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OHIO'S REDISTRICTING PROCESS

Every 10 years, the state of Ohio undertakes the process of redrawing the district maps for state legislative districts, as well as the members of Ohio's delegation to the United States House of Representatives. The process is always partisan because the stakes are high for determining which political party will have an advantage in the next decade's elections. In both 2015 and 2018, Ohio voters overwhelmingly approved state constitutional amendments in an attempt to make the redistricting process less partisan and better suited to producing maps that reflect the voting preferences of the citizens of Ohio, rather than the preferences of a specific political party. As the redistricting process of 2021, and now 2022, has played out, it has become clear that the goal of drawing bipartisan maps is as elusive as ever.

This document will help explain the legal framework of redistricting process and how this particular redistricting effort has been so challenging.

Why is Redistricting Necessary?

Article 1, Section 2 of the U.S. Constitution is brief in its explanation of how states should elect representatives to Congress. It simply states, "The House of Representatives shall be composed of Members chosen every second Year by the People of the several States". The Section goes on to state how many representatives each state would receive in the first Congress and initiated a process to ensure House members would be fairly apportioned among the states based on an enumeration that would occur within three years and then every 10 years after that. As a result, the decennial U.S. Census is the starting point for every redistricting process to this day.

While the census has always been used to determine how many members of the House of Representatives each state would elect, things were not as clear when it came to determining how states should decide which districts the members of Congress would represent. As a result, many states historically had congressional districts that contained significant variations in the number of people represented by each member of Congress, and these variations were typically designed to favor one party and, in many states, one race.

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It was not until the 1960's that the U.S. Supreme Court made it clear in a series of landmark decisions that the principal of “one person, one vote” must apply to the drawing of both federal and state legislative districts and any significant variation in population between districts is unconstitutional.

Population shifts within Ohio and throughout the United States ensure that district populations start to become unbalanced almost as soon as new district maps are drawn. The redistricting process ensures that the maps are re-balanced at least once every decade to account for the population shifts that are identified by the most recent US Census.

State Issue 1 – 2015 and 2018

Prior to 2015, the redistricting process in the state of Ohio was fairly straightforward. A five-member Apportionment Board would meet in any year ending with a 1 and redraw the General Assembly and Congressional maps. The five-member Board was comprised of the Governor, State Auditor, Secretary of State, and two legislative members representing the majority party in each chamber. Whichever political party could claim three of the five seats on the Apportionment Board in the prior election generally had the power to draw the maps to suit their political goals.

When lawmakers draw district lines to guarantee a particular outcome it is called gerrymandering. The term comes from 1812 when a salamander shaped district was signed into law by Massachusetts Governor Elbridge Gerry. In the modern era, both political parties have taken full advantage of specialized software and improving computing power to more effectively draw gerrymandered maps. The 2011 Ohio maps, drawn by a Redistricting Commission comprised of four Republicans and Democrat House Speaker Armond Budish, produced maps that have resulted in overwhelming Republican majorities in the Ohio House, Ohio Senate, and Ohio's congressional delegation for the entire decade. The current districts are also not drawn to have competitive general election races. In 2016, every incumbent in Ohio's congressional delegation won re-election and the average margin of victory for the incumbents was 36 percentage points.

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In an attempt to reduce the ability for the majority party to draw gerrymandered districts, Ohio voters have overwhelmingly passed two ballot initiatives in the past 7 years creating constitutional amendments with new redistricting processes. Both initiatives have been named State Issue 1. The first passed in the fall general election of 2015, and the second passed in the May primary election of 2018.

State Issue 1 (November 2015): General Assembly District Map Drawing Process

State Issue 1 in 2015 was focused only on reforming the redistricting process for Ohio’s General Assembly maps. State Issue 1 included replaced the five-member Apportionment Board with a seven-member Redistricting Commission that included at least two guaranteed seats for the minority party.

New rules for the Commission also prohibit drawing district lines to specifically favor one political party. The Commission is also required to attempt to draw districts so the number of seats each party is likely to win mirrors its share of the statewide vote.

The amendment also attempted to encourage bipartisanship in the redistricting process. In the past, there was little incentive for the majority party on the Apportionment Board to compromise since the maps only needed to pass with a majority of the vote.

State Issue 1 included a requirement that two members of each political party must vote to approve the map for it to last for 10 years. A map can still be approved by the Commission without minority support, but that map only remains in effect for four years before needing to be redrawn. This provision was designed to motivate the majority party to reach a compromise with the minority members to pass a permanent map because there is no guarantee the majority party will be in power in four years.

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State Issue 1 passed with more than 71% of the vote in the 2015 General Election.

Ohio State Issue 1 (November 3, 2015)		
	Votes	Percentage
Yes	2,126,822	71.47%
No	849,043	28.53%

State Issue 1 (May 2018): Congressional District Map Drawing Process

Three years after the first State Issue 1 passed overwhelmingly, a new State Issue 1 was on the ballot to create a new process for redrawing congressional districts. Many of the provisions are similar to the process for drawing General Assembly districts, including incentives for compromise to create a 10-year map, but the following process was created, and this order is specific to congressional district map drawing:

- The full General Assembly is given the first chance to draw the lines for Ohio's congressional districts. If 60-percent of legislators in each chamber, with at least half of the minority party, vote in favor of a map then it will last for 10 years.
- If the General Assembly does not approve a map under the requirements of step-1, the 7-member Ohio Redistricting Commission is tasked with drawing a map. For a map to last 10-years in this scenario, it needs approval from four of the seven members, including two votes from the minority party.
- If the commission can't agree, the General Assembly gets another chance to produce a map. At that point, legislators only need one-third of lawmakers from the minority party to agree with the plan for it to last 10 years.

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- If that option doesn't work, the party with more members on the Commission can draw the map without votes from the minority members. However, then the map only lasts for four years.

Ohio State Issue 1 (May 8, 2018)		
	Votes	Percentage
Yes	1,178,468	74.89%
No	359,088	25.11%

2021/2022 Redistricting Process

The 2021 redistricting process is the first time that the new systems created in both ballot initiatives have been put into practice. It has been a highly contentious process with multiple maps being created for both the General Assembly and the congressional districts after the Ohio Supreme Court has ruled five different maps unconstitutional. The following is a guide to the process so far:

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Current Ohio Redistricting Commission

						
R- Mike DeWine Governor	R- Keith Faber Ohio Auditor	R- Matt Huffman Senate President	R- Bob Cupp House Speaker (Co-Chair)	D- Vernon Sykes Democrat Ohio Senator (Co-Chair)	D- Allison Russo House Minority Leader	R-Frank LaRose Secretary of State

Timeline of Redistricting Process

August 6, 2021	The Ohio Redistricting Commission met for its initial organizing meeting.
August 23, 2021 – August 27, 2021	The Commission held 10 meetings in locations throughout the State to accept public input on the drawing of legislative districts.
September 15, 2021	The Commission adopted its first General Assembly redistricting plan on a party line vote of 5-2. All 5 Republican members supported the map and both Democrat members voted in opposition.
November 20, 2021	Governor DeWine signed SB258 into law establishing new Congressional districts. The bill passed the Senate on a vote of 24-7 and passed the House on a vote of 55-37.
January 12, 2022	The Ohio Supreme Court issued its decision in League of Women Voters v. Ohio Redistricting Commission that the General Assembly district maps passed on 9/15/21 were unconstitutional.
January 14, 2022	The Ohio Supreme Court ruled in Adams v. DeWine that the Congressional District Maps passed in SB258 were unconstitutional and must be redrawn.
January 22, 2022	The Commission approved its 2nd district map on a party line vote. Again, all 5 Republican members supported the map and both Democrat members voted in opposition.
February 7, 2022	The Ohio Supreme Court issued a second decision in League of Women Voters v. Ohio Redistricting Commission that the revised General Assembly maps passed on 1/22/22 were unconstitutional.

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February 24, 2022	The Commission approved its 3rd General Assembly District map on a vote of 4-3 with Auditor Faber joining the Commission's two Democrat members voting no.
March 16, 2022	The Ohio Supreme Court issued a third decision in League of Women Voters v. Ohio Redistricting Commission that the revised General Assembly maps passed on 2/24/22 were still unconstitutional and ordered new maps to be drawn by March 28th.
March 21, 2022	The Commission retained the services of two professional mapmakers – Professor Michael McDonald from the University of Florida and Douglas Johnson, President of National Demographics Corporation – to attempt to craft a new bipartisan General Assembly map.
March 24, 2022 - March 28, 2022	The two independent mapmakers worked together in a Statehouse hearing room to draw new independent maps with multiple cameras set up to live stream their discussions and their computers.
March 28, 2022	Late in the evening of 3/28 the Redistricting Commission and the two professional mapmakers ran out of time in their attempt to create an entirely new map. The Commission instead passed its 4th General Assembly map plan that is substantially similar to the 3rd map passed on 2/24 and ruled unconstitutional on 3/16. These revised maps passed on a vote of 4-3 with Auditor Faber joining the Commission's two Democrat members in voting no.
April 14, 2022	The Ohio Supreme Court ruled that the fourth set of Ohio House and Senate district maps are unconstitutional and ordered the members of the Ohio Redistricting Commission to reconvene and adopt new General Assembly maps. The court gave the Commission until 9:00 AM on May 6 to come up with an "entirely new" plan.

May 3rd Primary

Despite the continued uncertainty with the General Assembly district maps, there will still be a primary election on May 3rd for all statewide offices, all of Ohio's congressional districts, and one of Ohio's U.S. Senate seats.

A separate Ohio General Assembly primary will need to be scheduled once final maps are approved by the courts. Secretary of State LaRose has identified August 2nd as a potential date for that primary election.

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