

Position: Apportionment/Districting

(Adopted January 1980, amended May 2005)

LWVO supports an impartial districting process that may include, but is not limited to:

Districting for Congress and state legislature based substantially on population equality with a variance of no more than plus or minus 5 percent among districts.

Use of a bipartisan commission comprised of an odd number of members to determine congressional and state legislative district lines.

Congressional and state legislative districts that are compact, contiguous, bounded by a non-intersecting line and follow local political boundaries as much as possible.

Opportunity for citizen participation.

No more than 99 House districts and 33 Senate districts within the Ohio legislature.

Local application: Local Leagues may apply this position to local situations to support or oppose changes in existing districting procedures. (The first four points can apply, substituting the name of the local governing body in 1 and 3.) Boards that contemplate doing this should supply advance information to members in Voters or in meetings.

Caution: The position refers to the districting process and may not be used in communities that do not presently have a governing body elected by districts. It may not be used to establish a local position on the validity of districting at the local level. That requires the adoption of a local study and consensus.

Background: Apportionment/Districting

In the 1970s, LWVO Convention adopted a not-recommended study, "Evaluation of alternative standards and methods of districting for the state legislature, in preparation for action before 1981," which resulted in the positions we have today. In the 1980s, the LWVO board voted to support the Fair And Impartial Redistricting (F.A.I.R.) Amendment petition effort. In the first year, the amendment did not reach the ballot; the second F.A.I.R. Amendment went before the voters but was defeated.

Ohio's Congressional representation was reduced from 21 to 19 after the 1990 census. The state legislative districting plan, adopted by the Republican-controlled Apportionment Board in 1992, was challenged by the Democrats, and counter-suits were filed. The primary election was delayed until June, but both the General Assembly and the congressional delegation were elected according to the new districts.

In August 1995, a U.S. District Court ordered that eight Ohio state legislative districts be redrawn by November 1, 1995. Those districts had been drawn to be "packed" with African-Americans, but the court found that the Apportionment Board "lacked a compelling state interest for its racial gerrymandering," and concluded that the "House districts violate the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution." The case was appealed to the U.S. Supreme Court, which said the district court had used an incorrect legal standard in making its decision, and remanded the case to the district court. In August 1997, the district court reversed itself, and held that the districts were drawn constitutionally.

In the fall of 1998, before the general election that elected members of the Apportionment Board, League began an initiative petition drive to submit its nonpartisan, mathematical districting plan to the voters. In

1998-1999, we collected signatures and attracted 14 other organizations to join in coalition with us. As our petition drive picked up steam, the Republican legislative leadership approached us in the summer of 1999 about pursuing a legislative solution to change the districting process, rather than our petition drive. Their plan, HJR 13, was introduced in January 2000. While substantially identical to League's initiative, there was one major difference: the effective date of the change would have been 2011 rather than 2001. Still this resolution had many of the elements of League's positions, and we testified in favor of it, while simultaneously pursuing the ballot initiative.

Both League's drive and HJR 13 failed, leaving the responsibility for drawing the district lines with the Apportionment Board. The new districts were adopted along party lines in the fall of 2001. Ohio lost another Congressional representative after the 2000 census, down to 18. Both the Congressional and state legislative districts were determined by the same partisan methods in 2001, although the Apportionment Board went through the motions of listening to public comment.

The 2005 Convention dropped the requirement for a nondiscretionary districting process, but left the primary criteria in place.

In 2005, pursuant to an initiative petition, the general election ballot included a proposed amendment to use an objective formula for drawing districts. The formula maximized the competitiveness of districts and used compactness only as a secondary criterion. It required an open process and members of the public could submit plans. LWVO endorsed the initiative but it was defeated by the voters.

In 2006, HJR 13, a proposed constitutional amendment, was introduced in the legislature. It provided for a bipartisan commission to draw the districts. Members of the public could submit plans. Compactness of districts was the primary criteria with competitiveness as a secondary criterion. LWVO supported many aspects of this resolution; however, it did not garner the requisite 60% vote of the House of Representatives and did not go to the ballot.

In 2009 LWVO and other good government organizations and interested citizens conducted the Ohio Redistricting Competition. The goal of the competition was to show that an open process involving the public and based on objective, measurable criteria can produce fair Congressional districts in Ohio. The maps were based upon 2000 Census data and were judged on four objective public-interest criteria: competitiveness, compactness, representational fairness and respect for political subdivisions.

All competition participants produced maps that were more compact, had many more competitive districts and achieved better political balance than the map drawn by the General Assembly in 2001 based on that same 2001 data.

In September 2009, the Ohio Senate passed a redistricting reform measure and in May 2010, the Ohio House passed its own measure that was based in part on the criteria of the Ohio Redistricting Competition. LWVO testified before the committees hearing the redistricting resolutions and advocated for a reform measure of consensus. However, the House and Senate were not able to reach a compromise before the November 2010 general election. At that election, three Republicans were elected as the elected members of the Apportionment Board and the Republicans held a majority in both the Ohio House and Senate.

Outlook: Apportionment/Districting

If history is a guide, the general assembly districts as well as the Congressional districts will consist of safe seats gerrymandered to favor the Republican Party. In the summer of 2011 the LWVO and Ohio Citizen Action will sponsor the Ohio Campaign for Accountable Redistricting which will provide an opportunity for people to submit maps for the Ohio General Assembly Districts as well as Congressional districts. These will be submitted to the Apportionment Board and the General Assembly. Hopefully

these maps will show a better way to draw districts and will improve the quality of government in Ohio. Both major political parties have shown interest in redistricting reform, along with the media and concerned citizens. The LWVO will continue its efforts for reform.

