

IN THE SUPREME COURT OF OHIO

Regina C. Adams, *et al.*,

Relators,

v.

Governor Mike DeWine, *et al.*,

Respondents.

Case No. 2021-1428

**Original Action Filed Pursuant to
Ohio Const., Art. XIX, Sec. 3(A)**

League of Women Voters of Ohio, *et al.*,

Relators,

v.

Ohio Redistricting Commission, *et al.*,

Respondents.

Case No. 2021-1449

**Original Action Filed Pursuant to
Ohio Const., Art. XIX, Sec. 3(A)**

**AFFIDAVIT OF MICHELLE DEPASS
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Sen. Larry Obhof (00:01):

Well, I want to thank everybody for being here today. It's been a big weekend for Ohio and of course, for the city of Columbus, with the Arnold Sports Festival kicking off. This has also been a busy spring for the General Assembly and the Speaker and I are pleased to be here to celebrate the heavy lifting done by the legislature on congressional redistricting reforms that the voters will see on the ballot here in Ohio this May. This was a bipartisan effort, and even when negotiations appeared to be broken, we kept pushing and we passed a historic bipartisan agreement by wide margins. I appreciate the work of our legislative leaders on both sides of the aisle and we have them here today. And specifically in the Senate, I'd like to thank Senator Matt Huffman, the sponsor of SJR5, Leader Kenny Yuko and Senator Vernon Sykes. I'd also like to thank Senator LaRose and Secretary of State Jon Husted, both of whom worked on this issue specifically for several years, trying to come to consensus. It's now my pleasure to introduce Speaker Rosenberger.

Rep. Cliff Rosenberger (01:03):

Thank you all very much. As the President of the Senate said, we've had a historic opportunity to come together here in the state of Ohio, and quite frankly, put forward a roadmap, I think, for the rest of the nation to look forward to as we go forward and how to work bipartisanly. And hopefully, Washington is going to pay attention too, to what's happening here in Ohio. But I want to take the opportunity to most wholeheartedly thank members of the workforce and the task force that came together to get to this bipartisan compromise. But I also want to thank the many folks that came forward outside the legislature that was part of this process and that was all here at the table to participate in it, which gave the people a voice as well. But I want to particularly thank Representative Kirk Schuring and Representative Jack Cera.

Kirk couldn't be with us today, but Jack and Kirk gave up a lot of time to spend in negotiations, weekends, time with families. I know one time that I had to call on Jack was breaking free from a dinner. Just as much work was put in from our Senate colleagues and I can't thank them enough and it's what really took us to the point that we are. Before I turn it over, I just want to say though, I got to give a lot of credit to President Obhof, who just continued to push and wouldn't give up and was working extremely hard, including taking Super Bowl weekend to go all the way up to Akron and spend some time working on this with Senator Sykes and to get us to where we are. So I just want to make sure folks know to give credit where credit is due, because I appreciate a lot of folks who got this to this point that we have this historic pathway before us. So thank you all very much all. Oh, and I will now introduce to you Leader Yuko.

Sen. Kenny Yuko (02:50):

Thank you Mr. Speaker and governors and other leaders and all of you. Thank you for being here today. This is a campaign season and I think so many people campaign of what they can do and how they should do it and the right way to do politics. But talking is one thing, but actual fulfilling those promises like we did with this particular group, I think, is absolutely amazing. We put aside all of our party differences. We put aside what our personal others were and we worked together as a group sharing ideas, coming to compromise and agreeing that we would all come out a little bit ahead if we all worked together and that's what happened. And in the process, we moved Ohio ahead and I think we made our citizens proud. But thank you for being here. Representative Fred Strahorn.

Rep. Fred Strahorn (03:41):

Thank you. And I want to welcome Governor Schwarzenegger for being here. Thank you for being here and wanting to bring us together to draw attention to this and awareness and celebrate the fact that we had a good bipartisan success. I also want to thank the Governor, Governor Kasich, for setting the tone about wanting to see this done, Governor. And as the former speakers have said, thank all the people that did the hard work on this. I mean, we as leaders get a lot of credit, but the Senate and House members, Representative Cera and Representative Schuring and Senator Sykes and Senator Huffman really did the big lift and put all the hours into this, so I want to thank them for all that work. And as was also stated, a lot of the grassroots groups that came together to help support and supply us with the information and quite frankly, our stance on the Democratic side had been to make sure that we didn't undermine their and wanted to make sure that whatever we passed was something that they felt comfortable for because they were speaking for the public and for the voters.

And at the end of the day, I don't want it to be lost what this was about. This wasn't about Democrats or Republicans. This was about people in Ohio having a voice and being able to choose who represents them in Congress, as opposed to us choosing who our voters were. And so while we went through a whole lot of stuff over this, and there was some compromise and nobody got everything that they wanted, at the end of the day, everybody seemed to be satisfied that we're moving forward to make sure that our democracy functions properly the way that it should be, because it really doesn't if the public doesn't have a voice and I think that we've moved the ball really far down the road to give them that voice. And so again, want to thank everybody that was involved in that, particularly Jack Cera. I asked Jack to do a lot of things and he never complains to me. I know he complains to somebody, but thank you, Jack, for all your hard work. Thank you.

Gov. John Kasich (05:44):

Well, I appreciate what Cliff said about Jack Cera. I mean, I can tell you that wherever he was, they probably pulled him out of a pool hall somewhere over in Steubenville. He couldn't have his second shot and a beer. Am I right Jack? In the beginning of the budget process, I said I wanted to put something in on redistricting and Cliff, specifically, said, "Hey," and Larry too, "give us a chance. Let us go and do it because we are going to do it." And when they give their word like that, I trust them. And of course, what they did was absolutely vital. But then you take the Democrats and because this could have potentially been a big ballot issue, Arnold, just to drive people to the polls. And frankly, I think the Democrats deserve a lot of credit here.

I really do. Why does this issue matter so much? Well, because when you draw lines in such a way that only one party can win the district, it creates a polarizing effect because whether it's a Democrat district, they have to watch from the left, if it's a Republican district, they have to watch from the right and that means we move farther and farther apart as a nation. And then with the robust efforts at the social media, now you can go out and target people in a much more effective way and it all leads to getting nothing done. And just look at the Congress and you can see how much division and polarization there is. Listen, this is incredible what they did. With Larry and Cliff and Kenny, Fred, the outside groups, we're now a model for the country and it just means we're going to have fair elections.

They're going to be more competitive. People are going to have to listen to people that at the present time, they don't always have to listen to because they represent such a small minority inside of the district. This is really big time. This is the beginning of a effort to end all this polarization, get people to communicate, to listen to one another. That's what this is about. So Arnold has been involved with this for a long time. He asked me to sign on the amicus brief down at the Supreme Court. We did one for Baltimore. But you know, Arnold, this is really just amazing what happened in this state. Just a word about Arnold. I've known him for a very long time. Yeah, I know you know him as the Terminator and we

love to tease about it and kid about it. His After-School All-star program, which we all embrace here in this state, is a model for the whole country.

There aren't that many states that are doing this, but it's growing and the legislature supports the After-School All-Star program, an effort to take kids who would be... We don't know what would happen to them after school if they weren't in a place where people could care, teach them, love them, look after him. This is all Arnold. It's what he's all about. He's active all over the world on the environment and he talks about it in a really great way. See, the thing I love about Arnold is he loves people. He just loves people and he's just the best. He's just the greatest guy. I love to hang around him. I hope a little of that superpower at times rubs off on me, but he doesn't give much of it up willingly except to Heather, his special friend who's in the back. So without further ado, and guy's, thanks for what you did here. I mean, this is for our country. It really is a big deal. So how about the Terminator?

Arnold Schwarzenegger ([09:27](#)):

Well, thank you very much, John, for the nice introduction. And of course, I have been a big fan of John's for many, many years. And you probably don't remember back in the nineties when I was doing your first fundraiser.

Gov. John Kasich ([09:44](#)):

What you mean, I don't remember?

Arnold Schwarzenegger ([09:48](#)):

I have brought here a picture just in case you forget from here. I want to give you this picture. This is when we met the first time and when we did a fundraiser together.

Gov. John Kasich ([10:00](#)):

Look how good we looked.

Arnold Schwarzenegger ([10:02](#)):

And how good we still look.

Gov. John Kasich ([10:04](#)):

Fred, look.

Arnold Schwarzenegger ([10:04](#)):

Don't forget.

Gov. John Kasich ([10:05](#)):

Do you see these two handsome guys, huh?

Arnold Schwarzenegger ([10:09](#)):

But have this as a gift because from that point on, I was told by Jim Lorimer, my partner, come to this fundraiser because we have a really great Congressman here that is representing Ohio really well and we want to make sure that he gets reelected. And I went to the fundraiser. We had a great time. We had great, great conversations about politics and policies and all this stuff, which I always was interested in.

And you won again and represented Ohio fantastic and the rest of the country really fantastically. So I've become a big fan of his. So that's number one why I love working with John on those issues. But the fact of the matter is I've been a big fan of Ohio since 1970 when I won the Mr. World competition here. And then in 1976, I brought the Mr. World, Mr. Universe, and Mr. Olympia addition here. And since 1976, we've been organizing these events. Now it's called the Arnold Sports and Fitness Festival.

It's the 30th year that we have held this title here. We have over 250,000 people coming through here. We have 75 sports. We have 21,000 athletes. Just think about that. So this has been a great partnership with me and Ohio, but as the time has gone on, I fell more and more in love with Ohio's, like the state, California, for me. So then I looked at other issues that were very successful in California with the after-school programs. I went to John and to the legislative leaders and said, "Hey guys, why don't you start a really great afterschool program?" And they did. Fantastic. They funded it and they had a great public private partnerships and it's in schools all over Ohio and it is growing and we are very, very proud about that. And I want to say, thank you for helping so many children that don't have parents at home in the afternoon.

It is so important to have those programs because 70% of the kids come from homes where there is both of the parents are working and there's no one home. And that's when kids get into trouble with drugs and with gangs and violence and alcohol and pregnancies and other things that cost us a lot of money. So you are having a great program here in Ohio. So now I became Governor of California and we did redistricting reform in California, but not as successful as here where the legislators got together, Democrats and Republicans, and solved the problem. It's unbelievable. I told John, I said, I wish that when I was Governor of California, that it would've been like that, where the legislators get together and worked it out so that you can really come up with a great redistricting way that you really represent the people rather than the parties." And well, they did it.

I was so impressed with that, that when we did it in California and they now picked it up and did it here in Ohio, I said, "If you get that done legislatively," it was so unbelievable, I said that, "I'm going to come there to your capitol with schnapps, with Austrian schnapps and we are going to celebrate this because this is really extremely important for the people because I've seen in California, the effect that it has." The legislators in California had the approval rating of 14% and then after redistricting reform, now they're 53% approval rating. They're getting much more great work done. So this is the effect it will also have in Ohio. So John, I have the schnapps here. I want to make sure that we all drink the schnapps. Heres the bottle. Here's the schnapps, guys.

Gov. John Kasich ([13:52](#)):

Oh, they're already ready to go.

Arnold Schwarzenegger ([13:54](#)):

It's all put together.

Gov. John Kasich ([13:57](#)):

Here, Larry.

Arnold Schwarzenegger ([13:58](#)):

Here, take the schnapps.

Gov. John Kasich ([14:00](#)):

You ever drink schnapps?

Speaker 7 ([14:00](#)):

I do not.

Gov. John Kasich ([14:01](#)):

Yeah. Well, you'll enjoy this. Come on, Fred. Here you go. Okay. Cera doesn't watch schnapps. He wants whiskey, some Jack.

Arnold Schwarzenegger ([14:15](#)):

Very nice. Does everyone have their schnapps?

Gov. John Kasich ([14:15](#)):

How about you, Arnold?

Arnold Schwarzenegger ([14:19](#)):

I will have schnapps too. Here's to schnapps. Cheers to everybody. And I want to make sure that the people of Ohio hear us loud and clear. It is important to vote for this. It is in May, a ballot that is extremely important for the state of California. If you vote for that, you will have true redistricting reform and better performance from the legislators on the congressional side and also on the state level. Congratulations. We need your help people. Vote for it. Cheers.

Gov. John Kasich ([14:52](#)):

They're asking can you drink the whole thing. We don't have any girly men here.

Arnold Schwarzenegger ([14:59](#)):

Thank you. That's the way to do it.

Gov. John Kasich ([15:01](#)):

And keep it. Keep it as a souvenir.

Arnold Schwarzenegger ([15:02](#)):

Exactly. Keep it as a souvenir, exactly.

Gov. John Kasich ([15:05](#)):

I know you bought them and he's buying them.

Arnold Schwarzenegger ([15:07](#)):

Anyway, thank you very much, everybody. Thank you.

President ([00:02](#)):

We open with prayer. We will be led in prayer today by Senator Dave Burke followed by the Pledge of Allegiance.

Dave Burke ([00:12](#)):

Let us pray. Heavenly Father, we ask you to place your wisdom and grace upon this body today. Allow us to open our ears to your words, our minds to your thoughts and our hands to your work. We are truly blessed with your great abundance and ask your blessings upon our great state and nation so those in need of your grace may seek it and those who need your help and blessings receive them. Guide us in our work today so we may reflect your will and carry the true servant's heart as was shown by your son, Jesus Christ. We ask this in your holy name. Amen.

All ([00:51](#)):

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands. One nation under God, indivisible, with liberty and justice for all.

President ([01:14](#)):

The clerk will read the journal of the previous day.

Clerk ([01:17](#)):

Senate chamber Columbus, Ohio Thursday, February 1st, 11:00 AM. Seven bills were introduced for the first time. Two resolutions were offered and adopted on the motion of Senator Hackett. The Senate adjourned until Monday, February 5th at 11:00 AM.

President ([01:29](#)):

The question is, shall the journal be agreed to? Without objection, the journal is agreed to. Reports of standing and select committees, Senator Ecker with a report.

Clerk ([01:39](#)):

Senator Ecker submitted the following report. The standing committee and government oversight and reform to which it referred Senate Joint Resolution 5, Senator Huffman under the same consideration reports back a substitute resolution and recommends this adoption and the report is properly signed.

President ([01:54](#)):

The question is, shall the report be agreed to? Without objection, the report is agreed to. The chair recognizes Senator Peterson for a motion.

Senator Peterson ([02:02](#)):

Thank you, Mr. President. I move that substitute Senate Joint Resolution 5 having been reported [inaudible 00:02:08] the government committee on oversight and reform be brought up for immediate consideration.

President ([02:13](#)):

The question is, shall the motion be agreed to? Without objection, the motion is agreed to. Resolutions reported by committee.

Clerk ([02:23](#)):

Senate Joint Resolution 5. Senator Huffman proposing to amend versions of Section 1 of Article 11 that is scheduled to take effect January 1st, 2021 to next sections one, two and three of Article 19 of the Constitution of the state of Ohio to establish a process for congressional redistricting.

President ([02:42](#)):

The question is, shall the resolution pass? The chair recognizes Senator Huffman.

Senator Huffman ([02:47](#)):

Thank you Mr. President. Permission to speak to the resolution. Thank you. Thank you very much and welcome to the Senate on a Monday night. I'll try to keep this as brief as possible. But this is a bit of a historic occasion. This will be the first time that there are actually specific requirements and restrictions, which I'll go into here in a few minutes, for the drawing of congressional districts. Our representatives that go to Washington and represent us and the other citizens of the state of Ohio. We've had a lot of issues in the past, not just recently. As a matter of history for 40 years, at one point in our history, we had the same map because we were unable to come up with mechanisms for drawing that. So at one point we had to have Congressman elected statewide because of problems with map drawing.

So we've got some specific requirements in here. This is the result of about a four month process with a working group made up of myself and Senator Sykes and Representative Shuring and Representative Cera. But really, this discussion stretches back six or seven years to the Constitutional Modernization Commission. And there's been multiple people involved in bringing this issue to where it is today.

Enough of the history lesson. I want to try to run through this. Many members of the committee have had this described to them, but since we're here in full session, I wanted to take just a few minutes to talk about what we have. The process at each step requires significant majority party and minority party cooperation. The significance of that is... Well, it's very important. In fact, I was just talking with Senator LaRose who's a bit of an expert on these issues and he's indicated this will really be the first process of this kind in the country to enshrine this into constitution.

So what we have is... Of course, we know that the census is taken every 10 years and that data comes back to us and needs to be formulated into local jurisdictions. And when that happens, we have an opportunity to begin to draw the map. The general assembly will be required by September 30th each year to draw a map. But the voting for that will require that at least three fifths of each house, a super majority will prove that. But more importantly, at least half of the minority party caucus will have to vote for that map. And of course, these maps last 10 years. There is no requirement like that anywhere else in the country and certainly not in the state of Ohio now. So that's significant. Now we know that that may not be possible. It may not be possible that the 50% of the minority caucus is met, but we may not get three fifths of the house.

So we get another opportunity to draw a 10 year map by turning it over to the redistricting commission. This was the commission that was created in issue one by the voters of the state of Ohio. And that's made up of legislative appointees four, two from each of the legislative leaders in the house and Senate, of course, our Governor, our Secretary of State and our auditor. And they will have an opportunity to draw a map independent of the general assembly's control. And they have to do that by

the end of October. October 31st. And if they are unable to draw a map, their map also will require minority input. Now whoever's in control of that, it's either going to be five to two or four to three, at least two members of that minority party will have to vote for that map. So it may be four to three. It may be five to two, but in order for that 10 year map that is drawn, it again will have to have significant minority party input.

But they may not be able to do it either. So we're going to take it back to the general assembly and give them one more opportunity to draw a 10 year map. Again, we'll require the three fifths majority, but because we want to make sure that we have an opportunity to do that at that level, only a third of the minority caucus, still a significant amount, is needed in that third what we have been calling silo. So three opportunities to draw a 10 year map and for all the folks to weigh in on that and make sure that that happens.

Now during those three separate opportunities to do that, there are a number of requirements that are put in place, again for the first time. The first one is we have a requirement on the division of counties. 65 of Ohio's 88 counties cannot be divided on the map that is drawn on these 10 year maps. 18 counties can only be divided once, and only five counties can be divide twice. Now, maybe sitting alone, we're not sure. Well, what's the significance of that? Well, for the last 60 years, as an example, Cuyahoga County has been divided at least three times. It had four congressional representatives in it. And at the moment Summit County, for example, is divided. So if you look down, what you're going to see is far fewer counties can be divided under this map.

And of course, the reason that's significant is it breaks up communities of interest and really is for those who use the term gerrymander, I'm going to use that tonight, that's the gerrymander's, one of his main or her main weapons when they're dealing with these things. We have additional requirements regarding counties or districts can't be elongated. And what we mean is borrowing portions of counties and stretching across the state. We of course have a requirement that the districts be compact. We have to comply with federal law, including the Voting Rights Act, which has its own set of criteria. We have a requirement that each county have or attempt to have one whole county or each district have one whole county within the district.

So what this will result in is more compact districts, more communities of interest that remain together. And of course, each of these acts by the general assembly are subject to the referendum and of course, the governor's veto. These 10 year plans also require that there be public hearings on the map so that folks from state of Ohio be able to come in and see. Now, some say people want to be able to come in and tell you why they may not like it. I think it's important because often the public may not understand why a particular district is drawn the way it is. So we can say, "Hey, this is why this community is here and why the county was divided." I think it'll be a great educational tool and requirement.

We also allow for the submission of plans for consideration from the public. They don't necessarily just have to be the person who is actually working for the legislature or in the redistricting commission in that sense. And by the way, the public will have the same access to the data and all of the specific kinds of things that anyone working for the general assembly will. So all of that information will be included. So those requirements are all part of this 10 year map drawing process. And that's important.

Now the best laid plans of mice and men often go astray. And it may be that at those three different junctures, we are not able to come up with a solution. Either at the first, with the general assembly or the redistricting commission, or the third time with the general assembly. And it's critical as it was with issue one that there be some sort of ultimate process for determination. What we don't

want is what I described at the beginning of my remarks where we have the same map for 40 years because we can't make a decision.

So in that process, the final process, if we're not able to do that, we allow the majority, a simple majority, again, in both houses to draw a map, except there are a variety of restrictions on that, which I'll describe in a minute. And the reason is if both parties under this rule can come up with a map, we want to allow that to go ahead and exist. But if only the majority is going to draw the map because we can't come up, then it's going to be a map that is much more restrictive and more importantly, will only be in existence for four years or for the next two elections. And that is-

PART 1 OF 4 ENDS [00:12:04]

Senator Huffman ([12:00](#)):

... for the next two elections. And that is significant because most people, especially if you're in the majority, don't want a four-year map. The folks back home who probably don't want a different Congressman... Now, maybe they're going to reelect and elect different people, but they don't want suddenly to be represented by somebody from the Toledo area. And maybe four years later, two years later, by somebody from Akron. And then the districts change, and their Congressman coming out of Columbus, as an example. So we don't want a four-year map, and hopefully we won't get there. But if there is only a four-year map, because the majority's doing that, we put additional requirements on the majority. Additional restrictions. And there's more restrictive rules regarding dividing, not only counties, but also local municipal corporations. And for you fans of the code municipal corporations are cities and villages. Villages are our municipal corporations that have less than 5,000 people in them. Cities are greater than that. And also townships. Now some townships, of course, are much larger than even some cities, but there's restrictions on dividing those local jurisdictions. There's also additional requirement regarding compactness.

There's also that when the general assembly issues this four-year map, they have to give an explanation of why the map is drawn the way it is. And again, I think that's helpful for the purposes of the public knowing what that is. Now, we will say that if, unfortunately, we get to a four-year map process, that means four years later, and in this case it would be in 2025. It's not that far off folks. In 2025, a new map will have to be drawn, a six-year map, and we'll go through the same process, general assembly, the redistricting commission, if they can't draw a map, then ultimately to the general assembly again.

So I guess one thing I want to say is a lot of folks have said to me, "Man, that sounds complicated. There's a lot going on there. It's all of that really necessary?" Well, the answer is this is a complicated process, and it's an important issue. Who we send to Washington obviously affects us. I don't think a day in our legislative day goes by where we're not saying, "Well, we're not sure if we can do that because of what the federal government's doing." So how it is, and how we select folks, is a big issue. And this process really represents the best, I think, of allowing the most number of people to weigh in in the best way. And often in a significant way. So, as I said, this has been, Mr. President, somewhat of an arduous process. It's the second time that I've had to, not had to, but enjoyed going through it. And I want to thank the folks specifically who've been involved in this, in particular Senator Sykes. I sat in front of several political science professors back in the day, but none that grilled me quite the way that Senator Sykes did the political science professor during these negotiations. So it's certainly been pleasure working with him during this process.

And I want to thank, of course, not only the staff in your office, who've been fantastic, and my staff, but particularly Frank Strigari and Ray DiRossi, the two wise men, I would call them. Frank, many

people don't know is recognized at, at the NCSL as one of the experts in this area. And I don't think anybody knows more about this issue here in Columbus, Ohio than Ray DiRossi. So they've been fantastic.

Finally, President [inaudible 00:16:16], I want to thank you for your leadership and, oftentimes, interview in some of these issues. And I don't think this would have gotten done. We had many meetings here and elsewhere, but just to let you know, yesterday afternoon on Super Bowl Sunday, the President and I and Ray DiRossi spent about five hours with Senator Sykes and Leader Yuko and Bethany Sanders. And what a great way to spend a Super Bowl Sunday, hanging out to community action center in downtown Akron trying to get this done. So I would appreciate the support the members of the Senate. And hopefully this is an issue that will serve the Ohioans for many decades to come. Thank you, Mr. President.

Speaker 1 ([17:08](#)):

The question is, shall the resolution pass? Chair recognizes Senator Sykes.

Sykes ([17:14](#)):

Thank you, Mr. President. Ladies and gentleman of the Senate, this is the second time I've an opportunity to work so intently with the previous speaker. I wasn't as enthusiastic about meeting with him this time as I did before. Mr. President, if I may in a very affectionate way, say at some points during the discussion that I thought he had lost his mind. But we are at a critical juncture, a critical juncture for this State and for this nation. We have very important jobs and responsibilities, and we all love this job and we all love this place. This is very ornate. The decorations here, they're very classy. And it is intentional, really, that the architects got much of there is inspiration from the Greek civilization. And the Greek civilization is where democracy was born in the polis, in the Greek city states, where all free men had the opportunity, but also the obligation, to participate.

And that was to make sure that they, in fact, were going to make sure the government was going to represent the interest of the people. They just didn't leave it up to you at your own discretion. You had to participate so that it would be more inclusive and more representative of the people. Where our founders were learned scholars, and they gleaned information and strategies for governance, not only from the ancient Greek civilization, but the ancient Roman civilization. And that's what the Republic and representative democracy came into the being. And with the representative democracy, the Senate was the body. Ain't that ironic? That's our name, the Senate. And the Senate represents the interests of the people.

So at the top of the organizational chart, we have the interest of the people, whether that's direct democracy or representative democracy. We have that responsibility. And so as legislators, we have the responsibility of trying to figure out what are the best policies that serve the interests of the people. Now, there's a movement all across the country in the various states, and even a case pending before the United States Supreme Court, that deals with gerrymandering. And people are beginning to speak out and take action dealing with gerrymandering. And gerrymandering, constructing these district maps to systematically minimize the interest of the minority and the interests of the people that they represent. So it's anti-democratic.

And so that's why we joined this effort in the working group, was to try to do something to advocate and to help the people in their direct democracy efforts in the initiative petition process that they are trying to put on in the fall in the general election. As legislators here, we can actually put something on in May. And so we've been working across the aisle to try to deal with that. We've had

weeks of meetings with stakeholders and interested parties and legislators from both sides of the aisle. This plan is not the plan that we would've written, but it's also not the plan that our colleagues on the other side of the aisle originally brought to us.

Our goal is in working with groups, was to create a system of redistricting that requires substantial bipartisan support and include strict enough criteria to not deny gerrymandering in the event of a one-party map. And I believe this resolution achieves those two goals. The resolution before us today provides a significant sufficient amount of checks and balances against the partisan gerrymandering that brought us to our current map.

And what we find is that this process provides that bipartisan agreement is not possible, then the resulting four-year map must follow strict criteria. This plan will stop the majority party from passing a map, a plan that unduly favors or disfavors a political party or its incumbents, or forbids unduly splitting governmental units, and gives preference to counties, townships, and municipal corporations. The fair district and fair elections folks, a coalition of some 40 organizations and 3000 volunteers across the State put together one of the most progressive and aggressive signature campaigns. And they've collected two-thirds of the signatures that they need. And they've turned to us here, their representatives, to help them out. And on our side of the aisle, we held out to make sure that we had the adequate sufficient safeguards to make sure that we could actually put a limit on the amount of gerrymandering that was going to take place. And because-

PART 2 OF 4 ENDS [00:24:04]

Sykes ([24:00](#)):

And it was going to take place. And because on your side of the aisle, that you've met us part way, that we're able to stand here today with a resolution that we can offer and get on the May ballot to address the issues of the people. And I'd like to thank our staffs that have helped us over these nights and days. Mr. President, I'd like to thank you for reaching out in a bipartisan way. I'd like to thank those on the other side of the aisle, even though it's a challenge for us here in the state and across the various states in the nation, you enjoy a super majority, and you didn't have to deal with us. And so I appreciate that extent and that's why I rise and ask support of this resolution. Thanks.

Mr. President ([25:18](#)):

The question is, shall the resolution pass? The chair recognizes Senator LaRose.

Senator LaRose ([25:25](#)):

Thank you, Mr. President, colleagues. Rise this evening in support of Senate joint resolution five. For me, this has been a long journey. I think many of you know that I've worked on this issue since I arrived here nearly eight years ago. This has been something that has been a passion of mine and something that has been a focus of mine, because I believe that the way district lines are drawn has a big impact on the way our chambers function here at the state level and on the way that the chambers function at the federal level.

And so I got started on this endeavor with some partners in a bipartisan way in 2011. Many of you may remember when we introduced our first resolution. It was myself and Senator Sawyer in this chamber. And we worked very closely together on that. And for many years it felt like we were the only ones that were raising this issue. But I knew that there were a lot of others that cared about this as well.

And I've heard from them over the years. And my wife has always joked with me that I just seem to be fixated on the redistricting issue.

And some of you have heard me tell the story before. Because she's heard me talk about it so many times when one of our daughters was upstairs crying. Lauren said to me, "I've been up there three times trying to make her go to sleep. It's your turn. Go up there and talk to her about redistricting." And I don't think it's a boring subject. I think it's a very important subject. But nonetheless, it's something that I've been working on for a long time.

When we passed Issue 1-HJR-12, which became issue one a couple years ago. And many of you may remember we were standing in this room at 4:30 in the morning passing that. Thankfully, we're getting it done a little bit earlier in the evening this time.

Senator Sawyer challenged me to describe this process in 30 seconds or less, and put me on a stopwatch. The reason for that is that we had said all along that the process has to be reasonably simple. It has to be easy to understand. And we've added a couple steps here, but I think I'm going to try that again. I think I can describe this process in 30 seconds. I believe I can. And obviously the fine points of it require a much more thorough reading. But in 30 seconds, I think that we can go home and tell our constituents about this. When we meet with those dedicated folks from the League of Women Voters that are going to come and see us at our district office hours or those constituents that care deeply about this issue. I think that we can describe it in 30 seconds or less. So I'll give it a try.

We set forth a three step process that includes standards that not only protect racial minorities, voting rights, but also limit the splits of counties, cities, and townships. That three step process starts with the general assembly, requires a three fifths majority to pass maps, including half of the minority. And it has to be signed by the governor. If they fail, it goes to the Redistricting Commission, which is seven members that was constituted in issue one. They have to pass it with four votes, including two minority votes. If they fail, it comes back to the general assembly. They have a three fifths majority requirement and one third minority votes are required in order to pass it. It has to be signed by the governor. If that fails, the fourth step is that the general assembly can pass a four year plan with a simple majority, but have to adhere to strict standards which prevent partisan excess.

That's this process, I think in less than 30 seconds. I believe that this is something that the rest of the nation can look to as an example. I think that other states that are wrestling with this very issue should look at what we're doing in Ohio. And think that our members of the federal government should look to what we're doing in Ohio, because it seems like in Washington people can't agree on what day of the week it is. But here in the heartland, here in the Buckeye State, Republicans and Democrats are coming together to solve an issue that the voters have asked us over and over again to solve. This is not a perfect plan. There's no such thing as a perfect plan. But what this does is lays out a bipartisan process to draw fair congressional districts every 10 years. And that's what we ought to be focused on.

I've been asked repeatedly why I took this issue up. And some people have asked me bluntly. The current status quo over the last few decades has benefited your party. I think it's very clear just numerically that that's the case. I've told them the reason I took this up is because what's important to me is not what's good for my party or the other party. What's important to me is what's good for the people of Ohio. And the current winner take all process is not good for Ohio. Whichever party is empowered to draw the lines, under the current process is going to draw lines that benefit them. It would be foolish for them not to.

And so we need to put a process in place that compels statesmen and women to compromise. Many of you have heard me say that compromise is not a dirty word. It's how statesmen and women solve problems in our form of government. I believe that this process compels statesmen and women to

come together starting in 2021, and hopefully for decades beyond that, to solve one of the most difficult problems our state faces, and that is drawing these district lines in a way that everybody can find acceptable.

Now, I don't want to compare the work that we've been doing here to the founding of our nation and the Constitutional Convention, but many of us have heard the story before that following the deliberations of the Constitutional Convention, a woman named Mrs. Powell of Philadelphia reportedly asked Dr. Franklin, Benjamin Franklin, what form of government we have. And his response was, "We have a republic if you can keep it." Well, I would argue that what we have here is a balanced redistricting process if we can keep it. It'll be up to men and women of good spirit and nature to come together in 2021, whether it's in the general assembly or in the Redistricting Commission, and to use this process that we've given them to draw fair districts. We have a balanced process if we can keep it. It's not perfect, but it'll be up to those statesmen and women to do the right thing. In 2021 and draw fair districts.

As I've been saying, this is a significant step on a long journey for me and many others that care about this issue. It's not by any means the end of this journey. It continues on well into the future, and will continue on in 2021 when the new lines are drawn. I urge support on Senate Joint Resolution 5. And I appreciate all the work that have been put into this by the staff members, by my colleagues, as well as the coalition that worked hard. I think it has to be mentioned that hundreds of Ohioans gathered thousands of signatures. Dedicated volunteers worked very hard because they were passionate about this issue, and has helped us to get where we are today. And so for all of us that care about this issue as much as I do and as much as I know many of you do, tonight is a good opportunity for us to come together. And I look forward to supporting Senator Joint Resolution 5. Thank you, Mr. President.

Mr. President ([32:35](#)):

The question is, shall the resolution pass? The chair recognizes Senator Schiavone.

Senator Schiavone ([32:39](#)):

Thank you, Mr. President. I'll be brief. Senator LaRose kind of hit it at the end there. All the place that you've been in the last year or two, you've seen volunteers on corners in front of grocery stores at your interested party meetings talking about the dangers of partisan gerrymandering, and talking about how important their vote is, and how important the future generations votes are in the state. They just want their vote to count. So when Senator Sykes is talking about us being down here for the interest of the people, it's absolutely right. But they've done a great job of working outside of this building to put pressure on the members in this building in order to get the job done that we're here for tonight. And for that reason and the fact that they signed off on this plan gives me a feeling that we're doing what we're supposed to be doing for the people. And for that reason, I'll be voting yes on this resolution.

Mr. President ([33:41](#)):

The question is, shall the resolution pass? The chair recognizes Senator Brown.

Senator Brown ([33:48](#)):

Thank you, Mr. President. Mr. President, I rise today in support of Substitute Senate Joint Resolution 5. As a member of the Government Oversight and Reform Committee, I had the opportunity to listen to numerous people express their opposition to SJR-5. As introduced, I could not support the legislation. But the majority has made significant amendments in an effort to achieve a plan with bipartisan

support. As a Senator and resident of Ohio's Ninth Congressional District, which many refer to as the Snake by the Lake, I understand the importance of keeping communities whole. This plan is a step in the right direction in terms of how that can be achieved. It's critical to ensure that Ohioans are able to receive adequate and accessible representation. Therefore, I urge my colleagues to join me and the others to vote in support of this legislation. Thank you, Mr. President.

Mr. President ([35:02](#)):

Chair recognizes Senator Yuko.

Senator Yuko ([35:04](#)):

Thank you, Mr. President. And ladies and general Senate, I stand to speak on SJR-5. It was kind of appropriate as Senator Huffman pointed out that we spent super day Sunday together, huddled together in a small office in Akron, Ohio. I think if the New England Patriots had a quarterback like we had, Bethany, we might have had a different Super Bowl champion come last night. But what we had was we had an opportunity to work together on something that we started nine months ago. Or six months ago, excuse me. It was in September, I believe when we first got together and we had this idea that we had an opportunity as legislators to do something that we really should be doing. And that's exactly what we did. So I want to thank everybody, because you know what? This did not happen by accident. This did not happen because at the last minute, on a Sunday afternoon, we got together and shared...

PART 3 OF 4 ENDS [00:36:04]

Senator Kenny Yuko ([36:00](#)):

Because at the last minute, on a Sunday afternoon, we got together and shared some ideas, quickly wrote them down on a piece of paper and came across with a new idea that was going to change the complexion of the state of Ohio. That did not happen. What did happen was six months ago through a lot of due diligence from a lot of very concerned people, many of them that are here tonight, members of this body who gave so much of their time and energy, not only here in Columbus, but in their districts and other places throughout the state of Ohio.

It wasn't an easy task. And yes, there was a lot of people who, they're naysayers. They did not believe that this could happen. They could not believe that we could make this happen then you knew that the challenges were out there. They knew that there was questions as to whether or not the intentions were pure and honest. And what would that result in, in the final product? Well, I think at the end of the day, when we can stand here before you and tell you that we were joined by a lot of tremendous people, the fair districts, fair elections people, as it was pointed out 40 people coming into an agreement that what we did was the right thing to do.

And we did it in concert, working with them. It wasn't that we were working against them. We were working together the way it should be. Both sides of the aisle, both chambers working again in concert with one another, listening to outside parties who listen to their folks who are our constituents is what it comes down to. And I think what happened was we came across with a tremendous plan. It might not be picture perfect. Might not even work. I can't guarantee it, but I think what we did was we created an opportunity that is better today than what we've had in the past.

I think our members of Congress might agree. I know we've heard from some, and I think we have an opportunity here to do the right thing in Ohio. For the first time in a long time, we really created

an opportunity for the minority party to have a seat at this table, and it's an important seat to have. You can't have one party drawing all the lines and expect a continuing number of successes coming out of the one body. We have to have it where we have conversation. We have to have it where we have both sides having their opportunity to express their needs and their concerns and that of our constituents.

I think what we're going to have here is an opportunity to do just that. No, my expectations are not that I'm going to be stand up there, or one of us are going to be standing up there in the very near future. I don't think our congressional makeup is going to be different in the very coming years that we're going to see the complete reversal of the trend we have right now. But I think my expectations are that we will have more representation and a stronger and a louder voice. And that's what we need.

I think of what's going to happen as a result of this. It's going to just be a win-win situation for everybody who reside in this great state of Ohio. Not everyone has been supportive of this from day one. I think we've taken a lot of people who were not believers and we made them believers. I think a whole lot of the success deals with the fact that we got together six months ago and we haven't given up. We've had roadblocks and we've addressed them. We've had situations where we thought we had an agreement and then we no longer did.

And instead of getting frustrated and angry, we just sat down and continued to negotiate. We continued to listen. We continued to share ideas. We continued to reach across the aisle. We continued to go from chamber to chamber. We continued to work late in the evening last Wednesday, as you well know, before we kind of called it a halt for tonight. Didn't stop us. Senator Obhof early morning phone calls, late night text messages where it became the norm. Why? Because we wanted to keep those doors open, keep those minds open, keep those thoughts going, keep the opportunity for us to do something really good in a very meaningful way and keep it going.

I really want to thank everybody again who participated. Senator Hoffman, Senator Sykes, our friends in the House who joined us. I tell you that the task before us was gigantic. It wasn't an easy task. And I think people all over the will look to Ohio for leadership when it comes to this conversation right now. The end result is we accomplished something that most people thought we couldn't do, and we did it and it wasn't easy. And it was a lot of frustration on both parts, both sides of the aisle.

It was frustration with our friends who reached out to us at sometimes and said, "Can you help us?" And then the question was, "Are you guys really helping us or hurting us?" But at the end of the day as tonight I stand here, I thank you. President Of, thank you for your due diligence in this. I should have invested in a coffee company when I realized how much time we spent together. And every time I do, he's holding a fresh cup of coffee in his hand. That's what I should have done. I could have made some money on this deal.

But I want to thank everybody again. Thank our staff and all the work that they did. Ray and Bethany coming up to Akron on a Sunday. She brought half her office with her equipment-wise to make sure that we had all the tools that were necessary. This is when they go above and beyond the call of duty is what it comes down to. And the net result is the work that our folks did behind the scenes, all over the place, our members, our friends, it's going to make all of us look better and make Ohio look great in the eyes in the nation.

I'm going to urge a yes vote on this resolution. Thank you, Mr. President.

Speaker 2 ([42:13](#)):

Question is shall the resolution pass? The chair recognizes Senator Obhof.

Senator Obhof ([42:20](#)):

Thank you, Mr. President. I just have some very brief comments. I want to thank Senator Sykes in particular, Leader Yuko, our staff, the minority caucus staff, a whole host of people in the House, including leadership. It's pretty rare that you get Kenny and myself and Speaker Rosenberger and leader Strahorn all in a room to argue about a specific bill or a specific issue. And I think everybody put in a lot of time and a lot of effort onto this. And there were a lot of people outside of the legislature who were involved in the process here today, and we've already heard about a lot of them.

So, I won't be duplicative of what we've already said, but I do need to one up my friend, Senator LaRose. He's been working on this issue for as long as I've known him and there were a lot of people who came before who tried this as well. Secretary Husted, Joyce Beatty, Frank, Tom Sawyer, and we've struggled with this issue for probably 20 years, maybe longer across the state of Ohio. And here we are today with a resolution one that that maybe none of us are really thrilled with, but that we can all live with, and one that I think we mostly agree is good for the people of the state of Ohio, the people that we work for.

So, I'm going to sum this up in 15 seconds or less, get along with your colleagues, cooperate across party lines. And if you try to cram down a strictly partisan map, you're not going to be able to do it, so learn how to work together with that. I urge your support for the resolution.

Speaker 2 ([44:07](#)):

The question is shall the resolution pass? Call the role.

Speaker 3 ([44:15](#)):

Bacon.

Senator Bacon ([44:17](#)):

Yes.

Speaker 3 ([44:17](#)):

Balderson.

Senator Balderson ([44:17](#)):

Yes.

Speaker 3 ([44:18](#)):

Beagle.

Senator Beagle ([44:19](#)):

Yes.

Speaker 3 ([44:20](#)):

Brown.

Senator Brown ([44:21](#)):

Yes.

Speaker 3 ([44:21](#)):

Burke.

Senator Burke ([44:22](#)):

Yes.

Speaker 3 ([44:23](#)):

Dolan.

Senator Dolan ([44:24](#)):

Yes.

Speaker 3 ([44:25](#)):

Eklund.

Senator Eklund ([44:25](#)):

Yes.

Speaker 3 ([44:27](#)):

Gardner.

Senator Gardner ([44:28](#)):

Yes.

Speaker 3 ([44:28](#)):

Hackett.

Senator Hackett ([44:29](#)):

Yes.

Speaker 3 ([44:29](#)):

Hoagland.

Senator Hoagland ([44:29](#)):

Yes.

Speaker 3 ([44:29](#)):

Hottinger.

Senator Hottinger ([44:31](#)):

Yes.

Speaker 3 ([44:32](#)):

Huffman.

Senator Huffman ([44:33](#)):

Yes.

Speaker 3 ([44:33](#)):

Jordan.

Senator Jordan ([44:34](#)):

Yes.

Speaker 3 ([44:35](#)):

Kunzi.

Senator Kunzi ([44:35](#)):

Yes.

Speaker 3 ([44:35](#)):

LaRose.

Senator LaRose ([44:35](#)):

Yes.

Speaker 3 ([44:36](#)):

Laner.

Senator Laner ([44:37](#)):

Yes.

Speaker 3 ([44:39](#)):

Manning.

Senator Manning ([44:39](#)):

Yes.

Speaker 3 ([44:40](#)):

McColley.

Senator McColley ([44:41](#)):

Yes.

Speaker 3 ([44:41](#)):

O'Brien.

Senator O'Brien ([44:42](#)):

Yes.

Speaker 3 ([44:43](#)):

Oelslager.

Senator Oelslager ([44:44](#)):

Yes.

Speaker 3 ([44:45](#)):

Peterson.

Senator Peterson ([44:45](#)):

Yes.

Speaker 3 ([44:46](#)):

Chavoney.

Senator Chavoney ([44:47](#)):

Yes.

Speaker 3 ([44:48](#)):

Sykes.

Senator Sykes ([44:49](#)):

Yes.

Speaker 3 ([44:50](#)):

Tavares.

Senator Tavares ([44:52](#)):

Yes.

Speaker 3 ([44:52](#)):

Terhar.

Senator Terhar ([44:52](#)):

Yes.

Speaker 3 ([44:53](#)):

Thomas.

Senator Thomas ([44:55](#)):

Yes.

Speaker 3 ([44:55](#)):

Eker.

Senator Eker ([44:55](#)):

Yes.

Speaker 3 ([44:56](#)):

Williams.

Senator Williams ([44:56](#)):

Yes.

Speaker 3 ([44:57](#)):

Wilson.

Senator Wilson ([44:58](#)):

Yes.

Speaker 3 ([44:58](#)):

Yuko.

Senator Yuko ([44:59](#)):

Yes.

Speaker 3 ([45:00](#)):

And Obhof.

Senator Obhof ([45:00](#)):

Yes.

With 31 yeas and zero nays, the resolution is passed and entitled.

Speaker 3 ([45:09](#)):

A joint resolution to amend a version of section one of article 11 that is scheduled to take in January 1, 2021 into next sections one, two, and three of article 19 of the constitution of the state of Ohio to establish a process for the congressional redistricting.

Senator Obhof ([45:24](#)):

The question is shall the title be agreed to? The chair recognizes Senator Huffman.

Senator Huffman ([45:48](#)):

Thank you, Mr. President. [inaudible 00:45:49] Balderson, Beagle, Dolan, Ecklund, Gardner, Hoagland, Kunzi, Laner, Manning, Oelslager, Peterson, Terhar, and Hackett, and Wilson and Hottinger. Thank you, Mr. President.

Senator Obhof ([45:56](#)):

The title is agreed to. Introduction and first consideration of bills.

Speaker 2 ([46:01](#)):

Senate Bill 253, Senator Tavares and others to amend and to enact sections of their revised code to establish requirements regarding prescription drug and medical equipment pricing.

Senator Obhof ([46:11](#)):

First consideration. Offering of resolutions. The question is shall the resolutions listed under the president's prerogative be adopted? Without objection, the resolutions are adopted. Communications from the governor.

Speaker 3 ([46:24](#)):

I, John R. Kasich, governor of the state of Ohio do hereby appoint Jay Bailey and others in witness whereof signed John R. Kasich, Governor.

Senator Obhof ([46:32](#)):

To the Committee on Rules and Reference. Message from the president.

Speaker 2 ([46:35](#)):

Present Senate rules number 19 and 20, the president of the Senate appoints the Senators Oelslager and Sykes to the standing committee on government oversight and reform as a temporary replacements for Senator Coley and Skindell for the purpose of the committee's meeting on Monday, February 5, 2018.

Senator Obhof ([46:49](#)):

Message from the president.

Speaker 2 ([46:50](#)):

Pursuant to section 12712 of the revised code, the president of the Senate appoints Senator Hottinger to the controlling board as a temporary placement for Senator Coley for the purpose of the board's meeting on Monday, February 5, 2018.

Senator Obhof ([47:02](#)):

Announcement of committee meetings. The chair does not recognize anyone. Okay. The chair recognizes Senator Peterson for a motion.

Senator Peterson ([47:11](#)):

Thank you, Mr. President. I move that the Senate adjourn until Tuesday, February 6, 2018 at 1:30 PM for the purpose of a voting session.

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Senator Obhof ([47:22](#)):

The question is shall the motion be agreed to? Without objection, the motion is agreed to. The Senate is adjourned.

PART 4 OF 4 ENDS [00:47:31]

Speaker Cliff Rosenberger ([00:00:00](#)):

House will come to order. I'd like to invite our guests in the gallery, please rise and join our members in the opening prayer and remain standing for the Pledge of Allegiance to the flag. Prayer will be offered today by representative Ginter.

Rep. Tim Ginter ([00:00:18](#)):

Let's pray together. Heavenly Father, we thank you again for this opportunity and as we, as members of this House, doing the work of the people, purposely turn our attention towards you, whose government will never end. We ask that you will strengthen us, help us, guide us. We thank you that you have promised to do so. We pray for those members who are facing challenges in their families, whose health is also being challenged. We ask that you will be especially close to them and strengthen them during this time and season. May they sense your peace and your presence as well. We ask all of this in the name of Christ, amen.

I pledge allegiance to the flag of the United States of America. And to the Republic for which it stands, one nation, under god, indivisible, with liberty and justice for all.

Speaker Cliff Rosenberger ([00:01:25](#)):

Introduction of bills.

Speaker 1 ([00:01:27](#)):

House Bill 496, Representatives Kelly, [inaudible 00:01:30], and others [inaudible 00:01:30] next section revise code to increase the penalty for assault when the victim is an employee of an Ohio transit system, to authorize Ohio transit system [inaudible 00:01:37] regarding abuse or assault of staff and increase the penalty for evading payment of the known fares of a public transportation system.

Speaker Cliff Rosenberger ([00:01:43](#)):

Stands as first consideration. Consideration of Senate amendments. Reports of conference committees. Reports of standing and select committees and bills for second consideration.

Speaker 1 ([00:01:51](#)):

Representative [inaudible 00:01:53] has submitted the following report saying command rules and reference, which referred to substitute Senate Joint Resolution Number 5, Senator Huffman and others. Having the same under, consideration reports it back and recommends its adoption.

Speaker Cliff Rosenberger ([00:02:03](#)):

Motions and resolutions. The Chair recognizes Representative Patton.

Rep. Thomas Patton ([00:02:05](#)):

Thank you, Mr. Speaker. I move that majority party members asking lead to be absent or absent the week of Tuesday, February 6th, 2018 be excused so long as the written request is accepted and on file in the majority leadership offices.

Speaker Cliff Rosenberger ([00:02:25](#)):

[inaudible 00:02:25] must be agreed to. Hearing no objection, motion is agreed to. Chair recognizes Representative Sykes. Chair recognizes the leader.

The House will stand at ease.

Speaker 2 ([00:03:02](#)):

Mr. Speaker, I move that minority party members asking leave to be absent or absent the week of Tuesday, February 6th, 2018 be excused so long as written request is on file in the minority leadership offices.

Speaker Cliff Rosenberger ([00:03:11](#)):

The objection must be agreed to. Hearing no objection, motion is agreed to. Bills for third consideration. Chair recognizes Representative [inaudible 00:03:20].

Rep. Kirk Schuring ([00:03:24](#)):

Mr. Speaker, I move that House Rule 66 pertaining to the bills being placed on the calendar be suspended, and that substitute Senate Joint Resolution 5 be taken up for immediate consideration the third time.

Speaker Cliff Rosenberger ([00:03:38](#)):

Question is, shall the motion be agreed to? House will prepare and proceed to vote. Have all members now voted? Clerk will take the roll. 64 affirmative votes, four negative votes. Motion is agreed to. Bills for third consideration.

Speaker 1 ([00:03:59](#)):

Substitute Senate Joint Resolution Number 5, Senator Huffman and others, proposing to amend a version of Section 1 of Article 11 that is scheduled to take effect January 1st, 2021, and to enact sections 1, 2, and 3 of Article 19 of the Constitution of the State of Ohio to establish a process for congressional redistricting.

Speaker Cliff Rosenberger ([00:04:14](#)):

Question is shall title be agreed to? Representative [inaudible 00:04:16] moves to amend the title. If you wish to add your name to the title, please do so at this time. Without objection, the title will be agreed to. Hearing no objection, the title is agreed to.

Question is shall the joint resolution be adopted? Chair recognizes Representative [inaudible 00:04:33].

Rep. Kirk Schuring ([00:04:36](#)):

Thank you, Mr. Speaker, ladies and gentlemen of the House, for the opportunity to present to you for your consideration Senate Joint Resolution 5.

Today's vote is a culmination of a long and sometimes arduous process that actually started in September when the speaker had the foresight and leadership to ask for the establishment of a working group. That working group was announced to the public by the speaker and the president of the Senate on the 22nd of September of last year. It was a four member working group, with members from the

House and the Senate representing both Republicans and Democrats. From the Senate we had senators, Matt Huffman and Vernon Sykes. From the House, we had Representative Sarah and myself.

Starting in early October, the working group met on a regular basis, and overall had over a dozen meetings. Additionally, we had two public meetings at the State House where hundreds of people from all across the state came to listen and to learn about congressional redistricting, and we had almost 40 people who actually testified to the subject.

Most recently, there's been a meeting with outside interested parties. That's been going on for some time, and on Sunday, this last Sunday, an agreement was struck. Then, as much as we thought we were done on Sunday, we found out there was still fine tuning to be done, and that didn't happen until late yesterday afternoon. The resolution we had before today has the universal support of all the interested parties, and received a bipartisan unanimous approval on the Senate floor yesterday.

Some of the key components of Senate Joint Resolution 5 are as follows. First, it makes map making rules that are designed to prevent partisan gerrymandering. The resolution dictates that map makers must comply with federal guidelines and maintain communities of interest, compactness, and comply with protecting racial minority voting rights. It also has language that minimizes the splits of counties, municipalities, and townships, and in certain circumstances, specifically prohibits a map that unduly favors or disfavors a political party or an incumbent.

I think these rules are solid, and will ensure the drafting of fair districts. However, in my opinion, the ultimate safeguard for making sure these districts are mapped correctly is the approval process that is in the resolution.

I think it's important to note, first of all, that the public has a very important role in the map approval process. It requires a minimum two public meetings, a minimum of two public hearings, and also allows the public to submit a map for consideration. So the map can be drawn by the public and submitted for consideration by the general assembly and the redistricting commission. Additionally, the map must be submitted in the form of a bill, and as a bill, that means it can be vetoed by the governor, and also would maintain the right of referendum for the people to speak their mind on the issue.

Mr. Speaker, ladies and gentlemen of the House, House Joint Resolution 5 is a constitutional amendment that will go before the people of Ohio, the voters, in May. It promotes a fair and competitive redistricting system that represents the voices of all of the people who took an interest in this subject. I'd like to thank my fellow working group member from the House, Representative Sarah, for all the time and effort he put in, as well as the Senate members of the working group, Senator Matt Huffman and Vernon Sykes. I also would like to thank House Majority Legal Counsel, Mike Lenzo and Minority Legal Counsel Sarah Cherry for all the time they put in, including many weekends devoted to finding a solution to this matter.

Lastly, I want to thank my staff, because they were inundated with phone calls from concerned citizens about what they wanted, and to that end, as I said earlier, I think this resolution speaks to the fact that the voices of the citizens were heard, we found a resolution that was universally accepted by all the interested parties, and at the end of the day, the people have spoken, and for that reason, I'm asking respectfully that the people here today follow the lead of the people, the voices of the people, and adopt this resolution. Thank you very much, Mr. Speaker.

Speaker Cliff Rosenberger ([00:09:19](#)):

Question is shall the joint resolution be adopted? The Chair recognizes Representative Reese.

Rep. Alicia Reece ([00:09:27](#)):

Thank you, Mr. Speaker. I rise today with great concern, in the backdrop of Black History Month, as one who has benefited and been a beneficiary of the late Dr. Martin Luther King Jr. and so many others who blood went across the Edmund Pettus Bridge.

There are so many issues that come before this body that I have worked together when they made sense in a bipartisan way and tried to be workable across the aisle. But I have asked numerous times on an issue that had took place and hit home as Selma hit my backyard in my district, the 33rd district.

In 2010, we were faced with an election that took two years and over a million dollars in lawsuits in order for the winner to be decided. I come from a district, as we talk about redistricting, the First Congressional District, that I was here during that time when this body redrew the lines, and drew it almost where an African American woman like myself wouldn't have an opportunity because we cut 50% of the African American vote. We drew them out. So therefore, in the state of Ohio, we only have two African Americans who serve us in the United States Congress.

So I was hopeful, and I want to thank those who were hit the streets, who have a ballot initiative and went out and have collected signatures for a redistricting plan, and has brought us here today to have this resolution and a discussion. But I'm disappointed that over 100,000 Ohioans who are equally as important went out because we did not pass any bills. I've got bills here that go all the way back to 2010, 2012, 2013. We've gone to the Constitution Modernization Commission, trying to get voting rights included. We've gone to the United States Election Commission, trying to get voting rights.

I spoke at the 50th anniversary of the March on Washington, where Dr. King stood and gave the famous I Have a dream Speech 50 years later because voting rights, the Supreme Court had deemed it unconstitutional, Section 5, the enforcement component, and I called to make voting rights more permanent, not in a partisan way, not in a bipartisan way, in a nonpartisan way. So when this was presented to us, and I know we had several working groups, and I had an amendment and I was told my amendment would be ruled out because it didn't go... I don't know. We had a working group. We don't have a lot of time and we've got to get this going. My amendment, I had asked to put one thing that 100,000 Ohioans signed, black, white, young, old, Hispanic, poor, rich, they signed. All 88 counties that said, can we have voting as a fundamental, right? That's it. That's all we wanted.

It was appropriate for this redistricting bipartisan plan. Why? Because voting rights is in here. But unfortunately, in the language that we have in here, it says, "To comply with federal, federal guidelines." Well, that takes me back to Dr. King, because we had a Voting Rights Act that did not make 50 years, because it's not what? Permanent.

So, voting rights is not permanent, and every seven years, people who look like me have to wait and pray that Congress will reinstitute our right to vote. But what we're getting ready to pass will be in the Constitution, but it does not guarantee the right to vote. It says we will implement what the federal law says.

So all we were asking was one sentence, and unfortunately, I wasn't at the negotiating table. The hundred 100,000 that I was bringing, we didn't get a chance to have a seat at the table to negotiate what I'm asked to be voted on today. Redistricting is important, absolutely. But without voting rights, you're missing the base.

Now, what do I mean by that? It's like going to the grocery store and saying, "I want to pick out the icing." You look up and you say, "Do I want vanilla? Do I want strawberry? I think I want sprinkles. Do I want chocolate?" Then you leave out and you get home, you say, "You know what? I done left the Duncan Hines." It's the cake.

So I'm very disappointed, Mr. Speaker. I mean, because since 2010, we tried to get bills passed. We tried to go to constitutional modernization and go through that process. I don't know whatever happened to them. We went to federal. People say, "Well wait a minute, Reese, the federal people like this." We went to the Federal Election Commission. We got nothing. So then we went to the streets, and everyday citizens, it's the first time ever African Americans had ever petitioned this state government, and they're ignored, thrown to the back, told that, "Wait a minute, Washington is representing you. But by the way, Reese, we want you to vote on it." But this is what Washington had to say.

I appreciate Washington, but the Ohioans elected me for Ohio State Representative, and we're being asked to vote on this. So this has some missing pieces to it, Mr. Speaker, and I was hoping, praying, asking that we could get one sentence. Now some say, "Well, you got to get here in advance." We've been here since 2010. Some say, "Let's just go do the work." I put 200,000 miles on my car, went to all 88 counties, got signatures from all 88 counties. People say, "Well, wait a minute. We've got other groups, and they may not approve of this." Well, when did they talk to these groups? The Prince Hall Masons, the AKAs, the sororities, the fraternities, the pastors, the church choir singers, the church secretaries, the civil rights organizations, National Action Network. When did they get talked to? 100,000 Ohioans signed this.

We weren't asking for a whole thing. We're asking to be at the table. College students went out and got signatures. A. Philip Randolph went out-

PART 1 OF 4 ENDS [00:17:04]

Rep. Alicia Reece ([00:17:00](#)):

Now, we got signatures. A. Philip Randolph went out. Andre Washington, the state president. The churches that we talked to, Reverend Jawanza Colvin, Reverend Booth, Reverend Rousseau O'Neal, Reverend Otis Moss, civil rights leader of our time. We left them out. You didn't just leave me out. This is not my name. I wanted something that was going to be in stone that will help our state for many years to come. And normally I wouldn't get up. If this just was a build, then fine, we would get a bill. We talking about the constitution and it's time to make Dr. King's dream real. Not clapping during the holidays, not ceremonial stuff, but put it in the constitution. He was for all Americans, all Ohioans. And all we asked was a simple sentence. A simple sentence that says voting is a fundamental right for all Ohioans. And even after getting a hundred thousand Ohioans to say, "Yes, let's go with it," they were absent at the table. What do we go back and tell them? What do I tell Reverend Otis Moss? What do I tell Reverend jawanza Colvin? What do I tell Reverend KZ Smith? What do I tell Bishop Bobby Hill? What do I tell the college students that were out there collecting? What do I tell the bus driver? The janitor who said I have a chance to do something? My voice matters. What do I tell them? Do I tell them I wasn't in the room? Did I tell them that I wasn't elected to be at the negotiating table? Do I tell them Washington came in and I wasn't in Washington do I couldn't sit at the table and have their voices heard? What do I go back and tell the hundred thousand citizens? What do you tell the sororities and fraternities that are out there collecting? What do I tell them?

They didn't have the right name. They wasn't with the right organization. I'm not the right color, not the right gender. What do I tell them? Mr. Speaker, I'm highly disappointed. And I know people sell this as, "Oh, Hamilton County, you're going to have a chance." At Hamilton County, not one African American has been elected countywide. So keeping the county together is nice, but it's not a guarantee for more inclusion. What do I tell them?

January 16th, 2014 when they couldn't get any help in these chambers. When they had exhausted every organization group we had put up. Constitutional modernization, go through the

committee process. It's amazing that for some things we use process. And I'm going to be honest. For African Americans, we always come with a process. We always said the rules didn't matter. We always come up with a legal reason why we can't do something. It happens every day out here in this world. All we're asking for is equal standards. One set of rules. One process. If we got a hundred thousand or somebody else got 200,000, why does our hundred thousand don't mean anything of Ohioans?

So I know, Mr. Speaker, that a lot of this was negotiated over on the Senate side and people tell me, "Well, it was the Senate." And that would be fine if I didn't have to be here to vote. I stayed over last week. They had to stay over. I stayed. False alarm. We don't have a deal. Go on back home, ride on through the snow and get back home. But to come here and find out that for some reason, some negotiation happened somewhere other than here and somewhere else over some weekend that nobody told me about, we weren't called in the session, and then to say I can't have any input? But go back home and tell the people it's good?

What do I tell the 100,000 people, Mr. Speaker, that came up here testified, begged, went to the ballot board, got approval by the attorney general, approved by the ballot board, went out and had bake sales trying to get the petitions printed, went out and stayed in the snow and in the sun trying to get signatures and trying to get... How do you get trained? And all of the things that you tell them if you just do it by the rules, you two will have a equal chance.

And I pick this up today. I asked for one sentence, not the whole thing, and we can't get the sentence even negotiated, even mentioned, even discussed, even debated. It's a sad day. I'm for bipartisanship. That's great. But I'm for non partisanship when it comes to voting. And in this document, Mr. Speaker, voting rights is mentioned. And if it's mentioned, we are not going to leave it up to Washington to make sure we got the voting rights because we've tried that and that did not work. It's in here. And this sentence belongs in this document to make sure that one, people can vote. Then you start talking about let's draw some lines. I'm very disappointed. The process. I'm not saying that people are bad. The good people, they did what they could. But I got to stand up for the hundred thousand people. I got to. Anybody in here would do the same.

Anyone in here, if these were people, your neighbors, your pastors, your district, people trying to do it by the white way, do it by the book, you would go all out and be carried out this place. Because I've seen it. One little thing happen. You run with a bill, you get a law. And I don't think we should be doing anything with that constitution until at least people have the fundamental right to vote. So Mr. Speaker, I thank you for your time, but I would much more have appreciated somebody at the table or let me be at the table and I wish we could have got this done because today is not a good day for so many people who tried to go by the books, play by the rules and just have voting fundamental right in the constitution. Thank you, Mr. Speaker.

Mr. Speaker ([00:24:16](#)):

Question is, shall the joint resolution be adopted? To recognize Representative Cera.

Speaker Cliff Rosenberger ([00:24:23](#)):

Thank you, Mr. Speaker. I rise in support of SJR 5. I appreciate the work that's been done on it. You may not have noticed, but I'm wearing a purple shirt today and a purple tie. I think it's purple. I think that's a good start that we talk about red and blue and we need to be more purple. So in honor of trying to make us more purple in our congressional districts, I wore purple. Now you might not think that's a big deal, but I played football for Blair High School and they're the Big Reds. And we've been playing Martins Ferry High School Purple Riders for over a hundred years. And it's taken me about that long for my wife

to convince me that I should wear purple. So I'm wearing that. I want you to recognize the importance of that for somebody like me. It could be that I'm wearing purple to mask the bruises that I have for the last four months of working on this issue as well.

And I think Representative Shuring talked about the working group and the work that was done and the opportunity that people had to before us early on. I want to thank the working group, especially my colleague Representative Shuring and the Senate members, Senator Huffman and Senator Sykes. Also want to thank the Speaker and Minority Leader Strahorn. And I don't usually thank staff. I don't know why that is. Maybe it's a fault of mine, but I do want to thank Andy DePalma, Sarah Cherry on our side, Mike Lenzo. Also want to thank Bethany on the Senate side who put a lot of time and work this and a lot of hours beyond what were their regular hours. And Mr. Speaker, I think they all should be compensated for that time when they were on the phone on those weekends.

We did have public meetings and we heard from people. We heard testimony and they came forward their maps. And I think one of the things that impressed me while hearing the testimony... And I had a map of Ohio's congressional district sitting next to me and each person that came to testify would comment about their map and I would look at it and I would say, "That's got to be the craziest district I've ever seen." Until the next person would get up and talk about their district. And I'd like, "Well, maybe that's the craziest district I've ever seen." And on and on it went.

I think one thing that came through from those meetings were that Ohioans felt as though their voices aren't being heard, that our current redistricting system was rigged, had rigged a game. So that it's the politicians choosing the voters instead of the voters choosing their politicians. And we heard that very, very often.

From the beginning, and I think about some of the meeting times, if we could have just found some time in between eight o'clock in the morning and eight o'clock at night, it would've been nice. And I even missed the Governor's Christmas party because of that, which an opportunity to see the Governor of Ohio is always a wonderful thing. And we worked hard. Representative Shuring and I have spent a nice Saturday on the phone with each other, along with staff, as I said. From the beginning, our position has been that we are committed to achieving real reform and want to make sure that our state's congressional districts are fair and truly representatives of Ohioans. We wanted any congressional districting plan to end partisan gerrymandering. So we needed a bipartisan approval process. We also need a strong criteria when the majority party decides to draw the map without minority support.

Having strong criteria means language that states that no map should be drawn to favor or disfavor a party or candidate over another. Another important criteria is the splitting of counties, municipalities, and townships. During the meetings of the work group, writing the language for the criteria was the most difficult. This resolution is certainly an improvement from where we started in our work. I'm sure that the language on criteria will continue to be reviewed even after this resolution passes today and as the campaign moves forward to the ballot issue. Lawyers will discuss and debate language like on page 11, and I'm not going to read it to you, lines 291 to 307 and you lawyers in the room can let me know what you think of that language and how that's going to impact us moving forward. Only time will tell if this language in the resolution is strong enough to overcome urges to gerrymander.

Bipartisan approval was one of the first issues the working group took on in our discussions. This was an area where actually the working group had early success. The fact that the approval process requires strong bipartisan support at the first attempt by the legislature to draw the maps with 50% minority vote and at the redistricting commission by requiring two minority members, both would get us a 10 year map, I think are a good part of this proposal. During the discussion of the work group, we discussed the approval process as it relates to allowing a four year map to be drawn. I still have concerns

about this even though I understand that stronger criteria will become part of the process when a map is to be drawn by the majority. My concern is that a four year map is an out for gerrymandering while lawyers argue in court over the criteria.

I would suggest that we could have gone that extra mile by requiring a 50% minority approval at all steps of the re districting process. We had discussion early on about whether when we draw the maps, that it remain a bill as opposed to a resolution. And I appreciate the movement we had on that. We got back to where it would be a bill and it would require a signature of the governor and also give the people the right to referendum. And I think that is a very important change that ended up being put in the resolution.

A couple other good things I wanted to point out are the public map submission and the fact that there will be public hearings to give the people the opportunity to come in and testify about the maps. My continued concerns are not to minimize the work done by my colleagues on the working group or the great influence applied by thousands of Ohioans who have worked together, signatures enforced the legislature to address this important issue or to the leaders of the coalition who have worked with us over the past few weeks to get us to this point. I just hope that we've gotten this right as we are telling the people of Ohio that we are recommending that this become part of the Ohio constitution.

My concerns come from my worry that we are not in a good place in our political system at this time. Just think about it. We have to write bipartisanship into our constitution. It's a habit. We attack each other and sometimes think that ideas are only good if they are our ideas. I hope that this resolution is a step forward, moving us away from political discourse and political posturing and thirst for power that often drives both political parties and divides us unnecessarily. Good work has been done to get us to this point driven by people from all over Ohio who said and continue to say, "Enough is enough." Put aside the need to maintain power and refuse to work together. Understand that politics that divide us need to stop. Understand that we can make better laws and make Ohio better by working together. It is a good day for Ohio and a good message that the legislature is sending to the state. As an old Big Red football player who's wearing purple-

PART 2 OF 4 ENDS [00:34:04]

Speaker Cliff Rosenberger ([00:34:00](#)):

... an old, big red football player who's wearing purple. I hope that we can understand that gerrymandering is not good for our state and our residents. And we continue to move forward with this legislation and other legislations and work together in a bipartisan manner to make Ohio the great state that it can be. Thank you.

Mr. Speaker ([00:34:21](#)):

Question is, shall the joint resolution be adopted? The Chair recognizes representative Ramos.

Rep. Dan Ramos ([00:34:28](#)):

Thank you very much, Mr. Speaker, I appreciate the opportunity to speak on this legislation. And unfortunately, I have to rise in opposition. Senate joint resolution 5.

Although I very much appreciate the countless hours of work on this, both members and the staff, and I hope that the Republican and Democratic points on this issue know of my respect for, not only them, but for their work product over the years.

I don't feel this gets us where we need to go. When I think about the complaints I get from my constituents, and there are three congressional districts in my legislative district. The biggest complaint that I hear over and over and over again is that they are split up. So many ways, Lorraine County is split in three represented by members of Congress from Lucas, Holmes, and Allen counties. I don't believe anyone's within 50 miles of us. I don't believe anyone's within an hour.

Nothing in this legislation, Mr. Speaker, prevents that from happening to my county again. Although only three counties, Franklin, Cuyahoga, and Hamilton have the population to be split necessarily into multiple congressional districts. And only one city, the city in which we sit, Columbus, is large enough to be more than one congressional district. 18 counties under this plan may be split once. And another five may be split twice. That's 23 of our 88 counties may be split. It doesn't say which, Mr. Speaker. Nothing prevents the exact same split in my county from happening again or to anyone else.

The 23rd largest county is only 122,000 people. And there's no guarantee that we're only going to split the largest counties. This legislation would allow a two or three-way split for Vinton, Monroe, Noble, Morgan counties, which all have less than 15,000 people. They could be split twice, three times.

You see, Mr. Speaker, representative districts cannot be representative of communities if the communities are split up, which brings me to my next point. There is no protection in this legislation in and of itself for communities of racial and ethnic minorities beyond abiding by federal law. That is no guarantee, my friends, that federal law currently protects these groups, it does not. It is being eroded both in the courts and in the legislation and in the Congress. That is no guarantee, it is abdication. It is an abdication to the federal government, my fellow friends who believe in states rights. "Let Washington fix it?" It's not something I thought I'd hear from the majority party.

Now, my friend from Hamilton County aptly described the concerns she has for the African American voters of this state and I would agree, and I wouldn't repeat, but I will mention another group of people, obviously one that's close to me in my heart, the Hispanic community in this state.

In my district, the district which I represent, which has the largest proportion of Latinos in the state, the Hispanic neighborhood, we call it South Lorraine, but it's really the Southeastern portion of the city of Lorraine and a portion of Sheffield Township. It is currently again, the largest proportion of Latino voters in the state, represented by Marcy Captor and Jim Jordan, because part of them are in a township, part of them are in a city. That can't happen again under this legislation. Here in the city of Columbus, a city which I mentioned necessarily by its size, has to be split into multiple districts. On the west side of this city, right now, the Hispanic community is split in two. I can go on with examples of where this has happened all over our state in Cleveland, Toledo, and elsewhere.

Nothing prevents that from happening again in this area, I'm not going to go on and on, but I want to say, "I wanted to vote for reform." I wanted to vote for real reform. I know my constituents expect me to vote for real reform and I think a lot of us are of your constituents do, as well.

And frankly, the problems I've described are things that could have been fixed through a committee process. I appreciate again, that the working group put forward, but the working group didn't have a bill to work off of. I've had this bill for 16 hours and I noticed these problems. Given 36, I would've had solutions and said, well, you can do A, B, or C. If this isn't your intention to split up the and a community. If it is, that's your business. If it's not your intention to split up counties that don't need to be split up.

But we weren't given that opportunity in this House because apparently this needs to be passed by four o'clock tomorrow or signed, or I guess it doesn't have to be signed. But I can't support a bill that doesn't the three-way partisan gerrymandering in my county. And although my preference, Mr. Speaker,

would be to refer this to a committee. I understand that's not possible today. So failing that, I would urge a no vote.

Thank you. Mr. Speak

Speaker Cliff Rosenberger ([00:40:06](#)):

Question is, shall joint resolution be adopted? The chair recognizes representative Schuring.

Rep. Kirk Schuring ([00:40:11](#)):

Thank you, Mr. Speaker, and all due respect to my friend and colleague from Lorraine County, who I work with quite regularly on other issues, we do have language in this legislation that speaks to splits. One, regarding the splits of counties. And I will refer to page 12, line 315 through 319, that specifically says that there's a formula for the splitting of counties saying that 65 of Ohio's 88 counties cannot be split at all. It says then 18 of Ohio's counties can be split only once. And then it goes on to say only five counties can be split twice. So under this particular proposal, a county cannot be split three different times. It also says, as it relates to municipalities, in the previous page, that a municipality that is over a hundred thousand, but under the size of a congressional district, which is approximately about 700,000 right now, that that cannot be split, period.

And lastly, it also speaks to the continuity of districts where you can't have islands that are separate and apart from the district and it also says very clearly in the situation where a municipality surrounds another municipality like Columbus does in Bexley, you cannot split that municipality like Bexley. So I respectfully would submit to you that this resolution that will appear before the voters does address the issues of splits.

Speaker Cliff Rosenberger ([00:41:46](#)):

Question is, shall joint resolution be adopted? Chair recognizes representative Clyde.

Rep. Kathleen Clyde ([00:41:55](#)):

Thank you, Mr. Speaker. I rise today in support of senate joint resolution 5. A proposal with bipartisan support and a product of compromise. Something I wish that we could see more in our chamber and in our work here in the general assembly.

Representative, Sarah, I wore purple, too. I didn't realize that that that was the color of support of this resolution, but I applaud the work that you did and the discussion about how we could improve the environment in the state House and in Congress. And I think that this resolution will help us get there.

What really inspires me about being here today and about having the opportunity to vote on this is the Ohio citizens got us here and they inspire me with the work that they have done on redistricting and fixing gerrymandering in our state. They have learned about this process. They know about packing and cracking and the different representational, fairness, all of the different criteria that are important to consider.

I've gone meetings and events around the state and everywhere I go, people are engaged, they are talking about this issue and they are the reason that we are here today discussing this bill. They also collected hundreds of thousands of signatures in support of reforming this process. That is to be applauded. And at the heart of that movement, we're indivisible groups around the state, the league of women voters, women who took part in the Women's March.

This has really been an effort, including a lot of Ohioans from all parts of the state. They know that we need to end the status quo. Ohio currently has the worst map we have ever had for our congressional delegation in state history. And it's one of the worst, most gerrymandered maps in the country.

We have one party walking away with three quarters of the districts when they're only getting roughly half the votes. I can understand what Representative Ramos talks about. I come from a smaller county, Portage County, and it is split into three congressional districts. We all hear about the snake along the lake, where I believe you actually have to wade through wetlands to stay within the district. And we have a district when I go down and visit people in Athens at Ohio University that talk about how confusing it for them to have their district also wrap around and include Upper Arlington, a suburb in Columbus.

These rigged and partisan districts make a mockery of our elections and they turn people off from voting and from participating. And that is a very important reason why we need to fix this. Senate joint resolution 5 makes the process better. For the first time in Ohio history, it aims to end the partisan gerrymandering and to make our districts fair. There's a key sentence in this proposal. And I quote, "The general assembly shall not pass a map that unduly favors or disfavors a political party." What's that mean? That means no map. That's a 12-4 map, no map that's a 12-3 map, and that is worth celebrating.

I, too want to say, "Thanks" to the people involved in this process, the work group, Representative Sarah, Representative Schuring, Senator Sykes. I want to thank the four leaders, Speaker Rosenberger, Minority Leader Strayhorn, Leader Yuko, and the Senate President [inaudible 00:46:24] for their diligence and dedication to fixing this.

I, too want to thank the staff and the countless hours that they have put in, especially Sarah Cherry, Bethany Sanders, and Andy De Palma. I also want to take a moment to thank the leaders of the coalition.

They represent 40 diverse groups, in my understanding, it's more than that. And there have been some real leaders who have been at the negotiating table fighting for this reform. And I want to specifically thank Katherine Terser, Anne Hankener, and Heather Taylor-Miesle.

So, Senate joint resolution number 5 is a better way. I urge my colleagues to vote in favor, and more importantly, for the voters that this so deeply affects, I urge them to support Senate joint resolution on the ballot on May 8th.

Thank you. Mr. Speaker.

Speaker Cliff Rosenberger ([00:47:29](#)):

Question is, shall joint resolution be adopted? Chair recognized representative Bocciari.

Rep. John Bocciari ([00:47:35](#)):

Thank you, Mr. Speaker, for those of us who have studied military history, know a famous quote by Carl von Clausewitz in which he said that war is politics by no other means. And politics is often local. And the partisanship that we have seen in Washington and oftentimes here in the legislature has turned Ohioans off, have turned Americans away from the television set.

I mean, imagine this, you're sitting at a State of the Union Address and you don't clap for provision that the president may say is favorable to him or his party. And then you're called treasonous. I mean, is that really where our politics have devoted? That we have devoted our time and energy? That we have become so partisan that we can't see through the clouds of political diversity or the changing

ideas that constitute change and progress for our state. I remember serving and they often would say that Washington is the only place that you can propose an idea, introduce legislation and then campaign against it. Because our political lines in our states are drawn for trench warfare and voting for someone for Congress is really important. I have one son and that member of Congress will have a vote to send my only boy to war. And this is personal for me having served there.

And I remember having being asked a question by Dana Bash from CNN, "John, on what's the hardest issue you've ever voted on in Washington? Energy, healthcare?" "No, it was the vote to keep our men and women in uniform in harm's way, knowing that some of them may not come home." And I flew those wounded and fallen soldiers out of Iraq and Afghanistan.

But yet, when we have a political process that draws our congressional districts to such partisan trench warfare, where is the sanity in this? Interested parties may come together and suggest that we have a more favorable district towards the minority, but that doesn't mean it's fair. And in fact, I will argue because many people have said this to me when you're out amongst the district and talking to people, politics, "Wouldn't be bad, John, if it weren't for the politicians", right? Think about it. Well, how do you take the politicians out of a political process? Maybe I submit to you that we hand the process over to the people. If we truly want people to pick their representatives and not politicians picking the people that they want to represent, perhaps we ought to think about that.

And I know what political partisanship is about. I've run with this jersey for half my adult life. Although I've tried to see other sides of view and other sides of the aisle and vote for issues that I think were important for my district because the only interested parties I truly care about are the voters that I represent. And while I may wear a blue jersey and you may wear a red jersey at the end of the day, we're all Americans and we have to stand up and defend our right to have free and fair elections.

Now I'll ask you, my friends on the majority, these districts used to be drawn with crayons back in the day when we didn't have 3D...

PART 3 OF 4 ENDS [00:51:04]

Rep. John Bocchieri ([00:51:00](#)):

With crayons, back in the day when we didn't have 3D printing and we didn't have computer programs that could narrow it down to a single voter. And in fact, when I lost in 2010 and they redrew the Congressional district, I was at the apex of three districts, and I don't think that happened by accident. But I tell you this much, that's fine, but how did you come to the numbers? When I climb into an airplane, I say, "Engineer, do we have enough fuel to get to the runway?" We look at the number. We trust, but verify. I think Reagan said that. How did y'all come to these numbers? 65 counties can't be split. 18 counties can only be split once. And five can be split twice. Well, I think these numbers were plugged into that 3D printer, and districts were constructed to maintain political control. Is that truly what the people are asking for?

This citizen-led initiative that has forced us to the table to do a little bit better than we've done, really, is an indictment on the process for all of us, that we have created district so partisan that in the 2016 congressional district, no race in Ohio was closer than 18 points in 14 of the congressional districts. 18 points. Could you imagine how fair our political process would be if Nancy Pelosi and John Boehner's district were marginal districts? Could you imagine the dialogue that we could have?

I remember after I lost in Congress, we were sitting in the Library of Congress because they wasted no time moving you out of your office. "Move aside. We got the new folks coming in." And we're sitting in the Library of Congress, Democrats, Republicans, and I remember a woman from Arizona,

former Congresswoman, who said, we were asking each other about our families. We were talking about how our kids were playing sports. We were talking about funny things that happened throughout the Congress. And we stopped in that moment of comedy, and we asked, "How good would our politics have been if we'd have done this over the last two years? Talked to each other? Asked about our families?" What we do here is important, and the districts that we're going to burn into the Constitution, I should say the process that we're going to burn into the Constitution matters. And it matters for me. And it matters for my only son.

What does it mean that a map cannot be drawn to unduly favor or disfavor a political party? Is that the current map we have? Well, many would argue that that's not fair. Is it nine to six? Is it five, five and five? Who gets to decide that? That's not defined in this legislation? Is that, again, politicians deciding it, here in the general assembly? Is that all of us? Many of us may not survive term limits, but the process will survive longer than we do. And I will submit to you that we have to do our diligence. Maybe this rush to get this bill done and this resolution done is not what the people are asking for truly. Maybe we can take a little bit more time, sit down in our library at the Legislative Service Commission and ask each other about our families before we start talking about politics.

Kennedy said, "The great enemy of truth is often not the lie, deliberate, contrived and dishonest, but the myth, persistent, persuasive and unrealistic." Are we perpetuating this myth that we're going to have fairer districts, because they are more favorable? And I would submit to you no, and that's why I cannot support this resolution today.

Speaker 3 ([00:54:41](#)):

The question is, shall the joint resolution be adopted? The chair recognizes Speaker Rosenberger.

Speaker 4 ([00:54:48](#)):

Thanks, Chair.

Rep. Cliff Rosenberger ([00:54:49](#)):

I wanted to rise today, because I think it's a historic day for the institution, not only the Ohio House, but of the General Assembly. Because if you really think about it, what is compromise? Surely, not everyone comes out happy at the end of the goal, because each person has to give up on several areas, and I would say that in this entire process, there have been a lot of frustrations. There have been a lot of meetings started and a lot of meetings that have ended and meetings have restarted and rekindled. There have been meetings in Columbus. There have been meetings on the telephone. There's been meetings in cities across our state. But at the end result, I think at the end of the day, there was a historic compromise struck, in a time and in a period, not only in maybe our state, but throughout our nation, which it seems awful hard to get to a point to have compromise.

And, that doesn't just happen overnight. It happens because you get good people in the room, good leaders with true hearts. And I want to take the opportunity to genuinely thank the members of this task force that have taken the time to work on behalf of both sides of the aisle here in the House, in both the House and the Senate. They have spent countless hours of taking the opportunity to go through shalls and mays and words and paragraphs, but not only those members like Kirk Schuring and Jack Cera and Kenny Yuko and Senator Sykes and Senator Huffman and leader [Strahorn 00:56:24]. [Representative Clyde 00:56:28] has already mentioned many names that have participated, the coalitions who have also come to the table, who, on behalf of the people, have been able to sit at the table to voice their concerns and their input and the leaders that have taken the opportunity to learn

and listen, and come to this point that we were able to pass, or hopefully pass here very soon, a piece of legislation that I would ask should get unanimous consent of this body.

It's unanimously passed a committee in the Senate, unanimously passed on the floor of the Senate, unanimously passed out of rules today. And for the work and the efforts that have continued to go forward, and the work and the efforts that I know will go forward into the ballot initiative, I think the people and citizens of Ohio need the opportunity for this compromise to work. And I think it's an opportunity for us all to have something very historic done, not just for the State of Ohio, for the entire nation. Because at the end of the day, what we have, what we were able to do, and what I'm so proud of Ohio for is that, we are showing across the nation that here, at least, in Ohio, we still know what it means to compromise, to work across the aisle, to work bi-partisanly, to have adult conversations and to actually do something for the citizens of our state.

I know I'm genuinely appreciative of President Huffman and his hands on work that he has been able to do with this. I'm genuinely appreciative of our House leaders. Jack Cera is someone that I genuinely appreciate, his leadership and his friendship and his advice and his counsel throughout this process. And subsequently, I don't think there could have been anyone else better to work with him than my friend Kirk Schuring. I know what they had to give up. I watched what they had to do to work on this issue. They had to drop last minute dinner plans with their family to be on the telephone, to meet in person. And these meetings have been constant. And to that effect, I appreciate their service and their leadership greatly. So, I'm proud of this compromise. I'm proud of the example that we have been able to show, not only the 11 and a half million citizens of our state, but the nation in a whole.

And again, sure, there are frustrations. Sure, there have been hardships. Sure, we're not all happy. But at the end of the day, what we're trying to work on, what our main goal is, is to ensure the citizens of our state have a election process that works for them. And to the coalition members and to the folks that have worked on this, to everyone who has touched this, I'm extremely proud of your work. I'm extremely proud of what you've been able to do for our state, and for the example that you have been able to set forth. So with that, I'm asking this body to rise above anything of trying to nitpick at something that has been worked so hard on, and come together as one, in an effort to continue to press forward something that I think will be an example for our nation in the future. So, with that Mr. Chair, I urge this body to pass this out in a unanimous effort and send it to the voters. Thank you.

Speaker 3 ([00:59:48](#)):

The question is, shall the joint resolution be adopted? The floor recognizes Representative Barnes.

Rep. John Barnes, Jr. ([00:59:57](#)):

Thank you very much, Mr. Speaker. Never have the words of Tip O'Neill had more meaning than it does today, that all politics is local. Very wise statement, because as I've been listening to most of my colleagues represent their people, they have truly made you feel what they are receiving from the people that they represent. And that is so very, very important, and that's why we're here. That's why we're a body of 99. It has to make decisions in a system, of [Madisonian 01:00:38] system of government that we're dealing with, that was designed purposefully to have debate and find reasonable practical solutions to a lot of the issues. "All politics is local" is what Tip said. So the very first question that I had about this bill was, what impact would it have on the Historic 11th congressional district of Ohio? That's important to me, because it's where I come from, and the people that are part of that community, the 107 different ethnic groups from all over the world, ideally situated in a green city on a blue lake.

And it's today, what I'm feeling is that nobody's satisfied, Mr. Speaker, nobody. But in the Madisonian system of government, we have a decision to make, whatever those decisions might be. As I learned, late on this floor, speaker looked at me and said, about four o'clock in the morning, electric deregulation. She looked over me and said, "Tomorrow, we got to make another decision, Representative Barnes. You need to pull your chin in and we ought to keep working." That's where we're at today, because all politics is local. And what we feel, what we feel is emotional. It's emotional for me to think of as a kid, long black limousine pulls up in front of my dad's office, first African-American mayor of a major American city gets out, who I am honored to serve in this historic district from Cuyahoga County and say, "I'm going in and talk to your dad, and you can sit in the car until I finish my meeting." I never forgot that. I never forgot.

During this last process, Mr. Speaker, I was on a phone with a lot of those folks, a lot of leaders from Cleveland, about what was going on. We weren't satisfied then, but we got to keep moving. And, in this body, we have a responsibility to provide leadership. Citizens of Ohio are looking at us to determine whether or not we're sending the right signals. That don't mean we don't disagree. But when we leave out of here, we should be leaving out of here with the united front of inclusion. I grew up in a cycle where you keep on pushing like the folks tell you to do. We're a winner, and R-E-S-P-E-C-T, everybody in line with one of the most foremost compromises in the United States Congress. I don't think anybody here is accepting ignominious peace.

Henry Clay said, on the floor of Congress that "No man in this nation wants peace more than I." He said, "I prefer a troubled oceans of war, with all its calamities, as opposed to a cool and putrescent pool of ignominious peace." I'm not accepting ignominious peace ever. And I know that each one of you does not accept ignominious peace. We fight like hell. We move forward. And we provide leadership based on the rules that will be established here today, that we keep fighting. "I have a dream," as MLK said. Today's February, Black History Month, and Edward Kennedy said that dream shall never die.

I urge support of this House, concurrent resolution, because it's what we have to do at this point in time. We may not like all of it, but that is the system, the Madisonian system of government that was designed for which we provide the leadership today, for those to come tomorrow. Thank you.

Speaker 5 ([01:05:43](#)):

The House will stand at ease.

PART 4 OF 4 ENDS [01:05:48]

The Chair ([00:01](#)):

House will come to order. The question is, shall the joint resolution be adopted? The Chair recognizes the Leader.

Rep. Fred Strahorn ([00:11](#)):

Thanks, Mr. Speaker. And I want to thank you. I want to thank Representative Cera. I ask a lot of Jack and he never really complains until it's over. And I want to thank Representative Schuring as well, and I know you ask a lot of him. And they're really good people to rely on. I want to thank... I want to thank Leadership, but I also to thank our staff. I know she's probably tired of being thanked at this point, but our legal counsel, Sarah Cherry has been great on this, and my chief of staff, Andy DePalma, and your legal counsel and chief of staff. And I also want to thank the coalition because it was their presence that really kind of focused us on getting this done and, and their participation and trying to get this right and have a diverse group that really could emphasize what was fair.

I want to just kind of remind folks of what this really is. This is about responsive government. There are folks out there that did not feel like their government at the congressional level was being responsive to them. And I remember somebody explaining to me why the Senate has six years and why the House of Representatives, the US House of Representatives, just like us, has two.

Now the thought process was Senators would be the deliberative body. But I want congressmen and state reps to run every two years because I want to force them to be connected to people. I want to force them to understand what's going on, and they don't have the luxury of taking a break and sitting down because they run every two years and they need to be connected and listen to the public. And that's what this was all part of, was the public saying, "I feel like Congress is dysfunctional. I feel like some of the things that... Whether you were a Democrat or a Republican, that you used to know together, that you used to do, things that you understood were in the best interest of the country, and you put that before your party.

Things like the debt ceiling. The debt ceiling is not about spending. The debt ceiling is about paying your bills. That is not conservative. That's not liberal. That's just good sense. And Republicans and Democrats both used to... Wouldn't do that. If you don't want to raise the debt ceiling, don't spend the money.

We cannot get away from that kind of common sense thing when we are representing the interest of the general public. These are not our seats. Anybody in here that's ever lost a race probably feels that a little bit better than anybody that hasn't lost a race. But I think that was one of the lessons that was really driven home for me losing a race, was I don't own this seat. This isn't mine. This belongs to them, and they get to do with it whatever they choose to do with it. And we need to be responsive to that. And if we're responsive to that, they might just let us stay here for a while. But that is ultimately up to them.

Enough people in our public wanted us to do this so that the outcomes of our races really reflected what our state looked like on some kind of basic level. At the end of the day, voters deserve to be heard, and they deserve to know that their votes count. While SJR 5 is not perfect... And there are certainly more guardrails that I would've liked to have put on, certain things that I would've liked to have been prohibitions as opposed to aspirational, would have loved to be able to do more around representational fairness. But it's clear that these reforms are better than what we have today.

This reform plan will be the first time that we've included the terminology of fairness for congressional districts in our state's constitution. And it does put some guardrails on what the majority

party can do in drafting the districts. But this bipartisan plan, to me, is a beginning. It's a beginning to bridge the divide that has put Washington's political interest above the public's for way, way too long.

But I do want to say this in closing. Politics, democracy... Democracy is a full contact sport, and it does not work if the public is not engaged. And I don't see this as the end of a process, but the beginning of a process. It should never go this long that the general public in Ohio or America feels like the people who work for them, their employees, aren't doing what they are supposed to do before you speak up. And so, regardless of what we do here today, I want to encourage the coalition and anybody in the general public who's paying attention to what we're doing here today to stay vigilant, to stay engaged, and to insist that you get the government that you deserve. And whether that's continuing to get signatures... Because we don't know whether this will pass in May. But don't go very far because we still have to see how this is implemented. And this will only work if you stay engaged. And Mr. Speaker, I thank you for the time, and I support SJR 5. Thank you.

The Chair ([05:50](#)):

The question is, shall the joint resolution be adopted? The house will prepare and proceed to vote.

Have all members now voted? The clerk will take the role.

The Clerk ([05:50](#)):

82 affirmative votes, 10 negative votes.

The Chair ([06:13](#)):

82 front votes, 10 negative votes. The joint resolution is adopted. Message from the speaker.

The Speaker ([06:19](#)):

Pursuant to house orders 13, 28, and 30, a Speaker hereby makes the following changes saying command, rules in reference. Remove representatives Lipps, Manning, and Reineke, appoint representatives Hood, Patton, and Sykes.

The Chair ([06:29](#)):

Announcement of committee meetings. Chair recognizes Representative Schuring.

Rep. Kirk Schuring ([06:37](#)):

Thank you, Mr. Speaker. The purpose for which we have convened being completed, I now move that the House stand adjourned until Wednesday, February 7th, 2018 at 9:00 AM.

The Chair ([06:48](#)):

Without objection, the house stands adjourned.

Ohio Redistricting Commission - 9-15-2021

<https://www.ohiochannel.org/video/ohio-redistricting-commission-9-15-2021>

Co-chair Speaker Robert Cupp [00:00:00] Call to order this meeting of the Ohio Redistricting Commission. I ask the staff to please call the roll.

Clerk [00:00:08] Co-chair, Speaker Cupp (present), co-chair Senator Sykes (present), Governor DeWine (here), Auditor Faber (here), President Huffman (here), Secretary LaRose (here) Leader Sykes (here).

Co-chair Speaker Robert Cupp [00:00:22] We have a quorum and we'll proceed as a full commission. I think let's... We have some minutes that we maybe have not approved yet. There's minutes from the meetings of August the 31st, September 9th at 10 a.m. and September 9th at 2:00 p.m. They are before you. Is there a motion to accept the minutes as presented?

Senate President Matt Huffman [00:00:46] So moved.

Co-chair Speaker Robert Cupp [00:00:46] Is there any objection? Seeing and hearing none, the minutes of the previous meetings stand as accepted. Senator Huffman, for a motion.

Senate President Matt Huffman [00:01:01] Thank you Mr. Co-chair Cupp. At this time, I move that the commission stand in recess.

Co-chair Speaker Robert Cupp [00:01:08] Until...?

Co-chair Speaker Robert Cupp [00:01:09] Pardon me?

Senate President Matt Huffman [00:01:10] Until 3:00 p.m., I believe.

Co-chair Speaker Robert Cupp [00:01:14] It's so moved. The commission will be in recess until 3:00 p.m.

House Minority Leader Emilia Sykes [00:01:20] Mr. Co-chair?

Co-chair Speaker Robert Cupp [00:01:22] Leader Sykes.

House Minority Leader Emilia Sykes [00:01:23] Thank you. Thank you. Mr. Chair, if we could just... Obviously we have people who are anxious to understand what is happening next. So for the benefit of those who are here and perhaps watching, could we have a bit of a discussion of what the recess will entail and for what purpose are we recessing?

Co-chair Speaker Robert Cupp [00:01:42] We will be recessing so that we can continue some consultations that are going on, some work that is being done on the map for the finalization that needs to be done, as well as any changes that might be considered in the interim. Is there any objection to the motion to recess? Hearing none, the commission is recess till three o'clock.

Co-chair Speaker Robert Cupp [00:02:17] Pursuant to the recess, the meeting of the Ohio Redistricting Commission will come back to order. A little leftover business from this morning. And at this time, I would entertain a motion to accept any remaining written

testimony from the regional hearings on the introduced plan to be part of the record of the September 14th hearing. Do I have a motion for that?

Co-chair Senator Vernon Sykes [00:02:41] So moved.

Co-chair Speaker Robert Cupp [00:02:43] Is there a second?

Senate President Matt Huffman [00:02:45] Second.

Co-chair Speaker Robert Cupp [00:02:45] Second, is there any objection? Seeing none, the written testimony is accepted as part of the record. At this time, I will ask what is the will of the commission with regard to the introduced state redistricting plan?

Senate President Matt Huffman [00:03:00] Mr. Co-chair?

Co-chair Speaker Robert Cupp [00:03:02] Chair recognizes Senator Huffman.

Senate President Matt Huffman [00:03:03] Thank you, Mr. Co-Chair. I'd like to present to the commission an amendment to the introduced proposed General Assembly district plan for its consideration. Thank you, Speaker. The commission, as we know, introduced a proposed General Assembly district plan last week. And since that time, we've been actively talking with all of the commissioners, all the... Folks serving up here, including, of course, our Democratic colleagues. In response to those conversations. We've made a number of changes based on, really, a variety of suggestions and feedback. And of course, that feedback includes the several public hearings that we've had, the submitted testimony and, you know, other, other public input that we have had. Additionally, this amendment itself was presented to the seven commissioners last evening, along with the appropriate computer files and other items that could be reviewed. I, this amendment, moves to the introduced plan much closer to what our Democratic colleagues had sought in their amendment, which was presented and explained by Mr. Glassburn in Cleveland last week. So I want to talk a little bit about the amendment itself. I should say initially that we've made a number of technical changes. This is, of course, a big job with a lot of of data so that naturally these things happen. But there are a number of technical changes, these fix misassigned census blocks, and the block assignment files. And really those changes, for the most part, had no impact on on population. These were simply bits and pieces that that had to be cleaned up. However, there were a number of substantive changes that were made that did reconfigure the geography of the introduced plan, the plan that was introduced by the commission last week in a way that did change demographics in other parts of various districts. The first part, I would say, is that this plan reduces the this amendment, reduces the number of Republican seats collectively in both houses by six. And of course, these are House, according to the the indexes that were developed, I think that both sides were using. So the... And again, takes this much closer to the Democratic plan that was presented where this amendment will have 62 Republican seats in the Democratic amendment, had 57 Republican seats. So, so fairly close really. And then in the Senate, the numbers are 23 and 20. So, again, this, this amendment is much closer to the Democratic amendment than the original proposed plan. A couple of other comments. And I do want to compliment Mr. Glassbern... burg... burn. I apologize, I keep getting that name wrong. He did an excellent job in Cleveland explaining their plan. And there were a variety of maps that were submitted in a variety of ways, either through the website or in...and many of those maps were not constitutional. As was pointed out the other night, the winning map and the Fair Districts competition had 10 to 15 constitutional violations and about 50 or so other local splits that that weren't necessary. And so those

are all things, I think, that that need to be taken into account. The... Many of the... And actually, I should say this, the last proposed Democratic map, although I think took care of many of the things that were originally issues when first submitted, including numbering and a number of of constitutional problems. There were still some constitutional problems, especially related to the contiguity of at least one of the districts that I know, know of. So I would say that, you know, I think it's important that this commission vote on a map that is constitutional. This is the only map.... So, you know, and with this amendment, will continue to be the only map that is, is constitutional that's been submitted to the plan. We have about 37 minutes, according to my watch, too, for this commission to act according to the Constitution. And these are things that, you know, I think many of us who've been here a while often act... In a...We have to act late at night, whether it's a budget on June 30th or other deadlines. So I'm sure we'd all rather be someplace else right now. But in this case, this is something, a task that we have to complete, according to the Ohio Constitution that all of us swore to uphold. That has to be done. So pursuant to the comments that I've made regarding the amendment and by the way, the amendment has been downloaded on the website for some time now. Of course, this is an amendment that has been circulating among all the commissioners since yesterday afternoon. So based on those comments, Mr. Cochair, and pursuant to Article 11 of the Ohio Constitution, I move for the commission to amend the introduced proposed General Assembly district plan with the amendment that I just explained.

Co-chair Speaker Robert Cupp [00:09:18] Is there a second to the motion on the amendment? I'll second the motion, it's been moved in second and that the motion to amend the commission plan be adopted. Is there discussion. Hearing no discussion...

Co-chair Senator Vernon Sykes [00:09:40] Mr. Speaker. At this point, in looking at the different proposals that have been introduced over the course of the last couple of weeks, we appreciate the offer, the amendment that make, the adjustment that the amendment makes, but far falls far below what's considered to be fair. And for that reason, I object to it and do not support the amendment.

Co-chair Speaker Robert Cupp [00:10:19] Is there further discussion. The staff will call the roll, please.

Clerk [00:10:29] Co-Chair Senator Sykes.

Co-chair Senator Vernon Sykes [00:10:30] No.

Clerk [00:10:30] Co-Chair, Speaker Cupp.

Clerk [00:10:35] Yes.

Clerk [00:10:35] Governor DeWine.

Governor Mike DeWine [00:10:39] Yes.

Clerk [00:10:39] Auditor Faber.

Auditor of State Keith Faber [00:10:39] Yes.

Clerk [00:10:40] President Huffman.

Senate President Matt Huffman [00:10:40] Yes.

Clerk [00:10:42] Secretary LaRose.

Secretary of State Frank LaRose [00:10:43] Yes.

Clerk [00:10:43] Leader Sykes.

House Minority Leader Emilia Sykes [00:10:43] No

Co-chair Speaker Robert Cupp [00:10:50] Five votes to two, if I was right. The motion to amend has been adopted. Is there further motions?

Senate President Matt Huffman [00:11:00] Mr. Chairman?

Co-chair Speaker Robert Cupp [00:11:02] Chair recognizes Senator Huffman.

Senate President Matt Huffman [00:11:03] Thank you very much, Mr. Chairman. Pursuant to Article 11 of the Ohio Constitution, I move for the commission to adopt the introduced proposed General Assembly district plan as amended as the final General Assembly district plan.

House Minority Leader Emilia Sykes [00:11:16] Objection.

Co-chair Speaker Robert Cupp [00:11:16] Is there a second to the motion? I'll second the motion. There's been an objection. Discussion? Any discussion? Chair recognizes Leader Sykes.

House Minority Leader Emilia Sykes [00:11:30] Thank you, Mr. Co-Chair and members of the committee. And I know it is late and we are on a time crunch, but if you could indulge me a bit so I can share my thoughts about this plan, this map and why I will be voting no this evening.

Co-chair Speaker Robert Cupp [00:11:57] Commissioner may proceed.

House Minority Leader Emilia Sykes [00:11:59] Thank you. Thank you, Mr. Chair. People ask me pretty regularly, why do I wear white all of the time. And and if you indulge, it'll all make sense and all come together. I often wear white, especially in moments of importance. To honor the women of the suffrage movement who fought so hard for the right to vote. Women who, through no fault of their own except to be born as a female did not receive equal access to speaking up and about the government, to the government on behalf of themselves and their families. As the only woman on this commission, I take my responsibility incredibly, incredibly seriously. And beyond just what this vote may mean for a 10 year map I bring with me those women who suffered for generations for the right to speak up so that someone like me could have the audacity to stand up and speak out on a commission that is made of six men and one woman. I recognize that the men in the majority, in the majority party on this commission have never had ancestors or the experience of having to fight for their access to basic human rights that others enjoyed just simply because they were born. And to have before us today a map that summarily and arrogantly eliminates the ability for women like me, the women of the past, to engage in a process and have their votes heard is not only offensive, it is plain wrong. I think of the women of the suffrage movement. And we just celebrated a hundred years of white

women having the right to vote and people like Mary Church Terrell or Ida B. Wells and Sojourner Truth, who fought so that women like me, who look like me, could have the nerve to say the things that I say in rooms just like this when people tell me I don't belong here. I call it offensive and plain wrong to move forward this map after we heard hundreds of people come before us. Hours of testimony in cities across this great state. And to put forth something that so arrogantly flies in the face of what people, our voters, asked us to do not once but twice, through a citizen-led initiative that forced the hand of the legislature to ensure that people had the right to vote to... And not only that, they have that right that they feel that it is counted and they can make a difference in their government. I have often talked about my faith and I continue to have the faith of a mustard seed. And that faith does not live within men and including the men on this commission. And I'm reminded, and I was continuously reminded through the many hearings that I sat through a Proverbs 29:2 that says, "when the righteous are in authority, the people rejoice. But when the wicked beareth rule, the people mourn." The people of Ohio have been mourning. They have been in mourning. And it is because they have not been able to access their government and the way in which they deserve. We may no longer be in the 1920s where women or some women or even just 1963 when black people didn't have their full enfranchisement, but every day I am faced with the opportunity, and really the privilege, to push back and to stand up and be proud of where I am and not to ever disrespect the people who got me here. There is in no way that I can, in good conscience vote for this map, and I urge every single member of this commission to join me in voting no. This is not simply a matter of Republican versus Democrat, male versus women, Younger versus older, millennial, boomers. This is about the human right to access and participate in our government. The Democrats on this commission made it very clear that the maps that we saw yesterday were a nonstarter, that we would not be supporting them. And any suggestion that we should be voting for them or that they are closer is a patently false statement. And to make the suggestion that perhaps we should vote for this because it may get us closer is just wrong. I am not going to be fooled and neither will the people of this state. They have invested too much time and energy in this process, and they deserve better than what this map is. It is very clear that in drawing this map, because it was stated that no one considered the Voting Rights Act. An act that allowed me, someone like me, to even be able to be in this position. To allow someone like Co-Chair Sykes to be a co-chair of a constitutionally mandated commission. But I know the people who have never had to fight for their rights cannot appreciate what it means when people who have not had rights, beg for them. Things that they should have already had. These people who came and spent hours of testimony did not deserve to beg us to do right. It is just wrong. This map, we can talk about constitutionality, but I think all of us, especially those who have graduated from law school, know we don't have the ability to determine anything to be constitutional or not. That will be left up to the courts. But I do know one thing that is very clear. That there is a section in the Constitution that requires us to draw maps that follow the proportional results of elections over the last 10 years, and this map falls short of that. And we can argue all day about the legislative intent, but I don't have to do that because I can talk to my co-chair who was a part of writing this, and he will share with you that the proportionality or representational fairness is what he meant and that is why it's in the Constitution. Period. And you can ask him yourself if anyone else has any questions. And so as I conclude, I just want to say, and make another appeal to my colleagues on this commission. This is a vote that should be an easy no. It's an easy vote for me. I will not lose not a second of sleep over voting no on this, because at some point when the government refuses to listen to the people who elected us and direct us, there are consequences. And I am always going to stand on the side of the people who brought me here, whether it's those suffragettes, those civil rights fighters, the people of House District 34, the birthplace of champions. They got me here. And I am proud to vote no on their

behalf, because I know they deserve better than this, and I would hope every member on this commission feels the same way about their constituencies, whether it is a district or it is this state. And you join me in voting no. Thank you, Mr. Chair.

Co-chair Speaker Robert Cupp [00:22:03] Further discussion? Chair recognizes co-chair Sykes.

Co-chair Senator Vernon Sykes [00:22:09] Co-Chair and members of the commission and people of The State of Ohio. I have very, very heavy heart tonight. I have been advocating for fair districts since the 80s, when I first came on as a member of the Ohio House of Representatives. And I've worked really hard to formulate the provisions of the Constitution that the citizens adopted. And I'm so disappointed at this particular time that we're at this juncture. That now it's almost 12:00 on September the 15th in 2021, and we come to this juncture, I was hopeful, hopeful that the people in place at that particular time when we were contemplating this would have the will to promote fairness. I was hopeful that we could take an adjustment, make an adjustment in the apportionment board, expand it, make sure we have minority representation on it, adequate. Was hopeful that they would have the courage and the insight to promote fairness. And we put guardrails in it. One of the very distinctive factors of the constitutional provision in 2015 was we added a provision that dealt with fairness. Before we were just looking at technical compliance. Issues like compactness or the number of splits. But it's been proven with the map that's been presented for you today. That you can comply with the technical compliance, but still gerrymander districts as much as you like. And so it was the wisdom of the constitutional provision to put in place a different concept of representational fairness, and that concept was considered to be somewhat vague at the time, and so we wanted to make sure it was understood. So instead of putting the words representational fairness in, we actually define the concept, described it so it would be clearly understood what the intentions were. And this was the guardrail, because in Section 6(A) it says you can't favor or disfavor a party. And then in (B), it describes how we make sure that that doesn't take place. Because we're going to look at the voting preferences expressed by the people and the vote, in elections over a 10 year period. And we take all of the partisan elections, we're not going to be selective, we're going to take all of them. We do it over a 10 year span so we don't have problems with outliers, so it's kind of an average. We asked scholars to come forward to analyze it, to read the Constitution and then say, how would you interpret this? And they came one at a time. And every one of them came up with the, basically, the same quotient. Basically the same percentages, proportions. And that's considered to be fairness. And I can't stand up here and support anything but fairness. You know, I'm just astounded by the arrogance of the super majority having such a callous disregard for the people of this state. You know, I went I went to every one of the hearings. I presided over most of them. And I listened to every testimony. The people came and they pleaded with us. Some of them scolded us and others cried. Because they wanted us, they were trying to appeal, make an appeal, to our sense of good judgment. And they waited in hearings that were four, five and six hours long to present their written testimony. And as they spoke and they went over the time limit, they kept speaking. And as I tried to even gavel them down, they kept speaking. I asked them not to applaud and they kept clapping anyway. They have spoken, we, hundreds of them from all over the state. 15 regional hearings in 15 different locations, and they all, they all, want fairness. And when we campaigned, Senator Huffman, we campaigned, we campaigned on the slogan for the, our campaign committee statewide, we raised money and campaigned. Fair districts was the name of the committee. Fair districts. Not technically complying districts, but fair districts. And I can't, as bad as I would...I would love for us to have a 10 year plan. A fair plan. There's no way that I would slap the people in the face that promote fair districts. And put them in a

smooth... Put them in the misfortune that we've been suffering for decades, for another 10 years. And I ask this committee, please listen to the constituents this time.

Co-chair Speaker Robert Cupp [00:30:04] Further discussion on the motion? Chair recognizes Secretary LaRose.

Secretary of State Frank LaRose [00:30:11] Thank you, co-chair. Though our votes are different, I share the deep disappointment that co-chair Sykes just expressed. I'm no stranger to trying valiantly for a worthwhile cause. But I don't like to fail. I'm no stranger to striving hard and spending myself for a mission that matters. My mission has been clear. Bipartisan compromise that yields a 10 year map. I believed all along that it was possible. I even told a couple of you that our state motto is, With God, all things are possible. That was my guiding north arrow over the last couple weeks. With God, all things are possible. We've fallen short. Not enough members of this commission wanted to come along with that effort. I'm casting my yes vote with great unease. I fear, I fear we're going to be back in this room very soon. This map has many shortcomings, but they pale in comparison to the shortcomings of this process. It didn't have to be this way. It didn't have to be this way. Some of us worked in good faith, in a bipartisan way, to try to get a compromise. There are members of this committee who I do not believe worked in good faith to try to reach that compromise, but here we are. When we are back here, whenever that is, I know for sure, I believe October 1st we'll be back to back here with a new mission, drawing congressional districts for the state of Ohio. And when we are, this process will be different. It is not going to work this way next time. I'm casting a yes vote today. But I wish it didn't have to be this way,

Co-chair Speaker Robert Cupp [00:32:17] Further discussion on the motion? Governor DeWine.

Governor Mike DeWine [00:32:22] Thank you, Mr. Chairman. I am deeply disappointed at where we are tonight. I'm very, very sorry that we are where we are. I know, I know, this committee could have produced a more clearly constitutional bill. That's not the bill that we have in front of us. I have felt throughout this process that there was a compromise to be had. That the bill could be improved, become much more clearly constitutional, that we could produce a bill that all seven members, a map that all seven members, of this committee could vote for and that we would have a 10 year map. I was wrong. I felt even today, as late as early this evening, that there was still a deal to be had. And the parties could get together. And I thought if that could not occur tonight, that it could occur tomorrow or the next day, and that it was possible. The parties are not that far apart. I won't go into the details, but they're not. They think they are, but they're not. Tonight, it has become clear to me that there is not going to be a compromise. There can't be a coming together. I talked to the Republican legislative leaders. I talked to the Democrat legislative leaders separately. And it's clear in talking to both sides that there's not going to be an agreement. And that we could go tomorrow or the next day or the next day, and it simply was not going to occur. I have respect, deep respect, for all members of this committee, but I'm saddened by the fact that it was clear in talking to them that there was not going to be any real ability and so that tomorrow we would be exactly where we are today and the next day and the next day. So along with the secretary of state, I will vote to send this matter forward. But it will not be the end of it. We know that this matter will be in court. I'm not judging the bill one way or another. That's up for, up to a court to do. What I do, what I am sure in my heart is that this committee could have come up with a bill that was much more clearly, clearly, constitutional. I'm sorry we did not do that.

Co-chair Speaker Robert Cupp [00:36:10] Further discussion? Chair recognizes Auditor Faber.

Auditor of State Keith Faber [00:36:14] Thank you, Mr. Chairman, and a question to the sponsors, do we have a statement pursuant to 8(C)(2) to prepared to explain the proportionality issues?

Co-chair Speaker Robert Cupp [00:36:26] Mr. Chairman?

Co-chair Speaker Robert Cupp [00:36:27] Go ahead.

Co-chair Speaker Robert Cupp [00:36:27] Yeah, yeah, yeah. In fact, there is. That's not appropriate to present that until after the vote is taken, which I could present it now, but it's only presented in the case of a four year map, which I think we're going to have, but formally we have to have the vote first.

Auditor of State Keith Faber [00:36:45] Mr. Chairman, the reason I ask is, is that I think that that discussion may help at least, certainly, have a discussion as to at least, some folks' belief as to whether this map complies, or how it complies with Section 6. And so I don't know if that's helpful or we can wait to have that discussion. But I'm just... I'm at your discretion.

Co-chair Speaker Robert Cupp [00:37:13] I'm not sure if it's to my discretion or the co-chairs discretion, but would you like me to distribute the statement now, Auditor Faber? Is that what you're asking?

Auditor of State Keith Faber [00:37:22] I guess my short answer is yes, you know, it's not required until after that, but it certainly would help the proportionality explanation.

Co-chair Speaker Robert Cupp [00:37:38] At the request of Auditor Faber, if we could distribute the statement, that conditionally would be offered. Anybody need a minute here or?

Auditor of State Keith Faber [00:38:30] While we're doing that, Mr. Chair?

Co-chair Speaker Robert Cupp [00:38:33] Do you need to you need a minute? OK.

Auditor of State Keith Faber [00:38:36] No I have a question... Or a statement.

Co-chair Speaker Robert Cupp [00:38:38] Chair recognizes Auditor Faber.

Auditor of State Keith Faber [00:38:40] Thank you. This has been an interesting process. To say it has gone like I anticipated is probably not just an overstatement, but but frankly, a great disappointment. This process has been an example of, from a management perspective, of what needs to be improved going forward for future redistricting commissions. And candidly, I anticipate offering some suggestions on rule changes and things to better involve the non-legislative members in the process earlier and to give resources equally so we can have the ability to draw other maps. Having said that, I think it's important that everybody understand some truisms that we heard some of the witnesses testify to in the redistricting process. First, that Ohioans tend to live around people that think and vote like them. And that's why the compactness provisions in the Constitution are very important. And the no splitting provisions are very important because

we heard a lot of people testify that they didn't want to necessarily be drawn into districts that put them in places that didn't think like them, or to be represented by somebody who doesn't share their values. Now, we're in a representative form of government, and that always means that you're always going to have somebody representing you that you don't agree with in some ways. Heck, most of us who are legislators will say we don't always agree with ourselves. So it's tough to have 100 percent agreement. So we don't expect perfect alignment, but that's why we elect people, and why majorities in the district get the say. The problem with looking at other factors, when you have such a organization in Ohio, as we do with urban and suburban and rural areas, means that it's very difficult to draw districts that have some divine competitiveness ratio. One of the versions of the maps and I'm going to talk about the maps before I get to the process, one of the versions of the maps submitted by one of the legislative caucuses at one point almost had no competitive districts. And so most all of the races would have been determined in primaries, we heard over and over and over just how many people had concerns with that as to its potential to lead to extremism. So I did a quick count on this map based on information that we got a little earlier off of... and because we don't have access to the high tech programs, we were stuck using Dave's Redistricting, which seems to be an OK tool. But the reality is, is I counted the competitive districts. And we've had different debates about what competitive means between all the participants here. And so I use two different metrics. The one Dave's uses is 10 points, 45 to 55. I think a better, tighter competitive number is 48-52. It's real tough for somebody to win a 55, or to lose a 55 district. And it's real tough for somebody to win a 45 district. But candidates matter. We have examples. Frankly, I think one of the members on this panel won a district that wasn't much above 45 and everybody said you could win. I remember being one of those people who said he could. He did. And I'm proud of him as my colleague. So you can win those districts, candidates, matters, campaigns matters and and those issues matters. So in this map that's presented, if I've got the right set of numbers, we've got 23 districts that are competitive. 12 of which happened to fall in the Democrat side, an 11 fall on the Republican side. If you're striving for a competitive map, that's pretty darn good with the number of tight districts that you have to draw that are going to be the sure things in the Republican strong areas and the Democrats strong areas of the state. So that means, depending on what happens, elections and candidates and issues and districts, you've got 23 districts in this map that could flop one way or another. That's not bad. Going through the rest of the map, there are things in it that I don't like. My colleagues have heard me repeatedly talk about why I think you need to keep communities that have a long track record of being represented together, together. My home community isn't such a community in this map, it's not tied to the state senator, including the now speaker, I think you represented this district some 20 plus years ago, with the counties that it's with. The moral of the story is, we all don't get everything we want, despite our efforts. So when you draw a map, sometimes you have to allocate disappointment. I will tell you, there's some disappointment, in my view, as the way some of the counties are split in northwest Ohio. That's just the way the cookie crumbles, some would say. But the reality is, compared to some of the other maps we've had a choice to go with, this map isn't that bad. It's not that good either. There are things in this map that given a perfect world, I would change. We tried to make some of those suggested changes, but that brings me now to the process. I spent a lot of time trying to figure out how to get to a seven person, 10 year map. We did that in good faith. After 24, 25 years as a mediator, I always said, you never stop negotiating until it's clear you're done. I still believe today, that if we had more time, putting the parties in a room in a way they could candidly talk without fear of lawsuits and without fear of showing their hand, we'd have got a better map. But I do agree that as of where we sit today, in the time frame and everything else that we see, this is as good as it's going to get today. I don't like that. I'm disappointed profoundly that we do not have a 10 year map, that we do not have a

seven-person vote. I can tell you that the Governor and Secretary LaRose and I spent hours trying to find compromise. I wish we'd found it. With that, because I believe votes are binary things, I don't have another choice to vote yes or no on. I don't have the ability, because of the resource allocation, to make amendments here or there that would have made a difference without causing more problems one way or another and potentially violating the Constitution. Because there is this provision that you can't unnecessarily split cities or townships and we don't even have good census blocks in Dave's Redistricting to do that. And I have to give a shout out to the Democrat staffers that helped educate me on some of that. Frankly, I wasn't aware of that. And their time and their work with us in good faith. I think at times, I think they worked good with us, was helpful to me and helpful to me to understand this. With that, I'm going to vote yes on this map. I'm going to vote yes with some apprehension and I'm going to vote yes in reliance on the representation that I've gotten from various legal counsel that these provisions fully meet with the constitutional parameters and the people who have had the ability to make those assessments, that this map meets all those standards because we have not had the ability to look at those things. Having said that, what I do get to see from Dave's, it does appear to do that. I just would encourage us to look at the process. To continue to talk to each other and find opportunities for compromise and if we have to go about this again, whether it's in four years or four weeks. I urge us to remember that when we negotiate, we shouldn't be negotiating from positions, we should be negotiating on shared interests, and if we do that, I think we'll have a better product. Thank you, Mr. Chair.

Co-chair Speaker Robert Cupp [00:46:47] The question is, shall the motion be agreed to, the staff will call the roll.

Clerk [00:46:52] Co-chair, Senator Sykes.

Co-chair Senator Vernon Sykes [00:46:53] No.

Clerk [00:46:54] Co-chair. Speaker Cupp.

Co-chair Speaker Robert Cupp [00:46:55] Yes.

Clerk [00:46:56] Governor DeWine.

Governor Mike DeWine [00:47:00] Yes.

Clerk [00:47:00] Auditor Faber.

Auditor of State Keith Faber [00:47:00] Yes.

Clerk [00:47:02] President Huffman.

Senate President Matt Huffman [00:47:02] Yes.

Clerk [00:47:02] Secretary LaRose.

Secretary of State Frank LaRose [00:47:04] Yes.

Clerk [00:47:04] Leader Sykes

House Minority Leader Emilia Sykes [00:47:12] No.

Co-chair Speaker Robert Cupp [00:47:12] Five votes in favor, two votes opposed. According to the constitutional provision, the map has not been adopted as a seven year plan, but has been adopted as a four year plan. Chair recognizes Senator Huffman.

Senate President Matt Huffman [00:47:28] Thank you, Mr. Co-chairman. Pursuant to Article 11 of the Ohio Constitution, I move for the commission to adopt the statement that has been distributed to the members of the commission, that was the statement that was distributed by, at the request of Auditor Faber.

Co-chair Speaker Robert Cupp [00:47:47] I'll second the motion. It's been seconded. And the chair recognizes Secretary LaRose.

Secretary of State Frank LaRose [00:47:57] Having just been presented with this and none of us like to vote on something that we just got, but I understand the time crunch that we're under here, I'm going to ask for some explanations on some things. This Section 8(C)(2) statement explains the rationale that the people that drew this map used to reach what they considered the proportionality requirements. That's my understanding. It seems like they're sort of using two different factors. One is the raw number of races won of statewide, state and federal, and then the other is the number of votes and sort of mixing those two standards together instead of picking one. President Huffman, could you explain the rationale, since I assume it was your staff that drafted up this statement?

Senate President Matt Huffman [00:48:46] Yeah, I first thing I would say is, I don't I don't think that there's a requirement in the Constitution that there be one standard chosen over another. There is no formula in the Constitution, percentages of votes or percentages of of races won, etc. This is simply a statement, again, pursuant to the Constitution in only, and only to be submitted in where there is a four year map. And I think it might be helpful just to read, if I could, that portion of the Constitution. All right. So that's... Final General Assembly district plan adopted under, and this is the four year provision, 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 members' opinion concerning the statement included with the plan. So Leader Sykes or Senator Sykes could do that, as those who voted no, if there's a separate plan. So this this is really nothing more than that. It's a statement of things that were considered and tried to include all of the relevant information that which, of course, includes many of the things that have been discussed here, including the percentages of votes. So we tried to, in this, in this case, to try to make it clear, just use basic factual information that I think's available to the public and everyone else.

Secretary of State Frank LaRose [00:50:59] Another question.

Co-chair Speaker Robert Cupp [00:51:01] Follow up?

Secretary of State Frank LaRose [00:51:02] Mr. President, I would guess that. This rationale was reached and guided the map making process, it would have to. I, for one, have been asking for the rationale for days. Is there a reason why that wasn't shared with us until now?

Co-chair Speaker Robert Cupp [00:51:25] Chair recognizes Senator Huffman.

Senate President Matt Huffman [00:51:27] Yeah, can you repeat the question, Secretary LaRose?

Secretary of State Frank LaRose [00:51:30] Yeah, Mr. President. So I've been trying to understand, as we've been talking to members of your staff and you yourself, how you believe that you're reaching the representational fairness or proportionality requirement in Section 6. And so I've been asking, how do you calculate those numbers? What do you consider that proportionality? I have not gotten an answer until tonight, but I would assume that this has been guiding the mapmaking process for a long time. Was there a reason for or not, sort of, sharing this sooner to sort of guide the conversations as we've been having them?

Senate President Matt Huffman [00:52:06] Sure.

Co-chair Speaker Robert Cupp [00:52:06] Chair recognizes Senator Huffman.

Senate President Matt Huffman [00:52:08] Yeah, this this statement was prepared probably in the last five or six hours. I think it was sent over to your office probably about four or five hours ago. And the, so these are facts that are well known, that are discoverable on the public website. I think we've been talking about these percentages, all of it. And so this is just simply a recapitulation of all of those in a simple statement that the Constitution requires. So, some of these things are, you know, some folks discard some of those, or think some are more important. And, you know, the simple fact is that that, you know, there are a lot of opinions about what that portion of the Constitution means, for example, when the word results is used. Does that mean, a, adding together of all the votes and all those races over the last 10 years? Well, I suppose it could mean that. Does it mean the results of the elections that are described therein, 13 out of the last 16 of those races won by Republicans? And so we're simply listing all of that is those are things that are considered. Now, I can tell you, you know, if you if you ask my personal opinion, I can tell you that a lot of this doesn't have a lot to do with why people win races. We know that Stephanie Kunze just won in a district that was a 40 percent index. We know that, I think it's Representative Troy, Dan Troy in Lake County? He just won in a 53 percent Republican district. So this is a, is a big discussion point among a lot of folks about what is exactly these things may be. But the the best thing we can do is put out all of the facts for everyone and anyone can make whatever conclusions they want to make about that.

Secretary of State Frank LaRose [00:54:11] Thank you. I appreciate that. Yeah, there has been a lot of discussion about what is, what do the words in Section 6 mean? I've mulled over what does "shall attempt" mean for, for example. And I think that going forward in the future, it would be nice to have this conversation in advance and try to come to a commission agreement on what the, what these factors are going to be so it can guide the rest of our negotiations. That's all. Thank you, Mr. President.

Senate President Matt Huffman [00:54:38] Mr. Co-Chair.

Co-chair Speaker Robert Cupp [00:54:38] Yes.

Senate President Matt Huffman [00:54:38] And if I could just respond to that, one of the. One of the designs of this going back to 2014 was that the census data is received on April

1st. And the the map work that needs to be done usually takes, in this case, it took only 10 days, but typically takes a couple of months. And the map makers can begin in mid-June to make this determination. They would have about two and a half months to negotiate, OK? Because that would take them till September, until September 1st to have this negotiation. Well, as we know, we didn't get the information until mid-August and really in a usable form until about the last week in August. And that began the process on both sides. As we know, there's money allocated and consultants and mapmakers hired by both sides. And no map was produced at least until August 31st. Now, I will tell you that the Senate Democrats map, although a map, was had several constitutional problems in it and that was solved a week later, about the same time that the Republican map was presented. So folks have done an extraordinary amount of work on both sides. My staff, and I'm sure it's the same for the Senate Democrats staff. My staff's worked 16 to 18 hours a day for 25 straight days working on this. So it's been an extraordinary task just to get this part. And I've said this, I've said this a number of times. It bears repeating now, that last April when I came to many folks and said, let's get a 30 day extension so we'll have time to do the negotiation that we wanted to do, that the governor's talked about, that you have talked about. For whatever reason, folks said that was a bad idea. We don't want more time. And now here we sit with a process that many are criticizing because not enough time was taken or given. So I appreciate that. But I also hope that's also something we can take into account. There may be another pandemic the next time we do this, and perhaps we need to be more flexible on the ability or what we have in the Constitution and these timelines.

Co-chair Speaker Robert Cupp [00:57:06] Further discussion? Chair recognizes Co-chair Sykes.

Co-chair Senator Vernon Sykes [00:57:12] Mr. Co-chair. I just want to make it clear that this is just the opinion of the majority on this particular issue. So by no way am I agreeing to any of this, but I would accept it as your opinion.

Senate President Matt Huffman [00:57:31] I appreciate that. If I could co-chair Cupp.

Co-chair Speaker Robert Cupp [00:57:34] ok.

Senate President Matt Huffman [00:57:34] I appreciate that. And as mentioned in the Constitution provision, I just read, those members, those members who vote no may submit a declaration of the, of that member's opinion, senators, Senator Sykes and Leader Sykes. So certainly that's appropriate if there's an alternate opinion that you wish to submit.

Co-chair Senator Vernon Sykes [00:57:58] So we do have that.

Senate President Matt Huffman [00:58:01] Very good.

Co-chair Speaker Robert Cupp [00:58:03] Further discussion?

House Minority Leader Emilia Sykes [00:58:05] Yes, I do have a question. As such... Co-Chair Sykes did mention that we have a minority report to offer as well. Procedurally, as we had not discussed how this will move forward, at what point in this evening before we adjourn, would you like this minority report to be put forth?

Co-chair Speaker Robert Cupp [00:58:36] Committee will stand at ease for a moment while we consider that and consult with the parliamentarian.

Co-chair Speaker Robert Cupp [00:58:44] Statement is available now if you just want to distribute it, that will be included with the record.

House Minority Leader Emilia Sykes [00:58:50] Thank you very much, Mr. Chairman. I would like to speak of the minority report, if I may.

Co-chair Speaker Robert Cupp [00:58:56] Yes, the chair recognizes Leader Sykes.

House Minority Leader Emilia Sykes [00:58:58] Thank you, Mr. Chair. And I'm going to read it in its entirety because I do believe it is important. And pursuant to Article 11, Section 8 of the Ohio Constitution, the Ohio Redistricting Commission and I do put forth this minority report on behalf of Senator Vernon Sykes, co-chair and myself, House Minority Leader Emilia Strong Sykes, commissioner. It reads, "The state legislative district plan adopted by the Republican members of the Ohio Redistricting Commission egregiously violates the anti gerrymandering provisions of the Ohio Constitution. These anti-gerrymandering provisions were enshrined in the Ohio Constitution just six years ago for state legislative districts by the overwhelming majority of Ohio voters. Gerrymandering is defined by the Merriam-Webster Dictionary as the practice of dividing or arranging a territorial unit into election districts in a way that gives one political party an unfair advantage in elections. Simply put, gerrymandering is partisan unfairness. The Ohio Constitution requires partisan fairness. Article 11 of the Ohio Constitution is clear in its provisions that dictate the drawing of our state legislative maps. It requires that the maps respect the existing boundaries of counties, townships and municipal, municipalities. It also requires that the maps reflect a statewide political preferences of Ohio voters over the previous decade of partisan statewide elections. Unfortunately, the maps adopted by the commission's Republican majority today do neither. Voters never intended for Republicans to draw themselves another 10 years of gerrymandered districts and give themselves another decade of unchecked power. Article 11, Section 6 of the Ohio Constitution contains two new elements not met by the Republican drawn district maps. Part A and Part B of Section 6 are important guardrails, not aspirational goals, which ensure that the main purpose of the reform effort in 2015 is met by the commission's majority. Districts must be drawn to meet the requirements of the Constitution, taking into account compactness and contiguousness, including the fairness concept demanded by voters that is enshrined and enforced and subsections A and B of Section 6. Subsection A of Section 6 states that quote, "no General Assembly district plan shall be drawn primarily to favor or disfavor a political party." end quote. In contrast, the maps adopted today go to absurd lengths to create a Republican monopoly on legislative power that they have not earned at the ballot box. Subsection B of Section 6 also states that quote, "the statewide proportion of districts whose voters based on a state and federal partisan general election results during the last 10 years favor each political party shall correspond closely with the statewide preferences of voters of Ohio." end quote. The district maps adopted by Republicans today in no way reflect the statewide preferences of voters in Ohio and do not closely correspond to the statewide election results of the last 10 years. Subsections A and B cannot be read separately. Subsection B is important because it creates the litmus test for what constitutes primarily favoring or disfavoring a political party. No reasonable person would interpret the maps adopted by the commission today as reflecting the will of Ohioans and not primarily favoring one party over another as required in Section 6, subsection A and B. In Ohio, over the past decade, the Republican Party won 54 percent of the statewide partisan general election votes, while Democrats won 46 percent. And please see Appendix A that is attached to this statement. The calculations were presented to the commission. And extensive, extensive witness testimony, as well as by researchers

at Ohio University as part of the contract between the Legislative Task Force on Redistricting, Reapportionment and Demographic Research, of which I am the co-chair, and OU to produce the Ohio Common Unified Redistricting Database. The election results are not in dispute. They are publicly available on the Ohio Secretary of State's website. One does not need to be an expert to know that the statewide... Does not need to be an expert to know the statewide partisan election results. Hundreds of Ohioans were able to draw maps in the constitutionally appropriate time frame. Legislative maps would closely correspond with the statewide voter preferences if they yielded close to 45 House districts that would likely be won by Democratic candidates, 54 House districts that would likely be won by Republican candidates, 15 Senate districts that would likely be won by Democratic candidates and 18 Senate districts that would likely be won by Republican candidates. The Republicans on the commission, in a naked attempt to maintain a gerrymandered, unearned supermajority, drew and adopted districts that would likely yield 34 Democratic House districts, 65 Republican House districts, 8 Democratic Senate districts and 25 Republican Senate districts. The Senate district numbers and the maps approved today are even worse than under the current maps approved in 2011, which were so egregiously gerrymandered that they inspired voters to go to the polls twice to put fairness and equity in our redistricting process via constitutional amendments. In the interest of fairness, bipartisanship and the realities of geography, demography and politics, the Democratic members of the Ohio Redistricting Commission produced maps that followed the constitutional demands of proper district drawing, including Article 11, Section 6 and B, which were ignored by Republicans. These three maps, respectively, produce 14 likely Democratic Senate seats and 44 likely Democratic House seats, 13 likely Democratic Senate seats and 42 likely Democratic House seats, and 13 likely Democratic Senate seats and 42 likely Democratic House seats. These correspond closely to the ratio of proportionality that the Ohio Constitution prescribes in Article 11, Section 6. The Democratic members of the commission and their staff work tirelessly to incorporate Republican feedback into the mapmaking process, while also drawing maps that adhere to the requirements of the Ohio Constitution in Article 11, Section 6. The Democratic members of the commission produced three separate map plans that did not disproportionately favor either party, that did, that did represent the will of voters, demonstrated over the previous decade of statewide partisan elections and met the criteria of limiting splits of communities. Throughout the process, Republicans appear to follow a playbook of delay and deflection. They used as much time as possible for deadlines, skipped deadlines, and then offered unconstitutional map plans and unacceptable ultimatums to Democratic members of the legislature and the commission. Their actions included a last minute attempt this spring to change the Constitution, to give themselves control of the process, delaying the convening of the commission until early August, dragging their feet on approving the commission rules, blaming the census delay for not convening commission the commission before August 6, purposely missing the September 1st constitutional deadline for releasing a plan, holding hearings and adopting a plan and feigning interest in a compromise before the September 15th deadline by only offering gerrymandered maps. And please see Appendix B for a June 11th letter signed by myself and leader Kenny Yuko requesting that the Ohio Redistricting Commission be convened by the Governor in a most timely manner so that we could've avoided many of the things that we just heard in the Republican response and over several weeks of this testimony. Republicans did not demonstrate fully good faith participation in the process. Democratic solutions went unheeded while Republicans, made only token changes to their maps that appeared to be designed to protect their incumbents. This culminated again in heavily gerrymandered maps and their second offering sent to Democratic commission members and staff late on September 14th, the night before the constitutional deadline. Their latest maps have produced 9 likely Democratic Senate districts and a single additional 50/50

tossup Republican leaning Senate district. The remaining 23 Senate districts were clearly drawn to favor the Republican Party. It would produce 32 likely Democratic House districts and 5 tossup Democratic leaning House seats. This plan, like the first plan put forward by Republican map draws, does not reflect the statewide political preferences of Ohio voters because it creates a higher proportion of Republican districts than the proportion of votes they earn in Ohio. The GOP adopted map lays out an absurd description of how it allegedly meets the requirements of Section 6(B). The voters of Ohio do not favor Republicans in a range of 54 percent to 81 percent. We, the two members of the minority party, could not in good conscience violate the voter's real, but as expressed by the redistricting reforms approved in 2015 and 2018. Nor could we ignore the Ohio Constitution's clear language that legislative district maps must correspond closely to the statewide preferences of voters, as measured by the statewide partisan general election results over the past 10 years. The plan adopted by the majority violates that requirement. In fact, the Republican members did not demonstrate any attempt to meet the requirements. Until just a few moments ago, we had no idea how they decided to calculate or figure out proportional representation. For these reasons, we are voting against the maps of the majority of the commission is choosing to adopt. Thank you, Mr. Chairman.

Co-chair Speaker Robert Cupp [01:08:43] I need to back up for a moment. There was a motion to adopt the rationale offered by Senator Huffman and we didn't actually take a vote on that. So at this time is there further discussion, Senator Faber. I'm sorry Auditor Faber.

Auditor of State Keith Faber [01:09:07] I just made to make sure I heard Faber, that's all I need to hear. [laughter] Mr. Chairman, as I went through this and I know some of you will remember that a number of us were in the trenches at a similar hour working on the constitutional amendment that led to this. And I remember sitting there during the time actually going back and manually counting who won the last all the statewide and federal seats over the last decade. And putting that number together, I guess we didn't anticipate what exactly those words said and how they could be interpreted or we could have been clear. But I do recall having the conversation about whether it's percentage of vote or percentage of who won the races. And the great debate at the time was, do we go back in into the prior time period? Or do we go just into the time period of the decade? And so I think in that capacity, putting both of those terms in here is fair and certainly represents the intent of at least one side of the drafters at the time to talk about races won. And so with that, I can support this statement.

Co-chair Speaker Robert Cupp [01:10:16] Further discussion? OK. Staff will call the roll, please.

Co-chair Senator Vernon Sykes [01:10:28] If I may.

Co-chair Speaker Robert Cupp [01:10:32] Co-chair Sykes.

Co-chair Senator Vernon Sykes [01:10:33] Since, we're not voting to agree with this, just to allow it to officially go into the record, then I think it should go both statements without objection.

Senate President Matt Huffman [01:10:46] Yeah, Mr. Co-Chair, the first. I think the statement that leader Sykes read is does go into the record and that certainly would be without objection by me. So, yes.

Co-chair Speaker Robert Cupp [01:11:07] Let me consult the parliamentarian. Committee will be at ease.

Co-chair Speaker Robert Cupp [01:11:09] Which is the Constitution. It is an act of the commission and that would require a roll-call vote. So we will proceed with the roll-call vote on the statement to go with the four-year plan after which we can accept for filing, with the records, the Minority Report.

Co-chair Senator Vernon Sykes [01:11:38] Yes, Mr. Chairman, if I may?

Co-chair Speaker Robert Cupp [01:11:41] Yes.

Co-chair Senator Vernon Sykes [01:11:42] Just be clear that this is simply to accept the report.

Co-chair Speaker Robert Cupp [01:11:45] Alright. Staff will call the roll, please,

Clerk [01:11:51] Co-chair Senator Sykes.

Co-chair Senator Vernon Sykes [01:11:52] Yes.

Clerk [01:11:52] Co-chair, Speaker Cupp.

Co-chair Speaker Robert Cupp [01:11:54] Yes.

Clerk [01:11:54] Governor DeWine.

Governor Mike DeWine [01:11:56] Yes.

Clerk [01:11:58] Auditor Faber.

Auditor of State Keith Faber [01:11:58] Yes.

Clerk [01:11:58] President Huffman.

Senate President Matt Huffman [01:12:00] Yes.

Clerk [01:12:01] Secretary LaRose.

Secretary of State Frank LaRose [01:12:02] Yes.

Clerk [01:12:03] Speaker... Or, Leader Sykes, please excuse me.

House Minority Leader Emilia Sykes [01:12:07] I like the first one, but yes [laughter]

Co-chair Speaker Robert Cupp [01:12:13] The statement has been adopted unanimously and at this time, is there a motion to accept for filing the minority report?

Co-chair Senator Vernon Sykes [01:12:27] So moved.

Co-chair Speaker Robert Cupp [01:12:29] Is that without objection or?

Co-chair Senator Vernon Sykes [01:12:33] I think that would be done without objection.

Co-chair Speaker Robert Cupp [01:12:34] That one can?

Co-chair Senator Vernon Sykes [01:12:35] Yes sir.

Co-chair Speaker Robert Cupp [01:12:35] Is there any objection to the Minority Report? Hearing none, it will be admitted to the record of the proceedings. Was there any further business to come before the commission this evening? If not, the commission stands adjourned.



OHIO LEGISLATIVE SERVICE COMMISSION

Final Analysis

Emily E. Wendel

Sub. S.J.R. 5

132nd General Assembly
(As Adopted by the General Assembly)

Sens. Huffman and Sykes, Uecker, LaRose, Balderson, Beagle, Dolan, Eklund, Gardner, Hackett, Hoagland, Hottinger, Kunze, Lehner, Manning, Obhof, Oelslager, Peterson, Terhar, Wilson

Reps. Rosenberger, Schuring, Blessing, Brenner, Carfagna, Lipps, Manning, Pelanda, Reineke, Ryan, Scherer, Anielski, Antani, Faber, Gavarone, Green, Hambley, Henne, Perales, Rezabek, R. Smith

Adopted: February 6, 2018; approved by the voters on May 8, 2018, and effective January 1, 2021

RESOLUTION SUMMARY

Procedure for adopting a district plan

- Requires the General Assembly, not later than September 30 of a year ending in the numeral one, to pass a congressional district plan in the form of a bill by a specified bipartisan vote, and provides procedural requirements for that action.
- Requires a plan passed by the General Assembly that becomes law to remain in effect until the next year ending in the numeral one.
- Specifies that, if the General Assembly does not pass a plan by that deadline, or if the Governor vetoes the plan and the General Assembly does not override the veto, the Ohio Redistricting Commission must adopt a plan not later than October 31 of that year by a specified bipartisan vote, and provides procedural requirements for that action.
- Specifies that a plan adopted by the Commission remains effective until the next year ending in the numeral one.

* This version updates the approval by voters and the effective date.

- Prohibits any appointed member of the Commission from being a current member of Congress.
- Requires the General Assembly, if the Commission does not adopt a plan by that deadline, to pass a plan not later than November 30 of that year, and provides procedural requirements for that action.
- Specifies that if the General Assembly passes a plan by a specified bipartisan vote, it remains effective until the next year ending in the numeral one.
- Specifies that if the General Assembly passes a plan by a simple majority vote, certain additional district requirements apply, and if the plan becomes law, it remains effective until two general elections for the U.S. House of Representatives have occurred under it.
- Requires, after a plan expires after two general elections, that it be replaced using the same process and census data as applied previously, and specifies that the plan remains effective until the next year ending in the numeral one.
- Requires the General Assembly and the Commission to facilitate and allow members of the public to submit proposed plans, and requires the General Assembly to provide by law the manner in which the public may do so.

District standards

- Requires each congressional district to have a single representative in the U.S. House of Representatives.
- Requires a congressional district plan to comply with all applicable provisions of the Ohio Constitution, the U.S. Constitution, and federal law.
- Specifies that every district must be compact and composed of contiguous territory, and the boundary of each district must be a single nonintersecting continuous line.
- Provides several district drawing rules that limit the extent to which counties, municipal corporations, and townships may be split between districts.

Legal challenges

- States that the Ohio Supreme Court has exclusive, original jurisdiction in all cases arising under the article of the Constitution that the proposal enacts.
- Requires that, if a court invalidates any section of the Ohio Constitution relating to congressional redistricting, any congressional district plan, or any congressional



district or group of districts, the General Assembly must pass a plan in conformity with the provisions of the Constitution that are then valid.

- Specifies that if the General Assembly does not pass a new plan by the specified deadline, or if the Governor vetoes the plan and the General Assembly does not override the veto, the Ohio Redistricting Commission must adopt a plan by a particular deadline.
- Requires a plan passed or adopted under those circumstances to remedy any legal defects in the previous plan identified by the court, but to include no changes to the previous plan other than those made to remedy those defects.

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CONTENT AND OPERATION

The joint resolution proposes an amendment to the Ohio Constitution to establish standards and procedures for congressional redistricting. Currently, the General Assembly adopts congressional districts by bill, and no specific procedure applies.



Procedure for adopting a district plan

Three-step process

1. General Assembly

The proposal gives the General Assembly primary responsibility for congressional redistricting. Not later than September 30 of a year ending in the numeral one, the General Assembly must pass a congressional district plan in the form of a bill by the affirmative vote of $\frac{3}{5}$ of the members of each house of the General Assembly, including the affirmative vote of at least $\frac{1}{2}$ of the members of each of the two largest political parties represented in that house. Before the General Assembly passes a plan under any provision of the proposal, a joint committee of the General Assembly must hold at least two public hearings concerning a proposed plan.

Because the resolution requires the General Assembly to pass the plan by bill, the plan is subject to the Governor's veto in the same manner as any other bill. The Governor generally has ten days, excluding Sundays, to (1) sign an act and file it with the Secretary of State, (2) file the act with the Secretary without signing it, or (3) veto the act and return it to the General Assembly. If the Governor vetoes the act, the General Assembly may override the veto by a vote of $\frac{3}{5}$ of the members of each house. If the General Assembly does not override the veto, then the Ohio Redistricting Commission must adopt a plan not later than October 31, as described in step two below.

The plan also is subject to the referendum in the same manner as any other bill. If the General Assembly passes the plan as an emergency measure, with a vote of $\frac{2}{3}$ of the members of each house, it takes effect immediately and is not subject to the referendum. Otherwise, the bill takes effect 90 days after the Governor files it with the Secretary of State. If the following year is a presidential election year, a plan passed with a 90-day effective date would not take effect before the deadline for candidates to file their papers to appear on the primary ballot. (For example, in 2032, the primary election will be held on March 9. Candidates must file their papers not later than 90 days before the primary, on December 10, 2031. However, if the General Assembly passed a district plan on September 30, 2031, without an emergency clause, it would take effect December 30 at the earliest.) The date of the primary election and the filing deadlines for that election are set in the Revised Code, and the General Assembly could adjust those deadlines by bill in that situation.

If the electors successfully submit a referendum petition during that 90-day period, the law remains on hold until it is placed on the ballot for approval or rejection in November of the following year. In that situation, new district boundaries would not take effect in time to hold primary and general elections for Congress that year using the new districts. The proposal specifies that the previous district boundaries continue



in operation until the new districts take effect; so presumably, elections would be held using the old district map, which might not include the correct number of districts. Moreover, if the voters reject the bill, the proposal does not specify a timeline for the General Assembly or the Commission to replace it.

If the plan passed by the General Assembly under this step becomes law, it remains effective until the next year ending in the numeral one, unless the state is required to redraw judicially invalidated districts.¹

2. Ohio Redistricting Commission

If the General Assembly does not pass a congressional district plan not later than September 30 of that year, or if the Governor vetoes the General Assembly's plan and the General Assembly does not override the veto, the proposal requires the seven-member Ohio Redistricting Commission to adopt a plan not later than October 31 of that year. It must do so by the affirmative vote of four Commission members, including at least two members who represent each of the two largest political parties represented in the General Assembly. A Commission member is considered to represent a political party if appointed 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 plan takes effect upon its filing with the Secretary of State and remains effective until the next year ending in the numeral one, unless the state is required to redraw judicially invalidated districts.

Under the current Constitution, beginning in 2021, the Commission is responsible for drawing General Assembly districts. (The provisions of the Constitution that create the Commission and specify the process for adopting General Assembly districts take effect January 1, 2021. For the sake of brevity, this analysis refers to those provisions as part of the current Constitution.)

The proposal retains the current organizational requirements for the Commission, except for two provisions. First, it prohibits any appointed member of the Commission from being a current member of Congress. Second, it requires the Commission to be automatically dissolved four weeks after adoption of a final congressional district plan or a final General Assembly district plan, whichever is later.

¹ Proposed Art. XIX, Sec. 1(A), (G), and (J). See also Ohio Const., Art. II, Secs. 1c, 1d, and 16 and R.C. 3501.01(E)(2) and 3513.05, not in the resolution.



Before adopting a congressional district plan under any provision of the proposal, the Commission must release a proposed plan and hold at least two public hearings concerning a plan.²

3. General Assembly

If the Commission does not adopt a congressional district plan not later than October 31 of that year, the General Assembly must pass a plan in the form of a bill by November 30 of that year. If the General Assembly passes the plan by the affirmative vote of $\frac{3}{5}$ of the members of each house, including the affirmative vote of at least $\frac{1}{3}$ of the members of each of the two largest political parties represented in that house, and the plan becomes law, the plan remains effective until the next year ending in the numeral one, unless the state is required to redraw judicially invalidated districts.

If the General Assembly passes the plan by a simple majority vote of the members of each house, and not by that bipartisan vote, all of the following apply:³

- The General Assembly must not pass a plan that unduly favors or disfavors a political party or its incumbents.
- The General Assembly must not unduly split governmental units, giving preference to keeping whole, in the order named, counties, then townships and municipal corporations (see "**District standards**," below).
- The General Assembly must attempt to draw districts that are compact, but the General Assembly is not required to draw compact districts, as it otherwise would be.
- The General Assembly must include in the plan an explanation of the plan's compliance with the three requirements listed above.
- If the plan becomes law, it remains effective until two general elections for the U.S. House of Representatives have occurred under it, unless the state is required to redraw judicially invalidated districts.

Replacing a district plan that expires after two general elections

Not later than September 30 of the year after a congressional district plan expires following two general elections, as described in step three above, the General Assembly must pass a plan in the form of a bill using the same procedures as described in step

² Ohio Const., Art. XI, Sec. 1 and Proposed Art. XIX, Sec. 1(B) and (G).

³ Proposed Art. XIX, Sec. 1(C).



one above. If the General Assembly does not do so, the Commission must adopt a plan as described in step two not later than October 31 of that year. And, if the Commission does not adopt a plan in that manner, the General Assembly must pass a plan as described in step three not later than November 30 of that year. In all cases, the plan must be drawn using the same census data or other data on which the previous redistricting was based, and the new plan remains effective until the next year ending in the numeral one.⁴

Plans submitted by the public

The proposal requires the General Assembly and the Commission to facilitate and allow for the submission of proposed congressional district plans by members of the public. The General Assembly must provide by law the manner in which members of the public may do so.⁵

Form of district plan to be filed

A congressional district plan that is filed with the Governor or the Secretary of State (that is, a final plan that has been approved under the resolution) must include both a legal description of the boundaries of the districts and all electronic data necessary to create a district map for holding elections.⁶

Expiration of previous district plan

The resolution specifies that when a congressional district plan ceases to be effective, the district boundaries described in the plan continue in operation for the purpose of holding elections until a new district plan is adopted. 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 must be held using the previous district plan.⁷

District standards

The proposal lists several standards that the authority drawing congressional districts must follow, including standards for the population and shape of districts and the extent to which counties, municipal corporations, and townships may be split between districts.

⁴ Proposed Art. XIX, Sec. 1(D), (E), and (F).

⁵ Proposed Art. XIX, Sec. 1(H).

⁶ Proposed Art. XIX, Sec. 1(I).

⁷ Proposed Art. XIX, Sec. 1(J).



Currently, Ohio has no written standards for congressional redistricting, although congressional districts must have sufficiently equal populations to comply with the "one person, one vote" principle of the Fourteenth Amendment of the U.S. Constitution, and districts must not be drawn in a way that discriminates against minority groups in violation of the federal Voting Rights Act of 1965.⁸

Population requirements

Census data and ratio of representation

The proposal requires the authority drawing congressional districts to give each district a single representative in the U.S. House of Representatives. The authority must take the entire population of the state, as determined by the most recent federal decennial census, and divide it by the number of congressional districts apportioned to the state by Congress. The resulting number is the congressional ratio of representation, which represents the ideal population of a congressional district. (If the federal census is unavailable, the authority must use another basis, as directed by the General Assembly.)⁹

For example, according to the 2010 federal census, Ohio's population was 11,536,504, and Ohio was given 16 representatives to the U.S. House. The resulting congressional ratio of representation, or ideal district population, was 721,031.5 persons per district.¹⁰

Population equality

The proposal does not specify the extent to which the population of each congressional district must equal the congressional ratio of representation. As a result, the General Assembly and the Commission must rely on U.S. Supreme Court precedent to determine how much population variance might be acceptable. Historically, the Court has ruled that congressional districts must be as equal in population as practicable, and that "absolute population equality [must] be the paramount objective of apportionment." That standard does not require precise mathematical equality, but if a state could have avoided population differences between districts by a good faith effort and did not do so, the state must justify the differences.¹¹

⁸ See *Wesberry v. Sanders*, 376 U.S. 1 (1964) and *Thornburg v. Gingles*, 478 U.S. 30 (1986).

⁹ Proposed Art. XIX, Sec. 2(A).

¹⁰ Ohio Development Services Agency, *Census 2010 Complete SF-1 Content Profile*, available at development.ohio.gov/files/research/P1119.pdf.

¹¹ *Karcher v. Daggett*, 462 U.S. 725, 732 (1983).



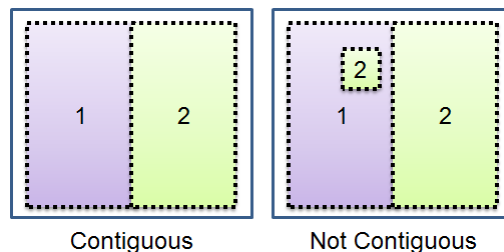
In 2012, West Virginia's congressional district plan was challenged before the Court because the population difference between the plan's largest and smallest districts was 0.79%, and it was mathematically possible to adopt a plan with a smaller population variance. The Court found that the population variance in that case was acceptable as necessary to achieve legitimate state objectives, such as avoiding contests between incumbents, not splitting county boundaries, and minimizing population shifts between districts.¹²

As a result, it appears that a relatively small population variance may be allowed, depending on the circumstances. But the Court's 2012 decision was fact-specific, and it is not possible to predict what level of population variance in Ohio's congressional districts a court might find acceptable.

General district drawing requirements

The resolution requires a congressional district plan to comply with all applicable provisions of the Ohio Constitution, the U.S. Constitution, and federal law, including federal laws protecting racial minority voting rights. Additionally, every district must be compact and composed of contiguous territory, and the boundary of each district must be a single nonintersecting continuous line.

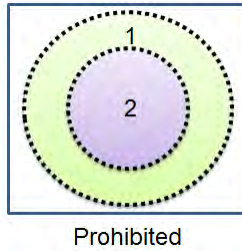
To be contiguous, a district must be a single, unbroken shape, with no "islands" of territory that do not touch the rest of the district, as illustrated below.



The requirement that the boundary of each district be a single nonintersecting continuous line prevents, for example, the creation of "donut" districts, with one district being entirely surrounded by another, as shown below.¹³

¹² *Tennant v. Jefferson County Commission*, 567 U.S. 758, 764 (2012).

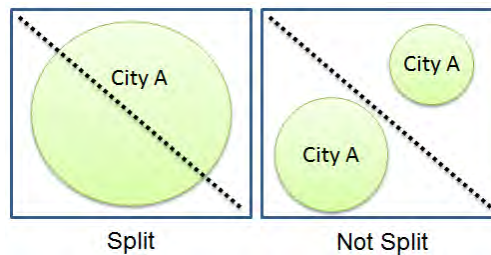
¹³ Proposed Art. XIX, Sec. 2(B)(1), (2), and (3).



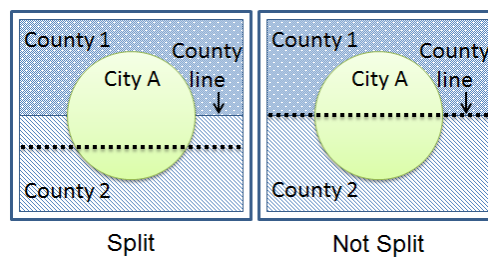
Splitting political subdivisions

Definitions

The proposal limits the extent to which counties, municipal corporations, and townships may be split between districts. Under the resolution, 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. The inclusion of "contiguous" in this requirement means that if a political subdivision has an "island" of territory that does not touch the rest of its territory, the political subdivision is not considered split if the island is not included in the same district as the rest of the political subdivision.



Further, 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 is considered a separate municipal corporation or township for purposes of drawing districts.



The resolution specifies that although the boundaries of counties, municipal corporations, and townships may be changed, the districts must be created using the census data used for redistricting.¹⁴

Restrictions on splitting

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

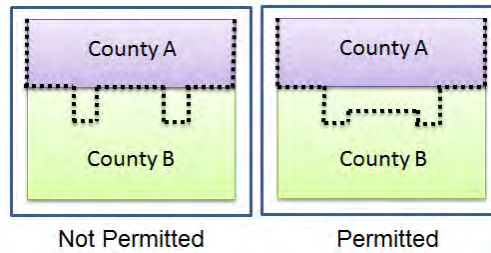
- If a municipal corporation or township in that county contains a population that exceeds the ratio of representation, the authority must attempt to include a significant portion of that municipal corporation or township in a single district, and may include in that district other municipal corporations and townships in that county and whose residents have similar interests as the residents of the municipal corporation or township whose population exceeds the ratio of representation. In determining whether the population of a municipal corporation or township exceeds the ratio of representation for this purpose, 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 must be considered part of the surrounding municipal corporation or township.
- If one municipal corporation or township in that county contains a population of at least 100,000 but not more than the ratio of representation, that municipal corporation or township must not be split. If the county contains two or more municipal corporations or townships that qualify under this provision, only the most populous of those municipal corporations or townships must not be split.

The resolution also provides that of Ohio's 88 counties, 65 counties must be contained entirely within a district, while 18 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. (If a county's population were more than three times the congressional ratio of representation, the U.S. Constitution would require the authority drawing the districts to split the county more than twice in order to divide its population among four or more districts, despite this provision.)

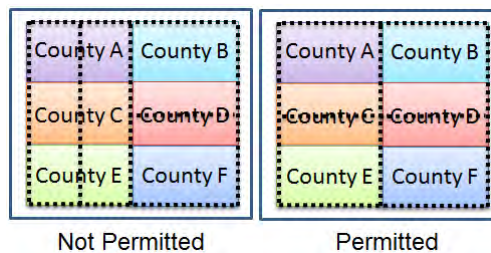
¹⁴ Proposed Art. XIX, Sec. 2(A)(3) and (C).



If a district includes only part of the territory of a particular county, the part of that district that lies in that particular county must be contiguous within the boundaries of the county, as illustrated below.



And, no two districts may share portions of the territory of more than one county, except for a county whose population exceeds 400,000.



Finally, the proposal requires the authority drawing the districts to attempt to include at least one whole county in each district. That provision does not apply to a district that is contained entirely within one county or that cannot be drawn in that manner while complying with federal law.¹⁵

Legal challenges

The proposal states that the Ohio Supreme Court has exclusive, original jurisdiction in all cases arising under the article of the Constitution that the proposal enacts.

If any section of the Ohio Constitution relating to congressional redistricting, any congressional district plan, or any congressional district or group of districts is challenged and is determined to be invalid by an unappealed final order of a court of competent jurisdiction, the General Assembly must pass a plan in conformity with the provisions of the Constitution that are then valid, to be used until the next time for redistricting. The General Assembly must do so not later than the 30th 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 30th day after the day the order is issued. (If the General Assembly's

¹⁵ Proposed Art. XIX, Sec. 2(B).

plan is subject to the referendum, the same practical issues discussed above would apply.)

If the General Assembly does not pass a new plan, or if the Governor vetoes the General Assembly's plan and the General Assembly does not override the veto, the Ohio Redistricting Commission must adopt a plan in conformity with the provisions of the Constitution that are then valid. It must do so not later than the 30th day after the General Assembly's deadline to pass a new plan.

A plan passed or adopted under those circumstances must remedy any legal defects in the previous plan identified by the court, but must include no changes to the previous plan other than those made to remedy those defects.¹⁶

HISTORY

ACTION	DATE
Introduced	01-16-18
Reported, S. Gov't Oversight & Reform	02-05-18
Adopted Senate (31-0)	02-05-18
Reported, H. Rules & Reference	02-06-18
Adopted House (83-10)	02-06-18

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¹⁶ Proposed Art. XIX, Sec. 3.



State Issue 1 Creates a bipartisan, public process for drawing congressional districts

May 8, 2018 Primary Election Official Canvass

County Name	Region Name	Media Market	Registered Voters	Total Voters	Turnout Percentage	For	Against
Total			7,941,921	1,673,162	21.07%	1,178,468	395,088
Percentage						74.89%	25.11%
Adams	Southwest	Cincinnati	17,139	3,463	20.21%	1,927	1,241
Allen	West	Lima	68,871	16,194	23.51%	11,087	4,464
Ashland	Northeast	Cleveland	35,517	5,851	16.47%	3,864	1,591
Ashtabula	Northeast	Cleveland	61,657	15,002	24.33%	9,856	4,220
Athens	Southeast	Columbus	44,850	8,556	19.08%	6,515	1,648
Auglaize	West	Lima	31,959	8,571	26.82%	5,490	2,489
Belmont	Southeast	Wheeling	47,277	9,676	20.47%	6,411	2,514
Brown	Southwest	Cincinnati	28,715	4,837	16.84%	2,843	1,681
Butler	Southwest	Cincinnati	251,149	38,201	15.21%	25,833	10,992
Carroll	Northeast	Cleveland	18,246	4,031	22.09%	2,351	1,408
Champaign	West	Dayton	26,197	7,676	29.30%	4,371	2,543
Clark	West	Dayton	89,536	22,531	25.16%	15,490	5,613
Clermont	Southwest	Cincinnati	139,084	25,317	18.20%	16,493	7,578
Clinton	Southwest	Cincinnati	26,876	6,266	23.31%	4,011	1,869
Columbiana	Northeast	Youngstown	66,078	13,147	19.90%	8,087	3,657
Coshocton	Central	Columbus	22,987	5,125	22.30%	3,196	1,672
Crawford	Central	Columbus	28,370	5,910	20.83%	3,734	1,827
Cuyahoga	Northeast	Cleveland	885,553	210,582	23.78%	156,528	33,429
Darke	West	Dayton	34,408	8,239	23.95%	5,155	2,509
Defiance	Northwest	Toledo	26,084	4,150	15.91%	2,856	1,122
Delaware	Central	Columbus	137,994	33,683	24.41%	24,300	8,035
Erie	Northeast	Cleveland	53,487	11,307	21.14%	8,429	2,345
Fairfield	Central	Columbus	102,059	23,459	22.99%	15,847	6,243
Fayette	Central	Columbus	16,548	4,208	25.43%	2,587	1,212
Franklin	Central	Columbus	858,863	161,666	18.82%	132,789	23,969
Fulton	Northwest	Toledo	29,372	5,142	17.51%	3,593	1,337
Gallia	Southeast	Charleston	19,189	3,109	16.20%	1,894	1,043
Geauga	Northeast	Cleveland	65,856	20,399	30.98%	13,999	5,004
Greene	West	Dayton	115,964	25,747	22.20%	18,697	6,230
Guernsey	Southeast	Columbus	24,254	5,571	22.97%	3,448	1,635
Hamilton	Southwest	Cincinnati	585,767	111,950	19.11%	83,343	22,975
Hancock	Northwest	Toledo	51,126	12,357	24.17%	7,875	3,929
Hardin	Central	Columbus	18,253	4,180	22.90%	2,701	1,222
Harrison	Southeast	Wheeling	10,222	2,233	21.85%	1,466	592
Henry	Northwest	Toledo	19,477	4,523	23.22%	2,814	1,380
Highland	Southwest	Cincinnati	27,773	5,188	18.68%	3,071	1,694
Hocking	Central	Columbus	18,513	3,411	18.42%	2,181	1,077
Holmes	Northeast	Cleveland	17,962	2,490	13.86%	1,581	695
Huron	Northeast	Cleveland	36,044	6,949	19.28%	4,679	1,822
Jackson	Southeast	Charleston	21,406	4,954	23.14%	2,738	1,721
Jefferson	Southeast	Wheeling	48,136	12,523	26.02%	7,672	3,920
Knox	Central	Columbus	41,558	8,965	21.57%	5,848	2,501
Lake	Northeast	Cleveland	156,434	37,411	23.91%	26,080	9,437
Lawrence	Southeast	Charleston	45,385	7,736	17.05%	4,420	2,470
Licking	Central	Columbus	119,702	28,037	23.42%	18,697	7,907
Logan	West	Dayton	31,424	7,107	22.62%	4,342	2,325
Lorain	Northeast	Cleveland	209,160	42,107	20.13%	30,932	9,410
Lucas	Northwest	Toledo	302,611	42,982	14.20%	33,269	8,067
Madison	Central	Columbus	24,508	5,591	22.81%	3,528	1,635
Mahoning	Northeast	Youngstown	167,357	41,522	24.81%	27,233	11,202
Marion	Central	Columbus	39,919	7,608	19.06%	5,042	2,315
Medina	Northeast	Cleveland	123,059	29,941	24.33%	20,804	7,579
Meigs	Southeast	Charleston	15,483	5,478	35.38%	2,657	2,074
Mercer	West	Dayton	29,190	6,084	20.84%	4,075	1,706
Miami	West	Dayton	73,456	15,600	21.24%	10,356	4,631
Monroe	Southeast	Wheeling	9,741	2,514	25.81%	1,502	743
Montgomery	West	Dayton	376,097	71,731	19.07%	53,935	15,206
Morgan	Central	Columbus	9,111	2,492	27.35%	1,440	840
Morrow	Central	Columbus	25,091	5,560	22.16%	3,185	2,060
Muskingum	Central	Zanesville	54,486	12,151	22.30%	7,757	3,185
Noble	Southeast	Columbus	8,185	2,357	28.80%	1,265	817
Ottawa	Northwest	Toledo	30,048	8,343	27.77%	5,919	1,948
Paulding	West	Ft. Wayne	12,889	2,458	19.07%	1,413	870
Perry	Central	Columbus	22,535	4,687	20.80%	2,929	1,443
Pickaway	Central	Columbus	34,605	6,802	19.66%	4,419	2,144
Pike	Central	Columbus	18,667	3,862	20.69%	2,245	1,236
Portage	Northeast	Cleveland	108,359	23,689	21.86%	15,366	6,403
Preble	West	Dayton	28,431	5,616	19.75%	3,510	1,766
Putnam	Northwest	Lima	23,787	5,884	24.74%	3,728	1,686
Richland	Northeast	Cleveland	82,271	17,479	21.25%	11,204	5,102
Ross	Central	Columbus	44,769	8,108	18.11%	5,296	2,471
Sandusky	Northwest	Toledo	39,950	10,603	26.54%	7,086	2,770
Scioto	Southeast	Charleston	46,986	8,480	18.05%	5,203	2,695
Seneca	Northwest	Toledo	34,462	7,364	21.37%	4,823	2,081
Shelby	West	Dayton	32,648	6,931	21.23%	4,187	2,193

Stark	Northeast	Cleveland	251,240	57,669	22.95%	39,698	15,526
Summit	Northeast	Cleveland	364,165	73,894	20.29%	54,890	14,682
Trumbull	Northeast	Youngstown	140,389	35,083	24.99%	23,109	9,772
Tuscarawas	Northeast	Cleveland	58,773	12,106	20.60%	8,011	3,319
Union	Central	Columbus	37,642	7,784	20.68%	5,268	2,204
Van Wert	West	Ft. Wayne	19,981	4,895	24.50%	3,041	1,374
Vinton	Southeast	Charleston	8,532	1,711	20.05%	896	606
Warren	Southwest	Cincinnati	157,087	34,222	21.79%	21,769	9,911
Washington	Southeast	Arkersburg/Marietta	43,042	10,776	25.04%	6,535	3,280
Wayne	Northeast	Cleveland	74,733	16,155	21.62%	10,791	4,466
Williams	Northwest	Toledo	25,271	4,067	16.09%	2,714	1,113
Wood	Northwest	Toledo	94,219	19,998	21.23%	14,326	4,743
Wyandot	Northwest	Toledo	15,665	3,148	20.10%	1,923	1,027

Vote **YES** on Issue 1

A FAIR, BIPARTISAN, and TRANSPARENT PROCESS

VOTE YES on Issue 1. A **YES** vote will create a **fair, bipartisan, and transparent** process when drawing congressional districts that will **make politicians more accountable** to the voters. Issue 1 is supported by an overwhelming bipartisan majority of legislators as well as nonpartisan advocates.

Currently, it is too easy for one political party to gerrymander safe seats in Congress by dividing local communities and drawing a map without bipartisan support. Voting **YES on Issue 1** will limit gerrymandering by requiring that congressional districts be drawn with **bipartisan approval or utilizing strict anti-gerrymandering criteria**. It will also **keep communities together** by limiting splits of counties, townships and cities and promote geographically compact districts.

Fair

Voting YES on Issue 1 will establish fair standards for drawing congressional districts through its requirement of **bipartisan approval, or use of strict anti-gerrymandering criteria**.

Voting YES on Issue 1 will help keep our communities together by limiting the number of splits of counties, cities, and townships.

Bipartisan

Voting YES on Issue 1 will require significant bipartisan support to adopt new congressional districts for 10 years.

Transparent

Voting YES on Issue 1 will require multiple public meetings before adopting a proposed plan for congressional districts.

Voting YES on Issue 1 will guarantee public participation by allowing members of the public to submit a plan for congressional districts.

Voting YES on Issue 1 will preserve citizens' right to referendum and the veto power of the Governor when the General Assembly passes a plan for congressional districts.

Make your vote count, **vote YES on ISSUE 1**

*Prepared by Senators Matt Huffman and Vernon Sykes
and Representatives Kirk Schuring and Jack Cera*

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.

	YES	SHALL THE AMENDMENT BE APPROVED?
	NO	

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 20th day of February, 2018.


Secretary, Ohio Ballot Board



Senator Matt Huffman
12th District
S.J.R. 5 – Sponsor Testimony
Senate Government Oversight and Reform Committee

Chairman Coley, Vice Chair Uecker, Ranking Member Schiavoni, and members of the committee, thank you for the opportunity to provide sponsor testimony on Senate Joint Resolution 5, which will establish a new and improved process for drawing congressional districts in the State of Ohio. Some of this material may be familiar to members of the committee from my presentation of the redistricting proposal last week.

Last September, House and Senate leadership announced the creation of the congressional redistricting working group, made up of two Republicans and two Democrats. Together, we engaged in a large number of meetings and conversations, working collectively to create a solution that addresses the concerns of Ohioans beyond the scope of party loyalty. The feedback and testimony we heard is what forms the basis for this proposal.

Let us begin by discussing the process outlined in S.J.R. 5 through which a congressional district map would be created. Under the resolution, congressional redistricting could be up to a three step process, moving through each successive step if the previous step fails. At each of the steps, substantial buy in is required from the minority party for a 10-year map to be adopted, encouraging bipartisanship throughout the process.

In Step 1, the General Assembly would attempt to draw a 10-year map. This legislation would require a 3/5 vote in each chamber, and in that vote at least 1/3 of the minority party must vote in favor. If the legislation passes by these thresholds, a 10-year map goes into effect. If not, the process moves to Step 2—the Redistricting Commission.

The Redistricting Commission in Step 2 is comprised of the exact same membership as the commission established by Issue 1 for General Assembly district mapping – and the vote requirements are identical. At least 4 of the 7 commission members must vote in favor of the proposal, including at least 2 members from the minority party. If the vote threshold is reached, a 10-year map goes into effect. If not, a 4-year map goes into effect and is subject to an extension by the General Assembly in Step 3.

In Step 3, the General Assembly has the opportunity for a straight-up-or-down vote to approve the Commission's 4-year map as the full 10-year map. That vote requires approval of 50% in each chamber and at least 1/5 of the minority party. If that vote is not achieved, the Commission's 4-year map remains in place. It is important to understand that at this step, the General Assembly may *not* make changes to the Redistricting Commission's 4-year map. They may only vote to extend the time period of the map from 4 to 10 years.

In addition to the need for a new redistricting process, our working group also recognized Ohioans' calls for some standards regarding the physical construction of districts. Keep in mind that there are currently zero restrictions or rules in the Constitution or the Revised Code regarding the creation of districts. Every rule in this resolution is a tightening or new restriction. We have listed a number of rules for how districts can and cannot be drawn to address the concerns expressed to us:

- Smaller-population counties must be kept whole or split only once
- Splitting of larger-population counties is restricted
- Protections for cities large enough to be their own district
- No division of a congressional district within a county
- No multiple splits of counties to elongate districts
- Attempting to have at least one whole county in every district

We believe that the described process and accompanying rules would establish a fair system of drawing congressional districts while avoiding the partisan chaos that has made district mapping a national discussion. At every step in the process, significant minority party buy-in is required, essentially guaranteeing a bipartisan procedure. Additionally, the rules listed above will ensure that the districts drawn by either the General Assembly or the Redistricting Commission can no longer take on the odd shapes seen in some of Ohio's present congressional districts.

The goal of the redistricting working group was to create a system that works not just in three years, but in fifty years. I believe this proposal achieves that lofty goal. By requiring minority party involvement and placing common sense and solid limits on district creation, we are offering a better and fairer process.

I continue to have conversations with my fellow members of the working group and look forward to ultimately having a bipartisan vote on S.J.R. 5. Chairman Coley, thank you for the opportunity to provide testimony for this vital legislation. At this time, I would be happy to answer any questions the committee may have.

As Adopted by the House

132nd General Assembly

Regular Session

2017-2018

Sub. S. J. R. No. 5

Senators Huffman, Sykes

**Cosponsors: Senators Uecker, LaRose, Balderson, Beagle, Dolan, Eklund,
Gardner, Hackett, Hoagland, Hottinger, Kunze, Lehner, Manning, Obhof,
Oelslager, Peterson, Terhar, Wilson Speaker Rosenberger, Representatives
Schuring, Blessing, Brenner, Carfagna, Lipps, Manning, Pelanda, Reineke,
Ryan, Scherer, Anielski, Antani, Faber, Gavarone, Green, Hambley, Henne,
Perales, Rezabek, Smith, R.**

A JOINT RESOLUTION

Proposing to amend the version of Section 1 of Article XI 1
that is scheduled to take effect January 1, 2021, and 2
to enact Sections 1, 2, and 3 of Article XIX of the 3
Constitution of the State of Ohio to establish a 4
process for congressional redistricting. 5

Be it resolved by the General Assembly of the State of 6
Ohio, three-fifths of the members elected to each house 7
concurring herein, that there shall be submitted to the electors 8
of the state, in the manner prescribed by law at a special 9
election to be held on May 8, 2018, a proposal to amend the 10
version of Section 1 of Article XI that is scheduled to take 11
effect January 1, 2021, and to enact Sections 1, 2, and 3 of 12
Article XIX of the Constitution of the State of Ohio to read as 13
follows: 14

ARTICLE XI

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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:

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(1) The governor;

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(2) The auditor of state;

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(3) The secretary of state;

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(4) One person appointed by the speaker of the house of representatives;

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(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;

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(6) One person appointed by the president of the senate; and

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(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.

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

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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.

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(B) (1) Unless otherwise specified in this article or in Article XIX of this constitution, a simple majority of the

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commission members shall be required for any action by the 42
commission. 43

(2) (a) Except as otherwise provided in division (B) (2) (b) 44
of this section, a majority vote of the members of the 45
commission, including at least one member of the commission who 46
is a member of each of the two largest political parties 47
represented in the general assembly, shall be required to do any 48
of the following: 49

(i) Adopt rules of the commission; 50

(ii) Hire staff for the commission; 51

(iii) Expend funds. 52

(b) If the commission is unable to agree, by the vote 53
required under division (B) (2) (a) of this section, on the manner 54
in which funds should be expended, each co-chairperson of the 55
commission shall have the authority to expend one-half of the 56
funds that have been appropriated to the commission. 57

(3) The affirmative vote of four members of the 58
commission, including at least two members of the commission who 59
represent each of the two largest political parties represented 60
in the general assembly shall be required to adopt any general 61
assembly district plan. For the ~~purpose~~purposes of this 62
division and of Section 1 of Article XIX of this constitution, a 63
member of the commission shall be considered to represent a 64
political party if the member was appointed to the commission by 65
a member of that political party or if, in the case of the 66
governor, the auditor of state, or the secretary of state, the 67
member is a member of that political party. 68

(C) At the first meeting of the commission, which the 69
governor shall convene only in a year ending in the numeral one, 70

except as provided in Sections 8 and 9 of this article and in 71
Sections 1 and 3 of Article XIX of this constitution, the 72
commission shall set a schedule for the adoption of procedural 73
rules for the operation of the commission. 74

The commission shall release to the public a proposed 75
general assembly district plan for the boundaries for each of 76
the ninety-nine house of representatives districts and the 77
thirty-three senate districts. The commission shall draft the 78
proposed plan in the manner prescribed in this article. Before 79
adopting, but after introducing, a proposed plan, the commission 80
shall conduct a minimum of three public hearings across the 81
state to present the proposed plan and shall seek public input 82
regarding the proposed plan. All meetings of the commission 83
shall be open to the public. Meetings shall be broadcast by 84
electronic means of transmission using a medium readily 85
accessible by the general public. 86

The commission shall adopt a final general assembly 87
district plan not later than the first day of September of a 88
year ending in the numeral one. After the commission adopts a 89
final plan, the commission shall promptly file the plan with the 90
secretary of state. Upon filing with the secretary of state, the 91
plan shall become effective. 92

Four weeks after the adoption of a general assembly 93
district plan or a congressional district plan, whichever is 94
later, the commission shall be automatically dissolved. 95

(D) The general assembly shall be responsible for making 96
the appropriations it determines necessary in order for the 97
commission to perform its duties under this article and Article 98
XIX of this constitution. 99

ARTICLE XIX

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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.

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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.

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(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.

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(C) (1) If the Ohio redistricting commission does not adopt 130
a plan not later than the last day of October of a year ending 131
in the numeral one, then the general assembly shall pass a 132
congressional district plan in the form of a bill not later than 133
the last day of November of that year. 134

(2) If the general assembly passes a congressional 135
district plan under division (C) (1) of this section by the 136
affirmative vote of three-fifths of the members of each house of 137
the general assembly, including the affirmative vote of at least 138
one-third of the members of each of the two largest political 139
parties represented in that house, and the plan becomes law, the 140
plan shall remain effective until the next year ending in the 141
numeral one, except as provided in Section 3 of this article. 142

(3) If the general assembly passes a congressional 143
district plan under division (C) (1) of this section by a simple 144
majority of the members of each house of the general assembly, 145
and not by the vote described in division (C) (2) of this 146
section, all of the following shall apply: 147

(a) The general assembly shall not pass a plan that unduly 148
favours or disfavors a political party or its incumbents. 149

(b) The general assembly shall not unduly split 150
governmental units, giving preference to keeping whole, in the 151
order named, counties, then townships and municipal 152
corporations. 153

(c) Division (B) (2) of Section 2 of this article shall not 154
apply to the plan. The general assembly shall attempt to draw 155
districts that are compact. 156

(d) The general assembly shall include in the plan an 157
explanation of the plan's compliance with divisions (C) (3) (a) to 158

(c) of this section. 159

(e) If the plan becomes law, the plan shall remain 160
effective until two general elections for the United States 161
house of representatives have occurred under the plan, except as 162
provided in Section 3 of this article. 163

(D) Not later than the last day of September of the year 164
after the year in which a plan expires under division (C) (3) (e) 165
of this section, the general assembly shall pass a congressional 166
district plan in the form of a bill by the affirmative vote of 167
three-fifths of the members of each house of the general 168
assembly, including the affirmative vote of at least one-half of 169
the members of each of the two largest political parties 170
represented in that house. A congressional district plan that is 171
passed under this division and becomes law shall remain 172
effective until the next year ending in the numeral one, except 173
as provided in Section 3 of this article. 174

A congressional district plan passed under this division 175
shall be drawn using the federal decennial census data or other 176
data on which the previous redistricting was based. 177

(E) If a congressional district plan is not passed not 178
later than the last day of September of the year after the year 179
in which a plan expires under division (C) (3) (e) of this section 180
and filed with the secretary of state in accordance with Section 181
16 of Article II of this constitution, then the Ohio 182
redistricting commission described in Article XI of this 183
constitution shall be reconstituted and reconvene and shall 184
adopt a congressional district plan not later than the last day 185
of October of that year by the affirmative vote of four members 186
of the commission, including at least two members of the 187
commission who represent each of the two largest political 188

parties represented in the general assembly. A congressional 189
district plan adopted under this division shall take effect upon 190
filing with the secretary of state and shall remain effective 191
until the next year ending in the numeral one, except as 192
provided in Section 3 of this article. 193

A congressional district plan adopted under this division 194
shall be drawn using the federal decennial census data or other 195
data on which the previous redistricting was based. 196

(F) (1) If the Ohio redistricting commission does not adopt 197
a congressional district plan not later than the last day of 198
October of the year after the year in which a plan expires under 199
division (C) (3) (e) of this section, then the general assembly 200
shall pass a congressional district plan in the form of a bill 201
not later than the last day of November of that year. 202

A congressional district plan adopted under this division 203
shall be drawn using the federal decennial census data or other 204
data on which the previous redistricting was based. 205

(2) If the general assembly passes a congressional 206
district plan under division (F) (1) of this section by the 207
affirmative vote of three-fifths of the members of each house, 208
including the affirmative vote of at least one-third of the 209
members of each of the two largest political parties represented 210
in that house, and the plan becomes law, it shall remain 211
effective until the next year ending in the numeral one, except 212
as provided in Section 3 of this article. 213

(3) If the general assembly passes a congressional 214
district plan under division (F) (1) of this section by a simple 215
majority vote of the members of each house of the general 216
assembly, and not by the vote described in division (F) (2) of 217
this section, all of the following shall apply: 218

(a) The general assembly shall not pass a plan that unduly 219
favours or disfavors a political party or its incumbents. 220

(b) The general assembly shall not unduly split 221
governmental units, giving preference to keeping whole, in the 222
order named, counties, then townships and municipal 223
corporations. 224

(c) Division (B) (2) of Section 2 of this article shall not 225
apply to the plan. The general assembly shall attempt to draw 226
districts that are compact. 227

(d) The general assembly shall include in the plan an 228
explanation of the plan's compliance with divisions (F) (3) (a) to 229
(c) of this section. 230

(e) If the plan becomes law, the plan shall remain 231
effective until the next year ending in the numeral one, except 232
as provided in Section 3 of this article. 233

(G) Before the general assembly passes a congressional 234
district plan under any division of this section, a joint 235
committee of the general assembly shall hold at least two public 236
committee hearings concerning a proposed plan. Before the Ohio 237
redistricting commission adopts a congressional district plan 238
under any division of this section, the commission shall hold at 239
least two public hearings concerning a proposed plan. 240

(H) The general assembly and the Ohio redistricting 241
commission shall facilitate and allow for the submission of 242
proposed congressional district plans by members of the public. 243
The general assembly shall provide by law the manner in which 244
members of the public may do so. 245

(I) For purposes of filing a congressional district plan 246
with the governor or the secretary of state under this article, 247

a congressional district plan shall include both a legal 248
description of the boundaries of the congressional districts and 249
all electronic data necessary to create a congressional district 250
map for the purpose of holding congressional elections. 251

(J) When a congressional district plan ceases to be 252
effective under this article, the district boundaries described 253
in that plan shall continue in operation for the purpose of 254
holding elections until a new congressional district plan takes 255
effect in accordance with this article. If a vacancy occurs in a 256
district that was created under the previous district plan, the 257
election to fill the vacancy for the remainder of the unexpired 258
term shall be held using the previous district plan. 259

Section 2. (A) (1) Each congressional district shall be 260
entitled to a single representative in the United States house 261
of representatives in each congress. 262

(2) The whole population of the state, as determined by 263
the federal decennial census or, if the federal decennial census 264
is unavailable, another basis as directed by the general 265
assembly, shall be divided by the number of congressional 266
districts apportioned to the state pursuant to Section 2 of 267
Article I of the Constitution of the United States, and the 268
quotient shall be the congressional ratio of representation for 269
the next ten years. 270

(3) Notwithstanding the fact that boundaries of counties, 271
municipal corporations, and townships within a district may be 272
changed, district boundaries shall be created by using the data 273
from the most recent federal decennial census or from the basis 274
directed by the general assembly, as applicable. 275

(B) A congressional district plan shall comply with all of 276
the following requirements: 277

(1) The plan shall comply with all applicable provisions 278
of the constitutions of Ohio and the United States and of 279
federal law, including federal laws protecting racial minority 280
voting rights. 281

(2) Every congressional district shall be compact. 282

(3) Every congressional district shall be composed of 283
contiguous territory, and the boundary of each district shall be 284
a single nonintersecting continuous line. 285

(4) Except as otherwise required by federal law, in a 286
county that contains a population that exceeds the congressional 287
ratio of representation, the authority drawing the districts 288
shall take the first of the following actions that applies to 289
that county: 290

(a) If a municipal corporation or township located in that 291
county contains a population that exceeds the congressional 292
ratio of representation, the authority shall attempt to include 293
a significant portion of that municipal corporation or township 294
in a single district and may include in that district other 295
municipal corporations or townships that are located in that 296
county and whose residents have similar interests as the 297
residents of the municipal corporation or township that contains 298
a population that exceeds the congressional ratio of 299
representation. In determining whether the population of a 300
municipal corporation or township exceeds the congressional 301
ratio of representation for the purpose of this division, if the 302
territory of that municipal corporation or township completely 303
surrounds the territory of another municipal corporation or 304
township, the territory of the surrounded municipal corporation 305
or township shall be considered part of the territory of the 306
surrounding municipal corporation or township. 307

(b) If one municipal corporation or township in that 308
county contains a population of not less than one hundred 309
thousand and not more than the congressional ratio of 310
representation, that municipal corporation or township shall not 311
be split. If that county contains two or more such municipal 312
corporations or townships, only the most populous of those 313
municipal corporations or townships shall not be split. 314

(5) Of the eighty-eight counties in this state, sixty-five 315
counties shall be contained entirely within a district, eighteen 316
counties may be split not more than once, and five counties may 317
be split not more than twice. The authority drawing the 318
districts may determine which counties may be split. 319

(6) If a congressional district includes only part of the 320
territory of a particular county, the part of that congressional 321
district that lies in that particular county shall be contiguous 322
within the boundaries of the county. 323

(7) No two congressional districts shall share portions of 324
the territory of more than one county, except for a county whose 325
population exceeds four hundred thousand. 326

(8) The authority drawing the districts shall attempt to 327
include at least one whole county in each congressional 328
district. This division does not apply to a congressional 329
district that is contained entirely within one county or that 330
cannot be drawn in that manner while complying with federal law. 331

(C) (1) Except as otherwise provided in division (C) (2) of 332
this section, for purposes of this article, a county, municipal 333
corporation, or township is considered to be split if, based on 334
the census data used for the purpose of redistricting, any 335
contiguous portion of its territory is not contained entirely 336
within one district. 337

(2) If a municipal corporation or township has territory 338
in more than one county, the contiguous portion of that 339
municipal corporation or township that lies in each county shall 340
be considered to be a separate municipal corporation or township 341
for purposes of this section. 342

Section 3. (A) The supreme court of Ohio shall have 343
exclusive, original jurisdiction in all cases arising under this 344
article. 345

(B) (1) In the event that any section of this constitution 346
relating to congressional redistricting, any congressional 347
district plan, or any congressional district or group of 348
congressional districts is challenged and is determined to be 349
invalid by an unappealed final order of a court of competent 350
jurisdiction then, notwithstanding any other provisions of this 351
constitution, the general assembly shall pass a congressional 352
district plan in accordance with the provisions of this 353
constitution that are then valid, to be used until the next time 354
for redistricting under this article in accordance with the 355
provisions of this constitution that are then valid. 356

The general assembly shall pass that plan not later than 357
the thirtieth day after the last day on which an appeal of the 358
court order could have been filed or, if the order is not 359
appealable, the thirtieth day after the day on which the order 360
is issued. 361

A congressional district plan passed under this division 362
shall remedy any legal defects in the previous plan identified 363
by the court but shall include no changes to the previous plan 364
other than those made in order to remedy those defects. 365

(2) If a new congressional district plan is not passed in 366
accordance with division (B) (1) of this section and filed with 367

the secretary of state in accordance with Section 16 of Article 368
II of this constitution, the Ohio redistricting commission shall 369
be reconstituted and reconvene and shall adopt a congressional 370
district plan in accordance with the provisions of this 371
constitution that are then valid, to be used until the next time 372
for redistricting under this article in accordance with the 373
provisions of this constitution that are then valid. 374

The commission shall adopt that plan not later than the 375
thirtieth day after the deadline described in division (B) (1) of 376
this section. 377

A congressional district plan adopted under this division 378
shall remedy any legal defects in the previous plan identified 379
by the court but shall include no other changes to the previous 380
plan other than those made in order to remedy those defects. 381

EFFECTIVE DATE AND REPEAL 382

If adopted by a majority of the electors voting on this 383
proposal, the version of Section 1 of Article XI amended by this 384
proposal and Sections 1, 2, and 3 of Article XIX of the 385
Constitution of the State of Ohio enacted by this proposal take 386
effect January 1, 2021, and the existing version of Section 1 of 387
Article XI of the Constitution of the State of Ohio that is 388
scheduled to take effect January 1, 2021, is repealed from that 389
effective date. 390

As Adopted by the Senate

CORRECTED VERSION

132nd General Assembly

Regular Session

2017-2018

Sub. S. J. R. No. 5

Senators Huffman, Sykes

**Cosponsors: Senators Uecker, LaRose, Balderson, Beagle, Dolan, Eklund,
Gardner, Hackett, Hoagland, Hottinger, Kunze, Lehner, Manning, Obhof,
Oelslager, Peterson, Terhar, Wilson**

A JOINT RESOLUTION

Proposing to amend the version of Section 1 of Article XI 1
that is scheduled to take effect January 1, 2021, and 2
to enact Sections 1, 2, and 3 of Article XIX of the 3
Constitution of the State of Ohio to establish a 4
process for congressional redistricting. 5

Be it resolved by the General Assembly of the State of 6
Ohio, three-fifths of the members elected to each house 7
concurring herein, that there shall be submitted to the electors 8
of the state, in the manner prescribed by law at a special 9
election to be held on May 8, 2018, a proposal to amend the 10
version of Section 1 of Article XI that is scheduled to take 11
effect January 1, 2021, and to enact Sections 1, 2, and 3 of 12
Article XIX of the Constitution of the State of Ohio to read as 13
follows: 14

ARTICLE XI 15

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) 44
of this section, a majority vote of the members of the 45
commission, including at least one member of the commission who 46
is a member of each of the two largest political parties 47
represented in the general assembly, shall be required to do any 48
of the following: 49

(i) Adopt rules of the commission; 50

(ii) Hire staff for the commission; 51

(iii) Expend funds. 52

(b) If the commission is unable to agree, by the vote 53
required under division (B) (2) (a) of this section, on the manner 54
in which funds should be expended, each co-chairperson of the 55
commission shall have the authority to expend one-half of the 56
funds that have been appropriated to the commission. 57

(3) The affirmative vote of four members of the 58
commission, including at least two members of the commission who 59
represent each of the two largest political parties represented 60
in the general assembly shall be required to adopt any general 61
assembly district plan. For the ~~purpose~~ purposes of this 62
division and of Section 1 of Article XIX of this constitution, a 63
member of the commission shall be considered to represent a 64
political party if the member was appointed to the commission by 65
a member of that political party or if, in the case of the 66
governor, the auditor of state, or the secretary of state, the 67
member is a member of that political party. 68

(C) At the first meeting of the commission, which the 69
governor shall convene only in a year ending in the numeral one, 70
except as provided in Sections 8 and 9 of this article and in 71
Sections 1 and 3 of Article XIX of this constitution, the 72

commission shall set a schedule for the adoption of procedural 73
rules for the operation of the commission. 74

The commission shall release to the public a proposed 75
general assembly district plan for the boundaries for each of 76
the ninety-nine house of representatives districts and the 77
thirty-three senate districts. The commission shall draft the 78
proposed plan in the manner prescribed in this article. Before 79
adopting, but after introducing, a proposed plan, the commission 80
shall conduct a minimum of three public hearings across the 81
state to present the proposed plan and shall seek public input 82
regarding the proposed plan. All meetings of the commission 83
shall be open to the public. Meetings shall be broadcast by 84
electronic means of transmission using a medium readily 85
accessible by the general public. 86

The commission shall adopt a final general assembly 87
district plan not later than the first day of September of a 88
year ending in the numeral one. After the commission adopts a 89
final plan, the commission shall promptly file the plan with the 90
secretary of state. Upon filing with the secretary of state, the 91
plan shall become effective. 92

Four weeks after the adoption of a general assembly 93
district plan or a congressional district plan, whichever is 94
later, the commission shall be automatically dissolved. 95

(D) The general assembly shall be responsible for making 96
the appropriations it determines necessary in order for the 97
commission to perform its duties under this article and Article 98
XIX of this constitution. 99

ARTICLE XIX 100

Section 1. (A) Except as otherwise provided in this 101

section, the general assembly shall be responsible for the 102
redistricting of this state for congress based on the prescribed 103
number of congressional districts apportioned to the state 104
pursuant to Section 2 of Article I of the Constitution of the 105
United States. 106

Not later than the last day of September of a year ending 107
in the numeral one, the general assembly shall pass a 108
congressional district plan in the form of a bill by the 109
affirmative vote of three-fifths of the members of each house of 110
the general assembly, including the affirmative vote of at least 111
one-half of the members of each of the two largest political 112
parties represented in that house. A congressional district plan 113
that is passed under this division and becomes law shall remain 114
effective until the next year ending in the numeral one, except 115
as provided in Section 3 of this article. 116

(B) If a congressional district plan is not passed not 117
later than the last day of September of a year ending in the 118
numeral one and filed with the secretary of state in accordance 119
with Section 16 of Article II of this constitution, then the 120
Ohio redistricting commission described in Article XI of this 121
constitution shall adopt a congressional district plan not later 122
than the last day of October of that year by the affirmative 123
vote of four members of the commission, including at least two 124
members of the commission who represent each of the two largest 125
political parties represented in the general assembly. The plan 126
shall take effect upon filing with the secretary of state and 127
shall remain effective until the next year ending in the numeral 128
one, except as provided in Section 3 of this article. 129

(C) (1) If the Ohio redistricting commission does not adopt 130
a plan not later than the last day of October of a year ending 131
in the numeral one, then the general assembly shall pass a 132

congressional district plan in the form of a bill not later than 133
the last day of November of that year. 134

(2) If the general assembly passes a congressional 135
district plan under division (C) (1) of this section by the 136
affirmative vote of three-fifths of the members of each house of 137
the general assembly, including the affirmative vote of at least 138
one-third of the members of each of the two largest political 139
parties represented in that house, and the plan becomes law, the 140
plan shall remain effective until the next year ending in the 141
numeral one, except as provided in Section 3 of this article. 142

(3) If the general assembly passes a congressional 143
district plan under division (C) (1) of this section by a simple 144
majority of the members of each house of the general assembly, 145
and not by the vote described in division (C) (2) of this 146
section, all of the following shall apply: 147

(a) The general assembly shall not pass a plan that unduly 148
favours or disfavors a political party or its incumbents. 149

(b) The general assembly shall not unduly split 150
governmental units, giving preference to keeping whole, in the 151
order named, counties, then townships and municipal 152
corporations. 153

(c) Division (B) (2) of Section 2 of this article shall not 154
apply to the plan. The general assembly shall attempt to draw 155
districts that are compact. 156

(d) The general assembly shall include in the plan an 157
explanation of the plan's compliance with divisions (C) (3) (a) to 158
(c) of this section. 159

(e) If the plan becomes law, the plan shall remain 160
effective until two general elections for the United States 161

house of representatives have occurred under the plan, except as 162
provided in Section 3 of this article. 163

(D) Not later than the last day of September of the year 164
after the year in which a plan expires under division (C) (3) (e) 165
of this section, the general assembly shall pass a congressional 166
district plan in the form of a bill by the affirmative vote of 167
three-fifths of the members of each house of the general 168
assembly, including the affirmative vote of at least one-half of 169
the members of each of the two largest political parties 170
represented in that house. A congressional district plan that is 171
passed under this division and becomes law shall remain 172
effective until the next year ending in the numeral one, except 173
as provided in Section 3 of this article. 174

A congressional district plan passed under this division 175
shall be drawn using the federal decennial census data or other 176
data on which the previous redistricting was based. 177

(E) If a congressional district plan is not passed not 178
later than the last day of September of the year after the year 179
in which a plan expires under division (C) (3) (e) of this section 180
and filed with the secretary of state in accordance with Section 181
16 of Article II of this constitution, then the Ohio 182
redistricting commission described in Article XI of this 183
constitution shall be reconstituted and reconvene and shall 184
adopt a congressional district plan not later than the last day 185
of October of that year by the affirmative vote of four members 186
of the commission, including at least two members of the 187
commission who represent each of the two largest political 188
parties represented in the general assembly. A congressional 189
district plan adopted under this division shall take effect upon 190
filing with the secretary of state and shall remain effective 191
until the next year ending in the numeral one, except as 192

provided in Section 3 of this article. 193

A congressional district plan adopted under this division 194
shall be drawn using the federal decennial census data or other 195
data on which the previous redistricting was based. 196

(F) (1) If the Ohio redistricting commission does not adopt 197
a congressional district plan not later than the last day of 198
October of the year after the year in which a plan expires under 199
division (C) (3) (e) of this section, then the general assembly 200
shall pass a congressional district plan in the form of a bill 201
not later than the last day of November of that year. 202

A congressional district plan adopted under this division 203
shall be drawn using the federal decennial census data or other 204
data on which the previous redistricting was based. 205

(2) If the general assembly passes a congressional 206
district plan under division (F) (1) of this section by the 207
affirmative vote of three-fifths of the members of each house, 208
including the affirmative vote of at least one-third of the 209
members of each of the two largest political parties represented 210
in that house, and the plan becomes law, it shall remain 211
effective until the next year ending in the numeral one, except 212
as provided in Section 3 of this article. 213

(3) If the general assembly passes a congressional 214
district plan under division (F) (1) of this section by a simple 215
majority vote of the members of each house of the general 216
assembly, and not by the vote described in division (F) (2) of 217
this section, all of the following shall apply: 218

(a) The general assembly shall not pass a plan that unduly 219
favours or disfavors a political party or its incumbents. 220

(b) The general assembly shall not unduly split 221

governmental units, giving preference to keeping whole, in the 222
order named, counties, then townships and municipal 223
corporations. 224

(c) Division (B) (2) of Section 2 of this article shall not 225
apply to the plan. The general assembly shall attempt to draw 226
districts that are compact. 227

(d) The general assembly shall include in the plan an 228
explanation of the plan's compliance with divisions (F) (3) (a) to 229
(c) of this section. 230

(e) If the plan becomes law, the plan shall remain 231
effective until the next year ending in the numeral one, except 232
as provided in Section 3 of this article. 233

(G) Before the general assembly passes a congressional 234
district plan under any division of this section, a joint 235
committee of the general assembly shall hold at least two public 236
committee hearings concerning a proposed plan. Before the Ohio 237
redistricting commission adopts a congressional district plan 238
under any division of this section, the commission shall hold at 239
least two public hearings concerning a proposed plan. 240

(H) The general assembly and the Ohio redistricting 241
commission shall facilitate and allow for the submission of 242
proposed congressional district plans by members of the public. 243
The general assembly shall provide by law the manner in which 244
members of the public may do so. 245

(I) For purposes of filing a congressional district plan 246
with the governor or the secretary of state under this article, 247
a congressional district plan shall include both a legal 248
description of the boundaries of the congressional districts and 249
all electronic data necessary to create a congressional district 250

map for the purpose of holding congressional elections. 251

(J) When a congressional district plan ceases to be 252
effective under this article, the district boundaries described 253
in that plan shall continue in operation for the purpose of 254
holding elections until a new congressional district plan takes 255
effect in accordance with this article. If a vacancy occurs in a 256
district that was created under the previous district plan, the 257
election to fill the vacancy for the remainder of the unexpired 258
term shall be held using the previous district plan. 259

Section 2. (A) (1) Each congressional district shall be 260
entitled to a single representative in the United States house 261
of representatives in each congress. 262

(2) The whole population of the state, as determined by 263
the federal decennial census or, if the federal decennial census 264
is unavailable, another basis as directed by the general 265
assembly, shall be divided by the number of congressional 266
districts apportioned to the state pursuant to Section 2 of 267
Article I of the Constitution of the United States, and the 268
quotient shall be the congressional ratio of representation for 269
the next ten years. 270

(3) Notwithstanding the fact that boundaries of counties, 271
municipal corporations, and townships within a district may be 272
changed, district boundaries shall be created by using the data 273
from the most recent federal decennial census or from the basis 274
directed by the general assembly, as applicable. 275

(B) A congressional district plan shall comply with all of 276
the following requirements: 277

(1) The plan shall comply with all applicable provisions 278
of the constitutions of Ohio and the United States and of 279

federal law, including federal laws protecting racial minority 280
voting rights. 281

(2) Every congressional district shall be compact. 282

(3) Every congressional district shall be composed of 283
contiguous territory, and the boundary of each district shall be 284
a single nonintersecting continuous line. 285

(4) Except as otherwise required by federal law, in a 286
county that contains a population that exceeds the congressional 287
ratio of representation, the authority drawing the districts 288
shall take the first of the following actions that applies to 289
that county: 290

(a) If a municipal corporation or township located in that 291
county contains a population that exceeds the congressional 292
ratio of representation, the authority shall attempt to include 293
a significant portion of that municipal corporation or township 294
in a single district and may include in that district other 295
municipal corporations or townships that are located in that 296
county and whose residents have similar interests as the 297
residents of the municipal corporation or township that contains 298
a population that exceeds the congressional ratio of 299
representation. In determining whether the population of a 300
municipal corporation or township exceeds the congressional 301
ratio of representation for the purpose of this division, if the 302
territory of that municipal corporation or township completely 303
surrounds the territory of another municipal corporation or 304
township, the territory of the surrounded municipal corporation 305
or township shall be considered part of the territory of the 306
surrounding municipal corporation or township. 307

(b) If one municipal corporation or township in that 308
county contains a population of not less than one hundred 309

thousand and not more than the congressional ratio of 310
representation, that municipal corporation or township shall not 311
be split. If that county contains two or more such municipal 312
corporations or townships, only the most populous of those 313
municipal corporations or townships shall not be split. 314

(5) Of the eighty-eight counties in this state, sixty-five 315
counties shall be contained entirely within a district, eighteen 316
counties may be split not more than once, and five counties may 317
be split not more than twice. The authority drawing the 318
districts may determine which counties may be split. 319

(6) If a congressional district includes only part of the 320
territory of a particular county, the part of that congressional 321
district that lies in that particular county shall be contiguous 322
within the boundaries of the county. 323

(7) No two congressional districts shall share portions of 324
the territory of more than one county, except for a county whose 325
population exceeds four hundred thousand. 326

(8) The authority drawing the districts shall attempt to 327
include at least one whole county in each congressional 328
district. This division does not apply to a congressional 329
district that is contained entirely within one county or that 330
cannot be drawn in that manner while complying with federal law. 331

(C) (1) Except as otherwise provided in division (C) (2) of 332
this section, for purposes of this article, a county, municipal 333
corporation, or township is considered to be split if, based on 334
the census data used for the purpose of redistricting, any 335
contiguous portion of its territory is not contained entirely 336
within one district. 337

(2) If a municipal corporation or township has territory 338

in more than one county, the contiguous portion of that 339
municipal corporation or township that lies in each county shall 340
be considered to be a separate municipal corporation or township 341
for purposes of this section. 342

Section 3. (A) The supreme court of Ohio shall have 343
exclusive, original jurisdiction in all cases arising under this 344
article. 345

(B) (1) In the event that any section of this constitution 346
relating to congressional redistricting, any congressional 347
district plan, or any congressional district or group of 348
congressional districts is challenged and is determined to be 349
invalid by an unappealed final order of a court of competent 350
jurisdiction then, notwithstanding any other provisions of this 351
constitution, the general assembly shall pass a congressional 352
district plan in accordance with the provisions of this 353
constitution that are then valid, to be used until the next time 354
for redistricting under this article in accordance with the 355
provisions of this constitution that are then valid. 356

The general assembly shall pass that plan not later than 357
the thirtieth day after the last day on which an appeal of the 358
court order could have been filed or, if the order is not 359
appealable, the thirtieth day after the day on which the order 360
is issued. 361

A congressional district plan passed under this division 362
shall remedy any legal defects in the previous plan identified 363
by the court but shall include no changes to the previous plan 364
other than those made in order to remedy those defects. 365

(2) If a new congressional district plan is not passed in 366
accordance with division (B) (1) of this section and filed with 367
the secretary of state in accordance with Section 16 of Article 368

II of this constitution, the Ohio redistricting commission shall 369
be reconstituted and reconvene and shall adopt a congressional 370
district plan in accordance with the provisions of this 371
constitution that are then valid, to be used until the next time 372
for redistricting under this article in accordance with the 373
provisions of this constitution that are then valid. 374

The commission shall adopt that plan not later than the 375
thirtieth day after the deadline described in division (B)(1) of 376
this section. 377

A congressional district plan adopted under this division 378
shall remedy any legal defects in the previous plan identified 379
by the court but shall include no other changes to the previous 380
plan other than those made in order to remedy those defects. 381

EFFECTIVE DATE AND REPEAL 382

If adopted by a majority of the electors voting on this 383
proposal, the version of Section 1 of Article XI amended by this 384
proposal and Sections 1, 2, and 3 of Article XIX of the 385
Constitution of the State of Ohio enacted by this proposal take 386
effect January 1, 2021, and the existing version of Section 1 of 387
Article XI of the Constitution of the State of Ohio that is 388
scheduled to take effect January 1, 2021, is repealed from that 389
effective date. 390

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.

Sub. S. J. R. No. 5

132nd G.A.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Adopted _____, 20____

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

S. J. R. No. 5

Senator Huffman

A JOINT RESOLUTION

Proposing to amend the version of Section 1 of Article XI 1
that is scheduled to take effect January 1, 2021, and 2
to enact Sections 1, 2, and 3 of Article XIX of the 3
Constitution of the State of Ohio to establish a 4
process for congressional redistricting. 5

Be it resolved by the General Assembly of the State of 6
Ohio, three-fifths of the members elected to each house 7
concurring herein, that there shall be submitted to the electors 8
of the state, in the manner prescribed by law at a special 9
election to be held on May 8, 2018, a proposal to amend the 10
version of Section 1 of Article XI that is scheduled to take 11
effect January 1, 2021, and to enact Sections 1, 2, and 3 of 12
Article XIX of the Constitution of the State of Ohio to read as 13
follows: 14

ARTICLE XI 15

Section 1. (A) The Ohio redistricting commission shall be 16
responsible for the redistricting of this state for the general 17
assembly. The commission shall consist of the following seven 18
members: 19

(1) The governor; 20

(2) The auditor of state;	21
(3) The secretary of state;	22
(4) One person appointed by the speaker of the house of representatives;	23 24
(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;	25 26 27
(6) One person appointed by the president of the senate; and	28 29
(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.	30 31 32
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.	33 34 35 36 37
(B) (1) Unless otherwise specified in this article <u>or in</u> <u>Article XIX of this constitution</u> , a simple majority of the commission members shall be required for any action by the commission.	38 39 40 41
(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:	42 43 44 45 46 47
(i) Adopt rules of the commission;	48

(ii) Hire staff for the commission;	49
(iii) Expend funds.	50
(b) If the commission is unable to agree, by the vote	51
required under division (B) (2) (a) of this section, on the manner	52
in which funds should be expended, each co-chairperson of the	53
commission shall have the authority to expend one-half of the	54
funds that have been appropriated to the commission.	55
(3) The affirmative vote of four members of the	56
commission, including at least two members of the commission who	57
represent each of the two largest political parties represented	58
in the general assembly shall be required to adopt any general	59
assembly district plan. For the purpose of this division, a	60
member of the commission shall be considered to represent a	61
political party if the member was appointed to the commission by	62
a member of that political party or if, in the case of the	63
governor, the auditor of state, or the secretary of state, the	64
member is a member of that political party.	65
(C) At the first meeting of the commission, which the	66
governor shall convene only in a year ending in the numeral one,	67
except as provided in Sections 8 and 9 of this article <u>and in</u>	68
<u>Sections 1 and 3 of Article XIX of this constitution</u> , the	69
commission shall set a schedule for the adoption of procedural	70
rules for the operation of the commission.	71
The commission shall release to the public a proposed	72
general assembly district plan for the boundaries for each of	73
the ninety-nine house of representatives districts and the	74
thirty-three senate districts. The commission shall draft the	75
proposed plan in the manner prescribed in this article. Before	76
adopting, but after introducing, a proposed plan, the commission	77
shall conduct a minimum of three public hearings across the	78

state to present the proposed plan and shall seek public input 79
regarding the proposed plan. All meetings of the commission 80
shall be open to the public. Meetings shall be broadcast by 81
electronic means of transmission using a medium readily 82
accessible by the general public. 83

The commission shall adopt a final general assembly 84
district plan not later than the first day of September of a 85
year ending in the numeral one. After the commission adopts a 86
final plan, the commission shall promptly file the plan with the 87
secretary of state. Upon filing with the secretary of state, the 88
plan shall become effective. 89

Four weeks after the adoption of a general assembly 90
district plan or a congressional district plan, whichever is 91
later, the commission shall be automatically dissolved. 92

(D) The general assembly shall be responsible for making 93
the appropriations it determines necessary in order for the 94
commission to perform its duties under this article and Article 95
XIX of this constitution. 96

ARTICLE XIX 97

Section 1. (A) (1) Except as otherwise provided in this 98
section, the general assembly shall be responsible for the 99
redistricting of this state for congress based on the prescribed 100
number of congressional districts apportioned to the state 101
pursuant to Section 2 of Article I of the Constitution of the 102
United States. 103

(2) Not later than the last day of September of a year 104
ending in the numeral one, the general assembly shall adopt a 105
congressional district plan in the form of a joint resolution by 106
the affirmative vote of three-fifths of the members of each 107

house of the general assembly, including the affirmative vote of 108
at least one-third of the members of each house of the general 109
assembly who are not members of the largest political party 110
represented in that house. A congressional district plan adopted 111
under this division shall take effect immediately upon filing 112
with the secretary of state and shall remain effective until the 113
next year ending in the numeral one, except as provided in 114
Section 3 of this article. 115

(3) Before the general assembly adopts a congressional 116
district plan under division (A)(2) of this section, a joint 117
committee of the general assembly shall hold at least two public 118
committee hearings concerning congressional redistricting. 119

(B)(1)(a) If the general assembly does not adopt a 120
congressional district plan under division (A)(2) of this 121
section not later than the last day of September of that year, 122
then the Ohio redistricting commission described in Article XI 123
of this constitution shall adopt a congressional district plan 124
not later than the last day of October of that year. 125

(b) If an appointed member of the Ohio redistricting 126
commission is a current member of congress, that member's seat 127
shall be considered vacant for the purpose of adopting a 128
congressional district plan, and the authority who appointed the 129
member to fill that seat shall appoint a replacement member to 130
deliberate and vote upon a congressional district plan. 131

(c) After proposing, but before adopting, a congressional 132
district plan under division (B)(1)(a) of this section, the 133
commission shall hold at least two public hearings concerning 134
the proposed plan. 135

(2) If the commission adopts a congressional district plan 136
under division (B)(1)(a) of this section by the affirmative vote 137

of four members of the commission, including at least two 138
members of the commission who represent each of the two largest 139
political parties represented in the general assembly, the plan 140
shall take effect upon filing with the secretary of state and 141
shall remain effective until the next year ending in the numeral 142
one, except as provided in Section 3 of this article. For 143
purposes of this division, a member of the commission shall be 144
considered to represent a political party if the member was 145
appointed to the commission by a member of that political party 146
or if, in the case of the governor, the auditor of state, or the 147
secretary of state, the member is a member of that political 148
party. 149

(3) (a) If the commission adopts a congressional district 150
plan under division (B) (1) (a) of this section by a simple 151
majority vote of the commission, and not by the vote described 152
in division (B) (2) of this section, the plan shall take effect 153
upon filing with the secretary of state. The commission also 154
immediately shall file copies of the plan with the clerks of the 155
senate and the house of representatives. 156

(b) If the commission adopts a plan under division (B) (3) 157
(a) of this section, then not later than the last day of 158
November of that year, the general assembly may approve that 159
plan without amendment by adopting a joint resolution by the 160
affirmative vote of a majority of the members of each house of 161
the general assembly, including the affirmative vote of at least 162
one-fifth of the members of each house of the general assembly 163
who are not members of the largest political party represented 164
in that house. If the general assembly approves the 165
congressional district plan adopted under division (B) (3) (a) of 166
this section, the general assembly shall file the joint 167
resolution with the secretary of state, and the plan shall 168

remain effective until the next year ending in the numeral one, 169
except as provided in Section 3 of this article. 170

(c) (i) If the commission adopts a plan under division (B) 171
(3) (a) of this section and the general assembly does not approve 172
the plan under division (B) (3) (b) of this section not later than 173
the last day of November of that year, the plan shall remain 174
effective until two general elections for the United States 175
house of representatives have occurred under the plan, except as 176
provided in Section 3 of this article. 177

(ii) Not later than the last day of September of the year 178
after the year in which a plan expires under division (B) (3) (c) 179
(i) of this section, the general assembly shall adopt a 180
congressional district plan in the form of a joint resolution by 181
the affirmative vote of three-fifths of the members of each 182
house of the general assembly, including the affirmative vote of 183
at least one-third of the members of each house of the general 184
assembly who are not members of the largest political party 185
represented in that house. A congressional district plan adopted 186
under this division shall be drawn using the federal decennial 187
census data or other data on which the previous redistricting 188
was based, shall take effect upon filing with the secretary of 189
state, and shall remain effective until the next year ending in 190
the numeral one, except as provided in Section 3 of this 191
article. Before the general assembly adopts a congressional 192
district plan under this division, a joint committee of the 193
general assembly shall hold at least two public committee 194
hearings concerning congressional redistricting. 195

(iii) If the general assembly does not adopt a 196
congressional district plan under division (B) (3) (c) (ii) of this 197
section not later than the last day of September of the year 198
after the year in which the previous plan expires, then the Ohio 199

redistricting commission described in Article XI of this 200
constitution shall be reconstituted and reconvene, and shall 201
adopt a congressional district plan by a simple majority vote 202
not later than the last day of October of that year. If an 203
appointed member of the Ohio redistricting commission is a 204
current member of congress, that member's seat shall be 205
considered vacant for the purpose of adopting a congressional 206
district plan, and the authority who appointed the member to 207
fill that seat shall appoint a replacement member to deliberate 208
and vote upon a congressional district plan. After proposing, 209
but before adopting, a congressional district plan under this 210
division, the commission shall hold at least two public hearings 211
concerning the proposed plan. A congressional district plan 212
adopted under this division shall take effect upon filing with 213
the secretary of state and shall remain effective until the next 214
year ending in the numeral one, except as provided in Section 3 215
of this article. 216

(C) (1) For purposes of filing a congressional district 217
plan with the secretary of state or with the general assembly 218
under this article, a congressional district plan shall include 219
both a legal description of the boundaries of the congressional 220
districts and all electronic data necessary to create a 221
congressional district map for the purpose of holding 222
congressional elections. 223

(2) When a congressional district plan ceases to be 224
effective under this article, the district boundaries described 225
in that plan shall continue in operation for the purpose of 226
holding elections until a new congressional district plan is 227
adopted in accordance with this article. 228

Section 2. (A) (1) Each congressional district shall be 229
entitled to a single representative in the United States house 230

of representatives in each congress. 231

(2) The whole population of the state, as determined by 232
the federal decennial census or, if the federal decennial census 233
is unavailable, another basis as directed by the general 234
assembly, shall be divided by the number of congressional 235
districts apportioned to the state pursuant to Section 2 of 236
Article I of the Constitution of the United States, and the 237
quotient shall be the congressional ratio of representation for 238
the next ten years. 239

(3) Notwithstanding the fact that boundaries of counties, 240
municipal corporations, and townships within a district may be 241
changed, district boundaries shall be created by using the data 242
from the most recent federal decennial census or from the basis 243
directed by the general assembly, as applicable. 244

(B) A congressional district plan shall comply with all of 245
the following requirements: 246

(1) The plan shall comply with all applicable provisions 247
of the constitutions of Ohio and the United States and of 248
federal law. 249

(2) The population of each congressional district shall be 250
equal to the congressional ratio of representation, except that 251
the population of a district may be greater or lesser than the 252
congressional ratio of representation by one person if the total 253
population of the state is not divisible by the number of 254
congressional districts apportioned to the state pursuant to 255
Section 2 of Article I of the Constitution of the United States. 256

(3) Every congressional district shall be compact and 257
composed of contiguous territory, and the boundary of each 258
district shall be a single nonintersecting continuous line. 259

(4) (a) Except as otherwise required by federal law, each 260
municipal corporation or township that contains a population 261
that exceeds the congressional ratio of representation shall be 262
divided into as many congressional districts as it has whole 263
ratios of representation. For the purpose of drawing a 264
congressional district under this division, if the territory of 265
a municipal corporation or township completely surrounds the 266
territory of another municipal corporation or township, the 267
authority drawing the districts shall give preference to 268
maintaining the territory of the surrounding municipal 269
corporation or township in a single district rather than 270
including the surrounded municipal corporation or township in 271
that district, to the extent practicable while taking into 272
account the requirements of this section. 273

(b) Except as otherwise required by federal law, in a 274
county that contains a population that exceeds the congressional 275
ratio of representation, if the county contains one municipal 276
corporation or township that has a population of not less than 277
one hundred thousand and not more than the congressional ratio 278
of representation, and a district was not created in that county 279
under division (B) (4) (a) of this section, that municipal 280
corporation or township shall not be split. If that county 281
contains two or more such municipal corporations or townships, 282
only the most populous of those municipal corporations or 283
townships shall not be split. 284

(5) (a) Each county, other than the ten most populous 285
counties in the state, shall be split not more than once. 286

(b) Of the ten most populous counties in the state, two 287
counties shall be split not more than three times and the 288
remaining counties shall be split not more than twice. The 289
authority drawing the districts may determine which of those ten 290

counties shall be split not more than three times. 291

(6) If a congressional district includes only part of the 292
territory of a particular county, the part of that congressional 293
district that lies in that particular county shall be contiguous 294
within the boundaries of the county. 295

(7) Except for a county whose population exceeds four 296
hundred thousand, no two congressional districts shall share 297
portions of the territory of more than one county. 298

(8) The authority drawing congressional districts shall 299
attempt to include at least one whole county in each 300
congressional district. This division does not apply to a 301
congressional district that is contained entirely within one 302
county or that cannot be drawn in that manner while complying 303
with federal law. 304

(C) (1) Except as otherwise provided in division (C) (2) of 305
this section, for purposes of this section, a county, municipal 306
corporation, or township is considered to be split if, based on 307
the census data used for the purpose of redistricting, any 308
contiguous portion of its territory is not contained entirely 309
within one district. 310

(2) If a municipal corporation or township has territory 311
in more than one county, the contiguous portion of that 312
municipal corporation or township that lies in each county shall 313
be considered to be a separate municipal corporation or township 314
for purposes of this section. 315

Section 3. (A) The supreme court of Ohio shall have 316
exclusive, original jurisdiction in all cases arising under this 317
article. 318

(B) (1) In the event that any section of this constitution 319

relating to congressional redistricting, any congressional 320
district plan, or any congressional district is determined to be 321
invalid by an unappealed final order of a court of competent 322
jurisdiction then, notwithstanding any other provisions of this 323
constitution, the general assembly shall adopt a congressional 324
district plan in conformity with the provisions of this 325
constitution that are then valid, to be used until the next time 326
for redistricting under this article in conformity with the 327
provisions of this constitution that are then valid. A 328
congressional district plan adopted under this division shall 329
remedy any legal defects in the previous plan identified by the 330
court but shall include no changes to the previous plan other 331
than those made in order to remedy those defects. 332

(2) If the general assembly does not adopt a new 333
congressional district plan under division (B)(1) of this 334
section, the Ohio redistricting commission shall adopt a 335
congressional district plan in accordance with the provisions of 336
this constitution that are then valid, to be used until the next 337
time for redistricting under this article in conformity with the 338
provisions of this constitution that are then valid. A 339
congressional district plan adopted under this division shall 340
remedy any legal defects in the previous plan identified by the 341
court but shall include no other changes to the previous plan 342
other than those made in order to remedy those defects. 343

EFFECTIVE DATE AND REPEAL 344

If adopted by a majority of the electors voting on this 345
proposal, Section 1 of Article XI amended by this proposal and 346
Sections 1, 2, and 3 of Article XIX of the Constitution of the 347
State of Ohio enacted by this proposal take effect January 1, 348
2021, and the existing version of Section 1 of Article XI of the 349
Constitution of the State of Ohio that was scheduled to take 350

effect January 1, 2021, is repealed from that effective date.

351

Statewide Issue

JON HUSTED

Ohio Secretary of State



I, Jon Husted, certify that printed below are the full text, ballot language, explanation and arguments that were certified to me by the Ohio Ballot Board, or filed with the Secretary of State as prescribed by law, for the constitutional amendment proposed by the Ohio General Assembly pursuant to Article XVI, Section 1 of the Ohio Constitution.

IN TESTIMONY WHEREFORE, I have subscribed my name in Columbus, Ohio, this fifteenth day of April, 2018.

In addition to certifying the following State Issue for the Primary Election occurring May 8, 2018, R.C. 3505.062(G) and Ohio Constitution Article II, Section 1g require the Secretary of State to contract for the publication of this information once a week for three (3) consecutive weeks preceding the election in at least one (1) newspaper of general circulation in each county in the state where a newspaper is published.

A handwritten signature of Jon Husted in black ink, written over a horizontal line.

Jon Husted
OHIO SECRETARY OF STATE

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Ballot Language

Issue 1

Creates a bipartisan, public process for drawing congressional districts

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.

Shall the amendment be approved?

- ☐ YES
☐ NO

Explanation for Issue 1

The proposed amendment would end the current partisan process for drawing congressional districts by a simple majority vote of the General Assembly. This amendment requires a map be adopted with significant bipartisan support, with the goals of keeping local communities together and having district boundaries that are more compact. If bipartisan support cannot be obtained, strict anti-gerrymandering criteria would apply when adopting a congressional map.

Proposed Constitutional Amendment

Argument FOR Issue 1

Vote YES on Issue 1

A FAIR, BIPARTISAN, and TRANSPARENT PROCESS

VOTE YES on Issue 1. A YES vote will create a **fair, bipartisan, and transparent** process when drawing congressional districts that will **make politicians more accountable** to the voters. Issue 1 is supported by an overwhelming bipartisan majority of legislators as well as nonpartisan advocates.

Currently, it is too easy for one political party to gerrymander safe seats in Congress by dividing local communities and drawing a map without bipartisan support. Voting **YES on Issue 1** will limit gerrymandering by requiring that congressional districts be drawn with **bipartisan approval or utilizing strict anti-gerrymandering criteria**. It will also **keep communities together** by limiting splits of counties, townships and cities and promote geographically compact districts.

Fair

Voting YES on Issue 1 will establish fair standards for drawing congressional districts through its requirement of **bipartisan approval, or use of strict anti-gerrymandering criteria**.

Voting YES on Issue 1 will help keep our communities together by limiting the number of splits of counties, cities, and townships.

Bipartisan

Voting YES on Issue 1 will require significant bipartisan support to adopt new congressional districts for 10 years.

Transparent

Voting YES on Issue 1 will require multiple public meetings before adopting a proposed plan for congressional districts.

Voting YES on Issue 1 will guarantee public participation by allowing members of the public to submit a plan for congressional districts.

Voting YES on Issue 1 will preserve citizens' right to referendum and the veto power of the Governor when the General Assembly passes a plan for congressional districts.

Make your vote count, **vote YES on ISSUE 1**

Prepared by Senators Matt Huffman and Vernon Sykes and Representatives Kirk Schuring and Jack Cera

Argument AGAINST Issue 1

The current process for drawing new congressional districts is adequate and has served Ohio well for many years. Although the current system allows for one-party control, the voters can hold their state legislators responsible and vote against them if they believe those legislators are too partisan.

Even when this process is controlled by a single party, it is still representative of the people's will since any map is passed by statewide officials, who were themselves elected by popular vote. Historically, one party's control doesn't last forever.

The current process can be trusted to maintain fair district lines; a "no" vote maintains the status quo.

Prepared by the Ohio Ballot Board as required by Ohio Revised Code Section 3505.063(A).

Full Text of Amendment

(132nd General Assembly)

(Substitute Senate Joint Resolution Number 5)

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:

Proposed Constitutional Amendment

Full Text of Amendment - Cont.

- (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

Proposed Constitutional Amendment

Full Text of Amendment - Cont.

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.



Senate Joint Resolution 5

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Primary Sponsors

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Vernon Sykes

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Government Oversight
and Reform
January
17,
2018

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Senator Huffman

-

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Government Oversight
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Government Oversight and Reform	February 1, 2018	5th Hearing	
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Government Oversight and Reform	February 5, 2018	5th Hearing	
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HISTORY

Primary Sponsors	DATE	CHAMBER	ACTION	COMMITTEE
Matt Huffman	2/6/18	House	Adopted	
Vernon Sykes	2/6/18	House	Reported	Rules and Reference
	2/6/18	House	Refer to Committee	Rules and Reference
REPRESENTATIVES	2/6/18	House	Introduced	
Marlene Anielski				
Niraj J. Antani	2/5/18	Senate	Adopted	
Louis W. Blessing III				
Andrew Brenner	2/5/18	Senate	Reported - Substitute	Government Oversight and Reform
Rick Carfagna				
Keith Faber				
Theresa Gavarone	1/17/18	Senate	Refer to Committee	Government Oversight and Reform
Doug Green				
Stephen D. Hambley	1/16/18	Senate	Offered	
Michael Henne				
P. Scott Lipps				
Nathan H. Manning				
Dorothy Pelanda				
Rick Perales				
Bill Reineke				
Jeff Rezabek				
Cliff Rosenberger				
Scott K. Ryan				
Gary Scherer				
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CERTIFICATE OF SERVICE

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