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**Analysis of Ohio Redistricting Reform Proposals**

Justin Levitt & Kahlil Williams

**STATUS QUO**

**KEY POINTS:**

The general assembly currently draws congressional districts, subject only to federal constitutional and statutory limitations. State legislative districts are drawn by a five-person partisan commission created in 1967, with few constraints other than an emphasis on preserving whole political units.

**PROCESS:**

Congressional districts are currently drawn by the general assembly, subject only to federal constitutional and statutory limitations.

For state legislative districts, redistricting authority is vested in a five-member commission. The Governor, Secretary of State, and State Auditor are members of the commission. The remaining two appointments are selected jointly: one by the speaker of the House in concert with his party's leader in the Senate; the other by the House minority leader along with his party's leader in the Senate. A majority vote is required to adopt a plan. The Ohio Supreme Court may review adopted plans, but may not issue plans of its own; in the event that a plan is declared invalid, the commission must make another attempt.

- **Independence from Legislators:** Three commissioners are independent from legislators only in that they are separately elected, but may well accede to legislators' wishes. The other two commissioners are directly selected by legislators.
- **Partisan Balance:** With an odd number of commissioners, each with partisan affiliation, the process is designed to allow one party a majority, and therefore control of the redistricting process.
- **Minority Participation:** There are no specific provisions for reflecting diversity in the commission's membership, and the commission's small size makes such diversity difficult to ensure.
- **Public Input:** There are no provisions for the public to present or comment on plans.
- **Timing:** General assembly districts may not be drawn more than once per decade; there is no similar prohibition on redrawing congressional districts.

**Analysis of Ohio Redistricting Reform Proposals**

Justin Levitt & Kahlil Williams

**STATUS QUO**

**CRITERIA:**

Congressional districts are currently drawn by the general assembly, subject only to federal constitutional and statutory limitations.

State legislative districts must be contiguous and compact, and follow the federal standard of “substantially equal” population (which in any event must be within 5% above or below the mean population).

Districts must preserve whole political units -- counties, townships, municipalities, and wards, in that order – where feasible. For counties sufficiently populous to contain entire districts, such districts must be created wholly within the county, and any remaining territory in the county must be contained in only one district. Where it is not possible to preserve political units whole, only one unit may be divided between two districts.

- **Population Equality:** The current criteria allow substantial population disparity; some residents’ votes may be more valuable than others. There is also a preference for the count conducted by the federal census (which counts incarcerated persons where they are incarcerated), though if census data is “unavailable,” the general assembly may choose another basis for determining the population.
- **Minority Rights:** There are no provisions for minority rights other than federal law.
- **Compactness:** Other than the requirement that districts be wholly contained within a single county where possible, there is a general requirement that districts be compact. This requirement, however, is not further defined and may be difficult to enforce.
- **District Competition:** There is no provision encouraging or discouraging competition within a district.
- **Statewide Partisan Balance:** The partisan structure creates an incentive to generate statewide results favorable to the party controlling the commission.
- **Preservation of Political Boundaries:** The current criteria emphasize the preservation of political units, and particularly the minimal division of counties. To the extent that communities of common interest bridge political boundaries, this may limit the opportunity to accommodate such communities.
- **Communities of Interest:** There is no provision expressly concerning communities of interest.
- **Nesting:** Each state Senate district must be a combination of three House of Representatives districts. This ties each house’s districts to the other, but may produce unintended consequences with respect to population disparities. For example, depending on the concentration of Ohio’s population, minimizing county divisions within a particular state senate district may lead to state house districts with fairly substantial population disparities.
- **Incumbent Residence:** The current criteria do not prohibit commissioners from considering the residences of incumbents, allowing intentional harm (or benefit) to individual legislators, but also reducing the likelihood of unintentional impact on incumbents.

**Analysis of Ohio Redistricting Reform Proposals**

Justin Levitt & Kahlil Williams

**LEAGUE OF WOMEN VOTERS PLAN (1999)**

**KEY POINTS:**

The 1999 League of Women Voters proposal for drawing congressional and state legislative districts emphasizes respect for political boundaries and a particular calculation of compactness driven by the perimeter length of districts, with a legislative option to create exceptions for minority populations. Plans may be submitted by the public, and are selected on the basis of a quantitative compactness formula such that the selection of the final plan is essentially ministerial.

**PROCESS:**

The proposal sets out certain criteria by which district plans are to abide, and allows any member of the public to submit a plan for congressional and/or state senate districts, with a filing fee not to exceed \$100 (adjusted for inflation). The Secretary of State determines the ranking of each plan based upon certain quantitative criteria, such that the selection of the final plan is essentially ministerial.

Once the Senate plan is selected, any member of the public may submit a plan for state house districts within one or more state senate districts, with a filing fee not to exceed \$10 per state senate district (up to no more than \$100 maximum, adjusted for inflation). Again, the Secretary of State determines the ranking of each plan for the division of each state senate district based on the same quantitative criteria, such that the selection of the final plans are essentially ministerial.

- **Independence from Legislators:** Any member of the public, including a legislator, may submit plans, but the selection of the final plan – according to fixed quantitative criteria – is independent from any legislator’s preferences.
- **Partisan Balance:** Members of any partisan group may submit plans, but the quantitative criteria to be maximized – compactness and preservation of political units – make the partisan balance of the final plan irrelevant.
- **Minority Participation:** Minority members of the public may participate just as every other member of the public may participate.
- **Public Input:** The proposal drives the entire process through public input in the submission of plans, but there is no discretion allotted to consider factors beyond the quantitative criteria specified.
- **Timing:** The proposal extends to congressional districts the existing ban on redistricting more than once per decade for general assembly districts.

**Analysis of Ohio Redistricting Reform Proposals**

Justin Levitt & Kahlil Williams

**LEAGUE OF WOMEN VOTERS PLAN (1999)**

**CRITERIA:**

Redistricting plans must meet several threshold criteria, including contiguity. The proposal mirrors federal requirements that congressional districts be as equally populated as practicable, and that the population of general assembly districts be substantially equal (and in any event within 5% above or below the mean population).

The proposal prioritizes both a particular compactness formula and the preservation of political units. Given a compactness ratio calculated by dividing the district's area by the square of its perimeter, districts in most counties may not have a compactness ratio less than 0.030 (districts at least partially in larger counties may not have a compactness ratio less than 0.024). The proposal also allows the general assembly to specify numbers of districts with minimum and maximum minority population percentages; any districts drawn to meet these specifications need not comply with the compactness ratio.

Of the qualifying plans, the Secretary of State selects the plan in which counties are divided into the fewest possible pieces; in the event of a tie, the plan with the fewest municipal pieces is selected; and in the event of a further tie, the plan in which the least compact district is most compact is selected.

- **Population Equality:** The proposal allows substantial population disparity; some residents' votes may be more valuable than others. It also ties the population count to the federal census, which – controversially – counts incarcerated persons where they are incarcerated.
- **Minority Rights:** The proposal allows the general assembly to set percentage ranges for minority populations, and exempts districts conforming to these specifications from the compactness requirement. Recent Supreme Court precedent suggests that this provision might be vulnerable to legal challenge, though it is not clear whether such challenges would ultimately succeed. There are no other explicit protections for minority rights other than the protections afforded by federal law.
- **Compactness:** The proposal does not seek to maximize compactness, but rather sets a threshold; further study would be useful to determine precisely how demanding or flexible that threshold is in practice. To the extent that real communities of common interest are represented throughout the state in less compact geographic patterns, the compactness threshold might limit the opportunity to represent those communities. Furthermore, choosing the perimeter measurement as a principal driver of the compactness ratio might preclude following natural irregular boundaries such as rivers.
- **District Competition:** Given the specified criteria, the competitiveness of any district is irrelevant.
- **Statewide Partisan Balance:** Given the specified criteria, the balance of any plan is irrelevant.
- **Preservation of Political Boundaries:** The proposal emphasizes the preservation of political units, and particularly the minimal division of counties and municipalities. To the extent that communities of interest bridge political boundaries, this may limit the opportunity to accommodate such communities.
- **Communities of Interest:** Given the specified criteria, the degree to which any district represents communities of interest is irrelevant.
- **Nesting:** The proposal preserves the requirement that each state Senate district be a combination of three House of Representatives districts. This ties each house's districts to the other, but may produce unintended consequences with respect to population disparities. For example, depending on the concentration of Ohio's population, minimizing county divisions within a particular state senate district may lead to state house districts with fairly substantial population disparities.
- **Incumbent Residence:** Given the specified criteria, the residence of any incumbent is irrelevant.

**Analysis of Ohio Redistricting Reform Proposals**

Justin Levitt & Kahlil Williams

**REFORM OHIO NOW, ISSUE #4 (2005)**

**KEY POINTS:**

The 2005 Reform Ohio Now (RON) proposal for drawing congressional and state legislative districts emphasizes minimal fragmentation of counties and competition between the major parties, with some flexibility for preserving geographic, economic, or racial communities of interest. Plans may be submitted by the public, and are based on maximizing a quantitative competitiveness formula, except that an independent commission has some limited discretion to modify particular districts in order to preserve communities of interest.

**PROCESS:**

The proposal allows any member of the public to submit a plan fulfilling certain criteria. An independent commission then selects the plan maximizing a specific competitiveness formula. In order to preserve communities of interest, the commission may render “uncompetitive” a small number of districts that were competitive in the original plan.

The commission itself comprises five members, none of whom may be current or recent public officials or candidates, party officials, lobbyists, public contractors, or their staff – and each of whom may not serve in such a capacity for four years after drawing the lines. Two long-serving appellate judges from different parties select one commissioner apiece; those two commissioners select three others, no two of whom may be from the same party (and at least one of whom must be wholly unaffiliated). If party is prominent in the selection process, the commission will likely include two registered Republicans, two registered Democrats, and one unaffiliated voter. Regional, gender, and racial diversity “shall be considered.”

The proposal bans ex parte contacts with individual commissioners: all input must be given at meetings (which must be public) or delivered in writing to all commissioners. Moreover, no federal state, or local officeholder may “attempt to influence the decisions” of the commission, except by submitting a redistricting plan. Four votes are required to adopt a district map. The Ohio Supreme Court may review adopted plans, but may not issue plans of its own; in the event that a plan is declared invalid, the commission must make another attempt.

- **Independence from Legislators:** The process is designed to create independence from individual legislators, both in the composition of the commission and in the process of devising plans. This greatly reduces the ability of those with vested interests to draw district lines for their own benefit.
- **Partisan Balance:** As long as the appellate judges involved do not switch party affiliation, the process is designed to ensure that the commission will have a partisan balance, with at most two members of the same party serving on the commission (indeed, it is theoretically possible for a majority of commissioners to be unaffiliated with any party). The four-vote supermajority should also ensure that a final plan represents rough partisan consensus.
- **Minority Participation:** Although racial diversity “shall be considered” in the selection process, the commission’s small size creates some concern that it may not reflect the state’s diversity.
- **Public Input:** There is ample opportunity for the public to present and to comment on plans.
- **Timing:** The proposal extends to congressional districts the existing ban on redistricting more than once per decade for general assembly districts.

**Analysis of Ohio Redistricting Reform Proposals**

Justin Levitt & Kahlil Williams

**REFORM OHIO NOW, ISSUE #4 (2005)**

**CRITERIA:**

Any redistricting plan must meet several criteria, including contiguity. The proposal forbids population disparities of more than 5% above or below the mean for house of representatives districts and more than 0.5% above or below the mean for Congressional districts. It appears to require as many whole districts as possible to be created within county borders, and forbids dividing the remainder of each county between more than two districts. Finally, the proposal specifies that a plan may not deny racial minority voters an equal opportunity to elect representatives of their choice in accordance with federal law.

Of the plans that satisfy the above criteria, the plan maximizing competitiveness – by a particular formula – is selected. The formula is easiest to explain by assuming that the closest statewide races are between Democrats and Republicans, with a limited third-party vote. Find the three closest recent general elections in Ohio for President, U.S. Senator, or statewide executive office, and calculate the average two-party vote in the district for Democrats and for Republicans; if the difference between the averages is no more than 5%, the district is “competitive.” The proposal prefers competitive districts (especially, competitive districts favoring Democrats that are balanced by competitive districts favoring Republicans), which is to say, individual districts that closely reflect statewide voting patterns in close races; it penalizes districts with large partisan preferences that are not also balanced by districts with similarly large preferences for the opposing party. In the event that at least two plans are tied with respect to the competitiveness measure, the plan with the fewest county divisions will be selected.

Once a plan is selected, the commission may modify the plan to preserve geographic, economic, or racial communities of interest – as long as it does not, by the formula above, render more than a few competitive districts uncompetitive or change the partisan balance of more than a few districts. The commission may not consider incumbents’ residence in evaluating a plan.

- **Population Equality:** The proposal allows substantial population disparity; some residents’ votes may be more valuable than others. It also ties the population count to the federal census, which – controversially – counts incarcerated persons where they are incarcerated.
- **Minority Rights:** The proposal ties minority rights to federal law, without a state backstop. Also, although every proposal must theoretically comply with the federal Voting Rights Act, the emphasis on the mathematical measure of competitiveness (as with other strict quantitative measures) could prove a distraction, forcing litigation to ensure compliance.
- **Compactness:** Other than the requirement that districts be wholly contained within a single county where possible, there is no provision that districts be compact.
- **District Competition:** The proposal emphasizes a certain measure of competition, which favors drawing districts that, on average, closely reflect statewide voting patterns in very close statewide races. However, the proposal would still favor closely divided districts in the event that statewide races were not close – if, for example, Ohio looked like Utah. If Ohio citizens are politically segregated, the focus on competition could create districts in which the citizens have little in common. Finally, districts that appear competitive in close statewide races will not necessarily yield close races for individual legislators.
- **Statewide Partisan Balance:** In what appears to be an attempt to foster statewide partisan balance (no matter how balanced the actual statewide vote), the proposal penalizes districts that are not balanced by a partisan opposite. Again, individual legislative races may not reflect the underlying vote of the district in statewide races. To the extent that individual races do reflect the district’s statewide vote, the overall overriding emphasis on a tight band of competition might magnify small partisan political trends into unexpectedly large statewide partisan gains or losses.

**Analysis of Ohio Redistricting Reform Proposals**

Justin Levitt & Kahlil Williams

**REFORM OHIO NOW, ISSUE #4 (2005)**

**CRITERIA** (continued):

- **Preservation of Political Boundaries:** The proposal seems to require that individual districts be wholly contained within a single county where possible, and otherwise prefers plans of equal competitiveness that minimize divisions of political boundaries. The commission's limited authority to modify districts may help preserve communities that bridge political boundaries.
- **Communities of Interest:** The proposal allows the commission final discretion to make limited changes to a plan in order to preserve communities of interest, and the public hearings are likely to foster specific recommendations toward this end.
- **Nesting:** The proposal preserves the requirement that each state Senate district be a combination of three House of Representatives districts. This ties each house's districts to the other, but may in certain circumstances produce unintended consequences with respect to competition, or with respect to districts granting minorities the opportunity to elect representatives of their choice. For example, in order to gather minority population to create a Senate opportunity district, it may be necessary to "pack" one or more House districts. Similarly, it may be more readily possible to create a competitive Senate district if Senate districts need not be composed of House districts, or vice versa.
- **Incumbent Residence:** The proposal prohibits commissioners from considering the residences of incumbents, reducing the ability of commissioners to intentionally harm (or benefit) individual legislators. This may also result in unintentional incumbent pairing.

**Analysis of Ohio Redistricting Reform Proposals**

Justin Levitt & Kahlil Williams

**HOUSE JOINT RESOLUTION 1 (2007)**

**KEY POINTS:**

HJR 1 proposes a referendum to reform the way congressional and state legislative districts are drawn. The proposal would establish a bipartisan seven-person commission to draw districts emphasizing preservation of whole political units and, to a lesser extent, competition between the major parties.

**PROCESS:**

The proposal vests redistricting authority in a seven-member commission; though commissioners may not be current or recent elected public officials or candidates, there is no restriction on party officials, lobbyists, or staff. Each majority and minority member of the legislative leadership appoints one commissioner apiece (the four “legislative appointees”); those four legislative appointees unanimously select three others (“consensus appointees”), giving “due consideration” to the diversity of the state. If the four legislative appointees are unable to agree on a consensus appointee, they each submit a different nominee to the governor, who randomly selects a commissioner from among the four nominees.

The proposal requires that meetings of the commission be open to the public. Five votes, including one member of each party from among the legislative appointees, and one of the three consensus appointees, are required to adopt a district map. Either the Ohio Supreme Court or an appropriate federal court may review adopted plans, but may not issue plans of its own; in the event that a plan is declared invalid, a commission shall be constituted anew to make another attempt.

- **Independence from Legislators:** Although no commissioner may be a current or recent legislator, the general assembly leadership may still appoint commissioners beholden to particular legislators. Given each legislative appointee’s veto power over the selection of a consensus appointee, there is some incentive to select individuals who will yield to whatever deal the legislative appointees may broker.
- **Partisan Balance:** The process is designed to encourage a partisan balance on the commission; even if the selection of the consensus appointees reverts to random draw, however, the final plan is subject to bipartisan approval.
- **Minority Participation:** Although the legislative appointees must give “due consideration” to the diversity of the state in selecting consensus appointees, the commission’s small size creates some concern that it may not actually reflect the state’s diversity.
- **Public Input:** There should be ample opportunity for the public to present and to comment on plans, although the proposal does not require advance notice for meetings other than the first meeting to select consensus appointees and the meeting to set the schedule. In the event that a plan is invalidated and the commission reconstituted, it may be necessary to draw lines pursuant to a compressed timetable reducing the opportunity for public input.
- **Timing:** The proposal extends to congressional districts the existing ban on redistricting more than once per decade for general assembly districts.

**Analysis of Ohio Redistricting Reform Proposals**

Justin Levitt & Kahlil Williams

**HOUSE JOINT RESOLUTION 1 (2007)**

**CRITERIA:**

Any plan must meet several criteria, including contiguity and compactness. The proposal mirrors federal requirements that congressional districts be as equally populated as practicable, and that the population of general assembly districts be substantially equal (in any event within 5% above or below the mean).

The proposal retains the existing preference for preserving whole political units -- counties, townships, municipalities, and wards, in that order -- where feasible. Moreover, the proposal extends for congressional districts the existing requirement for state house districts that in counties sufficiently populous to contain entire districts, such districts must be created wholly within the county, and any remaining territory in the county must be contained in only one district. The proposal adds a requirement that where it is not possible to preserve political units whole, no more than two units (for state house districts) or no more units than absolutely necessary (for congressional districts) may be divided per district.

Where doing so would not conflict with the criteria above, the commission shall “make its best efforts” to maximize competitiveness, by a similar formula as the RON proposal – except that by the same supermajority required to adopt a plan, the commission may change the definition of a competitive district. Moreover, the default definition differs from the RON proposal in that HJR 1 is concerned only with the number of competitive districts; there is no penalty for districts that are not balanced by other districts with similarly large preferences for the opposing party.

- **Population Equality:** The proposal allows substantial population disparity; some residents’ votes may be more valuable than others. It also retains the existing preference for the count conducted by the federal census (which counts incarcerated persons where they are incarcerated), though if census data is “unavailable,” the general assembly may choose another basis for determining the population.
- **Minority Rights:** The proposal ties minority rights to federal law, without a state backstop.
- **Compactness:** Other than the requirement that districts be wholly contained within a single county where possible, there is a general requirement that districts be compact. This requirement, however, is not further defined and may be difficult to enforce.
- **District Competition:** The proposal creates a mild preference for a certain measure of competition favoring districts that, on average, closely reflect statewide voting patterns in very close statewide races. The proposal would still favor closely divided districts if statewide races were not close – if, for example, Ohio looked like Utah. If Ohio citizens are politically segregated, the focus on competition could create districts in which the citizens have little in common, though this is mitigated by the requirement for preserving whole political units. Finally, districts that appear competitive in close statewide races will not necessarily yield close races for individual legislators.
- **Statewide Partisan Balance:** The proposal fosters a statewide partisan balance through the bipartisan structure, but not through other districting criteria.
- **Preservation of Political Boundaries:** The proposal emphasizes the preservation of political units, and particularly the minimal division of counties. To the extent that communities of common interest bridge political boundaries, this may limit the opportunity to accommodate such communities.
- **Communities of Interest:** There is no provision expressly concerning communities of interest.
- **Nesting:** The proposal preserves the requirement that each state Senate district be a combination of three House of Representatives districts, with the same limitations discussed for other proposals.
- **Incumbent Residence:** The proposal does not prohibit commissioners from considering the residences of incumbents, allowing intentional harm (or benefit) to individual legislators, but also reducing the likelihood of unintentional impact on incumbents.

**Analysis of Ohio Redistricting Reform Proposals**

Justin Levitt & Kahlil Williams

**HOUSE JOINT RESOLUTION 4 (2008)**

**KEY POINTS:**

HJR 4 proposes a referendum to reform the way congressional and state legislative districts are drawn. The proposal would establish a seven-person commission to draw districts emphasizing preservation of whole political units and, to a lesser extent, competition between the major parties.

**PROCESS:**

The proposal vests redistricting authority in a seven-member commission; though commissioners may not be partisan elected candidates or officials while serving on the commission, and may not run for the state legislature in the districts they draw, there is no restriction on former officials, party officials, lobbyists, or staff. Each majority and minority member of the legislative leadership appoints one commissioner apiece (the four “legislative appointees”); those four legislative appointees unanimously select three others (“consensus appointees”), giving “due consideration” to the diversity of the state. If the four legislative appointees are unable to agree on the three consensus appointees, they each submit a different nominee to the governor, who randomly selects three commissioners from among the four nominees.

The proposal requires that meetings of the commission be open to the public. Five votes, including one member of each party from among the legislative appointees, and one of the three consensus appointees, are required to adopt a district map. If the commission cannot agree on a plan, and the consensus appointees were chosen unanimously (and in bipartisan fashion), the final plan is selected by Borda count: ranking all of the plans, and choosing the point-winner, which should achieve broad consensus. If the consensus appointees were chosen randomly (and with a presumed partisan tilt), three new appointees are selected randomly (again, with a presumed partisan tilt), and the final plan is selected by the same ranking method. Either the Ohio Supreme Court or an appropriate federal court may review adopted plans, but may not issue plans of their own; in the event that a plan is declared invalid, a commission shall be constituted anew, on an accelerated timeframe, to make another attempt.

- **Independence from Legislators:** Although no commissioner may contemporaneously be a legislator, the general assembly leadership may still appoint commissioners beholden to particular legislators. Moreover, though commissioners may not run for state legislature from the districts they draw, they appear to be able to run for Congress in those districts. Given each legislative appointee’s veto power over the selection of a consensus appointee, there is some incentive to select individuals who will yield to whatever deal the legislative appointees may broker.
- **Partisan Balance:** The process is designed to encourage a partisan balance on the commission, although the random draw feature will inevitably give control to one party or the other. In Illinois, partisan commissioners have repeatedly preferred to have a tiebreaking commissioner randomly appointed, to take advantage of the chance that their party will take control and be able to drive the process. In Ohio, commissioners may also prefer to take the chance on partisan control.
- **Minority Participation:** Although the legislative appointees must give “due consideration” to the diversity of the state in selecting consensus appointees, the commission’s small size creates some concern that it may not actually reflect the state’s diversity.
- **Public Input:** The commission must make relevant data available to the public, and there should be ample opportunity for the public to present and to comment on plans, although the proposal does not require advance notice for meetings other than the first meeting to select consensus appointees and the meeting to set the schedule.
- **Timing:** The proposal extends to congressional districts the existing ban on redistricting more than once per decade for general assembly districts.

**Analysis of Ohio Redistricting Reform Proposals**

Justin Levitt & Kahlil Williams

**HOUSE JOINT RESOLUTION 4 (2008)**

**CRITERIA:**

Any plan must meet several criteria, including contiguity and compactness. The proposal mirrors federal requirements that congressional districts be as equally populated as practicable, and that the population of general assembly districts be substantially equal (usually within 5% above or below the mean).

The proposal retains the existing preference for preserving whole political units -- counties, townships, municipalities, and wards, in that order -- where feasible. Moreover, the proposal extends to congressional districts the existing requirement for state legislative districts that in counties sufficiently populous to contain entire districts, such districts must be created wholly within the county, and any remaining territory in the county must be contained in only one district. The proposal adds a requirement that where it is not possible to preserve political units whole, no more than two units (for state house districts) or no more units than absolutely necessary (for congressional districts) may be divided per district.

Where doing so would not conflict with the criteria above, the commission shall “make its best efforts” to maximize competitiveness, by a particular formula. The formula is easiest to explain by assuming that the closest statewide races are between Democrats and Republicans, with a limited third-party vote. In the three most recent general elections, find the three closest races in Ohio for President, U.S. Senator, or statewide executive office, and calculate the average two-party vote in the district for Democrats and for Republicans; if the difference between the averages is no more than 5%, the district is “competitive.” The proposal prefers competitive districts rather than districts that mirror the voting patterns of the state as a whole; that is, it prefers individual districts where statewide races were close, whether the statewide races themselves were close or runaway victories.

- **Population Equality:** The proposal allows substantial population disparity; some residents’ votes may be more valuable than others. It also retains the existing preference for the count conducted by the federal census (which counts incarcerated persons where they are incarcerated), though if census data is “unavailable,” the general assembly may choose another basis for determining the population.
- **Minority Rights:** The proposal ties minority rights to federal law, without a state backstop.
- **Compactness:** Other than the requirement that districts be wholly contained within a single county where possible, there is a general requirement that districts be compact. This requirement, however, is not further defined and may be difficult to enforce.
- **District Competition:** The proposal creates a mild preference for a certain measure of competition favoring districts that are closely divided, whether the state as a whole is closely divided or not — the proposal would still favor close districts if, for example, Ohio looked like Utah. If Ohio citizens are politically segregated, the focus on competition could create districts in which the citizens have little in common, though this is somewhat mitigated by the requirement for preserving whole political units.
- **Statewide Partisan Balance:** The proposal fosters a statewide partisan balance through the bipartisan structure, but not through other districting criteria. If Ohio commissioners prefer to gamble on the prospect of either complete partisan control or complete loss of control, as Illinois commissioners appear to do, the commission will reliably fall under control by one party or the other, which may foster partisan imbalance.
- **Preservation of Political Boundaries:** The proposal emphasizes the preservation of political units, and particularly the minimal division of counties. To the extent that communities of common interest bridge political boundaries, this may limit the opportunity to accommodate such communities. In addition, Ohio has many noncontiguous townships derived from annexation battles; the bill accounts for these townships in one section but not in another, creating an unnecessary ambiguity.
- **Communities of Interest:** There is no provision expressly concerning communities of interest.

**Analysis of Ohio Redistricting Reform Proposals**

Justin Levitt & Kahlil Williams

- **Nesting**: The proposal preserves the requirement that each state Senate district be a combination of three House of Representatives districts, with the same limitations discussed for other proposals. This may make it more difficult to create compact or competitive Senate districts.
- **Incumbent Residence**: The proposal does not prohibit commissioners from considering the residences of incumbents, allowing intentional harm (or benefit) to individual legislators, but also reducing the likelihood of unintentional impact on incumbents.