Section 3505.061: Ohio ballot board.**

(A) The Ohio ballot board, as authorized by Section 1 of Article XVI, Ohio Constitution, shall consist of the secretary of state and four appointed members. No more than two of the appointed members shall be of the same political party. One of the members shall be appointed by the president of the senate, one shall be appointed by the minority leader of the senate, one shall be appointed by the speaker of the house of representatives, and one shall be appointed by the minority leader of the house of representatives. The appointments shall be made no later than the last Monday in January in the year in which the appointments are to be made. If any appointment is not so made, the secretary of state, acting in place of the person otherwise required to make the appointment, shall appoint as many qualified members affiliated with the appropriate political party as are necessary.

(B)

(1) The initial appointees to the board shall serve until the first Monday in February, 1977. Thereafter, terms of office shall be for four years, each term ending on the first Monday in February. The term of the secretary of state on the board shall coincide with the secretary of state's term of office. Except as otherwise provided in division (B)(2) of this section, division (B)(2) of section 3505.063, and division

(B)(2) of section 3519.03 of the Revised Code, each appointed member shall hold office from the date of appointment until the end of the term for which the member was appointed. Except as otherwise provided in those divisions, any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. Except as otherwise provided in those divisions, any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or a period of sixty days has elapsed, whichever occurs first. Any vacancy occurring on the board shall be filled in the manner provided for original appointments. A member appointed to fill a vacancy shall be of the same political party as that required of the member whom the member replaces.

(2) The term of office of a member of the board who also is a member of the general assembly and who was appointed to the board by the president of the senate, the minority leader of the senate, the speaker of the house of representatives, or the minority leader of the house of representatives shall end on the earlier of the following dates:

- (a) The ending date of the ballot board term for which the member was appointed;
- (b) The ending date of the member's term as a member of the general assembly.

(C) Members of the board shall serve without compensation but shall be reimbursed for expenses actually and necessarily incurred in the performance of their duties.

(D) The secretary of state shall be the chairperson of the board, and the secretary of state or the secretary of state's representative shall have a vote equal to that of any other member. The vice-chairperson shall act as chairperson in the absence or disability of the chairperson, or during a vacancy in that office. The board shall meet after notice of at least seven days at a time and place determined by the chairperson. At its first meeting, the board shall elect a vice-chairperson from among its members for a term of two years, and it shall adopt rules for its procedures. After the first meeting, the board shall meet at the call of the chairperson or upon the written request of three other members. Three members constitute a quorum. No action shall be taken without the concurrence of three members.

(E) The secretary of state shall provide technical, professional, and clerical employees as necessary for the board to carry out its duties.

### **Section 3505.062: Ohio ballot board duties.**

The Ohio ballot board shall do all of the following:

(A) Examine, within ten days after its receipt, each written initiative petition received from the attorney general under section 3519.01 of the Revised Code to determine whether it contains only one proposed law or constitutional amendment so as to enable the voters to vote on a proposal separately. If the board so determines, it shall certify its approval to the

attorney general, who then shall file with the secretary of state in accordance with division (A) of section 3519.01 of the Revised Code a verified copy of the proposed law or constitutional amendment together with its summary and the attorney general's certification of it.

If the board determines that the initiative petition contains more than one proposed law or constitutional amendment, the board shall divide the initiative petition into individual petitions containing only one proposed law or constitutional amendment so as to enable the voters to vote on each proposal separately and certify its approval to the attorney general. If the board so divides an initiative petition and so certifies its approval to the attorney general, the petitioners shall resubmit to the attorney general appropriate summaries for each of the individual petitions arising from the board's division of the initiative petition, and the attorney general then shall review the resubmissions as provided in division (A) of section 3519.01 of the Revised Code.

(B) Prescribe the ballot language for constitutional amendments proposed by the general assembly to be printed on the questions and issues ballot, which language shall properly identify the substance of the proposal to be voted upon;

(C) Prepare an explanation of each constitutional amendment proposed by the general assembly, which explanation may include the purpose and effects of the proposed amendment;

(D) Certify the ballot language and explanation, if any, to the secretary of state no later than seventy-five days before the election at which the proposed question or issue is to be submitted to the voters;

(E) Prepare, or designate a group of persons to prepare, arguments in support of or in opposition to a constitutional amendment proposed by a resolution of the general assembly, a constitutional amendment or state law proposed by initiative petition, or a state law, or section or item of state law, subject to a referendum petition, if the persons otherwise responsible for the preparation of those arguments fail to timely prepare and file them;

(F) Direct the means by which the secretary of state shall disseminate information concerning proposed constitutional amendments, proposed laws, and referenda to the voters;

(G) Direct the secretary of state to contract for the publication in a newspaper of general circulation in each county in the state of the ballot language, explanations, and arguments regarding each of the following:

(1) A constitutional amendment or law proposed by initiative petition under Section 1g of Article II of the Ohio Constitution;

(2) A law, section, or item of law submitted to the electors by referendum petition under Section 1g of Article II of the Ohio Constitution;

(3) A constitutional amendment submitted to the electors by the general assembly under Section 1 of Article XVI of the Ohio Constitution.

**Section 3513.19: Challenges.**

(A) It is the duty of any precinct election official, whenever any such official doubts that a person attempting to vote at a primary election is legally entitled to vote at that election, to challenge the right of that person to vote. The right of a person to vote at a primary election may be challenged upon the following grounds:

(1) That the person whose right to vote is challenged is not a legally qualified elector;

(2) That the person has received or has been promised some valuable reward or consideration for the person's vote;

(3) That the person is not affiliated with or is not a member of the political party whose ballot the person desires to vote. Such party affiliation shall be determined by examining the elector's voting record for the current year and the immediately preceding two calendar years as shown on the voter's registration card, using the standards of affiliation specified in the seventh paragraph of section 3513.05 of the Revised Code. Division (A)(3) of this section and the seventh paragraph of section 3513.05 of the Revised Code do not prohibit a person who holds an elective office for which candidates are nominated at a party primary election from doing any of the following:

(a) If the person voted as a member of a different political party at any primary election within the current year and the immediately preceding two calendar years, being a candidate for nomination at a party primary held during the times specified in division (C)(2) of section 3513.191 of the Revised Code provided that the person complies with the requirements of that section;

(b) Circulating the person's own petition of candidacy for party nomination in the primary election.

(B) When the right of a person to vote is challenged upon the ground set forth in division (A)(3) of this section, membership in or political affiliation with a political party shall be determined by the person's statement, made under penalty of election falsification, that the person desires to be affiliated with and supports the principles of the political party whose primary ballot the person desires to vote.

**Section 3519.01: Restrictions on contents of initiative petition; attorney general's approval of petition required; duties of secretary of state regarding petitions; challenge of certification decisions.**

(A) Only one proposal of law or constitutional amendment to be proposed by initiative petition shall be contained in an initiative petition to enable the voters to vote on that

proposal separately. A petition shall include the text of any existing statute or constitutional provision that would be amended or repealed if the proposed law or constitutional amendment is adopted.

Whoever seeks to propose a law or constitutional amendment by initiative petition shall, by a written petition signed by one thousand qualified electors, submit the proposed law or constitutional amendment and a summary of it to the attorney general for examination. Within ten days after the receipt of the written petition and the summary of it, the attorney general shall conduct an examination of the summary. If, in the opinion of the attorney general, the summary is a fair and truthful statement of the proposed law or constitutional amendment, the attorney general shall so certify and then forward the submitted petition to the Ohio ballot board for its approval under division (A) of section 3505.062 of the Revised Code. If the Ohio ballot board returns the submitted petition to the attorney general with its certification as described in that division, the attorney general shall then file with the secretary of state a verified copy of the proposed law or constitutional amendment together with its summary and the attorney general's certification.

Whenever the Ohio ballot board divides an initiative petition into individual petitions containing only proposed law or constitutional amendment under division (A) of section 3505.062 of the Revised Code resulting in the need for the petitioners to resubmit to the attorney general appropriate summaries for each of the individual petitions arising from the board's division of the initiative petition, the attorney general shall review the resubmitted summaries, within ten days after their receipt, to determine if they are a fair and truthful statement of the respective proposed laws or constitutional amendments and, if so, certify them. These resubmissions shall contain no new explanations or arguments. Then, the attorney general shall file with the secretary of state a verified copy of each of the proposed laws or constitutional amendments together with their respective summaries and the attorney general's certification of each.

(B)(1) Whoever seeks to file a referendum petition against any law, section, or item in any law shall, by a written petition signed by one thousand qualified electors, submit the measure to be referred and a summary of it to the secretary of state and, on the same day or within one business day before or after that day, submit a copy of the petition, measure, and summary to the attorney general.

(2) Not later than ten business days after receiving the petition, measure, and summary, the secretary of state shall do both of the following:

(a) Have the validity of the signatures on the petition verified;

(b) After comparing the text of the measure to be referred with the copy of the enrolled act on file in the secretary of state's office containing the law, section, or item of law, determine whether the text is correct and, if it is, so certify.

(3) Not later than ten business days after receiving a copy of the petition, measure, and summary, the attorney general shall examine the summary and, if in the

attorney general's opinion, the summary is a fair and truthful statement of the measure to be referred, so certify.

(C) Any person who is aggrieved by a certification decision under division (A) or (B) of this section may challenge the certification or failure to certify of the attorney general in the supreme court, which shall have exclusive, original jurisdiction in all challenges of those certification decisions.

**Section 3519.21: Ballot title and order.**

The order in which all propositions, issues, or questions, including proposed laws and constitutional amendments, shall appear on the ballot and the ballot title of all such propositions, issues, or questions shall be determined by the secretary of state in case of propositions to be voted upon in a district larger than a county, and by the board of elections in a county in the case of a proposition to be voted upon in a county or a political subdivision thereof. In preparing such a ballot title the secretary of state or the board shall give a true and impartial statement of the measures in such language that the ballot title shall not be likely to create prejudice for or against the measure. The person or committee promoting such measure may submit to the secretary of state or the board a suggested ballot title, which shall be given full consideration by the secretary of state or board in determining the ballot title.

Except as otherwise provided by law, all propositions, issues, or questions submitted to the electors and receiving an affirmative vote of a majority of the votes cast thereon are approved.

**United States Code, Title 52**

**Section 20302: State responsibilities.**

(a) In general

Each State shall--

(1) permit absent uniformed services voters and overseas voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for Federal office;

(2) accept and process, with respect to any election for Federal office, any otherwise valid voter registration application and absentee ballot application from an absent uniformed services voter or overseas voter, if the application is received by the appropriate State election official not less than 30 days before the election;

(3) permit absent uniformed services voters and overseas voters to use Federal write-in absentee ballots (in accordance with section 20303 of this title) in general elections for Federal office;

(4) use the official post card form (prescribed under section 20301 of this title) for simultaneous voter registration application and absentee ballot application;

(5) if the State requires an oath or affirmation to accompany any document under this chapter, use the standard oath prescribed by the Presidential designee under section 20301(b)(7) of this title;

(6) in addition to any other method of registering to vote or applying for an absentee ballot in the State, establish procedures--

(A) for absent uniformed services voters and overseas voters to request by mail and electronically voter registration applications and absentee ballot applications with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (e);

(B) for States to send by mail and electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas voter under subparagraph (C)) voter registration applications and absentee ballot applications requested under subparagraph (A) in accordance with subsection (e); and

(C) by which the absent uniformed services voter or overseas voter can designate whether the voter prefers that such voter registration application or absentee ballot application be transmitted by mail or electronically;

(7) in addition to any other method of transmitting blank absentee ballots in the State, establish procedures for transmitting by mail and electronically blank absentee ballots to absent uniformed services voters and overseas voters with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (f);

(8) transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter--

(A) except as provided in subsection (g), in the case in which the request is received at least 45 days before an election for Federal office, not later than 45 days before the election; and

(B) in the case in which the request is received less than 45 days before an election for Federal office--

(i) in accordance with State law; and

(ii) if practicable and as determined appropriate by the State, in a manner that expedites the transmission of such absentee ballot;

(9) if the State declares or otherwise holds a runoff election for Federal office, establish a written plan that provides absentee ballots are made available to absent uniformed services voters and overseas voters in manner<sup>1</sup> that gives them sufficient time to vote in the runoff election;

(10) carry out section 20304(b)(1) of this title with respect to the processing and acceptance of marked absentee ballots of absent overseas uniformed services voters; and

(11) report data on the number of absentee ballots transmitted and received under subsection (c) and such other data as the Presidential designee determines appropriate in accordance with the standards developed by the Presidential designee under section 20301(b)(11) of this title.

...

**IN THE SUPREME COURT OF OHIO**

**State of Ohio *ex rel.* Citizens Not  
Politicians, *et al.*,**

**Relators,**

**v.**

**Ohio Ballot Board, *et al.*,**

**Respondents.**

**Case No. 2024-1200**

Original Action in Mandamus Pursuant to  
Article XVI, Section 1 of the Ohio  
Constitution

Expedited Election Case  
Pursuant to Supreme Court Rule of  
Practice 12.08

Peremptory and Alternative Writs  
Requested

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**RELATORS' EVIDENCE**

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*Counsel for Respondents*

## Affidavit of Donald J. McTigue

I, Donald J. McTigue, having been duly sworn and cautioned according to law, hereby state that I am over the age of eighteen years and am competent to testify as to the facts set forth below based on my personal knowledge and having personally examined all records referenced in this affidavit, and further state as follows:

1. I am an attorney at law licensed to practice in the State of Ohio, and I serve as legal counsel to Relators in this action.
2. I attended and participated in the Ohio Ballot Board's August 16, 2024 meeting regarding the citizen-initiated proposed constitutional amendment entitled "An amendment to replace the current politician-run redistricting process with a citizen-led commission required to create fair state legislative and congressional districts through a more open and independent system" (the "Amendment").
3. A video recording of the meeting is available on The Ohio Channel's website.<sup>1</sup>
4. Relator Citizens Not Politicians is an Ohio ballot issue committee organized under Chapter 3517 of the Ohio Revised Code and operating under Section 501(c)(4) of the Internal Revenue Code to support the Amendment. It acts as a coalition of people and organizations seeking to end gerrymandering in Ohio by removing politicians from the redistricting process and instead empowering Ohio citizens to draw fair and impartial legislative and congressional districts through an open and independent process.
5. As a consequence of the ballot title and language approved by the Secretary of State and the Ballot Board, Citizens Not Politicians will have to expend additional resources to educate voters about the Amendment's scope and effects in connection with its efforts to encourage voters to support the Amendment.
6. Document 1 is a true and correct copy of a petition to the Ohio Attorney General that includes the full text and summary of the Amendment. The full Amendment text contains 7,181 words, not including the header, the repealed language from Articles XI and XIX, and the statement of the circulator.
7. Document 2 is a true and correct copy of the ballot title and language adopted by the Ohio Ballot Board at its August 16, 2024 meeting. It contains 966 words, not including the yes/no block and the certification.
8. Document 3 is a true and correct copy of the Affidavit of Relator Cara Dillon.

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<sup>1</sup> See Ohio Ballot Board – 8-16-2024, The Ohio Channel (Aug. 16, 2024), available at <https://ohiochannel.org/video/ohio-ballot-board-8-16-2024>; Ohio Ballot Board – 8-16-2024 Part 2, The Ohio Channel (Aug. 16, 2024), available at <https://ohiochannel.org/video/ohio-ballot-board-8-16-2024-part-2>.

9. Document 4 is a true and correct copy of the Affidavit of Relator Annette Tucker Sutherland.
10. Document 5 is a true and correct copy of Ohio Attorney General Dave Yost's November 9, 2023 letter certifying the petition summary for the Amendment.
11. Document 6 is a true and correct copy of Citizens Not Politicians' July 1, 2024 press release regarding the submission of 731,306 signatures in support of the Amendment.
12. Document 7 is a true and correct copy of the Ohio Secretary of State's July 23, 2024 announcement of the Amendment's certification to the November ballot.
13. Document 8 is a true and correct copy of the ballot title and language for the 2015 constitutional amendment proposed by the General Assembly regarding state legislative redistricting. It contains 221 words, not including the yes/no block.
14. Document 9 is a true and correct copy of the ballot title and language for the 2018 constitutional amendment proposed by the General Assembly regarding congressional redistricting. It contains 190 words, not including the yes/no block.
15. Document 10 is a true and correct copy of the ballot title and language for the Amendment proposed by the committee representing the petitioners with respect to the Amendment. It contains 237 words, not including the yes/no block.
16. Document 11 is a true and correct copy of the letter that I submitted to the Ohio Ballot Board on behalf of the committee on August 16, 2024, in advance of its meeting on that date.
17. Document 12 is a true and correct transcript of the Ohio Ballot Board's August 16, 2024 meeting.
18. Document 13 is a true and correct copy of the ballot title and language for the Amendment, as proposed by the Ohio Secretary of State before the Ohio Ballot Board's August 16, 2024 meeting.
19. Document 14 is a true and correct copy of the following article: Andrew J. Tobias, *Ohio Senate OKs \$20 million for Aug. 2 primary election, adding to mounting redistricting costs*, Cleveland.com (June 1, 2022).<sup>2</sup>
20. Document 15 is a demonstrative that sets forth a ballot title and language that would comply with applicable legal requirements while addressing the subject matter of the Amendment that the Ballot Board elected to summarize.
21. Document 16 is a true and correct copy of the full text of the 2015 constitutional amendment proposed by the General Assembly regarding congressional redistricting. It contains 3,740 words, not including the header and signature block.

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<sup>2</sup> Available at <https://www.cleveland.com/election/2022/06/ohio-senate-oks-20-million-for-aug-2-primary-election-adding-to-mounting-redistricting-costs.html>.

22. Document 17 is a true and correct copy of the full text of the 2018 constitutional amendment proposed by the General Assembly regarding congressional redistricting. It contains 3,556 words, not including the header and signature block.
23. Document 18 is a true and correct copy of the ballot title and language for the 2015 constitutional amendment proposed by initiative petition regarding commercial production and sale of marijuana.
24. Document 19 is a true and correct copy of the full text of the 2015 constitutional amendment proposed by initiative petition regarding commercial production and sale of marijuana.
25. Document 20 is a true and correct copy of the ballot title and language for the 2014 constitutional amendment proposed by the General Assembly regarding public infrastructure capital investments.
26. Document 21 is a true and correct copy of the full text of the 2014 constitutional amendment proposed by the General Assembly regarding public infrastructure capital investments.
27. Document 22 is a true and correct copy of the ballot title and language for the 2018 constitutional amendment proposed by initiative petition regarding reducing penalties for drug crimes.
28. Document 23 is a true and correct copy of the full text of the 2018 constitutional amendment proposed by initiative petition regarding reducing penalties for drug crimes.
29. Document 24 is a true and correct copy of the Ohio Legislative Service Commission's final analysis of the 2015 constitutional amendment proposed by the General Assembly regarding congressional redistricting.
30. Document 25 is a true and correct copy of the Ohio Legislative Service Commission's July 2021 analysis of the enacted budget.
31. Document 26 is a true and correct copy of the Ohio Legislative Service Commission's Fiscal Note & Local Impact Statement on the 134th General Assembly's H.B. 92.
32. Document 27 is a true and correct transcript of the Ohio Redistricting Commission's May 4, 2022 meeting.
33. The Index at the beginning of the Evidence describes each document and the page(s) on which it appears.

*Donald J. McTigue*

Donald J. McTigue

State of Texas;

County of Harris; ss.

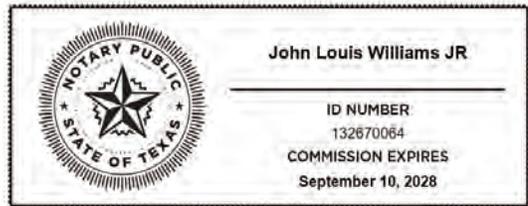
Sworn to before me this 23rd day of August, 2024.

John Louis Williams JR

Printed Name, Notary Public

*John Louis Williams JR*

Signature, Notary Public



My commission expires 09/10/2028

Electronically signed and notarized online using the Proof platform.

Dated: August 29, 2024

Respectfully submitted,

/s/ Donald J. McTigue  
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## CERTIFICATE OF SERVICE

I hereby certify that the foregoing was sent via email this 29th day of August 2024 to the following:

Julie M. Pfeiffer, Julie.Pfeiffer@OhioAGO.gov  
Michael A. Walton, Michael.Walton@OhioAGO.gov  
Stephen Tabatowski, Stephen.Tabatowski@OhioAGO.gov  
Kristopher Haines, Kristopher.Haines@OhioAGO.gov  
Mark Tucker, Mark.Tucker@OhioAGO.gov

*Counsel for Respondents*

/s/ Donald J. McTigue  
Donald J. McTigue (0022849)

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County: Cuyahoga

Number: \_\_\_\_\_

## PETITION

**To the Attorney General of Ohio:** Pursuant to Ohio Revised Code § 3519.01(A), the undersigned electors of the State of Ohio, numbering in excess of one thousand, hereby submit to you the full text of a proposed Amendment to the Ohio Constitution and a summary of the same.

### TITLE

**An amendment to replace the current politician-run redistricting process with a citizen-led commission required to create fair state legislative and congressional districts through a more open and independent system.**

### SUMMARY

The proposed Amendment would repeal all existing sections in Articles XI and XIX of the Ohio Constitution related to state and congressional redistricting and add Article XX to the Constitution setting forth a structure and criteria to govern the process for drawing Ohio General Assembly and Ohio Congressional districts. Among other things, the Amendment would:

1. Create the Ohio Citizens Redistricting Commission (“Commission”), composed of 15 members (“Commissioners”)--5 affiliated with the political party whose candidate for governor received the highest number of votes at the last preceding election for governor (“First Major Party”), 5 affiliated with the political party whose candidate for governor received the second highest number of votes at the last preceding election for governor (“Second Major Party”), and 5 not affiliated with either the First Major Party or the Second Major Party as determined by the bipartisan screening panel based on available information (“Independent”).
2. Set forth that the Commission is established to ensure an open and transparent process and fair outcomes that preserve the political power inherent in the people.
3. Set forth an open application process for appointment to the Commission, an application review process, criteria for determining affiliation and non-affiliation with a political party for appointment to the Commission, and eligibility and ineligibility for appointment to the Commission, including but not limited to the applicant’s partisan political activities and, in the current and prior six years, the applicant’s or applicant’s immediate family members’ election or appointment to public office, candidacy for elective public office, lobbyist registration, service as an officer, paid consultant or contractor of a campaign committee, political action committees or political parties, or service as a staff member, paid consultant or contractor for an elected official or candidate for public office.
4. Party affiliation of Commission applicants shall be determined based on the applicant’s voting record in party primaries and various other relevant factors including, but not limited to, political contributions, campaign activities, and other reliable indicia of partisan affiliation. An applicant who has voted in two consecutive even-year primary elections for the same political party in the six years immediately preceding the application deadline shall be presumed to be affiliated with that party unless relevant factors demonstrate otherwise.

5. Require continuous Ohio residency during the current year and for the six years immediately prior to appointment to the Commission, good standing as an elector in Ohio, and disclosure of certain financial information and conflicts of interest.
6. Establish a bi-partisan screening panel (“Panel”) composed of 4 Ohio retired judges--2 affiliated with the First Major Political Party and 2 affiliated with the Second Major Political Party. Provide that the 4 legislative appointees of the Ohio Ballot Board would be responsible for appointing the Panel members as follows: the Ballot Board legislative appointees affiliated with the same Major Political Party would select 8 applicants and present those to the Ballot Board legislative appointees affiliated with the other Major Political Party, who would then select 2 persons from the 8 for appointment to the Panel, resulting in 4 Panel appointees.
7. The Amendment does not provide that the same rules for determining political party affiliation for Commission members would apply to Panel members. The Ohio Ballot Board members would have discretion to determine political party affiliation of Panel members. Retired judges applying to serve on the Panel must complete a form that requires submission of sufficient information to enable Ballot Board members to assess the judge's qualifications and ability to be impartial and competent, and to carry out required duties with full public confidence. A retired judge must attest that the judge has had no known communication material to redistricting matters with anyone ineligible to serve on the Commission during the sixty days prior to the submission of the application and that the judge is and will continue to be free from conflicts of interest.
8. Set forth other criteria for eligibility and ineligibility to serve on the Panel in accordance with the same eligibility and ineligibility criteria to serve as a Commissioner.
9. Require the Panel to engage a professional search firm to solicit applications for Commissioner, screen and provide information about applicants, check references, and otherwise facilitate the application review and applicant interview process. Set forth criteria for qualification and disqualification of a professional search firm and require the Ohio Department of Administrative Services to provide assistance to the Panel with the request for proposals process for a professional search firm.
10. Provide that the 15 members of the Commission shall be selected as follows: a) the Panel by majority vote shall create a pool of 90 applicants that collectively form a geographically and demographically representative cross-section of Ohio with 30 affiliated with the First Major Party, 30 affiliated with the Second Major Party, and 30 Independents, provide a portal for public comments on the applicants in the pool and provide for publicly broadcast interviews by the Panel of the 90 applicants; b) the Panel then shall select 45 finalists from the pool who collectively form a geographically and demographically representative cross-section of Ohio—15 affiliated with the First Major Party, 15 affiliated with the Second Major Party, and 15 Independents; c) in a public meeting, the Panel shall randomly draw 6 names from the finalists to be on the Commission—2 affiliated with the First Major Party, 2 affiliated with the Second Major Party and 2 Independents; d) these 6 shall at a subsequent public meeting select from the pool by majority vote, including at least one vote from a Commission member affiliated with each Major Party and one Independent, 9 additional persons to be on the Commission – 3 affiliated with the First Major Party, 3 affiliated with the Second Major Party and 3 Independents, based on the strength of their applications and their reflection of the geographic and demographic diversity of Ohio.
11. Provide that the presence of 9 Commissioners shall constitute a quorum and that all acts of the Commission shall be in public meetings and require an affirmative vote of at least 9 members, including 2 affiliated with the First Major Party, 2 affiliated with the Second Major Party, and 2 Independents.

12. Provide procedures for removal for cause of Commissioners and for the filling of any Commissioner vacancy.
13. Provide that the Commission shall retain staff, professionals, and consultants through a public application process with assistance from the Department of Administrative Services and that Commissioners, staff, professionals, and consultants will owe a duty to the Commission as a whole and be obligated to act in the interest of the people of Ohio. Staff shall include an executive director, legal counsel, and one or more demographers with district mapping experience.
14. Provide that the Commission shall conduct hearings in a manner that invites broad public participation throughout the state, including the use of technology to broadcast Commission meetings and facilitate public participation.
15. Require the Commission to make census and voting data broadly accessible to the public and require the Secretary of State to collect the precinct boundaries used in any statewide election and make this information publicly available in a manner suitable for analysis for redistricting purposes.
16. Provide that the Commission shall hold at least 5 public hearings prior to release of a draft redistricting plan to gather public input. At least one hearing shall be held in each of 5 geographic regions of the state (NE, SE, NW, SW, and Central).
17. Provide that after release of a draft redistricting plan, the Commission shall hold at least 5 public hearings across the 5 geographic regions to receive public comment on the draft plan.
18. Provide that before a vote on a final redistricting plan, the Commission shall hold at least 2 public hearings to receive public comment on any revised redistricting plan.
19. Provide that not later than September 19, 2025, and no later than July 15 of each year ending in the number one, and only after proposed final redistricting plans have been made public for at least 3 days, the Commission shall adopt final redistricting plans and that within 3 days after adoption, the Commission shall make publicly available: a) a report of the redistricting plans with an explanation of the basis of the Commission's decisions and its consideration of public comments and b) the complete record before the Commission.
20. Provide that upon certification of the results of the election approving the Amendment, all prior redistricting plans used to elect members to the General Assembly or Congress are void for any subsequent elections.
21. Provide that each redistricting plan shall contain single-member districts that are geographically contiguous and comply with the United States Constitution and federal laws, including the Voting Rights Act of 1965.
22. Provide that in order to ban partisan gerrymandering and redistricting plans that favor or disfavor a political party, the statewide proportion of districts in a redistricting plan that favors each political party shall correspond closely to statewide partisan preferences of the voters of Ohio and provide how the statewide proportion of districts that favors a political party shall be determined, how the statewide partisan preferences of Ohio voters shall be determined, and that "correspond closely" shall mean that the statewide proportion of districts that favors a political party shall not deviate by more than three percentage points in either direction from the statewide partisan preferences of Ohio voters unless arithmetically impossible, in which case the closest possible proportion greater than three percentage points shall govern.
23. Provide that, subject to the above criteria, a redistricting plan shall, in the following order of priority, provide for districts with reasonably equal population based on the most recent federal decennial census, ensure equal functional ability of politically cohesive and

- geographically proximate racial, ethnic, and language minorities to elect candidates of their choice, and preserve communities of interest to the extent practicable.
24. Provide that persons in the custody of the Ohio Department of Rehabilitation and Corrections or its successor agency shall be counted at their last known pre-incarceration address for purposes of population equalization.
  25. Prohibit the Commission, in adopting a redistricting plan, from considering the place of residence of an incumbent elected official or candidate or taking into account senators whose terms will not expire within two years of the effective date of the plan.
  26. Define community of interest as an area where the record before the Commission demonstrates the existence of communities of people with broadly shared interests and representational needs, including those that arise from common ethnic, racial, social, cultural, geographic, environmental, socioeconomic, or historic identities or concerns.
  27. Provide that counties, municipal corporations, townships, and school districts may constitute a community of interest provided that the record before the Commission clearly and convincingly demonstrates such subdivision is a community of people who have broadly shared interests and representational needs greater than those of overlapping communities of interest.
  28. Provide that under no circumstance shall a community of interest be defined based on a shared political identity or common relationships with political parties or political candidates.
  29. Provide that in considering which overlapping communities of interest to preserve, the Commission shall give greater consideration to those communities whose representational needs would be most benefitted from the community's inclusion in a single district.
  30. Provide that districts for the Ohio House of Representatives shall be numbered 1 through 99 and each Ohio Senate District shall be composed of 3 House Districts and Senate districts shall be numbered 1 through 33.
  31. Set forth how district representation of a state senator whose term does not expire for two years after adoption of a redistricting plan and whose senate district boundaries have been changed will be determined.
  32. Provide an impasse procedure as follows if the Commission fails to adopt a redistricting plan by its deadline: for any plan at an impasse, each commissioner shall have three days to submit no more than one proposed redistricting plan to be subject to a ranked-choice selection process as described in detail in the Amendment. If in the first round, one of the submitted plans receives a first-place position from a majority of Commissioners, then that plan is adopted. Otherwise, the plan with the highest number of points is eliminated and the process is repeated until a plan receives a majority of first place rankings. If the ranked-choice process ends in a tie for the highest point total, the tie shall be broken through a random process.
  33. Provide that the Ohio Supreme Court will have exclusive original jurisdiction in all cases that contend that an adopted plan fails to comply with the proportionality and incumbency and candidacy provisions set forth in Section 6(B) of the Amendment. Such a case may be filed by any Ohio elector and shall proceed as follows: a petition challenging the plan must be filed within 10 days of the Commission issuing its explanatory report; if more than one case is filed, they must be consolidated; only the Commission will have standing to respond to the challenge; the bipartisan Panel, with assistance from the professional search firm, shall create a pool of at least 6 potential special masters following qualifications and disqualifications set forth in the Amendment; the Supreme Court shall by unanimous vote select two special masters from the pool created by the bipartisan Panel; and if the Court

fails to make such selections, the administrative director of the Court shall randomly select two special masters from the pool.

34. Provide that the two special masters shall review the record before the Commission and hold a public hearing, after which they must issue a report as to whether the Commission abused its discretion in its determination that the adopted plan complies with the partisan fairness criteria required by the Amendment for a redistricting plan; if a person who filed a challenge or the Commission disagrees with the report of the special masters, the person may file objections with the Court and after a public hearing on the objections and a review of the record before the Commission, the Court will rule whether the Commission abused its discretion in determining that the adopted plan complies with the criteria set forth in the Amendment.
35. Provide that if the Court determines that the Commission abused its discretion, the Commission shall make adjustments to the plan and submit the revised plan to the special masters; if the Court, in consultation with special masters, concludes that the Commission has failed to remedy the plan, the Court shall order the special masters to make the minimal adjustments necessary to bring the plan into compliance; and such changes made by the special masters shall not be reviewable by the Court.
36. Provide that no challenges to an adopted final redistricting plan may be brought in any court except for the claims permitted under the Amendment.
37. Provide that the process set forth in the Amendment for redistricting shall occur once during a redistricting cycle beginning with the 2024-2025 cycle and following each subsequent federal decennial census.
38. Require the General Assembly to appropriate adequate funding for the Commission and bipartisan Panel, including for participation in litigation, and establish the deadlines for making such appropriations. If the General Assembly does not do so, the Supreme Court shall order the General Assembly to comply with its obligations.
39. Require an appropriation for the Commission of not less than seven million dollars for redistricting in 2025 and that such amount shall be adjusted for inflation in subsequent redistricting cycles.
40. Require an appropriation for the bipartisan Panel of not less than one-eighth of the amount appropriated for the Commission adjusted for inflation.
41. Require that the General Assembly make separate and timely appropriations for the Commission's and Panel's expenses related to litigation.
42. Provide that the work of the special masters shall be funded out of the budget of the Supreme Court.
43. Set forth definitions for "First Major Party," "Second Major Party," "Independent," "Retired Judge," "Special Master," "effective date of this article," "Department of Administrative Services," "redistricting cycle," and "adjusted for inflation."
44. Provide compensation for Commissioners, bipartisan Panel members, and special masters appointed under the Amendment.
45. Set the term of service for Commissioners and bar holding state elective or appointive office for 6 years after service.
46. Provide for public notices at various steps and require that the Commission and Panel shall be subject to Ohio's laws governing public meetings and public records.
47. Set forth dates and timelines for completing various steps of the appointment and redistricting processes; and provide that the Commission may make reasonable adjustments to deadlines if conditions beyond its control require such adjustments to allow adoption of redistricting plans.
48. Provide that the Amendment's provisions are severable if any part is held to be invalid.

49. Provide that if any provision conflicts with another provision of the Constitution of the State of Ohio, the conflict will be resolved in favor of the Amendment.
50. Provide that if any deadline falls on a Saturday, Sunday, or state legal holiday, the deadline shall be extended to the next date that is not a Saturday, Sunday, or legal holiday.

### **COMMITTEE TO REPRESENT THE PETITIONERS**

The following persons are designated as a committee to represent the petitioners in all matters relating to the petition or its circulation:

Kevin Cain	6385 Conifer Lane, Cincinnati, Ohio 45247
Nadia Zaiem	3001 Creekside Drive, Westlake, Ohio 44145
Michael Ahern	2507 Kemperwood Drive, Blacklick, Ohio 43004
Annette Tucker Sutherland	16817 Aldersyde Drive, Shaker Heights, Ohio 44120
Michele Roberts	1115 Wisconsin Boulevard, Dayton, Ohio 45417

## FULL TEXT OF PROPOSED AMENDMENT

Be it Resolved by the People of the State of Ohio that Articles XI Sections 1 through 10, and XIX Sections 1 through 3 of the Ohio Constitution are repealed and Article XX is added to the Constitution as follows with new language appearing in standard text and existing language to be repealed appearing with strike throughs:

### Article XX

#### Section 1. Establishment of the Ohio Citizens Redistricting Commission

- (A) To ensure an open and transparent process and fair outcomes that preserve the political power inherent in the people, the Ohio Citizens Redistricting Commission is hereby established upon the effective date of this article and shall be responsible for adopting a redistricting plan for the general assembly and a redistricting plan for the United States House of Representatives, as provided in this article.
- (B) Redistricting and the operations of the commission shall be governed in accordance with the procedural and substantive requirements set forth in this article.
- (C) The commission shall consist of fifteen members who have demonstrated the absence of any disqualifying conflicts of interest and who have shown an ability to conduct the redistricting process with impartiality, integrity, and fairness. Membership on the commission shall consist of:
  - (1) Five members who are affiliated with the First Major Party;
  - (2) Five members who are affiliated with the Second Major Party;
  - (3) Five members who are independent.
- (D) The commission shall be constituted and convened no later than May 16, 2025, and no later than January 16 of every year ending in one for subsequent redistricting cycles.
- (E) The term of office for each member of the commission shall expire upon the appointment of the first member of the succeeding commission.

#### Section 2. Establishment of Bipartisan Screening Panel; Screening of Applicants; Formation of the Commission

- (A) A bipartisan screening panel is hereby established upon the effective date of this article to review and screen applicants interested in serving as members of the commission. The bipartisan screening panel shall consist of four retired judges, two of whom affiliate with the First Major Party and two of whom affiliate with the Second Major Party.
- (B) In the initial 2024-2025 redistricting cycle and in each subsequent redistricting cycle, members of the bipartisan screening panel shall be selected as follows:

(1) The four members of the Ohio ballot board who were appointed by members of the general assembly shall convene to oversee selection of the bipartisan screening panel. All administrative and operational support for this selection shall be provided by the Department of Administrative Services.

(2) The four members of the ballot board convened under section 2(B)(1) of this article shall make available an application form no later than December 16, 2024, and no later than May 1 of every year ending in zero, that interested retired judges shall use to apply to be a member of the bipartisan screening panel. The form shall require that an interested retired judge submit sufficient information to enable the four members of the ballot board to assess the judge's qualifications and ability to be impartial and competent, and to carry out required duties with full public confidence. To be eligible to serve on the bipartisan screening panel, a retired judge shall satisfy all the requirements of section 3 of this article. In addition, a retired judge shall attest that he or she has had no known communication material to redistricting matters with anyone ineligible under section 3(C) of this article during the sixty days prior to the submission of his or her application and that he or she is and will continue to be otherwise free from conflicts of interest. The deadline for interested retired judges to submit applications to the ballot board is 30 days after the application first becomes available.

(3) After submission of applications, the bipartisan screening panel shall be constituted as follows:

(a) The members of the ballot board who affiliate with the First Major Party shall review the applications of retired judges who affiliate with the First Major Party and provide a list of eight eligible applicants and their applications to the two members of the ballot board who affiliate with the Second Major Party. The members of the ballot board who affiliate with the Second Major Party shall review the applications of retired judges who affiliate with the Second Major Party and provide a list of eight eligible applicants and their applications to the two members of the ballot board who affiliate with the First Major Party.

(b) From these lists, the members of the ballot board affiliated with the First Major Party then shall select two judges affiliated with the Second Major Party, and the members of the ballot board affiliated with the Second Major Party shall select two judges affiliated with the First Major Party.

(c) The members of the bipartisan screening panel shall be selected no later than January 30, 2025, and no later than June 30 of every year ending in zero.

(C) During his or her service on the bipartisan screening panel, each member of the panel must promptly disclose any contacts with any person disqualified from service on the commission under section 3(C) of this article and can be removed by a unanimous vote of other members of the bipartisan screening panel for any of the causes set forth in section 4(C)(1), (3), (4), or (5) of this article. In the event of resignation or removal, a

replacement will be appointed from the same list and using the same process as for the original appointment. Members of the bipartisan screening panel shall be paid a per diem equal to the per diem paid to a judge assigned to serve on a court of appeals in Ohio.

(D) Once constituted, the bipartisan screening panel shall administer the application process and conduct the commissioner selection process in a manner that is impartial, transparent, and fair and that promotes applications from a geographically and demographically representative cross-section of Ohio.

(1) To assist it in its duties, the bipartisan screening panel shall engage a professional search firm to solicit applications for commissioner, screen and provide information about applicants, check references, and otherwise facilitate the application review and applicant interview process.

(a) Upon approval of this article, and in each year ending with zero, the Department of Administrative Services shall design and issue a request for proposals from interested professional search firms, including soliciting information necessary for a conflict-of-interest check, and shall contract with the chosen professional search firm. The Department of Administrative Services shall create a list of no more than three recommended professional search firms and provide it to the bipartisan screening panel.

(b) From the list provided by the Department of Administrative Services, the bipartisan screening panel shall select a professional search firm based on its specialization in screening high-level public sector employees, professional and technological capability to carry out the process, including investigations of applicants and public broadcasting of interviews, an ability to abide by the requirements of open meetings and public records laws, and, during the current year and for six years preceding the application deadline, absence of any conflicts of interests or connections or relationships with interested parties, including, but not limited to, any employment of or contracting relationships or other involvement with elected officials or candidates for office, or any contractual relationships or other involvement with political parties, ballot measure campaigns, or political action committees.

(2) The form used by applicants interested in serving on the commission shall obtain all required disclosures and information necessary for the bipartisan screening panel to determine each applicant's qualifications, conflicts of interest, party affiliation, relevant experiences and skills, community ties, and commitment to impartiality, compromise, and fairness.

(a) Party affiliation shall be determined based on the applicant's voting record in party primaries and various other relevant factors including, but not limited to, political contributions, campaign activities, and other reliable indicia of partisan affiliation.

- (b) An applicant who has voted in two consecutive even-year primary elections for the same political party in the six years immediately preceding the application deadline shall be presumed to be affiliated with that party unless relevant factors demonstrate otherwise.
  - (c) All applications shall be submitted under penalty of perjury by a deadline set by the bipartisan screening panel.
- (3) The bipartisan screening panel shall provide adequate public notice of the application process and accept applications for a period adequate to gather applications from a geographically and demographically representative cross-section of Ohio.
  - (4) After the close of the application period, the bipartisan screening panel shall review submitted applications and by majority vote create a pool of ninety applicants who are qualified to serve on the commission pursuant to sections 3(A) and (C) of this article, who have made requisite disclosures pursuant to section 3(B) of this article, and who collectively form a geographically and demographically representative cross-section of Ohio. This applicant pool shall consist of thirty applicants affiliated with the First Major Party, thirty applicants affiliated with the Second Major Party, and thirty applicants who are independent.
  - (5) The bipartisan screening panel shall make public the name, the current municipality or township of residence, and the partisan affiliation, if any, of each person in the applicant pool and shall create a portal for public comment on the applicants. Members of the bipartisan screening panel, in conjunction with the search firm, shall conduct or direct the search firm to conduct and publicly broadcast interviews with each applicant in the pool that examine the applicant's partisan affiliation, relevant experience and skills, community ties, and commitment to impartiality, compromise, and fairness.
  - (6) After reviewing public comments and conducting interviews, the bipartisan screening panel shall select and publish a list of forty-five finalists for commissioner who are well qualified and collectively form a geographically and demographically representative cross-section of Ohio. The finalists shall include fifteen applicants affiliated with the First Major Party, fifteen applicants affiliated with the Second Major Party, and fifteen independent applicants.
  - (7) In a public meeting not later than three days after publication of the finalist list, the bipartisan screening panel shall randomly draw six commissioners from the finalists. Two shall be affiliated with the First Major Party, two shall be affiliated with the Second Major Party, and two shall be independent.
  - (8) The initial six commissioners shall review the applications, public comments, and interview records of the remaining finalists and, in a subsequent public meeting held within 21 days of their selection as commissioners, select nine additional commissioners from the remaining applicants in the pool, three of whom are affiliated with the First Major Party, three of whom are affiliated with the Second Major Party, and three of whom are independent. To be selected, an applicant

must receive affirmative votes from a majority of the initial six commissioners including the votes of at least one commissioner affiliated with the First Major Party, one commissioner affiliated with the Second Major Party, and one independent commissioner. These selections shall be based on the strength of the applications and shall ensure that the commission reflects the geographic and demographic diversity of Ohio.

- (E) Within 60 days of the deadline contained in section 1(D) of this article, the bipartisan screening panel with the assistance of the professional search firm shall create by a majority vote a pool of at least six potential special masters who are willing to serve if needed, in the event of a legal challenge to a redistricting plan under section 8 of this article.
- (1) A person may not be included in the pool of potential special masters unless the person has established that he or she is not disqualified pursuant to section 3(C) of this article, has made disclosures pursuant to section 3(B) of this article, and has been screened by the bipartisan screening panel and determined to have:
- (a) The skill, knowledge, and ability to analyze redistricting plans and, if needed, produce redistricting plans that satisfy all requirements of this constitution and federal law, and in accordance with the record before the court;
  - (b) A lack of contractual relationships with any political party, political action committee, office holder, candidate, or party-affiliated organization in the preceding six years;
  - (c) A lack of substantive communications regarding redistricting matters in the preceding six years with any individual disqualified pursuant to section 3(C) of this article; and
  - (d) A lack of any relationships, connections, personal or professional activities or affiliations, or conflicts of interest that may undermine public trust in the independence of potential special masters or the integrity of the redistricting process.
- (2) The bipartisan screening panel shall remove from the pool the name of any potential special master whom the panel determines no longer satisfies the qualification requirements in section 2(E)(1) of this article or who is no longer available to serve. A person included in the pool of potential special masters shall notify the bipartisan screening panel immediately if any of the information provided to the panel during the screening process changes or if he or she is no longer willing or able to serve as a special master.
- (F) The terms of members of the bipartisan screening panel shall expire upon the certification by the Secretary of State of redistricting plans for the general assembly and United States House of Representatives for each redistricting cycle.

(A) To be eligible to serve, a commissioner shall be a resident of Ohio who has continuously resided in the state during the current year and immediately preceding six years and shall be an elector in good standing at the time of application.

(B) Each applicant seeking to serve on the commission shall disclose:

- (1) Contributions made by the applicant to federal, state, or local candidates for elective office, political parties, or political action committees, including direct and in-kind contributions, during the current year and immediately preceding six years;
- (2) The applicant's history of partisan affiliations, including primary ballots voted, non-monetary contributions to political campaigns, and any other political engagement, including, but not limited to, involvement in political campaigns or other political organizations whether paid or volunteer;
- (3) The identity of family members who would be ineligible under section 3(C) of this article; and
- (4) Personal or professional relationships with persons during the current year or the immediately preceding six years who would be ineligible under section 3(C) of this article; and
- (5) All financial information required by law.

(C) The following persons shall be ineligible to serve on the commission, on the bipartisan screening panel, as a special master, or as staff, a professional, or a consultant to the commission:

- (1) Current elected or appointive officials to federal, state, or local office and their immediate family members;
- (2) Persons who have served in any federal, state, or local elective or appointive office in Ohio for any period during the current year and immediately preceding six years and their immediate family members;
- (3) Persons who have been a candidate for any federal, state, or local elective office in Ohio during the current year or immediately preceding six years and their immediate family members;
- (4) Persons who have served as an officer, paid consultant, or contractor to any political party, political action committee, or campaign committee at the federal, state, or local level for any period during the current year and immediately preceding six years and their immediate family members;
- (5) Persons who have served as a staff member, paid consultant, or contractor for any elected official or candidate for any federal, state, or local office for any period

during the current year and immediately preceding six years and their immediate family members;

(6) Persons who have been a registered lobbyist or legislative agent with the State of Ohio or the federal government for any period during the current year and immediately preceding six years and their immediate family members.

(D) Commissioners shall be ineligible to hold elective or appointive state office in Ohio for six years following the certification of the redistricting plan for the general assembly.

#### **Section 4. Commission internal governance and staff**

(A) All deliberations and actions of the commission shall be in public meetings and all actions by the commission shall require the affirmative vote of at least nine commissioners, including the vote of at least two commissioners affiliated with the First Major Party, two commissioners affiliated with the Second Major Party, and two independent commissioners. The presence of nine commissioners shall constitute a quorum.

(B) At the first meeting of the full commission, the commission shall select two members to serve as co-chairs. The co-chairs may not have the same partisan affiliation. The co-chairs shall be responsible for presiding over meetings of the commission on an alternating basis and performing such other administrative duties as designated by the commission.

(C) A commissioner shall be removed only by the commission and only for cause after notice, a public hearing, and an opportunity for members of the public to comment. Any of the following shall be cause for removal:

(1) Knowing failure to disclose information pursuant to section 3 of this article;

(2) Willful disregard for the provisions in section 5 of this article;

(3) Wanton and willful neglect of duty or gross misconduct or malfeasance in office;

(4) Incapacity or inability to perform his or her duties; or

(5) Behavior involving moral turpitude or other acts that undermine the public's trust in the commission and the redistricting process.

(D) The commission shall fill any vacancy on the commission by selecting from the list established pursuant to section 2(D)(6) a finalist with the same partisan affiliation as the removed or resigned commissioner.

(E) The commission shall retain staff, professionals, and consultants as needed to assist with the responsibilities, duties, and operations of the commission. All staff, professionals, and consultants shall be retained through a public application process undertaken with the assistance of the Department of Administrative Services. All applicants seeking to serve

the commission as a member of staff, a professional, or a consultant shall be subject to the disclosure requirements and disqualifications in sections 3(B) and (C) of this article. Commission staff shall include the following positions:

- (1) Executive director and other administrative staff to assist with facilitating broad public participation in redistricting including, but not limited to, public outreach, transparency, scheduling hearings, data management, and deployment of technology.
  - (2) Legal counsel with demonstrated experience in compliance and redistricting and, in particular, in enforcing or otherwise applying the Voting Rights Act of 1965; and
  - (3) Demographer or demographers with district mapping experience.
- (F) Commissioners and commission staff, professionals, and consultants shall owe a duty to the commission as a whole and shall act in the utmost public interest of the people of Ohio and not that of any party, individual, or special interest.

### **Section 5. Redistricting process**

- (A) The commission shall conduct its hearings in a manner that invites broad public participation throughout the state, including by using technology to broadcast commission meetings and to facilitate meaningful participation from a range of Ohioans.
- (1) In performing their duties, commissioners and commission staff, professionals, and consultants shall adhere to all applicable public records and open meetings laws.
  - (2) Commissioners and commission staff, professionals, and consultants shall not communicate with any outside person about the redistricting process or redistricting plan outcomes other than through designated public meetings or official commission portals.
  - (3) Notwithstanding any other provisions of law, no person shall attempt to contact any member or members of the commission or commission staff, professional, or consultants with the intent to influence the redistricting process or redistricting plan outcomes other than through designated public meetings or official commission portals. Any communication received by a commissioner or commission staff, professionals, or consultants in violation of this provision shall be immediately disclosed to the commission as a whole including legal counsel. If the commission determines that the communication is a material violation of this provision and that the identity of the person who made the communication and the subject matter of that communication are of public interest, the commission shall vote on whether to make such information public.
- (B) Before adopting any redistricting plan, the commission shall hold at least three rounds of public meetings:

- (1) Prior to the release of draft redistricting plans, but not later than July 11, 2025, and not later than May 1 of every year ending in one, the commission shall hold at least five initial input hearings to gather information from the public on communities of interest and other factors that Ohioans believe should inform the commission's creation of redistricting plans. Hearings shall take place in all five regions of Ohio, with at least one hearing in the northwest region, one in the northeast region, one in the southeast region, one in the southwest region, and one in the central region. The commission shall provide at least fourteen days' notice of the initial regional hearings.
  - (2) After release of draft redistricting plans, but not later than August 25, 2025, and not later than June 15 of every year ending in one, the commission shall hold at least five hearings across the five regions of Ohio to gather comments on the draft plans. The commission shall provide at least fourteen days' notice of the regional draft redistricting plan hearings.
  - (3) In the event that the commission makes subsequent revisions to a draft redistricting plan, the commission shall hold at least two hearings to gather comments on any such plans. The commission shall provide at least three days' notice of the revised redistricting plan hearings.
  - (4) No later than September 19, 2025, and no later than July 15 of every year ending in one, the commission shall adopt final redistricting plans. Proposed final redistricting plans shall be made public no later than three days prior to a meeting to adopt final redistricting plans.
- (C) The commission shall make census and relevant election data, demographic data, and other public records broadly accessible and provide a portal for digital submission of public comments. All redistricting plans, whether draft or final, shall be produced with digital geographic files in a format that allows for analysis and reproduction of demographic data, and an analysis of district performance.
- (D) Within three days of approval of any final redistricting plan, the commission shall issue and make publicly available a report for such redistricting plan that explains the basis on which the commission made decisions and sets forth how the commission used the public comments and the evidence presented to it to achieve compliance with the requirements for drawing districts. The report shall include relevant definitions of terms and standards used for drawing each such plan. In conjunction with the report, the commission shall also release the complete record before the commission.
- (E) If any final redistricting plan adopted by the commission is not challenged under section 8 of this article, the commission shall submit that final redistricting plan to the Secretary of State for certification ten days after the redistricting plan report in section 5(D) of this article is made publicly available. The Secretary of State shall certify each final redistricting plan within one day of receiving the plan.

## **Section 6. Rules for drawing districts**

- (A) Each redistricting plan shall contain single-member districts that are geographically contiguous and that comply with the United States Constitution and all applicable federal laws, including the Voting Rights Act of 1965.
- (B) To ban partisan gerrymandering and prohibit the use of redistricting plans that favor one political party and disfavor others, the statewide proportion of districts in each redistricting plan that favors each political party shall correspond closely to the statewide partisan preferences of the voters of Ohio.
- (1) For purposes of this section, the statewide proportion of districts in each redistricting plan that favors each political party shall be determined by:
    - (a) Calculating the number of districts in the redistricting plan that would have been won by the candidates representing the First Major Party and the Second Major Party using the two-party vote in each statewide partisan general election contest held in the preceding six years for which precinct-level data is available;
    - (b) Dividing each of these numbers by the total number of districts in the redistricting plan to obtain the proportion of districts in the redistricting plan that would have been won by candidates representing the First Major Party and the Second Major Party in each election contest; and
    - (c) Calculating the median of these proportions for each political party.
  - (2) The statewide partisan preferences of the voters of Ohio shall be determined by:
    - (a) Calculating the proportion of the statewide two-party vote received by the candidates representing the First Major Party and the Second Major Party in each statewide partisan general election contest held in the preceding six years for which precinct-level data is available; and
    - (b) Calculating the median of these proportions for each political party.
  - (3) For the purposes of this section, to correspond closely means that the statewide proportion of districts in each redistricting plan that favors each political party may deviate by no more than three percentage points in either direction, or if this is arithmetically impossible, by the smallest possible proportion that is larger than three percentage points, from the statewide partisan preferences of the voters of Ohio.
  - (4) No redistricting plan shall be drawn with consideration of the place of residence of any incumbent elected official or any candidate for state or congressional office.
  - (5) In deciding whether to adopt a particular redistricting plan for the general assembly, the commission shall not take into account senators whose terms will not expire within two years of the plan's effective date would be affected by following the provisions of Section 6(E).

(C) Each redistricting plan shall also comply, to the extent possible, with the criteria listed below in order of priority; provided, however, that application of the criteria below does not permit adoption of a redistricting plan that violates paragraphs (A) or (B) of this section:

(1) Districts for the same office shall be reasonably equal in total population;

(a) The total population of Ohio as determined by the most recent federal decennial census shall serve as the population basis for equalizing district population.

(b) Persons in the custody of the Ohio Department of Rehabilitation and Corrections or its successor agency shall be counted at their last known pre-incarceration address for purposes of equalizing district population.

(2) Districts shall ensure the equal functional ability of politically cohesive and geographically proximate racial, ethnic, and language minorities to participate in the political process and to elect candidates of choice; and

(3) Districts shall preserve communities of interest to the extent practicable.

(a) A community of interest is an area where the record before the commission demonstrates the existence of communities of people with broadly shared interests and representational needs, including, without limitation, interests and representational needs that arise from common ethnic, racial, social, cultural, geographic, environmental, socioeconomic, or historic identities or concerns.

(b) Counties, municipal corporations, townships, and school districts may constitute communities of interest provided the record before the commission clearly and convincingly demonstrates such subdivision is a community of people who have broadly shared interests and representational needs that are greater than those of other overlapping communities of interest.

(c) Under no circumstance shall communities of interest include a community defined based on a shared political identity or common relationships with political parties or political candidates.

(d) In considering which overlapping communities of interest to preserve, the commission shall give greater consideration to those communities of interest whose representational needs would be most benefited from the community's inclusion in a single district.

(D) In the redistricting plan for the general assembly, districts for the Ohio House of Representatives shall be numbered from one to ninety-nine, and districts for the Ohio Senate shall be composed of three contiguous House of Representatives districts and shall be numbered from one to thirty-three.

(E) At any time the boundaries of Ohio Senate districts are changed in any general assembly final redistricting plan adopted pursuant to this article, a senator whose term will not expire within two years of the time the adopted redistricting plan becomes effective shall represent, for the remainder of the term for which the senator was elected, the Senate district that contains the largest portion of the population of the district from which the senator was elected, and the district shall be given the number of the district from which the senator was elected. If more than one senator whose term will not so expire would represent the same district by following the provisions of this section, the commission in the report required under section 5(D) of this article or the Supreme Court of Ohio adopting a final redistricting plan under section 8(D)(3) or (4) of this article shall designate which senator shall represent the district and shall designate which district the other senator or senators shall represent for the balance of their term or terms.

### **Section 7. Impasse procedure**

(A) If the commission fails to adopt any final redistricting plan under section 5 of this article by September 19, 2025, or by July 15 of every year ending in one, the following procedures shall be followed to resolve the impasse:

- (1) Each commissioner shall have three days to submit no more than one proposed redistricting plan for each redistricting plan that is the subject of impasse for a ranked-choice selection process. Any redistricting plan submitted for the ranked-choice selection process shall comply with the criteria in section 6 of this article and shall be made publicly available for comment for seven days.
- (2) Within two days of the end of the public comment period, each commissioner shall then rank all the submitted redistricting plans starting with his or her most preferred redistricting plan followed by submitted redistricting plans ranked in decreasing order of preference. The submitted redistricting plan that wins a total vote runoff shall be the final redistricting plan. A total vote runoff process shall be conducted as follows:
  - (a) If a majority of commissioners rank the same submitted redistricting plan in the first position, that submitted redistricting plan is adopted.
  - (b) If no submitted redistricting plan garners a majority of first-position rankings, each submitted redistricting plan is allocated the number of points corresponding to the commissioners' rankings. The method of allocating points for each submitted redistricting plan is to allocate one point for every commissioner's first-rank vote, and two points for every commissioner's second-rank vote, with this process continuing until all commissioners' votes are allocated for each submitted redistricting plan. Each submitted redistricting plan's points total is the sum of the points from all commissioners, and the submitted redistricting plan with the highest point total is eliminated. The rankings of the other submitted redistricting plans are then adjusted if necessary to reflect that elimination and any changes in the point total. If there is a tie for the highest point total, the submitted redistricting plan to be eliminated shall be chosen through a random process.

- (c) This process of eliminating the submitted redistricting plan with the highest point total is repeated until a redistricting plan has the majority of first-position rankings at which point it becomes the adopted final redistricting plan.
- (B) With respect to any final redistricting plan adopted under the provisions of this section, the commission shall issue a report consistent with section 5(D) of this article and shall submit that final redistricting plan to the Secretary of State for certification consistent with section 5(E) of this article, and the Secretary of State shall certify that final redistricting plan consistent with section 5(E) of this article.

**Section 8. Jurisdiction of Supreme Court; expedited judicial review; effect of determination of constitutionality.**

- (A) The Supreme Court of Ohio shall have exclusive, original jurisdiction in all cases which contend that a redistricting plan adopted by the commission fails to comply with the requirements of section 6(B) of this article.
- (B) Any registered elector in Ohio may seek review of an adopted redistricting plan under this section by filing a petition within ten days of the commission's issuance of the report required under section 5(D) of this article. If more than one such petition is filed, the Supreme Court of Ohio shall consolidate such petitions into a single action for purposes of adjudication. In any action brought under this section, the record before the court shall be limited to the record before the commission.
- (C) The commission shall have exclusive standing to defend any action brought under this section and shall file a response to any petition within five days of the petition's filing.
- (D) Actions brought under this section shall be adjudicated using the following expedited review process:
  - (1) Within five days of the filing of any petition under this section, the Supreme Court of Ohio shall by unanimous vote select two special masters from the pool established by the bipartisan screening panel under section 2(E) of this article. If the court is unable to unanimously select two special masters, the administrative director of the Supreme Court of Ohio shall randomly select two special masters from the pool created by the bipartisan screening panel. The two special masters selected shall be entitled to reasonable compensation set by the Supreme Court of Ohio commensurate with their skills, experience, and expertise and consistent with industry standards, plus reimbursement of reasonable, actual, and necessary expenses. The special masters shall hold a public hearing within twenty days of the filing of the commission's response to the latest filed petition. No later than seven days after conclusion of the hearing, applying a standard of review deferential to the decisions of the commission, the special masters shall review the challenged redistricting plan, considering only the record before the court, to determine whether it complies with section 6(B) of this article and shall issue a report setting forth their determination of whether the commission abused its discretion in concluding that the challenged redistricting plan complies with the

requirements of section 6(B) of this article.

- (2) If a petitioner or the commission disagrees with the report and determination issued by the special masters, such party shall have seven days to file objections with the Supreme Court of Ohio.
    - (a) If no objection to the special masters' report and determination is timely filed, the Supreme Court of Ohio shall issue an order adopting the special masters' report and determination as the final, non-reviewable decision of the court.
    - (b) If any such objections are filed, the Supreme Court of Ohio shall hold a public hearing on the objections within fifteen days of the filing of the latest filed objection. Applying the same standard of review deferential to the decisions of the commission, based on the record before the court, the Supreme Court of Ohio shall issue a written order, with opinion, within ten calendar days after the hearing, addressing and either upholding or rejecting each objection to the special masters' determination as to whether or not the commission abused its discretion in concluding that the challenged redistricting plan complies with section 6(B) of this article.
  - (3) If a final order of the Supreme Court of Ohio issued under paragraph (D)(2) of this section determines that the commission abused its discretion in concluding that a challenged redistricting plan fails to comply with the requirements of section 6(B) of this article, the commission shall have seven days to make any adjustments necessary to bring the redistricting plan into compliance and submit the revised redistricting plan to the special masters and the Supreme Court of Ohio. If the commission makes the necessary adjustments, the Supreme Court shall issue an order adopting the revised redistricting plan as the final, non-reviewable decision of the court.
  - (4) If the commission fails to make the necessary adjustments within seven days or the court, in consultation with the special masters, concludes that the commission has failed to adequately remedy the violation of section 6(B) of this article, the Supreme Court of Ohio shall immediately order the special masters to make such minimal adjustments within five days as are necessary to bring the challenged redistricting plan into compliance. Changes made to a challenged redistricting plan by the special masters shall not be reviewable by any court, and the Supreme Court of Ohio shall issue a final order adopting the redistricting plan as adjusted by the special masters.
- (E) Within one day of the issuance of a final order approving a redistricting plan by the Supreme Court of Ohio in a case brought under this section, the commission shall submit such plan to the Secretary of State, who shall certify any such redistricting plan within one day of receipt.

- (F) Except for claims brought under this section, no other challenges to an adopted final redistricting plan, including challenges to the decisions of the commission with respect to how best to comply with the criteria in section 6(C), may be brought in any court.

## **Section 9. Financial and administrative independence**

- (A) Commissioners shall be entitled to one-hundred and twenty-five dollars per day, plus reimbursement for reasonable expenses at the rate set by the United States Internal Revenue Service, for each day attending commission meetings or otherwise carrying out the responsibilities of the commission. This amount shall be adjusted for inflation annually beginning in 2025.
- (B) Notwithstanding any other provision of this constitution or any laws of this state, the general assembly shall make appropriations to the Department of Administrative Services, the bipartisan screening panel, and the commission in amounts adequate for each entity to fulfill its duty under this article, and the general assembly shall further appropriate amounts adequate for funding those entities' participation, if necessary, in all related litigation. If the general assembly fails to comply with any of its obligations under this paragraph, the Supreme Court of Ohio shall compel it to comply with such obligations forthwith.
- (1) For purposes of funding the commission, adequate funding shall mean:
- (a) For redistricting in 2025, an amount appropriated by the general assembly no later than December 10, 2024, that is not less than seven million dollars.
  - (b) For each redistricting cycle after 2025, an amount appropriated no later than January 1 of a year ending in zero that is not less than the amount appropriated under sub-paragraph (B)(1)(a) of this section, adjusted for inflation.
  - (c) The general assembly shall make separate and timely appropriations to cover all the commission's expenses in any related litigation.
- (2) For purposes of funding the bipartisan screening panel, adequate funding shall mean an amount appropriated no later than December 10, 2024, and January 1 of every subsequent year ending in zero, that is not less than one-eighth of the amount appropriated under sub-paragraph (B)(1)(a) of this section, adjusted for inflation. The general assembly shall make separate, timely, and adequate appropriations to cover all the bipartisan screening panel's expenses in any related litigation.
- (C) The work and compensation of the special masters under this article shall be timely and adequately funded out of the budget of the Supreme Court of Ohio.

## **Section 10. Implementation**

- (A) Upon the effective date of this article, all redistricting plans used to elect members of the general assembly or the United States House of Representatives are void for any subsequent election.
- (B) In order to facilitate compliance with section 6 of this article, the Secretary of State shall, within 90 days after any election, collect the precinct boundaries used by each county for any statewide election held, and shall maintain such data and shall make it publicly available on an ongoing basis in a manner suitable for analysis of the redistricting plans.
- (C) The redistricting process set forth in this article shall take place once in a redistricting cycle.

## **Section 11. Definitions**

- (A) “Effective date of this article” means the date on which the Secretary of State certifies that voters have approved the addition of this article to the Ohio constitution.
- (B) “Independent” means a person who is not affiliated with either the First Major Party or the Second Major Party as determined by the bipartisan screening panel based on available information.
- (C) “First Major Party” means the political party whose candidate for governor received the highest number of votes in the last election held for such office.
- (D) “Second Major Party” means the political party whose candidate for governor received the second highest number of votes in the last election held for such office.
- (E) “Retired judge” means a person who left judicial service on any Ohio court by reason of resignation or retirement. “Retired judge” does not include a person who was removed or suspended without reinstatement from service on any Ohio court pursuant to the Rules for the Government of the Judiciary or who resigned or retired from service on any Ohio court while a complaint was pending against the person under those rules. A retired judge may at the time of his or her selection be serving, and may thereafter continue serving, as an assigned judge, teacher, mediator, or arbitrator so long as that service does not conflict with the duties of the bipartisan screening panel.
- (F) “Special master” means a person with the demonstrated ability, knowledge, experience, and expertise to analyze, create, and, where warranted, modify redistricting plans in accordance with constitutional requirements, as well as the capacity to evaluate evidence relevant to such plans and such requirements and to generate a thorough, credible report and determination regarding the same that will withstand judicial review and engender public confidence. This may include a person with appropriate demographic analysis abilities, experience with mapping populations at a state level, and legal understanding of compliance requirements.
- (G) “Adjusted for inflation” means annually applying the United States City Average Consumer Price Index for urban consumers in the Midwest Region, East North Central Division, or the future equivalent of such index.
- (H) “Department of Administrative Services” means that department or its successor agency.

- (I) "Redistricting cycle" means the redrawing in 2024-2025 and following each subsequent federal decennial census, in accordance with this article, of the boundaries of the districts used to elect members of the general assembly and the United States House of Representatives.

## Section 12. Construction and severability

- (A) The provisions of this article are severable. If any provision of this article or its application is held to be invalid, that invalidity shall not affect other provisions or applications, which shall be given maximum possible effect in the absence of the invalid provision or application.
- (B) If any provision of this article conflicts with other provisions of this constitution, conflicts shall be resolved in favor of this article.
- (C) All references to days in this article shall be understood as calendar days. If any deadline or date in this article falls on a Saturday, Sunday, or official state holiday, the date or deadline shall be extended to the next day that is not a Saturday, Sunday, or official state holiday.
- (D) The commission may make reasonable adjustments to its deadlines in this article if conditions beyond its control require such adjustment to allow adoption of redistricting plans.

## Article XI

~~Section 1. (A) The Ohio redistricting commission shall be responsible for the redistricting of this state 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.~~

~~No appointed member of the commission shall be a current member of congress.~~

~~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.~~

~~(B)(1) Unless otherwise specified in this article or in Article XIX of this constitution, 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 general assembly district plan. For the purposes of this division and of Section 1 of Article XIX of this constitution, 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 and in Sections 1 and 3 of Article XIX of this constitution, 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 draft the proposed plan 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 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 general assembly district plan or a congressional district plan, whichever is later, 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 and Article XIX of this constitution.

~~Section 2. Each house of representatives district shall be entitled to a single representative in each general assembly. Each senate district shall be entitled to a single senator in each general assembly.~~

~~Section 3. (A) The whole population of the state, as determined by the federal decennial census or, if such is unavailable, such other basis as the general assembly may direct, shall be divided by the number "ninety-nine" and by the number "thirty-three" and the quotients shall be the ratio of representation in the house of representatives and in the senate, respectively, for ten years next succeeding such redistricting.~~

~~(B) A general assembly district plan shall comply with all of the requirements of division (B) of this section.~~

~~(1) The population of each house of representatives district shall be substantially equal to the ratio of representation in the house of representatives, and the population of each senate district shall be substantially equal to the ratio of representation in the senate, as provided in division (A) of this section. In no event shall any district contain a population of less than ninety-five per cent nor more than one hundred five per cent of the applicable ratio of representation.~~

~~(2) Any general assembly 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.~~

~~(3) Every general assembly district shall be composed of contiguous territory, and the boundary of each district shall be a single nonintersecting continuous line.~~

~~(C) House of representatives districts shall be created and numbered in the following order of~~

priority, to the extent that such order is consistent with the foregoing standards:

(1) Proceeding in succession from the largest to the smallest, each county containing population greater than one hundred five per cent of the ratio of representation in the house of representatives shall be divided into as many house of representatives districts as it has whole ratios of representation. Any fraction of the population in excess of a whole ratio shall be a part of only one adjoining house of representatives district.

(2) Each county containing population of not less than ninety five per cent of the ratio of representation in the house of representatives nor more than one hundred five per cent of the ratio shall be designated a representative district.

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

(D)(1)(a) Except as otherwise provided in divisions (D)(1)(b) and (c) of this section, a county, municipal corporation, or township is considered to be split if any contiguous portion of its territory is not contained entirely within one district.

(b) If a municipal corporation or township has territory in more than one county, the contiguous portion of that municipal corporation or township that lies in each county shall be considered to be a separate municipal corporation or township for the purposes of this section.

(c) If a municipal corporation or township that is located in a county that contains a municipal corporation or township that has a population of more than one ratio of representation is split for the purpose of complying with division (E)(1)(a) or (b) of this section, each portion of that municipal corporation or township shall be considered to be a separate municipal corporation or township for the purposes of this section.

(2) Representative districts shall be drawn so as to split the smallest possible number of municipal corporations and townships whose contiguous portions contain a population of more than fifty per cent, but less than one hundred per cent, of one ratio of representation.

(3) Where the requirements of divisions (B), (C), and (D) of this section cannot feasibly be attained by forming a representative district from whole municipal corporations and townships, not more than one municipal corporation or township may be split per representative district.

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

(a) Notwithstanding division (D)(3) of this section, the commission shall create the district by splitting two municipal corporations or townships whose contiguous portions do not contain a population of more than fifty per cent, but less than one hundred per cent, of one ratio of representation.

(b) Notwithstanding division (D)(2) of this section, the commission shall create the district by splitting a municipal corporation or township whose contiguous portions contain a population of more than fifty per cent, but less than one hundred per cent, of one ratio of representation.

(c) Notwithstanding division (C)(2) of this section, the commission shall create the district by splitting, once, a single county that contains a population of not less than ninety five per cent of the ratio of representation, but not more than one hundred five per cent of the ratio of representation.

(d) Notwithstanding division (C)(1) of this section, the commission shall create the district by including in two districts portions of the territory that remains after a county that contains a population of more than one hundred five per cent of the ratio of representation has been divided into as many house of representatives districts as it has whole ratios of representation.

(2) If the commission takes an action under division (E)(1) of this section, the commission shall include in the general assembly district plan a statement explaining which action the commission took under that division and the reason the commission took that action.

(3) If the commission complies with divisions (E)(1) and (2) of this section in drawing a district, the commission shall not be considered to have violated division (C)(1), (C)(2), (D)(2), or (D)(3)

of this section, as applicable, in drawing that district, for the purpose of an analysis under division (D) of Section 9 of this article.

~~Section 4. (A) Senate districts shall be composed of three contiguous house of representatives districts.~~

~~(B)(1) A county having at least one whole senate ratio of representation shall have as many senate districts wholly within the boundaries of the county as it has whole senate ratios of representation. Any fraction of the population in excess of a whole ratio shall be a part of only one adjoining senate district.~~

~~(2) Counties having less than one senate ratio of representation, but at least one house of representatives ratio of representation, shall be part of only one senate district.~~

~~(3) If it is not possible for the commission to draw representative districts that comply with all of the requirements of this article and that make it possible for the commission to comply with all of the requirements of divisions (B)(1) and (2) of this section, the commission shall draw senate districts so as to commit the fewest possible violations of those divisions. If the commission complies with this division in drawing senate districts, the commission shall not be considered to have violated division (B)(1) or (2) of this section, as applicable, in drawing those districts, for the purpose of an analysis under division (D) of Section 9 of this article.~~

~~(C) The number of whole ratios of representation for a county shall be determined by dividing the population of the county by the ratio of representation in the senate determined under division (A) of Section 3 of this article.~~

~~(D) Senate districts shall be numbered from one through thirty three and as provided in Section 5 of this article.~~

~~Section 5. At any time the boundaries of senate districts are changed in any general assembly district plan made pursuant to any provision of this article, a senator whose term will not expire within two years of the time the plan becomes effective shall represent, for the remainder of the term for which the senator was elected, the senate district that contains the largest portion of the population of the district from which the senator was elected, and the district shall be given the number of the district from which the senator was elected. If more than one senator whose term will not so expire would represent the same district by following the provisions of this section, the plan shall designate which senator shall represent the district and shall designate which district the other senator or senators shall represent for the balance of their term or terms.~~

~~Section 6. The Ohio redistricting commission shall attempt to draw a general assembly district plan that meets all of the following standards:~~

~~(A) No general assembly district plan shall be drawn primarily to favor or disfavor a political party.~~

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

~~(C) General assembly districts shall be compact.~~

~~Nothing in this section permits the commission to violate the district standards described in Section 2, 3, 4, 5, or 7 of this article.~~

~~Section 7. Notwithstanding the fact that boundaries of counties, municipal corporations, and townships within a district may be changed, district boundaries 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 8. (A)(1) If the Ohio redistricting commission fails to adopt a final general assembly district plan not later than the first day of September of a year ending in the numeral one, in~~

accordance with Section 1 of this article, the commission shall introduce a proposed general assembly district plan by a simple majority vote of the commission.

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

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

(B) If the commission adopts a final general assembly district plan in accordance with division (A)(3) of this section by the vote required to adopt a plan under division (B)(3) of Section 1 of this article, the plan shall take effect upon filing with the secretary of state and shall remain effective until the next year ending in the numeral one, except as provided in Section 9 of this article.

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

(b) If the commission adopts a final general assembly district plan in accordance with division (A)(3) of this section by a simple majority vote of the commission, and not by the vote required to adopt a plan under division (B) of Section 1 of this article, and that plan is adopted to replace a plan that ceased to be effective under division (C)(1)(a) of this section before a year ending in the numeral one, the plan adopted under this division shall take effect upon filing with the secretary of state and shall remain effective until a year ending in the numeral one, except as provided in Section 9 of this article.

(2) A final general assembly district plan adopted under division (C)(1)(a) or (b) of this section shall include a statement explaining what the commission determined to be the statewide preferences of the voters of Ohio and the manner in which 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 corresponds closely to those preferences, as described in division (B) of Section 6 of this article. At the time the plan is adopted, a member of the commission who does not vote in favor of the plan may submit a declaration of the member's opinion concerning the statement included with the plan.

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

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 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 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 general assembly from districts designated in the plan, 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, a 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.

Section 10. The various provisions of this 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.

## Article XIX

Section 1. (A) Except as otherwise provided in this section, the general assembly shall be responsible for the redistricting of this state for congress based on the prescribed number of congressional districts apportioned to the state pursuant to Section 2 of Article I of the Constitution of the United States.

Not later than the last day of September of a year ending in the numeral one, the general assembly shall pass a congressional district plan in the form of a bill by the affirmative vote of three fifths of the members of each house of the general assembly, including the affirmative vote of at least one half of the members of each of the two largest political parties represented in that house. A congressional district plan that is passed under this division and becomes law shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(B) If a congressional district plan is not passed not later than the last day of September of a year ending in the numeral one and filed with the secretary of state in accordance with Section 16 of Article II of this constitution, then the Ohio redistricting commission described in Article XI of this constitution shall adopt a congressional district plan not later than the last day of October of

that year by 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. The plan shall take effect upon filing with the secretary of state and shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(C)(1) If the Ohio redistricting commission does not adopt a plan not later than the last day of October of a year ending in the numeral one, then the general assembly shall pass a congressional district plan in the form of a bill not later than the last day of November of that year.

(2) If the general assembly passes a congressional district plan under division (C)(1) of this section by the affirmative vote of three fifths of the members of each house of the general assembly, including the affirmative vote of at least one third of the members of each of the two largest political parties represented in that house, and the plan becomes law, the plan shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(3) If the general assembly passes a congressional district plan under division (C)(1) of this section by a simple majority of the members of each house of the general assembly, and not by the vote described in division (C)(2) of this section, all of the following shall apply:

(a) The general assembly shall not pass a plan that unduly favors or disfavors a political party or its incumbents.

(b) The general assembly shall not unduly split governmental units, giving preference to keeping whole, in the order named, counties, then townships and municipal corporations.

(c) Division (B)(2) of Section 2 of this article shall not apply to the plan. The general assembly shall attempt to draw districts that are compact.

(d) The general assembly shall include in the plan an explanation of the plan's compliance with divisions (C)(3)(a) to (c) of this section.

(e) If the plan becomes law, the plan shall remain effective until two general elections for the United States house of representatives have occurred under the plan, except as provided in Section 3 of this article.

(D) Not later than the last day of September of the year after the year in which a plan expires under division (C)(3)(e) of this section, the general assembly shall pass a congressional district plan in the form of a bill by the affirmative vote of three fifths of the members of each house of the general assembly, including the affirmative vote of at least one half of the members of each of the two largest political parties represented in that house. A congressional district plan that is passed under this division and becomes law shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

A congressional district plan passed under this division shall be drawn using the federal decennial census data or other data on which the previous redistricting was based.

(E) If a congressional district plan is not passed not later than the last day of September of the year after the year in which a plan expires under division (C)(3)(e) of this section and filed with the secretary of state in accordance with Section 16 of Article II of this constitution, then the Ohio redistricting commission described in Article XI of this constitution shall be reconstituted and reconvene and shall adopt a congressional district plan not later than the last day of October of that year by 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. A congressional district plan adopted under this division shall take effect upon filing with the secretary of state and shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

A congressional district plan adopted under this division shall be drawn using the federal decennial census data or other data on which the previous redistricting was based.

(F)(1) If the Ohio redistricting commission does not adopt a congressional district plan not later than the last day of October of the year after the year in which a plan expires under division (C)(3)(e) of this section, then the general assembly shall pass a congressional district plan in the

form of a bill not later than the last day of November of that year.

A congressional district plan adopted under this division shall be drawn using the federal decennial census data or other data on which the previous redistricting was based.

(2) If the general assembly passes a congressional district plan under division (F)(1) of this section by the affirmative vote of three-fifths of the members of each house, including the affirmative vote of at least one-third of the members of each of the two largest political parties represented in that house, and the plan becomes law, it shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(3) If the general assembly passes a congressional district plan under division (F)(1) of this section by a simple majority vote of the members of each house of the general assembly, and not by the vote described in division (F)(2) of this section, all of the following shall apply:

(a) The general assembly shall not pass a plan that unduly favors or disfavors a political party or its incumbents.

(b) The general assembly shall not unduly split governmental units, giving preference to keeping whole, in the order named, counties, then townships and municipal corporations.

(c) Division (B)(2) of Section 2 of this article shall not apply to the plan. The general assembly shall attempt to draw districts that are compact.

(d) The general assembly shall include in the plan an explanation of the plan's compliance with divisions (F)(3)(a) to (c) of this section.

(e) If the plan becomes law, the plan shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(G) Before the general assembly passes a congressional district plan under any division of this section, a joint committee of the general assembly shall hold at least two public committee hearings concerning a proposed plan. Before the Ohio redistricting commission adopts a congressional district plan under any division of this section, the commission shall hold at least two public hearings concerning a proposed plan.

(H) The general assembly and the Ohio redistricting commission shall facilitate and allow for the submission of proposed congressional district plans by members of the public. The general assembly shall provide by law the manner in which members of the public may do so.

(I) For purposes of filing a congressional district plan with the governor or the secretary of state under this article, a congressional district plan shall include both a legal description of the boundaries of the congressional districts and all electronic data necessary to create a congressional district map for the purpose of holding congressional elections.

(J) When a congressional district plan ceases to be effective under this article, the district boundaries described in that plan shall continue in operation for the purpose of holding elections until a new congressional district plan takes effect in accordance with this article. If a vacancy occurs in a district that was created under the previous district plan, the election to fill the vacancy for the remainder of the unexpired term shall be held using the previous district plan.

Section 2. (A)(1) Each congressional district shall be entitled to a single representative in the United States house of representatives in each congress.

(2) The whole population of the state, as determined by the federal decennial census or, if the federal decennial census is unavailable, another basis as directed by the general assembly, shall be divided by the number of congressional districts apportioned to the state pursuant to Section 2 of Article I of the Constitution of the United States, and the quotient shall be the congressional ratio of representation for the next ten years.

(3) Notwithstanding the fact that boundaries of counties, municipal corporations, and townships within a district may be changed, district boundaries shall be created by using the data from the most recent federal decennial census or from the basis directed by the general assembly, as applicable.

(B) A congressional district plan shall comply with all of the following requirements:

(1) The plan shall comply with all applicable provisions of the constitutions of Ohio and the United States and of federal law, including federal laws protecting racial minority voting rights.

~~(2) Every congressional district shall be compact.~~

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

~~(4) Except as otherwise required by federal law, in a county that contains a population that exceeds the congressional ratio of representation, the authority drawing the districts shall take the first of the following actions that applies to that county:~~

~~(a) If a municipal corporation or township located in that county contains a population that exceeds the congressional ratio of representation, the authority shall attempt to include a significant portion of that municipal corporation or township in a single district and may include in that district other municipal corporations or townships that are located in that county and whose residents have similar interests as the residents of the municipal corporation or township that contains a population that exceeds the congressional ratio of representation. In determining whether the population of a municipal corporation or township exceeds the congressional ratio of representation for the purpose of this division, if the territory of that municipal corporation or township completely surrounds the territory of another municipal corporation or township, the territory of the surrounded municipal corporation or township shall be considered part of the territory of the surrounding municipal corporation or township.~~

~~(b) If one municipal corporation or township in that county contains a population of not less than one hundred thousand and not more than the congressional ratio of representation, that municipal corporation or township shall not be split. If that county contains two or more such municipal corporations or townships, only the most populous of those municipal corporations or townships shall not be split.~~

~~(5) Of the eighty-eight counties in this state, sixty-five counties shall be contained entirely within a district, eighteen counties may be split not more than once, and five counties may be split not more than twice. The authority drawing the districts may determine which counties may be split.~~

~~(6) If a congressional district includes only part of the territory of a particular county, the part of that congressional district that lies in that particular county shall be contiguous within the boundaries of the county.~~

~~(7) No two congressional districts shall share portions of the territory of more than one county, except for a county whose population exceeds four hundred thousand.~~

~~(8) The authority drawing the districts shall attempt to include at least one whole county in each congressional district. This division does not apply to a congressional district that is contained entirely within one county or that cannot be drawn in that manner while complying with federal law.~~

~~(C)(1) Except as otherwise provided in division (C)(2) of this section, for purposes of this article, a county, municipal corporation, or township is considered to be split if, based on the census data used for the purpose of redistricting, any contiguous portion of its territory is not contained entirely within one district.~~

~~(2) If a municipal corporation or township has territory in more than one county, the contiguous portion of that municipal corporation or township that lies in each county shall be considered to be a separate municipal corporation or township for purposes of this section.~~

Section 3. (A) The supreme court of Ohio shall have exclusive, original jurisdiction in all cases arising under this article.

(B)(1) In the event that any section of this constitution relating to congressional redistricting, any congressional district plan, or any congressional district or group of congressional districts is challenged and 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 general assembly shall pass a congressional district plan in accordance with the provisions of this constitution that are then valid, to be used until the next time for redistricting under this article in accordance with the provisions of this constitution that are then valid.

The general assembly shall pass that plan not later than the thirtieth day after the last day on which an appeal of the court order could have been filed or, if the order is not appealable, the

~~thirtieth day after the day on which the order is issued.~~

~~A congressional district plan passed under this division shall remedy any legal defects in the previous plan identified by the court but shall include no changes to the previous plan other than those made in order to remedy those defects.~~

~~(2) If a new congressional district plan is not passed in accordance with division (B)(1) of this section and filed with the secretary of state in accordance with Section 16 of Article II of this constitution, the Ohio redistricting commission shall be reconstituted and reconvene and shall adopt a congressional district plan in accordance with the provisions of this constitution that are then valid, to be used until the next time for redistricting under this article in accordance with the provisions of this constitution that are then valid.~~

~~The commission shall adopt that plan not later than the thirtieth day after the deadline described in division (B)(1) of this section.~~

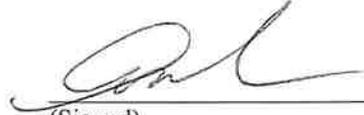
~~A congressional district plan adopted under this division shall remedy any legal defects in the previous plan identified by the court but shall include no other changes to the previous plan other than those made in order to remedy those defects.~~

STATEMENT OF CIRCULATOR

I, Amy Vegh, declare under penalty of election falsification that I am the circulator of the foregoing petition paper containing the signatures of 34 electors, that the signatures appended hereto were made and appended in my presence on the date set opposite each respective name, and are the signatures of the persons whose names they purport to be or of attorneys in fact acting pursuant to section 3501.382 of the Revised Code, and that the electors signing this petition did so with knowledge of the contents of same. I am employed to circulate this petition by

\_\_\_\_\_  
(Name and address of employer). (The preceding sentence shall be completed as required by section 3501.38 of the Revised Code if the circulator is being employed to circulate the petition.)

I further declare under penalty of election falsification that I witnessed the affixing of every signature to the foregoing petition paper, that all signers were to the best of my knowledge and belief qualified to sign, and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

  
(Signed)

3133 Fairfax Rd  
(Address of circulator's permanent residence)  
Number and Street, Road or Rural Route

Cleveland Hts  
City, Village or Township

OH                      44118  
State                                      Zip Code

**WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY  
OF A FELONY OF THE FIFTH DEGREE.**

## **Issue 1**

**To create an appointed redistricting commission  
not elected by or subject to removal by the voters of the state**

### **Proposed Constitutional Amendment**

#### **Proposed by Initiative Petition**

**To repeal Sections 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of Article XI,  
Repeal sections 1, 2 and 3 of Article XIX,  
And enact Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of Article XX of the Constitution  
of the State of Ohio**

**A majority yes vote is necessary for the amendment to pass.**

The proposed amendment would:

1. Repeal constitutional protections against gerrymandering approved by nearly three-quarters of Ohio electors participating in the statewide elections of 2015 and 2018, and eliminate the longstanding ability of Ohio citizens to hold their representatives accountable for establishing fair state legislative and congressional districts.
2. Establish a new taxpayer-funded commission of appointees required to gerrymander the boundaries of state legislative and congressional districts to favor either of the two largest political parties in the state of Ohio, according to a formula based on partisan outcomes as the dominant factor, so that:
  - A. Each district shall contain single-member districts that are geographically contiguous, but state legislative and congressional districts will no longer be required to be compact; and
  - B. Counties, townships and cities throughout Ohio can be split and divided across multiple districts, and preserving communities of interest will be secondary to the formula that is based on partisan political outcomes.
3. Require that a majority of the partisan commission members belong to the state's two largest political parties.
4. Prevent a commission member from being removed, except by a vote of their fellow commission members, even for incapacity, willful neglect of duty or gross misconduct.
5. Prohibit any citizen from filing a lawsuit challenging a redistricting plan in any court, except if the lawsuit challenges the proportionality standard applied by the

commission, and then only before the Ohio Supreme Court.

6. Create the following process for appointing commission members: Four partisan appointees on the Ohio Ballot Board will choose a panel of 4 partisan retired judges (2 affiliated with the first major political party and 2 affiliated with the second major political party). Provide that the 4 legislative appointees of the Ohio Ballot Board would be responsible for appointing the panel members as follows: the Ballot Board legislative appointees affiliated with the same major political party would select 8 applicants and present those to the Ballot Board legislative appointees affiliated with the other major political party, who would then select 2 persons from the 8 for appointment to the panel, resulting in 4 panel appointees. The panel would then hire a private professional search firm to help them choose 6 of the 15 individuals on the commission. The panel will choose those 6 individuals by initially creating a pool of 90 individuals (30 from the first major political party, 30 from the second major political party, and 30 from neither the first nor second major political parties). The panel of 4 partisan retired judges will create a portal for public comment on the applicants and will conduct and publicly broadcast interviews with each applicant in the pool. The panel will then narrow the pool of 90 individuals down to 45 (15 from the first major political party; 15 from the second major political party; and 15 from neither the first nor second major political parties). Randomly, by draw, the 4 partisan retired judges will then blindly select 6 names out of the pool of 45 to be members of the commission (2 from the first major political party; 2 from the second major political party; and 2 from neither the first nor second major political parties). The 6 randomly drawn individuals will then review the applications of the remaining 39 individuals not randomly drawn and select the final 9 individuals to serve with them on the commission, the majority of which shall be from the first and the second major political parties (3 from the first major political party, 3 from the second major political party, and 3 from neither the first nor second major political parties).
7. Require the affirmative votes of 9 of 15 members of the appointed commission to create legislative and congressional districts. If the commission is not able to determine a plan by September 19, 2025, or July 15 of every year ending in one, the following impasse procedure will be used: for any plan at an impasse, each commissioner shall have 3 days to submit no more than one proposed redistricting plan to be subject to a commission vote through a ranked-choice selection process, with the goal of having a majority of the commission members rank one of those plans first. If a majority cannot be obtained, the plan with the highest number of points in the ranked-choice process is eliminated, and the process is repeated until a plan receives a majority of first-place rankings. If the ranked-choice process ends in a tie for the highest point total, the tie shall be broken through a random process.
8. Limit the right of Ohio citizens to freely express their opinions to members of the commission or to commission staff regarding the redistricting process or proposed

redistricting plans.

9. Require the commission to immediately create new legislative and congressional districts in 2025 to replace the most recent districts adopted by the citizens of Ohio through their elected representatives.
  
10. Impose new taxpayer-funded costs on the State of Ohio to pay the commission members, the commission staff and appointed special masters, professionals, and private consultants that the commission is required to hire; and an unlimited amount for legal expenses incurred by the commission in any related litigation.

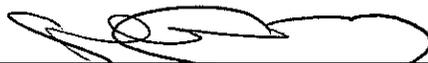
If approved, the amendment will be effective 30 days after the election.

	<b>YES</b>	<b>SHALL THE AMENDMENT BE APPROVED?</b>
	<b>NO</b>	

## CERTIFICATION

Acting in my capacity as the secretary of the Ohio Ballot Board, I hereby certify to the Secretary of the State of Ohio that the foregoing text is the ballot language prescribed by the Ohio Ballot Board, acting pursuant to Article II, Section 1g of the Ohio Constitution and Section 3505.062 of the Revised Code of Ohio, for this constitutional amendment proposed by petition for submission to the Ohio electorate at the election to be held on November 5, 2024.

In testimony whereof, I have subscribed my name in Columbus, Ohio, this 19<sup>th</sup> day of August, 2024.



---

Secretary, Ohio Ballot Board

**IN THE SUPREME COURT OF OHIO**

**State of Ohio *ex rel.* Citizens Not  
Politicians, *et al.*,**

**Relators,**

**v.**

**Ohio Ballot Board, *et al.*,**

**Respondents.**

**Case No.** \_\_\_\_\_

Original Action in Mandamus Pursuant to  
Article XVI, Section 1 of the Ohio  
Constitution

Expedited Election Case  
Pursuant to Supreme Court Rule of  
Practice 12.08

Peremptory and Alternative Writs  
Requested

---

**AFFIDAVIT OF RELATOR CARA DILLON**

---

I, Cara Dillon, having been duly sworn and cautioned according to law, hereby state that I am over the age of eighteen years and am competent to testify to the facts set forth below based on my personal knowledge, and further state as follows:

1. I reside at 4760 Mason Oaks Dr., Mason, in the State of Ohio.
2. I am qualified to vote in the State of Ohio and I am registered to vote in Warren County, Ohio.
3. I am the Treasurer for Citizens Not Politicians, which proposed the initiative petition to amend the Ohio Constitution titled: "An amendment to replace the current politician-run redistricting process with a citizen-led commission required to create fair state legislative and congressional districts through a more open and independent system."
4. I support the constitutional amendment proposed by Issue 1 that would replace the existing redistricting process with a citizen-led bipartisan commission.
5. I intend to vote for the constitutional amendment and to organize others to do the same.
6. The defective ballot title and language at issue in this case will undermine my efforts and those of Citizens Not Politicians to organize electors to support the amendment by requiring additional work and commitment of financial resources to educate them about the affected constitutional provisions.

*Cara Dillon*

Cara Dillon

State of Virginia \_\_\_\_\_;

County of Henrico \_\_\_\_\_; ss.

Sworn to before me this 19th day of August, 2024.

Dequan Winborne, Electronic Notary Public

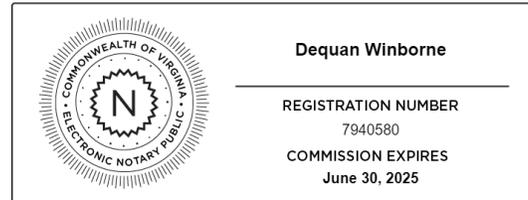
Printed Name, Notary Public

*Dequan Winborne*

Signature, Notary Public

My commission expires 06/30/2025

Notarized remotely online using communication technology via Proof.



**IN THE SUPREME COURT OF OHIO**

**State of Ohio *ex rel.* Citizens Not  
Politicians, *et al.*,**

**Relators,**

**v.**

**Ohio Ballot Board, *et al.*,**

**Respondents.**

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Article XVI, Section 1 of the Ohio  
Constitution

Expedited Election Case  
Pursuant to Supreme Court Rule of  
Practice 12.08

Peremptory and Alternative Writs  
Requested

---

**AFFIDAVIT OF RELATOR ANNETTE TUCKER SUTHERLAND**

---

I, Annette Tucker Sutherland, having been duly sworn and cautioned according to law, hereby state that I am over the age of eighteen years and am competent to testify to the facts set forth below based on my personal knowledge, and further state as follows:

1. I reside at 16817 Aldersyde Dr., Shaker Heights, in the State of Ohio.
2. I am qualified to vote in the State of Ohio and I am registered to vote in Cuyahoga County, Ohio.
3. I am the chair of the committee representing the Petitioners with respect to the initiative petition to amend the Ohio Constitution titled: “An amendment to replace the current politician-run redistricting process with a citizen-led commission required to create fair state legislative and congressional districts through a more open and independent system.”
4. I support the constitutional amendment proposed by Issue 1 that would replace the existing redistricting process with a citizen-led bipartisan commission.
5. I intend to vote for the constitutional amendment and to organize others to do the same.
6. On behalf of the committee, I proposed ballot language through the committee’s legal counsel prior to the Ballot Board’s August 16 meeting. The Ballot Board did not adopt that proposed language.
7. The defective ballot title and language at issue in this case will undermine my efforts to organize electors to support the amendment by requiring additional work to educate them about the affected constitutional provisions.

*Annette Tucker Sutherland*

\_\_\_\_\_  
Annette Tucker Sutherland

State of Texas \_\_\_\_\_;

County of Tarrant \_\_\_\_\_; ss.

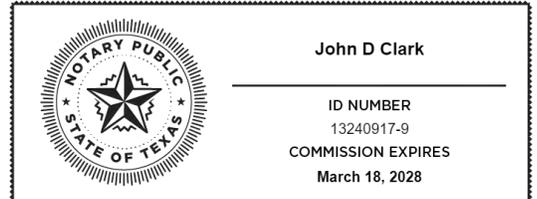
Sworn to before me this 19th day of August, 2024, by Annette Tucker Sutherland

John D Clark  
\_\_\_\_\_

Printed Name, Notary Public

 Notary Public, State of Texas  
\_\_\_\_\_

Signature, Notary Public



My commission expires 03/18/2028 \_\_\_\_\_

Electronically signed and notarized online using the Proof platform.



**DAVE YOST**  
OHIO ATTORNEY GENERAL

Constitutional Offices Section  
Office 614-466-2872  
Fax 614-728-7592

November 9, 2023

*Via regular U.S. Mail and E-mail*

Donald J. McTigue  
McTigue & Colombo LLC  
545 East Town Street  
Columbus, Ohio 43215  
dmctigue@electionlawgroup.com

Re: ***Submitted Petition for Initiated Constitutional Amendment to Add Article XX of the Ohio Constitution – “Ohio Citizens Redistricting Commission” – FOURTH SUBMISSION***

Dear Mr. McTigue,

On October 31, 2023 in accordance with Ohio Revised Code (“ORC”) Section 3519.01(A), I received a written petition containing (1) a copy of a proposed constitutional amendment and (2) a summary of the same measure. One of my statutory duties as Attorney General is to send all of the part-petitions to the appropriate county boards of elections for signature verification. With all of the county boards of elections reporting back, at least 1,000 signatures have been verified.

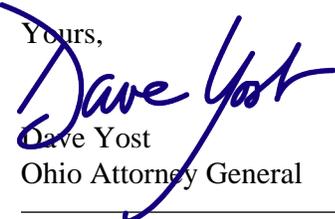
It is also my statutory duty to determine whether the submitted summary is a “fair and truthful statement of the proposed law or constitutional amendment.” ORC Section 3519.01(A). If I conclude that the summary is fair and truthful, I am to certify it as such within ten days of receipt of the petition. In this instance, the tenth day falls on November 9, 2023.

Having carefully examined this fourth submission, I conclude that the summary is a fair and truthful statement of the proposed initiated constitutional amendment. I therefore submitted the following certification to the Ohio Secretary of State:

Without passing on the advisability of the approval or rejection of the measure to be referred, but pursuant to the duties imposed upon the Attorney General’s Office under Section 3519.01(A) of the Ohio Revised Code, I hereby certify that the summary is a fair and truthful statement of the proposed constitutional amendment.

My certification of the summary under Section 3519.01(A) should not be construed as an affirmation of the enforceability and constitutionality of the proposed amendment. My role, as executed here, is limited to determining whether the wording of the summary properly advises potential petition signers of a measure’s material components.

Yours,

  
Dave Yost  
Ohio Attorney General

---

cc: Committee to Represent the Petitioners

Kevin Cain  
6385 Conifer Lane  
Cincinnati, Ohio 45247

Nadia Zaiem  
3001 Creekside Drive  
Westlake, Ohio 44145

Michael Ahern  
2507 Kemperwood Drive  
Blacklick, Ohio 43004

Annette Tucker Sutherland  
16817 Aldersyde Drive  
Shaker Heights, Ohio 44120\

Michele Roberts  
1115 Wisconsin Boulevard  
Dayton, Ohio 45417

HOME

THE PETITION

EVENTS

ENDORSEMENTS

NEWS

VOLUNTEER

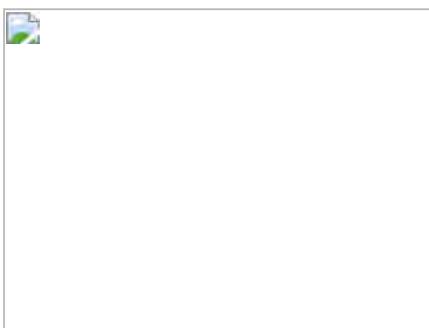
DONATE

CONTACT

## Citizens Not Politicians Campaign Submits 731,306 Signatures to End Gerrymandering in Ohio

JULY 1, 2024

*Hundreds Rally at Ohio Statehouse to Restore Power to Citizens*



In a powerful display of popular support, the Citizens Not Politicians campaign today delivered 731,306 signatures from every county in Ohio to the Secretary of State's Office for a constitutional amendment to end gerrymandering in Ohio.

Republican, Democrat, and Independent Ohio voters unloaded 810 boxes of petitions from four trucks and delivered them to the Ohio Secretary of State's Office for verification. Hundreds of citizens from across Ohio

celebrated the accomplishment in a rally at the Ohio Statehouse.

The group was required to submit 413,487 valid signatures of registered voters by July 3, 2024, to qualify for the Nov. 5 Ohio General Election Ballot, representing 10% of the vote total in the most recent gubernatorial election. The campaign had to get valid signatures from at least 5% of the vote total in at least 44 counties, and achieved this result in a record 57 counties while collecting signatures from all 88 counties.

It was the third most signatures in the more than 110 years Ohio has had a citizen-initiated constitutional amendment process. It was the largest number of signatures for a constitutional amendment since more restrictive rules governing signature gatherers went into place in 2017. The total result makes the Citizens Not Politicians Amendment one of the most widely supported citizens-initiated constitutional amendments in Ohio history as measured by the performance at the signature-gathering phase of the campaign.

Now, Ohio Secretary of State Frank LaRose is required to verify the signatures, which LaRose is expected to do in the coming weeks.

The delivery was followed by the rally in the Statehouse Atrium, where hundreds of volunteers from across Ohio gathered to celebrate the accomplishment and send a message to the gerrymandering Ohio politicians who work in the building.

“This is our house, the people’s house, and with today’s signature turn-in, we move one giant step closer to ensuring that the citizens decide who serves here, not the politicians who just scheme and rig the game to stay in power,” said retired Ohio Supreme Court Chief Justice Maureen O’Connor, a lifelong Republican who helped write the amendment. “This constitutional amendment will restore power to Ohio citizens and take it away from the self-serving politicians and their lobbyist friends and big-money donors.”

The event’s master of ceremonies was Ann Fisher, former WOSU talk show host and Columbus Dispatch columnist.

The Citizens Not Politicians Amendment will establish an independent redistricting commission, barring current or former politicians and lobbyists from manipulating district lines. The initiative will create a fair, transparent, and impartial redistricting process that reflects the true will of Ohio’s citizens.

Others at the rally spoke of a shared vision and a common purpose.

“Where I come from, we believe in fairness and working together to do what’s right,” said Ted Linscott, a retired bricklayer and lifelong resident of Appalachian Ohio. “For too long, career politicians and their lobbyist friends have manipulated our districts to serve their interests. It’s time we put an end to this. We need a system that is open, transparent, and fair.”

Cleveland Republican Annette Tucker Sutherland said she signed on as one of the original petitioners for the amendment because she’s tired of the politicians not listening.

“In my work for voter access and education, I have seen first-hand how gerrymandering creates a legislature that us ineffective and unresponsive to the needs of Ohio voters,” Tucker Sutherland said. “They don’t have to care what we think because they draw themselves into cozy districts where they often don’t even face opposition for re-election.”

Ending gerrymandering is a moral imperative, said Rev. Michael Harrison, Union Baptist Church. “Our faith calls us to stand up for justice and equality. Gerrymandering is a moral failing that must be corrected,” Harrison said. “This is about ensuring every voice is heard and every vote counts. We are united in this fight to take back our democracy.”

A single mom and business owner from Cincinnati, Desirae Futel, spoke from the perspective of an African American who has worked on nonpartisan voter education efforts for more than a decade.

“Opponents of this amendment will say anything to keep our current broken system that lets them manipulate voting districts to discriminate against Black voters,” Futel aid. “This amendment is supported by civil rights leaders like the NAACP, Ohio Unity Coalition, and Ohio Organizing Collaborative.”

O’Connor emphasized the nonpartisan nature of this movement: “This is not about party lines; it’s about fairness and integrity. Ohioans from all walks of life have come together to demand an end to gerrymandering and ensure that our voting districts are drawn by citizens, not politicians. This is a critical step in taking back the people’s house from those who have betrayed our trust.”

Earlier this month, the group [announced the support](#) of nearly 100 organizations, businesses, and thought leaders across Ohio for a constitutional amendment. The diverse coalition supporting the historic initiative includes Republicans, Independents and Democrats and is made up of business groups, nonpartisan policy groups, labor unions, civil rights organizations, and faith-based organizations representing hundreds of thousands of Ohioans across the political spectrum.

In January, a nonpartisan group of 80 business leaders called Leadership Now [released an open](#) letter endorsing the amendment.

The movement is expected to continue to grow in the coming months leading up to the Nov. 5 election. There is no announced organized group opposing the measure.

Gerrymandering is the practice by which politicians draw political boundaries to give themselves an unfair advantage, undermining fair representation and leading to political stagnation and ineffective policy.

Nationally, Ohio is recognized as one of the worst states for gerrymandering, undermining proportional representation and leading to political stagnation and ineffective policy.

More than 9 million Ohioans, or 77% of the state population, live in districts where one party has a severe advantage in the 2024 Ohio House of Representatives elections, according to an [analysis by the Brennan Center for Justice at the NYU School of Law](#).

In addition, Ohio's partisan map-drawing process meant that nearly half of the 99-member Ohio House lacked a competitive primary contest to nominate the likely winners for the upcoming general election, the Brennan analysis found.

The Citizens Not Politicians Amendment will:

- Create the 15-member Ohio Citizens Redistricting Commission made up of Republican, Democratic and independent citizens who broadly represent the different geographic areas and demographics of the state.
- Ban current or former politicians, political party officials, and lobbyists from sitting on the commission.
- Require fair and impartial districts by making it unconstitutional to draw voting districts that discriminate against or favor any political party or individual politician.
- Require the commission to operate under an open and independent process.

Seven other states have similar independent citizen redistricting commissions: Arizona, California, Colorado, Idaho, Michigan, Montana, and Washington.

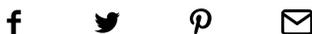
If approved, the new commission could draw maps that could be in place as early as the 2026 elections. For more information visit <https://www.citizensnotpoliticians.org>.

For more information, visit [www.citizensnotpoliticians.org](http://www.citizensnotpoliticians.org).

### **About Citizens Not Politicians**

Citizens Not Politicians is a grassroots, nonpartisan coalition of Republican, Democrat and Independent Ohio voters and includes nearly 100 organizations, businesses, and thought leaders across Ohio supporting a constitutional amendment that will end gerrymandering in the state.

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# MEDIA CENTER



7/23/2024

## SECRETARY LAROSE ANNOUNCES CONSTITUTIONAL AMENDMENT QUALIFYING FOR THE NOVEMBER BALLOT

### MEDIA CONTACT

Dan Lusheck  
[DLusheck@OhioSoS.gov](mailto:DLusheck@OhioSoS.gov)  
380.241.6328

(Columbus) – Ohio Secretary of State Frank LaRose announced today the certification of the citizen-initiated constitutional amendment on redistricting to the November ballot.

For the measure to appear on the November ballot, at least 413,487 signatures are required, equaling ten percent of the total vote cast for the office of governor during the last gubernatorial election. Additionally, the signatures must have been obtained from at least 44 of the 88 counties in Ohio. From each of these 44 counties, there must be signatures equal to at least 5 percent of the total vote cast for the office of governor in that county at the last gubernatorial election.

The redistricting amendment petitioners reached 535,005 signatures in 58 counties.

The constitutional amendment will next be considered at a yet-to-be-scheduled Ohio Ballot Board meeting to consider ballot language and title.

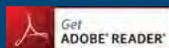
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**Issue 1**

**Creates a bipartisan, public process for drawing legislative districts**

**Proposed Constitutional Amendment**

**Proposed by Joint Resolution of the General Assembly**

**To enact new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of Article XI and to repeal Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of Article XI of the Constitution of the State of Ohio.**

A majority yes vote is necessary for the amendment to pass.

The proposed amendment would:

- End the partisan process for drawing Ohio House and Senate districts, and replace it with a bipartisan process with the goal of having district boundaries that are more compact and politically competitive.
- Ensure a transparent process by requiring public meetings, public display of maps, and a public letter explaining any plan the Commission adopts by a simple majority vote.
- Establish the bipartisan Ohio Redistricting Commission, composed of 7 members including the Governor, the Auditor of State, the Secretary of State, and 4 members appointed by the majority and minority leaders of the General Assembly.
- Require a bipartisan majority vote of 4 members in order to adopt any final district plan, and prevent deadlock by limiting the length of time any plan adopted without bipartisan support is effective.

If passed, the amendment will become effective immediately.

	<b>YES</b>	<b>SHALL THE AMENDMENT BE APPROVED?</b>
	<b>NO</b>	

**Issue 1**

**TITLE**

**Proposed Constitutional Amendment**

**Proposed by Joint Resolution of the General Assembly**

**To amend the version of Section 1 of Article XI that is scheduled to take effect January 1, 2021, and to enact Sections 1, 2, and 3 of Article XIX of the Constitution of the State of Ohio to establish a process for congressional redistricting.**

**A majority yes vote is necessary for the amendment to pass.**

The proposed amendment would:

- End the partisan process for drawing congressional districts, and replace it with a process with the goals of promoting bipartisanship, keeping local communities together, and having district boundaries that are more compact.
- Ensure a transparent process by requiring public hearings and allowing public submission of proposed plans.
- Require the General Assembly or the Ohio Redistricting Commission to adopt new congressional districts by a bipartisan vote for the plan to be effective for the full 10-year period.
- Require that if a plan is adopted by the General Assembly without significant bipartisan support, it cannot be effective for the entire 10-year period and must comply with explicit anti-gerrymandering requirements.

If passed, the amendment will become effective immediately.

	<b>YES</b>	<b>SHALL THE AMENDMENT BE APPROVED?</b>
	<b>NO</b>	

## CERTIFICATION

Acting in my capacity as the secretary of the Ohio Ballot Board, I hereby certify to the Secretary of the State of Ohio that the foregoing text is the ballot language prescribed by the Ohio Ballot Board, acting pursuant to Article XVI, Section 1 of the Ohio Constitution and section 3505.062 of the Revised Code of Ohio of the Revised Code of Ohio, for this constitutional amendment proposed by the General Assembly for submission to the Ohio electorate at the election to be held on May 8, 2018.

In testimony whereof, I have subscribed my name in Columbus, Ohio, this 20<sup>th</sup> day of February, 2018.

  
Secretary, Ohio Ballot Board

**Issue 1**

**Amendment to the Constitution setting forth a structure and criteria to govern the process for drawing Ohio General Assembly and Ohio Congressional districts.**

**Proposed Constitutional Amendment**

**Proposed by Initiative Petition**

**To repeal Articles XI and XIX of the Ohio Constitution and enact Article XX of the Constitution of the State of Ohio.**

**A majority yes vote is necessary for the amendment to pass.**

The proposed amendment would:

- Establish the Ohio Citizens Redistricting Commission, composed of 15 Ohio citizens, to draw and adopt Ohio General Assembly and Ohio Congressional districts.
- Require that the Commission consist of 15 members who have demonstrated the absence of any disqualifying conflicts of interest and who have shown an ability to conduct the redistricting process with impartiality, integrity, and fairness.
- Set forth that the Commission shall operate in a transparent manner by requiring public hearings that invite broad public participation throughout the state, public displays of redistricting plans, and a public report explaining any plan the Commission adopts.
- Provide that each redistricting plan shall contain single-member districts that are geographically contiguous, comply with federal law, closely correspond to the statewide partisan preferences of Ohio voters, and preserve communities.
- Require that all deliberations and actions of the Commission shall be in public meetings and all actions by the Commission require an affirmative vote of at least 9 of 15 members.

If passed, the amendment will become effective 30 days after the election.

**YES      SHALL THE AMENDMENT BE  
NO              APPROVED?**

# McTigue & Colombo LLC

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August 16, 2024

**Via Hand Delivery**

Ohio Secretary of State Frank LaRose, Chair  
Assistant Ohio Secretary of State Larry Obhof  
Senator Theresa Gavarone  
Senator Paula Hicks-Hudson  
Mr. William N. Morgan  
Representative Terrence Upchurch

180 Civic Center Dr.  
Columbus, Ohio, 43215

***Re: Proposed Ballot Language from the Petitioners' Committee for the Citizens  
Redistricting Commission Constitutional Amendment***

Dear Acting Chair Obhof and Members of the Ohio Ballot Board:

On behalf of the Petitioners' Committee representing the more than half a million Ohioans from all of Ohio's 88 counties who signed the initiative petition proposing the Ohio Citizens Redistricting Commission Amendment to the Ohio Constitution, I am respectfully submitting proposed ballot language for the November 5, 2024 general election.

The proposed language is similar in essential content and length to language previously adopted on a bi-partisan basis by this Board in 2015 and 2018 for redistricting amendments on General Assembly and Congressional districts, respectively. I have submitted with this presentation copies of the full text of those two Amendments and the ballot language adopted by the Board.

As this Board knows, Ohio Revised Code section 3505.06(E) provides that when a condensed text is used for ballot language it must properly describe the amendment proposed by the petitioners. The Ohio Constitution, Article II, Section 1g adopts for initiated constitutional amendments the provisions of Article XVI, Section 1, which provides that the ballot language shall properly describe the substance of the proposal and that it may not mislead, deceive, or defraud the voters. The Ohio Supreme Court has developed standards for ballot language, including that the language must be accurate and not be misleading or contain language to persuade voters how to vote. As the Board also knows, when the Board prescribes condensed language, litigation has often resulted, challenging whether ballot language meets these standards. The ballot language proposed by the petitioners will permit voters to make a free and independent decision on the proposed amendment.

In addition to proposing ballot language, the Petitioners Committee is proposing a ballot title. Ohio Revised Code section 3519.21 provides that "In preparing such a ballot title the secretary state . . . shall give a true and impartial statement of the measures in such language that the ballot title shall not be likely to create prejudice for or against the measure. The person or committee promoting such measure may submit to the secretary of state . . . a suggested ballot title, which shall be given full consideration by the secretary of state . . ." The Committee has submitted a concise title that is impartial, non-prejudicial, and properly denotes the subject of the proposed amendment: "Amendment to the Constitution setting forth a structure and criteria to govern the process for drawing Ohio General Assembly and Ohio Congressional districts."

Respectfully submitted,



Donald J. McTigue,  
Counsel for the Petitioners

MEETING OF THE OHIO BALLOT BOARD  
Pursuant to R.C. 3505.02

Members:

- Ohio Secretary of State Frank LaRose, Chair
- Senator Theresa Gavarone
- Senator Paula Hicks-Hudson
- Mr. William N. Morgan
- Representative Terrence Upchurch

Friday, August 16, 2024  
11:00 a.m.

Senator North Hearing Room of the Ohio Statehouse  
1 Capital Square, Columbus, Ohio 43215

- I. Call to order
- II. Roll Call
- III. Selection of Vice-Chairperson
- IV. Prescribe and certify the title and ballot language for the proposed Constitutional Amendment regarding redistricting.
- V. Prepare agreements and explanations or designate a group of persons or persons to do so.
- VI. Dissemination of information and advertising of statewide ballot issues.
- VII. Adjournment.

1 CHAIR LAROSE: Well, good morning,  
2 everybody. My name is Frank LaRose, Ohio SOS and  
3 Chairman of the Ohio Ballot Board. I call this  
4 meeting of the Ballot Board to order.  
5 Sarah Huffman, who is our Deputy Chief  
6 Legal Counsel, will serve as Secretary for the Ballot  
7 Board. We have a Court Reporter here who will be  
8 transcribing the record of the proceedings.  
9 And of course, as always, our friends at  
10 the Ohio Channel are streaming this meeting live on  
11 their website where it will also be archived for  
12 Ohioans who wish to watch it later.  
13 To determine whether a quorum of the  
14 Ballot Board is present I will ask the Secretary to  
15 call the roll. Sarah, go ahead.  
16 SECRETARY HUFFMAN: Thank you.  
17 Senator Hicks-Hudson.  
18 SENATOR HICKS-HANSON: Present.  
19 SECRETARY HUFFMAN: Representative  
20 Upchurch.  
21 REPRESENTATIVE UPCHURCH: Present.  
22 SECRETARY HUFFMAN: Senator Gavarone.  
23 SENATOR GAVARONE: Present.  
24 SECRETARY HUFFMAN: Secretary LaRose.  
25 CHAIR LAROSE: Here.

1 SECRETARY HUFFMAN: Mr. Morgan.  
2 MR. MORGAN: Here.  
3 CHAIR LAROSE: Let the record reflect  
4 that we have a quorum present. I'll start by saying  
5 it's a privilege that I get to be here.  
6 I've been on Military Reserve duty for  
7 the last couple weeks. I'm actually on a three-day  
8 pass this weekend. I've got to go back to Fort Bragg  
9 on Sunday night, but glad that I was able to fly home  
10 for the weekend and able to join you all for Ballot  
11 Board today.  
12 At this time the Board will elect a Vice  
13 Chair from among the four appointed Board Members as  
14 required by the Ohio Revised Code Section  
15 3505.061(B).  
16 The Vice Chairperson will serve for a  
17 term of two years. I will nominate Senator Gavarone  
18 as Vice Chair. Is there a second?  
19 MR. MORGAN: Second.  
20 CHAIR LAROSE: Seconded by Mr. Morgan.  
21 Is there any discussion?  
22 Seeing none, Secretary will call the  
23 roll.  
24 SENATOR HICKS-HUDSON: I had a --  
25 CHAIR LAROSE: Sorry, I missed that.

1 Senator Hicks-Hudson, go ahead.  
2 SENATOR HICKS-HUDSON: I move to  
3 nominate our Representative Upchurch as Vice Chair.  
4 CHAIR LAROSE: Okay. Is there a second?  
5 REPRESENTATIVE UPCHURCH: Second.  
6 CHAIR LAROSE: Seconded by  
7 Representative Upchurch. So we have got two separate  
8 motions. I will take Senator Hicks-Hudson's motion  
9 first.  
10 And, Sarah, would you please call the  
11 roll on Senator Hicks-Hudson's motion which nominated  
12 Representative Upchurch as the Vice-Chairman and  
13 seconded by Representative Upchurch?  
14 SECRETARY HUFFMAN: Yes. Senator  
15 Hicks-Hudson.  
16 SENATOR HICKS-HUDSON: Yes.  
17 SECRETARY HUFFMAN: Representative  
18 Upchurch.  
19 REPRESENTATIVE UPCHURCH: Yep.  
20 SECRETARY HUFFMAN: Senator Gavarone.  
21 SENATOR GAVARONE: No.  
22 SECRETARY HUFFMAN: Secretary LaRose.  
23 CHAIR LAROSE: No.  
24 SECRETARY HUFFMAN: Mr. Morgan.  
25 MR. MORGAN: No.

1 CHAIR LAROSE: Okay. So that motion  
 2 fails. And at this point we will call the question  
 3 on my motion to nominate Senator Gavarone as Vice  
 4 Chair as seconded by Mr. Morgan.  
 5 Sarah, please call the roll.  
 6 SECRETARY HUFFMAN: Senator  
 7 Hicks-Hudson.  
 8 SENATOR HICKS-HUDSON: Yes.  
 9 SECRETARY HUFFMAN: Representative  
 10 Upchurch.  
 11 REPRESENTATIVE UPCHURCH: Yeah.  
 12 SECRETARY HUFFMAN: Senator Gavarone.  
 13 SENATOR GAVARONE: Yes.  
 14 SECRETARY HUFFMAN: Secretary LaRose.  
 15 CHAIR LAROSE: Yes.  
 16 SECRETARY HUFFMAN: Mr. Morgan.  
 17 MR. MORGAN: Yes.  
 18 CHAIR LAROSE: And that unanimously  
 19 passes. And I appreciate our minority members  
 20 supporting that motion. So thank you so much.  
 21 Senator Gavarone will be the Vice Chairman.  
 22 Today's meeting agenda concerns one  
 23 statewide issue that will appear on the ballot in the  
 24 November 2024 general elections. This is a proposed  
 25 Constitutional Amendment regarding redistricting.

1 ahead.  
 2 SECRETARY HUFFMAN: The Ohio  
 3 Constitution and the Ohio Revised Code require the  
 4 Ballot Board to draft ballot language for the  
 5 statewide issue that will appear on the ballot.  
 6 The ballot language must properly  
 7 identify the substance of the proposal to be voted  
 8 on. This may contain the full text or a condensed  
 9 version of the proposal.  
 10 If a condensed version of the proposal  
 11 is used the ballot language must not omit substance  
 12 of the proposal that is material.  
 13 Additionally, if the proposed amendment  
 14 is condensed the resulting language must not result  
 15 in or imply a persuasive argument. The ballot  
 16 language must be agreed to by a majority of Board  
 17 Members.  
 18 CHAIR LAROSE: All right. So our first  
 19 order of business is to prescribe the ballot  
 20 language, and that's what we're going to address  
 21 right now.  
 22 To prepare for today's meeting my staff  
 23 worked on some draft language that was circulated 24  
 24 hours ago, as is standard practice, to all the  
 25 members of the Ballot Board.

1 First we will proceed to prescribe and  
 2 certify the ballot language, that's the first task in  
 3 front of us this morning. Then we will designate the  
 4 group to prepare arguments for and against, as is  
 5 traditional.  
 6 Finally, the Ballot Board must direct  
 7 the means by which my office will disseminate  
 8 information concerning the proposed State issues to  
 9 the voters and direct my office to contract for  
 10 advertising.  
 11 Those are the three points that are in  
 12 front of us this morning. I'm sure everyone in the  
 13 room has opinions about the merits, or otherwise, of  
 14 the proposed issue.  
 15 We're really not here to debate those  
 16 merits, we're here to prescribe the ballot language,  
 17 to appoint the parties that will write in favor and  
 18 in opposition, and then to handle the matter of how  
 19 this will be disseminated to the public as required  
 20 by law. Those are what we will limit our discussion  
 21 to this morning.  
 22 At this point I will ask the Secretary  
 23 of the Ballot Board to discuss the Ballot Board's  
 24 rule as prescribed in law today regarding the  
 25 adoption of ballot language for the issue. Sarah, go

1 Members received the copy of the draft  
 2 before the meeting, and it's also included in the  
 3 Board Members' binders, and of course, it's available  
 4 for members of the public and members of the press  
 5 corp up here on the front table.  
 6 We will begin with public comment. If  
 7 anyone who has signed in wishes to address the Ballot  
 8 Board regarding the ballot title and ballot language  
 9 for Issue 1, when you step up please identify  
 10 yourself and any organization that you represent.  
 11 At this time, Sarah, who do we have to  
 12 testify? Let me get that list. And as a reminder,  
 13 if anyone hasn't signed in please make sure to do so  
 14 right away so that you do get the opportunity to  
 15 state your case.  
 16 We so far have one member of the public  
 17 who is here representing the Petitioners' Committee,  
 18 and that is Mr. Don McTigue.  
 19 Mr. McTigue, a frequent visitor to the  
 20 Ballot Board, look forward to your testimony. Thank  
 21 you, sir.  
 22 MR. MC TIGUE: Good morning,  
 23 Mr. Secretary, Members of the Board. I am Don  
 24 McTigue, counsel for the Petitioners' Committee,  
 25 which is the committee of five Ohioans from different

1 parts of the State who are listed on the face of the  
2 petition and were responsible by law for that  
3 petition.

4 I have -- well, two days ago, on behalf  
5 of my clients, I submitted proposed ballot language  
6 which I assume was distributed to everyone on the  
7 Ballot Board.

8 In addition, this morning before the  
9 meeting -- before the meeting was called to order, I  
10 provided a two-page statement, or testimony, whatever  
11 you want to refer to it as, of what our position is.

12 I included another copy of the proposed  
13 ballot language from the Petitioners, and also two  
14 exhibits which are referenced in my written  
15 statement, which are the ballot language and Joint  
16 Resolutions from 2015 and 2018, which dealt with  
17 redistricting. 2015 was General Assembly  
18 redistricting, and 2018 was Congressional  
19 redistricting.

20 In addition, distributed were two  
21 one-page statements that citizens asked us to bring  
22 and submit as written testimony, so that is before  
23 you today as well.

24 To begin, I wanted to note that the --  
25 first of all, that the letter that I drafted

1 ballot language that was limited to four bullet  
2 points, which basically distilled the most important  
3 aspects of the proposed redistricting changes to the  
4 Ohio Constitution.

5 Those -- that ballot language in both  
6 years was roughly around 200 words. The Secretary of  
7 State drafted -- or that's coming out of the  
8 Secretary of State's office is close to 900 words.

9 We believe that the model that this  
10 Board followed in 2015 and 2018 should be followed  
11 again. The Board is aware, of course, of what the  
12 legal standard is, some of that was already  
13 mentioned.

14 But to repeat, Revised Code Section  
15 3505.06 Division (E) provides that when a condensed  
16 text is being used as ballot language that it must  
17 properly describe the amendment that is being  
18 proposed by the Petitioners or the General Assembly.

19 The Ohio Constitution, Article II,  
20 Section 1g, adopts, for initiated Constitutional  
21 amendments, the provision of Article XVI, Section 1,  
22 which provides that ballot language shall properly  
23 describe the substance of the proposal, and that it  
24 may not mislead, deceive, or defraud the voters.

25 The Ohio Supreme Court, over a series of

1 yesterday, and was submitted today, says Dear Acting  
2 Chair Uphoff.

3 CHAIR LAROSE: Sorry for the surprise.

4 MR. MC TIGUE: Yes. But, you know,  
5 the -- we have your name, Mr. Secretary, at the top,  
6 and his below that as the Assistant Secretary of  
7 State.

8 So the petition at issue that the ballot  
9 language is based on was circulated statewide and had  
10 signatures of over half a million Ohioans from all 88  
11 counties of this State.

12 And we are formally requesting  
13 respectfully that the proposed language that we  
14 submitted -- or that I submitted on behalf of my  
15 clients be adopted by this Board.

16 The proposed language follows very  
17 closely, both in terms of form, tone, and length, the  
18 redistricting amendments from 2015 and 2018, which is  
19 why they are attached as exhibits.

20 Both of those amendments were lengthy in  
21 terms of the -- they were submitted through joint  
22 resolutions, but they are very lengthy, as is the  
23 proposed amendment that we're here on today.

24 However, in 2015 and 2018, the Ballot  
25 Board was able, on a bipartisan basis, to approve

1 cases, has developed standards for ballot language,  
2 including that the language must be accurate and not  
3 misleading or deceptive or prejudicial, meaning an  
4 attempt to influence how people are going to vote,  
5 either yes or no. In other words, the language  
6 should be as neutral as possible.

7 The ballot language that the Petitioners  
8 have proposed meets these standards, and does it in a  
9 brief form similar, again, to 2015 and 2018. We  
10 believe that there is no reason to deviate from that.

11 In addition, we -- or I wanted to  
12 mention what the standard is for the ballot title,  
13 recognizing, of course, that the Secretary of State,  
14 not the Board, is responsible for the ballot title.

15 But the standard there is in Revised  
16 Code Section 3519.21, which states that in preparing  
17 the ballot title the Secretary shall give a true and  
18 impartial statement of the measure in such language  
19 that the ballot title shall not be likely to create  
20 prejudice for or against the measure.

21 Further provides that the person or  
22 committee promoting the measure may submit to the  
23 Secretary of State suggested ballot title which shall  
24 be given full consideration by the Secretary of  
25 State.

1 With our proposed ballot language we  
2 also submitted a proposed title which we believe is  
3 to the point and neutral, and meets the statutory  
4 requirements.

5 Yesterday -- going now beyond my  
6 prepared statement, yesterday we received the  
7 Secretary of State's office draft, and I have a few  
8 comments about that.

9 I think we received it late yesterday,  
10 or sometime in the afternoon yesterday. So let's --

11 CHAIR LAROSE: I gave it to members at  
12 11:00 a.m.

13 MR MC TIGUE: Okay. And I received it,  
14 I think, either late morning or early afternoon, but  
15 essentially less than 24 hours ago.

16 The language is stunning in it being  
17 false and misleading, and it is unabashed in terms of  
18 its prejudicial language.

19 There's no reasonable person who could  
20 read that language, and after reading that draft  
21 language could conclude that -- that it is an honest  
22 attempt to craft unbiased, fair ballot language that  
23 allows voters to make independent decisions about the  
24 issue, rather I would describe the -- that the  
25 language as a farce of Shakespearian proportion.

1 I've never seen a reference to prior election  
2 results, and it can only be in here for the purpose  
3 of trying to prejudice the voters into voting a  
4 certain way, meaning in this particular instance to  
5 vote no, that that's the only reason that that  
6 language really is in here.

7 It also has language regarding  
8 eliminating the longstanding ability of Ohio citizens  
9 to hold their representatives accountable for  
10 establishing State, Legislative, and Congressional  
11 districts.

12 The problem with that is that whole  
13 accountability argument only works when you have fair  
14 districts, not when you have these severely  
15 gerrymandered districts that we have in Ohio.

16 So the severe -- and I think Ohio may be  
17 the worst or has been -- in national publications  
18 indicated Ohio has probably the worst gerrymandered  
19 districts of any of the 50 states, and that -- when  
20 you have that, it is not possible to hold elected  
21 officials accountable.

22 Paragraph 2 talks about establishing a  
23 new taxpayer-funded commission. What it doesn't say  
24 is that there's already a taxpayer-funded commission.

25 So it's making it appear that this is

1 If anything, that language is proof of  
2 the need to remove elected officials from the  
3 redistricting process, which is what this amendment  
4 attempts -- or will do if adopted by the voters.

5 So again, the 2015/2018 language  
6 presents, I think, model language that this  
7 Commission -- or this Board, I'm sorry, should  
8 follow.

9 I want to point to a couple -- you know,  
10 not -- not to go over every single line of the draft  
11 from the Secretary of State's office, but I do want  
12 to point out a couple of things that are -- that jump  
13 out right away.

14 In paragraph 1, or bullet No. 1, I  
15 should say, okay? Bullet No. 1, it starts out by  
16 saying that the proposed amendment would repeal  
17 constitutional protections against gerrymandering.

18 What it does not say is that it's  
19 instituting protections, even more protections than  
20 currently exist in the Constitution against  
21 gerrymandering.

22 It also goes on in that first paragraph  
23 to refer to the -- to the vote -- the votes in 2015  
24 and 2018.

25 In all the years I've been doing this

1 something new, that there's going to be a commission  
2 that's going to be taxpayer-funded, but that is what  
3 we have right now, is making changes in how the  
4 Commission -- what the makeup of the Commission is,  
5 that is true.

6 But this language was written the way it  
7 is to get people thinking that somehow this is a  
8 new -- a new commission that is going to result in  
9 new funding, but we already have that. And again,  
10 the language could have been written differently, but  
11 it wasn't.

12 It also, in that paragraph, refers to  
13 manipulating -- that the Commission is required to  
14 manipulate the boundaries of State, Legislative and  
15 Congressional districts to favor the two largest  
16 political parties in the State.

17 The word manipulate was obviously chosen  
18 rather than simply the word draw, because that's what  
19 the -- that's what the Commission does, they draw the  
20 districts.

21 Manipulate has very negative  
22 connotations to most people, and that's why it is  
23 there; to influence how people will perceive what  
24 this amendment is.

25 And then with respect to favoring the

1 two largest political parties, it's a misstatement  
2 because the actual amendment provides that the --  
3 that the amendment would, quote, ban partisan  
4 gerrymandering and prohibit the use of redistricting  
5 plans that favor one political party and disfavor  
6 others.

7 The existing -- and in fact, existing  
8 Article XI already requires the Commission, the one  
9 that exists right now, to draw districts that closely  
10 correspond to the preferences of Ohio voters. This  
11 amendment uses the same language, closely  
12 corresponds.

13 If we look at the ballot language used  
14 for the 2015 Amendment, it doesn't say that the  
15 Commission would be required to manipulate districts  
16 to favor political parties, so why does it say it  
17 now?

18 Further, drawing districts that roughly  
19 track the way Ohioans actually vote statewide rather  
20 than rigging districts to force outcomes at odds with  
21 how Ohioans vote is the opposite of partisan  
22 gerrymandering. I think it's important to keep that  
23 in mind.

24 This taking into consideration how  
25 people vote in the State and drawing fair districts

1 Commission outside of a public meeting.

2 The amendment is replete with  
3 transparency, provisions, and opportunities for any  
4 citizen in Ohio, even if they cannot physically  
5 attend a public hearing, is replete with options for  
6 them to do so.

7 So that provision is just so  
8 fundamentally false that -- and I think it does a  
9 disservice to the voters of Ohio by making it appear  
10 the -- making this amendment appear the opposite of  
11 what it actually is.

12 So these are examples of the way that  
13 the language is inaccurate, deceitful, deceptive, or  
14 clearly designed to skew the results to influence  
15 voters in a prejudicial way.

16 I would respectfully request that the  
17 Commission -- or I'm sorry, the Board, approve --  
18 reject this offered language from the Secretary of  
19 State's office, and rather go with something that  
20 voters have -- have seen before, twice before, in  
21 terms of its brevity, in terms of its basic  
22 substance, and that also communicates to voters in a  
23 fair and unbiased way what the proposal is that they  
24 are being asked to vote upon. Thank you.

25 CHAIR LAROSE: Thank you, Mr. McTigue.

1 based on that is the very opposite of partisan  
2 gerrymandering.

3 Going back to the offered language from  
4 the Secretary of State's office, it -- Paragraph 5  
5 says that the amendment would prohibit any citizen  
6 from -- I'm sorry, not Paragraph 5 -- Paragraph 8. I  
7 have problems with Paragraph 5, too, but I'm trying  
8 to be brief.

9 Paragraph 8 limits the right of Ohio  
10 citizens to freely express their opinions to members  
11 of the Commission or to the Commission staff.

12 This could not be further from the  
13 truth. In fact, all you have to do is look at the  
14 Attorney General's approval of the summary, and look  
15 at the actual amendment.

16 What the actual amendment provides is  
17 that the Commission shall conduct multiple hearings  
18 throughout the State at multiple points in the  
19 process, shall be open to anyone who wants to testify  
20 or present testimony, including through electronic  
21 means and through a portal that the Commission would  
22 be required to establish.

23 It provides that all of the meetings of  
24 the Commission are open meetings, open to the public,  
25 and importantly, that no decision can be made by the

1 And at this time do any members of the Commission  
2 have questions for the witness?

3 SENATOR HICKS-HUDSON: I do.

4 CHAIR LAROSE: Senator Hicks-Hudson, go  
5 ahead.

6 SENATOR HICKS-HUDSON: Thank you. Thank  
7 you, Mr. McTigue, for your comments and your going  
8 through the Secretary of State's proposed ballot  
9 language.

10 I kind of want you to go through every  
11 part, as opposed to just only the highlights that you  
12 pointed out that you found, and I agree with, that  
13 are not what our role of the Supreme Court has set  
14 through case law, and also what the Ohio Constitution  
15 requires of us, which is to present to the voters so  
16 that they can make an honest decision based upon  
17 impartial, fair language, and that's just the  
18 opposite of what you're calling deceitful, I'll use  
19 the word disingenuous, although that's not a legal  
20 standard, but it's all part of what I think is the  
21 ultimate goal, which is to defraud and lead to a  
22 certain type of result by voters.

23 Specifically with your language, the  
24 language by the Proponents, you talked about that  
25 that language is based upon the prior 2015, 2018

1 language that was put together.  
 2 Can you talk about -- a little bit about  
 3 that process, and was it done within a 24-hour period  
 4 before the Ballot Board has to make a decision, or  
 5 how -- was it more opportunities for both sides to  
 6 come together and work on language that was presented  
 7 fairly to the voters? Compound questions in there,  
 8 so you can take them any way you want to.  
 9 CHAIR LAROSE: Mr. McTigue, please go  
 10 ahead.  
 11 MR MC TIGUE: Mr. Secretary, Senator  
 12 Hicks-Hudson, Members of the Board, I was privy to  
 13 the drafting of language in 2015 and 2018, and yes,  
 14 proponents -- well, everyone seemed to be a  
 15 proponent, okay? At least that's the way it ended  
 16 up, which is why we had joint resolutions passed.  
 17 But, you know, there was give and take  
 18 and negotiations on the joint resolutions, and then  
 19 there was a consensus, bipartisan consensus on the  
 20 ballot language.  
 21 And, you know, the key part of that  
 22 being to, in a brief form, because after all we are  
 23 talking about condensed ballot language per the  
 24 statute, to address the major points.  
 25 And there was -- agreement was reached

1 we -- that was proposed by your office was created.  
 2 So my last question to you, Mr. McTigue,  
 3 is when we look at the language that is being  
 4 presented by the Secretary of State, then hold up the  
 5 language as presented by the Proponents, would you  
 6 agree that just in the way that folks, when it comes  
 7 to the ballot, will look at language, that if it  
 8 causes confusion that there's more likely a no vote  
 9 than if there is a clear and concise, thoughtful,  
 10 fair, impartial language that does not deceive, that  
 11 is not misleading, and does not lead to confusion?  
 12 When you hold these two up, do you think  
 13 that if we vote in favor of the Secretary's language  
 14 that we are not upholding our Constitutional duties  
 15 to the citizens and to the State of Ohio?  
 16 MR MC TIGUE: Secretary LaRose, Senator  
 17 Hicks-Hudson, and Members of the Board, also I think  
 18 a compound question, but yes, if this language was  
 19 approved it would be my view that you're not  
 20 upholding your duties.  
 21 You take oaths to uphold the  
 22 Constitution and the laws of the State of Ohio. The  
 23 standards for ballot language and ballot titles are  
 24 set out in black and white, and I think it's pretty  
 25 apparent that those standards are not being met here.

1 by Democrats and Republicans from the -- from the  
 2 Legislature and by the Ballot Board and, you know, we  
 3 had simple language.  
 4 CHAIR LAROSE: Further questions?  
 5 SENATOR HICKS-HUDSON: Followup, if I  
 6 may.  
 7 CHAIR LAROSE: Senator Hicks-Hudson.  
 8 SENATOR HICKS-HUDSON: Thank you. Do  
 9 you think that if we were to approve the Secretary of  
 10 State's language that we would be in violation of  
 11 Article II, Section 1g of the Ohio Constitution? And  
 12 if so, why?  
 13 MR MC TIGUE: Well, I do believe that if  
 14 this language is adopted that it -- it certainly  
 15 fails to meet the standards of the content that's set  
 16 forth in the Constitution, and in statutes, and in  
 17 Ohio Supreme Court case law, and that holds true as  
 18 well for the ballot title. So yes, I believe that it  
 19 would be a very apparent violation.  
 20 SENATOR HICKS-HUDSON: Followup if I  
 21 may?  
 22 CHAIR LAROSE: Please go ahead.  
 23 SENATOR HICKS-HUDSON: I'll make this my  
 24 last question to you because you do have questions,  
 25 Mr. Secretary, too, about how this language that

1 I would also note the other part -- the  
 2 first part of your question about people being  
 3 confused, I think that when people are confused --  
 4 and I think this is, you know, Political Science 101,  
 5 when people are confused about a proposed law that  
 6 they are being asked to vote on, or when it is  
 7 long -- when it's long, that the traditional thinking  
 8 is that people will tend to vote no because they feel  
 9 they don't understand it, okay?  
 10 And that's one of the reasons that  
 11 condensed texts are generally better, you know. If  
 12 you're dealing with a long proposal you want to hit  
 13 the important points, the fundamental points that  
 14 voters need to know to make an informed decision.  
 15 And in that regard in terms of -- you  
 16 know, I think I've already pointed out that I think  
 17 the Secretary's draft is about 900 words.  
 18 The -- I've heard this before at Ballot  
 19 Board meetings that oh, well, we can go with the  
 20 short version because the full text, by law, is  
 21 required to be posted at every single polling place.  
 22 It is published in newspapers throughout  
 23 the State of Ohio for three days -- consecutive weeks  
 24 before the election. It now also appears on the  
 25 Secretary's of State's website per law.

1 So the full text is available to people  
2 who have the inclination to read it, as opposed to  
3 facing language that is just too long for them to  
4 deal with.

5 Also keep in mind that there's a time  
6 limitation how long you can be inside a voting booth.  
7 I can't recall if it's five minutes or ten minutes  
8 but, you know, there is this limitation.

9 And so sometimes people also feel some  
10 pressure, you know, there that I'm trying to  
11 understand this, but I got to go. So I think there  
12 are lots of reasons that long language works in favor  
13 of the no vote.

14 SENATOR HICKS-HUDSON: Thank you.

15 CHAIR LAROSE: Representative Upchurch.

16 REPRESENTATIVE UPCHURCH: Thank you,  
17 Mr. Secretary. Thanks for coming in, Don, it's  
18 always good to see you. I think you get younger and  
19 I get holder.

20 First question, did you ever reach out  
21 to the Secretary of State's office with the proposed  
22 language? And then second question would be was  
23 there any response or engagement from the Secretary's  
24 office?

25 MR MC TIGUE: Yeah, Mr. Secretary,

1 got the date of this hearing, that language -- if you  
2 had draft language, that it would be something that  
3 we could look at, and it had been my understanding,  
4 as being on the Ballot Board for a couple years now,  
5 that usually we come in and we get the language  
6 already done, and I thought that that was more along  
7 the lines of the purview and the responsibilities of  
8 the Secretary of State.

9 I appreciate the fact that we did get  
10 the language like yesterday morning late, as opposed  
11 to sometimes getting it at the -- at nighttime after  
12 I've gone to bed in preparation to get here on time  
13 for our an early morning meetings, so there has been  
14 improvement in that respect.

15 But I do -- I think the record should be  
16 really clear that, you know, 24 hours isn't  
17 necessarily a lot of time to deal with 900 and some  
18 words that really I'm not sure fit into the confines  
19 of either what the law requires, and just looking at  
20 and making a really thoughtful evaluation of the  
21 language.

22 So I appreciate the fact that there  
23 was -- that your office did reach out to try to meet  
24 with us, but the way my schedule is I was not  
25 available to do that. So I just wanted to make sure

1 Representative Upchurch, Members of the Board, in  
2 terms of reaching out, I submitted our language, you  
3 know.

4 Ms. Huffman contacted me about  
5 submitting language, which we were working on, and we  
6 submitted that as soon as it was done on our end.

7 I'm not sure, is that what your question  
8 is? I did not reach out about hey, can we sit down  
9 and negotiate language, you know.

10 CHAIR LAROSE: Before we move on I'll  
11 point out that we did reach out to both the Majority  
12 and Minority Members of the Board and offer to sit  
13 down and discuss this, that was part of the process  
14 that we followed.

15 Further questions, Representative  
16 Upchurch?

17 REPRESENTATIVE UPCHURCH: No.

18 CHAIR LAROSE: Okay. Senator  
19 Hicks-Hudson?

20 SENATOR HICKS-HUDSON: Thank you. Yes,  
21 I want to clarify the record because you're correct  
22 that there was a request by your -- I always call  
23 President Uphoff -- but to discuss with me, but my  
24 schedule did not -- was not conducive for that.

25 And I had requested the moment that we

1 that the record was clear about that.

2 CHAIR LAROSE: Thank you, Senator. I'm  
3 going to ask a question.

4 Mr. McTigue, you pointed at Paragraph 8,  
5 and you raised concerns about Paragraph 8. I'm just  
6 going to read it.

7 Paragraph 8 in our draft language says  
8 limit the right of Ohio citizens to freely express  
9 their opinions to members of the Commission or to  
10 Commission staff regarding the redistricting process  
11 or proposed redistricting plans.

12 It simply says that it limits the right  
13 of Ohio citizens to freely express their opinions.  
14 Now, most of us as citizens are very accustomed to  
15 the right that we have to contact our local officials  
16 to tell them if we like or don't like something that  
17 they are doing.

18 And so it was a little bit jarring to  
19 see in the approved language of the amendment that  
20 you all are proposing. In 5(A)(3) it literally says  
21 no person shall attempt to contact any member or  
22 members of the Commission.

23 I've never seen something in the law  
24 that says you're not allowed to talk with somebody  
25 whose salary you're paying, who is performing a

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1 public function, but this constitutional limit would  
 2 say no citizen may contact any member of the  
 3 Commission to express their opinions about the maps  
 4 that they're drawing.  
 5 So let's say hypothetically I was a  
 6 member of the Commission, which I wouldn't be  
 7 eligible for this, but if I were and I was at a  
 8 soccer game for one of my daughters and somebody  
 9 walked up and said, you know, my neighborhood, my  
 10 town is a community of interest and we're being  
 11 divided in the most recent draft of the map and I  
 12 really think you should try to keep us whole, that  
 13 person would now be violating the Ohio Constitution  
 14 by expressing to me their opinion about the public  
 15 work that I was doing as a member of the  
 16 Redistricting Commission.  
 17 How else would you describe that other  
 18 than what we used as -- I guess my question would be  
 19 how would you describe that other than limiting the  
 20 right of Ohio citizens to express their opinions?  
 21 MR MC TIGUE: Mr. Secretary, I think the  
 22 answer to your question is to have fair language you  
 23 need to have context, okay?  
 24 As I said before, the Commission is  
 25 required to hold multiple, multiple hearings

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1 throughout the State of Ohio.  
 2 It is required to have instituted means  
 3 for people to -- anybody in the State of Ohio to  
 4 contact the Commission Members.  
 5 I think also the context, in terms of  
 6 the section that you're referring to, is designed to  
 7 prevent undue influence being brought on members of  
 8 the Commission.  
 9 These are not elected officials, okay,  
 10 they are members of the Commission. If you -- you  
 11 know, if you -- you don't want to have lobbyists or  
 12 elected officials talking to them about protecting  
 13 the districts or, you know, how they think it should  
 14 be done, so this is -- it has -- it's about the  
 15 context in which this statement, standing by itself,  
 16 is written.  
 17 And you need to -- people are going to  
 18 take from this that the process is not going to be  
 19 open, it's not going to be transparent, they are not  
 20 going to have opportunities. So -- and that is the  
 21 furthest thing from the truth.  
 22 CHAIR LAROSE: So let's unpack that a  
 23 little bit more. You mentioned the term undue  
 24 influence.  
 25 I guess, in my opinion, when one citizen

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1 talks to another citizen who is charged with an  
 2 important public responsibility, I wouldn't consider  
 3 that undue influence. I would consider undue  
 4 influence some sort of a bribe or obviously those  
 5 kind of things are undue influence.  
 6 Is there language in here that protects  
 7 against that? I mean, is there a personal financial  
 8 disclosure required of the Commission Members, the  
 9 same kind of ethics standards that other public  
 10 officials are held to?  
 11 Because somebody talking to me at a  
 12 soccer game is not undue influence. Somebody  
 13 offering me something of value obviously is both a  
 14 criminal act and undue influence. What protections  
 15 protect against that?  
 16 MR MC TIGUE: Well, Mr. Secretary, there  
 17 are provisions regarding financial disclosures by the  
 18 Commission Members.  
 19 But in addition to the issue of undue  
 20 influence, potential undue influence, there's also  
 21 the fact that the amendment says that decisions and  
 22 deliberations can only occur in open meetings.  
 23 You undermine the process when you're  
 24 talking about essentially a body of officials being  
 25 able to receive input on their own outside of the

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1 context of an open meeting, so it undermines that  
 2 basic premise that all actions and deliberations  
 3 should occur in an open meeting.  
 4 CHAIR LAROSE: Final question on this  
 5 line that I'm on here.  
 6 So when the amendment language -- the  
 7 proposed amendment language says no person shall  
 8 attempt to contact -- no person shall attempt to  
 9 contact any member of the Commission, is that not  
 10 limiting the ability of Ohioans to express their  
 11 opinion?  
 12 MR MC TIGUE: Well, Mr. Secretary, as I  
 13 said, the problem with the language in the draft is  
 14 the context -- is the lack of context, actually.  
 15 CHAIR LAROSE: I don't think that you  
 16 answered my question.  
 17 Does that limit the ability of Ohioans  
 18 to express their opinions to members of the  
 19 Commission?  
 20 MR. MC TIGUE: In my view it does not.  
 21 They can still express their views to the Commission  
 22 in public meetings or in public hearings, or through  
 23 the portal that is going to be set up, so that all  
 24 the information is available to everyone.  
 25 CHAIR LAROSE: Okay. To me that would

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1 be like saying that the only way you can talk to a  
 2 State Legislator is in a Commission room like this or  
 3 on the floor of the Ohio Senate. Somehow I don't see  
 4 that to be adequate.  
 5 Further questions for Mr. McTigue?  
 6 Senator Gavarone.  
 7 SENATOR GAVARONE: Thank you very much.  
 8 I'm just going to follow up on a little bit on that  
 9 Paragraph 8. You know, courts have said that the  
 10 language is misleading if it's factually inaccurate.  
 11 Just looking at the face of Section  
 12 5(A)(3), saying that no person shall have any  
 13 contact, that on its face limits the right of Ohio  
 14 citizens to freely express their opinions to members  
 15 of the Commission or the Commission staff regarding  
 16 the process. There is nothing about Paragraph 8 that  
 17 is factually inaccurate.  
 18 MR MC TIGUE: Secretary LaRose, Senator  
 19 Gavarone, Members of the Board, again, I think that  
 20 something can be misleading or deceptive if the -- if  
 21 it is taken -- if you don't have the full context,  
 22 which is the point that I was making before.  
 23 SENATOR GAVARONE: But it's not  
 24 factually inaccurate, which is the standard. So  
 25 voters have the right --

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1 MR MC TIGUE: Senator, that's not the  
 2 only standard.  
 3 SENATOR GAVARONE: It's factually  
 4 inaccurate.  
 5 MR MC TIGUE: And that's one standard.  
 6 SENATOR GAVARONE: This is factually  
 7 accurate. So voters have the right to know what they  
 8 are voting on.  
 9 Now, I've been an attorney for many  
 10 years and one of my jobs was to make sure my clients  
 11 made informed decisions. Every citizen in Ohio has  
 12 the right to have the information in front of them to  
 13 make an informed decision.  
 14 You were talking briefly about the time  
 15 limitation of polling booths, as the argument for 5,  
 16 very generic points that are in the proposal that you  
 17 suggest. But at the same time you said that that's  
 18 okay because they can read the entire full text.  
 19 It's been said that the proposal put on  
 20 by the Secretary of State here has 900 words; 900  
 21 words that accurately explain what this is.  
 22 If there's a time limitation do you  
 23 believe that they would have time to read the full  
 24 text of the amendment to fully understand what is  
 25 going on during that time limitation?

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1 MR MC TIGUE: Mr. Secretary, Senator  
 2 Gavarone, and Members of the Board, for a voter who  
 3 has not read the text or been informed about the  
 4 provisions that they are being asked to vote on, I  
 5 don't think they would have sufficient time to read  
 6 through 900 words and understand it.  
 7 But the larger issue here is -- I mean,  
 8 yeah, some voters, but not necessarily all, and the  
 9 question becomes whether again the -- the picking and  
 10 the choosing of language that is included in those  
 11 900 words, the language that's been chosen here is  
 12 essentially language and then it's been cast in a way  
 13 to bring about no votes.  
 14 CHAIR LAROSE: I'm glad you mentioned  
 15 the issue about the time it takes for people to  
 16 consider things.  
 17 In fact, in your hometown, Senator  
 18 Hicks-Hudson, up in Toledo last year, there was a  
 19 number of charter amendments on the ballot and we saw  
 20 that that resulted in, in some cases, lines at the  
 21 polling locations, which we go out of our way to  
 22 minimize and reduce that so everyone has a quick and  
 23 convenient experience when they vote.  
 24 So that's why I think it's important  
 25 that this summary language clearly express what it is

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1 without requiring someone to read the entire section.  
 2 Senator Hicks-Hudson, I believe you had  
 3 a question?  
 4 SENATOR HICKS-HUDSON: Not so much a  
 5 question, but it's just -- well, maybe it is a  
 6 question, and I'll try not to make it a compound  
 7 question.  
 8 But what we're really talking about in  
 9 terms of ballot language versus the argument that  
 10 each of the proponents -- I'll call it the support  
 11 for or against the ballot language itself, is where  
 12 what should be our third part or a second action of  
 13 establishing the committees to write the arguments  
 14 and explanation.  
 15 I wonder if what was is -- has been  
 16 proposed by the Secretary of State's language is not  
 17 really that, that it's more of the argument in  
 18 opposition to fair language or the petition language  
 19 that more than, you know, that the folks who signed  
 20 the petitions did initially, and I believe that, you  
 21 know, Mr. McTigue is talking about context.  
 22 I also think that we should be talking  
 23 about how words matter, and that there are all  
 24 kinds of -- if we go down the grammar rule about what  
 25 nouns are versus the adjectives, versus persuasion,

1 versus just factual, and I would submit to you,  
2 Mr. Secretary, that the language that is being  
3 proposed of out of your office is language that not  
4 only is designed to not be neutral, but to persuade a  
5 specific outcome.

6 And, you know, you've heard the thing  
7 about being misleading, deceitful and dishonest in  
8 terms of how it's put together, how I read it, it is  
9 opinion and not facts.

10 You know, the facts is that there would  
11 be a commission made of 15 members, that this  
12 commission would be -- there's a process by which  
13 those members would be selected, that they would not  
14 be politicians, that the problem that the voters who  
15 signed those petitions in Ohio that bring us here  
16 today is that they do not trust our process that we  
17 have.

18 And so what we're looking at is really a  
19 need for -- to remove the political persuasion part  
20 of it, and to let those opponents -- proponents  
21 persuade the voters. The language at the ballot box  
22 should not do that. The language should be very  
23 clear.

24 You know, having served as a Director of  
25 the Lucas County Board of Elections, and

1 time for that, but there will be time for that. So  
2 I'll ask you to hold up on that motion until that  
3 time of the meeting comes up.

4 SENATOR HICKS-HUDSON: I wasn't sure,  
5 but I just wanted to make sure, and no disrespect to  
6 you, Mr. Secretary, about running the meeting, but I  
7 think it's very clear that we have to give the  
8 citizens their due, and so therefore, I wanted to  
9 make sure that that was on the record. Thank you.

10 CHAIR LAROSE: Thank you, Senator.  
11 Mr. McTigue, a question on Section 12 of your  
12 amendment language.

13 Section 12 contains a severability  
14 clause. It was odd to me to see a severability  
15 clause in there, but also contains what I guess again  
16 as a nonlawyer I would call like a preemption clause  
17 or something like that, and it's in Section B.

18 It says if any provision of this Article  
19 conflicts with other provisions of the Constitution,  
20 the conflicts shall be resolved in favor of this  
21 Article. Can you explain what that does in action,  
22 that Section 12(B)?

23 MR MC TIGUE: Yes, Mr. Secretary,  
24 Members of the Board. That language is actually  
25 standard type of language that you would find often

1 understanding the lines that we've had to deal with,  
2 and having to sit with lists of lawyers and others,  
3 and also being a lawyer myself, making sure that the  
4 language met the Constitutional as well as the  
5 Supreme Court standards, I'm sorry, but I cannot look  
6 at what the Secretary's office has created and say  
7 that it is fair, that it is not deceitful; in fact,  
8 that it is deceitful, that it is misleading, that it  
9 is taking words and manipulating those words to get a  
10 skewed outcome.

11 And when I saw the title yesterday, even  
12 before we had a chance to read the language, I said  
13 this cannot be.

14 This cannot be what we are sitting here  
15 to be dealing for the citizens of the State of Ohio  
16 to give them a fair chance to govern themselves, this  
17 cannot be.

18 And so, Mr. Secretary, I'm not sure if  
19 this is the proper time, but I would like to make a  
20 motion that we accept the proponents' language, that  
21 that would be the language that we place on the  
22 November 5th -- November 5th election as the ballot  
23 language.

24 CHAIR LAROSE: Senator, this is still --  
25 we're still in public comments, so we're not in the

1 in legislation, or even more so in Municipal Charter  
2 amendments, which are like the constitutions for the  
3 municipality.

4 The idea there is that because there  
5 could be other provisions in the Constitutional and  
6 State law that might be interpreted as being in  
7 conflict, that we want to make clear for purposes of  
8 judicial construction of the amendment of what takes  
9 priority. But that is the standard type of language  
10 that we have often used.

11 CHAIR LAROSE: So in effect it means  
12 that if approved by the voters, this amendment, if  
13 there are conflicts, would preempt any other part of  
14 the Ohio Constitution?

15 MR. MC TIGUE: Yes, but only if there is  
16 a conflict, okay? And there's a general rule that  
17 courts follow, judicially created rule, that when  
18 courts are faced with potential conflict between  
19 either two statutes or two Constitutional provisions,  
20 they are to -- the court is charged with attempting  
21 to resolve the conflict in the way that it  
22 construes -- construes the constitutional provisions.  
23 It's called the Doctrine of Constitutional Avoidance.

24 So -- and also try to giving effect to  
25 all parts of the Constitution, if it is possible, to

1 construe it in a way that there would not be a  
2 conflict. But again, that's general judicial --  
3 jurisprudence.

4 CHAIR LAROSE: Thank you. Senator  
5 Gavarone.

6 SENATOR GAVARONE: Thank you very much.  
7 Okay. So back to voters being able to make an  
8 informed decision on this, you know, despite needing  
9 to include all of the information to make a truthful  
10 representation at the petition stage, it's now being  
11 offered that, in five general bullet points, the  
12 entire proposal can be summarized in a way that  
13 assures a free, intelligent and informed vote by the  
14 average citizen affected as the Ohio Constitution and  
15 the Supreme Court requires, doesn't that seem to defy  
16 logic on it's face?

17 MR MC TIGUE: Well, Mr. Secretary,  
18 Senator Gavarone, Members of the Board, the 2015 and  
19 2018 language that our language is modeled after,  
20 that was adopted on bipartisan basis. The Democratic  
21 and Republican members of those two Boards believed  
22 that it met Constitutional standards.

23 That ballot language was not challenged  
24 in court by anyone as being either inaccurate or  
25 biased or under inclusive, it was the belief that it

1 you know, what -- you can debate then how -- how  
2 important it is to have, you know, this versus that.  
3 The ultimate goal of a condensed text is to be a  
4 condensed text.

5 CHAIR LAROSE: I know Senator  
6 Hicks-Hudson has a question.

7 While we're on this subject though of  
8 condensing and how long the ballot language should  
9 be, I was looking at the five bullets that you all  
10 submitted, and reviewing those when we got them from  
11 you I believe yesterday or later the day before, and  
12 trying to say well, does this describe to somebody  
13 what this very lengthy Constitutional Amendment  
14 actually does.

15 And this may be a rough way of looking  
16 at it, but are you aware of how many words are  
17 contained in the amendment draft?

18 I don't know if you did a word search on  
19 it or a word count on it, but the amendment draft  
20 contains 7 -- over 7,000 words. If you include the  
21 stricken language we're at now over 13,000 words.

22 The entirety of the United State's  
23 Constitution is 7,500 words. So what we're talking  
24 about is a really in depth amendment that is even the  
25 same length as, or depending on how you look at it

1 was -- that is met the standards. We believe that,  
2 likewise, our language will meet those standards.

3 SENATOR GAVARONE: Follow up?

4 CHAIR LAROSE: Yes, go ahead.

5 SENATOR GAVARONE: Thank you. Okay. So  
6 why does the proposed language omit information about  
7 the selection processes for the Bipartisan Screening  
8 Panel, Ohio Citizens Redistricting Commission, and  
9 the Special Masters? There's no language in your  
10 summary as to the process.

11 MR MC TIGUE: You know, I think --  
12 Mr. Secretary, Senator Gavarone, Members of the  
13 Board, it's always easy to go through and say well,  
14 why isn't this in there, why isn't that in there. We  
15 tried to again follow what this Board has twice  
16 before felt was sufficient.

17 We -- obviously if you have language  
18 that requires a Commission that consists of 15  
19 members, there has to be some way for them to be  
20 selected, and -- because somebody has to do that.

21 And the details on the process, for  
22 folks who want to dig down into it, they can review  
23 the text in the full amendment.

24 So again, it's always easy to come up  
25 with additional things that should be in there or,

1 twice the length of the entire U.S. Constitution.

2 Do you think that five bullets is  
3 sufficient to describe to a concerned or interested  
4 voter -- five bullets can describe a 13,000 word  
5 amendment?

6 MR MC TIGUE: Well, Mr. Secretary,  
7 Members of the Board, the -- the joint resolutions  
8 from 2015 and 2012 also contained thousands of words.  
9 I don't know the exact number, but I'm sure it's in  
10 the thousands.

11 It was -- you know, it dealt with all of  
12 the provisions regarding redistricting in the Ohio  
13 Constitution, including striking out some provisions  
14 and replacing them with new language.

15 So do I believe that this language is  
16 sufficient to fairly inform voters? Yes, I do.

17 CHAIR LAROSE: Okay. I suppose we just  
18 disagree then. Senator Hicks-Hudson.

19 SENATOR HICKS-HUDSON: Thank you,  
20 Mr. Secretary. Thank you, Don, for -- I'm going to  
21 call you Don now. You've been up here long enough --

22 CHAIR LAROSE: Once we're an hour into  
23 the meeting.

24 SENATOR HICKS-HUDSON: I appreciate your  
25 comments and I want to followup with both what the

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1 Secretary raised about the condensing of the  
 2 language, and then also about what Senator Gavarone  
 3 talked about, but we are as a -- and this is more  
 4 philosophical.  
 5 But number one, we are a society of  
 6 laws, and those laws are based upon previous  
 7 decisions that are made either by the courts or by  
 8 language that has been passed by the legislature,  
 9 signed by the Governor.  
 10 So what we're looking at today is based  
 11 upon previous Boards of Ballot Boards and others in  
 12 terms of drafting legislation -- I'm sorry, not  
 13 legislation, but ballot language.  
 14 Do you agree that what we are looking  
 15 at, if we are to adopt the Secretary of State's  
 16 language, is an aberration from previous settled  
 17 kinds of practices in law and processes that we have  
 18 done as a state previously? Forget about the feds,  
 19 we're the State of Ohio.  
 20 MR MC TIGUE: Well, Mr. Secretary,  
 21 Senator Hicks-Hudson, and Members of the Board, I've  
 22 seen a lot language come out of the Ballot Board.  
 23 I do think that this language is,  
 24 despite the language -- the language on the two  
 25 ballot -- State issues last year, which we felt was

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1 pretty horrendous, this is even worse.  
 2 And it is on a very -- you know, it's an  
 3 important topic obviously, redistricting, and  
 4 obviously we had amendments in 2015 and 2018, and  
 5 those didn't work, right?  
 6 All we had, we had stalemate, we had --  
 7 the Ohio Supreme Court five times struck down the  
 8 plans and, you know, eventually unconstitutional  
 9 districts were followed. It is -- this amendment was  
 10 designed to try to prevent that.  
 11 Yes, Secretary LaRose, there's a lot of  
 12 detail in it. A lot of this detail is to try to cure  
 13 the problems that Ohio has experienced in this most  
 14 recent legislative redistricting, both Congressional  
 15 and General Assembly, by having more transparency, by  
 16 having additional criteria, by having more vetting of  
 17 who is making the decisions.  
 18 And so yes, that takes more words, but  
 19 it is to deal with the problem that we have had in  
 20 the most current redistricting episode.  
 21 SENATOR HICKS-HUDSON: Followup if I  
 22 may?  
 23 MR. MCTIGUE: Please, yeah, follow up.  
 24 SENATOR HICKS-HUDSON: Thank you. And  
 25 my second part was that the Supreme Court has ruled

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1 that the ballot language can be concise, it doesn't  
 2 have to be every single word of the -- of the ballot  
 3 initiative, but it can be a -- I don't want to be  
 4 a -- I don't want to diminish it or call it the cliff  
 5 notes, but it has to be fair, accurate, cannot  
 6 mislead, cannot be all the other things that we said  
 7 before, that I can't think of right now.  
 8 But the bottom line is that it has to be  
 9 able to present a fair question to the voters so that  
 10 they can make a decision independent of -- you know,  
 11 based on the language that's in front of them; is  
 12 that correct?  
 13 MR. MCTIGUE: Mr. Secretary,  
 14 Senator Hicks-Hudson, that's correct.  
 15 SENATOR HICKS-HUDSON: Thank you.  
 16 CHAIR LAROSE: Senator Gavarone -- and  
 17 to be merciful here, if you need to take a break or  
 18 whatever, let me know.  
 19 MR. MC TIGUE: No, I'm fine.  
 20 CHAIR LAROSE: Okay. Senator  
 21 Hicks-Hudson, question? Sorry. Senator Gavarone. A  
 22 question from Senator Gavarone.  
 23 SENATOR GAVARONE: Thank you. Are you  
 24 aware there's a Ohio Supreme Court decision in State  
 25 ex rel Voters First versus Ohio Ballot Board?

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1 MR MC TIGUE: Yes, I am.  
 2 SENATOR GAVARONE: Okay. And follow up?  
 3 CHAIR LAROSE: Please.  
 4 SENATOR GAVARONE: In Voters First the  
 5 court stated that it is axiomatic that who does the  
 6 appointing is just as important as who is appointed,  
 7 and without any description of this process, even in  
 8 the most general terms, the ballot language leaves  
 9 voters to speculate about who selects the Commission  
 10 Members.  
 11 Last by not including, at a minimum, who  
 12 would be selecting the Commission Members, the ballot  
 13 language fails to properly identify one of the key  
 14 elements of the propose Constitutional Amendment.  
 15 The proposal language violates the  
 16 six-to-one decision in which former Chief Justice  
 17 O'Connor joined in full, does it not?  
 18 MR. MC TIGUE: You're talking about the  
 19 language that we submitted?  
 20 SENATOR GAVARONE: Yes.  
 21 MR MC TIGUE: Okay. I think that it --  
 22 I'm sorry. The first two bullet points talk about  
 23 the Commission.  
 24 First bullet point is to establish the  
 25 Ohio systems Redistricting Commission composed of 15

1 Ohio citizens. Again, I think that this is  
2 sufficient to comply with -- with the requirements of  
3 the law in the Constitution.

4 SENATOR GAVARONE: Followup?

5 CHAIR LAROSE: Please.

6 SENATOR GAVARONE: And you believe  
7 that's sufficient even though it doesn't describe who  
8 does the appointing?

9 MR MC TIGUE: Well, I think that  
10 describing who does the appointing is something  
11 that -- again, if you're going to pick and choose, if  
12 you're going to go through the process of picking and  
13 choosing, that is something that it could be added,  
14 but it's -- it's also something that I don't think is  
15 essential to the understanding here.

16 CHAIR LAROSE: Before you go on with  
17 your next question, Senator, if I may.

18 So this is something that, you know,  
19 I've thought about a lot and debated with my team as  
20 we were drafting this.

21 I thought it was important, that it was  
22 important in fact that we describe how members of the  
23 Commission end up as members of the Commission.

24 I think that's a pretty crucial part of  
25 this, and that's why we took pains to include that in

1 a really complex process.

2 If you have a quicker way to describe  
3 that, I would certainly be open to it. But how else  
4 can we describe this process if it is in fact, as I  
5 believe important, that we tell the voters what this  
6 process is?

7 MR MC TIGUE: Well, Mr. Secretary,  
8 Members of the Board, I did not raise any specific  
9 points regarding Paragraph 6.

10 I will hearken back to something that I  
11 said, though, which is the proposed amendment is  
12 lengthy in part to set up enough criteria to take  
13 politicians out of the process of drawing the  
14 districts.

15 And you have to start somewhere and you  
16 have to end up somewhere with the 15-member  
17 Commission. And how you get there, you want to have  
18 a process that I think is open and fair and that,  
19 again, prevents people from serving on the Commission  
20 who are going to have conflicts of interest.

21 So it is a multistep process to get to  
22 that point. And yes, it's more complicated than  
23 simply saying that, you know, the Commission shall be  
24 composed of seven people appointed by, you know, the  
25 Governor and the Auditor, and two from each House,

1 Paragraph 6 in our proposed language here.

2 The current Ohio Redistricting  
3 Commission, I can describe in two sentences how  
4 people end up on there.

5 They are the elected members of the --  
6 they are elected statewide constitutional officers in  
7 certain cases, or they are appointed by the  
8 members of the leadership of the House Majority and  
9 Minority.

10 So the way that you end up on the  
11 current Redistricting Commission is pretty  
12 straightforward.

13 The proposed Redistricting Commission  
14 that you all have laid out in your amendment, in  
15 order to get on that it is a bit of a Rube Goldberg  
16 device with a lot of twists and turns, and these  
17 people appoint these people who do a -- a rank choice  
18 vote of who is going to remain on the Commission to  
19 whittle it down with, you know, the whole process  
20 starting with retired Judges that are selected by  
21 different partisans and these kind of things. It's a  
22 complex process.

23 And so for us to try to summarize that,  
24 it -- the lengthiest part of our ballot language  
25 we're proposing is in that Paragraph 6 because it is

1 right, or -- you know, yes, it's more complicated  
2 because you're trying to take politics out of the  
3 process.

4 CHAIR LAROSE: Of what I consider an  
5 inherently political process, and has been for  
6 hundreds of year. Senator Gavarone.

7 SENATOR GAVARONE: Yes, thank you very  
8 much, Chair.

9 There are quite a few other very  
10 material omissions in the five point summary that's  
11 been proposed here, including omissions on the  
12 language about removal of a Commissioner, of a  
13 Commission Member, which lies solely with fellow  
14 Commission Members and only for specified reasons.

15 It omits criteria that the Commission  
16 will use in drawing the plans, which goes to the very  
17 core of this amendment.

18 It omits information about the impasse  
19 procedure which implements rank choice voting with  
20 ties broken by a quote, unquote, random process.

21 It omits information about the exclusive  
22 and limited jurisdiction for legal challenges of  
23 proportionality, and the Ohio Supreme Court for  
24 violations of proportionality.

25 It omits information about the role of

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1 Special Master and the Ohio Supreme Court in drawing  
 2 approved plans, and -- that are found not to comply  
 3 with proportionality standards.  
 4 And it materially omits the funding  
 5 mandate. All of these omissions are sufficient  
 6 causes to be found defective, are they not?  
 7 MR MC TIGUE: Secretary LaRose, Senator  
 8 Gavarone, I don't believe so. I think that, you know  
 9 going back to the language drafted by the Secretary  
 10 of State's office, the problem with that language is  
 11 many of the terms are prejudicial.  
 12 It is stated in terms of, for example,  
 13 Paragraph 1 about repealing protections, but not  
 14 mentioning, of course, you know, that -- what  
 15 protections are being added.  
 16 So again, you can always pick and choose  
 17 about what you think is material, and I guess  
 18 material is in the -- is up to whoever decides what  
 19 material is, okay? But -- and ultimately the courts  
 20 decide that.  
 21 CHAIR LAROSE: And you land on the  
 22 purpose of the Ballot Board, this is why it's a human  
 23 process with duly elected humans and appointed humans  
 24 up here to make those tough decisions.  
 25 MR MC TIGUE: That's right, and with

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1 ultimate responsibility being with the court to  
 2 enforce the Constitutional standards.  
 3 CHAIR LAROSE: Further questions for the  
 4 long suffering Mr. McTigue?  
 5 MR MC TIGUE: I can go all day.  
 6 CHAIR LAROSE: Well, in that case -- no,  
 7 I do have one more, because at the beginning you  
 8 used -- well, a poetic phrase, I think you talked  
 9 about Shakespearian proportion, and you were I think  
 10 describing what I know to be an earnest effort by our  
 11 team to describe this very complex process in the way  
 12 that Ohioans can understand it.  
 13 That process can be imperfect because  
 14 you do your best to try to describe that language and  
 15 try to perfect it to the point where you can get a  
 16 majority of the Ballot Board to support it.  
 17 How long have you represented the  
 18 Petitioners in this case, Mr. McTigue? From the  
 19 beginning of the process?  
 20 MR MC TIGUE: Yes, Mr. Secretary, from  
 21 the beginning.  
 22 CHAIR LAROSE: So the very beginning of  
 23 this process involves writing a summary that is  
 24 submitted to the Attorney General.  
 25 That has to be approved in order to

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1 start in earnest the petition gathering process. How  
 2 many times was that submitted and rejected by the  
 3 Ohio Attorney General?  
 4 MR MC TIGUE: Mr. Secretary, I'm trying  
 5 to remember, but I think it was rejected twice. And  
 6 then we on our -- we voluntarily started it again to  
 7 essentially correct the No. 15 to be 19 due to a  
 8 typo, yes.  
 9 So -- I'm sorry, the process with the  
 10 Attorney General is one where, in the end, the  
 11 Attorney General puts out what in his opinion is a  
 12 fair and truthful summary. He's very comprehensive  
 13 about that.  
 14 The summary that the Attorney General  
 15 approves is not the same, quote, summary that  
 16 ballot -- constitutes ballot language, I think you  
 17 understand that.  
 18 CHAIR LAROSE: No, absolutely. And so  
 19 again, at the very beginning of this process  
 20 Petitioners submitted, on two occasions, proposed  
 21 summary language that was rejected by the Attorney  
 22 General because of omissions and misstatements that  
 23 do not fairly and truthfully reflect the amendment's  
 24 import? And so keeping with --  
 25 MR. MC TIGUE: Yes, in his opinion.

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1 CHAIR LAROSE: Well, sure, he's elected  
 2 by the people of Ohio to have that opinion.  
 3 And so keeping with the Shakespearean  
 4 theme, I think thou doth protestith too much, me  
 5 thinks. So thank you so much, Mr. McTigue.  
 6 At this point we do have -- I do believe  
 7 that's the end of the questions for McTigue, so thank  
 8 you so much, sir.  
 9 We do have written testimony here from  
 10 two individuals, an Iris Metzler of Kent, and a  
 11 Michael Baron of Cleveland, both from northeast Ohio  
 12 where I come from.  
 13 Are there any further witnesses who wish  
 14 to offer testimony? Any further witnesses to come  
 15 before the Ballot Board? Okay. If not -- sorry.  
 16 SENATOR HICKS-HUDSON: I have a motion.  
 17 CHAIR LAROSE: We're going to take  
 18 motions here in a minute. So, ma'am, if you would  
 19 please step forward. I'm going to allow you to  
 20 testify.  
 21 In the interest of time afterwards I  
 22 would ask you to sign the witness slip which I  
 23 believe you have not yet signed.  
 24 MS. CATANIA: No, I have not.  
 25 CHAIR LAROSE: Please identified

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1 yourself and who you represent, ma'am.  
 2 MS. CATANIA: Hi, I am Julie Cantania,  
 3 and I'm just a citizen.  
 4 CHAIR LAROSE: Most important title  
 5 there is just a citizen.  
 6 MS. CATANIA: Exactly. I did work, as  
 7 you can tell, on getting the petition signed. So I'm  
 8 a little confused here because you keep saying it's  
 9 not clear, this language is not clear, when I believe  
 10 we collected over 700,000 petitions, and I think  
 11 something like 500,000 were approved.  
 12 So there are a lot of people and a lot  
 13 of citizens, voters who find that language fair,  
 14 understanding, presenting properly what the amendment  
 15 would be, and then I, yesterday, read what you have  
 16 presented, and appreciate the time and effort that  
 17 you took because I believe it took a lot of time and  
 18 effort to twist and turn this in a way that is  
 19 confusing and inaccurate.  
 20 And I would like to take the  
 21 opportunity, it's probably not a lot, but if this  
 22 goes forward to thank you because every time you,  
 23 this Board, has taken the language back in -- last  
 24 August, last November, and twisted it and  
 25 underestimated the citizens of Ohio, you have

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1 strengthened the idea and the need to have a  
 2 citizen's, not politician's, amendment. So thank  
 3 you.  
 4 CHAIR LAROSE: I appreciate that. Any  
 5 questions for the witness? I think we, in a civil  
 6 and respectful way, will just disagree with one  
 7 another, but I appreciate your efforts to circulate a  
 8 petition.  
 9 It's an important process, and when  
 10 people sign a petition they are saying this is  
 11 something I believe the voters should get to decide  
 12 on, and so your efforts have yielded that so this  
 13 November the voters will get to make that decision.  
 14 MS. CATANIA: And I would hope that you  
 15 would respect the citizens who signed that petition  
 16 and put the fair and proper language on the ballot.  
 17 CHAIR LAROSE: As well as the other 7.5  
 18 million registered voters in the State of Ohio,  
 19 absolutely, and that's why we want to give them  
 20 faithful and truthful ballot language so that they  
 21 can make their best decision this November.  
 22 MS. CATANIA: Right, but that was not  
 23 done in August and it was not done in November, and  
 24 you saw the results, so --  
 25 CHAIR LAROSE: I guess we disagree on

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1 that. Further questions for the witness? Senator  
 2 Hicks-Hudson.  
 3 SENATOR HICKS-HUDSON: It's not a  
 4 question, it's just a statement to say thank you,  
 5 because I think you've proved my point, is that the  
 6 language is clear and that I don't underestimate the  
 7 voters in Ohio to take this upon themselves to  
 8 educate themselves about the language, and make a  
 9 decision when giving accurate, fair, language that is  
 10 not devious, deceitful, manipulative, and all the  
 11 things that we disagree.  
 12 And I do agree with the speaker when she  
 13 talks about that your staff -- I do believe they did  
 14 work hard to create this language, but the results  
 15 are not what I believe the citizens are expecting and  
 16 not what I was expecting. So thank you for being  
 17 here and for making the comments.  
 18 CHAIR LAROSE: Thank you, Senator.  
 19 Further questions for the witness? Seeing none,  
 20 thank you for your time.  
 21 At this point we have gone through the  
 22 public comment phase and everyone -- thank you for  
 23 signing that, by the way.  
 24 Everyone who wishes to offer testimony  
 25 has had the chance to do so, including two pieces of

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1 written testimony which were submitted.  
 2 At this point I'm going to offer a  
 3 motion. My motion is that the Ballot Board accept  
 4 the draft language that was circulated by my team.  
 5 SENATOR HICKS-HUDSON: Mr. Secretary --  
 6 CHAIR LAROSE: And that will be  
 7 after I offer that. And you'll have a chance to  
 8 offer your -- would you like to go first?  
 9 SENATOR HICKS-HUDSON: Well, I guess,  
 10 you know, gentlemen versus -- I've been trying to do  
 11 this all morning, but okay, you go on.  
 12 CHAIR LAROSE: No, I -- I will withdraw  
 13 my motion.  
 14 SENATOR HICKS-HUDSON: No, don't  
 15 withdraw it, I just want to make sure that it's very  
 16 clear that from the beginning, you know, I wanted to  
 17 have our -- not our, but the citizens, the proponents  
 18 vote for their -- for what was presented done first,  
 19 but if you want to --  
 20 CHAIR LAROSE: Well, we each get an  
 21 opportunity to offer our proposed language, and so at  
 22 this point I will --  
 23 SENATOR HICKS-HUDSON: Continue on, Mr.  
 24 Secretary --  
 25 CHAIR LAROSE: -- withdraw my motion --

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1 CHAIR LAROSE: No, continue on,  
 2 Mr. Secretary. I apologize.  
 3 CHAIR LAROSE: If you -- if you insist.  
 4 My motion is that this Committee accept  
 5 the -- well, I tell you what, I'm going to insist  
 6 that we take your motion first.  
 7 So, Senator Hicks-Hudson, I'm going to  
 8 withdraw my motion. If you would like to propose  
 9 ballot language for the Ohio Redistricting  
 10 Commission, the Chair recognizes the Senator from  
 11 Lucas County, Senator Hicks-Hudson. Please, go  
 12 ahead.  
 13 SENATOR HICKS-HUDSON: Thank you for  
 14 allowing me to present the -- the language as  
 15 presented by the proponents that was given to us this  
 16 morning by Mr. McTigue.  
 17 The reason that I'm making this motion  
 18 is because, number one, I think that as you've been  
 19 hearing for the last hour, however much time, that  
 20 this projected language is clear, it's fair, it is  
 21 not misleading, it will allow voters to make a  
 22 decision, and it will also allow for the proponents  
 23 and opponents to persuade the voters through the  
 24 other mechanism that we'll be doing this afternoon.  
 25 So therefore, I move that the language

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1 as presented by the proponents will be accepted by  
 2 the Ballot Board.  
 3 CHAIR LAROSE: So moved. Is there a  
 4 second before we have discussion?  
 5 REPRESENTATIVE UPCHURCH: Second.  
 6 CHAIR LAROSE: Seconded by  
 7 Representative Upchurch. It has been moved and  
 8 seconded by Senator Hicks-Hudson and Representative  
 9 Upchurch that this Committee would accept the  
 10 proposed language that has been drafted by the  
 11 Petitioners.  
 12 Is there any discussion on that motion?  
 13 Representative Upchurch.  
 14 REPRESENTATIVE UPCHURCH: Thank you, Mr.  
 15 Secretary. I just want to take a moment to piggyback  
 16 off my colleague, Senator Hicks-Hudson.  
 17 I think this is an opportunity for us on  
 18 this Board to stand on the right side of history and  
 19 to stand with the people of Ohio.  
 20 Mr. Secretary, you know, this is  
 21 certainly not personal, you know, I like you  
 22 personally, I'd have a beer with you any day of the  
 23 week.  
 24 CHAIR LAROSE: Let's do that.  
 25 REPRESENTATIVE UPCHURCH: Sounds good.

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1 However, I think the language presented by your  
 2 office I think is taking what is an opportunity to  
 3 make historic change in this State and putting us  
 4 backwards.  
 5 The people have spoken, and I think that  
 6 if we adopt the language that your office presented,  
 7 I think all that's going to do is backfire.  
 8 I think that the same people that were  
 9 motivated and energized to get those signatures will  
 10 be even more motivated and even more energized to go  
 11 out and educate voters to mobilize and to pass this.  
 12 And listen, I can understand that for  
 13 some they may not want this language to become law.  
 14 For some this is probably the last chopper coming out  
 15 of Saigon, but for others I think that this is a  
 16 crystallization of a dream come true.  
 17 And if the intention is to defeat this  
 18 thing, let democracy run its course. Let the  
 19 language that the people have put forward be the  
 20 language that is debated in November.  
 21 So with that I would hope that this  
 22 Board does the right thing to stand on the side of  
 23 the people of Ohio and make historic precedent.  
 24 Thank you, Mr. Secretary. And I will hold you to  
 25 that beer.

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1 CHAIR LAROSE: And we'll have that up in  
 2 Cleveland, a place I love.  
 3 REPRESENTATIVE UPCHURCH: Fair enough.  
 4 CHAIR LAROSE: Good stuff. Thank you  
 5 Representative Upchurch. Further discussion on the  
 6 motion?  
 7 SENATOR HICKS-HUDSON: Can I just  
 8 quickly?  
 9 CHAIR LAROSE: Please.  
 10 SENATOR HICKS-HUDSON: I'm not trying to  
 11 be the media hog or anything about this, but I'm very  
 12 concerned about this opportunity for us in the State  
 13 of Ohio.  
 14 I'm very concerned that we don't trust  
 15 the citizens to make their own decisions about how  
 16 they want to govern.  
 17 I'm very concerned that by manipulating  
 18 the language that is being presented by the Secretary  
 19 of State's office, is a slap in the face of those men  
 20 and women who stood, from the time that they were  
 21 getting signatures, in the cold, in the rain, in the  
 22 snow, in the heat, explaining to everyone that  
 23 signed -- because I was out there with many of them  
 24 at the polling locations and other places where the  
 25 signature gatherers took it upon themselves to take

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1 their time to explain to everyone that signed on the  
 2 dotted line to get this language before us that they  
 3 believe that it is important for citizens to make  
 4 decisions on how we should governed.  
 5 The language that is being presented by  
 6 the Proponents does that. Unfortunately it is clear,  
 7 it is concise, and then it is up to the committees to  
 8 persuade the voters at the ballot box.  
 9 We should not be doing this here, and so  
 10 I urge my colleagues to trust the voters, to trust  
 11 the fact that they are intelligent, that they will  
 12 read and that they there will be discussions that  
 13 when they make a decision to vote yea or nay on this  
 14 language, that it wasn't because someone put their  
 15 thumb on the scale. Thank you.  
 16 CHAIR LAROSE: Thank you, Senator.  
 17 Further discussion? Seeing none, the Secretary will  
 18 call the roll on the motion by Senator Hicks-Hudson  
 19 and seconded by Representative Upchurch to place the  
 20 petitioner's proposed language on the ballot as the  
 21 approved language. Sarah, go ahead.  
 22 SECRETARY HUFFMAN: Senator  
 23 Hicks-Hudson.  
 24 SENATOR HICKS-HUDSON: Yes.  
 25 SECRETARY HUFFMAN: Representative

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1 Upchurch.  
 2 REPRESENTATIVE UPCHURCH: Yes.  
 3 SECRETARY HUFFMAN: Senator Gavarone.  
 4 SENATOR GAVARONE: No.  
 5 SECRETARY HUFFMAN: Secretary LaRose.  
 6 CHAIR LAROSE: No.  
 7 SECRETARY HUFFMAN: Mr. Morgan.  
 8 MR. MORGAN: No.  
 9 CHAIR LAROSE: All right. That motion  
 10 failed.  
 11 So at this time I have a motion, and my  
 12 motion is that the Ballot Board accept the title and  
 13 the language that was presented as the draft language  
 14 by my office yesterday and that has been distributed  
 15 to the members.  
 16 The title of that is To Create An  
 17 Appointed Redistricting Commission Not Elected By or  
 18 Subject To Removal By the Voters of the State. And  
 19 so that is my motion. Is there a second?  
 20 SENATOR HICKS-HUDSON: Mr. Secretary, I  
 21 move to amend the ballot language by striking the  
 22 language as drafted by the Secretary of State, and  
 23 substituting with the language as presented by the  
 24 petition committee.  
 25 CHAIR LAROSE: We may not get to vote on

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1 it unless we get a second, so let me get the second  
 2 first and then we'll go back to your motion. Is  
 3 there a second?  
 4 SENATOR GAVARONE: Second.  
 5 CHAIR LAROSE: Seconded by Senator  
 6 Gavarone.  
 7 Now, Senator Hicks-Hudson, I have moved  
 8 and seconded -- I have moved that this language be  
 9 approved and title. It has been seconded. At this  
 10 point we can consider amendments to that language.  
 11 Go ahead, Senator.  
 12 SENATOR HICKS-HUDSON: Thank you. I  
 13 move to -- again, I move to amend the ballot language  
 14 by striking the language as drafted by the Secretary  
 15 of State and substituting it with the language as  
 16 presented by the petition committee.  
 17 CHAIR LAROSE: Okay. So your motion is  
 18 to amend my entire --  
 19 SENATOR HICKS-HUDSON: Correct.  
 20 CHAIR LAROSE: And to replace it with  
 21 the entirety of the language that we just voted down?  
 22 SENATOR HICKS-HUDSON: Correct. And if  
 23 I may speak to my motion.  
 24 CHAIR LAROSE: Okay. I'll go ahead and  
 25 entertain that motion if it gets a second.

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1 REPRESENTATIVE UPCHURCH: Second.  
 2 CHAIR LAROSE: Seconded by  
 3 Representative Upchurch. Senator Hicks-Hudson, go  
 4 ahead.  
 5 SENATOR HICKS-HUDSON: Thank you. And  
 6 I'll try to be brief, but I think it's real clear and  
 7 important that we understand that the petition  
 8 committee's proposed language is clear, concise, and  
 9 direct, and it is what we are required to do by the  
 10 voters, as well as the Constitution and the laws of  
 11 the State of Ohio.  
 12 Much like the district reform efforts in  
 13 2015 and 2018, the petition committee's proposal  
 14 highlights the major points and directs the voters'  
 15 attention to the major substantive changes from the  
 16 current process.  
 17 Instead, the Secretary would have us  
 18 adopt proposed language that is incredibly biased and  
 19 makes many assumptions to support the conclusion that  
 20 will be put before the voters.  
 21 Not only that, it employs an underhanded  
 22 tactic of including an unnecessary amount of details  
 23 in an effort to confuse or to discourage voters at  
 24 the very last minute.  
 25 The Constitution does not require us to

1 go into this level of specificity because the ballot  
2 language in the total type, the entire language of  
3 this amendment, will be at the polling locations, and  
4 should be provided by the various committees who are  
5 in favor or in opposition to the language.

6 In fact, many of the points of the  
7 Secretary's proposed language are misleading, biased  
8 in favor of a specific viewpoint, or outright  
9 incorrect.

10 This is a dangerous proposal that  
11 threatens the integrity of the vote on Issue 1. We  
12 have to do what is required, and I believe by  
13 replacing the language it properly identifies the  
14 substance of the proposal to be voted on.

15 The Secretary's language is dangerous  
16 that, one, threatens the integrity of the vote, and  
17 we ask for a favorable vote on the proposed  
18 amendment.

19 CHAIR LAROSE: Further discussion on the  
20 motion?

21 I'll add that for the same reason I cast  
22 my no vote just a few moments ago, I think that the  
23 five bullets offered by the Petitioners is wholly  
24 inadequate when it comes to summarizing -- as the law  
25 says, identifying the substance of the proposal to be

1 we are continuing to shortchange the voters and the  
2 citizens of the State of Ohio. Thank you.

3 CHAIR LAROSE: Thank you, Senator. And  
4 I like you as well, and I would invite you to join  
5 Representative Upchurch and me for --

6 SENATOR HICKS-HUDSON: I don't drink  
7 beer.

8 CHAIR LAROSE: Well, okay. We'll think  
9 of something else. And listen, I disagree. You said  
10 this is disingenuous, and then at the end you said  
11 that you think I'm doing what I believe to be best.

12 That was the accurate one. I'm -- my  
13 proposed language is not disingenuous, which would  
14 mean dishonest, it is what I genuinely believe to be  
15 our best effort to faithfully summarize, truthfully  
16 summarize a very long amendment for the voters to  
17 consider.

18 SENATOR HICKS-HUDSON: If I might  
19 respond. And the reason I said my statement is just  
20 because many times you just -- you just said that you  
21 were on active duty.

22 So while I'm sure you were in contact  
23 with the members of your staff that, you know, there  
24 is -- maybe within direction or what have you, it's  
25 not always clear, and that there are other factors.

1 voted upon.

2 There is no way that those five bullets  
3 can identify the substance of the 13,000 word  
4 amendment, and that's why I'll be voting no for the  
5 Senator's motion to amend here, and will be  
6 supporting the ten bullets that we drafted, which I  
7 do believe is a much more faithful and truthful  
8 effort to summarize the substance of the proposal  
9 that the law requires us to do. Further discussion?

10 SENATOR HICKS-HUDSON: May I respond?

11 CHAIR LAROSE: I suppose, sure.

12 SENATOR HICKS-HUDSON: Thank you. I  
13 understand your position, and while we disagree, I  
14 believe that the language that you're proposing will  
15 actually be longer than the required language of the  
16 arguments in favor or against the actual ballot.

17 So I think it's somewhat disingenuous to  
18 say that by condensing the numbers down, that the  
19 actual language that you're proposing is somewhat in  
20 opposition to what has happened previously by court  
21 decisions and previous practices.

22 And so, therefore, the only thing that I  
23 can see or -- and I'm like my colleague here, like  
24 you as a person, believe that you are doing what you  
25 think is in your opinion correct, but I believe that

1 Because one of the things I keep  
2 wondering about was who actually wrote this language,  
3 because I've seen language coming out of your office  
4 before, and I'm just somewhat concerned by that.

5 I mean, that's not part of this motion,  
6 I think we need to be very clear about some of the  
7 concerns that I personally have. This is so totally  
8 outside of what I've seen your office do.

9 CHAIR LAROSE: Since that was raised,  
10 I'll address it.

11 As is always my practice, we ask for  
12 input from the people that are for it, and people  
13 that are against it, as well as from the members of  
14 this Board.

15 Once we had gathered that to the best of  
16 our ability, my team worked to write our own  
17 language, and it was the subject of because I was  
18 away on Army duty, a lot of Teams and Zoom calls  
19 during my lunch break and my evening hours after I  
20 got off duty, which is generally around 5:00 p.m., or  
21 1700 hours every day.

22 We spent hours going through, and so I  
23 wrote this with the help of my team and based on the  
24 input of those that are for and those who are against  
25 the issue.

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1 SENATOR HICKS-HUDSON: So part of  
 2 discussion, so it's your statement that in receiving  
 3 the language from the petition's commission or the  
 4 proponents, that it was taken into consideration in  
 5 terms of the language that is being presented by the  
 6 office?  
 7 CHAIR LAROSE: Oh, absolutely. Again, I  
 8 always try to get the input of both sides, and read  
 9 it thoroughly. Many times I've considered it wholly  
 10 inadequate candidly, once we received it, which was  
 11 only a couple days ago. But yeah, absolutely  
 12 considered.  
 13 SENATOR HICKS-HUDSON: But there was  
 14 no -- since you didn't receive it there was no -- or  
 15 was there opportunities to follow up either from your  
 16 staff with the Proponents about the language?  
 17 CHAIR LAROSE: There were opportunities  
 18 to do so.  
 19 SENATOR HICKS-HUDSON: Okay. Thank you.  
 20 CHAIR LAROSE: Further discussion?  
 21 As a reminder, I made a motion and it  
 22 was moved that we amend that, so that's the matter  
 23 we're currently on right now.  
 24 So what we're right now talking about is  
 25 Senator Hicks-Hudson's motion to amend my ballot

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1 language.  
 2 Seeing no further questions or  
 3 discussion, we will call the roll on the motion by  
 4 Senator Hicks-Hudson. Sarah, go ahead.  
 5 SECRETARY HUFFMAN: Senator  
 6 Hicks-Hudson.  
 7 SENATOR HICKS-HUDSON: Yes.  
 8 SECRETARY HUFFMAN: Representative  
 9 Upchurch.  
 10 REPRESENTATIVE UPCHURCH: Yes.  
 11 SECRETARY HUFFMAN: Senator Gavarone.  
 12 SENATOR GAVARONE: No.  
 13 SECRETARY HUFFMAN: Secretary LaRose.  
 14 CHAIR LAROSE: No.  
 15 SECRETARY HUFFMAN: Mr. Morgan.  
 16 MR. MORGAN: No.  
 17 CHAIR LAROSE: Okay. Again, that motion  
 18 fails, and so we are back to my original motion which  
 19 as a reminder was seconded by Senator Gavarone, and  
 20 that was to approve the draft language that was  
 21 circulated yesterday by my office, and has been  
 22 distributed, the title of which is to Create An  
 23 Appointed Redistricting Commission Not Elected By Or  
 24 Subject To Removal By The Voters of the State.  
 25 Are there any further discussions or

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1 points of discussion, or motions to amend this  
 2 language?  
 3 SENATOR GAVARONE: Thank you, Chairman.  
 4 I have a motion to amend.  
 5 CHAIR LAROSE: Okay. Senator Gavarone,  
 6 go ahead with your motion.  
 7 SENATOR GAVARONE: Thank you.  
 8 Mr. McTigue raised issue with the terminology in the  
 9 Paragraph 2 of the language before us, specifically  
 10 the word manipulate.  
 11 Chairman LaRose, I move to amend  
 12 Paragraph 2 of the proposed ballot language  
 13 specifically to replace the term manipulate with the  
 14 term gerrymander in line 1 of the paragraph, and to  
 15 insert the words "either of" after "favor" and before  
 16 "the" in line 2.  
 17 As such, if the motion carries,  
 18 Paragraph 2 would read in relevant part, "Establish a  
 19 new taxpayer funded commission of appointees required  
 20 to gerrymander the boundaries of State, Legislative,  
 21 and Congressional districts to favor either of the  
 22 two largest political parties in the State of Ohio  
 23 according to a formula based on partisan outcomes as  
 24 the dominant factor.  
 25 CHAIR LAROSE: Senator Gavarone, where

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1 did you get that terminology of -- actually, the --  
 2 what is the definition of the term gerrymander?  
 3 SENATOR GAVARONE: Well, the language in  
 4 Paragraph 2 comes directly from the Oxford English  
 5 Dictionary, and we can shorten that language by using  
 6 the common term terminology gerrymander.  
 7 CHAIR LAROSE: I'm going to actually  
 8 look up the definition. It's interesting, there's  
 9 history of this word. It started as Gerry-mander in  
 10 1812. So the definition from the -- hold on one  
 11 second.  
 12 The definition from the Oxford  
 13 Dictionary is of gerrymander, or gerry-mander if  
 14 you're a historian, is to manipulate the boundaries  
 15 of an electoral constituency so as to favor one party  
 16 over another. So that's the definition of  
 17 gerrymander.  
 18 Further discussion on -- actually we  
 19 need a second on the motion from Senator  
 20 Hicks-Hudson.  
 21 MR. MORGAN: Seconded by Mr. Morgan.  
 22 SENATOR HICKS-HUDSON: I'm sorry, that's  
 23 not my motion, that's her motion.  
 24 CHAIR LAROSE: I'm sorry. I made that  
 25 mistake twice today.

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1 The motion by Senator Gavarone, both  
 2 friends from northwest Ohio, Senator Gavarone made  
 3 the motion to strike the word manipulate the  
 4 boundaries of, and to insert the word gerrymander as  
 5 was detailed in her motion.  
 6 Mr. Morgan seconded that. At this time  
 7 is there any discussion on the motion from Senator  
 8 Gavarone? Representative Upchurch.  
 9 REPRESENTATIVE UPCHURCH: Mr. Secretary,  
 10 respectfully I think by doing this we're taking a bad  
 11 situation and making it worse. I mean at this point  
 12 just leave it as is. That's it.  
 13 CHAIR LAROSE: Okay. Further  
 14 discussion?  
 15 Again, Senator, I'd ask you to read with  
 16 your motion, just for clarity, if your motion is  
 17 approved, what the beginning of bullet 2 would say.  
 18 SENATOR GAVARONE: It would say,  
 19 "Establish a new taxpayer funded commission of  
 20 appointees required to gerrymander the boundaries of  
 21 State, Legislative, and Congressional districts to  
 22 favor either of the two largest political parties in  
 23 the State of Ohio according to a formula based on  
 24 partisan outcomes as the dominant factor."  
 25 CHAIR LAROSE: Okay. This is

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1 interesting. Go ahead, Senator Hicks-Hudson.  
 2 SENATOR HICKS-HUDSON: You got me right  
 3 this time.  
 4 Mr. Secretary, I mean we need to look at  
 5 this language because not only is it, as my colleague  
 6 said, making a bad situation worse, I'm just  
 7 wondering if we are walking down the steps up to the  
 8 Supreme Court with a clear unconstitutional bias  
 9 language that in no way reflects what the signatories  
 10 or what -- if we look at what the Attorney General  
 11 wrote for the initial language that is before us.  
 12 So can we at least confer, or take a  
 13 moment to look at all the ins and outs of this, do a  
 14 360, because I believe that this language with just  
 15 that added.  
 16 CHAIR LAROSE: I guess the question is  
 17 are you considering supporting this?  
 18 SENATOR HICKS-HUDSON: Heck, no.  
 19 CHAIR LAROSE: Okay. Well then, I mean,  
 20 we would, we have to allot time, maybe five minutes  
 21 to confer with legal counsel or what have you, but if  
 22 it's not going to result in any change of your  
 23 opinion on this --  
 24 REPRESENTATIVE UPCHURCH: Mr. Secretary.  
 25 CHAIR LAROSE: Yeah, please.

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1 REPRESENTATIVE UPCHURCH: Can I motion  
 2 to recess?  
 3 CHAIR LAROSE: Yes, but let me entertain  
 4 that motion in a second so that when we're done with  
 5 that, we can have the opportunity to vote on this,  
 6 and let's entertain the further conversation. I  
 7 think you had something to say, Senator Gavarone?  
 8 SENATOR GAVARONE: Thank you. The term  
 9 gerrymander has actually been used in the petition  
 10 that was circulated, as well as the actual language  
 11 of the proposed amendment.  
 12 So the term gerrymander has been used.  
 13 This is simply using that language accurately to  
 14 describe this proposed amendment.  
 15 CHAIR LAROSE: Hold on a second folks.  
 16 Senator Gavarone -- let me ask you this: So what  
 17 you're saying is that the proposed amendment language  
 18 that the petitioners offered uses the word  
 19 gerrymander in their proposed Constitutional  
 20 Amendment.  
 21 SENATOR GAVARONE: Yes, it does.  
 22 CHAIR LAROSE: So in that sense it must  
 23 not be an off limits word if it's proposed by  
 24 the Petitioners.  
 25 REPRESENTATIVE UPCHURCH: Mr. Secretary.

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1 CHAIR LAROSE: Please.  
 2 REPRESENTATIVE UPCHURCH: Thank you,  
 3 respectfully. And the Senator is right, I believe  
 4 that word is used.  
 5 But we have to go back to the context.  
 6 Let's talk about the context in which it was used  
 7 initially versus the context in which it is being  
 8 used now. I think there's a stark difference.  
 9 CHAIR LAROSE: Okay. And again, I  
 10 respectfully disagree based on this, because again,  
 11 just having Googled it up here, the definition of  
 12 gerrymander is manipulate the boundaries so as to  
 13 favor one party.  
 14 And to me, that's exactly the same as  
 15 the wording that I used in here, which is manipulate  
 16 boundaries of State, Legislative, and Congressional  
 17 districts, so it's in effect the same phrase and  
 18 word.  
 19 At this time there was a motion that we  
 20 recess the Committee. Is there a second to that?  
 21 SENATOR HICKS-HUDSON: Second.  
 22 CHAIR LAROSE: Okay. I will entertain a  
 23 very brief recess. This recess will be exactly five  
 24 minutes because we all have business to get to.  
 25 And so at this time it is -- we'll call

1 it 12:45 in a few seconds. We'll be back here at  
 2 12:50. We are in recess.  
 3 (Recess taken.)  
 4 CHAIR LAROSE: Okay. Following our  
 5 recess, the Committee will come back to order.  
 6 I'll remind everyone, and thanks again  
 7 for your patience as we work through this, that the  
 8 motion that I made, which is still the topic that's  
 9 on the table is to accept the ballot language that we  
 10 proposed.  
 11 There was a motion to amend it by  
 12 Senator Gavarone who had her motion seconded by  
 13 Mr. Morgan.  
 14 At this point is there any further  
 15 discussion on the amendment from Senator Gavarone?  
 16 Senator Hicks-Hudson.  
 17 SENATOR HICKS-HUDSON: Thank you,  
 18 Mr. Secretary.  
 19 A couple things I wanted to just point  
 20 out, because part of the reason that we asked for the  
 21 recess was to look at the actual language that was  
 22 presented to the voters for signatures.  
 23 And the phrase is in there, the word is  
 24 in there, but it is coupled with a phrase and it is  
 25 to ban partisan gerrymandering.

1 quick, Mr. Secretary. I just want to make another  
 2 point that if we amend this into the language that  
 3 you're proposing, I think we're going to be adopting  
 4 the language that will be placed before the voters of  
 5 Ohio that describes an enigma that does not exist.  
 6 So I just want to make that clear.  
 7 CHAIR LAROSE: Okay. And I think,  
 8 again, we'll talk about this over our beer, but I  
 9 think we respectfully disagree on that.  
 10 Again, the question before us is shall  
 11 we approve the motion by Senator Gavarone, seconded  
 12 by Mr. Morgan. Sarah, please call the roll.  
 13 SECRETARY HUFFMAN: Senator  
 14 Hicks-Hudson.  
 15 SENATOR HICKS-HUDSON: No.  
 16 SECRETARY HUFFMAN: Representative  
 17 Upchurch.  
 18 REPRESENTATIVE UPCHURCH: No.  
 19 SECRETARY HUFFMAN: Senator Gavarone.  
 20 SENATOR GAVARONE: Yes.  
 21 SECRETARY HUFFMAN: Secretary LaRose.  
 22 CHAIR LAROSE: Yes.  
 23 SECRETARY HUFFMAN: Mr. Morgan.  
 24 MR. MORGAN: Yes.  
 25 CHAIR LAROSE: So the motion has

1 And so, you know, like again, we have  
 2 been saying all along, context matters, and I think  
 3 that it's really crazy to me, and I think you also  
 4 agree, Mr. Secretary, that the largest partisan party  
 5 are nonpartisan voters in the State of Ohio, that is  
 6 the largest group.  
 7 So when we talk about gerrymandering,  
 8 and we're talking about this whole idea about  
 9 without, you know, putting an entire phrase in it,  
 10 that again, we're subjecting this to language that is  
 11 not factually accurate, that doesn't really -- and it  
 12 leads again to that this thing about being deceitful,  
 13 devious, misleading, and causing confusion by the  
 14 voters.  
 15 So again, I would urge, one, that the  
 16 Senator's -- respectfully, the Senator's motion be  
 17 defeated, and then we move forward.  
 18 CHAIR LAROSE: Thank you, Senator.  
 19 Further discussion?  
 20 All right. Seeing none, Sarah, if you  
 21 would please call the motion on the -- call the vote  
 22 on the motion made by Senator Gavarone. We'll hold  
 23 off on that because Representative Upchurch has  
 24 something to add.  
 25 REPRESENTATIVE UPCHURCH: Yeah, really

1 carried, and the language that's been added by  
 2 Senator Gavarone to my proposed amendment language --  
 3 or my proposed ballot language is now part of my  
 4 proposed ballot language.  
 5 So the question that's still on the  
 6 table is shall we approve my motion to finalize this  
 7 ballot language. Any further discussion. Senator  
 8 Gavarone?  
 9 SENATOR GAVARONE: Thank you very much,  
 10 Chairman. I want to point out of the Secretary of  
 11 State's proposal it accurately states that the  
 12 proposed amendment would repeal Constitutional  
 13 protections against gerrymandering which the voters  
 14 approved by nearly 75 percent in 2015 and 2018, and  
 15 that the people will no longer be able to hold their  
 16 elected representatives accountable for the creation  
 17 of district maps.  
 18 It accurately describes the  
 19 establishment of a new taxpayer funded commission  
 20 that will be Constitutionally required to draw  
 21 district maps that favor the two major political  
 22 parties based on a formula that uses partisan  
 23 outcomes as the predominant factor.  
 24 Districts will no longer be required to  
 25 be compact. There will be no limitations on the

1 number of county, township, and city splits, and  
2 preserving communities of interest is secondary to  
3 the proportionality standard, and only required to be  
4 to the extent practicable.

5 It accurately states that a majority of  
6 the Commission Members must be partisan. It  
7 accurately describes the limited removal process for  
8 a Commission Member.

9 It accurately explains the exclusive and  
10 limited jurisdiction for legal challenges to the  
11 district plans adopted under the amendment which can  
12 only be for violations of proportionality standards  
13 and only filed in the Ohio Supreme Court.

14 It accurately describes the complex and  
15 partisan process for Commission Members, some of  
16 which is accomplished by blind draw.

17 It accurately details the impasse  
18 procedure which uses a rank choice selection process  
19 for adopting district plans as well as a random  
20 process to settle ties.

21 It accurately describes the limitations  
22 placed on the citizenry with respect to expressing  
23 their opinions and ideas to Commission Members and  
24 staff during the redistricting process, or regarding  
25 redistricting plans.

1 description of the language, but I must strongly  
2 disagree with the characterization given by my  
3 colleague from the Senate from northwest Ohio, and I  
4 urge a no vote on this language. Thank you.

5 CHAIR LAROSE: Further discussion?  
6 Representative Upchurch.

7 REPRESENTATIVE UPCHURCH: Thank you,  
8 Mr. Secretary, I'll be brief. I certainly urge a no  
9 vote, although I know what's about to happen, and  
10 I'll just say this, I'll be brief.

11 I think we're making a tragic error. A  
12 day of reckoning is forthcoming, and the people of  
13 Ohio are going to speak.

14 And I also want to say to the people  
15 that got those signatures, hold the line, continue to  
16 fight, we're almost there.

17 It's just another bump in the road, but  
18 continue to hold the line, keep working, we'll get it  
19 done. Thank you, Mr. Secretary.

20 CHAIR LAROSE: Further discussion? All  
21 right.

22 As a reminder what we have is a motion  
23 for me to approve the title and language that  
24 was drafted and presented yesterday as amended by  
25 Senator Gavarone, and that's what is in front of us

1 It accurately points out the new  
2 district plans will need to be immediately adopted  
3 despite the fact that Ohio's Legislative district  
4 plan is in place for the remainder of the decade as a  
5 result of their unanimous approval by elected  
6 representatives where accountable to the people of  
7 Ohio.

8 It accurately describes the new funding  
9 requirement which mandates minimum funding levels for  
10 the Commission and Screening Panel, as well as  
11 unlimited and unchecked funding for litigation costs,  
12 and this language does not contain any material  
13 omissions.

14 CHAIR LAROSE: Further discussion?  
15 Senator Hicks-Hudson.

16 SENATOR HICKS-HUDSON: Just very  
17 briefly, Mr. Secretary. Just because we say that it  
18 is accurate, and we repeat that, and with all due  
19 respect to my colleague, it is not accurate.

20 This language is misleading. It is  
21 geared for an outcome, as I said earlier, to put the  
22 thumb on the scale.

23 And as we always start off the ballot  
24 meetings with our job is to present to the voters an  
25 impartial, a fair, accurate -- correct -- accurate

1 right now.

2 Seeing no further discussion, Sarah,  
3 please call the roll.

4 SECRETARY HUFFMAN: Senator  
5 Hicks-Hudson.

6 SENATOR HICKS-HUDSON: No.

7 SECRETARY HUFFMAN: Representative  
8 Upchurch.

9 REPRESENTATIVE UPCHURCH: No.

10 SECRETARY HUFFMAN: Senator Gavarone.

11 SENATOR GAVARONE: Yes.

12 SECRETARY HUFFMAN: Secretary LaRose.

13 CHAIR LAROSE: Yes.

14 SECRETARY HUFFMAN: Mr. Morgan.

15 MR. MORGAN: Yes.

16 CHAIR LAROSE: So the motion carries.

17 The ballot language and title is approved.

18 Our next order of business is the  
19 designation of a group or groups to prepare  
20 arguments. This is required under Ohio Revised Code  
21 3505.062(E).

22 The Ballot Board is charged with  
23 designating a group of persons to prepare arguments  
24 in support of, or in opposition to, a Constitutional  
25 Amendment proposed by initiative petition if the

1 persons otherwise responsible for the preparation of  
 2 those arguments fails to timely prepare and file  
 3 them.  
 4 The Petitioners have indicated that they  
 5 will timely file arguments for the amendment. The  
 6 General Assembly has indicated that they will not  
 7 designate a group of persons to file arguments  
 8 against the amendment; however, they recommend that  
 9 the Ballot Board designation Ohio Works as -- to  
 10 timely file an argument.  
 11 And so that point being made, and given  
 12 the consideration that the clock is ticking with  
 13 early voting beginning here very shortly, like the  
 14 overseas and military voting begins I believe in five  
 15 weeks, that this will be due on Monday from the  
 16 entities that we designate.  
 17 So my motion is to designate Ohio Works  
 18 for the opposition, and the Petition Committee for  
 19 the Proponents.  
 20 And to be clear, my motion is that we  
 21 designate Ohio Works writes for the opposition, and  
 22 that the Petition Committee writes as the proponent.  
 23 Is there a second?  
 24 SENATOR GAVARONE: Second.  
 25 CHAIR LAROSE: Seconded by Senator

1 ORC 3505.062(F), it is required that the Board direct  
 2 the means by which the Secretary of State will  
 3 disseminate information concerning the statewide  
 4 issue to voters.  
 5 As is our normal practice, I propose  
 6 that this Board authorize my office to provide a  
 7 sufficient number of paper copies of the information  
 8 regarding the statewide issues for the November 5th,  
 9 2024 general election to the Boards of Elections, to  
 10 members of the State Legislature, to public agencies,  
 11 and to other interested persons.  
 12 Additionally that this information will  
 13 be published on the Secretary of State's website for  
 14 easy internet access. So that is my motion.  
 15 So I move that -- I move that my  
 16 proposal be accepted again to authorize my office to  
 17 provide a sufficient number of copies to the Boards  
 18 of Elections, to the members of the State  
 19 Legislature, public agencies, and other interested  
 20 persons, and that it be published on our website. Is  
 21 there a second?  
 22 SENATOR HICKS-HUDSON: Second. I beat  
 23 you to it.  
 24 SENATOR GAVARONE: She beat me.  
 25 CHAIR LAROSE: She did. Seconded by

1 Gavarone. Is there a discussion? Senator  
 2 Hicks-Hudson.  
 3 SENATOR HICKS-HUDSON: Just clear that  
 4 the deadline will be Monday?  
 5 CHAIR LAROSE: Correct.  
 6 SENATOR HICKS-HUDSON: Thank you.  
 7 CHAIR LAROSE: Having been moved and  
 8 seconded, with no further discussion, Sarah, please  
 9 call the roll.  
 10 SECRETARY HUFFMAN: Senator  
 11 Hicks-Hudson.  
 12 SENATOR HICKS-HUDSON: Yes.  
 13 SECRETARY HUFFMAN: Representative  
 14 Upchurch.  
 15 REPRESENTATIVE UPCHURCH: Yes.  
 16 SECRETARY HUFFMAN: Senator Gavarone.  
 17 SENATOR GAVARONE: Yes.  
 18 SECRETARY HUFFMAN: Secretary LaRose.  
 19 CHAIR LAROSE: Yes.  
 20 SECRETARY HUFFMAN: Mr. Morgan.  
 21 MR. MORGAN: Yes.  
 22 CHAIR LAROSE: With unanimous support  
 23 the motion carries.  
 24 Our final order of business is the  
 25 dissemination of information, again as required in

1 Senator Hicks-Hudson. Discussion? Please.  
 2 SENATOR HICKS-HUDSON: I have a  
 3 question. And I know that you said by your normal  
 4 process by distributing. Do you have an idea of how  
 5 many copies will be sent to the Boards of Elections?  
 6 And is it the normal ballot -- I call it the posters  
 7 that go up on the wall.  
 8 CHAIR LAROSE: Yeah, that's a way to  
 9 describe it.  
 10 SENATOR HICKS-HUDSON: Will there be  
 11 anything in addition to than just that normal way of  
 12 making sure that voters have an opportunity to read  
 13 the language early?  
 14 CHAIR LAROSE: Yeah, this will follow  
 15 the normal process that's been pretty well  
 16 established over decades really of doing this.  
 17 It can be challenging to get a 13,000  
 18 word amendment onto a poster, so it will be a rather  
 19 large poster.  
 20 And it will contain also I believe the  
 21 argument for, and the argument against, and then  
 22 those will be distributed in sufficient quantities so  
 23 that every voting location will have them. And then  
 24 the Boards of Election will work to post those so  
 25 that it's available to voters.

1 Again, going with the discussion that  
 2 we're having with Mr. McTigue, if voters do want to  
 3 read the entirety of those 13,000 words, they can  
 4 step off to the side, read those while others are  
 5 voting, so they are not holding up the line, and then  
 6 when they are done reading those they will have the  
 7 opportunity to cast their vote.  
 8 SENATOR HICKS-HUDSON: Thank you.  
 9 CHAIR LAROSE: No further discussion.  
 10 Having been moved and seconded. Sarah, please call  
 11 the roll.  
 12 SECRETARY HUFFMAN: Senator  
 13 Hicks-Hudson.  
 14 SENATOR HICKS-HUDSON: Yes.  
 15 SECRETARY HUFFMAN: Representative  
 16 Upchurch.  
 17 REPRESENTATIVE UPCHURCH: Yes.  
 18 SECRETARY HUFFMAN: Senator Gavarone.  
 19 SENATOR GAVARONE: Yes.  
 20 SECRETARY HUFFMAN: Secretary LaRose.  
 21 CHAIR LAROSE: Yes.  
 22 SECRETARY HUFFMAN: Mr. Morgan.  
 23 MR. MORGAN: Yes.  
 24 CHAIR LAROSE: And again unanimously  
 25 that motion carries.

1 voted on dissemination of information. That's done  
 2 organically by office and provided to the parties  
 3 mentioned.  
 4 This is separate as required in  
 5 3505.17(G)(1). This is the advertising of ballot  
 6 issues that many of us are accustomed to which,  
 7 again, in this case will be rather voluminous with  
 8 13,000 words.  
 9 Sarah just described that requirement  
 10 that has been a longstanding requirement of the  
 11 Secretary, so at this point I would make a motion.  
 12 I would propose that the Ballot Board  
 13 authorize my office to contract for the required  
 14 advertising of the statewide issue that will appear  
 15 on the November 5th, 2024 general election ballot,  
 16 and to authorize the office to request the  
 17 Controlling Board to transfer sufficient funds for  
 18 that purpose. That's my motion. Is there a second.  
 19 SENATOR GAVARONE: Second.  
 20 CHAIR LAROSE: Seconded by Senator  
 21 Gavarone. Is there a discussion on my motion?  
 22 Seeing none, Sarah, please call the roll  
 23 on my motion as it pertains to the advertising of the  
 24 ballot issues.  
 25 SECRETARY HUFFMAN: Senator

1 I believe there was a part that I was  
 2 supposed to have Sarah read as it relates to that,  
 3 but why don't you go ahead, now that the motion has  
 4 passed, but for everyone's information please present  
 5 what is in 3501.17(G)(1)?  
 6 SECRETARY HUFFMAN: Okay. Revised Code  
 7 3501.17(G)(1) requires the State to bare the entire  
 8 cost of advertising statewide ballot issues in  
 9 newspapers, and to reimburse the Secretary of State  
 10 out of the Statewide Advertising Fund for all  
 11 expenses the Secretary of State incurs for that  
 12 advertising.  
 13 The Secretary of State may request such  
 14 funds from the Statewide Advertising Ballot Fund  
 15 either before or after placing the advertising.  
 16 Article XVI, Section 1 of the Ohio  
 17 Constitution requires the ballot language arguments  
 18 and/or explanations for and against, and the full  
 19 text of the state issue be published once a week for  
 20 three consecutive weeks before the election.  
 21 Revised Code 3505.062(G) requires the  
 22 Ohio Ballot Board to direct the Secretary of State to  
 23 contract for that advertising.  
 24 CHAIR LAROSE: And to be clear, this is  
 25 distinct from what we just voted on. A moment ago we

1 Hicks-Hudson.  
 2 SENATOR HICKS-HUDSON: Yes.  
 3 SECRETARY HUFFMAN: Representative  
 4 Upchurch.  
 5 REPRESENTATIVE UPCHURCH: Yes.  
 6 SECRETARY HUFFMAN: Senator Gavarone.  
 7 SENATOR GAVARONE: Yes.  
 8 SECRETARY HUFFMAN: Secretary LaRose.  
 9 CHAIR LAROSE: Yes.  
 10 SECRETARY HUFFMAN: Mr. Morgan.  
 11 MR. MORGAN: Yes.  
 12 CHAIR LAROSE: And again, with unanimous  
 13 support my motion carries.  
 14 At this time is there any further  
 15 business to come before the Ballot Board?  
 16 All right. Seeing none, and there being  
 17 no further business before the Board, this meeting of  
 18 the Ohio Ballot Board is adjourned.  
 19 (Thereupon, the hearing was  
 20 adjourned at 1:05 p.m.)  
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CERTIFICATE  
I do hereby certify that the foregoing  
is a true and correct transcript of the proceedings  
taken by me in this matter on Friday, August 16th,  
2024, and carefully compared with my original  
stenographic notes.

\_\_\_\_\_  
Valerie J. Grubaugh,  
Court Reporter and Notary  
Public in and for the State  
of Ohio.

My commission expires August 11, 2026.

## **Issue 1**

**To create an appointed redistricting commission  
not elected by or subject to removal by the voters of the state**

### **Proposed Constitutional Amendment**

#### **Proposed by Initiative Petition**

**To repeal Sections 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of Article XI,  
Repeal sections 1, 2 and 3 of Article XIX,  
And enact Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of Article XX of the Constitution  
of the State of Ohio**

**A majority yes vote is necessary for the amendment to pass.**

The proposed amendment would:

1. Repeal constitutional protections against gerrymandering approved by nearly three-quarters of Ohio electors participating in the statewide elections of 2015 and 2018, and eliminate the longstanding ability of Ohio citizens to hold their representatives accountable for establishing fair state legislative and congressional districts.
2. Establish a new taxpayer-funded commission of appointees required to manipulate the boundaries of state legislative and congressional districts to favor the two largest political parties in the state of Ohio, according to a formula based on partisan outcomes as the dominant factor, so that:
  - A. Each district shall contain single-member districts that are geographically contiguous, but state legislative and congressional districts will no longer be required to be compact; and
  - B. Counties, townships and cities throughout Ohio can be split and divided across multiple districts, and preserving communities of interest will be secondary to the formula that is based on partisan political outcomes.
3. Require that a majority of the partisan commission members belong to the state's two largest political parties.
4. Prevent a commission member from being removed, except by a vote of their fellow commission members, even for incapacity, willful neglect of duty or gross misconduct.
5. Prohibit any citizen from filing a lawsuit challenging a redistricting plan in any court, except if the lawsuit challenges the proportionality standard applied by the

commission, and then only before the Ohio Supreme Court.

6. Create the following process for appointing commission members: Four partisan appointees on the Ohio Ballot Board will choose a panel of 4 partisan retired judges (2 affiliated with the first major political party and 2 affiliated with the second major political party). Provide that the 4 legislative appointees of the Ohio Ballot Board would be responsible for appointing the panel members as follows: the Ballot Board legislative appointees affiliated with the same major political party would select 8 applicants and present those to the Ballot Board legislative appointees affiliated with the other major political party, who would then select 2 persons from the 8 for appointment to the panel, resulting in 4 panel appointees. The panel would then hire a private professional search firm to help them choose 6 of the 15 individuals on the commission. The panel will choose those 6 individuals by initially creating a pool of 90 individuals (30 from the first major political party, 30 from the second major political party, and 30 from neither the first nor second major political parties). The panel of 4 partisan retired judges will create a portal for public comment on the applicants and will conduct and publicly broadcast interviews with each applicant in the pool. The panel will then narrow the pool of 90 individuals down to 45 (15 from the first major political party; 15 from the second major political party; and 15 from neither the first nor second major political parties). Randomly, by draw, the 4 partisan retired judges will then blindly select 6 names out of the pool of 45 to be members of the commission (2 from the first major political party; 2 from the second major political party; and 2 from neither the first nor second major political parties). The 6 randomly drawn individuals will then review the applications of the remaining 39 individuals not randomly drawn and select the final 9 individuals to serve with them on the commission, the majority of which shall be from the first and the second major political parties (3 from the first major political party, 3 from the second major political party, and 3 from neither the first nor second major political parties).
7. Require the affirmative votes of 9 of 15 members of the appointed commission to create legislative and congressional districts. If the commission is not able to determine a plan by September 19, 2025, or July 15 of every year ending in one, the following impasse procedure will be used: for any plan at an impasse, each commissioner shall have 3 days to submit no more than one proposed redistricting plan to be subject to a commission vote through a ranked-choice selection process, with the goal of having a majority of the commission members rank one of those plans first. If a majority cannot be obtained, the plan with the highest number of points in the ranked-choice process is eliminated, and the process is repeated until a plan receives a majority of first-place rankings. If the ranked-choice process ends in a tie for the highest point total, the tie shall be broken through a random process.
8. Limit the right of Ohio citizens to freely express their opinions to members of the commission or to commission staff regarding the redistricting process or proposed

redistricting plans.

9. Require the commission to immediately create new legislative and congressional districts in 2025 to replace the most recent districts adopted by the citizens of Ohio through their elected representatives.
10. Impose new taxpayer-funded costs on the State of Ohio to pay the commission members, the commission staff and appointed special masters, professionals, and private consultants that the commission is required to hire; and an unlimited amount for legal expenses incurred by the commission in any related litigation.

If approved, the amendment will be effective 30 days after the election.

	<b>YES</b>	<b>SHALL THE AMENDMENT BE APPROVED?</b>
	<b>NO</b>	



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**OHIO AND LOCAL ELECTIONS**

# **Ohio Senate OKs \$20 million for Aug. 2 primary election, adding to mounting redistricting costs**

Published: Jun. 01, 2022, 7:16 p.m.

**RELATORS\_084**



The Ohio Statehouse on Capitol Square in downtown Columbus. (David Petkiewicz, cleveland.com) David Petkiewicz, cleveland.com



By **Andrew J. Tobias, cleveland.com**

COLUMBUS, Ohio -- Ohio lawmakers are moving to spend \$20 million to hold a special primary election on Aug. 2, adding to the mounting costs taxpayers have borne as a result of the state's dysfunctional redistricting process.

In a 31-1 vote, the Ohio Senate approved the extra funding on Wednesday, sending it to the House for consideration. They added it to an unrelated bill awarding \$422 million in federal coronavirus relief funds to townships and other local governments. Sen. Niraj Antani, a Dayton-area Republican, was the lone "no" vote.

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**RELATORS\_085**

Ohio is holding a second primary because delays in redistricting, the regular process of redrawing state legislative districts, resulted in new maps not being ready in time for the regular May 3 primary election, when Ohio otherwise held elections for statewide and federal offices. Since January, the Ohio Supreme Court has rejected five sets of Republican-drawn maps as illegally slanted in favor of the GOP, with a slim court majority citing the anti-gerrymandering rules voters added to the state constitution in 2015.

A federal court finally broke the stalemate last week by overriding the state court last week while setting the Aug. 2 primary date. Ohio House and Senate candidates will appear on the ballot, with the winners going on the general election in November. Republican and Democratic voters also will pick state central committee members for their state political parties.

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Previous redistricting-related costs include:

- \$9 million lawmakers approved in March to pay for overtime for elections workers and other extra personnel-related costs associated with holding the May 3 primary election. Elections workers, especially in large counties, had to work extra hours because redistricting delays ate into their time to prepare for the election.
- At least \$1.3 million to pay for lawyers representing the state during the redistricting litigation. Most of that, at least \$835,000, went to lawyers representing Republican state legislative leaders.
- Almost \$100,000 paid to a bipartisan duo of outside mapmaking experts that the redistricting commission hired at the suggestion of the Ohio Supreme Court majority in March. Republicans ended up abandoning the mapmakers' work and approving a slightly changed version of maps the court had rejected. That's in addition to the more than \$270,000 Democrats have paid to their own outside map-making consultants. Republicans have kept their map-making in-house, although they've given raises to key staff working on developing them.

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**RELATORS\_087**

## Issue 1

To create an appointed redistricting commission  
~~not elected by or subject to removal by the voters of the state~~

### Proposed Constitutional Amendment

#### Proposed by Initiative Petition

**To repeal Sections 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of Article XI,  
Repeal sections 1, 2 and 3 of Article XIX,  
And enact Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of Article XX of the Constitution  
of the State of Ohio**

**A majority yes vote is necessary for the amendment to pass.**

- ~~1. Repeal constitutional protections against gerrymandering approved by nearly three quarters of Ohio electors participating in the statewide elections of 2015 and 2018, and eliminate the longstanding ability of Ohio citizens to hold their representatives accountable for establishing fair state legislative and congressional districts.~~
2. Provide for single-member districts that are geographically contiguous, comply with federal law, closely correspond to the statewide partisan preferences of Ohio voters, and preserve communities, including counties, townships and cities shown to be a community of people with shared interests and representational needs greater than those of overlapping communities of interest.
3. Establish a new Ohio Citizens Redistricting Commission comprised of 15 members who have demonstrated an ability to conduct the redistricting process with impartiality, integrity, and fairness. Five must be affiliated with the largest political party in Ohio, five must be affiliated with the second largest political party in Ohio, and five must be unaffiliated with either of the two major parties. The following individuals cannot serve on the commission: (1) elected or appointive officials; (2) candidates; (3) officers, paid consultants, or contractors to any political party, political action committee, or campaign committee; staff members, paid consultants, or contractors to any elected official or candidate; (4) registered lobbyists and legislative agents; (5) people who have served in those capacities for the last six years; and (6) family members of such individuals.
4. Provide that a commission member may be removed for cause by a vote of the commission, on grounds including incapacity, willful neglect of duty, or gross misconduct.
5. Grant the Ohio Supreme Court exclusive, original jurisdiction in all cases brought by any citizen that contends the commission-adopted plan fails to comply with Section 6(B), which bans partisan gerrymandering, prohibits use of redistricting plans that favor one party and disfavor others, and forbids the commission from considering the place of residence of any incumbent or candidate for state or congressional office.
6. Create the following process for appointing commission members: Four partisan appointees on the Ohio Ballot Board will choose a panel of 4 partisan retired judges (2 affiliated with the first major political party and 2 affiliated with the second major political party). Provide that the 4 legislative appointees of the Ohio Ballot Board would be responsible for appointing the panel members as

follows: the Ballot Board legislative appointees affiliated with the same major political party would select 8 applicants and present those to the Ballot Board legislative appointees affiliated with the other major political party, who would then select 2 persons from the 8 for appointment to the panel, resulting in 4 panel appointees. The panel would then hire a private professional search firm to help them choose 6 of the 15 individuals on the commission. The panel will choose those 6 individuals by initially creating a pool of 90 individuals (30 from the first major political party, 30 from the second major political party, and 30 from neither the first nor second major political parties). The panel of 4 partisan retired judges will create a portal for public comment on the applicants and will conduct and publicly broadcast interviews with each applicant in the pool. The panel will then narrow the pool of 90 individuals down to 45 (15 from the first major political party; 15 from the second major political party; and 15 from neither the first nor second major political parties). Randomly, by draw, the 4 partisan retired judges will then blindly select 6 names out of the pool of 45 to be members of the commission (2 from the first major political party; 2 from the second major political party; and 2 from neither the first nor second major political parties). The 6 randomly drawn individuals will then review the applications of the remaining 39 individuals not randomly drawn and select the final 9 individuals to serve with them on the commission, the majority of which shall be from the first and the second major political parties (3 from the first major political party, 3 from the second major political party, and 3 from neither the first nor second major political parties).

7. Require the affirmative votes of 9 of 15 members of the appointed commission to create legislative and congressional districts. If the commission is not able to determine a plan by September 19, 2025, or July 15 of every year ending in one, the following impasse procedure will be used: for any plan at an impasse, each commissioner shall have 3 days to submit no more than one proposed redistricting plan to be subject to a commission vote through a ranked-choice selection process, with the goal of having a majority of the commission members rank one of those plans first. If a majority cannot be obtained, the plan with the highest number of points in the ranked-choice process is eliminated, and the process is repeated until a plan receives a majority of first-place rankings. If the ranked-choice process ends in a tie for the highest point total, the tie shall be broken through a random process.

8. Set forth that the commission shall operate transparently by requiring public hearings, public displays of redistricting plans, and a public report explaining any plan the commission adopts and forbid communications with the commission and commission staff regarding the redistricting process or proposed redistricting plans other than through designated public meetings or official commission portals.

9. Require the commission to immediately create new legislative and congressional districts in 2025 to replace the most recent districts.

10. Pay the commission members, the commission staff and appointed special masters, professionals, and private consultants; and require that the General Assembly make appropriations for the Commission’s legal expenses incurred in any related litigation.

If approved, the amendment will become effective 30 days after the election.

	<b>YES</b>	<b>SHALL THE AMENDMENT BE APPROVED?</b>
	<b>NO</b>	

# JOINT RESOLUTION

Proposing to enact new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of Article XI and to repeal Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of Article XI of the Constitution of the State of Ohio to revise the redistricting process for General Assembly 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 3, 2015, a proposal to enact new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of Article XI of the Constitution of the State of Ohio to read as follows:

## ARTICLE XI

Section 1. (A) The Ohio redistricting commission shall be responsible for the redistricting of this state 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.

(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 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 draft the proposed plan 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 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 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 2. Each house of representatives district shall be entitled to a single representative in each general assembly. Each senate district shall be entitled to a single senator in each general assembly.

Section 3. (A) The whole population of the state, as determined by the federal decennial census or, if such is unavailable, such other basis as the general assembly may direct, shall be divided by the number "ninety-nine" and by the number "thirty-three" and the quotients shall be the ratio of representation in the house of representatives and in the senate, respectively, for ten years next succeeding such redistricting.

(B) A general assembly district plan shall comply with all of the requirements of division (B) of this section.

(1) The population of each house of representatives district shall be substantially equal to the ratio of representation in the house of representatives, and the population of each senate district shall be substantially equal to the ratio of representation in the senate, as provided in division (A) of this section. In no event shall any district contain a population of less than ninety-five per cent nor more than one hundred five per cent of the applicable ratio of representation.

(2) Any general assembly 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.

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

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

(1) Proceeding in succession from the largest to the smallest, each county containing population greater than one hundred five per cent of the ratio of representation in the house of representatives shall be divided into as many house of representatives districts as it has whole ratios of representation. Any fraction of the population in excess of a whole ratio shall be a part of only one adjoining house of representatives district.

(2) Each county containing population of not less than ninety-five per cent of the ratio of representation in the house of representatives nor more than one hundred five per cent of the ratio shall be designated a representative district.

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

(D)(1)(a) Except as otherwise provided in divisions (D)(1)(b) and (c) of this section, a county, municipal corporation, or township is considered to be split if any contiguous portion of its territory is not contained entirely within one district.

(b) If a municipal corporation or township has territory in more than one county, the contiguous portion of that municipal corporation or township that lies in each county shall be considered to be a separate municipal corporation or township for the purposes of this section.

(c) If a municipal corporation or township that is located in a county that contains a municipal corporation or township that has a population of more than one ratio of representation is split for the purpose of complying with division (E)(1)(a) or (b) of this section, each portion of that municipal corporation or township shall be considered to be a separate municipal corporation or township for the purposes of this section.

(2) Representative districts shall be drawn so as to split the smallest possible number of municipal corporations and townships whose contiguous portions contain a population of more than fifty per cent, but less than one hundred per cent, of one ratio of representation.

(3) Where the requirements of divisions (B), (C), and (D) of this section cannot feasibly be attained by forming a representative district from whole municipal corporations and townships, not more than one municipal corporation or township may be split per representative district.

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

(a) Notwithstanding division (D)(3) of this section, the commission shall create the district by splitting two municipal corporations or townships whose contiguous portions do not contain a population of more than fifty per cent, but less than one hundred per cent, of one ratio of representation.

(b) Notwithstanding division (D)(2) of this section, the commission shall create the district by splitting a municipal corporation or township whose contiguous portions contain a population of more than fifty per cent, but less than one hundred per cent, of one ratio of representation.

(c) Notwithstanding division (C)(2) of this section, the commission shall create the district by splitting, once, a single county that contains a

population of not less than ninety-five per cent of the ratio of representation, but not more than one hundred five per cent of the ratio of representation.

(d) Notwithstanding division (C)(1) of this section, the commission shall create the district by including in two districts portions of the territory that remains after a county that contains a population of more than one hundred five per cent of the ratio of representation has been divided into as many house of representatives districts as it has whole ratios of representation.

(2) If the commission takes an action under division (E)(1) of this section, the commission shall include in the general assembly district plan a statement explaining which action the commission took under that division and the reason the commission took that action.

(3) If the commission complies with divisions (E)(1) and (2) of this section in drawing a district, the commission shall not be considered to have violated division (C)(1), (C)(2), (D)(2), or (D)(3) of this section, as applicable, in drawing that district, for the purpose of an analysis under division (D) of Section 9 of this article.

Section 4. (A) Senate districts shall be composed of three contiguous house of representatives districts.

(B)(1) A county having at least one whole senate ratio of representation shall have as many senate districts wholly within the boundaries of the county as it has whole senate ratios of representation. Any fraction of the population in excess of a whole ratio shall be a part of only one adjoining senate district.

(2) Counties having less than one senate ratio of representation, but at least one house of representatives ratio of representation, shall be part of only one senate district.

(3) If it is not possible for the commission to draw representative districts that comply with all of the requirements of this article and that make it possible for the commission to comply with all of the requirements of divisions (B)(1) and (2) of this section, the commission shall draw senate districts so as to commit the fewest possible violations of those divisions. If the commission complies with this division in drawing senate districts, the commission shall not be considered to have violated division (B)(1) or (2) of this section, as applicable, in drawing those districts, for the purpose of an analysis under division (D) of Section 9 of this article.

(C) The number of whole ratios of representation for a county shall be determined by dividing the population of the county by the ratio of representation in the senate determined under division (A) of Section 3 of this article.

(D) Senate districts shall be numbered from one through thirty-three and as provided in Section 5 of this article.

Section 5. At any time the boundaries of senate districts are changed in any general assembly district plan made pursuant to any provision of this article, a senator whose term will not expire within two years of the time the plan becomes effective shall represent, for the remainder of the term for which the senator was elected, the senate district that contains the largest portion of the population of the district from which the senator was elected, and the district shall be given the number of the district from which the senator was elected. If more than one senator whose term will not so expire would represent the same district by following the provisions of this section, the plan shall designate which senator shall represent the district and shall designate which district the other senator or senators shall represent for the balance of their term or terms.

Section 6. The Ohio redistricting commission shall attempt to draw a general assembly district plan that meets all of the following standards:

(A) No general assembly district plan shall be drawn primarily to favor or disfavor a political party.

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

(C) General assembly districts shall be compact.

Nothing in this section permits the commission to violate the district standards described in Section 2, 3, 4, 5, or 7 of this article.

Section 7. Notwithstanding the fact that boundaries of counties, municipal corporations, and townships within a district may be changed, district boundaries 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 8. (A)(1) If the Ohio redistricting commission fails to adopt a final general assembly district plan not later than the first day of September of a year ending in the numeral one, in accordance with Section 1 of this article, the commission shall introduce a proposed general assembly district plan by a simple majority vote of the commission.

(2) After introducing a proposed general assembly district plan under division (A)(1) of this section, the commission shall hold a public hearing concerning the proposed plan, at which the public may offer testimony and at which the commission may adopt amendments to the proposed plan.

Members of the commission should attend the hearing; however, only a quorum of the members of the commission is required to conduct the hearing.

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

(B) If the commission adopts a final general assembly district plan in accordance with division (A)(3) of this section by the vote required to adopt a plan under division (B)(3) of Section 1 of this article, the plan shall take effect upon filing with the secretary of state and shall remain effective until the next year ending in the numeral one, except as provided in Section 9 of this article.

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

(b) If the commission adopts a final general assembly district plan in accordance with division (A)(3) of this section by a simple majority vote of the commission, and not by the vote required to adopt a plan under division (B) of Section 1 of this article, and that plan is adopted to replace a plan that ceased to be effective under division (C)(1)(a) of this section before a year ending in the numeral one, the plan adopted under this division shall take effect upon filing with the secretary of state and shall remain effective until a year ending in the numeral one, except as provided in Section 9 of this article.

(2) A final general assembly district plan adopted under division (C)(1)(a) or (b) of this section shall include a statement explaining what the commission determined to be the statewide preferences of the voters of Ohio and the manner in which 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 corresponds closely to those preferences, as described in division (B) of Section 6 of this article. At the time the plan is adopted, a member of the commission who does not vote in favor of the plan may submit a declaration of the member's opinion concerning the statement included with the plan.

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

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 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 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 general assembly from districts designated in the plan, 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, a 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.

Section 10. The various provisions of this 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 AND REPEAL

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

  
\_\_\_\_\_  
Speaker \_\_\_\_\_ of the House of Representatives.

  
\_\_\_\_\_  
President \_\_\_\_\_ of the Senate.

Adopted December 17, 2014

(130th General Assembly)  
(Amended Substitute House Joint Resolution Number 12)

**JOINT RESOLUTION**

Proposing to enact new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of Article XI and to repeal Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of Article XI of the Constitution of the State of Ohio to revise the redistricting process for General Assembly districts.

*Introduced by*

Representatives Huffman, Sykes

Cosponsors: Representatives Amstutz, Anielski, Ashford, Baker, Brown, Burkley, Clyde, Duffey, Grossman, Hackett, Hagan, C., Hayes, Kunze, Letson, McClain, McGregor, Patmon, Scherer, Schuring, Stebelton, Wachtmann  
Speaker Batchelder  
Senators Faber, Coley, Bacon, Balderson, Beagle, Burke, Eklund, Gardner, Gentile, Hite, LaRose, Lehner, Peterson, Sawyer, Schiavoni, Turner, Widener

*Adopted by the House of Representatives,*

December 4, 2014

*Adopted by the Senate,*

December 11, 2014

*Filed in the office of the Secretary of State at  
Columbus, Ohio, on the*

23 day of December, A. D. 2014

*Secretary of State.*

*Concurred in  
Senate amendments  
December 17, 2014.*

# A JOINT RESOLUTION

Proposing to amend the version of Section 1 of Article XI that is scheduled to take effect January 1, 2021, and to enact Sections 1, 2, and 3 of Article XIX of the Constitution of the State of Ohio to establish a process for congressional redistricting.

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 a special election to be held on May 8, 2018, a proposal to amend the version of Section 1 of Article XI that is scheduled to take effect January 1, 2021, and to enact Sections 1, 2, and 3 of Article XIX of the Constitution of the State of Ohio to read as follows:

## ARTICLE XI

Section 1. (A) The Ohio redistricting commission shall be responsible for the redistricting of this state 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.

No appointed member of the commission shall be a current member of congress.

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.

(B)(1) Unless otherwise specified in this article or in Article XIX of this constitution, 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 general assembly district plan. For the ~~purpose~~ purposes of this division and of Section 1 of Article XIX of this constitution, 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 and in Sections 1 and 3 of Article XIX of this constitution, 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 draft the proposed plan 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 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 general assembly district plan or a congressional district plan, whichever is later, 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 and Article XIX of this constitution.

#### ARTICLE XIX

Section 1. (A) Except as otherwise provided in this section, the general assembly shall be responsible for the redistricting of this state for congress based on the prescribed number of congressional districts apportioned to the state pursuant to Section 2 of Article I of the Constitution of the United States.

Not later than the last day of September of a year ending in the numeral one, the general assembly shall pass a congressional district plan in the form of a bill by the affirmative vote of three-fifths of the members of each house of the general assembly, including the affirmative vote of at least one-half of the members of each of the two largest political parties represented in that house. A congressional district plan that is passed under this division and becomes law shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(B) If a congressional district plan is not passed not later than the last day of September of a year ending in the numeral one and filed with the secretary of state in accordance with Section 16 of

Article II of this constitution, then the Ohio redistricting commission described in Article XI of this constitution shall adopt a congressional district plan not later than the last day of October of that year by 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. The plan shall take effect upon filing with the secretary of state and shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(C)(1) If the Ohio redistricting commission does not adopt a plan not later than the last day of October of a year ending in the numeral one, then the general assembly shall pass a congressional district plan in the form of a bill not later than the last day of November of that year.

(2) If the general assembly passes a congressional district plan under division (C)(1) of this section by the affirmative vote of three-fifths of the members of each house of the general assembly, including the affirmative vote of at least one-third of the members of each of the two largest political parties represented in that house, and the plan becomes law, the plan shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(3) If the general assembly passes a congressional district plan under division (C)(1) of this section by a simple majority of the members of each house of the general assembly, and not by the vote described in division (C)(2) of this section, all of the following shall apply:

(a) The general assembly shall not pass a plan that unduly favors or disfavors a political party or its incumbents.

(b) The general assembly shall not unduly split governmental units, giving preference to keeping whole, in the order named, counties, then townships and municipal corporations.

(c) Division (B)(2) of Section 2 of this article shall not apply to the plan. The general assembly shall attempt to draw districts that are compact.

(d) The general assembly shall include in the plan an explanation of the plan's compliance with divisions (C)(3)(a) to (c) of this section.

(e) If the plan becomes law, the plan shall remain effective until two general elections for the United States house of representatives have occurred under the plan, except as provided in Section 3 of this article.

(D) Not later than the last day of September of the year after the year in which a plan expires under division (C)(3)(e) of this section, the general assembly shall pass a congressional district plan in the form of a bill by the affirmative vote of three-fifths of the members of each house of the general assembly, including the affirmative vote of at least one-half of the members of each of the two largest political parties represented in that house. A congressional district plan that is passed under this division and becomes law shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

A congressional district plan passed under this division shall be drawn using the federal decennial census data or other data on which the previous redistricting was based.

(E) If a congressional district plan is not passed not later than the last day of September of the year after the year in which a plan expires under division (C)(3)(e) of this section and filed with the secretary of state in accordance with Section 16 of Article II of this constitution, then the Ohio redistricting commission described in Article XI of this constitution shall be reconstituted and reconvene and shall adopt a congressional district plan not later than the last day of October of that year by 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. A congressional district plan adopted under this division shall take effect upon filing with the secretary of state and shall remain effective until the next year ending in the numeral one, except

as provided in Section 3 of this article.

A congressional district plan adopted under this division shall be drawn using the federal decennial census data or other data on which the previous redistricting was based.

(F)(1) If the Ohio redistricting commission does not adopt a congressional district plan not later than the last day of October of the year after the year in which a plan expires under division (C) (3)(e) of this section, then the general assembly shall pass a congressional district plan in the form of a bill not later than the last day of November of that year.

A congressional district plan adopted under this division shall be drawn using the federal decennial census data or other data on which the previous redistricting was based.

(2) If the general assembly passes a congressional district plan under division (F)(1) of this section by the affirmative vote of three-fifths of the members of each house, including the affirmative vote of at least one-third of the members of each of the two largest political parties represented in that house, and the plan becomes law, it shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(3) If the general assembly passes a congressional district plan under division (F)(1) of this section by a simple majority vote of the members of each house of the general assembly, and not by the vote described in division (F)(2) of this section, all of the following shall apply:

(a) The general assembly shall not pass a plan that unduly favors or disfavors a political party or its incumbents.

(b) The general assembly shall not unduly split governmental units, giving preference to keeping whole, in the order named, counties, then townships and municipal corporations.

(c) Division (B)(2) of Section 2 of this article shall not apply to the plan. The general assembly shall attempt to draw districts that are compact.

(d) The general assembly shall include in the plan an explanation of the plan's compliance with divisions (F)(3)(a) to (c) of this section.

(e) If the plan becomes law, the plan shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(G) Before the general assembly passes a congressional district plan under any division of this section, a joint committee of the general assembly shall hold at least two public committee hearings concerning a proposed plan. Before the Ohio redistricting commission adopts a congressional district plan under any division of this section, the commission shall hold at least two public hearings concerning a proposed plan.

(H) The general assembly and the Ohio redistricting commission shall facilitate and allow for the submission of proposed congressional district plans by members of the public. The general assembly shall provide by law the manner in which members of the public may do so.

(I) For purposes of filing a congressional district plan with the governor or the secretary of state under this article, a congressional district plan shall include both a legal description of the boundaries of the congressional districts and all electronic data necessary to create a congressional district map for the purpose of holding congressional elections.

(J) When a congressional district plan ceases to be effective under this article, the district boundaries described in that plan shall continue in operation for the purpose of holding elections until a new congressional district plan takes effect in accordance with this article. If a vacancy occurs in a district that was created under the previous district plan, the election to fill the vacancy for the remainder of the unexpired term shall be held using the previous district plan.

Section 2. (A)(1) Each congressional district shall be entitled to a single representative in the United States house of representatives in each congress.

(2) The whole population of the state, as determined by the federal decennial census or, if the federal decennial census is unavailable, another basis as directed by the general assembly, shall be divided by the number of congressional districts apportioned to the state pursuant to Section 2 of Article I of the Constitution of the United States, and the quotient shall be the congressional ratio of representation for the next ten years.

(3) Notwithstanding the fact that boundaries of counties, municipal corporations, and townships within a district may be changed, district boundaries shall be created by using the data from the most recent federal decennial census or from the basis directed by the general assembly, as applicable.

(B) A congressional district plan shall comply with all of the following requirements:

(1) The plan shall comply with all applicable provisions of the constitutions of Ohio and the United States and of federal law, including federal laws protecting racial minority voting rights.

(2) Every congressional district shall be compact.

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

(4) Except as otherwise required by federal law, in a county that contains a population that exceeds the congressional ratio of representation, the authority drawing the districts shall take the first of the following actions that applies to that county:

(a) If a municipal corporation or township located in that county contains a population that exceeds the congressional ratio of representation, the authority shall attempt to include a significant portion of that municipal corporation or township in a single district and may include in that district other municipal corporations or townships that are located in that county and whose residents have similar interests as the residents of the municipal corporation or township that contains a population that exceeds the congressional ratio of representation. In determining whether the population of a municipal corporation or township exceeds the congressional ratio of representation for the purpose of this division, if the territory of that municipal corporation or township completely surrounds the territory of another municipal corporation or township, the territory of the surrounded municipal corporation or township shall be considered part of the territory of the surrounding municipal corporation or township.

(b) If one municipal corporation or township in that county contains a population of not less than one hundred thousand and not more than the congressional ratio of representation, that municipal corporation or township shall not be split. If that county contains two or more such municipal corporations or townships, only the most populous of those municipal corporations or townships shall not be split.

(5) Of the eighty-eight counties in this state, sixty-five counties shall be contained entirely within a district, eighteen counties may be split not more than once, and five counties may be split not more than twice. The authority drawing the districts may determine which counties may be split.

(6) If a congressional district includes only part of the territory of a particular county, the part of that congressional district that lies in that particular county shall be contiguous within the boundaries of the county.

(7) No two congressional districts shall share portions of the territory of more than one county, except for a county whose population exceeds four hundred thousand.

(8) The authority drawing the districts shall attempt to include at least one whole county in each congressional district. This division does not apply to a congressional district that is contained entirely within one county or that cannot be drawn in that manner while complying with federal law.

(C)(1) Except as otherwise provided in division (C)(2) of this section, for purposes of this

article, a county, municipal corporation, or township is considered to be split if, based on the census data used for the purpose of redistricting, any contiguous portion of its territory is not contained entirely within one district.

(2) If a municipal corporation or township has territory in more than one county, the contiguous portion of that municipal corporation or township that lies in each county shall be considered to be a separate municipal corporation or township for purposes of this section.

Section 3. (A) The supreme court of Ohio shall have exclusive, original jurisdiction in all cases arising under this article.

(B)(1) In the event that any section of this constitution relating to congressional redistricting, any congressional district plan, or any congressional district or group of congressional districts is challenged and 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 general assembly shall pass a congressional district plan in accordance with the provisions of this constitution that are then valid, to be used until the next time for redistricting under this article in accordance with the provisions of this constitution that are then valid.

The general assembly shall pass that plan not later than the thirtieth day after the last day on which an appeal of the court order could have been filed or, if the order is not appealable, the thirtieth day after the day on which the order is issued.

A congressional district plan passed under this division shall remedy any legal defects in the previous plan identified by the court but shall include no changes to the previous plan other than those made in order to remedy those defects.

(2) If a new congressional district plan is not passed in accordance with division (B)(1) of this section and filed with the secretary of state in accordance with Section 16 of Article II of this constitution, the Ohio redistricting commission shall be reconstituted and reconvene and shall adopt a congressional district plan in accordance with the provisions of this constitution that are then valid, to be used until the next time for redistricting under this article in accordance with the provisions of this constitution that are then valid.

The commission shall adopt that plan not later than the thirtieth day after the deadline described in division (B)(1) of this section.

A congressional district plan adopted under this division shall remedy any legal defects in the previous plan identified by the court but shall include no other changes to the previous plan other than those made in order to remedy those defects.

#### EFFECTIVE DATE AND REPEAL

If adopted by a majority of the electors voting on this proposal, the version of Section 1 of Article XI amended by this proposal and Sections 1, 2, and 3 of Article XIX of the Constitution of the State of Ohio enacted by this proposal take effect January 1, 2021, and the existing version of Section 1 of Article XI of the Constitution of the State of Ohio that is scheduled to take effect January 1, 2021, is repealed from that effective date.

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Adopted \_\_\_\_\_, 20\_\_\_\_

### **Issue 3**

## **Grants a monopoly for the commercial production and sale of marijuana for recreational and medicinal purposes**

### **Proposed Constitutional Amendment**

#### **Proposed by Initiative Petition**

#### **To add Section 12 of Article XV of the Constitution of the State of Ohio.**

A majority yes vote is necessary for the amendment to pass.

The proposed amendment would:

- Endow exclusive rights for commercial marijuana growth, cultivation, and extraction to self-designated landowners who own ten predetermined parcels of land in Butler, Clermont, Franklin, Hamilton, Licking, Lorain, Lucas, Delaware, Stark, and Summit Counties. One additional growth facility may be allowed for in four years only if existing facilities cannot meet consumer demand.
- Permit retail sale of recreational marijuana at approximately 1,100 locations statewide. Such retail establishments must have a state license that may be obtained only if the electors of the precinct where the store will be located approve the use of the location for such purpose at a local option election.
- Legalize the production of marijuana-infused products, including edible products, concentrates, sprays, ointments and tinctures by marijuana product manufacturing facilities.
- Allow each person, 21 years of age or older, to, grow, cultivate, use, possess, and share up to eight ounces of usable homegrown marijuana plus four flowering marijuana plants if the person holds a valid state license. Allow each person, 21 years of age or older, to purchase, possess, transport, use, and share up to 1 ounce of marijuana for recreational use. Authorize the use of medical marijuana by any person, regardless of age, who has a certification for a debilitating medical condition.
- Prohibit marijuana establishments within 1,000 feet of a house of worship, public library, public or chartered elementary or secondary school, state-licensed day-care center, or public playground, however: after a certain date, a new day-care, library, etc., cannot force a preexisting marijuana establishment to relocate by opening a new location within 1,000 feet of the business.

- Prohibit any local or state law, including zoning laws, from being applied to prohibit the development or operation of marijuana growth, cultivation, and extraction facilities, retail marijuana stores, and medical marijuana dispensaries unless the area is zoned exclusively residential as of January 1, 2015 or as of the date that an application for a license is first filed for a marijuana establishment.
- Create a special tax rate limited to 15% on gross revenue of each marijuana growth, cultivation, and extraction facility and marijuana product manufacturing facility and a special tax rate limited to 5% on gross revenue of each retail marijuana store. Revenues from the tax go to a municipal and township government fund, a strong county fund, and the marijuana control commission fund.
- Create a marijuana incubator in Cuyahoga County to promote growth and development of the marijuana industry and locate marijuana testing facilities near colleges and universities in Athens, Cuyahoga, Lorain, Mahoning, Scioto and Wood Counties, at a minimum.
- Limit the ability of the legislature and local governments from regulating the manufacture, sales, distribution and use of marijuana and marijuana products. Create a new state government agency called the marijuana control commission (with limited authority) to regulate the industry, comprised of seven Ohio residents appointed by the Governor, including a physician, a law enforcement officer, an administrative law attorney, a patient advocate, a resident experienced in owning, developing, managing and operating businesses, a resident with experience in the legal marijuana industry, and a member of the public.

	<b>YES</b>	<b>SHALL THE AMENDMENT BE APPROVED?</b>
	<b>NO</b>	

## CERTIFICATION

Acting in my capacity as the secretary of the Ohio Ballot Board, I hereby certify to the Secretary of the State of Ohio that the foregoing text is the ballot language prescribed by the Ohio Ballot Board, acting pursuant to Article II, Section 1g of the Ohio Constitution and section 3505.062 of the Revised Code of Ohio, for this constitutional amendment proposed by petition for submission to the Ohio electorate at the election to be held on November 3, 2015.

In testimony whereof, I have subscribed my name in Columbus, Ohio, this 18<sup>th</sup> day of September, 2015.



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Secretary, Ohio Ballot Board

# McTigue McGinnis & Colombo LLC

ATTORNEYS AT LAW

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**RECEIVED**

MAR 03 2015

**Ohio Attorney General  
Constitutional Offices Section**

March 3, 2015

Hon. Mike DeWine  
Ohio Attorney General  
30 E. Broad Street  
Columbus, Ohio 43215

**Re: "Marijuana Legalization Amendment" Summary Petition**

Dear Attorney General DeWine:

I am hereby filing with your office on behalf of our client, Responsible Ohio, and pursuant to R.C. §3519.01(A), a petition to approve a summary of a constitutional amendment to be proposed by initiative petition. The petition contains 3,164 signatures of electors on 119 part-petitions and the summary and full text of the amendment to be proposed. A list of the number of part-petitions and signatures separated by counties is attached to this correspondence.

Please contact me if you have any questions. Thank you.

Very truly yours,



Donald J. McTigue

Encls.

<u>County</u>	<u>Part Petitions</u>	<u>Signatures</u>
Belmont	3	85
Butler	3	20
Clermont	2	7
Cuyahoga	61	2,123
Fairfield	1	3
Franklin	14	314
Hamilton	21	567
Licking	3	5
Lorain	2	5
Lucas	6	31
Montgomery	2	3
Stark	1	1
<b>Totals:</b>	<b>119</b>	<b>3,164</b>



000064



Belmont 0001

## INITIATIVE PETITION

**To the Attorney General of Ohio:** Pursuant to Ohio Revised Code § 3519.01(A), the undersigned electors of the State of Ohio, numbering in excess of one thousand, hereby submit to you the full text of a proposed Amendment to the Ohio Constitution and a summary of the same.

### TITLE

Marijuana Legalization Amendment

### SUMMARY

**RECEIVED**

MAR 03 2015

Ohio Attorney General  
Constitutional Offices Section

This Amendment would add a new section 12 to Article XV of the Ohio Constitution to provide for the legalization of the use of medical marijuana by patients with debilitating medical conditions if a medical marijuana certification has been provided by the patient's treating physician and the use of marijuana and marijuana-infused products for personal use in amounts of one ounce or less by individuals 21 years of age or older, by providing, among other provisions:

1. Establishing the Ohio Marijuana Control Commission ("Commission") to regulate the acquisition, growth, cultivation, extraction, production, processing, manufacture, testing, distribution, retail sales, licensing, and taxation of medical marijuana, marijuana and marijuana-infused products and the operations of marijuana establishments, and the growth and cultivation of homegrown marijuana, as defined in the Amendment. The Commission would be composed of seven members appointed by the governor with varying backgrounds and qualifications and for terms as set forth in the Amendment. All are required to be Ohio residents. The Amendment sets forth specific subject matter for regulations to be promulgated by the Commission and requires the Commission to establish a system for real-time tracking of all medical marijuana, marijuana and marijuana-infused products from initial germination and/or extraction through the final consumer transaction. The Commission would also serve as a clearing house for scientific and medical research on medical marijuana, marijuana and marijuana-infused products. The Commission is required to employ necessary and qualified persons, including enforcement agents, and retain services of qualified third parties, including experts, to perform its duties.

2. Providing ten site specific locations for Commission licensed Marijuana Growth, Cultivation and Extraction ("MGCE") facilities. Setting forth conditions under which the Commission may relocate a MGCE facility or issue a license for a MGCE facility at a site other than the ten designated sites. Providing that marijuana and medical marijuana may be grown, cultivated and extracted for sale and medical use only at these state regulated and licensed facilities. One of each of the ten specified sites is in the following counties: Butler, Clermont, Franklin, Hamilton, Licking, Lorain, Lucas, Delaware, Stark, and Summit.

3. Providing for Commission licensed Marijuana Product Manufacturing ("MPM") facilities to produce marijuana-infused and medical marijuana-infused products and that such products may be produced only at these state regulated and licensed facilities. The Commission would be required to regulate the chemical content and potency of marijuana-infused products and create a special division within the Commission to assist in promulgation of standards regulating the manufacture, packaging and advertising of marijuana-infused products, including ensuring that the products are not manufactured, packaged or advertised in ways that create a substantial risk of attractiveness to children.

4. Providing for Commission licensed not-for-profit medical marijuana dispensaries ("MMD") to dispense medical marijuana to patients with debilitating medical conditions and to their Commission licensed caregivers with a medical marijuana certification issued by the patient's current treating physician in accordance with specific requirements set forth in the Amendment and in accordance with Commission and other state regulations, and providing that medical marijuana may only be sold and dispensed by such state licensed and regulated dispensaries. Both the patient and the patient's physician must be Ohio residents. The Amendment defines "debilitating medical condition," including specific medical conditions, and requires the Commission to establish and annually update, consistent with current, peer-reviewed research, the list of debilitating medical conditions for which medical marijuana certifications may be issued. The number of such state licensed and regulated dispensaries that may be within any subdivision would be determined by the Commission. MMDs must be incorporated under Ohio law. If the patient is under the age of 18, treatment involving medical marijuana may not be provided without the informed consent of a custodial parent, guardian, conservator or other person with lawful authority to consent to medical

treatment. Provide that a physician may not be disciplined or subject to certain other actions based solely on discussing with a patient or providing a professional opinion on the use of medical marijuana as a treatment option or issuing a medical marijuana certification under the Amendment. Require MGCE and MPM facilities to sell medical marijuana and medical marijuana-infused products, respectively, to MMDs at their lowest wholesale prices and in sufficient quantity to satisfy patient demand. Provide that nothing in the Amendment shall require any health insurance provider or government agency to reimburse a patient for expenses for medical marijuana.

5. Providing for Commission licensed retail marijuana stores ("RMS") to sell marijuana and marijuana-infused products to individuals 21 years of age or older for personal use and that marijuana and marijuana-infused products for personal use may be sold only by such state licensed and regulated stores. The Commission would determine the number of RMSs that may be within any political subdivision. However, the total number of stores statewide would be limited by the ratio of one to ten thousand based on the state's population, and the location of any such store must first be approved by the electors of the precinct where the store would be located at a special election similar to elections for the sale of alcohol at a particular location in a precinct, except for provisions unique to liquor local option elections. The Amendment also sets forth provisions governing the timing, holding, funding, and conduct of such elections. A RMS could purchase marijuana only from licensed MGCE facilities and marijuana-infused products only from licensed MPM facilities and sell no other goods or services, except for marijuana accessories and related products. No marijuana or marijuana-infused product could be consumed on the store's premises or be sold at a price below what the store paid for it.

6. Providing for Commission licensed Marijuana Testing Facilities ("MTF") to engage in research related to and/or certify safety and potency of medical marijuana, marijuana and marijuana-infused products. Such facilities, at a minimum, must be located near colleges and universities in Athens, Cuyahoga, Lorain, Mahoning, Scioto and Wood Counties.

7. Imposing a special flat tax of 15% on all gross revenue of each MGCE facility and MPM facility, and 5% on all gross revenue of each retail marijuana store, without any deduction for expenses or distribution of any profit. Such tax would be collected and distributed by the state as follows: 55% to a Municipal and Township Government Stabilization Fund to be distributed to all municipalities and townships on a per capita basis to be used for public safety and health, including police, fire and emergency medical services, road and bridge repair, and other infrastructure improvements; 30% to a Strong County Fund to be distributed to all counties on a per capita basis to be used for public safety and health, including police, fire and emergency medical services, road and bridge repair, and other infrastructure improvements; and 15% to a Marijuana Control Commission Fund to be distributed in the following order for: the reasonable and necessary costs of operating the Commission; funding for the marijuana innovation and business incubator established under the Amendment; to the extent the Commission so elects, the reasonable and necessary operating costs of the not-for-profit medical marijuana dispensaries established under the Amendment; mental health and addiction prevention and treatment programs and services; and to the extent that the Commission so elects, a program to provide low-cost medical marijuana to qualifying patients who are unable to afford the full cost. Distributed funds from the special flat tax are to supplement, not supplant, funding obligations of the state and local governments imposed by other laws.

8. In addition to the special flat tax, each MGCE facility, MPM facility and RMS would be required to pay the state commercial activities tax and all other taxes, assessments, fees and charges as are required to be paid by businesses in general and would be prohibited from receiving any credit, deduction or abatement that is unavailable to other businesses. MMDs would be required to pay the same taxes, assessments, fees and charges that other not-for-profit organizations are required to pay. Additional, taxes, assessments, fees or charges, other than license fees required under the Amendment, could not be imposed on the operations, revenue or distributed income of marijuana establishments.

9. Providing that it is lawful for persons 21 years of age or older to purchase, possess, transport, use and share with another person 21 years of age or older marijuana of one ounce or less or its equivalent in marijuana-infused products, as determined by the Commission, and marijuana accessories.

10. Providing that it is lawful for persons 21 years of age or older to grow, cultivate, use, possess and share with another person 21 years of age or older homegrown marijuana in an amount not to exceed four flowering marijuana plants and eight ounces of usable homegrown marijuana at a given time, so long as they have obtained a non-transferrable license pursuant to Commission-promulgated rules and regulations.

11. Prohibiting a marijuana establishment from being located within 1,000 feet of the primary building structure used for any of the following: a house of worship, a public or chartered non-public elementary or secondary school, a publicly owned library, or a state licensed child day-care facility; or within 1,000 feet of any public playground or a playground adjacent to any of the foregoing primary building structures, if such school, library, playground, day-care facility, or house of worship was located within the 1,000 zone on or before 1/1/15 in the case of a MGCE

facility, or the date of an applicant's first application for a license in the case of a MPM facility, MMD or RMS.

12. Prohibiting knowingly selling or transferring medical marijuana, marijuana, homegrown marijuana or marijuana-infused products to a person under the age of 21, except for transfers or sales by a MMD to a qualifying patient or caregiver in accordance with Commission regulations, and requiring the General Assembly to pass laws defining such conduct as child endangerment and enacting enhanced penalties for violations of such laws.

13. Prohibiting the employment of any person under the age of 21 by any marijuana establishment. Prohibiting any person under the age of 21 from being on the premises of a marijuana establishment, except in the case of a patient 18 to 20 years old at a MMD to obtain medical marijuana under a medical marijuana certification issued for such patient. Providing that a caregiver must be 21 years of age or older, be the person responsible for managing the well-being of a patient with a debilitating medical condition and that the person's responsibilities to the patient must include more than the provision of medical marijuana.

14. Prohibiting persons from operating or being in physical control of a vehicle, aircraft, train or motorboat while under the influence of medical marijuana, marijuana, homegrown marijuana or marijuana-infused products, and requiring the General Assembly to pass laws imposing criminal penalties for doing so.

15. Prohibiting the use of marijuana, homegrown marijuana, and marijuana-infused products in any public place or on the grounds of a public or chartered non-public elementary or secondary school, state licensed child day-care center, correctional facility or community corrections facility, or in a vehicle, aircraft, train or motorboat, except that a patient may use medical marijuana in accordance with a medical marijuana certification, and requiring the General Assembly to pass laws enforcing these provisions.

16. Providing that nothing in the Amendment is intended to require an employer to permit or accommodate the possession or use of medical marijuana, marijuana, homegrown marijuana or marijuana-infused products in the workplace, except that a patient with a medical marijuana certification may self-administer the medical marijuana subject to the same conditions applied to prescribed medications.

17. Prohibiting a person from having an ownership interest in or being an officer or director of a marijuana establishment who is under the age of 21 or has been convicted of a felony within the prior five years and from continuing to hold an ownership interest or officer or director position upon conviction of a felony and exhaustion of any appeals

18. Providing that marijuana establishments shall be subject to all applicable state and local laws and regulations related to health, safety and building codes, including signage, but providing that no zoning, land use law, or subdivision or agricultural regulation shall prohibit the development or operation of marijuana establishments, provided that no such establishment shall be located in a district zoned exclusively residential as of 1/1/15 for MGCE facilities or the date that a license application is first filed for a MPM facility, MMD, or RMS.

19. Prohibiting MGCE and MPM facilities from selling or transferring medical marijuana, marijuana or marijuana-infused products directly to consumers and prohibiting a RMS from being located on the premises of a MGCE or MPM facility.

20. Providing a timeline for initial implementation of the Amendment, including for appointment of the members of the Commission, the issuance of initial provisional licenses to MGCE facilities at the 10 designated sites based on required affidavits and payment of a \$100,000 license fee, inspection of such MGCE facilities within six months of issuance of such initial licenses, promulgation of initial regulations for MGCE facilities, MPM facilities, MMDs and RMSs, issuance of forms and procedures for precinct special elections, and the holding of a special election in May of the year following adoption of the Amendment for submission to voters of a precinct the question of approval of a location of a RMS. Initial regulations required to be adopted by specific dates are to be promulgated notwithstanding other provisions of law regarding promulgation of administrative rules, but the Commission must provide an opportunity for public input.

21. Requiring annual license fees of \$50,000 for MGCE facilities, \$25,000 for MPM facilities and \$10,000 for RMSs and marijuana testing facilities, and registration fees of \$50 for home growing, and that such fees be adjusted upward annually for inflation.

22. Requiring the Commission beginning in the second year following adoption of the Amendment to annually audit each marijuana establishment to certify that each establishment is in compliance with applicable rules and regulations, and if it determines that there is material non-compliance, authorizing the Commission to order remedial action and suspend or revoke the facility's license for failure to comply with such order within a reasonable time. Marijuana establishments may have their licenses renewed annually unless the Commission determines that a

licensee has repeatedly failed to comply with the Commission's remedial orders. Ohio's administrative procedure statutes generally applicable to other licensing bodies would apply to the extent not in conflict with the Amendment. The Commission shall set forth by rule civil penalties for failure to comply with Commission regulations, including enhanced penalties for repeat violations.

23. Requiring in the fourth year following adoption of the Amendment, the Commission to develop annual consumer demand metrics for medical marijuana and marijuana, which may be used by the Commission in conjunction with other findings to issue a license for an additional MGCE facility.

24. Providing that the Commission shall serve as a clearing house for scientific and medical industry research on the use of marijuana, marijuana-infused products and medical marijuana and shall establish a marijuana innovation and business incubator in Cuyahoga County to award support to Ohio-based public and private business entities, colleges and universities, nonprofit medical centers, and other nonprofit research institutions to engage in research and development, as well as to create new products, companies and jobs, associated with the medical marijuana and marijuana industries in Ohio.

25. Authorizing MPM facilities to manufacture and RMSs and MMDs to sell marijuana accessories and legalize possession and use of marijuana accessories, as defined in the Amendment.

26. Providing that the actions of marijuana establishments and their employees and agents are lawful and not subject to civil or criminal penalties so long as the actions are in compliance with the Amendment, laws enacted by the General Assembly and the rules of the Commission.

27. Define various terms used in the Amendment, including, but not limited to, marijuana, homegrown marijuana, medical marijuana, marijuana-infused products, caregiver, physician, and debilitating medical condition.

28. Providing that the provisions of the Amendment are self-executing except as specified in the Amendment, and that they supersede conflicting state and local laws, charters, regulations, and state constitutional provisions, except where otherwise indicated in the text. The General Assembly is authorized to enact laws implementing the provisions of the Amendment that are not in conflict with those provisions. Provide that the Amendment's provisions do not require the violation of federal law or purport to give immunity under federal law.

#### COMMITTEE TO REPRESENT THE PETITIONERS

The following persons are designated as a committee to represent the petitioners in all matters relating to the petition or its circulation:

Taylor Deutsche  
903 Clayton Dr.  
Worthington, OH 43085

Rosemary Robinson  
16608 Walden Ave  
Cleveland, OH 44128

Robert J Letourneau  
7461 Fitzroy Ct.  
Cincinnati, OH 45241

Patrick T McHenry  
317 N Main St.  
Waynesville, OH 45068

Barbara Gould  
8525 Camargo Club Drive  
Cincinnati, OH 45243

## FULL TEXT OF AMENDMENT

Be it Resolved by the People of the State of Ohio that Article XV of the Ohio Constitution is hereby amended to add the following Section:

### **§12 Legalization, Regulation and Taxation of Medical and Personal Use of Marijuana**

#### **(A) Summary**

This section provides for the legalization of medical marijuana for use by persons with debilitating medical conditions and for the legalization of marijuana and marijuana-infused products for personal use by individuals 21 years of age and older. This section establishes the Ohio Marijuana Control Commission (“Commission”) to regulate the state’s marijuana industry in a manner similar to the state’s regulation of alcohol. A patient may obtain medical marijuana only after being issued a medical marijuana certification by an Ohio-licensed physician, and only from state-regulated, not-for-profit medical marijuana dispensaries. Sale of marijuana and marijuana-infused products for personal use is limited to licensed retail marijuana stores, and the location of any such store must receive approval of the voters of the precinct in which the store would be located. It is lawful for persons 21 years of age or older to grow and possess no more than four homegrown marijuana plants for personal, non-commercial use; however, growth, cultivation and extraction of marijuana and medical marijuana to be sold within the state will occur only at site-specific, state-regulated facilities. Marijuana-infused and medical marijuana-infused products may be produced only by state-regulated facilities. No marijuana establishment may be within 1,000 feet of a house of worship, a publicly-owned library, playground, an elementary or secondary school, or a state-licensed child day-care center. Marijuana Growth, Cultivation & Extraction (“MGCE”) facilities and Marijuana Product Manufacturing (“MPM”) facilities must pay a special flat tax equal to 15% of their gross revenue, and marijuana retail stores must pay a special flat tax equal to 5% of their gross revenue, without any deduction for expenses. Revenue from these special taxes must be allocated as follows: 55% to municipalities and townships on a per capita basis, 30% to counties on a per capita basis, and 15% to a Marijuana Control Commission Fund for the reasonable and necessary costs of operating the Commission, to provide additional funding for mental health and addiction and treatment services, and to fund a marijuana innovation and business incubator to award support to Ohio-based companies, colleges and universities, nonprofit medical centers, and other nonprofit research institutions to engage in research and development, and to create new products, companies and jobs associated with the medical marijuana and marijuana industries in Ohio.

#### **(B) Use of Medical Marijuana for Debilitating Medical Conditions**

It is lawful for patients with debilitating medical conditions to acquire, administer, purchase, possess, transport, and use, and for licensed caregivers to acquire, administer, purchase, possess, transport and transfer, medical marijuana pursuant to a valid medical marijuana certification. The state shall regulate the conduct of physicians in issuing medical marijuana certifications in a manner similar to its regulation of medical prescriptions. A treating physician who has examined a patient and determined that he or she has a debilitating medical condition may issue a medical marijuana certification if: (1) a bona fide physician-patient relationship exists; (2) the physician determines the risk of the patient’s use of medical marijuana is reasonable in light of the potential benefit; and (3) the physician has explained the risks and benefits of using medical marijuana to the patient. If the patient is younger than 18 years of age, treatment involving medical marijuana may not be provided without consent by at least one custodial parent, guardian, conservator, or other person with lawful authority to consent to the patient’s medical treatment.

No agency, including a law enforcement agency, of this state or of a political subdivision of this state may initiate an administrative, civil, or criminal investigation of a physician, nor shall a physician be denied any right or privilege or be subject to any disciplinary action, solely on the ground that the physician: (1) discussed with a patient the use of medical marijuana as a treatment option; or (2) issued a medical marijuana certification under this section, or otherwise made a written or oral statement that, in the physician's professional opinion, the potential benefits of the patient using medical marijuana would likely outweigh any health risks.

### **(C) Establishment of Medical Marijuana Not-For-Profit Dispensaries**

Medical marijuana shall only be dispensed and sold to patients and caregivers by not-for-profit medical marijuana dispensaries licensed under this section, in accordance with a medical marijuana certification issued by the patient's current treating physician, who shall exercise the same professional care, ethics and judgment in doing so as is required in issuing medical prescriptions.

The Commission shall issue licenses to, and shall promulgate and enforce regulations governing the operations of, not-for-profit medical marijuana dispensaries. Such regulations shall include rules regarding the number of licenses within any political subdivision of the state. The Commission shall promulgate the initial regulatory rules for such dispensaries by May 30th of the year following adoption of this section.

MGCE facilities and MPM facilities shall sell to the dispensaries, at their lowest wholesale prices, medical marijuana and medical marijuana-infused products, respectively, sufficient to satisfy patient demand for them in this state.

From the Marijuana Control Commission Fund established herein, the Commission may fund the reasonable and necessary operating costs of the not-for-profit medical marijuana dispensaries and establish a program to provide low-cost medical marijuana to qualifying patients who are unable to afford the full cost. Nothing in this section, however, shall require any health insurance provider or any government agency or authority to reimburse any patient for expenses related to the use of medical marijuana.

### **(D) Personal Use of Marijuana and Authorization of Homegrown Marijuana**

It is lawful for persons 21 years of age or older to purchase, possess, transport, use and share with another person 21 years of age or older one ounce or less of marijuana or its equivalent in marijuana-infused products.

It is lawful for persons 21 years of age or older to grow, cultivate, use, possess and share with another person 21 years of age or older homegrown marijuana in an amount not to exceed four flowering marijuana plants and eight ounces of usable homegrown marijuana at a given time; provided, however, that such person must first obtain a non-transferrable license pursuant to Commission-promulgated rules and regulations, which include, at a minimum, registration requirements and rules ensuring that homegrown marijuana is not grown or consumed within public view and that home-growing takes place in an enclosed, locked space inaccessible to persons under the age of 21.

### **(E) Taxation of Marijuana Revenue**

The state shall levy and collect a special flat tax of 15% on all gross revenue of each MGCE facility and MPM facility, and 5% on all gross revenue of each retail marijuana store. "Gross

revenue” as used in this subdivision means 100% of all revenue received without deduction for any expenses or distribution of any profit. Such facilities and stores shall also pay the state commercial activities tax and all other local taxes, assessments, fees and charges as apply to businesses in general. Such facilities and stores shall not receive any abatement, credit or deduction that is unavailable to other businesses. Dispensaries shall pay the same taxes, assessments, fees and charges that other not-for-profit organizations are required to pay. No additional taxes, assessments, fees or charges shall be levied on the operations, revenue, or distributed income of a marijuana establishment, other than the license fees authorized under this section.

One hundred percent of the revenues generated from the special tax shall be collected and distributed by the state for the following purposes (the “Purposes”):

- (1) 55% to a Municipal and Township Government Stabilization Fund with 100% of such funds being distributed to every municipality and township on a per capita basis, excluding, in the case of a township, population that is also within a municipality. Such funds shall be used for public safety and health, including police, fire and emergency medical services, road and bridge repair, and other infrastructure improvements;
- (2) 30% to a Strong County Fund with 100% of such funds being distributed to each county on a per capita basis. Such funds shall be used for public safety and health, including law enforcement, economic development, road and bridge repair, and other infrastructure improvements; and
- (3) 15% to a Marijuana Control Commission Fund with 100% of such funds being distributed in the following order for: (a) the reasonable and necessary costs of operating the Commission; (b) funding for the marijuana innovation and business incubator established hereunder; (c) to the extent the Commission so elects, the reasonable and necessary operating costs of the not-for-profit medical marijuana dispensaries established under this section, (d) mental health and addiction prevention and treatment programs and services; and (e) to the extent the Commission so elects, a program to provide low-cost medical marijuana to qualifying patients who are unable to afford the full cost.

The above described Funds shall be established in the state treasury and the above described special tax collected and distributed monthly. Funds distributed under this subdivision shall supplement, not supplant, funding obligations of the state and local governments. Accordingly, all such distributions shall be disregarded for purposes of determining whether funding obligations imposed by other sections of this constitution or by the revised code are met. The Funds will be allocated and distributed consistent with the foregoing Purposes by the applicable state or local government entity.

#### **(F) Establishment of Marijuana Growth, Cultivation & Extraction Facilities**

The growth and cultivation of marijuana and medical marijuana, and the extraction of cannabinoids from marijuana and medical marijuana, for sale and medical use within this state shall be lawful only at licensed MGCE facilities. Subject to the exceptions set forth herein, there shall be only ten MGCE facilities, which shall operate on the following real properties: (1) Being an approximate 40.44 acre area in Butler County, Ohio, identified by the Butler County Auditor, as of February 2, 2015, as tax parcel numbers Q6542084000008 and Q6542084000041; (2) Being an approximate 13.434 acre area in Clermont County, Ohio, identified by the Clermont County Auditor, as of February 2, 2015, as tax parcel numbers 413103B284 and 373103E301; (3) Being an approximate 19.117 acre area in Franklin County, Ohio, being a portion of a larger parent parcel which is identified by the Franklin County Auditor, as of February 2, 2015, as tax

parcel number 040-004959-00. The approximate 19.117 area is described as follows: all of the real property being described as Franklin County, Ohio, tax parcel number 040-004959-00, less and except the portion of such tax parcel lying south of the centerline of the stream known as Grant Run Tributary No. 3; (4) Being an approximate 24.466 acre area in Hamilton County, Ohio, identified by the Hamilton County Auditor, as of February 2, 2015, as tax parcel number 500-0081-0004; (5) Being an approximate 35.031 acre area in Licking County, Ohio, identified by the Licking County Auditor, as of February 2, 2015, as tax parcel number 063-140952-00.000; (6) Being an approximate 76.83 acre area in Lorain County, Ohio, being a portion of two larger parent parcels which are identified by the Lorain County Auditor, as of February 2, 2015, as tax parcel numbers 03-00-053-108-013 and 03-00-054-102-008. The approximate 76.83 acre area is described as follows: all of the real property being described as Lorain County, Ohio tax parcel numbers 03-00-053-108-013 and 03-00-054-102-008, less and except the portions of such tax parcels lying northerly of a line located 2,100 feet southerly of and parallel with Colorado Avenue (also known as State Route 611); (7) Being an approximate 28.459 acre area in Lucas County, Ohio, identified by the Lucas County Auditor, as of February 2, 2015, as tax parcel number 22-74697; (8) Being an approximate 24.948 acre area in Delaware County, Ohio, identified by the Delaware County Auditor, as of February 13, 2015, as tax parcel number 419-230-01-035-000; (9) Being an approximate 27.18 acre area in Stark County, Ohio, identified by the Stark County Auditor, as of February 2, 2015, as tax parcel number 7701271; and (10) Being an approximate 29.0052 acre area in Summit County, Ohio, identified by the Summit County Auditor, as of February 2, 2015, as tax parcel number 3009928.

No local zoning, land use laws, agricultural regulations, subdivision regulations or similar provisions or governmental consents and approvals applicable to creating transferrable legal descriptions, or to any subsequent assignment of different parcel numbers to the aforesaid real properties shall prohibit the creation of transferrable and recordable legal descriptions or separate tax parcel numbers for any of the aforesaid real properties. In addition, notwithstanding the identification of the real properties by reference to the parcel numbers as set forth above, any MGCE facility may expand its structures and related operations to adjacent real property which may be identified by different parcel numbers so long as all other applicable terms of this section are met.

The Commission shall promulgate the initial regulatory rules for the operation of MGCE facilities by May 30th of the year following adoption of this section; however, the Commission shall issue the application form for a provisional license within 60 days of the adoption of this section. If an owner of one of the above-designated sites chooses not to apply for a provisional license within 90 days of the passage of this section, the Commission may issue a license to operate a MGCE facility at a different site in lieu of that site so long as all other criteria set forth herein are met.

The Commission shall issue one-year provisional licenses within 90 days of the passage of this section to the owners of the above-designated real properties who have applied for licenses to operate MGCE facilities subject to the following conditions: payment of an initial licensing fee of \$100,000 and the filing of affidavits by the chief executive officer and chief financial officer affirming under oath that the facility will: comply with all requirements under this section; comply with all applicable health, safety, prevailing wage, building code, sanitation, environmental, land use, and employment laws and regulations not in conflict with this section; employ industry best practices with respect to the growth, cultivation and extraction of marijuana; comply with generally accepted accounting principles; comply with Commission regulations upon adoption; and subject the facilities and operations to immediate inspection and review by Commission personnel upon demand. Notwithstanding the foregoing, no existing local or state law shall be applied to prohibit the development or operation of such facilities. No later than six months after the facility commences its operations, the Commission shall inspect such

facility and review its operations to confirm that it has complied with the assurances set forth in its officers' affidavits. If the Commission determines it has not, it shall order immediate remedial action as to that facility; and if the facility fails to remediate within 120 days, the Commission may suspend the provisional license until satisfied that all remedial actions have been implemented. The Commission shall issue non-provisional annual licenses to MGCE facilities upon expiration of their provisional licenses so long as such facilities are meeting their obligations under their provisional licenses and demonstrate the ability to comply with all regulations promulgated by the Commission regarding the operation of MGCE facilities.

To ensure that the supply of regulated marijuana is adequate to meet consumer demand in this state, beginning in the fourth year following the adoption of this section, the Commission shall develop and make publicly available annual consumer demand metrics for marijuana and medical marijuana based in substantial part on total gross sales of each within the state in the previous year. If the Commission determines during its annual audits of the MGCE facilities that such facilities collectively failed to produce marijuana and medical marijuana sufficient to substantially meet the published consumer demand metrics for the previous year and cannot demonstrate that they are likely to do so in the ensuing year, the Commission may issue a license for an additional MGCE facility at a site other than what has been designated herein.

If the Commission determines as part of its annual audit that a MGCE facility is in material noncompliance with applicable laws or regulations, the Commission may order remedial action; and, to the extent such MGCE facility fails to materially comply with the Commission's remediation order within the reasonable time period set forth by the order, the Commission may suspend or revoke the MGCE facility's license. If the Commission revokes a MGCE license for failure to remediate material noncompliance, the Commission may issue a license for a MGCE facility at a site other than what has been designated herein. If a MGCE facility terminates or indefinitely suspends its operations, the Commission may relocate that facility or revoke the facility's license and issue a license for a MGCE facility at a site other than what has been designated herein.

#### **(G) Establishment of Marijuana Product Manufacturing Facilities**

The manufacturing, processing and packaging of marijuana-infused products, including medical marijuana-infused products, shall be lawful only at licensed MPM facilities pursuant to a licensing and regulatory framework established by the Commission by May 30th of the year following adoption of this section. MPM facilities may also manufacture, process and package marijuana accessories. Such facilities may sell marijuana-infused products made only from marijuana purchased from licensed MGCE facilities.

The Commission shall establish rules regulating the chemical content and/or potency of marijuana-infused products and shall ensure they are prominently displayed on the products' packaging. As part of the regulatory framework governing MPM facilities, the Commission shall create and oversee a special division within the Commission staffed with individuals with extensive experience in food and prescription drug regulation to assist the Commission in promulgating industry-leading standards regulating the manufacture, processing, transportation, packaging and advertising of marijuana-infused products, including ensuring that marijuana-infused products are not manufactured, packaged or advertised in ways that create a substantial risk of attractiveness to children.

#### **(H) Establishment of Retail Marijuana Stores**

Marijuana and marijuana-infused products may be sold to individuals 21 years of age and older only by licensed retail marijuana stores. Such stores may sell only marijuana purchased from

licensed MGCE facilities and marijuana-infused products purchased from licensed MPM facilities, and shall sell no other goods or services except for marijuana accessories and related products. No retail marijuana store shall allow to be consumed any marijuana or marijuana-infused product that has been opened on the premises. No retail marijuana store shall sell marijuana or marijuana-infused products at a price less than the store paid for such products.

No later than 60 days following adoption of this section, the Commission shall promulgate the initial regulatory rules for licensing such stores. The Commission may promulgate rules regarding the number of licenses within any precinct of the state; provided, however, that the number of stores statewide shall not exceed the ratio of one to ten thousand based on the state's population as determined by the U.S. Census Bureau's Population Estimates Program (PEP) and revised annually according to either the PEP estimates or the decennial Census, and that no such license shall be issued to a store unless the electors of the precinct where the store will be located have approved the use of the location for such purpose at a local option election. Except for provisions unique to authorization of alcohol sales, including limits on resubmitting an issue to the voters, such elections shall be held and conducted by election authorities in the same manner as local option elections for the approval by the electors of a precinct of the sale of alcohol to the public at a specific location. No later than 60 days following adoption of this section, the secretary of state shall prescribe forms for the petition process and procedures for the conduct of retail marijuana store elections. Such elections shall be held on dates authorized by law for special elections for other ballot questions, including dates for primary and general elections, occurring not less than 90 days after a petition for such election is filed. The petitioner shall reimburse the expense of conducting the special election where there are no candidates or other questions on the precinct ballot. In the calendar year following adoption of this section, special elections for such question may also be held on the first Tuesday after the first Monday of May and the petitioner shall reimburse the cost of conducting such election.

#### **(I) Ohio Marijuana Control Commission**

There is hereby established the Ohio Marijuana Control Commission, which shall regulate the acquisition, growth, cultivation, extraction, production, processing, manufacture, testing, distribution, retail sales, licensing and taxation of medical marijuana, marijuana and marijuana-infused products and the operations of marijuana establishments and home growing. The Commission shall have seven members who have not served as elected public officials in the eight years prior to their appointment, and shall be composed of the following: a licensed Ohio physician, a sworn Ohio law enforcement officer, a licensed Ohio attorney experienced in administrative law, an Ohio-based patient advocate, an Ohio resident with demonstrated experience in owning, developing, managing and operating businesses, an Ohio resident with demonstrated experience in the legal marijuana industry, and a public member. The initial seven members shall be appointed no later than 40 days after the adoption of this section for terms commencing upon appointment. The initial Commission members shall hold the first meeting of the Commission no later than 45 days after the adoption of this section. In order to create staggered terms, the initial seven appointees shall be for terms lasting as follows: the attorney, the physician, the industry-experienced member and the Ohio-based patient advocate will serve terms lasting until December 31st of the fourth year following adoption; and the business owner, the public member and the sworn law enforcement officer will serve terms lasting until December 31st of the second year following adoption. All subsequent terms on the Commission shall be for four years ending on December 31st of the fourth year of the term. All Commission members shall be appointed by the governor to full or unexpired terms as defined herein and shall be residents of Ohio.

The Commission shall adopt rules to facilitate this section's implementation and continuing operation. The initial regulatory rules required to be adopted herein by specific dates shall be

adopted by the Commission notwithstanding any other provision of law regarding promulgation of administrative rules, provided that the Commission shall offer an opportunity for public input. Regulatory rules shall not prohibit the operation of marijuana establishments or home growing, either expressly or through regulations that make their operation unreasonably impracticable. Such regulations shall include, but not be limited to: procedures for the application for, and the issuance, renewal, transfer, suspension, and revocation of, a license to operate a marijuana establishment or marijuana testing facility or qualify as a caregiver; a schedule of application, licensing and renewal fees to be deposited into the Marijuana Control Commission Fund, provided such fees shall not exceed \$50,000 for MGCE facilities, save for the \$100,000 provisional license fee required herein, \$25,000 for MPM facilities, \$10,000 for retail marijuana stores and marijuana testing facilities, and registration fees of \$50 for home growing, with this upper limit adjusted annually for inflation; qualifications for licensure that are directly and demonstrably related to marijuana establishment; registration requirements for home growing; regulations regarding debilitating medical conditions, medical marijuana certifications, caregiver qualifications; requirements to prevent the sale and diversion of medical marijuana, marijuana, homegrown marijuana and marijuana-infused products to persons under the age of 21; requirements for testing the safety and potency of medical marijuana, marijuana and marijuana-infused products; labeling requirements for medical marijuana, marijuana and marijuana-infused products sold or distributed by a marijuana establishment; health and safety regulations for the acquisition, growth, cultivation, harvesting, processing, packaging, preparation, extraction, handling, distribution, transportation, manufacture, and production of medical marijuana, marijuana and/or marijuana-infused products; restrictions on the advertising and display of medical marijuana, marijuana and marijuana-infused products to persons under the age of 21; civil penalties for failure to comply with regulations made pursuant to this section, including enhanced civil penalties for repeat violations; and rules governing the allocation of resources from the marijuana innovation and business incubator established hereunder to third parties. The Commission shall also establish and implement a system for real-time tracking and monitoring of all marijuana, medical marijuana, and marijuana-infused products from the initial germination and/or extraction through the final consumer transaction.

Beginning in the second year following the adoption of this section, the Commission shall conduct an annual audit of each marijuana establishment to certify, at a minimum, that such marijuana establishment is in compliance with all applicable rules and regulations. To the extent it determines that a marijuana establishment is in material noncompliance with applicable rules and regulations, the Commission may order remedial action; and, to the extent that establishment fails to comply with the Commission's order within the reasonable time period set forth by that order, the Commission may suspend or revoke the establishment's license.

The Commission shall issue annual licenses to marijuana establishments, and register home growing applicants, no later than 90 days after receipt of the completed application unless the Commission finds the applicant is not eligible for a license or registration under applicable laws and regulations. Thereafter, licensees shall be entitled to have their licenses renewed pursuant to the Commission's rules, unless the Commission determines that the licensee has repeatedly failed to comply with its remedial orders. Such renewal shall be issued or denied prior to expiration of the current license. Ohio's administrative procedure statutes generally applicable to other licensing bodies not in conflict with this section shall apply to rulemaking, license denials, suspensions and revocations by the Commission.

The Commission shall serve as a clearing house for scientific and medical industry research on the use of marijuana, marijuana-infused products and medical marijuana. The Commission shall establish a marijuana innovation and business incubator in Cuyahoga County to award support to Ohio-based public and private business entities, colleges and universities, nonprofit medical centers, and other nonprofit research institutions to engage in research and development, as well

as to create new products, companies and jobs, associated with the medical marijuana and marijuana industries in Ohio. The Commission shall provide the incubator funding and appoint advisors to it who have demonstrated a commitment to the goal of national leadership in job creation and medical, technological, economic, environmental sustainability, product safety, and entrepreneurial innovation in the medical marijuana and marijuana industries.

The Commission shall employ necessary and qualified persons, including enforcement agents, and shall retain services of qualified third parties, including experts, to perform its duties.

**(J) General Provisions and Specific Limitations**

- 1) No marijuana establishment shall be located within 1,000 feet of the primary building structure used for any of the following: a house of worship exempt from taxation under the revised code; a publicly-owned library; a public or chartered non-public elementary or secondary school; or a state licensed child day-care center, or within 1,000 feet of any public playground or playground adjacent to any of the foregoing primary building structures, so long as such house of worship, library, playground, school or day-care center was in existence within the 1,000-foot zone on or before January 1, 2015 in the case of a MGCE facility or the date of an applicant's first application for a license in the case of a MPM facility, retail marijuana store, or not-for-profit medical marijuana dispensary.
- 2) In no event shall a person consume marijuana, homegrown marijuana or marijuana-infused products in any public place, or in, or on the grounds of, a public or chartered non-public elementary or secondary school, a state licensed child day-care center, a correctional facility or community corrections facility, or in a vehicle, aircraft, train or motorboat. No person shall operate, navigate, or be in actual physical control of any vehicle, aircraft, train or motorboat while under the influence of medical marijuana, marijuana, homegrown marijuana or marijuana-infused products. The foregoing provisions, other than operating or being in physical control of a vehicle, aircraft, train or motorboat, do not prohibit a patient from possessing or using medical marijuana in accordance with a medical marijuana certification. The general assembly shall pass laws for enforcing all of the preceding.
- 3) Other than for medical marijuana transferred or sold by a dispensary to a patient or caregiver, and for transfers between a patient and caregiver consistent with Commission regulations, it shall be unlawful for any person to knowingly sell or transfer marijuana, homegrown marijuana, medical marijuana or marijuana-infused products to a person under the age of 21. The general assembly shall enact laws defining this conduct as child endangerment and shall enact enhanced penalties for violations of such laws.
- 4) Nothing in this section is intended to require an employer to permit or accommodate the use, consumption, possession, transfer, display, or transportation of medical marijuana, marijuana, homegrown marijuana, marijuana-infused products or marijuana accessories in the workplace or to affect employers' ability to restrict the use of such products by employees, except that a patient with a medical marijuana certification may self-administer the medical marijuana subject to the same conditions applied to administration of prescribed medications.
- 5) No person shall have an ownership interest in, or be an officer or director of, a marijuana establishment who is under the age of 21 or who has been convicted of a felony offense within the prior five years. No person shall continue to hold an ownership interest in, or an officer or director position with, a marijuana establishment upon conviction of a felony and exhaustion of any appeals.

- 6) No person under the age of 21 shall be permitted to be on the premises of a marijuana establishment, except that a patient 18 to 20 years of age may be on a dispensary's premises for the purpose of obtaining medical marijuana pursuant to a medical marijuana certification issued for such patient.
- 7) It shall be lawful for persons 21 years of age or older to purchase, possess, transfer, transport, use and share with other persons 21 years of age or older marijuana accessories within the state; however, this age limitation shall not apply to patients with valid medical marijuana certifications.
- 8) It shall not be unlawful for a licensed MGCE facility, or its designated employees or agents, to handle, sell, store, deliver, transport or transfer marijuana to a licensed MPM facility, licensed marijuana testing facility or a licensed retail marijuana store; nor shall it be unlawful for a licensed MGCE facility, or its designated employees or agents, to sell, store, handle, deliver, transport or transfer medical marijuana to a licensed MPM facility, licensed dispensary or licensed marijuana testing facility. It shall not be unlawful for a licensed MPM facility, or its designated employees or agents, to handle, sell, store, receive, deliver, transport or transfer marijuana accessories or marijuana-infused products to another licensed MPM facility, a licensed retail marijuana store or licensed marijuana testing facility; nor shall it be unlawful for a licensed MPM facility, or its designated employees or agents, to sell, handle, store, receive, deliver, transport or transfer medical marijuana-infused products to another licensed MPM facility, a licensed dispensary or a licensed marijuana testing facility; nor shall it be unlawful for a licensed MPM facility, or its designated employees or agents, to sell, handle, store, receive, deliver, transport or transfer marijuana accessories to a licensed dispensary. It shall not be unlawful for licensed retail marijuana stores, licensed medical marijuana dispensaries, and licensed marijuana testing facilities, or their designated employees or agents, to purchase, obtain, handle, store, receive, deliver, transport or transfer marijuana accessories, marijuana, marijuana-infused products or medical marijuana from licensed MGCE and MPM facilities, and other retail marijuana stores, licensed medical marijuana dispensaries, and licensed marijuana testing facilities.
- 9) MGCE facilities and MPM facilities are prohibited from selling, delivering, transporting or transferring marijuana, medical marijuana, marijuana-infused products and marijuana accessories directly to consumers, and no retail marijuana store or dispensary may be located on the premises of a MGCE or MPM facility.
- 10) Marijuana establishments shall be subject to all applicable state and local laws and regulations related to health, safety and building codes, including signage. Notwithstanding the foregoing, no local zoning, land use laws, agricultural regulations, subdivision regulations or similar provisions shall prohibit the development or operation of marijuana establishments, provided that no such marijuana establishment shall be located in a district zoned exclusively residential as of January 1, 2015 for MGCE facilities, or as of the date that an application for a license is first filed by a MPM facility, retail marijuana store or not-for-profit medical marijuana dispensary.

**(K) Self-Executing, Severability, Conflicting Provisions, and Enactment of Laws**

All provisions of this section are self-executing except as specified herein, are severable, and, except where otherwise indicated in the text, shall supersede all conflicting state and local laws, charters and regulations or other provisions of this constitution. The general assembly may pass laws implementing the provisions of this section that are not in conflict with its provisions. Nothing in this section requires the violation of federal law or purports to give immunity under federal law.

## **(L) Definitions**

As used in this section, unless the context otherwise requires,

- 1) “Adjacent real property” means real property that is within 1,000 feet or less of the existing property line of a licensed MGCE facility.
- 2) “Cannabinoids” means the chemical compounds in marijuana having a variety of pharmacologic properties.
- 3) “Caregiver” means an individual licensed by the Commission, other than the patient and the patient’s physician, who is 21 years of age or older and is the person responsible for managing the well-being of a patient with a debilitating medical condition for whom a medical marijuana certification has been issued under this section. To qualify as a caregiver, this individual’s responsibilities to the patient must include, at a minimum, provision of services in addition to provision of medical marijuana.
- 4) “Debilitating medical condition” means cancer, glaucoma, positive status for human immunodeficiency virus, or acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn’s disease, sickle-cell anemia, ulcerative colitis, dementia, Alzheimer’s disease, or treatment for such conditions; a chronic or debilitating disease or medical condition, or treatment for such conditions, which produces, for a specific patient, one or more of the following, and which, in the professional opinion of the patient’s physician, foreseeably may be alleviated by the use of medical marijuana: cachexia, post-traumatic stress disorder, severe pain, severe nausea, seizures, including those that are characteristic of epilepsy, or persistent muscle spasms, including those that are characteristic of multiple sclerosis. The Commission shall establish and update the list of debilitating medical conditions for which medical marijuana certifications may be issued on an annual basis, consistent with current, peer-reviewed medical research.
- 5) “Homegrown marijuana” means marijuana grown by a person 21 years of age or older at that person’s place of residence for purposes that are not dependent or conditioned upon the provision or receipt of financial consideration, including but not limited to trading and bartering. The sale of homegrown marijuana is unlawful.
- 6) “Marijuana” and “marihuana” mean all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, salt derivative, mixture, or preparation of the plant, its seeds, or its resin. “Marijuana” includes hashish, as defined in the revised code, but does not include homegrown marijuana, medical marijuana or industrial hemp, as defined by the general assembly, nor does it include fiber produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other product.
- 7) “Marijuana accessories” means any equipment, products, or materials of any kind which are used, intended, or designed for vaporizing, ingesting, inhaling, or otherwise introducing, marijuana or medical marijuana into the human body.
- 8) “Marijuana Growth, Cultivation and Extraction Facility” or “MGCE facility” means one or more structures in which, or the real property on which, the growth, cultivation, harvesting, processing, packaging, preparation, and labeling of all marijuana and medical marijuana available for sale or medical use within the state, and the extraction of cannabinoids from

marijuana plants for use in marijuana-infused products or medical marijuana-infused products available for sale or medical use within the state, is lawful.

- 9) "Marijuana-infused products" means concentrated marijuana products that are composed of marijuana or medical marijuana and other lawful ingredients and are intended for use or consumption, such as, but not limited to, edible products, marijuana concentrates, sprays, ointments, and tinctures.
- 10) "Marijuana establishment" means a MGCE facility, a MPM facility, a retail marijuana store, or a not-for-profit medical marijuana dispensary. A marijuana establishment's actions, and the actions of that establishment's employees and agents, are lawful and are not subject to civil or criminal penalties so long as such actions are in compliance with this section, with any laws passed by the general assembly in furtherance of this section, and with any rules and regulations promulgated by the Commission.
- 11) "Marijuana Product Manufacturing Facility" or "MPM facility" means a facility licensed by the Commission to develop, manufacture, prepare, and/or package marijuana-infused products, medical marijuana-infused products and/or marijuana accessories.
- 12) "Marijuana testing facility" means a facility or laboratory licensed by the Commission to acquire, possess, store, transfer, grow, cultivate, harvest, and process medical marijuana, marijuana and marijuana-infused products for the explicit and limited purposes of engaging in research related to, and/or certifying the safety and potency of, medical marijuana, marijuana and marijuana-infused products. At a minimum, such facilities shall be situated near colleges and universities in Athens, Cuyahoga, Lorain, Mahoning, Scioto and Wood Counties. Such facilities are prohibited from selling medical marijuana, marijuana and marijuana-infused products to marijuana establishments and consumers, and may transfer medical marijuana, marijuana and marijuana-infused products only to a marijuana establishment that has engaged the facility to perform quality control testing on those products or in connection with a safety and potency certification process developed by the Commission.
- 13) "Medical marijuana" means marijuana used to treat a debilitating medical condition, and includes medical marijuana-infused products used to treat debilitating medical conditions.
- 14) "Medical marijuana certification" means a written certification issued on a form prescribed by the Commission by a patient's treating physician acting in the usual course of his or her professional practice.
- 15) "Not-for-profit medical marijuana dispensary" or "dispensary" means an entity incorporated under Ohio's not-for-profit corporation law licensed to purchase medical marijuana from MGCE facilities, medical marijuana-infused products from MPM facilities and marijuana accessories, and to sell medical marijuana and marijuana accessories to patients and caregivers who present valid medical marijuana certifications pursuant to rules adopted by the Commission.
- 16) "Ohio Marijuana Control Commission" or "Commission" means the agency created herein to regulate the marijuana industry, including, but not limited to, regulating, researching and reporting on the growth, cultivation, production, processing, manufacture, testing, distribution, transportation, retail sales, licensing, and taxation of marijuana, medical marijuana and marijuana-infused products.
- 17) "Patient" means an Ohio resident who has a debilitating medical condition.

- 18) "Physician" means an individual who maintains, in good standing, a license to practice medicine issued by the State of Ohio.
- 19) "Retail marijuana store" means a retail space occupied by an entity licensed to purchase marijuana from MGCE facilities, marijuana-infused products from MPM facilities, and marijuana accessories, and to sell marijuana, marijuana-infused products, and marijuana accessories for personal use to consumers.
- 20) "Unreasonably impracticable" means that the measures necessary to comply with the regulations require such a high investment of risk, money, time, or any other resource or asset that the operation of a marijuana establishment is not worthy of being carried out in practice by a reasonably prudent businessperson.

STATEMENT OF CIRCULATOR

I, Bill Schmitt Jr., declare under penalty of election falsification that I am the circulator of the foregoing petition paper containing the signatures of 42 electors, that the signatures appended hereto were made and appended in my presence on the date set opposite each respective name, and are the signatures of the persons whose names they purport to be or of attorneys in fact acting pursuant to section 3501.382 of the Revised Code, and that the electors signing this petition did so with knowledge of the contents of same. I am employed to circulate this petition by

(Name and address of employer). (The preceding sentence shall be completed as required by section 3501.38 of the Revised Code if the circulator is being employed to circulate the petition.)

I further declare under penalty of election falsification that I witnessed the affixing of every signature to the foregoing petition paper, that all signers were to the best of my knowledge and belief qualified to sign, and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

Bill Schmitt Jr.  
(Signed)

46205 N. Moss run rd  
(Address of circulator's permanent residence in this state) Number and Street, Road or Rural Route

Bellaire  
City, Village or Township

OHIO  
State

43906  
Zip Code

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.

**RECEIVED**  
MAR 03 2015  
Ohio Attorney General  
Constitutional Offices Section

**Issue One**

**Proposed Constitutional Amendment**

**TO FUND PUBLIC INFRASTRUCTURE CAPITAL IMPROVEMENTS BY PERMITTING  
THE ISSUANCE OF GENERAL OBLIGATION BONDS**

**Proposed by Joint Resolution of the General Assembly  
To enact Section 2s of Article VIII of the Constitution of the State of Ohio**

A majority yes vote is required for the adoption of Section 2s.

This proposed amendment would:

1. Authorize the state to issue bonds or other obligations to finance or assist in financing public infrastructure capital improvements for local governments and other governmental entities. Capital improvement projects would be limited to roads and bridges, waste water treatment systems, water supply systems, solid waste disposal facilities, storm water and sanitary collection, storage, and treatment facilities.
2. Determine that such capital improvements are necessary to preserve and expand the public infrastructure, ensure public health, safety and welfare, create and preserve jobs, enhance employment opportunities, and improve the economic welfare of the people of Ohio.
3. Limit the total principal amount of the state general obligations issued under the amendment to no more than \$1.875 billion over a ten-year period, with no more than \$175 million issued in each of the first five fiscal years and no more than \$200 million in each of the next five fiscal years. Any principal amount that could have been issued in any prior fiscal year, but was not issued, may subsequently be issued.
4. Require that obligations issued under this amendment mature no later than thirty (30) years after their date of issuance, and that any obligation issued to retire or refund other obligations mature no later than the permitted maturity date for the obligations being retired or refunded.
5. Authorize the General Assembly to pass laws implementing this amendment, including laws establishing procedures for incurring and issuing obligations, and laws providing for the use of Ohio products, materials, services and labor to the extent possible.

If approved, the amendment shall take effect immediately.

A "YES" vote means approval of the amendment.

A "NO" vote means disapproval of the amendment.

	<b>YES</b>	<b>SHALL THE AMENDMENT BE APPROVED?</b>
	<b>NO</b>	

## CERTIFICATION

Acting in my capacity as the secretary of the Ohio Ballot Board, I hereby certify to the Secretary of the State of Ohio that the foregoing text is the explanation prescribed by the Ohio Ballot Board, acting pursuant to Article XVI, Section 1 of the Ohio Constitution and section 3505.062 of the Revised Code of Ohio, for this constitutional amendment proposed by the general assembly for submission to the Ohio electorate at the election to be held on May 6, 2014.

In testimony whereof, I have subscribed my name in Columbus, Ohio, this 19<sup>th</sup> day of February, 2014.



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Jack Christopher  
Secretary, Ohio Ballot Board

# JOINT RESOLUTION

Proposing to enact Section 2s of Article VIII of the Constitution of the State of Ohio to permit the issuance of additional general obligation bonds to fund public infrastructure capital improvements.

Be it resolved by the General Assembly of the State of Ohio, three-fifths of the members elected to each house concurring therein, that there shall be submitted to the electors of the state, in the manner prescribed by law at the special election to be held on May 6, 2014, a proposal to enact Section 2s of Article VIII of the Constitution of the State of Ohio to read as follows:

## ARTICLE VIII

Section 2s. (A) In addition to the authorizations otherwise contained in Article VIII of the Ohio Constitution, the General Assembly may provide by law, in accordance with and subject to the limitations of this section, for the issuance of bonds and other obligations of the state for the purpose of financing or assisting in the financing of the cost of public infrastructure capital improvements of municipal corporations, counties, townships, and other governmental entities as designated by law. As used in this section, public infrastructure capital improvements shall be limited to roads and bridges, waste water treatment systems, water supply systems, solid waste disposal facilities, and storm water and sanitary collection, storage, and treatment facilities, including real property, interests in real property, facilities, and equipment related to or incidental thereto, and shall include, without limitation, the cost of acquisition, construction, reconstruction, expansion, improvement, planning, and equipping.

It is hereby determined that such public infrastructure capital improvements are necessary to preserve and expand the public capital infrastructure of such municipal corporations, counties, townships, and other governmental entities, ensure the public health, safety, and welfare, create and preserve jobs, enhance employment opportunities, and improve the economic welfare of the people of this state.

(B) Not more than one billion eight hundred seventy-five million dollars principal amount of state general obligations may be issued under this

section for public infrastructure capital improvements. Not more than one hundred seventy-five million dollars principal amount of those obligations may be issued in each of the first five fiscal years of issuance and not more than two hundred million dollars principal amount of those obligations may be issued in each of the next five fiscal years of issuance, plus in each case the principal amount of those obligations that in any prior fiscal year could have been but were not issued within those fiscal year limits. No obligations may be issued pursuant to this section until all of the state infrastructure obligations authorized under Section 2p of Article VIII, Ohio Constitution have been issued.

(C) Each issue of obligations issued under this section shall mature in not more than thirty years from the date of issuance, or, if issued to retire or refund other obligations, within that number of years from the date the debt being retired or refunded was originally issued. If state general obligations are issued as notes in anticipation of the issuance of bonds, provision shall be made by law for the establishment and maintenance, during the period in which the notes are outstanding, of a special fund or funds into which shall be paid, from the sources authorized for the payment of such bonds, the amount that would have been sufficient, if bonds maturing during the permitted period of years had been issued without such prior issuance of notes, to pay the principal that would have been payable on such bonds during such period. Such fund or funds shall be used solely for the payment of principal of such notes or bonds in anticipation of which such notes have been issued. Obligations issued under this section to retire or refund obligations previously issued under this section or Section 2k, 2m, or 2p shall not be counted against the fiscal year or total issuance limitations provided in this section or Section 2k, 2m, or 2p, as applicable.

(D) The obligations issued under this section are general obligations of the state. The full faith and credit, revenue, and taxing power of the state shall be pledged to the payment of the principal of and premium and interest and other accreted amounts on outstanding obligations as they become due (hereinafter called debt service), and bond retirement fund provisions shall be made for payment of that debt service. Provision shall be made by law for the sufficiency and appropriation, for purposes of paying debt service, of excises, taxes, and revenues so pledged or committed to debt service, and for covenants to continue the levy, collection, and application of sufficient excises, taxes, and revenues to the extent needed for that purpose. Notwithstanding Section 22 of Article II, Ohio Constitution, no further act of appropriation shall be necessary for that purpose. The obligations and the provision for the payment of debt service, and repayment by governmental

entities of any loans made under this section, are not subject to Sections 5, 6, and 11 of Article XII, Ohio Constitution. Moneys referred to in Section 5a of Article XII, Ohio Constitution may not be pledged to the payment of that debt service.

(E) The state may participate in any public infrastructure capital improvement under this section with municipal corporations, counties, townships, or other governmental entities as designated by law, or any one or more of them. Such participation may be by grants, loans, or contributions to them for any such capital improvements. The entire proceeds of the infrastructure obligations shall be used for public infrastructure capital improvements of municipal corporations, counties, townships, and other governmental entities, except to the extent that the General Assembly provides by law that the state may reasonably be compensated from such moneys for planning, financial management, or administrative services performed in relation to the issuance of infrastructure obligations.

(F) Obligations issued under authority of this section, the transfer thereof, and the interest, interest equivalent, and other income and accreted amounts therefrom, including any profit made on the sale, exchange, or other disposition thereof, shall at all times be free from taxation within the state.

(G) This section shall otherwise be implemented in the manner and to the extent provided by law by the General Assembly, including provision for the procedure for incurring and issuing obligations, separately or in combination with other obligations, and refunding, retiring, and evidencing obligations, and provision for the use to the extent practicable of Ohio products, materials, services, and labor in the making of any project financed, in whole or in part, under this section.

(H) The powers and authority granted or confirmed by and under, and the determinations in, this section are independent of, in addition to, and not in derogation of or a limitation on, powers, authority, determinations, or confirmations under laws or under other provisions of the Ohio Constitution and do not impair any previously adopted provisions of the Ohio Constitution or any law previously enacted by the General Assembly or by a local public agency.

#### EFFECTIVE DATE

If adopted by a majority of the electors voting on this proposal, Section 2s of Article VIII of the Constitution of the State of Ohio shall take effect immediately.



File #3

(130th General Assembly)  
(Senate Joint Resolution Number 6)

**JOINT RESOLUTION**

Proposing to enact Section 2s of Article VIII of the Constitution of the State of Ohio to permit the issuance of additional general obligation bonds to fund public infrastructure capital improvements.

*Introduced by*

Senators Bacon, Manning

Cosponsors: Senators Coley, Oelslager, Hughes, Jones, LaRose, Gardner, Sawyer, Skindell, Smith, Tavares, Peterson, Balderson, Beagle, Brown, Eklund, Faber, Hite, Lehner, Schaffer, Seitz, Turner, Uecker

Representatives Amstutz, Adams, R., Lundy, Maag, Smith, Cera, Driehaus, Sykes, Ramos, Ashford, Sears, Grossman, Hall, Rosenberger, McGregor, McClain, Adams, J., Anielski, Antonio, Barborak, Barnes, Blessing, Boose, Boyce, Brown, Buchy, Budish, Burkley, Celebrezze, Clyde, Conditt, Damschroder, Derickson, DeVitis, Duffey, Foley, Green, Hackett, Hagan, C., Hayes, Heard, Hottinger, Johnson, Landis, Letson, Lynch, Milkovich, Patterson, Perales, Redfern, Reece, Rogers, Ruhl, Schuring, Sheehy, Slaby, Slesnick, Sprague, Stinziano, Strahorn, Wachtmann  
Speaker Batchelder

*Adopted by the Senate,*

January 14, 2014

*Adopted by the House of Representatives,*

January 22, 2014

*Filed in the office of the Secretary of State at Columbus, Ohio, on the*

23 day of January, A. D. 2014

*John Husted*  
Secretary of State.

**Issue 1**

**To Reduce Penalties for Crimes of Obtaining, Possessing, and Using Illegal Drugs**

**Proposed Constitutional Amendment**

**Proposed by Initiative Petition**

**To add a new Section 12 to Article XV of the Constitution of the State of Ohio**

**A majority yes vote is necessary for the amendment to pass.**

If adopted, the amendment would:

- Require sentence reductions of incarcerated individuals, except individuals incarcerated for murder, rape, or child molestation, by up to 25% if the individual participates in rehabilitative, work, or educational programming.
- Mandate that criminal offenses of obtaining, possessing, or using any drug such as fentanyl, heroin, methamphetamine, cocaine, LSD, and other controlled substances cannot be classified as a felony, but only a misdemeanor.
- Prohibit jail time as a sentence for obtaining, possessing, or using such drugs until an individual's third offense within 24 months.
- Allow an individual convicted of obtaining, possessing, or using any such drug prior to the effective date of the amendment to ask a court to reduce the conviction to a misdemeanor, regardless of whether the individual has completed the sentence.
- Require any available funding, based on projected savings, to be applied to state-administered rehabilitation programs and crime victim funds.
- Require a graduated series of responses, such as community service, drug treatment, or jail time, for minor, non-criminal probation violations.

	<b>YES</b>	<b>SHALL THE AMENDMENT BE APPROVED?</b>
	<b>NO</b>	

## CERTIFICATION

Acting in my capacity as the secretary of the Ohio Ballot Board, I hereby certify to the Secretary of the State of Ohio that the foregoing text is the ballot language prescribed by the Ohio Ballot Board, acting pursuant to Article II, Section 1g of the Ohio Constitution and section 3505.062 of the Revised Code of Ohio, for this constitutional amendment proposed by petition for submission to the Ohio electorate at the election to be held on November 6, 2018.

In testimony whereof, I have subscribed my name in Columbus, Ohio, this 22<sup>nd</sup> day of August, 2018.

  
Secretary, Ohio Ballot Board

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December 1, 2017



**Via Hand Delivery**

Hon. Mike DeWine  
Ohio Attorney General  
30 E. Broad Street  
Columbus, Ohio 43215

***Re: "The Neighborhood Safety, Drug Treatment, and Rehabilitation Amendment"  
Summary Petition***

Dear Attorney General DeWine:

On behalf of my clients, Ohio Safe and Healthy Communities Campaign and petition committee members Shakyra Diaz, Gary Williams, Stephen JohnsonGrove, Albert Rodenberg, Jr., and Margaret Nichelle Nicole Rosario, and pursuant to R.C. § 3519.01(A), I am hereby filing with your office a petition to approve a summary of a constitutional amendment to be proposed by initiative petition. The petition contains over 4,000 signatures of electors on 248 part-petitions and the summary and full text of the amendment to be proposed.

Please contact me if you have any questions. Thank you.

Very truly yours,

A handwritten signature in blue ink, appearing to be "D. McTigue", written over a horizontal line.

Donald J. McTigue

Encls.

**INITIATIVE PETITION**

**To the Attorney General of Ohio:** Pursuant to Ohio Revised Code § 3519.01(A), the undersigned electors of the State of Ohio, numbering in excess of one thousand, hereby submit to you the full text of a proposed Amendment to the Ohio Constitution and a summary of the same.

**TITLE**

The Neighborhood Safety, Drug Treatment, and Rehabilitation Amendment

**SUMMARY**

This Amendment would add a new section 12 to Article XV of the Ohio Constitution to reduce the number of people in state prison for low-level, nonviolent drug possession or drug use offenses or for non-criminal probation violations and by providing sentence credits for participation in rehabilitative programs and to direct the savings achieved by such reductions in incarceration to drug treatment programs and other purposes. More specifically, in addition to other provisions, the amendment would:

- Appropriate state funds saved due to a reduction in the number of people in state prisons as a result of the Amendment's provisions to support drug treatment programs and other purposes consistent with the intent of the Amendment, which are intended to supplement, not supplant, funding obligations of the state and local governments. The general assembly shall include such appropriations in each State biennial budget beginning with the budget commencing July 1, 2019, in a total amount equal to the projected savings in state costs that would result from the implementation of this Amendment during the biennium period. The general assembly would determine the projected savings by multiplying the projected fewer number of days of incarceration that would be served in state prisons as a result of the provisions in the Amendment by certain per-diem rates, which would be biennially adjusted by the rate of inflation. The general assembly would also enact a system to adjust the appropriations at the close of the biennial budget period based upon true-ups of the projected savings. For the first three State biennial budgets after the adoption of this Amendment, the cost savings shall be reallocated as follows: 70% to the state department of mental health and addiction services, or its successor, for a grant program funding substance abuse treatment programs, services, and supports; and 30% for purposes consistent with the intent of this Amendment, such as crime victim programs, adult and juvenile probation programs, graduated responses programs, and rehabilitation programs for people in the justice system, at least half of which shall be distributed to the attorney general for a grant program funding trauma recovery services for crime victims. After three State biennial budgets, the general assembly could change the allocation percentages subject to certain minimum parameters. The funds disbursed may be used by the recipients without regard to the fiscal year for which the funds were appropriated or disbursed.
- Provide that the Ohio Department of Rehabilitation and Correction, or its successor, grant incarcerated individuals sentence credits of one half of one day for each day they participate in appropriate rehabilitative, work, or educational programming, up to a maximum of twenty-five percent of the individual's stated sentence, and, in the Department's discretion, grant up to thirty days of additional sentence credits for completion of such programming. These provisions would not apply to individuals serving sentences of death or life without parole or for murder, rape, or child molestation.
- Provide that offenses for obtaining, possessing, or using a drug or drug paraphernalia shall be classified no higher than a misdemeanor. The sanctions for such offenses may not exceed those of a first degree misdemeanor, and, for an individual's first or second conviction within a twenty-four month period, the sanctions shall not exceed probation. If an individual has more than two convictions within a twenty-four month period, sanctions may include jail time and probation in lieu of jail time.
- Require that graduated responses be imposed for non-criminal probation violations, and that individuals who are on probation for a felony offense and commit a non-criminal probation violation shall not be sent to prison on a probation revocation for such violation.
- Require each trial court with jurisdiction to revoke an adult's or juvenile's probation for a non-criminal violation to prepare guidelines, subject to approval by the Ohio Department of Rehabilitation and Correction, or its successor, for graduated responses that may be imposed for non-criminal probation violations.
- Provide that individuals who, prior to the effective date of this Amendment, were convicted of obtaining, possessing, or using a drug or drug paraphernalia, or were adjudicated delinquent based on such offense, may petition the court in which the conviction or adjudication occurred to have such charge changed to the respective

class of offense as determined by the general assembly in accordance with this Amendment. Individuals who have not completed their sentences for such offense as of the Amendment's effective date, and who petition the sentencing court, shall be re-sentenced and/or released, unless the court determines that the individual presents a risk to the public and should not be re-sentenced and/or released.

- Provide that the grants for substance abuse treatment programs, services, and supports be awarded pursuant to an application program with an emphasis on the demonstrated need of the population to be served by the applicant, the applicant's proposed use for the funds, and the applicant's demonstrated ability to achieve successful results with effective programs.
- Require biennial evaluations of the efficiency and effectiveness of the substance abuse treatment programs and services and the crime victim trauma recovery services funded under this Amendment.
- Not apply to offenses for the sale, distribution, or trafficking of drugs, nor to any drug offense that was classified as a first, second, or third degree felony as of January 1, 2018.
- Not apply to, change, or affect laws or sentencing for the incarceration of individuals convicted of murder, rape, or child molestation.
- Supersede any conflicting state and local laws, charters, and regulations or other provisions of the Constitution.

The Amendment contains certain declarations and findings that are relevant to the Amendment, and defines "drug," "possessing, obtaining, or using a drug," "drug paraphernalia," "possessing, obtaining, or using drug paraphernalia," "laws that make possessing, obtaining, or using a drug or drug paraphernalia a criminal offense," "graduated responses," "county or municipal jail," "non-criminal violations [of probation terms]," and "probation."

### **COMMITTEE TO REPRESENT THE PETITIONERS**

The following persons are designated as a committee to represent the petitioners in all matters relating to the petition or its circulation:

Shakya Diaz	5780 Great Northern Blvd., G2, North Olmsted, OH 44070
Gary Williams	13612 Ardoon Ave., Cleveland, OH 44120
Stephen JohnsonGrove	3968 Lowry Ave., Cincinnati, OH 45229
Albert Rodenberg, Jr.	3622 Highland Green, Cincinnati, OH 45245
Margaret Nichelle Nicole Rosario	3584 Tivoli Ct., Gahanna, OH 43230

## FULL TEXT OF PROPOSED AMENDMENT

Be it Resolved by the People of the State of Ohio that Article XV of the Ohio Constitution is hereby amended to add the following Section:

### **§12 Neighborhood Safety, Drug Treatment, and Rehabilitation Amendment**

#### (A) Findings and Declarations.

The People of the State of Ohio find and declare that drug addiction is a serious societal problem that presents issues of public health and safety and incarcerating users rather than by providing treatment poses a threat to public safety and is an inefficient use of criminal justice resources, and further find and declare that prison spending should be focused on violent and serious offenses and preparing individuals for release through rehabilitation while maximizing alternatives for non-serious non-violent crime.

#### (B) Purpose of this Section and Savings Achieved from Prison Population Reduction.

(1) In adopting this Section, it is the purpose and intent of the people of the State of Ohio to ensure that state prison spending is focused on violent and serious offenses and to invest future savings generated from this Section into substance abuse treatment programs, crime victim programs, and other purposes consistent with this Section.

(2)(a) To support substance abuse treatment programs, crime victim programs, and other purposes consistent with this Section, such as adult and juvenile probation department programs, graduated responses programs, and rehabilitation programs for people in the justice system, the general assembly shall include in the State biennial budget appropriations of funds from the savings to the State achieved as a result of the implementation of this Section. The funds disbursed pursuant to this Section are intended to supplement, not supplant, funding obligations of the state and local governments.

(b) Seventy percent of the funds to be disbursed under this Section shall be disbursed to the state department of mental health and addiction services, or its successor, for a grant program funding substance abuse treatment programs, services, and supports throughout Ohio. The state department of mental health and addiction services, or its successor, shall award the grants pursuant to an application program with an emphasis on the demonstrated need of the population to be served by the applicant, the applicant's proposed use for the funds, and the applicant's demonstrated ability to achieve successful results with effective programs. The state department of mental health and addiction services, or its successor, shall conduct a biennial evaluation of the efficiency and effectiveness of the substance abuse treatment programs and services funded under this Section.

(c) Thirty percent of the funds to be disbursed under this Section shall be disbursed for purposes that are consistent with the intent of this Section, such as crime victim programs, adult and juvenile probation department programs, graduated responses programs, and rehabilitation programs for people in the justice system. To reduce further victimization of underserved victims of violent crime, at least half of such funds shall be disbursed to the attorney general for a grant program funding victim trauma recovery services. The attorney general shall conduct a biennial evaluation of the efficiency and effectiveness of the trauma recovery services for crime victims funded under this Section.

(d) The general assembly may adjust the ratio of funds to be disbursed pursuant to this division for substance abuse treatment programs, services, and supports and for other purposes consistent with this Section after the first three biennial appropriations and every three biennial appropriations thereafter. Under any adjusted ratio of funds by the general assembly, no less than fifty percent of the total funds shall be disbursed for substance abuse treatment programs, services and supports, and no less than ten percent for crime victim trauma recovery services.

(e) The funds disbursed under this division may be used by the recipients without regard to the fiscal year for which the funds were appropriated or disbursed.

(C) Sentence Credits for Rehabilitation.

The Ohio Department of Rehabilitation and Correction, or its successor, shall grant to an incarcerated individual one half of one day of credit toward satisfaction of the individual's stated sentence for each day they participate in appropriate rehabilitative, work, or educational programming, up to a maximum of twenty-five percent of the individual's stated sentence. The Ohio Department of Rehabilitation and Correction may, at its discretion, grant up to thirty days of additional credit toward satisfaction of an individual's stated sentence for completion of appropriate rehabilitative, work, or educational programming. This division shall not apply to any individuals who are serving sentences of death or life without the possibility of parole, nor to individuals serving sentences for murder, rape, or child molestation.

(D) Reclassification of Certain Non-Serious, Non-Violent Drug Offenses.

With respect to state laws that make possessing, obtaining, or using a drug or drug paraphernalia a criminal offense, in no case shall any offense be classified higher than a misdemeanor. The misdemeanor classification may be a general classification or a special classification for the offense. The sanctions authorized may not exceed those of a first-degree misdemeanor, and, for an individual's first or second conviction within a twenty-four month period, the sanctions shall not exceed probation. If an individual has more than two convictions within a twenty-four month period, then sanctions may include jail time or probation in lieu of jail time.

(E) Graduated Responses for Non-Criminal Violations of Probation.

Within ninety days of the effective date of this Section, each trial court with jurisdiction to revoke an adult's or juvenile's probation for a non-criminal violation shall prepare and submit for approval to the Ohio Department of Rehabilitation and Correction, or its successor, guidelines for graduated responses that may be imposed for such violations. An individual who, on or after the effective date of this Section, is on probation for a felony offense shall not be sent to prison on a probation revocation for non-criminal violations of the terms of their probation. Non-criminal violations shall be dealt with in accordance with guidelines for graduated responses.

(F) Retroactive Application of this Section.

(1) Any individual who, prior to the effective date of this Section, was convicted under Ohio law of an offense of possessing, obtaining, or using a drug or drug paraphernalia, or was adjudicated a delinquent based on such an offense and who has not completed their sentence for such offense, may petition the court in which the conviction or adjudication occurred to have such charge changed to the respective class of offense as determined by the general assembly in accordance with this Section, and shall be re-sentenced and/or released, unless the

court makes a finding and sets forth a particularized factual basis that the individual presents a risk to the public and should not be re-sentenced and/or released.

(2) Any individual who, prior to the effective date of this Section, was convicted under Ohio law of an offense of possessing, obtaining, or using a drug or drug paraphernalia, or who was adjudicated a delinquent based on such offense, and who has completed their sentence for such offense, may petition the court in which the conviction or adjudication occurred to have such charge changed to the respective class of offense as determined by the general assembly in accordance with this Section.

(G) Provisions Do Not Apply to Convictions for the Sale, Distribution, or Trafficking of Drugs.

Divisions (D) and (F) of this Section do not apply to convictions for the sale, distribution, or trafficking of drugs or to convictions for any drug offense that, based on volume or weight, and as of January 1, 2018, was classified as a first, second, or third-degree felony offense.

(H) Provisions Do Not Apply to Convictions for Murder, Rape, or Child Molestation.

Nothing in this Section shall be construed as applying to, changing, or affecting laws or sentencing for the incarceration of individuals convicted of murder, rape, or child molestation.

(I) Calculation of Savings to the State.

(1) The general assembly shall include the appropriations set forth in Division (B) of this Section in each State biennial budget beginning with the budget commencing July 1, 2019, in a total amount equal to the projected savings in state costs that will result from the implementation of this Section during the biennium period.

(2) The projected savings in state costs shall be the sum of the following calculations:

(a) The State shall project the fewer number of days of incarceration that will be served in state prisons during the biennium as a result of Divisions (C), (D), and (F) of this Section and multiply the number by a per-diem amount of forty dollars.

(b) The State shall project the fewer number of days of incarceration that will be served in state prisons during the biennium as a result of Division (E) of this Section and multiply the number by a per-diem amount of thirty dollars.

(3) The general assembly shall enact a system to adjust appropriations under this Section at the close of the biennial budget period based upon true-ups of the projected savings.

(4) The per-diem figures used in this subdivision shall be adjusted each State biennial budget by the rate of inflation for the previous biennial budget period according to the consumer price index or its successor.

(5) In making the calculations required by this Section, the State shall use actual data or best available estimates where actual data is not available.

(J) Definitions.

As used in this Section:

(1) "Drug" means any controlled substance, compound, mixture, preparation, or analog intended to be injected, ingested, inhaled, or otherwise introduced into the human body as identified and regulated by the general assembly.

(2) "Possessing, obtaining, or using a drug" does not include possession of a drug for purposes of the sale, distribution, or trafficking of drugs

(3) "Drug paraphernalia" means any equipment, product, or material used or intended to be used in connection with the possession or use of a drug.

(4) "Possessing, obtaining, or using drug paraphernalia" does not include possession of drug paraphernalia for purposes of the sale, distribution, or trafficking of drugs.

(5) "Laws that make possessing, obtaining, or using a drug or drug paraphernalia a criminal offense" do not include laws that make it a criminal offense to possess a drug or drugs for purposes of the sale, distribution, or trafficking of drugs.

(6) "Graduated responses" means an accountability-based graduated series of sanctions and incentives designed to protect communities, hold people accountable, and prevent repeat offenses by providing appropriate responses for unlawful actions and by inducing and reinforcing law-abiding behavior. This schedule of responses may include, but is not limited to, drug treatment, community service, fines, electronic monitoring, detention other than in a county or municipal jail, detention in a county or municipal jail, but only upon the court making a finding and setting forth a particularized factual basis that the individual presents a risk to themselves or the public, and earned rewards, such as reduced sentences for compliant conduct as the trial court deems appropriate.

(7) "County or municipal jail" means a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse.

(8) A "non-criminal violation" of the terms of probation includes, but is not limited to, actions such as a drug use relapse, missing a curfew, missing or being late for a probation meeting, changing an address without permission, failing to timely pay a fine, or failing to perform required community service. An action that results in a criminal conviction is not a non-criminal violation under this Section.

(9) "Probation" includes community control sanctions.

(K) Liberal Construction.

This Section shall be liberally construed to effectuate its purpose.

(L) Conflicting laws.

This Section shall supersede any conflicting state and local laws, charters, and regulations or other provisions of this constitution.

STATEMENT OF CIRCULATOR

I, Ciara Humphrey, declare under penalty of election falsification that I am the circulator of the foregoing petition paper containing the signatures of 1 electors, that the signatures appended hereto were made and appended in my presence on the date set opposite each respective name, and are the signatures of the persons whose names they purport to be or of attorneys in fact acting pursuant to section 3501.382 of the Revised Code, and that the electors signing this petition did so with knowledge of the contents of same. I am employed to circulate this petition by

Ohio Organizing Collaborative, 25 E Boardman St Suite 830, Youngstown, OH 44503  
(Name and address of employer). (The preceding sentence shall be completed as required by section 3501.38 of the Revised Code if the circulator is being employed to circulate the petition.)

I further declare under penalty of election falsification that I witnessed the affixing of every signature to the foregoing petition paper, that all signers were to the best of my knowledge and belief qualified to sign, and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

P. Hughes  
(Signed)

476 Woodland Ave  
(Address of circulator's permanent residence in this state) Number and Street, Road or Rural Route

Akron  
City, Village or Township

Ohio 44302  
State Zip Code

**WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.**



# Ohio Legislative Service Commission

## Final Analysis

Emily E. Wendel

### Am. Sub. H.J.R. 12 130th General Assembly (As Adopted by the General Assembly)

**Reps.** Huffman and Sykes, Amstutz, Anielski, Ashford, Baker, Brown, Burkley, Clyde, Duffey, Grossman, Hackett, C. Hagan, Hayes, Kunze, Letson, McClain, McGregor, Patmon, Scherer, Schuring, Stebelton, Wachtmann, Batchelder

**Sens.** Faber, Coley, Bacon, Balderson, Beagle, Burke, Eklund, Gardner, Gentile, Hite, LaRose, Lehner, Peterson, Sawyer, Schiavoni, Turner, Widener

**Adopted:** December 17, 2014; approved by the voters on November 3, 2015; effective January 1, 2021

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## 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.
- Requires 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, to appoint a co-chairperson of the Commission.
- Requires the Governor to convene the Commission only in years ending in the numeral one, unless the Commission is convened by a court to draw judicially invalidated districts or the Commission must draw new districts following the expiration of a plan adopted under the proposal's impasse procedure.
- Prescribes procedural requirements for meetings of the Commission.

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\* This update notes the approval by voters and the effective date.

- 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 a specified bipartisan vote of four members.
- Specifies that, if the Commission fails to adopt a final district plan not later than September 1, the Commission must introduce a district plan by a simple majority vote and must hold a public hearing on the plan.
- Requires the Commission, not later than September 15, to adopt a final district plan, either by the bipartisan vote described above or by a simple majority vote.
- Specifies that if the Commission adopts a plan by that bipartisan vote, the plan remains effective until the next year ending in the numeral one, unless a court convenes the Commission to redraw judicially invalidated districts.
- Provides generally that if the Commission adopts a plan by a simple majority vote, the plan remains effective until two general elections for the House of Representatives have occurred under the plan.
- Specifies that if, before a year ending in the numeral one, the Commission adopts another plan by a simple majority vote to replace a plan adopted under the impasse procedure, the newly adopted plan remains effective until a year ending in the numeral one, unless the Commission is reconstituted and convened by a court to draw judicially invalidated districts.
- Requires a plan adopted by a simple majority vote to include a statement explaining what the Commission determined to be the statewide preferences of the voters of Ohio and the manner in which 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 corresponds closely to those preferences.
- Allows a member of the Commission who does not vote in favor of the plan to submit a declaration of the member's opinion concerning that statement.
- Requires, after a plan adopted by a simple majority vote ceases to be effective after two general elections for the House of Representatives, that the Commission convene not earlier than July 1 of the following year to adopt a new General



Assembly district plan using the same population and political subdivision boundary data as were used to draw the previous plan.

### **District standards**

- Establishes new constitutional standards for the drawing of General Assembly districts.

### **Legal challenges**

- Specifies that, if any section of the Constitution relating to redistricting, any General Assembly district plan, or any district is determined to be invalid by an unappealed final order of a court of competent jurisdiction, then the Commission must be reconstituted and convene 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.
- Prohibits a court from ordering the Commission to adopt a particular General Assembly district plan or to draw a particular district.
- Prescribes the available remedies in the event that the Ohio Supreme Court determines that a General Assembly district plan adopted by the Commission does not comply with the constitutional district standards.

### **Miscellaneous**

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

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## 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:<sup>i</sup>

- The Governor;
- The Auditor of State;
- The Secretary of State;
- 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;
- One person appointed by the Minority Leader of the Senate.

The legislative leaders in the Senate and the House of each of the two largest political parties represented in the General Assembly, acting jointly by political party, must appoint one member of the Commission to serve as a co-chairperson.

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 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.<sup>ii</sup>

#### 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 Commission must draw new districts following the expiration of a plan adopted under the proposal's



impasse procedure (see "**Method of selecting 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 one, 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 Commission to set a schedule for the adoption of procedural rules for the operation of the Commission.

Under the resolution, a simple majority of the Commission generally is required for any organizational action by the Commission. A majority vote 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, is required to adopt rules of the Commission, to hire staff for the Commission, or to expend funds. However, if the Commission is unable to agree by that vote on the manner in which funds should be expended, each co-chairperson of the Commission has the authority to expend ½ of the funds that have been appropriated to the Commission. Finally, a specified bipartisan vote generally is required to adopt a district plan (see "**Method of selecting a district plan**," below).

The Commission must release a proposed district plan to the public. The proposed plan must be drafted according to the constitutional requirements. After introducing a General Assembly district plan but before adopting a final plan, the Commission must conduct a minimum of three public hearings across the state to present the proposed plan and to seek public input regarding the 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.

Four weeks after the adoption of a General Assembly district plan, the Commission is automatically dissolved.

Finally, under the resolution, the General Assembly must make the appropriations it determines are necessary in order for the Commission to perform its duties.<sup>iii</sup>

### **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 two members of the Commission who represent each of the two largest political parties represented in the General Assembly. A member of the Commission is considered to represent a political party if



the member was appointed to the Commission by a member of that party or if, in the case of the Governor, the Auditor, or the Secretary of State, the person is a member of that party.

The Commission must adopt a final General Assembly district plan not later than September 1 of a year ending in the numeral one. The plan becomes effective upon filing with the Secretary of State, which the Commission must do promptly.<sup>iv</sup>

If the Commission fails to adopt a final district plan by that deadline, the Commission must introduce a district plan by a simple majority vote of the Commission. Then, the Commission must hold a public hearing concerning the introduced plan. Members of the Commission should attend the hearing; however, only a quorum of the members of the Commission is required to conduct the hearing. At the hearing, the public may offer testimony, and the Commission may adopt amendments to the introduced plan.

After that hearing is held, and not later than September 15 of that year, the Commission must adopt a final district plan, either by the bipartisan vote described above or by a simple majority vote. If the Commission adopts a plan by that bipartisan vote, the plan remains effective until the next year ending in the numeral one, unless a court convenes the Commission to redraw judicially invalidated districts.

If the Commission adopts a plan by a simple majority vote, the plan remains effective until two general elections for the House of Representatives have occurred under the plan. However, if, before a year ending in the numeral one, the Commission adopts another plan by a simple majority vote to replace a plan adopted under the impasse procedure, the newly adopted plan remains effective until a year ending in the numeral one, unless the Commission is reconstituted and convened by a court to draw judicially invalidated districts.

A plan adopted by a simple majority vote must include a statement explaining what the Commission determined to be the statewide preferences of the voters of Ohio and the manner in which 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 corresponds closely to those preferences, as described in the procedure for drawing districts (see "**District standards**," below). At the time the plan is adopted, a member of the Commission who does not vote in favor of the plan may submit a declaration of the member's opinion concerning that statement.

When a plan adopted by a simple majority vote ceases to be effective before a year ending in the numeral one, not earlier than July 1 of the year following the year in which the plan ceased to be effective, the Commission must be reconstituted, convene,



and adopt a new General Assembly district plan. The Commission must draw the new plan using the same population and political subdivision boundary data as were used to draw the previous plan.<sup>v</sup>

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.<sup>vi</sup>

### District standards

The table below compares the Ohio Constitution's current requirements for drawing General Assembly districts with the requirements proposed by the resolution.

Topic	Article XI, Ohio Constitution	Am. Sub. H.J.R. 12
<b>District population requirements</b>	<p>Permits the General Assembly to designate a method for determining the population of the state for purposes of calculating the ratios of representation in the General Assembly, if the federal decennial census is unavailable.</p> <p>Requires the population of each House of Representatives district to be substantially equal to the ratio of representation in the House of Representatives, and generally prohibits a House of Representatives district from containing a population of less than 95% nor more than 105% of the ratio of representation.</p> <p>Specifies that a reasonable effort must be made to draw a county that has between 90% and 95% or 105% and 110% of the ratio of representation in the House of Representatives as a single district.<sup>vii</sup></p> <p>Requires the population of each Senate district to be substantially equal to the ratio of representation in the Senate, and prohibits any Senate district from containing a population of less than 95% nor more than 105% of the ratio of representation.<sup>viii</sup></p>	<p>Same as the current Constitution, but eliminates the option to draw a county that has a population of between 90% and 95% or 105% and 110% of the ratio of representation in the House of Representatives as a single district.<sup>x</sup></p>



Topic	Article XI, Ohio Constitution	Am. Sub. H.J.R. 12
	Specifies that each House of Representatives district is entitled to a single representative in each General Assembly and that each Senate district is entitled to a single senator in each General Assembly. <sup>ix</sup>	
<b>Legal requirements for districts</b>	No provision.	Requires any plan adopted by the Commission to comply with all applicable provisions of the constitutions of Ohio and the United States and of federal law. <sup>xi</sup>
<b>General requirements for House districts</b>	Requires every House of Representatives district to be compact and composed of contiguous territory, and the boundary of each district to be a single nonintersecting continuous line. <sup>xii</sup>	Requires every House of Representatives district to be composed of contiguous territory, and the boundary of each district to be a single nonintersecting continuous line. <sup>xiii</sup>
<b>Procedure for drawing House districts</b>	<p>Specifies that, to the extent consistent with population requirements, the boundary lines of districts must be so drawn so as to delineate an area containing one or more whole counties.</p> <p>Specifies that, where population requirements cannot feasibly be attained by forming a district from a whole county or counties, the district must be formed by combining the areas of governmental units giving preference, in the order named, to counties, townships, municipalities, and city wards.</p> <p>Specifies that, where governmental units must be divided to meet population requirements, only one such unit may be divided between two districts, giving preference in the selection of a unit for division to a township, a city ward, a city, and a village in the order named.<sup>xiv</sup></p> <p>Requires a county having at least one House of Representatives ratio of</p>	<p>Requires House of Representatives districts to be created and numbered in the following order of priority, to the extent that such order is consistent with the foregoing standards.<sup>xix</sup></p> <p>(1) Proceeding in succession from the largest to the smallest, each county containing population greater than 105% of the ratio of representation in the House must be divided into as many House districts as it has whole ratios of representation. Any fraction of the population in excess of a whole ratio must be a part of only one adjoining House district.</p> <p>(2) Each county containing population of not less than 95% nor more than 105% of the ratio of representation in the House must be designated a House district.</p> <p>(3) The remaining territory of the state must be divided into House districts by combining the areas of</p>



Topic	Article XI, Ohio Constitution	Am. Sub. H.J.R. 12
	<p>representation to have as many House of Representatives districts wholly within the boundaries of the county as it has whole ratios of representation, and requires any fraction of the population in excess of a whole ratio to be a part of only one adjoining House of Representatives district.<sup>xv</sup></p> <p>Requires each county containing population substantially equal to one ratio of representation in the House of Representatives, but in no event less than 95% of the ratio nor more than 105% of the ratio to be designated a representative district.<sup>xvi</sup></p> <p>Requires a reasonable effort to be made to create a House of Representatives district consisting of a whole county, when the county has a population of between 90% and 110% of the ratio of representation.<sup>xvii</sup></p> <p>Proceeding in succession from the largest to the smallest, requires each remaining county containing more than one whole ratio of representation to be divided into House of Representatives districts, with the remaining territory within such county containing a fraction of one whole ratio of representation included in one representative district by combining it with adjoining territory outside the county.<sup>xviii</sup></p>	<p>counties, municipal corporations, and townships. Where feasible, no county may be split more than once.</p> <p>Provides that in general, a county, municipal corporation, or township is considered to be split if any contiguous portion of its territory is not contained entirely within one district.</p> <p>Specifies that if a municipal corporation or township has territory in more than one county, the contiguous portion of that municipal corporation or township that lies in each county must be considered to be a separate municipal corporation or township for the purposes of drawing House districts.</p> <p>Provides that if a municipal corporation or township that is located in a county that contains a municipal corporation or township that has a population of more than one ratio of representation is split because it is not possible for the Commission to comply with all of the requirements for drawing House districts, the municipal corporation or township must be considered to be a separate municipal corporation or township for the purposes of drawing House districts.</p> <p>Requires House districts to be drawn so as to split the smallest possible number of municipal corporations and townships whose contiguous portions contain a population of more than 50%, but less than 100%, of one ratio of representation.</p> <p>Specifies that where the above requirements cannot feasibly be attained by forming a House district</p>



Topic	Article XI, Ohio Constitution	Am. Sub. H.J.R. 12
		<p>from whole municipal corporations and townships, not more than one municipal corporation or township may be split per House district.<sup>xx</sup></p> <p>Requires the Commission, if it is not possible for the Commission to comply with all of the requirements for drawing House districts in drawing a particular district, to take the first action listed below that makes it possible for the Commission to draw that district:</p> <p>(1) The Commission must create the district by splitting two municipal corporations or townships whose contiguous portions do not contain a population of more than 50%, but less than 100%, of one ratio of representation.</p> <p>(2) The Commission must create the district by splitting a municipal corporation or township whose contiguous portions contain a population of more than 50%, but less than 100%, of one ratio of representation.</p> <p>(3) The Commission must create the district by splitting, once, a single county that contains a population of not less than 95%, but not more than 105%, of the ratio of representation.</p> <p>(4) The Commission must create the district by including in two districts portions of the territory that remains after a county that contains a population of more than 105% of the ratio of representation has been divided into as many House districts as it has whole ratios of representation.</p>



Topic	Article XI, Ohio Constitution	Am. Sub. H.J.R. 12
		<p>Specifies that if the Commission takes an action listed immediately above, the Commission must include in the district plan a statement explaining which action the Commission took and the reason the Commission took that action.</p> <p>Specifies that if the Commission takes an action listed immediately above in drawing a district and includes the required statement in the district plan, the Commission must not be considered to have violated the applicable requirement for that district, for the purpose of a court's analysis.<sup>xxi</sup></p> <p>Requires the Commission to attempt to draw a General Assembly district plan that meets all of the following standards:</p> <ul style="list-style-type: none"> <li>• No district plan shall be drawn primarily to favor or disfavor a political party.</li> <li>• The statewide proportion of districts whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party must correspond closely to the statewide preferences of the voters of Ohio.</li> <li>• General Assembly districts must be compact.</li> </ul> <p>Specifies that nothing in those provisions permits the Commission to violate the other General Assembly district standards described in the resolution.<sup>xxii</sup></p>



Topic	Article XI, Ohio Constitution	Am. Sub. H.J.R. 12
<p><b>General requirements for Senate districts</b></p>	<p>Requires Senate districts to be composed of three contiguous House of Representatives districts.<sup>xxiii</sup></p>	<p>Requires Senate districts to be composed of three contiguous House of Representatives districts.<sup>xxiv</sup></p> <p>Requires every Senate district to be composed of contiguous territory, and the boundary of each district to be a single nonintersecting continuous line.<sup>xxv</sup></p>
<p><b>Procedure for drawing Senate districts</b></p>	<p>Requires a county having at least one whole Senate ratio of representation to have as many Senate districts wholly within the boundaries of the county as it has whole Senate ratios of representation, and requires any fraction of the population in excess of a whole ratio to be a part of only one adjoining Senate district.</p> <p>Specifies that counties having less than one Senate ratio of representation, but at least one House of Representatives ratio of representation, must be part of only one Senate district.<sup>xxvi</sup></p>	<p>Same as the current Constitution, but specifies that if it is not possible for the Commission to draw House districts that comply with all of the requirements of Article XI and that make it possible for the Commission to comply with those requirements, the Commission must draw Senate districts so as to commit the fewest possible violations of those requirements.</p> <p>Specifies that if the Commission complies with the above procedure in drawing Senate districts, the Commission must not be considered to have violated the applicable requirement in drawing those districts, for the purpose of a court's analysis.<sup>xxvii</sup></p>
<p><b>Senators whose terms will not expire</b></p>	<p>Specifies that, when district boundaries are changed, a senator whose term will not expire within two years of the time the plan of apportionment is made must represent, for the remainder of the term for which the senator was elected, the Senate district that contains the largest portion of the population of the district from which the senator was elected, and requires the district to be given the number of the district from which the senator was elected.</p>	<p>Generally retains the current constitutional provision for numbering a Senate district when the term of the senator who represents the district does not immediately expire.</p> <p>Requires the district plan itself to designate which senator will represent a district if more than one senator would represent that district.<sup>xxix</sup></p>



Topic	Article XI, Ohio Constitution	Am. Sub. H.J.R. 12
	Specifies that, if more than one senator whose term will not so expire would represent the same district by following these provisions, the persons responsible for apportionment, by a majority vote, must designate which senator will represent the district and designate which district the other senator or senators will represent for the balance of their term or terms. <sup>xxviii</sup>	
<b>Preservation of previous district boundaries</b>	Requires district boundaries established by the preceding apportionment to be adopted to the extent reasonably consistent with the population requirements. <sup>xxx</sup>	No provision.
<b>Political subdivision boundaries to be used</b>	Notwithstanding the fact that the boundaries of political subdivisions within a district may be changed, requires the Commission to create district boundaries by using the boundaries of political subdivisions as they exist at the time of the federal decennial census on which the redistricting is based, or if the census is unavailable, on a basis the General Assembly specifies. <sup>xxxi</sup>	Same as the current Constitution. <sup>xxxii</sup>

## Legal challenges

Under the resolution, if any section of the Constitution relating to redistricting, any General Assembly district plan, or any district is determined to be invalid by an unappealed final order of a court of competent jurisdiction, then the Commission must be reconstituted and convene 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. And, the resolution prohibits a court from ordering the Commission to adopt a particular General Assembly district plan or to draw a particular district.



The resolution also prescribes the available remedies in the event that the Ohio Supreme Court determines that a General Assembly district plan adopted by the Commission does not comply with the constitutional district standards, other than the standards concerning political parties, party preferences, and compactness.

First, if the Court determines that a district plan contains one or more isolated violations of those standards, the court must order the Commission to amend the plan to correct the violations.

Further, the proposal specifies that if the court finds that it is necessary to amend not fewer than six House 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 must declare the plan invalid and order the Commission to adopt a new plan.

Third, if, in considering a district plan adopted by a simple majority of the Commission under the proposal's impasse procedure (see "**Method of selecting district plans**," above), the Court determines that both of the following are true, the Court must order the Commission to adopt a new district plan:<sup>xxxiii</sup>

- The plan significantly violates those standards 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 the procedure for drawing districts (see "**District standards**," above).
- 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.

The resolution relocates but otherwise 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. Relocated but otherwise 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.<sup>xxxiv</sup>

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.<sup>xxxv</sup>



## Miscellaneous

The resolution repeals the current constitutional provision that describes the district plans that were in effect until January 1, 1973.<sup>xxxvi</sup>

### 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.

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## HISTORY

ACTION	DATE
Introduced	11-13-14
Reported, H. Policy & Legislative Oversight	12-04-14
Adopted House (80-4)	12-04-14
Reported, S. Rules	12-11-14
Adopted Senate (28-1)	12-11-14
House concurred in Senate amendments (82-8)	12-17-14
House concurred in Senate amendments upon reconsideration (81-7)	12-17-14

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<sup>i</sup> Ohio Const. Art. XI, Sec. 1(A).

<sup>ii</sup> Ohio Const. Art. XI, Sec. 1(A).

<sup>iii</sup> Ohio Const. Art. XI, Sec. 1.

<sup>iv</sup> Ohio Const. Art. XI, Sec. 1.

<sup>v</sup> Ohio Const. Art. XI, Sec. 8.

<sup>vi</sup> Ohio Const. Art. XI, Sec. 1.

<sup>vii</sup> Ohio Const. Art. XI, Sec. 3 and 9.

<sup>viii</sup> Ohio Const. Art. XI, Sec. 4.

<sup>ix</sup> Ohio Const. Art. XI, Sec. 5.

<sup>x</sup> Ohio Const. Art. XI, Sec. 3(A) and (B).

<sup>xi</sup> Ohio Const. Art. XI, Sec. 3(B).

<sup>xii</sup> Ohio Const. Art. XI, Sec. 7.

<sup>xiii</sup> Ohio Const. Art. XI, Sec. 3(B).

<sup>xiv</sup> Ohio Const. Art. XI, Sec. 7.

<sup>xv</sup> Ohio Const. Art. XI, Sec. 8.

<sup>xvi</sup> Ohio Const. Art. XI, Sec. 10.

<sup>xvii</sup> Ohio Const. Art. XI, Sec. 9.

<sup>xviii</sup> Ohio Const. Art. XI, Sec. 10.

<sup>xix</sup> Ohio Const. Art. XI, Sec. 3(C).

<sup>xx</sup> Ohio Const. Art. XI, Sec. 3(D).



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- xxi Ohio Const. Art. XI, Sec. 3(E).
  - xxii Ohio Const. Art. XI, Sec. 6.
  - xxiii Ohio Const. Art. XI, Sec. 11.
  - xxiv Ohio Const. Art. XI, Sec. 4.
  - xxv Ohio Const. Art. XI, Sec. 3.
  - xxvi Ohio Const. Art. XI, Sec. 11.
  - xxvii Ohio Const. Art. XI, Sec. 4(B)(3).
  - xxviii Ohio Const. Art. XI, Sec. 12.
  - xxix Ohio Const. Art. XI, Sec. 5.
  - xxx Ohio Const. Art. XI, Sec. 7.
  - xxxi Ohio Const. Art. XI, Sec. 6.
  - xxxii Ohio Const. Art. XI, Sec. 7.
  - xxxiii Ohio Const. Art. XI, Sec. 9.
  - xxxiv Ohio Const. Art. XI, Secs. 9 and 10. (Relocated from Secs. 13 and 15.)
  - xxxv Ohio Const. Art. XI, Sec. 14.
  - xxxvi Repeal of existing Ohio Const. Art. XI, Sec. 14.



# Greenbook

## LBO Analysis of Enacted Budget

### Legislative Service Commission

Edward M. Millane, Fiscal Supervisor  
July 2021

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Attachment:

Appropriation Spreadsheet

# LBO Greenbook

## Legislative Service Commission

### Quick look...

- The Legislative Service Commission (LSC) is a nonpartisan agency providing drafting, fiscal, research, training, and other technical services to the General Assembly.
- LSC’s governing authority consists of 14 members of the General Assembly, including the President of the Senate and the Speaker of the House of Representatives.
  - The President and Speaker each appoint six additional members, with no more than four of the appointed members from each chamber belonging to the same political party.
- The day-to-day operation of LSC is the responsibility of a director who is appointed by the governing authority. LSC staff includes budget analysts and economists within the Legislative Budget Office (LBO), attorneys and research analysts within the Office of Research and Drafting (ORD), and support personnel.
- Nearly 100% of the funding for the LSC budget comes from the General Revenue Fund (GRF).
- The LSC budget contains two appropriation items that provide funding for two additional legislative agencies: Legislative Information Systems (LIS) and the Correctional Institution Inspection Committee (CIIC).

Fund Group	FY 2020 Actual	FY 2021 Actual	FY 2022 Appropriation	FY 2023 Appropriation
General Revenue	\$26,239,682	\$27,122,613	\$36,623,290	\$35,523,290
Dedicated Purpose	\$10,000	\$0	\$10,000	\$10,000
Total	\$26,249,682	\$27,122,613	\$36,633,290	\$35,533,290
% change	--	3.3%	35.1%	-3.0%
<i>GRF % change</i>	--	3.4%	35.0%	-3.0%

### Analysis of FY 2022-FY 2023 budget

#### Legislative Service Commission (ALIs 035321 and 035601)

FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Appropriation	FY 2023 Appropriation
<b>GRF ALI 035321, Operating Expenses</b>					
\$16,087,421	\$16,526,426	\$16,934,342	\$16,742,138	\$21,362,380	\$21,362,380
% change	2.7%	2.5%	-1.1%	27.6%	0.0%
<b>Fund 4100 ALI 035601, Sale of Publications</b>					
\$5,973	\$10,000	\$10,000	\$0	\$10,000	\$10,000
% change	67.4%	0.0%	-100.0%	N/A	0.0%

LSC operations are primarily funded by GRF line item 035321, Operating Expenses. The budget authorizes the Director of LSC to certify to the Director of Budget and Management (OBM) an amount up to the unexpended, unencumbered balance of item 035321 at the end of FY 2021 and FY 2022 to be reappropriated to FY 2022 and FY 2023, respectively, and reappropriates those amounts.

The budget codifies the existing practice that in even-numbered general assemblies the Senate President serves as chairperson of LSC and the Speaker of the House of Representatives serves as vice chairperson, and in odd-numbered general assemblies the Speaker of the House serves as chairperson and the Senate President serves as vice chairperson. It also eliminates a requirement that LSC meet at least quarterly.

Proceeds from the sale of documents produced by LSC, if any, are deposited into Fund 4100 to help support the publication of documents produced by LSC. Currently, the majority of LSC publications are published online for public access without any charge.

### Legislative Fellows (ALI 035402)

FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Appropriation	FY 2023 Appropriation
<b>GRF ALI 035402, Legislative Fellows</b>					
\$978,387	\$1,018,783	\$920,805	\$1,054,758	\$1,110,000	\$1,110,000
% change	4.1%	-9.6%	14.5%	5.2%	0.0%

This line item funds a legislative fellowship program designed to provide college graduates with practical experience in the legislative process as paid staff for the General Assembly, Ohio Government Telecommunications (OGT), or LSC. In calendar year 2021, the program supports 24 fellows, including 20 in the General Assembly, two in OGT, and two in LSC.

### Correctional Institution Inspection Committee (ALI 035405)

FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Appropriation	FY 2023 Appropriation
<b>GRF ALI 035405, Correctional Institution Inspection Committee</b>					
\$224,870	\$102,372	\$333,679	\$363,628	\$447,020	\$447,020
% change	-54.5%	225.9%	9.0%	22.9%	0.0%

This line item funds the operating costs of the Correctional Institution Inspection Committee (CIIC), which is statutorily required to inspect and evaluate Ohio's prisons and authorized to inspect and evaluate state juvenile correctional facilities. The budget authorizes the Director of LSC to certify to the Director of OBM an amount up to the unexpended, unencumbered balance of item 035405 at the end of FY 2021 and FY 2022 to be reappropriated to FY 2022 and FY 2023, respectively, and reappropriates those amounts.

## National Associations (ALI 035409)

FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Appropriation	FY 2023 Appropriation
<b>GRF ALI 035409, National Associations</b>					
\$581,073	\$18,000	\$316,000	\$600,000	\$600,000	\$600,000
% change	-96.9%	1,655.6%	89.9%	0.0%	0.0%

This line item pays dues for Ohio's membership in several national associations, including the National Conference of State Legislatures (NCSL) and the Council of State Governments (CSG). NCSL and CSG dues are determined by the two organizations using a population-based formula, while other organizations charge a flat annual amount.

## Legislative Information Services (ALI 035410)

FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Appropriation	FY 2023 Appropriation
<b>GRF ALI 035410, Legislative Information Systems</b>					
\$8,563,276	\$8,365,153	\$7,215,517	\$8,322,595	\$11,003,890	\$11,003,890
% change	-2.3%	-13.7%	15.3%	32.2%	0.0%

This line item funds the operations of the Legislative Information Systems (LIS). Originally established in 1995 through a resolution of the Legislative Service Commission, LIS serves the General Assembly and legislative agencies by providing computer network services, telephone services, development of new or improved computer applications, and computer education training services. For example, LIS is responsible for the design and support of the SOLAR (State of Ohio Legislative Application Repository). SOLAR entails everything from the initial drafting requests to LSC, through consideration and approval by both the House and Senate, to the preparation of an act for presentation to the Governor.

The day-to-day operation of LIS is the responsibility of the Director, who is appointed by the Commission. The LIS Director functions as the General Assembly's chief technical officer who acts to improve cooperation, standards conformity, and security in all General Assembly IT organizations. Including the Director, LIS employs about 30 staff members.

The budget authorizes the Director of LSC to certify to the Director of OBM an amount up to the unexpended, unencumbered balance of item 035410 at the end of FY 2021 and FY 2022 to be reappropriated to FY 2022 and FY 2023, respectively, and reappropriates those amounts.

## Legislative Task Force on Redistricting (ALI 035407), Ohio Redistricting Commission (ALI 035420), and Litigation (ALI 035501)

FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Appropriation	FY 2023 Appropriation
<b>GRF ALI 035407, Legislative Task Force on Redistricting</b>					
\$0	\$0	\$362,480	\$39,494	\$1,000,000	\$0
% change	N/A	N/A	-89.1%	2,432.0%	-100.0%
<b>GRF ALI 035420, Ohio Redistricting Commission</b>					
\$0	\$0	\$0	\$0	\$100,000	\$0
% change	N/A	N/A	N/A	N/A	-100.0%
<b>GRF ALI 035501, Litigation</b>					
\$0	\$1,769,502	\$156,859	\$0	\$1,000,000	\$1,000,000
% change	N/A	-91.1%	-100.0%	N/A	0.0%

The LSC budget group contains three other “as needed” line items: GRF line items 035407, Legislative Task Force on Redistricting, 035420, Ohio Redistricting Commission, and 035501, Litigation. Line item 035407 supports the operating costs of the Legislative Task Force on Redistricting, which provides assistance to the General Assembly and the Ohio Redistricting Commission in establishing Congressional and state General Assembly districts, respectively. New line item 035420 is to be used solely for the Ohio Redistricting Commission to perform its duties under Articles XI and XIX of the Ohio Constitution. The budget also requires that item 035420 be used exclusively for expenditures that serve a proper public purpose and be spent by the Ohio Redistricting Commission during the time period beginning on the date it first convenes, and ending on the date it dissolves. Line item 035501 is used for any lawsuit in which the General Assembly, or either house of the General Assembly, is made a party.

The budget reappropriates an amount equal to the unexpended, unencumbered portion of items 035407 and 035501 at the end of FY 2021 and FY 2022 for the same purposes in FY 2022 and FY 2023, respectively.

### Vetoed provisions

The Governor vetoed provisions that would have permitted the Speaker of the House of Representatives and the President of the Senate to intervene in any case challenging: (1) the constitutionality of a statute on behalf of the House, the Senate, or the General Assembly and (2) a General Assembly or congressional redistricting plan adopted by the Ohio Redistricting Commission on behalf of the House, the Senate, or the Commission, and to retain independent legal counsel for either action. Consequently, the Governor also vetoed a provision that would have required GRF line item 035501, Litigation, (see above) to be used, in part, for any action in which either house, or the General Assembly, would have intervened under the authority permitted by the vetoed provision described above.

# FY 2022 - FY 2023 Final Appropriations

# All Fund Groups

Line Item Detail by Agency			Appropriations			FY 2021 to FY 2022	Appropriations	FY 2022 to FY 2023
			FY 2020	FY 2021	FY 2022	% Change	FY 2023	% Change
<b>Report For: Main Operating Appropriations Bill</b>			<b>Version: As Enacted</b>					
<b>LSC</b>	<b>Legislative Service Commission</b>							
GRF	035321	Operating Expenses	\$ 16,934,342	\$ 16,742,138	\$ 21,362,380	27.60%	\$ 21,362,380	0.00%
GRF	035402	Legislative Fellows	\$ 920,805	\$ 1,054,758	\$ 1,110,000	5.24%	\$ 1,110,000	0.00%
GRF	035405	Correctional Institution Inspection Committee	\$ 333,679	\$ 363,628	\$ 447,020	22.93%	\$ 447,020	0.00%
GRF	035407	Legislative Task Force on Redistricting	\$ 362,480	\$ 39,494	\$ 1,000,000	2,432.03%	\$ 0	-100.00%
GRF	035409	National Associations	\$ 316,000	\$ 600,000	\$ 600,000	0.00%	\$ 600,000	0.00%
GRF	035410	Legislative Information Systems	\$ 7,215,517	\$ 8,322,595	\$ 11,003,890	32.22%	\$ 11,003,890	0.00%
GRF	035420	Ohio Redistricting Commission	\$ 0	\$ 0	\$ 100,000	N/A	\$ 0	-100.00%
GRF	035501	Litigation	\$ 156,859	\$ 0	\$ 1,000,000	N/A	\$ 1,000,000	0.00%
<b>General Revenue Fund Total</b>			<b>\$ 26,239,682</b>	<b>\$ 27,122,613</b>	<b>\$ 36,623,290</b>	<b>35.03%</b>	<b>\$ 35,523,290</b>	<b>-3.00%</b>
4100	035601	Sale of Publications	\$ 10,000	\$ 0	\$ 10,000	N/A	\$ 10,000	0.00%
<b>Dedicated Purpose Fund Group Total</b>			<b>\$ 10,000</b>	<b>\$ 0</b>	<b>\$ 10,000</b>	<b>N/A</b>	<b>\$ 10,000</b>	<b>0.00%</b>
<b>Legislative Service Commission Total</b>			<b>\$ 26,249,682</b>	<b>\$ 27,122,613</b>	<b>\$ 36,633,290</b>	<b>35.07%</b>	<b>\$ 35,533,290</b>	<b>-3.00%</b>



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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

**H.B. 92**  
**134<sup>th</sup> General Assembly**

## **Fiscal Note & Local Impact Statement**

[Click here for H.B. 92's Bill Analysis](#)

**Version:** As Passed by the Senate

**Primary Sponsors:** Reps. Abrams and Loychik

**Local Impact Statement Procedure Required:** No

Nicholas J. Blaine, Senior Budget Analyst, and other LSC staff

### **Highlights**

- Public children services agencies may experience an increase in costs to establish memoranda of understanding with each branch of the armed forces and to provide notification of a child abuse or neglect investigation.

### **Detailed Analysis**

#### **Child abuse and neglect reporting**

The bill requires a public children services agency (PCSA) to determine if a parent, guardian, or custodian of a child subject to a child abuse or neglect investigation is in the armed forces and, if so, to notify the appropriate authority of that armed force. While providing the notification will likely pose no more than an administrative cost, PCSAs will need to first establish memoranda of understanding (MOUs) with each military branch. According to the Public Children Services Association of Ohio, each PCSA will experience costs related to the time it takes to establish the MOU with each military authority.

#### **Redistricting map submissions**

The bill modifies the redistricting map submission process for the Ohio Redistricting Commission, which appears to have no fiscal effect. The Commission's expenses are paid through GRF appropriation item 035420, Ohio Redistricting Commission. Specifically, the bill revises the procedures pertaining to the public submission of General Assembly and Congressional district maps to the Commission. The bill specifies that these maps contain visual representations of boundaries. The bill further requires the Commission to provide access to census data on its website for public use in drawing maps for submission. The Commission currently has a method for public map submission, and provides census data access on its website.

## **Law-Related Education earmark**

The bill amends an earmark in the current budget bill, H.B. 110 of the 134<sup>th</sup> General Assembly, from the Supreme Court's GRF line item 005406, Law-Related Education, to promote information about judicial candidates by replacing the requirement that the candidates be running for Chief Justice or Justice of the Supreme Court or judge of a court of appeals and are nominated at a primary election to appear on the ballot at the general election with a political party designation with a requirement that the candidates have filed to run for a judicial office. H.B. 110 earmarks \$150,000 in FY 2022 and FY 2023 for this purpose, amounts unchanged by the bill.

The bill declares an emergency.

## Ohio Redistricting Commission - 5-4-2022

<http://ohiochannel.org/video/ohio-redistricting-commission-5-4-2022>

**Speaker Bob Cupp** [00:00:00] A meeting of the Ohio Redistricting Commission will now come to order. I would note before we get into the roll call that we have some letters of appointment in your file and I'll just make note of them for the record. One from Senator Huffman, President of the Senate, appointing Senator Robert McColley in lieu of the Senate president's service on the commission. We have a second one from myself as speaker of the House, appointing Representative Jeff LaRe in lieu of my service on the commission. We have then a two letters, one from the President of the Senate and one from the speaker of the House, designating Jeff LaRe as the one of the co-chairs of the commission. So at this point, I would call upon the governor to administer the oath.

**Gov. Mike DeWine** [00:01:09] Please raise your right hand. Repeat after me. I , state your name.

**Sen. Rob McColley** [00:01:13] I, Rob McColley.

**Rep. Jeff LaRe** [00:01:13] I, Jeff LaRe.

**Gov. Mike DeWine** [00:01:13] Do solemnly swear.

**Sen. Rob McColley & Rep. Jeff LaRe** [00:01:14] Do solemnly swear.

**Gov. Mike DeWine** [00:01:14] To support the Constitution of the United States.

**Sen. Rob McColley & Rep. Jeff LaRe** [00:01:18] To support the Constitution of the United States.

**Gov. Mike DeWine** [00:01:22] The Constitution of the State of Ohio.

**Sen. Rob McColley & Rep. Jeff LaRe** [00:01:23] The Constitution of the State of Ohio.

**Gov. Mike DeWine** [00:01:24] And to faithfully discharge the duties of the office.

**Sen. Rob McColley & Rep. Jeff LaRe** [00:01:26] And faithfully discharge the duties of the office.

**Gov. Mike DeWine** [00:01:29] As a member of the Ohio Redistricting Commission.

**Sen. Rob McColley & Rep. Jeff LaRe** [00:01:30] As a member of the Ohio Redistricting Commission.

**Gov. Mike DeWine** [00:01:31] On which I serve.

**Sen. Rob McColley & Rep. Jeff LaRe** [00:01:32] On which I serve.

**Gov. Mike DeWine** [00:01:35] Pursuant to Article 11.

**Sen. Rob McColley & Rep. Jeff LaRe** [00:01:39] Pursuant to Article 11.

**Gov. Mike DeWine** [00:01:39] Section 1 of the Ohio Constitution.

**Sen. Rob McColley & Rep. Jeff LaRe** [00:01:39] Section 1 of the Ohio Constitution.

**Gov. Mike DeWine** [00:01:39] This I shall do as I shall answer unto God.

**Sen. Rob McColley & Rep. Jeff LaRe** [00:01:39] This I shall do as I shall answer unto God.

**Gov. Mike DeWine** [00:01:50] Congratulations.

**Speaker Bob Cupp** [00:01:50] Having been duly appointed and sworn in, I would now ask Representative LaRe, co-chair, to continue with presiding over the meeting today.  
Co-Chair.

**Co-Chair Rep. Jeff LaRe** [00:02:35] Will the staff please call the roll.

**Speaker 6** [00:02:38] Co-Chair, LaRe.

**Co-Chair Rep. Jeff LaRe** [00:02:40] Here.

**Staff** [00:02:41] Co-Chair Sykes.

**Co-Chair Sen. Vernon Sykes** [00:02:43] Here.

**Staff** [00:02:44] Governor DeWine.

**Gov. Mike DeWine** [00:02:46] Here.

**Staff** [00:02:46] Auditor Faber.

**Auditor Keith Faber** [00:02:46] Present.

**Staff** [00:02:46] Secretary LaRose.

**Secretary of State Frank LaRose** [00:02:48] Here.

**Staff** [00:02:48] Senator McColley.

**Sen. Rob McColley** [00:02:51] Here.

**Staff** [00:02:51] Leader Russo.

**House Minority Leader Allison Russo** [00:02:51] Here.

**Co-Chair Rep. Jeff LaRe** [00:02:55] With a quorum present will meet as a full committee. Members can find the minutes from the last meeting on March 28th in their folders. Do I have a motion to accept the minutes?

**Co-Chair Sen. Vernon Sykes** [00:03:04] So moved.

**Co-Chair Rep. Jeff LaRe** [00:03:06] Are there any objection or amendments to the minutes? Hearing none. The minutes are accepted. At this time, we'll move the discussion

to the allocation of funds to further work, for the further work of the Commission.  
Representative Russo.

**House Minority Leader Allison Russo** [00:03:24] Thank you. Thank you. Co-Chair. Welcome to this illustrious committee. We are glad to have you here. I make a motion to adopt a resolution asking the legislative task force to approve the funds requested by the Democratic commissioners, specifically the allocation of funds that I have requested specifically. Specifically, I move that the Commission or I urge or specifically request of the Commission urge the Legislative Task Force on redistricting, of which I am co-chair, to approve funding for the caucuses so that the Democratic members of the Commission have the resources and professional expertise needed to perform their constitutional duties. As a reminder, we rely on a consultant to be able to help us with the mapmaking process. We also have a licensure software licensure as well as the licensure or the software support that need to be renewed. The last allocation of which we have not spent all of the allocation, but it expired on March 4th. So we do need to at least extend that so that we can continue to have the support that we need to continue with this process. And I would hope that this commission would be supportive of all of our members having the resources necessary to do our constitutional duties.

**Co-Chair Sen. Vernon Sykes** [00:04:59] I second the motion.

**Co-Chair Rep. Jeff LaRe** [00:05:03] Representative McColley or Senator McColley.

**Sen. Rob McColley** [00:05:06] Thank you, Chairman. Those of you who are on the commission probably know that Leader Russo is one of the co-chairs of the Legislative Task Force on Redistricting, and I am the other co-chair. I did receive a letter from Leader Russo regarding her funding request, and I believe all of you have also received a letter that was drafted by Speaker Cupp subsequent to to that request, and I sent a letter back to her that I believe you also have all received as well, detailing some concerns that we have with some of the spending out of the allocations that have been made to the Democratic Caucus. And I really am just looking for an explanation, primarily just in our effort to exercise due diligence and transparency with some of these expenditures. And so primarily just from following this process, I think anybody would understand that Mr. Glassburn has been the Democrat map maker since the beginning of this process, or at least the primary Democrat map maker. And in reviewing some of the expenditures, it has an interesting pattern of payments being made that from first glance can't really be explained very well. It appears there were payments made September through December of what appears to be his his normal monthly retainer, his normal monthly fee of anywhere from \$13,000 to \$16,000. And then there were two payments in the month of February, and then a month later, in the month of March, that totaled \$58,500 and \$55,000. And the March payment was actually accompanied by a payment that seemed to be customary with what the monthly fees would appear to be, that being \$14,000 for a total of \$182,500 being spent. The Speaker had mentioned that in our duty to to exercise discretion over these funds, that it may not be a bad idea to to inquire as to the irregularity of those two payments that seem out of the ordinary course of business, and then to inquire as well about additional payments that were made totaling \$119,000 from August 20, August 20th, two payments made on October 20th and a payment made on December 2nd to Haystack DNA, which is a company out of Washington, D.C., that, best I can tell, focuses primarily on data analysis for political issue messaging, messaging and fundraising, and has had some involvement with redistricting efforts across the state, those payments totaling \$119,000. And so trying to get a little bit of an explanation what those what those funding numbers were, what that money went for, don't really have an issue with the monthly, what

appears to be the monthly payments to Mr. Glassburn. But primarily it's those two payments that seem to be out of the ordinary that I'm a little bit curious about.

**Co-Chair Rep. Jeff LaRe** [00:08:21] Representative Russo.

**House Minority Leader Allison Russo** [00:08:22] Thank you, co-chair. Thank you, Senator. Happy to answer some of those questions. So first, just to level set everyone, the Democratic caucus, we have been allocated a total of \$500,000 since this process began, of which we have spent \$354,000. Again, you know, we had originally requested that that allocation expire later than the date that I believe was changed by Senator McColley's office in some of our back and forth. And it was changed to expire on March 4th. So in total, the money that we originally allocated and approved has not been spent. In fact, we've got about \$145,000 left. I will also remind folks that the Democratic caucus and the money that we are spending to support our work on this commission goes through the task force. Unlike some of our other colleagues on the commission, where some of the consulting fees, for example, for outside mapmakers actually comes through some of the legal expenses. And that, of course, we can't get into detail. And I think there's been about \$600,000 of ours spent there, but we haven't been able to get details about how that has broken out. Also, as a reminder, we do not, at least for the House Democratic Caucus because of we have limited staff and limited payment to our staff. We are not able to reassign staff to this task and compensate them accordingly. So we have to go to these outside consultants. But specifically, your questions about Mr. Glassburn. As a reminder, Mr. Glassburn, at the beginning of this process, was only in contract with the Senate Democrats, not with the Senate House, the Senate or sorry, the House Democrats, the House Democrats. Originally, we had a consulting contract with Haystack. They were the mapmaker. This is before I came on the commission. Their work stopped, I believe, in December. So we did not have any other relationship with them, contract relationship with them after December. And that was before my time coming on the task force beginning in January when I transitioned onto the task force. We also thought that it was more efficient to have Mr. Glassburn working for both of the caucuses, and as a result, his contract amount was higher to reflect that. So the amounts that you see in February and March, and by the way, he had a contract amount that was approved, a total contract amount that was approved by the task force and the invoicing goes through LSC, which both the Senate president and the speaker chair that and go back and forth chairing that. So he submitted those invoices as he was legally required to do. There were no questions raised about the invoices, and they were paid. In the months of February and March. The invoices submitted, I will remind you, not only was he working for two caucuses at the time and two commissioners, but we had three court decisions that came about during that time period. So we were working on both two sets of state legislative maps, as well as an additional set of a congressional map, which is very different certainly than some of the previous months when he was consulting. So he simply invoiced. Again, his contract was a set amount that we gave to him and it was just simply a matter of how he broke up the invoicing that he did for those two months. But I will remind you, he was also doing not only working for two different commissioners, but also working during three different decisions as opposed to in the fall. That was only one decision or actually that was pretty decision about two different maps.

**Co-Chair Rep. Jeff LaRe** [00:12:24] Senator McColley.

**Sen. Rob McColley** [00:12:26] Thank you, Chairman. Thank you for the explanation, Leader Russo. To be clear for everybody, the individual invoices are not necessarily approved by the co-chairs of the task force. Generally, there's a lump sum that's been

allocated to the to each of the individual caucuses, and then it's within their discretion to approve the invoices individually. So these invoices would have been approved to have been paid by the Democrat co-chair of the task force. And I guess I understand, I guess, some of the reasoning behind that. However, it still doesn't, I guess, justify the the enormous departure from what would have been the ordinary and customary order of business with Mr. Glassburn to go from 16,000 in September, 13,000 for October, presumably 13,000 for November, 13,000 for December. And then all of a sudden, February and March, \$58,500 and \$55,000, then to return back to 14,000, despite the fact that, as you had said, he was working for two caucuses now. And I guess that's that was part of the reason why I requested in my return letter to you that there be an accounting of whatever costs were presented to justify that large departure in the order that would have, I think, raised many anybody's eyebrows if they were being objective when they looked at the pattern of payments.

**House Minority Leader Allison Russo** [00:14:07] Sure. So, you know, again, this is what mapmakers cost. And, you know, I appreciate us wanting to be good stewards of the taxpayer dollars, but this invoice, as required coming through the legislative task force, redistricting task force was submitted number one, the contract was approved. It was submitted through LSC. If there were any concerns about the contract, they can raise that. We allocated the dollars. You know, if I would love to have a full accounting, frankly, of what the Republican commissioners have spent on mapmakers, because we can't see those dollars. [applause] They come through.

**Co-Chair Rep. Jeff LaRe** [00:14:52] Let's maintain decorum, please.

**House Minority Leader Allison Russo** [00:14:54] Those come through legal fees that we don't have a detailed accounting of. So if you know, we're going to go back and forth again, if this is part of us not having the resources to be able to complete our constitutional duty, and this is going to be, you know, the games that we're going to play with us, then I would ask that we have the same level of scrutiny and detail of what has been spent on outside consulting mapmakers from other commissioners. Again, you know, there has been nothing raised about the contract. Mr. Glassburn was working for two commissioners under three decisions during this time period. Everyone who was up here, including staff, knows that there was an enormous amount of time and hours spent, particularly during the month of February, end of January, February and beginning of March. Given the number of decisions and the number of rounds of mapmaking that we were undergoing during that time.

**Co-Chair Rep. Jeff LaRe** [00:15:58] Senator McColley.

**Sen. Rob McColley** [00:16:00] I guess to start there, all of our mapmakers are employees of our caucus, so there was no additional money spent on them. So it's still, in my mind, doesn't get to the crux of the issue. The fact remains that. Looking at these payments, it's easy to see that his ordinary monthly retainer or fee, if you will, is anywhere from \$13,000 to \$16,000. And all of a sudden, in February, that quadrupled and then remained high for the for the first payment of the month of March. And then he was given another payment during the month of March of \$14,000. And so I realize there may have been a lot of work, and I'm not disputing that Mr. Glassburn has put an awful lot of hours into into this process. And, in fact, I don't have any dispute with his normal monthly retainer or fees or however the contract is structured. I've never seen the contract. And so the question remains, what is the justification for \$58,500, which is more than each of the previous four payments made to him combined that was paid to him in the month of February and then an

additional payment of \$55,000 one month later. So in the course of two months, just during February and March, there were payments made to him of \$127,000. You count both March payments.

**House Minority Leader Allison Russo** [00:17:33] So.

**Co-Chair Rep. Jeff LaRe** [00:17:34] Leader Russo.

**House Minority Leader Allison Russo** [00:17:35] Yes. Thank you, Senator. As a reminder, these are not monthly expenses. He has a set contract amount and the allocation was set to expire on March 4th. So it's not as if he could continue to do the \$13,000 every month if he was going to submit the invoice for the work. Essentially, he had to do it from January to March 4th because that's when the allocation expired. I also want to go back and just correct that you only use staff mapmakers. We know through public records request that in fact, Mr. Clark Benson, who's a DC mapping consultant, was paid through outside counsel. Nelson Mullins, We know that John Morgan, who is also a DC mapping consultant, was paid through outside counsel. Now Nelson Mullins. So this assertion that only Democrats on this commission are using outside mapmakers is just frankly incorrect. Also, I will say that again, the staff and the the Republican commissioners staff mapmaking staff who have been assigned to work on this were also given significant raises prior to this process totaling \$80,000. That same payment adjustment was not afforded to my staff. And so, you know, at the end of the day, frankly, looking at Mr. Glassburns, billings, that seems like a deal to me. And that is, you know, especially when we consider the \$9 million that's already been allocated for a primary that was conducted yesterday, that was confusing. And the \$25 million on top of that to conduct a second primary because this commission has not done its job. So if we want to start talking about-- [applause]

**Co-Chair Rep. Jeff LaRe** [00:19:18] Folks, please. Maintain decorum.

**House Minority Leader Allison Russo** [00:19:20] prudent use of taxpayer dollars, I think we're focusing on the wrong thing.

**Co-Chair Rep. Jeff LaRe** [00:19:33] Senator McColley.

**Sen. Rob McColley** [00:19:34] Thank you. Well, it's it's to me, I think we're, it's right for us to focus on this. And I think you admitted that even even earlier when we appreciate the the oversight we were trying to exercise over this, I just don't see and I've not heard in your explanation why something would quadruple and then stay quadrupled for yet another month. And keep in mind another thing. You keep bringing up these outside consultants. None of them participated in the map drawing process. Those people were were hired, I believe, by our lawyers. Right. Potentially to aid them. And in the litigation, they were not participating in map drawing at any point in time. And I think the record also proves that to be clear.

**Co-Chair Rep. Jeff LaRe** [00:20:23] Representative Russo.

**Co-Chair Rep. Jeff LaRe** [00:20:24] I believe those attorneys were advising members of this commission outside of the litigation, throughout the mapmaking process. Again, you know, you say I'm not explaining the invoiced amounts. I did explain the invoicing amounts. He was under contract to provide these services from January to March 4th and he simply invoiced over that time period his total contract amount totaling \$127,000 and

\$127,500. Again, these are not monthly fees. He had a set contract amount that was approved, approved by LSC, approved by us, and he simply invoiced over the period of time before the allocation expired, which was on March 4th. We had actually originally requested that it expire in mid-April, and I believe your office changed the date on that. So that is why we've got the the invoicing amounts over that compressed period of time. He just had a shorter period of time to submit invoices, but also his work was entirely justified. He was here doing the work and advising two different commissioners and working through three different decisions at the time.

**Co-Chair Rep. Jeff LaRe** [00:21:39] Senator McColley.

**Sen. Rob McColley** [00:21:40] Mr. Chairman, thank you. Um, haystack DNA. And I think I might know the answer to this, but can you, can you explain a little bit what their involvement was and the four payments made to them from August to December of last year totaling \$119,000?

**House Minority Leader Allison Russo** [00:21:59] Sure. So, Haystack. Again, this preceded my time on this commission. They were contracted with the House Democrats specifically and as mapmaking consultants and to develop maps for us to do the work here on the commission. And they had a set contract amount as well and invoiced over the period of time that they were under contract with us. That contract had ended before I came on this commission and before I was on the task force. But the decision was made and I will take full responsibility for this. At the beginning of January, when I assumed the position on this commission that I thought that their services were no longer needed by our caucus, and it was more efficient to have Mr. Glassburn.

**Co-Chair Rep. Jeff LaRe** [00:22:50] Senator McCauley.

**Sen. Rob McColley** [00:22:52] Did did haystack DNA ever actually develop any maps that were presented to the commission or or otherwise?

**House Minority Leader Allison Russo** [00:23:00] My understanding is that they developed draft maps for us to consider and for commission. My predecessor to consider to present to this commission is my understanding.

**Co-Chair Rep. Jeff LaRe** [00:23:17] Mr. Chairman.

**House Minority Leader Allison Russo** [00:23:18] Senator McColley.

**Co-Chair Rep. Jeff LaRe** [00:23:18] Did. Well, what was the reason you decided to eliminate their contract?

**House Minority Leader Allison Russo** [00:23:27] Well, first of all, I'm not being deposed, but primarily purpose, frankly, my decisions, Mr. Glassburn, I think as a as a much better consultant and had more knowledge about the maps. And I thought it was more efficient.

**House Minority Leader Allison Russo** [00:23:42] Senator McColley.

**Co-Chair Rep. Jeff LaRe** [00:23:43] Okay. I was just curious because. Thank you, Mr. Chairman. I was just curious because it's it's my understanding that Mr. Glassburn held the same opinion you did, given that in his in his deposition, he said Haystack had very limited value towards any of the final products that were fairness to the commission. So, I mean,

I'd open it up to discussion. I also pointed out in this this the response letter to Leader Russo that I think before we allocated more money and before we we went down that path, that I wished that the Commission would express its wishes regarding its next steps and what we should be doing. And in the in the in the funding allocations, given that this is solely within the Commission at this point, and I would like to be deferential to what's going to happen in that regard.

**House Minority Leader Allison Russo** [00:24:38] Further discussion. Just for clarification on your motion, are you? Asking the task force for a reduced amount from the 200,000?

**House Minority Leader Allison Russo** [00:24:53] Certainly that is up to up to discussion commission. I would just like this commission, the support of this commission for us to have allocation of funds to our caucus so that we can conduct our work as commissioners and perform our constitutional duties, which is to produce a map that is constitutionally compliant and meets the requirements of the court order that we are currently under. That I will remind everyone on this commission has a deadline of Friday at 9:00, and here we are, less than 48 hours before arguing over this when this should have been done two or two weeks ago.

**Co-Chair Rep. Jeff LaRe** [00:25:38] Any further discussion? All right. Senator Sykes.

**Co-Chair Sen. Vernon Sykes** [00:25:54] Mr. Co-Chair, ladies and gentlemen, an explanation was asked for, and I think Leader Russo has provided a detailed explanation historically and budgetary wise. And the question still remains before us making sure that we allocate resources so that we all can participate in map drawing process. And I would hope that you would all consider that.

**Co-Chair Rep. Jeff LaRe** [00:26:27] Thank you, Senator. Just for clarification for the record. Representative Russo, would you mind repeating your motion?

**House Minority Leader Allison Russo** [00:26:34] Yes. Thank you, Mr. Co-Chair. So I move that the commission passed a resolution urging the legislative task force on redistricting to approve funding for the caucuses so that Democratic members of the Commission have the resources and professional expertise needed to perform their constitutional duties.

**Co-Chair Rep. Jeff LaRe** [00:26:52] Senator McColley.

**House Minority Leader Allison Russo** [00:26:53] Um, just somewhat of a point of order. I don't know that a resolution is necessary given that the decision is is up to Leader Russo and I being that we're both here. If the commission generally indicates that they're in favor of authorizing this for the continued expenditures, we can execute this today. So that's, I think, mainly what we're asking for. I don't know that we need an official vote. And so if there's no objection, we can we can do that.

**House Minority Leader Allison Russo** [00:27:25] Mr. Co-chair.

**Co-Chair Rep. Jeff LaRe** [00:27:27] Representative Russo.

**House Minority Leader Allison Russo** [00:27:27] So maybe if I'm hearing the senator correctly that you were expressing approval for the allocation, and we can expect that to come in short order.

**Sen. Rob McColley** [00:27:43] Yes. I mean, mainly in the letter. I wasn't expecting it. Sorry, Mr. Chairman. In the letter I wasn't expecting to have to bring it before the commission and talk about all of this. I was asking for some of these receipts in accounting in the letter I sent to you. But here we are having this conversation nonetheless. And so if the commission feels it appropriate, then we will we will sign that letter today. That's what I'm saying.

**Co-Chair Rep. Jeff LaRe** [00:28:13] Representative Russo.

**House Minority Leader Allison Russo** [00:28:14] Yes, just to clarify, I don't know if we need a vote, but for the commission on this resolution, I'm happy and I'm happy to withdraw the motion. But I also don't hear objections from any other members of the commission.

**Co-Chair Rep. Jeff LaRe** [00:28:32] Please.

**Sen. Rob McColley** [00:28:33] Mr. Chairman, I would say at some point in the future, we should be and I am find opening up the Republican caucus books. I mean, frankly, all of this is a public record at this point anyway. And so I am find opening up the the Republican caucus books, there's nothing in there that I, I think would be any surprise to anybody. And so what I would like to see, regardless of whether we approve this today, is still documentations and contracts and and things of that nature in the actual invoices. And maybe I can get that from LSC as to how this was actually structured because while while we were going to approve this, the payments still to me without reviewing that contract still seem highly irregular. And so, I mean, it could be something that we look into further down the road regardless of whether we allocate this future payment.

**Co-Chair Rep. Jeff LaRe** [00:29:31] Hearing no objection. Do you want to withdraw your motion?

**House Minority Leader Allison Russo** [00:29:36] Thank you, Mr. Co-chair. If there is no objection and we can expect the approval today in short order, then yes, I'm fine to withdraw this motion.

**House Minority Leader Allison Russo** [00:29:59] Okay. So at this time, we'll move the discussion. Regarding independent mapmaker drawers. Senator Sykes.

**Co-Chair Sen. Vernon Sykes** [00:30:09] Thank you, Mr. Chairman. I would move that the commission engage the independent map draws to perform a review of their previous work product, making necessary changes to and entertaining suggested amendments by the commissioners.

**Co-Chair Rep. Jeff LaRe** [00:30:27] Discussion.

**House Minority Leader Allison Russo** [00:30:30] Second.

**Co-Chair Rep. Jeff LaRe** [00:30:31] Senator McColley.

**Sen. Rob McColley** [00:30:33] If I might make.

**Co-Chair Rep. Jeff LaRe** [00:30:35] Well, don't know yet.

**Co-Chair Sen. Vernon Sykes** [00:30:38] Thank you. The co-chair of this commission and the people of the state have really invested a lot of work in and funds in the work product of the independent map drawers. In our last meeting, we were very close to having it conclude and being resolved to a position to be more productive for the for the Commission. And I'm hopeful that we can keep that investment and move forward from the from the actions and the map drawing that's already taken place by the independent map drawers. Thank you.

**Co-Chair Rep. Jeff LaRe** [00:31:22] Senator McColley.

**Sen. Rob McColley** [00:31:25] Thank you, Mr. Co-Chair. Having observed this this process, and I'm sure like many of the people in the room watching way more of the livestream than than I probably should have and way more live stream than my wife preferred that I would have watched. Several things became apparent to me. Number one is that while Drs. Johnson and McDonald put in a lot of hours and a good effort, one thing that became apparent to me is that we have people already at our disposal who are eminently qualified to conduct the business of the commission and to draw the maps of the Commission as the Commission sees fit while still being in compliance with the Supreme Court order. Let's not forget, in the most recent Supreme Court order, it reiterated the fact that it was a suggestion, not a requirement, and even stated that specifically that it could not require us to engage independent mapmakers. I personally, with as much scrutiny as he may have been under throughout this process or any of these mapmakers may have been under throughout this process, I think they are the most qualified in the entire country to be drawing these maps. And so I would oppose a motion to engage the independent mapmakers again going forward.

**Co-Chair Rep. Jeff LaRe** [00:32:56] Further discussion. Governor DeWine.

**Gov. Mike DeWine** [00:33:00] Chairman. Thank you. To try to put this in proper context. I think it would be good to hear from the Secretary of State in regard to the practical realities that we are facing. We all have seen his letter, but I would like for him to explain what's doable and what is not doable from his perspective because. The practicality of this is very important. I think before making any decision about independent mapmakers or anything else, I think we have to understand exactly where where we are at this point. So if the chair would be willing to do that and if the secretary would be willing to do that, I think this would be an appropriate, appropriate time.

**Co-Chair Rep. Jeff LaRe** [00:33:52] Secretary.

**Secretary of State Frank LaRose** [00:33:53] Yeah, happy to. And thanks. Co-Chair Thanks, Governor. I mean, the fact is, yesterday, Ohio's elections officials were able to accomplish something that's nothing short of miraculous. And it's because of the grit and the patriotism and the determination of these bipartisan teams that all of our boards of elections that they did this. Yesterday's election was a successful election. Certainly from the public standpoint, in most parts of the state, it ran smoothly, but there were some real challenges and they were able to overcome those challenges again, because we build redundancies in that we look for any time, there's a single point of failure and then we put backup plans in place. Unfortunately, we had to implement those backup plans in several counties defaulting to paper poll books instead of electronic poll books and all kinds of other things that again, the general public didn't really see much. But that happened because we required them to do 100 days worth of work in 45 days. That resulted in

rushed logic and accuracy testing, which led to technological failures failures. It resulted in rushed election night reporting preparation, which caused delays. And and if we look sleepy, anybody that was involved in the election was working until about 3:00 in the morning over at the secretary of state's office and at 88 County Board of Elections because of those delays related to election night reporting. And also as a result, many of you may have noticed that we were not able to report the congressional results on a statewide basis. Those had to be done on a county by county basis. Those rushes that we had to conduct over the last few months also also resulted in trouble with ballot printing led to the need to remake some ballots. There were misprints with little timing marks and things like that that go wrong when the timing when the time is not allowed for all the testing. One of the other challenges that we have faced and will continue to face is just staff burnout. And this is not something that can just be swept aside or overlooked. I we but I, as the chief elections officer, have asked a lot of our elections officials. They are, as we speak, working on the next three and a half, four weeks to conclude that may election. The work of running an election certainly doesn't end on Election Day. They'll be working through the end of May to conclude yesterday's election. And we're having people that are saying, you know what, I don't know if I want to do this work and considering resigning. And that means that we have a loss of institutional knowledge and that kind of thing. PEO recruitment, recruiting poll workers has become challenging, although we had adequate numbers yesterday and we will have adequate numbers for an August 2nd election. But but that takes a lot as well. So, Governor, if I if I may, I'd like to go through the actual timeline that we're talking about and why. My office told the federal court that April 20th was the date that we needed finality. That was not arbitrary. For that matter, the August 2nd date, which is the really the only logical date to conduct a second primary, that is not arbitrary either. It's important to note that today is 90 days until August 2nd. Ohio's elections are normally administered on a 90 day calendar. Again, that's not by chance that that August 2nd date happens to be 90 days after today. 90 days is what it takes to prepare for and run an election in regular order to avoid some of the errors and challenges that we faced yesterday. So 90 days from today is August 2nd. The boards of elections need two weeks prior to that to program their systems with new maps. If there were to have been a new map by April 20th, they could have had it programed today so that they can begin the preparation for August 2nd while simultaneously still wrapping up the May election, which happened yesterday, backtracking from August 2nd to 90 days. It brings us to today and then two weeks back brings us to April 20th. That's why we set that date as of today. Of course, as I said, the boards are still working to conduct the May 3rd election. We have another 20 days for overseas military ballots to arrive. We have another ten days for for normal, normal absentee ballots to continue arriving. And then the official canvass and the post-election audit all still needs to be conducted over the next four weeks. So that's looking back. Looking forward, according to our 90 day election calendar, we would need to begin validating candidate if there was a new map passed, we would need to begin validating candidate petitions on May 16th. The law requires 78 days before a primary election, so that would have to happen on May 16th, of course, unless the Legislature were to pass emergency legislation to change that. Protest to those petitions would need to be filed by May 20th. That, again, is set in the law at 74 days before an election. We would need to certify the official form of the ballot by May 24th, required to be 70 days before an election. The first ballots for that August 2nd election would need to be in the mail on June 17th, folks. That's five weeks from now, just a little over five weeks from now for those overseas military ballots to start going out on June 17th. So let's say we pass a map tomorrow. Will it be challenged? I think that that's certainly a possibility, given the history of this process and all of the litigation from all of these special interest groups that like to file lawsuits about these things. So if it was challenged, there would be a week of time that the court would allow the challengers to to make their arguments. Then

the court has historically taken three weeks to consider those arguments. Three weeks from now, obviously takes us to within just a week and a half of when we'd actually have to send out overseas military ballots. So let's suppose let's just suppose for a minute that the court didn't strike it down. Let's suppose that we passed a map tomorrow and the court didn't strike it down. The two weeks then would need to be allowed for the boards to program those maps into their systems. And now that's taking us six weeks out from today. That six weeks takes us well past all of those statutory deadlines that are in the law and certainly past the beginning of sending out overseas and military ballots. This is why we said April 20th is not arbitrary. This stuff really matters and it has real results for Ohio voters and Ohio's elections officials. So let's talk about emergency legislation. Any map adopted at this point, any map, even a slight variation of another map, any new map adopted by this commission would certainly require the General Assembly to pass emergency legislation. That means bipartisan votes. That means supermajority votes to pass that emergency legislation. For me, my vote on this commission is both as a member of this commission, but also as Ohio's chief elections officer. I cannot separate those two roles. It would be irresponsible for me, as Ohio's chief elections officer, to even consider a new map unless the legislative leaders and it's unfortunate, but we don't the legislative leaders are now not part of this commission unless they could assure me that they can get that they could get that supermajority vote to pass a piece of legislation to allow us to adjust those timelines. I would need that assurance before I could even consider voting on a new map. I believe that any new map that could be adopted here, you know, must demonstrate that before we can pass any new map, we have to demonstrate that we could get that supermajority vote. So, again, revisiting this candidate filing question with 30 days of residency, that's a9c requirement in the Constitution that would be triggered by any new map as well. That brings up a whole nother set of questions. So again, unless the General Assembly is planning on calling their members into session tomorrow to pass this emergency legislation, I can't see any way that we can pass a new map. Our elections officials pulled off something miraculous last night, but I don't want to ask them to do that again. And so I'm not really willing to compromise the integrity of our elections by rushing through a new map at this point. Our state motto is, With God, all things are possible. So I remain open to conversation about this, but that's certainly where I am on this matter as far as the timing goes.

**Co-Chair Rep. Jeff LaRe** [00:42:14] Thank you, Secretary. Senator Sykes.

**Co-Chair Sen. Vernon Sykes** [00:42:17] Thank your chair. Governor DeWine and Secretary LaRose have really expanded the question that I propose. I propose that we continue to use Independent map drawers and they've expanded it to whether or not we should even consider any other map other than map three. And I understand the administrate the election calendar and the administration administrative procedures that need to be adhered to. But if we were so concerned about that time structure, why would we squander the 20 days of 22 days that the court has allotted us?

**Co-Chair Rep. Jeff LaRe** [00:43:08] Folks. Just out of respect for those listening online, let's let's stop with the clapping.

**Co-Chair Sen. Vernon Sykes** [00:43:16] So the time crunch is legitimate, but we have the ability to make decisions and we have it's only been the reluctance of the majority to approve the constitutional map that caused us to be in a place of where we are right now today. And all we need to do is to pass the constitutional map. It will be accepted by the court and we can move forward. So I think that we should be engaging. The independent map drawers, back to the original question that's on the floor now.

**Co-Chair Rep. Jeff LaRe** [00:43:54] Represented Russo.

**House Minority Leader Allison Russo** [00:43:58] I thank you, co-chair. You know, again, I agree with co-chair Sykes in his assessment of the situation in that we've had 22 days up until this point to avoid where we are now. So this is a problem of our own creation. And I am of the opinion, yes. That we can do things that are hard when there is a will to do it. And the other thing that I would note is that the federal court has given us until May 28, none of these procedures can start until May 28th because the court has given us and the federal court has given us until May 28th. So, you know, frankly, the third map is not set in place, even if you assume that it is so, it is not. So I don't see how we avoid, you know, some of these challenges. Either way, we go with this. But to me, whether people like it or not on this commission, my fellow commissioners, like it or not, we are under a state Supreme Court order to redo these maps. That is the order that we are under. And that is the task before us. And it is unfortunate that we have wasted all of this time getting to this point. And we are now less than 48 hours away from when the deadline is. But again, I believe we can do hard things. So I think that we need to do all that we can to meet those requirements to do right by the voters of Ohio. Because, frankly, any any election conducted on maps that have been thrown out by our state Supreme Court as unconstitutional, that's not a fair election. That's not a legitimate election in my opinion.

**Co-Chair Rep. Jeff LaRe** [00:45:57] Secretary LaRose do you want to respond to the status of the third map?

**Secretary of State Frank LaRose** [00:46:02] Yeah, I guess just to say that there's a reason why the three judge panel in their wisdom pointed out that the most reasonable course of action, if there is no other maps passed by the 28th of May, is to use the third map. That map is already programed at our boards of elections. Back in February, when it was passed, I ordered the boards to begin preparation for the May 3rd election with that map. It is programed and it's ready to go. The you know, the time period has has run since it's been enacted. That would have allowed candidates to move if they if that's what they wish to do. And so, you know, it's really the logical choice that the court made was to say that that third map, if there is no other action by this commission, is the best course forward.

**Co-Chair Rep. Jeff LaRe** [00:46:54] Representative Russo.

**Co-Chair Rep. Jeff LaRe** [00:46:55] I thank you, Mr. Co-Chair and Secretary LaRose. My understanding from the testimony that was presented to the Federal Court is that not all boards of elections have actually programmed that third set of map. I think there were eight county boards of elections that had not completed that process. You know, I would say that certainly in our larger counties that have over 50% of the population, if some of those have not started this process or at least have not completed it, it doesn't matter whether we're talking about the third map or another map that this commission completes, it's going to be work that they will have to do, because we've got most of our counties in the state have one legislative district, one Senate district, maybe two, and the bulk of the work will fall on those larger counties. And my understanding is it is many of those larger counties who haven't completed this programing of the maps to begin with. So I don't really see where the the difference in left that has to be done by the county boards of elections is going to be significantly different.

**Gov. Mike DeWine** [00:48:07] Mr. Chairman.

**Co-Chair Rep. Jeff LaRe** [00:48:09] Please.

**Gov. Mike DeWine** [00:48:11] Chairman besides the Supreme court timeline of this Friday, the Ohio Supreme Court timeline. And in addition to that, and also in addition to the problems that have been outlined by the secretary of state. We also have another problem, and at least from my reading of what was going on with the independent mapmakers, I don't think it's simply a question of even if you could, calling them in here, having them come in immediately and think that they can come up with a map that fits the Constitution and also fits the four Ohio Supreme Court decisions. Anybody who watched that in real time and watched what they had to do and I do not blame them at all. I don't blame the court. I don't blame anybody. But the reality is, when they were going through that process, it became abundantly clear you can't hit all those marks. You can't hit all of them. And that is the real problem. The other problem that we we are up against. You know, we start off with the Constitution on proportionality. The court interpreted that in one of their opinions. That's fine. The court added the required of symmetry. That's fine. We accept whatever the court tells us. But those those two were added. But then when you go through when you watched the independent mapmakers go through, you know, they were not able to deal with to get all these things in here and avoid partisan favoritism. Because what we saw them do every single time when they had a choice, they felt based on these other two factors I just mentioned that the court was requiring them to favor the Democrats every single time they had to pick up, they had to pick up those to get those number. I'm not blaming anybody, but that's the way that's the way it turned. It turned out. The other thing that was not part not they were not able to do it was compactness. Compactness. You know, went out, went out the window. You know, they they basically said that they were not able to do the quotas. We had to blow through compactness. They had to blow through compactness to to reach these other things that the Ohio Supreme Court had said. And finally, one of the biggest selling points for the public, I think, for everybody when this constitutional amendment was passed, was that we would have more competitive districts, not fewer competitive districts. And yet the practical reality, again, no one's fault is just the way it worked out. The practical reality, when the independent mapmakers were doing this, they were looking, frankly, not to create more competitive districts, but they had to create fewer competitive districts. So it is we are we have a big, big problem. And, you know, look, I think that we have an obligation. I have said this consistently at every every stage of this, we have an obligation to try to come up with a map. We have an obligation to try to do that. I, I would think that's what we should do. But we have we have a Friday deadline, so we can't get the independent mapmakers. This goes back to the senators motion on the appointing the independent mapmakers. You know, we have people here, both parties who are here who can work on maps. You know, I don't think there's any choice other than to tell them to go work on maps and try to take the third map and try to improve that map because of the problems that are outlined by Secretary LaRose. It's not a good choice. I don't know if we can do it or not. It was look like it was demonstrated the other day that we can't hit all these march. But I think we have a legal obligation, according to what the court has said, to try to hit those marks. I don't think we have any other choice but to go that route, considering what the secretary of state has said. Considering what the Ohio Supreme Court has said on the date. And considering what the practicality is of what we watched in real time when the independent mapmakers were trying to do it. So it's a it's a long explanation. But for Sen. Sykes, I think it does pertain to whether we can get higher independent mapmakers and get them in here in time to do this without any kind of assurance, frankly, that they can do it because they didn't look like they were able to do it through no fault of their own the other day.

**Co-Chair Rep. Jeff LaRe** [00:53:34] Thank you, Governor. And just for my own clarification, if I understood the Secretary, correct. And even if we were able to get these independent mapmakers in tomorrow, they drafted a map that you still couldn't utilize that unless there was emergency legislative action.

**Secretary of State Frank LaRose** [00:53:50] Yeah, that's correct. It's worth reiterating, of course, I'm open to trying to do hard things as my friend the leader said. Anybody that knows me knows that I embrace challenges. But certainly we can't just pass a map and then hope that we can get emergency legislation done. I would need assurance from the Speaker and the president, the minority leaders of both chambers that we can get that emergency legislation done because otherwise we'd be passing a map that we couldn't implement. We can't run an election without the emergency legislation. And so I'm not willing to vote for a map and then hope that the legislature can come into session in the next week or two and pass this emergency legislation. We would need either firm assurance or they need to be called into session tomorrow to do that.

**Co-Chair Rep. Jeff LaRe** [00:54:35] Thank you, sir. Auditor Faber.

**Gov. Mike DeWine** [00:54:39] Thanks. I want to separate these two issues because I want to get back to what Secretary LaRose just indicated and make sure I understand clearly what that is. But I want to deal with this independent map drawer issue first. I oppose bringing the infinite map drawers back. I'm not sure that that process was overly helpful, in large part because we never had a chance to give independent input as commissioners. The whole understanding and the whole view of the order from the court in my view, was the commission was supposed to draw maps. We never even got a chance to offer amendments. We never got a chance to look at the details of what they were doing in the process because they didn't hit the deadlines. And candidly, I think that the staff that are here could have certainly done that and saved the state an awful lot of money. And while I'm sure they're good guys, they ment well, they expressed over and over how complicated the Ohio rules were and that they had to relearn the Ohio rules to do their job. And we had people in place, both Democrats and Republicans, that had our staff been directed to sit in a room and do it. They could have come up effectively what the independent map drawers did for, frankly, expenses that were already being incurred, some of which we heard about earlier and some of which apparently were incurred by staff staff charges, just like my my people who are I don't want to my people tell me not to say that they're map drawers, because they're not, they're staff who have tried to learn these complicated systems and understand the area the best they can. But there are people collectively who can find those answers. And so I think spending more money, of the taxpayers money on these two individuals, even if they're available is unnecessary. And so I would not be supportive of rehiring independent members. Now, if we want to get back to the second after, you want to dispense with the map drawer issue. With regard to the other issue, I think Secretary LaRose raised a very, very important baseline question. If I heard his testimony correctly, it is that we can do nothing at this point that is going to pass a map that is going to be able to be implemented by his staff for a whole host of reasons. And I want to walk through those reasons in a second and ask him to tell me what he thinks would need to be in a emergency piece of legislation. So we know exactly what the targets have to be, if that is doable or not. But what I heard him say very clearly, and he is the expert in this area and I will, of course, be deferential to him in this area. But it will certainly shape my view of what we can and can't do, is that if we can do nothing. Between now and August 2nd. With regard to the map for this next two year cycle, I don't think that ends our obligation to pass a map for some other period of time. I agree with the governor. We have to do what the court told us to do and we don't have a choice. But when we do that, in our ability to think

deliberately and carefully and thoughtfully on, that is a different analysis. But unless I misheard the secretary and I want to make sure I heard him correctly, whether we modified Map three or whether we modified a new map or whether we modified the map drivers map, anything we would pass between now and Friday is impossible. And I'm using that term on purpose, impossible to be implemented for an August 2nd election. No matter what we do. And the reality is, is the only possibility. For any of that to be able to be implemented by August 2nd would require at least two assumables, both of which were not in the power necessarily to assume. One is that the legislature could pass an emergency clause changing the law in some areas. And two, and I think this is an important thing you mentioned, but nobody picked up on was also having certainty that that's actually going to be the map because the court's going to have to review and the petitioners get a chance to challenge any map that we would ultimately pass. And without a certainty that the map is the map. It's tough for you to implement a map on an election basis on August 2nd. Did I hear you correctly, sir?

**Secretary of State Frank LaRose** [00:58:50] Yes, you absolutely did. The let's start with the May deadlines. The first one coming up is May 16th, which would be to certify the validity and sufficiency of petition candidates.

**Auditor Keith Faber** [00:59:02] Are these the things that you would need change in emergency legislation?

**Secretary of State Frank LaRose** [00:59:04] Absolutely.

**Auditor Keith Faber** [00:59:05] Thank you. I want to make sure I was.

**Secretary of State Frank LaRose** [00:59:06] Yeah. So, again, if the federal court were to approve, revalidate, whatever the right legal term is the May 3rd map. All of these deadlines would have already elapsed for the, sorry not the May 3rd map. The third map. All of these deadlines would have yet already elapsed for the third map that the federal court has said that they would consider re-validating if if this commission didn't act. So these are new deadlines that would only accrue if there was a new map enacted by this Commission. May 16th, certify validity and sufficiency of candidate petitions. May 20th, this is the deadline for protests against those petitions, which is again, all required by law. May 24th, and this is the big one for our office, the form of the ballot. This is when we lay out for the boards what the ballot looks like so that they can begin doing logic and accuracy testing. Remember back to me giving the list of things that went wrong over the last 48 hours that we were able to work through, but could have been avoided if they hadn't been rushed. The form of the ballot is necessary in order to do logic and accuracy testing and in order to begin the very careful and deliberate printing of those ballots. So that would occur on May 24th. Boards of elections must certify the names of the candidates, also on May 24th. And then there's a protest for write in candidates on May 27th. That's just the ones in May. There's a whole list of deadlines that come up in June. So those are the kinds of things that would have to be considered. We're not even talking about right now the 9C requirement in the Constitution allowing candidates 30 days to move from the date a new map is enacted.

**Co-Chair Rep. Jeff LaRe** [01:00:56] Representative Russo.

**House Minority Leader Allison Russo** [01:00:58] Thank you. Again, I'm going to go to the second part of this discussion, which is about these dates, unless I'm understanding or misunderstanding this May 28th, occurs after May 16th, May 20th and May 24th. My

understanding is in every, even with the third map, candidates have not been validated in all counties, nor has the process for questioning that validation. And I'm losing my train of thought here. That has not also not happened with the third map and all of these counties. So I'm still having trouble understanding that even with the third map, given that it has not been ordered yet by a federal court and will not happen until after May 28th. How regardless of whether or not we're talking about a third map or a new map that this commission passes, that we don't still have the same problem that may require or sounds like it will require emergency legislation. So I feel like this is a false choice here because it's the same choice regardless of which path we go with this, because these things, the deadlines will have already passed anyway, because they haven't been done. And the third map would not be ordered. And again, this all assumes the federal court doesn't change its mind until after the 28th.

**Co-Chair Rep. Jeff LaRe** [01:02:36] Secretary LaRose.

**Secretary of State Frank LaRose** [01:02:37] Yeah, I'll respond. And this is where I'll be careful not to make legal pronouncements because I'm not a lawyer. But the the act that the Federal Court would be taking punitively is that they would be validating a map that this commission has already enacted. This commission enacted a map. It was struck down by the Ohio Supreme Court. The federal court would be reversing the action of striking down that court. And so in that sense, the timelines have all played out from when this commission enacted that map. And the federal court would be ordering that that map be run on an August 2nd election. Now, of course, those of us in executive office, we don't make the laws. We faithfully carry those out. So what I need to look at with the work that I do. Excuse me. What I need to look at with the work that I do is to make sure that I'm faithfully following Title 35 of the Ohio Revised Code. And the legislature has already enacted a few weeks ago provisions stating that candidates that filed by the February 2nd filing deadline would be grandfathered effectively into the districts as long as the petitions had signatures in the county that includes a part of the new district and all that kind of thing. You remember the language that you all worked on, on that. And so those would be the the petition filing questions have already passed because that was triggered way back on February 2nd when the original statutory petition filing deadline occurred. And so these new deadlines that I was talking about would only be triggered by a new map and a new election to run those new maps.

**Co-Chair Rep. Jeff LaRe** [01:04:24] Thank you, Secretary. Senator McColley.

**Sen. Rob McColley** [01:04:27] Thank you, co-chair. I frankly am inclined to defer to the secretary. He knows that these deadlines inside and out. But as far as the discussion on whether there would be votes for an emergency, you know, I I hope I'm not stepping too far out of line here. But based upon previous conversations that we've had in our own caucus and conversations I've had with other members of our caucus, I don't think there would be votes for an emergency at this time in this process. And so, you know, whether whether people like that or not, that's what it takes under the Ohio Constitution to be able to change law without the 90 day layover. And I don't think there would be votes in the Senate at least to get the 22 requisite votes to make an emergency piece of legislation. As as we go a little bit further down that road, and again, for probably the fourth or fifth person trying to recenter this back to the topic of the independent mapmakers. I would I would agree wholeheartedly with everything the governor said as to the difficulties that these independent mapmakers confronted when they were in there drawing maps and it was through no fault of their own, they were thrown into a situation where, while they may, may be relative experts compared across the country, they were thrown into a situation where

there had been continuing hundreds of pages of guidance provided by the Supreme Court in a short amount of time and a complex set of constitutional requirements that I believe they even mentioned might be the most complex in the entire country and then told to try and figure this out, which reiterates the point that I was saying earlier. We have mapmakers on staff Ray DeRossi and Chris Glassburn, who are people who have deep familiarity with Ohio, with its political geography, and where some of these some of these traps may come into place when they're trying to come up with these maps. But I would also say that in regards to the independent map, some of these difficulties were highlighted even with the what I feel is the narrow lane. And insofar as how this map needs to be drawn that the commission has been put into as a result of the jurisprudence from the Supreme Court. Some quotes that I noticed while watching it was Dr. Johnson saying, "I never worked this hard for a commission making districts noncompetitive." Dr. McDonald saying probably most of the way through his house map, the first iteration, saying he hasn't even considered compactness yet. One of the map makers saying, "no reason I can't split the community just because no one's done it, I'm allowed to." That was Dr. McDonald another saying, "if we meet the partisan balance goals, is population balance that important?" District another quote, "district by district, we are really drawing heavily for partisanship relative to the other requirements of the Constitution." Another quote from Dr. Johnson. "Parma and North Royalton are a perfect district together, but it's a Republican district," referencing why he could end up drawing this district. Quotes go on and on and on. Dr. McDonald asking Dr. Johnson what he's working on, getting rid of a competitive district, Dr. Johnson says. Dr. McDonald saying, "I could improve the performance of this district. I could get it to over 52%, making it more partisan." And this one as well. Dr. McDonald later on the Saturday saying, "if we're not worried about compactness, we'll get the seats and make them as symmetric as we can." The whole point in all of this is I feel there's been such and this is even from an outsider's view, who has not been involved in the actual commission process until now. There's been such an emphasis placed on the proportionality and the symmetry requirements that are that are being placed on us largely through the courts interpretation, rather than what I would see as the plain meaning of the Constitution that we have in some cases disregarded or at least subordinated many other provisions of the Constitution at that expense. And so you kind of look at look at the independent mapmakers map, even. When they finished, there were 16 constitutional violations that we could see. And when we're talking about compactness and the whole reason behind when this was passed, I would say everybody in this room, if they were being objective, would say part of the reason we passed this constitutional amendment was to eliminate unnecessary splitting of governmental units, eliminate unnecessary splitting of cities and counties, etc. But here we are even looking at the independent mapmakers map because they were so focused on maximizing the number of Democrat districts within the other bright line rules that may have been contained in Article 11, that you have the City of Dayton, for example, which is approximately 140,000 people could fit in one and part of a second House district was in four different House districts and two different Senate districts. The city of Toledo, approximately 270,000 people, which would fit in two House districts and part of a third was in four House districts and two Senate districts that would have fit entirely within one Senate district. Obviously, the city of Dayton would as well. Akron, which would have fit inside one Senate district and two House districts, was in four House districts and two Senate districts. The city of Cincinnati, which would have fit inside one Senate district and three House districts, was inside six House districts and three Senate districts. I know that people's towns may have changed over the course of time, but when this thing was passed, this was one of the biggest selling points for why we should pass it. Was the unnecessary splitting of some of these communities. And here we are trying to force these types of splits into a map because we put the partisan symmetry question and the proportionality question on such a pedestal over

everything else. And so I think, in my personal opinion, the best way to remedy this and get back to the basics at the very least is to reengage the caucus map drawers, because they're going to be the ones who have, in some cases, decades of familiarity with the state of Ohio.

**Co-Chair Rep. Jeff LaRe** [01:11:17] Representative Russo.

**House Minority Leader Allison Russo** [01:11:19] Thank you. Mr. Co-chair, there's a lot to respond to here. First, let me just be very clear. The independent mapmakers did finish a map and there was testimony in front of the federal court that the review, the work that needs to be done, the technical corrections would take less than a day to finish that. So let me be very clear. Also, let me be very clear that the splits that were just mentioned by Senator McColley, they exist in Map three. And in fact the independent mapmakers map, the compactness score and there was undisputed testimony about this actually has a better compactness score than map three. So I just want to, you know, make sure that we're being very honest about these maps. The other thing, just getting back again to the secretary of state and some of the dates that he has outlined. Again, statutorily, we still have deadlines May 16th, May 20th, May 24th. We have not done that work yet, even with the third map that still has to be done. The third map would not be put in place until the 28th at the earliest. And again, that's assuming that a federal court doesn't change its mind, which it could do, and they have been known to do in the past. But even if you assume that they won't, these statutory deadlines will still be an issue, even with that map. The other thing that I would like to note as well about map three is, if you will recall the 30 day -- Well, first of all, the changes that we did for the filing in the legislative adjustment, all of that was tied to a May 3rd primary date. Unfortunately, it was not tied to a primary. It was tied to the May 3rd primary date. So there may be some issues with that as well legally. But I will also remind you that after February 24th, the 30 day constitutional guarantee actually had not fully expired yet before that map was thrown out. So there's still this lingering question of if candidates, even with map three, have been granted their full ability to move into a new district because that 30 day window had not yet expired when the third map was thrown out, I believe it was three days before. And I believe that you and your staff specifically said that it was moot at that point, that 30 day window, because the map had been thrown out or the the expiration of that 30 day window. So there's still that lingering question that even exist with map three. I say all of this again to reiterate that whether we're going down the map three map and not following the state Supreme Court's order, and we're going to defy that and not do anything or we're actually going to work on a map. You still have some of the same issues from just from the perspective of conducting an election.

**Secretary of State Frank LaRose** [01:14:30] Mr. Co-chair, let me respond to that, if I may?

**Co-Chair Rep. Jeff LaRe** [01:14:31] Please.

**Secretary of State Frank LaRose** [01:14:32] So all of these deadlines that we're talking about prior to the 28th of May don't apply if the third map is the thing that is enacted, because again, certifying sufficiency and validity of partisan candidates that happened on the schedule already, that was required in the code. And that's all I have to work with is what you all have instructed me to do. In the Ohio Revised Code, we can certify candidates. We have certified candidates for that, the boards of elections are prepared to do that and then of course protests to petitions and that kind of thing. All of those

deadlines are are things that have already been considered under the timelines set out in the code. And so this would only be necessary if there were a new set of maps enacted.

**Co-Chair Rep. Jeff LaRe** [01:15:23] Further discussion? The motion on rehiring the independent map drawers. Will the staff please call the roll.

**Staff** [01:15:40] Co-Chair LaRe.

**Co-Chair Rep. Jeff LaRe** [01:15:42] No.

**Staff** [01:15:43] Co-Chair Sykes.

**Co-Chair Sen. Vernon Sykes** [01:15:44] Yes.

**Staff** [01:15:45] Governor DeWine.

**Gov. Mike DeWine** [01:15:46] No.

**Staff** [01:15:47] Auditor Faber.

**Auditor Keith Faber** [01:15:50] No.

**Staff** [01:15:50] Secretary LaRose.

**Secretary of State Frank LaRose** [01:15:50] No.

**Staff** [01:15:52] Senator McColley.

**Sen. Rob McColley** [01:15:53] No.

**Staff** [01:15:54] Leader Russo.

**House Minority Leader Allison Russo** [01:15:55] Yes.

**Staff** [01:15:57] Mr. Co-Chair. Two five.

**Co-Chair Rep. Jeff LaRe** [01:16:00] The motion is voted down. At this time we'll move the discussion to the commission's plan of work and a meeting schedule will open that up for discussion. No discussion? Seeing none, is there any further business to be brought before the committee? Hearing none, the committee stands adjourned.

## Ohio Redistricting Commission - 5-5-2022.mp4

<https://www.ohiochannel.org/video/ohio-redistricting-commission-5-5-2022>

**Co-Chair Sen. Vernon Sykes** [00:00:01] I would like to call the Ohio Redistricting Commission to order. Before we start, co-chair LaRe would like to make a comment.

**Co-Chair Rep. Jeff LaRe** [00:00:12] Certainly I understand everybody's enthusiasm, but after yesterday, I just want to remind folks that we have an overflow room just across the hall. Should anybody feel the need for clapping and cheering, that would be more appropriate. This institution was here before all of us, and it'll be here after we're all gone. So out of respect, I'd ask you to not clap and cheer so that we can hear one another in the folks listening online can hear as well. And the sergeant at arms in the back room will be happy to show anybody where that is should they need to go there. Thank you.

**Co-Chair Sen. Vernon Sykes** [00:00:44] Will staff please call the roll?

**staff** [00:00:47] Co-Chair LaRe (here) Co-Chair Senator Sykes (here) Governor DeWine (here) Auditor Faber (yes) Secretary, Secretary LaRose (here) Senator McColley (here) Leader Russo. (here) Mr. Co-Chair, a quorum is present.

**Co-Chair Sen. Vernon Sykes** [00:01:06] With a quorum being present, we will meet as a full commission. In your folders there are minutes of our previous meeting held yesterday. Is there motion to accept the minutes.

**Unidentified** [00:01:18] so moved

**Co-Chair Rep. Jeff LaRe** [00:01:19] seconded

**Co-Chair Sen. Vernon Sykes** [00:01:19] its been moved and seconded, is there any objections to the minutes being approved? Hearing none, the minutes are therefore approved. This time we'd like to know if there's any further business to be conducted here by the Commission. I will call on Leader Russo.

**House Minority Leader Rep. Alison Russo** [00:01:39] Thank you. Co-Chair. I'd like to make a motion to adopt the independent mapmakers maps as identified, as modified by Dr. Rodden and presented to the State and Federal Courts and uploaded to the Commission website.

**Co-Chair Sen. Vernon Sykes** [00:01:52] Second, the motion.

**House Minority Leader Rep. Alison Russo** [00:01:55] Great. As everyone knows, the independent map drawers completed the work that they were hired to do. They produced constitutional maps that were also more compact than any of the commission maps that have been adopted so far. As with any house that is built, inspection usually reveals a punch list of little fixes needed to make everything just right. The same is true with any set of maps, and the short punch list that was identified has also had each item addressed. So for us we have a modified independent map drawer's map, and I think those are going to be passed out if they haven't already. It's been available to all of us since April 8th. You have the handouts describing the map before you color maps, partizan stats, information about precisely what was fixed within the maps by Dr. Rodden as presented to the state and federal courts. Yesterday we heard the governor say that we must adopt constitutional

maps if it can be done. Well, it can be done. And that has been noted by the courts. It was done. That was also noted by the courts. And those maps are now before us with this motion. I will remind my fellow commissioners that we are under a court order to adopt a constitutional set of maps by 9 a.m. tomorrow morning, regardless of any implementation timelines or impediments or an election cycle. And I recommend support of this motion.

**Co-Chair Sen. Vernon Sykes** [00:03:41] Senator McColley

**Sen. Rob McColley** [00:03:43] Thank you, Mr. Co-Chair. I would be opposed to working off of these maps. There are several reasons. Number one, I know there's there's been some been some assertions that this was a finished product of the independent mapmakers or that they finished their work that night. And I understand what Leader Russo is saying, that there were several items that needed to be changed. Small items. But but I would I would note a few things. Dr. Johnson, in his sworn affidavit, said several things in anticipation of the the federal court case, I believe, where he mentioned that he did not finish his work on this map. And he further mentioned that, as you guys are all aware in the rules regarding the independent mapmakers, there was a requirement that none of the caucus mapmakers inject their maps or draw the maps themselves for the independent mapmakers. Dr. Rodden, in his affidavit further stated that there were a full 21 House districts and seven Senate districts that were literally taken from Mr. Glassburn and put into the map in violation of the rules established by this commission. And so the maps were neither finished nor in accordance with the rules of this commission. The next question I have is, who finished the maps? It's Dr. Rodden and Dr. Rodden did it outside the purview of this commission. He did it without the guidance of this commission. And beyond that, you have to ask yourself where, who, who, who is Dr. Rodden and what's his relevance to the case at hand? He is a paid expert by the attorneys that are the petitioners in this case and the Eric Holder aligned groups. And so I think it would be improper for us to use this Rodden map as a starting point for continuing our conversations and that's regardless of the reasons that the Secretary of State had mentioned yesterday and the objections that I think he still holds today. Thank you.

**Co-Chair Sen. Vernon Sykes** [00:06:10] And are the additional comments?

**House Minority Leader Rep. Alison Russo** [00:06:13] Mr. Co-Chair, I'd like to respond to that

**Co-Chair Sen. Vernon Sykes** [00:06:15] Leader Russo.

**House Minority Leader Rep. Alison Russo** [00:06:16] Thank you. Thank you, Mr. Co-Chair. To be clear, this map is finished. In fact, what Dr. Johnson said in his testimony was that he had not finished inspecting and reviewing and double checking the maps. After that, they were complete. And that is what Rodden did. That was submitted to both the court, the federal court, and as well as the state Supreme Court. So my question to the commission and for those who are opposed to this map, and I suppose I'll start with Senator McColley specifically what violations of Article 11, Sections two, three, four or five and seven have been identified within this corrected map that has been presented before us?

**Co-Chair Sen. Vernon Sykes** [00:07:04] Senator McColley.

**Sen. Rob McColley** [00:07:06] Thank you, Co-Chair. As I mentioned in my response earlier, it was regardless of the issues that Secretary LaRose illustrated, however, many of

those issues remain for me. So regardless of whether this map complies or not, although I have reason to believe looking at some of the districts, there could be some some issues. Regardless of that fact, I share many of the same concerns of the secretary. And so I cannot in good conscience support this map.

**House Minority Leader Rep. Alison Russo** [00:07:41] Senator?

**House Minority Leader Rep. Alison Russo** [00:07:42] Leader Russo.

**House Minority Leader Rep. Alison Russo** [00:07:43] I thank you. Co-Chair. So if I'm understanding correctly, again, we have a constitutional map that is before us that has been verified, has no constitutional violations of Article 11, Sections two, three, four, five and seven. And as a reminder, we are under a court order to adopt a constitutional set of maps by 9 a.m. tomorrow morning. Regardless of any implementation challenges, regardless of what election cycle we do or don't think that this will apply to. So I recommend support of this motion and would ask the commissioners, if not adopting a constitutional map today, will put us at risk of contempt.

**Co-Chair Sen. Vernon Sykes** [00:08:32] Any additional comments? Auditor Faber.

**Auditor of State Keith Faber** [00:08:44] Yeah. Yeah. I had trouble adopting this map that I learned about today for the first time at 3:00 or thereabouts. The fact of the matter is, this map was not completed by the independent map drawers who, frankly, as the evidence would show, may have not have been all that independent. But regardless, the obligation was on us to draw map. As we all know, a number of us had amendments to be offered that the were not able to be considered in the time frame that the independent or the the map drawers had. It was our obligation to draw map not on to people that we hired, particularly when we couldn't even offer amendments to that map or talk about suggestions as to where they are, whether this map meets all the provisions of two, three, four or five and seven, I have no idea. I have not had a chance to review it in detail. And from that reason, and because of the reasons articulated by Secretary LaRose, I think it's inappropriate for us to be voting on that map as completed by one of the petitioners and their lawyers. Make no mistake, the Mark Mark Elias group, who apparently submitted this map and Mr. Rodden, who works for them, I've had things that I liked Mr. Rodden had done and thought might be a workable spot in the past. However, this map and these changes, I don't believe, represent that. I don't believe they're fair. And I believe they're gerrymandered in front of in favor of one of the parties. So I will be a no vote.

**Unidentified** [00:10:05] [inaudible audience chatter]

**Co-Chair Sen. Vernon Sykes** [00:10:09] Governor DeWine

**Governor Mike DeWine** [00:10:10] Mr. Chairman, thank you very much. In addition to these problems, there is another problem. Yesterday, after our meeting, I sat down with Secretary LaRose and went over the problems that he had articulated and we spent some quite some time to do doing that. I asked him then at the end of our discussion to reduce to writing what his position was. And I would like, if I could, Mr. Chairman, to to yield to the Secretary to explain those problems.

**Unidentified** [00:11:00] [inaudible audience chatter]

**Governor Mike DeWine** [00:11:03] Let me just say, Mr. Chairman, it was in more detail. And I think I got a fuller understanding of what he said and it is clear to me that it is impossible to proceed with an August 2nd primary with any map other than map three. That's the conclusion he comes to.

**Secretary of State Frank LaRose** [00:11:34] Absolutely.

**Unidentified** [00:11:34] [inaudible audience chatter]

**Governor Mike DeWine** [00:11:36] So I think that is relevant. Mr. Chairman, I think that is relevant. Members of the committee. I think that is relevant to this discussion, too. And I would ask if the Secretary could explain that at this point.

**Co-Chair Sen. Vernon Sykes** [00:11:52] One question to the governor, do you think it would be more relevant? I understand there may be another motion for consideration of map 3?

**Governor Mike DeWine** [00:11:58] Mr. Chairman, if you rather have that explanation later, that's fine. I couldn't decide whether to do it now because I think it does have some relevance to this. But you're right, it probably has more relevance later. And if you want to do it later. I'm perfectly fine with it.

**Co-Chair Sen. Vernon Sykes** [00:12:14] Okay. We'll do it later.

**Governor Mike DeWine** [00:12:15] Thank you.

**Co-Chair Sen. Vernon Sykes** [00:12:17] Leader Russo.

**House Minority Leader Rep. Alison Russo** [00:12:18] I thank you. Co-Chair. I would like to address the issue of having these maps before us. Again, I would like to remind members of this commission that these maps were actually filed with the court on April 8th and April 12th. They've actually been delivered by the counsel of the plaintiffs to all of the counsel of members of this commission. So we have all had plenty of time and access to these maps. They are virtually the same as the maps that the map drawers completed on March 28th. And again, we again have a constitutionally compliant map in front of us. That is what the court has ordered us to do, is to adopt a constitutionally compliant map by tomorrow morning at 9 a.m.. Again, not with consideration of whether or not implementation of this map or the election cycle that this map would be used. That is the court order before us. And, you know, again, I would propose back to the members of the commission. If you are not happy with these maps, why no amendments have been offered to change this map if there were changes that you wanted to make.

**Co-Chair Sen. Vernon Sykes** [00:13:43] Are there additional comments? Will the staff please called roll?

**staff** [00:13:53] Co-Chair LaRe?

**Co-Chair Rep. Jeff LaRe** [00:13:55] No.

**staff** [00:13:56] Senator Sykes?

**Co-Chair Sen. Vernon Sykes** [00:13:58] Yes.

**staff** [00:13:59] Governor DeWine?

**Governor Mike DeWine** [00:14:01] No.

**staff** [00:14:01] Auditor Faber?

**Auditor of State Keith Faber** [00:14:02] No.

**staff** [00:14:03] Secretary LaRose?

**Secretary of State Frank LaRose** [00:14:04] No.

**staff** [00:14:05] Senator McColley?

**Sen. Rob McColley** [00:14:06] No.

**staff** [00:14:07] Leader Russo?

**House Minority Leader Rep. Alison Russo** [00:14:08] Yes.

**staff** [00:14:09] Mr. Co-Chair. Two-Five.

**Unidentified** [00:14:11] [inaudible audience chatter]

**Co-Chair Sen. Vernon Sykes** [00:14:16] Order! Please! Order, please. Order, please.

**Unidentified** [00:14:20] [inaudible audience chatter]

**Co-Chair Sen. Vernon Sykes** [00:14:25] The motion fails. Is there any other business to be brought before the commission.

**Unidentified** [00:14:31] [inaudible audience chatter]

**Governor Mike DeWine** [00:14:37] Mr. Chairman?

**Co-Chair Sen. Vernon Sykes** [00:14:39] Governor DeWine.

**Governor Mike DeWine** [00:14:40] I wonder if we now could have the explanation. Again, I asked the Secretary to reduce it to writing. I think it is, at least for me, was a more fuller, after reading this two pages, more full understanding of exactly the the quandary we are in or the very difficult situation that we are in. And I would ask if he could explain that.

**Co-Chair Sen. Vernon Sykes** [00:15:03] Are you making a motion just want the explanation?

**Governor Mike DeWine** [00:15:06] Not at this point, but we will have a motion.

**Co-Chair Sen. Vernon Sykes** [00:15:08] Okay.

**Secretary of State Frank LaRose** [00:15:09] Happy to do so, Mr. Chairman.

**Co-Chair Sen. Vernon Sykes** [00:15:12] Secretary LaRose

**Secretary of State Frank LaRose** [00:15:13] Yeah. Thank you, Mr. Chairman. Thank you, Governor. I'm going to read this. Normally, I wouldn't read something verbatim, but I think it's important for everybody to hear it. It's been passed out to the members of the commission right now, and there'll be copies for the members of the public and the press as well. This is a statement that I wrote today. As of today, a primary election date for the offices of state representative, state senator and political party state central committee member has not been established. The Ohio General Assembly has the sole authority in the Ohio Revised Code to set the time, place and manner of a public election conducted in the state of Ohio. The only other government entity that can supersede that authority is a federal court of law. A three judge panel assigned to consider the Ohio General Assembly redistricting case, *Gonidakis et al. v. LaRose* has ordered that if the state does not adopt a lawful district plan and set a primary election date before May 28, quote, "We will order the primary, be moved to August 2nd and map 3 be used for [the on- for] only the 2022 election cycle. After that, Ohio will have to pass a new map that complies with federal and state law." As of this date, the Ohio General Assembly has not set a primary election date for the above mentioned contests. Any action doing so would require an emergency clause to make the election date and its associated deadlines effective immediately. The Speaker of the House and the president of the Ohio Senate have indicated publicly that they lacked the required two thirds vote in both chambers to enact emergency legislation for this purpose. Therefore, the only remaining option to conduct a primary election to which Ohio voters are entitled is the prescribed action by the federal district court. My office,

**Co-Chair Sen. Vernon Sykes** [00:16:53] Order please.

**Secretary of State Frank LaRose** [00:16:53] My office and the bipartisan Ohio Association of Elections Officials have repeatedly stated that because August 2nd, 2022, is already reserved for special elections in Ohio law, it is the only date on which a statewide primary election can be conducted in advance of the scheduled general election, of course November 8, 2022. August 2nd, 2022 is the latest date by which Ohio can conduct a primary election without overlapping or altering the scheduled timeline to successfully administer a general election. This is also recognized by the three judge panel in *Gonidakis et al. v. LaRose* and uncontested by any of the parties involved in that litigation. Under Ohio law elections are conducted over at least a 90 day period. 89 days now stand between this date, today and August 2nd, 2022. This puts Ohio within the traditional statutory window for administering its next election. Federal panel majority in *Gonidakis* stated clearly that for any new district plan to be utilized for an August 2nd, 2022 primary election and to have the benefit of a full 90 day election administration period, the Commission would need to adopt it by April 20th, 2022. Obviously, that did not happen. Their opinion is based on testimony from my staff that the 88 county boards of election would collectively need at least two weeks to reprogram their computer systems to new House and Senate districts before the full 90 day primary election period would begin, which would also do the least amount of damage to current Ohio election law. To administer an August 2nd election the boards must meet a series of statutory and administrative deadlines to have the first ballots, the first ballots which are known as the Uniformed and Overseas Civilians Absentee Voting Ballot Act, or UOCAVA ballots. Those must be prepared not later than June 17, 2022, 46 days before the election. To achieve this, elections officials must meet the following statutory requirements, these are those requirements: have to certify no later than 78 days before the primary election, hold protests against certified candidates no later than 74 days before the primary election, determine the validity or invalidity of the declaration of candidacy and petition, receive

write in candidate declarations of intent for partisan offices, hold protests against write in candidates no later than 67 days before the election, the Secretary of State must certify to boards of elections the form of the official ballot no later than 70 days before the primary election, and then boards of elections of the most populous counties in a multi county district must certify names of all candidates to the other county boards of elections in the district no later than 70 days. Boards of elections need at least two weeks, as I stated before, to reprogram voter registration and tabulation systems to accommodate a new map, which, as of this date takes us to at least May 19th were a new map to be passed. At this point, the boards would already be in violation of state law unless the General Assembly changes the statutory deadlines. Additionally, my office would not instruct the boards to deprogram map three before May 28. Risking the new map could be invalidated with no immediate options to administer a primary election. This administrative delay also reduces or nearly eliminates the required process election officials must complete to conduct testing on all voting equipment proof ballots, test ballots, recruit poll workers, and order absentee ballot absentee and Election Day ballots. These are the some of the issues that I detailed for you all yesterday. In summary, the last day, a new map could have been ordered and implemented without ordering altering current statutory deadlines that proceed in August 2nd, 2022. Primary election was April 20th, 2022. The General Assembly has not set a new primary date and its leaders have publicly stated that they do not have the votes to pass emergency legislation to do so. All but two of Ohio's 88 County Board of Elections have fully programed the Third General Assembly District plan adopted by the Ohio Redistricting Commission. A majority of the federal panel considering Gonidakis recognized that map 3 has administrative advantages of implementation that no other map produced by the Commission to date presents, including a largely completed candidate certification process that also would not require the revisiting of deadlines and residency requirements. Therefore, map 3 is the only viable option, the only viable option to effectively administer a primary election on August 2nd, 2022. If on May 28th, 2022, the Federal Court orders that Ohio used Map three and sets that primary election date for August 2nd, 2022, my office will be prepared to issue a directive to the Boards of Elections, implementing that order and providing detailed instructions on the administration of a successful primary election, wanted to state, quickly, for reiteration purposes, the Speaker and the President have made it abundantly clear that they lacked the votes for an emergency clause legislation. They said that to us yesterday, and while I'm always willing to strive to accomplish something worthwhile, I'm certainly not interested in exercises in futility. And so what we have to work with is map 3. It's important to understand that earlier this year, when the commission adopted Map 3, my office began conducting the required statutory deadlines that are laid out in code for Map 3. We dutifully followed the law under Map 3 by sending out directives,

**Co-Chair Sen. Vernon Sykes** [00:22:39] Order please, please.

**Co-Chair Rep. Jeff LaRe** [00:22:43] Committee will stand at ease.

**Secretary of State Frank LaRose** [00:22:46] We dutifully followed the law... [committee stands at ease]

**Secretary of State Frank LaRose** [00:24:12] [reconvene] Appreciate that. So as I was stating, once Map 3 was adopted by this commission, our office dutifully followed the law with all of the timelines laid out in the law, including, administering directives to the boards of elections that told them to accept and review candidate petitions, allow for the protest period to begin. It also informed candidates how to utilize their rights under 9-C should they wish to move and even issuing the form of the ballot as well as posting a federal write

in ballot absentee notice which is required under federal law. All of those things occurred prior to the court's invalidation. So effectively, the Court the, the Ohio Supreme Court pressed pause on all of those elections administration processes if the federal court on the 28th of May were to overturn the ruling of the Ohio Supreme Court, essentially validating the third map. Our office is fully prepared to press play again on all of those processes which need to continue. That simply stated, is why MAP 3 is the most viable option from the elections administration standpoint. And with that, Mr. Chairman, I appreciate the time.

**Sen. Rob McColley** [00:25:26] Mr. Chairman, mr. Chairman.

**Co-Chair Sen. Vernon Sykes** [00:25:31] Yes, Senator McColley,

**Sen. Rob McColley** [00:25:35] Thank you. For for all the reasons we've discussed here today and those enumerated by Secretary LaRose's statement, I move that the Commission resubmit the February 24th, 2022 Commission Group plan only for use in the 2022 election, and the statement to the Redistricting Commission by Ohio Secretary of State LaRose to the Secretary of State's office no later than 9 a.m. tomorrow morning in response to the Ohio Supreme Court's order dated April 14, 2022. And after filing with the Secretary's office, counsel for the Redistricting Commission shall file the February 24th, 2022 Commission Approve Plan and the statement to the Redistricting Commission by the Ohio sec- by Ohio Secretary of State LaRose with the Ohio Supreme Court not later than 12 p.m. tomorrow in response to the Ohio Supreme Court's order dated April 14, 2020.

**Secretary of State Frank LaRose** [00:26:26] Second, second

**Co-Chair Sen. Vernon Sykes** [00:26:30] Is there a second? Leader Russo.

**House Minority Leader Rep. Alison Russo** [00:26:41] I thank you, co-chair. First, I would like to say and be very clear about this, that the federal court has not overturned a state court decision. Nor have they given us a loophole to simply ignore a court order. And this commission does not have the authority to only set a map for two years. We don't have that authority. We can vote to set a map out for four years or for a ten year map. That is the authority that we have. So my question for the Secretary of State that Secretary LaRose, after hearing your explanations, are you saying that you object to a constitutional compliant, constitutionally compliant map that was submitted the independent mapmakers map with the corrections by Rodden simply because of this implementation timeline or because the order itself, again, is not about implementation, it is about instituting a constitutionally compliant map.

**Secretary of State Frank LaRose** [00:27:49] There's two responses to that. Mr. Chair, if I may.

**Co-Chair Sen. Vernon Sykes** [00:27:51] Yes, please.

**Secretary of State Frank LaRose** [00:27:52] The first one is that, as I stated yesterday, in order to use that map to conduct an election, we would need to have supermajority votes in both chambers. And the Speaker and the President have made it clear to me that the votes for those for the for such legislation does not exist. And so I'm not interested in creating a situation where our elections officials are handed an untenable and unaccomplished situation. So unless there was a vote of the legislature to set the date and then change the deadlines associated with it, no map is something that I'm willing to consider at this point. Second, I guess I don't share your confidence that the map that you

presented today is void of any constitutional violations. You have stated that. But I have I guess I don't share that same optimism that that map is divinely inspired or perfectly void of any kind of constitutional violations.

**Co-Chair Sen. Vernon Sykes** [00:28:52] I would like to I'd like to move that we take a recess to consult with the commission's attorney to give us some advice as relates to map 3, whether or not is constitutional and or whether or not we are subjecting this commission to further charges of contempt.

**Sen. Rob McColley** [00:29:13] I object.

**Secretary of State Frank LaRose** [00:29:16] I object as well.

**Co-Chair Sen. Vernon Sykes** [00:29:22] I second the motion

**Co-Chair Sen. Vernon Sykes** [00:29:26] Any additional comment?

**Secretary of State Frank LaRose** [00:29:27] There is an objection

**Co-Chair Sen. Vernon Sykes** [00:29:31] Will this staff please call the roll.

**Sen. Rob McColley** [00:29:34] To be to be a point of order. This is on the motion to recess correct?

**Co-Chair Sen. Vernon Sykes** [00:29:38] On the motion to recess

**staff** [00:29:43] Co-Chair LaRe

**Co-Chair Rep. Jeff LaRe** [00:29:44] No.

**staff** [00:29:45] Co-Chair senator Sykes

**Co-Chair Sen. Vernon Sykes** [00:29:46] Yes

**staff** [00:29:47] Governor DeWine.

**Governor Mike DeWine** [00:29:48] No

**staff** [00:29:48] Auditor Faber

**Auditor of State Keith Faber** [00:29:50] No

**staff** [00:29:51] Secretary LaRose

**Secretary of State Frank LaRose** [00:29:52] No

**staff** [00:29:53] Senator McCauley.

**Sen. Rob McColley** [00:29:54] No

**staff** [00:29:55] And Leader Russo

**House Minority Leader Rep. Alison Russo** [00:29:56] Yes.

**staff** [00:29:58] Mr. Co-Chair, two-five.

**Co-Chair Sen. Vernon Sykes** [00:30:00] Motion fails.

**Secretary of State Frank LaRose** [00:30:01] Chairman, I move we call the question.

**Co-Chair Sen. Vernon Sykes** [00:30:10] Staff please called the roll

**staff** [00:30:15] Co-Chair LaRe.

**Co-Chair Rep. Jeff LaRe** [00:30:16] Yes.

**staff** [00:30:17] Senator Sykes.

**Co-Chair Sen. Vernon Sykes** [00:30:18] No.

**staff** [00:30:19] Governor DeWine.

**Governor Mike DeWine** [00:30:20] yea

**staff** [00:30:21] Auditor Faber.

**Auditor of State Keith Faber** [00:30:23] Consistent with my vote on this map the first time, because I believe it has constitutional infirmities, particularly because I believe it's unconstitutional as a drawn map in favor of one political party, the Democrats. I don't believe this map supports the constitutional test. And therefore, even though I understand the need to get a map in place, I think if the federal courts want to impose it, they can do that. I'm a no vote.

**Sen. Rob McColley** [00:30:52] Mr Chariman, more point of order.

**Co-Chair Sen. Vernon Sykes** [00:30:54] Yes.

**Sen. Rob McColley** [00:30:55] A motion to call the question is a separate motion from the actual question. Correct. I'm just confirming that. And so this vote is on a motion to call the question. It's not on the actual question. That was the motion.

**Auditor of State Keith Faber** [00:31:10] Thank you. Thank you for that clarification Senator McColley and for calling the question? Yes. [inaudible audience chatter, simultaneous]

**staff** [00:31:17] I'm sorry Mr. Co-Chair, I did not hear what Auditor Faber said

**Co-Chair Sen. Vernon Sykes** [00:31:31] He indicated that he, uh, yes. The yes, the yays prevail. So we will call the question now on the motion.

**Sen. Rob McColley** [00:31:41] Mr. Chairman, that I don't believe my name was called on the previous motion. I just want to make sure it's a it's a yes vote.

**staff** [00:31:48] Would you, Mr. Co-Chair, would you like me?

**Co-Chair Sen. Vernon Sykes** [00:31:49] Please call the name Senator McColley

**staff** [00:31:54] Senator McColley.

**Sen. Rob McColley** [00:31:54] yes

**staff** [00:31:54] Secretary LaRose

**Secretary of State Frank LaRose** [00:31:54] Yes

**staff** [00:31:55] Leader Russo.

**House Minority Leader Rep. Alison Russo** [00:31:56] No.

**staff** [00:31:58] 5 to, to 2, sir.

**Co-Chair Sen. Vernon Sykes** [00:32:02] At this point, we will call to question then on the motion. Staff, please call the role.

**staff** [00:32:10] Co-chair LaRe

**Co-Chair Rep. Jeff LaRe** [00:32:12] Yes.

**staff** [00:32:14] Co-Chair Senator Sykes.

**Co-Chair Sen. Vernon Sykes** [00:32:15] No.

**staff** [00:32:16] Governor DeWine.

**Governor Mike DeWine** [00:32:17] yes.

**staff** [00:32:17] Auditor Faber.

**Auditor of State Keith Faber** [00:32:20] For all the reasons I previously articulated, I am a no vote because I believe it is a constitutional gerrymanders.

**staff** [00:32:29] Secretary LaRose.

**Secretary of State Frank LaRose** [00:32:30] Yes.

**staff** [00:32:31] Senator McColley.

**Sen. Rob McColley** [00:32:32] Yes

**staff** [00:32:33] Leader Russo [audience chatter]

**House Minority Leader Rep. Alison Russo** [00:32:35] Consistent with a previous Supreme Court order and ruling that has already indicated that this map is not constitutional, I vote no.

**staff** [00:32:44] Mr. Co-Chair 4-3

**Co-Chair Sen. Vernon Sykes** [00:32:50] The motion is approved. Is there any further business to be brought before the Commission today?

**House Minority Leader Rep. Alison Russo** [00:32:55] Mr.,

**Co-Chair Sen. Vernon Sykes** [00:32:56] Yes.

**House Minority Leader Rep. Alison Russo** [00:32:57] Are we going to see the statement?

**Co-Chair Sen. Vernon Sykes** [00:32:58] Yes. [audience chatter] It's improper at this time. Do you have the majority report We have a requirement, if I have order.

**Unidentified** [00:33:24] [audience chatter] [committe stands in recess]

**Co-Chair Sen. Vernon Sykes** [00:33:35] [reconvene] at this time, we will call on Leader Russo for a Minority Report.

**House Minority Leader Rep. Alison Russo** [00:33:54] Thank you. Co-Chair Sykes. Ladies and gentlemen, the majority commissioners of the Ohio Redistricting, Redistricting Commission failed once again to uphold their duty to the Ohio Constitution and the people of Ohio. They failed to adhere to the old adage that those who cannot remember the past are condemned to repeat it. Unfortunately, we are not today dealing with ancient history, but instead in recent events we are again left with a blatantly unconstitutional plan that brings us no closer to the goal of a constitutionally compliant map. The actions taken by the majority are a clear affront to the Supreme Court of Ohio. The majority sat on their hands and adopted a plan today that we all know is unconstitutional. Once again, the majority members dragged their feet, they ignored our calls for action, defied the Supreme Court of Ohio, and paid no mind to the reforms adopted into our Constitution by the voters of Ohio at the last minute. The Commission once again adopted a patently unconstitutional map. In fact, it is simply a resubmission of Map 3 without seriously considering any widely available constitutional alternatives. The majority commissioners performed exactly as the dissent in the federal case of *Ganidakis versus LaRose* predicted. They did nothing and tried to run out the clock and a bad faith effort to punt the responsibility to another entity, prizing their partisan advantage over their duty as public servants sworn to uphold the rule of law. The federal court presumed that, quote, "Ohio's officials are public servants who still view partisan advantage as subordinate to the rule of law and that it would be, quote, 'in our own self-interest to pass a new map rather than accept map three.'" The majority commissioners have ignored this call to adhere to the rule of law and rise above partisan interest. The majority did not take us down this path by mere accident. The events that led us back here were not committed through incompetence. We are here purposefully. The majority had plenty of time to meet all the criteria presented by the Supreme Court of Ohio. There were some members of this commission who made consistent and clear efforts to meet those standards set by the court. And instead of action, our calls were met with silence or indifference. The Commission should have met numerous times between April 14th and today, and instead we met yesterday and adjourned abruptly without even fully discussing our sparse agenda. And at that meeting, the majority commissioners seemed much more interested with the Democratic caucuses map drawing consultant than they did with actually meeting a Supreme Court ordered deadline for a set of constitutional maps. The Supreme Court of Ohio gave every reason for the Ohio Redistricting Commission to reengage our independent map drawers, Dr. McDonald and Dr. Johnson and allow them

the few hours needed to finalize their maps from the last round of map drafting. Beginning April 14th, the time allotted to the commission was more than enough to reengage the map drawers provide them with the commissioner's feedback, debate potential amendments and finalize a constitutional set of maps. Instead, no action was taken, and less than two days before our May 6th, 9 a.m. deadline, the majority instead refused to reengage with the independent map drawers. The deficiencies of the map, adopted on May 5th by a vote of 4 to 3 are well known by commissioners, the court and the general public. The map fails to live up to the requirements in the Ohio Constitution, Article 11, Section 6-A and 6-B. The act of passing an unconstitutional map is egregious. It's egregious enough in its own right, but resubmitting an identical copy of a map already struck down by the Supreme Court of Ohio is indefensible. The majority commissioners have no defense, and they refused even to provide a pretense for their actions by abiding by the requirement in Ohio's Constitution, Article 11, Sections 8-C-2 to explain the constitutionality of their actions. The majority commissioners have ignored the Ohio Supreme Court and have not only refused to work on a new plan, as we have been given time and again directed to do, but have passed a plan that the Supreme Court of Ohio has already found to be unconstitutional. This is a clear slap in the face of Ohio voters and of the rule of law.

**Co-Chair Sen. Vernon Sykes** [00:39:38] The report does not require a vote and will be accepted in the record. Is there any further business? The meeting is adjourned.