

Overview: Ohio Redistricting Reform Proposal

Summary

In May 2018, Ohio voters will have a chance to vote on a constitutional amendment that would significantly change the way the state's congressional districts are drawn.

If approved, the state constitution will no longer permit the legislature to pass a congressional redistricting plan by a simple majority without adhering to certain partisan fairness requirements. The amendment would also incentivize passage of a plan with bipartisan support and enhance transparency and public participation.

The amendment would take effect starting with the 2021 redistricting cycle. Here is an overview of the proposed constitutional amendment.

Key Features of Proposed Ohio Redistricting Amendment (SJSR 5)

What Maps Will Be Impacted

Congressional maps only. (Ohio already has a commission to draw legislative districts under the constitutional amendment approved by voters in 2015)

Who Will Draw the Map

The Ohio legislature or a backup commission consisting of the governor, the auditor of state, the secretary of state, and four members appointed by the leaders of the state legislature. (See below for sequencing)

How a Map Gets Approved

Step One: Legislature Attempts to Pass Plan with Bipartisan Support. Under the proposed amendment, the Ohio legislature has the first opportunity to enact a congressional redistricting plan in the year after the census. To pass, the plan must receive 60 percent support in each chamber of the legislature, including support from at least half of the members of each major political party. A plan passed by the legislature with these margins becomes law and cannot be changed until after the following census. The legislature has until September 30 of a redistricting year (e.g., 2021) to pass a plan.

Step Two (if needed): Backup Commission Attempts to Pass Plan with Bipartisan Support. If the legislature does not pass a plan by the margins required under Step One by September 30, then the seven-member redistricting commission created by Ohio voters in 2015 gets an opportunity to pass a plan. To pass, four of seven commissioners must vote in favor, including at least two commissioners representing the minority party. A plan passed by the commission with this margin becomes law and cannot be changed until after the following the next census. The commission has until October 31 to pass a plan.

Step Three (if needed): Legislature Attempts to Pass Plan with Either Bipartisan Support or a Simple Majority Subject to Special Rules. If the commission does not pass a plan by October 31 by the margin required in Step Two, the legislature gets another opportunity to pass one. In Step 3, the legislature has two ways it can pass a map.

To pass without any special rules, the plan must be approved by 60 percent in both chambers of the legislature, including at least one-third of the members of each major party. A plan passed in this way becomes law and cannot be changed until after the following census.

The legislature can also pass a plan with a simple majority. But if the legislature chooses to do so, then several additional special rules apply (see below). In addition, the legislature must provide a written report explaining how the plan complies with the criteria. A plan passed by the legislature in this way becomes law for only two election cycles.

Step Four: Legislative Redo (applies only if plan passed with simple majority under Step 3). After two election cycles under a plan passed under a simple majority in Step Three, the redistricting process starts again, with the same timeline and requirements described above in Steps One, Two, and Three. Any plan passed through this new process becomes law and cannot be changed until the next census.

The Rules That Must Be Followed in Drawing a Map

Rules Applying to All Plans

All redistricting plans, regardless of how they are passed, must adhere to the following criteria:

1. Plans must comply with relevant provisions of the Ohio Constitution, U.S. Constitution, and federal law.
2. Districts shall be compact. (This requirement does not apply to plans passed by the legislature with less than 60-percent or less than one-third support from each party. In that case, the legislature shall attempt to draw compact districts.)
3. Districts must be contiguous.
4. For a county with a population greater than one congressional district:

- a. If the county contains a municipality/township with a population greater than one congressional district, then map drawers shall attempt to include a significant portion of the municipality/township in a single district. The district drawer may include in that district other municipalities/townships located in the county, whose residents have similar interests as residents in the first municipality/township.
 - b. If the county contains a municipality/township with a population over 100,000 but less than one congressional district, then that municipality/township cannot be split.
 - c. If the county contains more than one such municipality/township, then only the largest one cannot be split.
5. 65 counties must be kept whole, 18 counties may be split once, and 5 counties may be split twice.
 6. A district cannot include two parts of a county that are not contiguous within that county.
 7. The same two districts cannot split the same two counties between them, except for counties with over 400,000 people.
 8. Map drawers must attempt to include at least one whole county in each district. This does not apply to a district contained entirely within one county or that, to comply with federal law, cannot include a whole county.

Rules Applying to Plans Passed by Simple Majority

If the redistricting plan is passed by simple majority under Step Three, the plan must adhere to these additional requirements:

1. The plan cannot not unduly (dis)favor a political party or its incumbents.
2. The plan may not unduly split governmental units, giving preference to keeping whole (in this order) counties, townships, and municipalities.
3. The legislature must attempt to draw compact districts.

Public Input and Transparency

The public may submit plans for the commission and/or legislature to consider.

If a plan is drawn by the commission, meetings must be open to the public, as provided under Ohio's Open Meetings Act, and also broadcast electronically in an accessible medium. After the commission or legislature introduces a proposed plan, but before it adopts one, it must hold at least two public hearings.

How Members of the Backup Commission are Selected

Three statewide elected officials are automatically commission members:

- the governor,
- the auditor of state, and
- the secretary of state.

Four other members are appointed by the four leaders of the state legislature. The Speaker of the House, President of the Senate, House Minority Leader, and Senate Minority Leader each appoint one member.

The legislature's two majority party leaders and two minority party leaders each jointly name one commission member to be a co-chair of the commission.

Who is Eligible to Be a Commissioner

The only restriction on who can serve as a commissioner is that no commissioner can be a current member of Congress.

Funding

The legislature is responsible for making the appropriations it determines necessary for the commission to perform its duties.

A copy of the proposal can be found [here](#).

This proposal overview is informational and does not imply endorsement by the Brennan Center for Justice.