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MEMORANDUM

To: Ryan Augsburger, Managing Director, Public Policy Services
Ohio Manufacturers' Association

From: Bricker & Eckler LLP

Date: December 18, 2014

Re: Ohio Legislative Redistricting Reform – H.J.R. 12 (Updated)

I. Overview / Compromise Redistricting Proposal.

Please find below an update to previous reports provided to the OMA Government Affairs Committee and Board of Directors regarding recent efforts of the Ohio House of Representatives and Ohio Senate to reform Ohio's state legislative redistricting process.

The Ohio House and Ohio Senate engaged in bi-partisan negotiations for several weeks with a compromise reached in the early morning of December 12. The Ohio Senate approved the measure 29-1 at just after 4:00am on December 12.

On December 17, 2014, the Ohio House of Representatives concurred 80-8 with Senate Amendments on House Joint Resolution 12, the resolution to reform the redistricting process for General Assembly districts. The process for redrawing Ohio's Congressional Districts remains unchanged with future Congressional District boundaries to be set by the Ohio House of Representatives and Ohio Senate as is the current process. H.J.R. 12 does not impact Congressional District maps.

II. House Joint Resolution 12 – Substantive Overview.

A. Ohio Redistricting Commission.

H.J.R. 12 replaces the current Ohio Apportionment Board with the seven-member Ohio Redistricting Commission ("Commission"), a bipartisan Commission consisting of the Governor, the Auditor of State, the Secretary of State and four (4) members of the Ohio General Assembly (two members from the Ohio House and two members of the Ohio Senate – split two from each political party). The Commission will meet to draw new maps in every year ending in the numeral one following the decennial census.

Under the new process, for the Commission to enact 10-year legislative maps for House and Senate districts, at least two (2) minority party members must vote to approve the new maps. If a bi-partisan majority approves the maps – with the two minority votes, the maps are in place for 10 years and until the next decennial census is complete and the Commission convenes to again redraw House and Senate district lines.

If at least two (2) minority members do not vote to approve the new maps, the Commission must meet and redraw the maps in four years.

B. Ohio House & Senate District Maps – Requirements.

H.J.R. 12 establishes new Constitutional standards for House and Senate District maps. The Commission is required to divide Ohio's population (as determined by the federal decennial census) by 99 to establish the ratio of House of Representatives Districts and 33 for the Ohio Senate Districts. Populations of each district must be substantially equal to those ratios and in no case may a district contain a population less than 95 percent or more than 105percent of the ratio. Maps are required to comply with applicable Ohio and Federal laws and must be composed of contiguous territories bounded by single nonintersecting continuous lines.

The Resolution also provides for how counties, municipal corporations, and townships may be split when forming General Assembly districts and states when/if such splitting may occur, beginning with the largest counties and cities whose populations exceed 105 percent of the ratio. Such divisions among counties and cities will continue – largest population and size to the smallest – until all 99 House maps and 33 Senate maps are drawn.

The new maps should attempt to meet three standards: (1) districts should not be drawn to favor or disfavor a political party; (2) the proportion of districts favoring each political party should mirror the statewide preferences of Ohio voters; (3) and districts shall be compact.

The Commission is required to adopt and finalize the new maps not later than September 15 (of the year ending in the numeral one). Prior to this adoption, the Commission shall host not less than three statewide public hearings on the proposed maps.

C. Ohio Supreme Court Jurisdiction.

The Ohio Supreme Court will have exclusive, original jurisdiction in all cases arising out of the redistricting process. H.J.R. 12 states that the Court is prohibited from ordering the implementation or enforcement of any plan not approved by the Commission, and the Court may not order the Commission to draw a particular district or adopt any particular plan.

III. Enactment – Statewide Ballot Initiative.

H.J.R. 12 will be voted on by the electors of Ohio during the November 3, 2015 statewide election. If H.J.R. 12 is approved, the new Ohio legislative redistricting process – the Ohio Redistricting Commission – will become effective January 1, 2021, with new Ohio House and Ohio Senate District maps to be drawn in 2021.