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May 10, 2017

Via Hand Delivery

Hon. Mike DeWine  
Ohio Attorney General  
30 E. Broad Street  
Columbus, Ohio 43215

**Re: “Bipartisan Congressional Redistricting Reform Amendment”  
Second Submission of Summary Petition**

Dear Attorney General DeWine:

On behalf of my clients, Fair Congressional Districts for Ohio and petition committee members Catherine R. Turcer, Carrie L. Davis, and Heather Taylor-Miesle, and pursuant to R.C. §3519.01(A), I am hereby filing with your office a petition to approve a summary of a constitutional amendment to be proposed by initiative petition. The petition contains 3,153 signatures of electors on 165 part-petitions and the summary and full text of the amendment to be proposed.

This is the second submission of the “Bipartisan Congressional Redistricting Reform Amendment” summary petition in response to your May 4, 2017 letter. The summary is the same as what was contained in the summary petition that was filed with your office on April 24, 2017. However, the summary on the second submission has two new bullet points which address the issues raised in your May 4, 2017 letter.

Please contact me if you have any questions. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "J. Corey Colombo". The signature is written in a cursive, flowing style.

J. Corey Colombo

Encls.

Number: 001

County: Franklin

### INITIATIVE PETITION

**To the Attorney General of Ohio:** Pursuant to Ohio Revised Code § 3519.01(A), the undersigned electors of the State of Ohio, numbering in excess of one thousand, hereby submit to you the full text of a proposed Amendment to the Ohio Constitution and a summary of the same.

#### TITLE

**Bipartisan Congressional Redistricting Reform Amendment**

#### SUMMARY

**RECEIVED**

MAY 10 2017

**Ohio Attorney General  
Constitutional Offices Section**

The Amendment would amend Article XI of the Ohio Constitution to provide that the redrawing of congressional districts every ten years following the U.S. Census shall be conducted by the bipartisan Ohio Redistricting Commission, which is established in the state constitution and was approved by the voters in 2015 to draw general assembly districts; and to establish rules for drawing congressional districts, including, but not limited to, rules related to prohibiting drawing districts to favor a political party or candidates, keeping communities whole by minimizing splitting of political subdivisions, maximizing statewide representational fairness and minimizing the extent to which the population of districts are not equal.

More specifically, the amendment would, among other things:

- Authorize the bipartisan redistricting commission approved by the voters of Ohio at the 2015 general election to draw state general assembly districts to also draw U.S. congressional districts. Currently, the state legislature is responsible for drawing congressional districts and bipartisan approval is not required.
- Apply many of the same provisions approved by the voters in 2015 with respect to redrawing of state legislative districts, to congressional districts, including, but not limited to: certain same procedural deadlines; provisions for public hearings; requirements for bipartisan support of commission members to adopt a plan; and provisions for funding and operation of the commission.
- Keep the bipartisan composition of the commission as previously approved by the voters, but prohibit any member of the U.S. Congress from serving as a commission member.
- Require that congressional districts be drawn based on the following criteria:
  - (a) Compliance with all applicable state and federal laws, including those protecting minority voting rights;
  - (b) Contiguousness;
  - (c) No district plan shall be drawn to favor or disfavor a political party or candidates;
  - (d) Minimize the number of splits of counties, municipal corporations, and townships, in that order, and where feasible, no county shall be split more than once;
  - (e) Representational fairness based on the statewide partisan preferences of the voters during the previous ten years of statewide general elections in even numbered years; and
  - (f) Compactness.

If all of the above criteria cannot be feasibly attained, then priority would be in the order in which each criterion is listed.
- Permit any Ohio citizen to submit a proposed congressional district plan for the Commission’s consideration, and the Secretary of State to make available to any Ohio citizen the data and computer software needed to draw a proposed plan.
- Vest the Ohio Supreme Court with exclusive, original jurisdiction over court challenges to any congressional district plan.

- Provide that in the event that any congressional district plan made by the Ohio redistricting commission, or any district, is determined to be invalid by an unappealed final order of a court of competent jurisdiction, then, notwithstanding any other provision of the state constitution, the commission shall be reconstituted as provided in Section 1 of Article XI, convene, and ascertain and determine a congressional district plan in conformity with then valid provisions of the state constitution, including establishing terms of office and election of members of Congress from districts designated in the plan, to be used until the next time for redistricting under Article XI.

#### **COMMITTEE TO REPRESENT THE PETITIONERS**

The following persons are designated as a committee to represent the petitioners in all matters relating to the petition or its circulation:

Catherine R. Turcer	3112 Delburn Avenue, Dublin, Ohio 43017
Carrie L. Davis	2970 Wildflower Trail, Dublin, Ohio 43017
Heather Taylor-Miesle	54 W. Short Street, Worthington, Ohio 43085

## FULL TEXT OF PROPOSED AMENDMENT

Be it Resolved by the People of the State of Ohio that Article XI of the Ohio Constitution is hereby amended to add the following language shown underlined below, and repeal the existing language shown by strikethrough. Current language that is not changed appears without underline or strikethrough:

Section 1. (A) The Ohio redistricting commission shall be responsible for the redistricting of this state for the United States congressional house of representatives and for the general assembly. The commission shall consist of the following seven members:

- (1) The governor;
- (2) The auditor of state;
- (3) The secretary of state;
- (4) One person appointed by the speaker of the house of representatives;
- (5) One person appointed by the legislative leader of the largest political party in the house of representatives of which the speaker of the house of representatives is not a member;
- (6) One person appointed by the president of the senate; and
- (7) One person appointed by the legislative leader of the largest political party in the senate of which the president of the senate is not a member.

The legislative leaders in the senate and the house of representatives of each of the two largest political parties represented in the general assembly, acting jointly by political party, shall appoint a member of the commission to serve as a co-chairperson of the commission.

(8) No appointed member of the commission shall be a current member of Congress.

(B)(1) Unless otherwise specified in this article, a simple majority of the commission members shall be required for any action by the commission.

(2)(a) Except as otherwise provided in division (B)(2)(b) of this section, a majority vote of the members of the commission, including at least one member of the commission who is a member of each of the two largest political parties represented in the general assembly, shall be required to do any of the following:

- (i) Adopt rules of the commission;
- (ii) Hire staff for the commission;
- (iii) Expend funds.

(b) If the commission is unable to agree, by the vote required under division (B)(2)(a) of this section, on the manner in which funds should be expended, each co-chairperson of the commission shall have the authority to expend one-half of the funds that have been appropriated to the commission.

(3) The affirmative vote of four members of the commission, including at least two members of the commission who represent each of the two largest political parties represented in the general assembly shall be required to adopt any congressional or general assembly district plan. For the purpose of this division, a member of the commission shall be considered to represent a political party if the member was appointed to the commission by a member of that political party or if, in the case of the governor, the auditor of state, or the secretary of state, the member is a member of that political party.

(C) At the first meeting of the commission, which the governor shall convene only in a year ending in the numeral one, except as provided in Sections 8 and 9 of this article, the commission shall set a schedule for the adoption of procedural rules for the operation of the commission.

The commission shall release to the public a proposed general assembly district plan for the boundaries for each of the ninety-nine house of representatives districts and the thirty-three senate districts. The commission shall also release to the public a proposed congressional district plan for the boundaries of the districts for the prescribed number of congressional representatives as apportioned to the state pursuant to the Constitution of the United States. The commission shall draft the proposed plans in the manner prescribed in this article. Before adopting, but after

introducing, a proposed plan, the commission shall conduct a minimum of three public hearings across the state to present the proposed plan and shall seek public input regarding the proposed plan. All meetings of the commission shall be open to the public. Meetings shall be broadcast by electronic means of transmission using a medium readily accessible by the general public.

The commission shall adopt a final congressional district plan and a final general assembly district plan not later than the first day of September of a year ending in the numeral one. After the commission adopts a final plan, the commission shall promptly file the plan with the secretary of state. Upon filing with the secretary of state, the plan shall become effective.

Four weeks after the adoption of a congressional district plan and a general assembly district plan, the commission shall be automatically dissolved.

(D) The general assembly shall be responsible for making the appropriations it determines necessary in order for the commission to perform its duties under this article.

Section 3a. (A)(1) The whole population of the state, as determined by the most recent federal decennial census, shall be divided by the number of congressional representatives as apportioned to the state pursuant to the Constitution of the United States, and the quotient shall be the congressional ratio of representation for ten years next succeeding such redistricting.

(2) The commission shall minimize the extent to which each congressional district's population differs from the congressional ratio of representation to comply with federal constitutional standards and in doing so shall adhere to the criteria set forth in division (C) of this section in the creation of congressional districts. The commission shall include in a congressional district plan an explanation of the reason that any district contains a population that is not equal to the congressional ratio of representation.

(B) Any citizen of the United States permanently residing in the state of Ohio may submit a congressional district plan for the Ohio redistricting commission's consideration. The office of the Ohio Secretary of State shall make available upon request by any Ohio citizen the data and computer software needed to draw a legally valid map in accord with the criteria set forth in division (C) of this section. The Ohio redistricting commission shall establish and publicly announce a time period of at least two weeks for the public to submit plans for the United States Congress for the commission's consideration.

(C) The Ohio redistricting commission shall draw congressional districts to maximize compliance with the following criteria. If all of the criteria cannot feasibly be maximized, then priority shall be given based on the order in which each criterion is listed below.

(1) Any congressional district plan adopted by the commission shall comply with all applicable provisions of the constitutions of Ohio and the United States and of federal law, including, but not limited to, those protecting minority voting rights.

(2) Every congressional district shall be composed of contiguous territory, and the boundary of each district shall be a single nonintersecting continuous line.

(3) No congressional district plan shall be drawn to favor or disfavor a political party or candidates.

(4)(a) The Ohio redistricting commission shall minimize the number of splits of counties, municipal corporations, and townships, in that order, and, where feasible, no county shall be split more than once.

(b) A county, municipal corporation, or township is considered to be split if any portion of its territory is not contained entirely within one district.

(c) For the purposes of this section, if a district is entirely contained within a single county, that district shall not be considered to be a county split.

(d) For the purposes of this section, if a municipal corporation or township has territory in more than one county, the municipal corporation or township shall not be considered split so long as all portions of that municipal corporation or township within a county are contained within a single district.

(5) The Ohio redistricting commission shall maximize representational fairness by adopting a plan whose statewide proportion of districts most closely corresponds to the partisan preferences

of the voters of Ohio as measured by the statewide proportion of votes in state and federal partisan statewide general election results during the previous ten years.

(6) To the extent that is compatible with the other criteria in this section, the congressional district plan shall attempt to maximize compactness.

(7) The commission shall provide a written statement explaining how the congressional district map maximizes compliance with the criteria found in this division, in the priority order in which they are listed.

Section 7. Notwithstanding the fact that boundaries of counties, municipal corporations, and townships within a district may be changed, district boundaries for both the United States Congress and the general assembly shall be created by using the boundaries of counties, municipal corporations, and townships as they exist at the time of the federal decennial census on which the redistricting is based, or, if unavailable, on such other basis as the general assembly has directed.

Section 9. (A) The supreme court of Ohio shall have exclusive, original jurisdiction in all cases arising under this article.

(B) In the event that any section of this constitution relating to redistricting, any congressional district plan or general assembly district plan made by the Ohio redistricting commission, or any district is determined to be invalid by an unappealed final order of a court of competent jurisdiction then, notwithstanding any other provisions of this constitution, the commission shall be reconstituted as provided in Section 1 of this article, convene, and ascertain and determine a congressional district plan or general assembly district plan in conformity with such provisions of this constitution as are then valid, including establishing terms of office and election of members of the United States Congress or the general assembly from districts designated in the plans, to be used until the next time for redistricting under this article in conformity with such provisions of this constitution as are then valid.

(C) Notwithstanding any provision of this constitution or any law regarding the residence of senators, ~~and representatives, or members of Congress,~~ a congressional district plan or general assembly district plan made pursuant to this section shall allow thirty days for persons to change residence in order to be eligible for election.

(D)(1) No court shall order, in any circumstance, the implementation or enforcement of any general assembly district plan that has not been approved by the commission in the manner prescribed by this article.

(2) No court shall order the commission to adopt a particular general assembly district plan or to draw a particular district.

(3) If the supreme court of Ohio determines that a general assembly district plan adopted by the commission does not comply with the requirements of Section 2, 3, 4, 5, or 7 of this article, the available remedies shall be as follows:

(a) If the court finds that the plan contains one or more isolated violations of those requirements, the court shall order the commission to amend the plan to correct the violation.

(b) If the court finds that it is necessary to amend not fewer than six house of representatives districts to correct violations of those requirements, to amend not fewer than two senate districts to correct violations of those requirements, or both, the court shall declare the plan invalid and shall order the commission to adopt a new general assembly district plan in accordance with this article.

(c) If, in considering a plan adopted under division (C) of Section 8 of this article, the court determines that both of the following are true, the court shall order the commission to adopt a new general assembly district plan in accordance with this article:

(i) The plan significantly violates those requirements in a manner that materially affects the ability of the plan to contain districts whose voters favor political parties in an overall proportion that corresponds closely to the statewide political party preferences of the voters of Ohio, as described in division (B) of Section 6 of this article.

(ii) The statewide proportion of districts in the plan whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party does not correspond closely to the statewide preferences of the voters of Ohio.

STATEMENT OF CIRCULATOR

I, Robert Shelly, declare under penalty of election falsification that I am the circulator of the foregoing petition paper containing the signatures of 44 electors, that the signatures appended hereto were made and appended in my presence on the date set opposite each respective name, and are the signatures of the persons whose names they purport to be or of attorneys in fact acting pursuant to section 3501.382 of the Revised Code, and that the electors signing this petition did so with knowledge of the contents of same. I am employed to circulate this petition by

\_\_\_\_\_  
\_\_\_\_\_  
(Name and address of employer). (The preceding sentence shall be completed as required by section 3501.38 of the Revised Code if the circulator is being employed to circulate the petition.)

I further declare under penalty of election falsification that I witnessed the affixing of every signature to the foregoing petition paper, that all signers were to the best of my knowledge and belief qualified to sign, and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

Robert Shelly  
(Signed)

35 Brevort Road  
(Address of circulator's permanent residence in this state) Number and Street, Road or Rural Route

Columbus  
City, Village or Township

Ohio                      43214  
State                                      Zip Code

**WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.**