126th General Assembly
Regular Session
2005-2006

Representatives Driehaus, Healy, S. Patton, Ujvagi, Fende, Williams, Boccieri,
Chandler, Yuko, S. Smith, Sayre, Brown, Hartnett, DeGeeter, Strahorn, Miller,
Allen, Distel, Cassell, Otterman, Carano, Woodard, Domenick, Harwood, Kozlarska,
Mitchell, Key, Skindell, Barrett, Beatty, Book, DeBose, Garrison, Mason, Perry,
Redfern, D. Stewart, Sykcs, Yates

H. J. R. No. 64

JOINT RESOLUTION

Proposing to amend Sections 1, 6, and 13 of Article XI of the Constitution of the State of Ohio to
change the composition of the Apportionment Board
and to require the Apportionment Board to
apportion the state for members of the General
Assembly and for representatives to Congress.

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 8, 2005, a proposal to amend Sections 1, 6,
and 13 of Article XI of the Constitution of the State 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 Five members of the
public shall be the persons responsible for the apportionment of
this state for members of the general assembly and for
representatives to Congress. No later than January 31 in the year
2011 and every tenth year thereafter, the speaker of the house of

representatives, the president of the senate, the senate minority leader, and the minority leader of the house of representatives shall each appoint one member of the public for those apportionment purposes. Within sixty days after the last of those appointments is made, those four members of the public shall elect, by majority vote, the fifth member of the public to be responsible for those apportionments.

Such persons are the five members of the public shall meet and, by a majority of their number vote, 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 of the general assembly. Such meetings they also shall meet and, by a majority vote, shall establish the congressional districts of the representatives to Congress from this state in accordance with all applicable laws of the United States and this state and applicable judicial decisions. These meetings shall convene on a date designated by the governor between August 1 and October 1 in the year one thousand nine hundred and twenty-one and every tenth year thereafter. The governor shall give such persons the apportioning members of the public two weeks advance notice of the date, time, and place of such each meeting.

The governor shall cause both the apportionment for members of the general assembly and the apportionment for representatives to Congress to be published no later than October 5 of the year in which it is they are made, in such the manner as provided by law.

Section 6. District boundaries established pursuant to this Article for members of the general assembly or for representatives to Congress shall not be changed until the ensuing federal decennial census and the ensuing apportionment or as provided in section 13 of this Article, notwithstanding the fact that boundaries of political subdivisions or city wards within the a
district may be changed during that time. District boundaries for members of the general assembly shall be created by using the boundaries of political subdivisions and city wards as they exist at the time of the federal decennial census on which the apportionment is based, or such other basis as the general assembly has directed.

Section 13. The supreme court of Ohio shall have exclusive, original jurisdiction in all cases arising under this Article that relate to the apportionment of this state for members of the general assembly or the district of any member of the general assembly. In the event that any section of this Constitution relating to apportionment or any plan of apportionment for members of the general assembly made by the persons members of the public responsible for apportionment under Section 1 of this Article, by a majority of their number, is determined to be invalid by either the supreme court of Ohio, or the supreme court of the United States, then notwithstanding any other provisions of this Constitution, the persons members of the public responsible for apportionment under Section 1 of this Article, by a majority of their number, shall ascertain and determine a plan of apportionment in conformity with such the provisions of this Constitution as are then valid, including establishing terms of office and election of members of the general assembly from districts designated in the plan, to be used until the next regular apportionment in conformity with such the provisions of this Constitution as are then valid.

Notwithstanding any provision of this Constitution or any law regarding the residence of senators and representatives members of the general assembly, a plan of apportionment made pursuant to this section shall allow thirty days for persons to change residence in order to be eligible for election.

The governor shall give the persons members of the public
responsible for apportionment under Section 1 of this Article two
weeks advance written notice of the date, time, and place of any
meeting held pursuant to this section.

EFFECTIVE DATE AND REPEAL

If adopted by a majority of the electors voting on this
amendment, the amendment shall take effect immediately, and
existing Sections 1, 6, and 13 of Article XI of the Constitution
of the State of Ohio shall be repealed from such effective date.