

**As Introduced**

**126th General Assembly  
Regular Session  
2005-2006**

**H. J. R. No. 13**

**Representative DeWine**

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**JOINT RESOLUTION**

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

Be it resolved by the General Assembly of the State of Ohio, three-fifths of the members elected to each house concurring herein, that there shall be submitted to the electors of the state, in the manner prescribed by law at the general election to be held on November 7, 2006, a proposal to amend Sections 1, 2, 3, 5, 6, 7, 8, 10, 11, 12, 13, and 15 of Article XI, to amend, for the purpose of adopting new Section numbers as indicated in parentheses, Sections 5 (4), 6 (5), 7 (6), 8 (7), 10 (8), 11 (9), 12 (11), 13 (12), and 15 (13) of Article XI, and to enact new Section 10 of Article XI of the Constitution of Ohio to read as follows:

**ARTICLE XI**

**Section 1.** ~~The governor, auditor of state, secretary of~~

~~state, one person chosen by the speaker of the house of  
representatives and the leader in the senate of the political  
party of which the speaker is a member, and one person chosen by  
the legislative leaders in the two houses of the major political  
party of which the speaker is not a member shall be the persons  
responsible for the apportionment of this state for members of the  
general assembly.~~

~~Such persons, or a majority of their number, shall meet and  
establish in the manner prescribed in this Article the boundaries  
for each of ninety nine house of representatives districts and  
thirty three senate districts. Such meeting shall convene on a  
date designated by the governor between August 1 and October 1 in  
the year one thousand nine hundred seventy one and every tenth  
year thereafter. (A) The Ohio apportionment commission shall  
consist of seven members and shall be responsible for the  
apportionment of this state for congress and the general assembly.  
Beginning with the year 2011, after the first day of February but  
before the first day of March of each year ending in the numeral  
one, four members shall be appointed to the commission in the  
following manner:~~

~~(1) One member shall be appointed by the speaker of the Ohio  
house of representatives;~~

~~(2) One member shall be appointed by the minority leader of  
the Ohio house of representatives;~~

~~(3) One member shall be appointed by the president of the  
Ohio senate;~~

~~(4) One member shall be appointed by the minority leader of  
the Ohio senate.~~

~~(B) All meetings of the Ohio apportionment commission shall  
be open to the public. The governor shall give ~~such persons~~ the  
four commission members appointed by the leaders in the general~~

assembly, and the public, at least two weeks advance notice of the 54  
date, time, and place of ~~such~~ the first meeting- 55

The of the commission, which shall be held after the first 56  
day of March but before the fifteenth day of March of the year 57  
ending in the numeral one. At that first meeting, the four members 58  
appointed under division (A) of this section, shall convene and 59  
select cochairpersons. Those four members shall then proceed with 60  
a process of appointing, by unanimous vote, the remaining three 61  
members of the commission. If additional meetings are required for 62  
the process of selecting the remaining three members of the 63  
commission, the meetings shall be called by the commission 64  
cochairpersons with at least two days prior notice. 65

In selecting the three additional appointments under this 66  
division, the four commission members appointed by the leaders in 67  
the general assembly shall give due consideration to the diversity 68  
of the state. 69

(C) (1) During a commission member's tenure on the Ohio 70  
apportionment commission and during the ten years preceding 71  
appointment to the commission, no commission member shall: 72

(a) Hold or have held a state or federal elective public 73  
office for which candidates may be nominated by political parties; 74

(b) Be or have been a candidate for a state or federal 75  
elective office for which candidates may be nominated by political 76  
parties. 77

(2) At the first general election after the adoption of a new 78  
congressional plan or a new general assembly plan, no commission 79  
member shall be a candidate for the Ohio general assembly. 80

(D) Not later than the first day of May of a year ending in 81  
the numeral one, the Ohio apportionment commission shall convene, 82  
public notice being given, to establish a schedule that it 83  
determines appropriate to carry out the duties set forth in this 84

article. Not later than the first day of October of a year ending 85  
in the numeral one, the commission shall adopt, in the manner 86  
prescribed in this article, the boundaries for each of the 87  
ninety-nine house of representatives districts, thirty-three 88  
senate districts, and the prescribed number of congressional 89  
districts as apportioned to the state pursuant to Section 2 of 90  
Article 1 of the United States Constitution. 91

(E) Unless otherwise specified in this article, a simple 92  
majority of its members shall be required for any action by the 93  
Ohio apportionment commission. The affirmative vote of five 94  
members of the commission, including at least one member of each 95  
political party who was appointed to the commission by the leaders 96  
in the general assembly and at least one of the three members not 97  
appointed to the commission by the leaders in the general 98  
assembly, shall be required to adopt any plan or to change the 99  
definition of a "competitive district" in Section 6 of this 100  
article. 101

(F) The Ohio apportionment commission shall make the 102  
necessary provisions to allow for public input and to allow for 103  
any resident of Ohio to submit a congressional plan or a general 104  
assembly plan for consideration. 105

(G) The attorney general shall be responsible for defending a 106  
plan adopted by the members of the Ohio apportionment commission 107  
in any legal case or lawsuit arising from the process described in 108  
this article. 109

(H) The general assembly shall be responsible for making the 110  
appropriations it determines necessary in order for the Ohio 111  
apportionment commission to perform its duties under this article 112  
and to defend against any lawsuit arising from the performance of 113  
the duties outlined in this article. 114

(I) Any vacancy on the Ohio apportionment commission shall be 115

filled in the same manner as the original appointment not later 116  
than thirty days after the vacancy occurs. 117

(J) All appointments to the Ohio apportionment commission 118  
shall be made anew for each successive decennial apportionment of 119  
this state. Prior service on the commission shall not exclude a 120  
person from being appointed to and serving on the commission. 121

(K) After the adoption of a congressional plan and a general 122  
assembly plan and the completion of any necessary administrative 123  
functions, the cochairpersons of the Ohio apportionment commission 124  
shall jointly dissolve the commission. 125

(L) The governor shall cause the apportionment plans to be 126  
published no later than the fifth day of October 5 of the year in 127  
which ~~it is~~ they are made, in such manner as provided by law. 128

**Section 2.** The apportionment of this state for members of 129  
congress and the general assembly shall be made in the following 130  
manner: ~~The~~ 131

(A) The whole population of the state, as determined by the 132  
federal decennial census, shall be divided by the number of 133  
congressional districts apportioned to the state pursuant to 134  
Section 2 of Article I of the United States Constitution, and the 135  
quotient shall be the ratio of representation in the congress for 136  
ten years next succeeding such apportionment. 137

(B) The whole population of the state, as determined by the 138  
federal decennial census or, if such is unavailable, such other 139  
basis as the general assembly may direct, shall be divided by the 140  
number "ninety-nine" and the quotient shall be the ratio of 141  
representation in the house of representatives for ten years next 142  
succeeding such apportionment. ~~The~~ 143

(C) The whole population of the state as determined by the 144  
federal decennial census or, if such is unavailable, such other 145

basis as the general assembly may direct, shall be divided by the 146  
number "thirty-three" and the quotient shall be the ratio of 147  
representation in the senate for ten years next succeeding such 148  
apportionment. 149

Section 3. (A) The population of each congressional district 150  
shall be as equal to the ratio of representation in the congress 151  
as practicable, as provided in Section 2 of this article. 152

(B) The population of each house of representatives district 153  
shall be substantially equal to the ratio of representation in the 154  
house of representatives, as provided in ~~section~~ Section 2 of this 155  
~~Article~~ article, and in no event shall any house of 156  
representatives district contain a population of less than 157  
ninety-five ~~percent~~ per cent nor more than one hundred five 158  
~~percent~~ per cent of the ratio of representation in the house of 159  
representatives, except in those instances where reasonable effort 160  
is made to avoid dividing a county in accordance with ~~section 9~~ 161  
Sections 7 and 8 of this Article article. 162

(C) The population of each senate district shall be 163  
substantially equal to the ratio of representation in the senate, 164  
as provided in Section 2 of this article, and in no event shall 165  
any senate district contain a population of less than ninety-five 166  
per cent nor more than one hundred five per cent of the ratio of 167  
representation in the senate as determined pursuant to this 168  
article. 169

Section 5 4. Each (A) Each congressional district shall be 170  
entitled to a single representative in the United States house of 171  
representatives in each congress. 172

(B) Each house of representatives district shall be entitled 173  
to a single representative in each ~~General Assembly~~ general 174  
assembly. Every 175

(C) Each senate district shall be entitled to a single 176

senator in each ~~General Assembly~~ general assembly. 177

**Section 6 5.** District boundaries established pursuant to this 178  
~~Article~~ article shall not be changed until the ensuing federal 179  
decennial census and the ensuing apportionment or as provided in 180  
~~section 13~~ this section and Section 12 of this ~~Article~~ article, 181  
notwithstanding the fact that boundaries of political subdivisions 182  
or city wards within the district may be changed during that time. 183  
District boundaries shall be created by using the boundaries of 184  
political subdivisions and city wards as they exist at the time of 185  
the federal decennial census on which the apportionment is based, 186  
or such other basis as the general assembly has directed. 187

If the currently applicable apportionment plan is determined 189  
to be invalid by an unappealed final order of a court of competent 190  
jurisdiction, the Ohio apportionment commission shall be convened 191  
as directed by the court to adopt a new plan that is in compliance 192  
with the law, including the provisions of this article. In such a 193  
circumstance, the leaders in the general assembly at the time 194  
shall each make a new appointment in the manner specified in 195  
division (A) of Section 1 of this article. Those four commission 196  
members shall then select the remaining three commission members 197  
in the manner specified in division (B) of Section 1 of this 198  
article. 199

**Section 7 6.** (A) Every ~~house of representatives~~ congressional 200  
and general assembly district shall be compact and composed of 201  
contiguous territory, and the boundary of each district shall be a 202  
single nonintersecting continuous line. To the extent consistent 203  
with the requirements ~~of section 3~~ of this ~~Article~~ article, the 204  
boundary lines of districts shall be ~~so~~ drawn as to delineate an 205  
area containing one or more whole counties. 206

(B) Any plan adopted by the Ohio apportionment commission 207  
shall comply with all applicable Ohio and federal constitutional 208

provisions, including, but not limited to, those dealing 209  
specifically with the protection of minority voting rights. 210

(C) Where the requirements of ~~section 3~~ of this Article 211  
article cannot feasibly be attained by forming a district from a 212  
whole county or counties, such district shall be formed by 213  
combining the areas of governmental units giving preference in the 214  
order named to counties, townships, municipalities, and ~~city~~ 215  
municipal wards. 216

~~(C)~~(D) Where the requirements of ~~section 3~~ of this Article 217  
article cannot feasibly be attained by combining the areas of 218  
governmental units as prescribed in division ~~(B)~~(C) of this 219  
section, only ~~one~~ two such ~~unit~~ units may be divided between ~~two~~ 220  
~~districts~~ per district, giving preference in the selection of a 221  
unit for division to a township, a ~~city ward~~, a ~~city~~ contiguous 222  
municipality, and a village in the order named, except that in the 223  
case of congressional districts the number of units divided per 224  
district may be more than two, but not more than necessary to 225  
achieve the ratio of representation in the congress as required by 226  
this article. 227

~~(D) In making a new apportionment, district boundaries~~ 228  
~~established by the preceding apportionment shall be adopted to the~~ 229  
~~extent reasonably consistent with the requirements of section 3 of~~ 230  
~~this Article.~~ 231

(E) Where their formation does not conflict with the other 232  
principles established by this article, the Ohio apportionment 233  
commission shall make its best efforts to maximize the number of 234  
competitive districts using the following criteria: 235

(1) The commission shall determine the three closest general 236  
elections by percentage for nonjudicial statewide or federal 237  
statewide office, including the elections of a president and vice 238  
president of the United States, held in the three previous 239

even-numbered years immediately preceding the year in which the 240  
commission meets to adopt new plans, provided that the two 241  
partisan candidates received at least ninety-five per cent of the 242  
total votes cast. 243

(2) Using the three closest elections selected under division 244  
(E)(1) of this section, the commission shall determine the average 245  
partisan indexes for each proposed district by doing the 246  
following: 247

(a) Taking the percentage of the vote received in the 248  
district for each of the two partisan candidates who received the 249  
highest vote totals counting only the votes cast for those two 250  
partisan candidates, then 251

(b) Averaging together the three voting percentages for the 252  
candidates with the same partisan affiliation by dividing the sum 253  
of the percentages by the number three to yield the average 254  
partisan indexes for that district. 255

(3) Unless the Ohio apportionment commission adopts a 256  
different definition, a "competitive district" is a district where 257  
the average partisan indexes determined by this section are not 258  
more than five per cent apart. 259

**Section 7.** A county having at least one house of 260  
representatives ratio of representation shall have as many house 261  
of representatives districts wholly within the boundaries of the 262  
county as it has whole ratios of representation. Any fraction of 263  
the population in excess of a whole ratio shall be a part of only 264  
one adjoining house of representatives district. 265

The number of whole ratios of representation for a county 266  
shall be determined by dividing the population of the county by 267  
the ratio of representation for the house of representatives 268  
determined under ~~section~~ Section 2 of this ~~Article~~ article. 269

**Section 10 8.** The standards prescribed in ~~sections this~~ section and Sections 3, 6, and 7, 8, and 9 of this ~~Article~~ article shall govern the establishment of house of representatives districts, which shall be created and numbered in the following order to the extent that such order is consistent with the foregoing standards:

(A) Each county containing population substantially equal to one ratio of representation in the house of representatives, as provided in ~~section~~ Section 2 of this ~~Article~~ article, but in no event less than ninety-five ~~percent~~ per cent of the ratio nor more than one hundred five ~~percent~~ per cent of the ratio shall be designated a representative district.

(B) Each county containing population between ninety and ninety-five ~~percent~~ per cent of the ratio or between one hundred five and one hundred ten ~~percent~~ per cent of the ratio may be designated a representative district.

(C) Proceeding in succession from the largest to the smallest, each remaining county containing more than one whole ratio of representation shall be divided into house of representatives districts. Any remaining territory within such county containing a fraction of one whole ratio of representation shall be included in one representative district by combining it with adjoining territory outside the county.

(D) The remaining territory of the state shall be combined into representative districts.

**Section 11 9.** Senate districts shall be composed of three contiguous house of representatives districts. A county having at least one whole senate ratio of representation shall have as many senate districts wholly within the boundaries of the county as it has whole senate ratios of representation. Any fraction of the population in excess of a whole ratio shall be a part of only one

adjoining senate district. Counties having less than one senate 301  
ratio of representation, but at least one house of representatives 302  
ratio of representation shall be part of only one senate district. 303

The number of whole ratios of representation for a county 304  
shall be determined by dividing the population of the county by 305  
the ratio of representation in the senate determined under ~~section~~ 306  
Section 2 of this ~~Article~~ article. 307

Senate districts shall be numbered from one through 308  
thirty-three and as provided in ~~section 12~~ Section 11 of this 309  
~~Article~~ article. 310

Section 10. The standards prescribed in this section and 311  
Sections 3 and 6 of this article shall govern the establishment of 312  
congressional districts, which shall be created in the following 313  
order to the extent that such order is consistent with the 314  
foregoing standards: 315

(A) The number of whole ratios of representation for a county 316  
shall be determined by dividing the population of the county by 317  
the whole ratio of representation in the congress determined under 318  
Section 2 of this article. 319

(B) Proceeding in succession from the largest to the 320  
smallest, each county containing more than one whole ratio of 321  
representation shall be divided into the appropriate number of 322  
congressional districts. Any fraction of the county population in 323  
excess of a whole ratio of representation shall be included in one 324  
congressional district by combining it with adjoining territory 325  
outside the county. 326

(C) The remaining territory of the state shall be combined 327  
into congressional districts. 328

~~Section 12~~ 11. At any time the boundaries of senate districts 329  
are changed in any plan of apportionment made pursuant to any 330  
provision of this ~~Article~~ article, a senator whose term will not 331

