

Amendment Language

TITLE

Ohio Citizens Independent Redistricting Commission Amendment

SUMMARY

This proposed amendment would add and repeal language in Sections 1, 3, 4, 6, 7, 9, 10 and 13 of Article XI of the Ohio Constitution, repeal Sections 8 and 14 of Article XI and add a new Section 16 to Article XI, all regarding the process and criteria for the drawing of legislative district lines for Ohio's congressional and state legislative house and senate districts. The proposed amendment's provisions include among others, the following:

1. Create the Ohio Citizens Independent Redistricting Commission ("Commission") to establish the boundaries for Ohio's state legislative and congressional districts following approval of this amendment and again following each federal decennial census ("census").
2. Any plan adopted by the Commission shall comply with all applicable Ohio and federal constitutional provisions and all federal statutory provisions, including, but not limited to, those dealing specifically with protection of minority voting rights. Each congressional and state legislative district shall be comprised of contiguous territory, and the boundary of each district shall be a single non-intersecting continuous line and be in compliance with all other provisions of Article XI. The Commission shall adopt the redistricting plan that in its judgment most closely meets the following 4 factors without violating federal and state constitutional provisions, federal statutory provisions or the above contiguity requirement: a) community preservation by minimizing the number of governmental units that must be divided between different districts, combining areas of whole governmental units giving preference in order named to counties, municipalities, contiguous townships, and city wards; b) competitiveness by maximizing the number of districts where the average political party indexes, determined using actual election results from recent representative statewide elections, does not lean toward one party by more than 5%; c) representational fairness by balancing the number of districts leaning toward each political party so that the number of districts leaning toward each party closely corresponds to the preferences of the voters of Ohio as determined using actual election results from recent representative statewide elections; and d) compactness by creating districts that are compact. No plan shall be adopted with intent to favor or disfavor a political party, incumbent or potential candidate.
3. In no event shall any state House of Representatives district contain a population of less than 98% nor more than 102% of the ratio of representation in the House of Representatives, except where reasonable effort is made to avoid dividing a county in accordance with Section 9 of Article XI. In no event shall any state Senate district contain a population of less than 98% nor more than 102% of the ratio of representation in the Senate. Where the population of a county is not less than 95% nor more than 105% of the ratio of representation in the state House of Representatives, reasonable effort shall be made to create a House of Representatives district consisting of the whole county.
4. The Commission will consist of 12 members chosen as follows: by January 1 of the year the census is conducted, the Chief Justice of the Ohio Supreme Court will select by lot a panel of 8 judges of the Ohio courts of appeals ("judicial panel"), no more than 4 of whom may be members of the same political party; by April 1 of that year the judicial panel will appoint an independent auditor to assist the panel in determining the eligibility of potential members of the Commission; by May 1 of that year any Ohio citizen, not otherwise disqualified under the amendment, may apply for appointment as a member of the Commission; by August 1 of that year the judicial panel will select from among such applicants 42 to serve as potential Commission members, which shall include the 14 most qualified applicants affiliated with the two largest political parties based on the votes received by political party candidates at the most recent election for governor and the 14 most qualified applicants not affiliated with either of the two

political parties during the 5 years prior to the selection; selection as a potential Commission member requires the affirmative vote of at least 5 of the 8 judges and is to be based on having relevant skills and abilities, including a capacity for impartiality, and reflecting the diversity of Ohio; by August 15 of the year the census is conducted, the speaker of the House of Representatives and the highest ranking member of the House not of the same party as the speaker may each respectively eliminate up to 3 persons from each of the three pools of 14 potential members selected by the judicial panel resulting in a final pool of not less than 24 potential members; from this final pool, the judicial panel will choose by lot 3 persons affiliated with the largest political party, 3 affiliated with the second largest political party and 3 not affiliated with either party to serve as Commission members; by October 1 of that year these 9 persons will select from the final pool of potential members 3 additional members, including 1 affiliated with the largest political party, 1 affiliated with the second largest political party and 1 not affiliated with either party; in making this selection of the final 3 members, the members shall seek a total Commission membership that has the relevant skills and abilities, including a capacity for impartiality.

5. Provide that certain persons will be ineligible to serve as Commission members as follows: a) a person who or whose immediate family member as defined in the amendment, within 10 years preceding the date of application, served as a federal or state elected official, was a paid employee of the Ohio legislature, the U. S. Congress, or the office of a federal or state elected official, was the director of a state department or agency, or was a paid lobbyist as defined under federal or state law; b) a person who, within 5 years preceding the date of application, was a candidate for federal or state office; was a paid employee or paid consultant of a campaign for a political candidate or or political committee as defined by federal or state law; was an official or paid employee of any political party organization; or made monetary contributions to political campaigns or political parties that exceed a total of \$5,000 during a 2 year period, which amount shall be adjusted consistent with the consumer price index in future years; and c) any person who has not voted in at least 2 of the previous 3 general elections conducted in even numbered years.

6. In the event that a Commission member is unable to complete his or her term, the remaining members shall select a replacement member from the final pool of potential Commission members. The total membership of the Commission shall consist of 4 members affiliated with the largest political party, 4 members affiliated with the second largest political party and 4 members not affiliated with either party. Commission members shall not be subject to removal by the general assembly or any member of the executive branch. Commission members shall be ineligible to be elected or appointed to the state legislature for any districts established or modified by that Commission.

7. The Commission is authorized to hire staff, consultants and legal counsel and use the services of existing state employees to fulfill its responsibilities. The general assembly shall make appropriations to adequately fund the Commission, including, but not limited to, compensation for Commission members. All meetings of the Commission shall be open to the public and all records, communications and draft plans of the Commission, its members and staff related to the establishment or possible modification of district boundaries shall be public records. The Commission shall make available to the public in a timely fashion all information that is available to any member of the Commission and that may be used in preparing or evaluating redistricting plans or maps, including measures for the factors required to be used under the amendment and the consideration to be given to all factors. The Commission shall adopt rules for its operation and to guide its application of redistricting factors.

8. The Commission shall provide reasonable opportunity for the public to submit proposed redistricting plans and the Commission shall give full and fair consideration to such plans. Proposed redistricting plans and maps shall be made available to the public a reasonable period of time before approval by the Commission and the Commission shall provide a reasonable opportunity for the public to testify about proposed plans or maps prior to their being approved. The Commission shall make publicly available with each proposed redistricting plan a report that identifies for each district: boundaries, population, racial and

ethnic composition, compactness measure, governmental units that are divided, and political party indexes. The Commission shall also make publicly available statewide totals of the number of governmental units of each type that are divided, the number of politically balanced districts and the number of districts that lean toward each political party.

9. The affirmative vote of at least 7 Commission members shall be required to adopt any plan. The Commission shall establish and publish the new district boundaries by October 1 of the year prior to the year elections will be held in the new districts. In the event the Commission fails to establish district boundaries by this date, an action may be initiated in the Ohio Supreme Court for the adoption of district boundaries and the Court shall adopt from among the plans submitted to or considered by the Commission the plan that most closely meets the requirements of Article XI and complies with the rules and measures established by the Commission under Section 1(E) and (G) of Article XI.

10. Upon the approval of the amendment, new district boundaries shall be established for Ohio's congressional and state legislative districts to be used in the next regularly scheduled federal and state elections that are held more than one year after adoption of the amendment. Upon approval of the amendment, the Chief Justice of the Ohio Supreme Court shall immediately select by lot a judicial panel in the manner described above. The remaining time frames described above shall be adjusted as necessary by the judicial panel to accomplish the selection of Commission members in time for the Commission to establish new districts for use in the next state or federal election.

11. The Ohio Supreme Court shall have exclusive, original jurisdiction in all cases arising under Article XI. In the event it becomes necessary for any court to establish any district boundaries, it shall select from among the plans submitted to or considered by the Commission and shall adopt the plan that most closely meets the requirements of Article XI and complies with the rules and measures established by the Commission under Section 1(E) and (G) of Article XI. In the event that a court invalidates any district boundaries established by a Commission, the Commission shall reconvene to establish new boundaries. The boundaries established by the court shall not remain in effect longer than one election cycle.

12. Notwithstanding any other provision of the Ohio Constitution or any law regarding residency of state senators and representatives, a redistricting plan adopted under Article XI shall allow 30 days for persons to change residence in order to be eligible for election.

13. Authority for drawing congressional districts will be placed with the Ohio Citizens Independent Redistricting Commission, rather than with the the state legislature where it presently resides.

14. Certain existing provisions of the Constitution, as set forth in the full text of the proposed Amendment, would be repealed.