

County: Cuyahoga

Number: \_\_\_\_\_

## 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

**An amendment to replace the current politician-run redistricting process with a citizen-led commission required to create fair state legislative and congressional districts through a more open and independent system.**

### SUMMARY

The proposed Amendment would repeal all existing sections in Articles XI and XIX of the Ohio Constitution related to state and congressional redistricting and add Article XX to the Constitution setting forth a structure and criteria to govern the process for drawing Ohio General Assembly and Ohio Congressional districts. Among other things, the Amendment would:

1. Create the Ohio Citizens Redistricting Commission (“Commission”), composed of 15 members (“Commissioners”)--5 affiliated with the political party whose candidate for governor received the highest number of votes at the last preceding election for governor (“First Major Party”), 5 affiliated with the political party whose candidate for governor received the second highest number of votes at the last preceding election for governor (“Second Major Party”), and 5 not affiliated with either the First Major Party or the Second Major Party as determined by the bipartisan screening panel based on available information (“Independent”).
2. Set forth that the Commission is established to ensure an open and transparent process and fair outcomes that preserve the political power inherent in the people.
3. Set forth an open application process for appointment to the Commission, an application review process, criteria for determining affiliation and non-affiliation with a political party for appointment to the Commission, and eligibility and ineligibility for appointment to the Commission, including but not limited to the applicant’s partisan political activities and, in the current and prior six years, the applicant’s or applicant’s immediate family members’ election or appointment to public office, candidacy for elective public office, lobbyist registration, service as an officer, paid consultant or contractor of a campaign committee, political action committees or political parties, or service as a staff member, paid consultant or contractor for an elected official or candidate for public office.
4. Party affiliation of Commission applicants shall be determined based on the applicant’s voting record in party primaries and various other relevant factors including, but not limited to, political contributions, campaign activities, and other reliable indicia of partisan affiliation. An applicant who has voted in two consecutive even-year primary elections for the same political party in the six years immediately preceding the application deadline shall be presumed to be affiliated with that party unless relevant factors demonstrate otherwise.

5. Require continuous Ohio residency during the current year and for the six years immediately prior to appointment to the Commission, good standing as an elector in Ohio, and disclosure of certain financial information and conflicts of interest.
6. Establish a bi-partisan screening panel ("Panel") composed of 4 Ohio retired judges--2 affiliated with the First Major Political Party and 2 affiliated with the Second Major Political Party. Provide that the 4 legislative appointees of the Ohio Ballot Board would be responsible for appointing the Panel members as follows: the Ballot Board legislative appointees affiliated with the same Major Political Party would select 8 applicants and present those to the Ballot Board legislative appointees affiliated with the other Major Political Party, who would then select 2 persons from the 8 for appointment to the Panel, resulting in 4 Panel appointees.
7. The Amendment does not provide that the same rules for determining political party affiliation for Commission members would apply to Panel members. The Ohio Ballot Board members would have discretion to determine political party affiliation of Panel members. Retired judges applying to serve on the Panel must complete a form that requires submission of sufficient information to enable Ballot Board members to assess the judge's qualifications and ability to be impartial and competent, and to carry out required duties with full public confidence. A retired judge must attest that the judge has had no known communication material to redistricting matters with anyone ineligible to serve on the Commission during the sixty days prior to the submission of the application and that the judge is and will continue to be free from conflicts of interest.
8. Set forth other criteria for eligibility and ineligibility to serve on the Panel in accordance with the same eligibility and ineligibility criteria to serve as a Commissioner.
9. Require the Panel to engage a professional search firm to solicit applications for Commissioner, screen and provide information about applicants, check references, and otherwise facilitate the application review and applicant interview process. Set forth criteria for qualification and disqualification of a professional search firm and require the Ohio Department of Administrative Services to provide assistance to the Panel with the request for proposals process for a professional search firm.
10. Provide that the 15 members of the Commission shall be selected as follows: a) the Panel by majority vote shall create a pool of 90 applicants that collectively form a geographically and demographically representative cross-section of Ohio with 30 affiliated with the First Major Party, 30 affiliated with the Second Major Party, and 30 Independents, provide a portal for public comments on the applicants in the pool and provide for publicly broadcast interviews by the Panel of the 90 applicants; b) the Panel then shall select 45 finalists from the pool who collectively form a geographically and demographically representative cross-section of Ohio—15 affiliated with the First Major Party, 15 affiliated with the Second Major Party, and 15 Independents; c) in a public meeting, the Panel shall randomly draw 6 names from the finalists to be on the Commission—2 affiliated with the First Major Party, 2 affiliated with the Second Major Party and 2 Independents; d) these 6 shall at a subsequent public meeting select from the pool by majority vote, including at least one vote from a Commission member affiliated with each Major Party and one Independent, 9 additional persons to be on the Commission – 3 affiliated with the First Major Party, 3 affiliated with the Second Major Party and 3 Independents, based on the strength of their applications and their reflection of the geographic and demographic diversity of Ohio.
11. Provide that the presence of 9 Commissioners shall constitute a quorum and that all acts of the Commission shall be in public meetings and require an affirmative vote of at least 9 members, including 2 affiliated with the First Major Party, 2 affiliated with the Second Major Party, and 2 Independents.

12. Provide procedures for removal for cause of Commissioners and for the filling of any Commissioner vacancy.
13. Provide that the Commission shall retain staff, professionals, and consultants through a public application process with assistance from the Department of Administrative Services and that Commissioners, staff, professionals, and consultants will owe a duty to the Commission as a whole and be obligated to act in the interest of the people of Ohio. Staff shall include an executive director, legal counsel, and one or more demographers with district mapping experience.
14. Provide that the Commission shall conduct hearings in a manner that invites broad public participation throughout the state, including the use of technology to broadcast Commission meetings and facilitate public participation.
15. Require the Commission to make census and voting data broadly accessible to the public and require the Secretary of State to collect the precinct boundaries used in any statewide election and make this information publicly available in a manner suitable for analysis for redistricting purposes.
16. Provide that the Commission shall hold at least 5 public hearings prior to release of a draft redistricting plan to gather public input. At least one hearing shall be held in each of 5 geographic regions of the state (NE, SE, NW, SW, and Central).
17. Provide that after release of a draft redistricting plan, the Commission shall hold at least 5 public hearings across the 5 geographic regions to receive public comment on the draft plan.
18. Provide that before a vote on a final redistricting plan, the Commission shall hold at least 2 public hearings to receive public comment on any revised redistricting plan.
19. Provide that not later than September 19, 2025, and no later than July 15 of each year ending in the number one, and only after proposed final redistricting plans have been made public for at least 3 days, the Commission shall adopt final redistricting plans and that within 3 days after adoption, the Commission shall make publicly available: a) a report of the redistricting plans with an explanation of the basis of the Commission's decisions and its consideration of public comments and b) the complete record before the Commission.
20. Provide that upon certification of the results of the election approving the Amendment, all prior redistricting plans used to elect members to the General Assembly or Congress are void for any subsequent elections.
21. Provide that each redistricting plan shall contain single-member districts that are geographically contiguous and comply with the United States Constitution and federal laws, including the Voting Rights Act of 1965.
22. Provide that in order to ban partisan gerrymandering and redistricting plans that favor or disfavor a political party, the statewide proportion of districts in a redistricting plan that favors each political party shall correspond closely to statewide partisan preferences of the voters of Ohio and provide how the statewide proportion of districts that favors a political party shall be determined, how the statewide partisan preferences of Ohio voters shall be determined, and that "correspond closely" shall mean that the statewide proportion of districts that favors a political party shall not deviate by more than three percentage points in either direction from the statewide partisan preferences of Ohio voters unless arithmetically impossible, in which case the closest possible proportion greater than three percentage points shall govern.
23. Provide that, subject to the above criteria, a redistricting plan shall, in the following order of priority, provide for districts with reasonably equal population based on the most recent federal decennial census, ensure equal functional ability of politically cohesive and

- geographically proximate racial, ethnic, and language minorities to elect candidates of their choice, and preserve communities of interest to the extent practicable.
24. Provide that persons in the custody of the Ohio Department of Rehabilitation and Corrections or its successor agency shall be counted at their last known pre-incarceration address for purposes of population equalization.
  25. Prohibit the Commission, in adopting a redistricting plan, from considering the place of residence of an incumbent elected official or candidate or taking into account senators whose terms will not expire within two years of the effective date of the plan.
  26. Define community of interest as an area where the record before the Commission demonstrates the existence of communities of people with broadly shared interests and representational needs, including those that arise from common ethnic, racial, social, cultural, geographic, environmental, socioeconomic, or historic identities or concerns.
  27. Provide that counties, municipal corporations, townships, and school districts may constitute a community of interest provided that the record before the Commission clearly and convincingly demonstrates such subdivision is a community of people who have broadly shared interests and representational needs greater than those of overlapping communities of interest.
  28. Provide that under no circumstance shall a community of interest be defined based on a shared political identity or common relationships with political parties or political candidates.
  29. Provide that in considering which overlapping communities of interest to preserve, the Commission shall give greater consideration to those communities whose representational needs would be most benefitted from the community's inclusion in a single district.
  30. Provide that districts for the Ohio House of Representatives shall be numbered 1 through 99 and each Ohio Senate District shall be composed of 3 House Districts and Senate districts shall be numbered 1 through 33.
  31. Set forth how district representation of a state senator whose term does not expire for two years after adoption of a redistricting plan and whose senate district boundaries have been changed will be determined.
  32. Provide an impasse procedure as follows if the Commission fails to adopt a redistricting plan by its deadline: for any plan at an impasse, each commissioner shall have three days to submit no more than one proposed redistricting plan to be subject to a ranked-choice selection process as described in detail in the Amendment. If in the first round, one of the submitted plans receives a first-place position from a majority of Commissioners, then that plan is adopted. Otherwise, the plan with the highest number of points is eliminated and the process is repeated until a plan receives a majority of first place rankings. If the ranked-choice process ends in a tie for the highest point total, the tie shall be broken through a random process.
  33. Provide that the Ohio Supreme Court will have exclusive original jurisdiction in all cases that contend that an adopted plan fails to comply with the proportionality and incumbency and candidacy provisions set forth in Section 6(B) of the Amendment. Such a case may be filed by any Ohio elector and shall proceed as follows: a petition challenging the plan must be filed within 10 days of the Commission issuing its explanatory report; if more than one case is filed, they must be consolidated; only the Commission will have standing to respond to the challenge; the bipartisan Panel, with assistance from the professional search firm, shall create a pool of at least 6 potential special masters following qualifications and disqualifications set forth in the Amendment; the Supreme Court shall by unanimous vote select two special masters from the pool created by the bipartisan Panel; and if the Court

fails to make such selections, the administrative director of the Court shall randomly select two special masters from the pool.

34. Provide that the two special masters shall review the record before the Commission and hold a public hearing, after which they must issue a report as to whether the Commission abused its discretion in its determination that the adopted plan complies with the partisan fairness criteria required by the Amendment for a redistricting plan; if a person who filed a challenge or the Commission disagrees with the report of the special masters, the person may file objections with the Court and after a public hearing on the objections and a review of the record before the Commission, the Court will rule whether the Commission abused its discretion in determining that the adopted plan complies with the criteria set forth in the Amendment.
35. Provide that if the Court determines that the Commission abused its discretion, the Commission shall make adjustments to the plan and submit the revised plan to the special masters; if the Court, in consultation with special masters, concludes that the Commission has failed to remedy the plan, the Court shall order the special masters to make the minimal adjustments necessary to bring the plan into compliance; and such changes made by the special masters shall not be reviewable by the Court.
36. Provide that no challenges to an adopted final redistricting plan may be brought in any court except for the claims permitted under the Amendment.
37. Provide that the process set forth in the Amendment for redistricting shall occur once during a redistricting cycle beginning with the 2024-2025 cycle and following each subsequent federal decennial census.
38. Require the General Assembly to appropriate adequate funding for the Commission and bipartisan Panel, including for participation in litigation, and establish the deadlines for making such appropriations. If the General Assembly does not do so, the Supreme Court shall order the General Assembly to comply with its obligations.
39. Require an appropriation for the Commission of not less than seven million dollars for redistricting in 2025 and that such amount shall be adjusted for inflation in subsequent redistricting cycles.
40. Require an appropriation for the bipartisan Panel of not less than one-eighth of the amount appropriated for the Commission adjusted for inflation.
41. Require that the General Assembly make separate and timely appropriations for the Commission's and Panel's expenses related to litigation.
42. Provide that the work of the special masters shall be funded out of the budget of the Supreme Court.
43. Set forth definitions for "First Major Party," "Second Major Party," "Independent," "Retired Judge," "Special Master," "effective date of this article," "Department of Administrative Services," "redistricting cycle," and "adjusted for inflation."
44. Provide compensation for Commissioners, bipartisan Panel members, and special masters appointed under the Amendment.
45. Set the term of service for Commissioners and bar holding state elective or appointive office for 6 years after service.
46. Provide for public notices at various steps and require that the Commission and Panel shall be subject to Ohio's laws governing public meetings and public records.
47. Set forth dates and timelines for completing various steps of the appointment and redistricting processes; and provide that the Commission may make reasonable adjustments to deadlines if conditions beyond its control require such adjustments to allow adoption of redistricting plans.
48. Provide that the Amendment's provisions are severable if any part is held to be invalid.

49. Provide that if any provision conflicts with another provision of the Constitution of the State of Ohio, the conflict will be resolved in favor of the Amendment.
50. Provide that if any deadline falls on a Saturday, Sunday, or state legal holiday, the deadline shall be extended to the next date that is not a Saturday, Sunday, or legal holiday.

### **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:

Kevin Cain	6385 Conifer Lane, Cincinnati, Ohio 45247
Nadia Zaiem	3001 Creekside Drive, Westlake, Ohio 44145
Michael Ahern	2507 Kemperwood Drive, Blacklick, Ohio 43004
Annette Tucker Sutherland	16817 Aldersyde Drive, Shaker Heights, Ohio 44120
Michele Roberts	1115 Wisconsin Boulevard, Dayton, Ohio 45417

## FULL TEXT OF PROPOSED AMENDMENT

Be it Resolved by the People of the State of Ohio that Articles XI Sections 1 through 10, and XIX Sections 1 through 3 of the Ohio Constitution are repealed and Article XX is added to the Constitution as follows with new language appearing in standard text and existing language to be repealed appearing with strike throughs:

### Article XX

#### Section 1. Establishment of the Ohio Citizens Redistricting Commission

- (A) To ensure an open and transparent process and fair outcomes that preserve the political power inherent in the people, the Ohio Citizens Redistricting Commission is hereby established upon the effective date of this article and shall be responsible for adopting a redistricting plan for the general assembly and a redistricting plan for the United States House of Representatives, as provided in this article.
- (B) Redistricting and the operations of the commission shall be governed in accordance with the procedural and substantive requirements set forth in this article.
- (C) The commission shall consist of fifteen members who have demonstrated the absence of any disqualifying conflicts of interest and who have shown an ability to conduct the redistricting process with impartiality, integrity, and fairness. Membership on the commission shall consist of:
  - (1) Five members who are affiliated with the First Major Party;
  - (2) Five members who are affiliated with the Second Major Party;
  - (3) Five members who are independent.
- (D) The commission shall be constituted and convened no later than May 16, 2025, and no later than January 16 of every year ending in one for subsequent redistricting cycles.
- (E) The term of office for each member of the commission shall expire upon the appointment of the first member of the succeeding commission.

#### Section 2. Establishment of Bipartisan Screening Panel; Screening of Applicants; Formation of the Commission

- (A) A bipartisan screening panel is hereby established upon the effective date of this article to review and screen applicants interested in serving as members of the commission. The bipartisan screening panel shall consist of four retired judges, two of whom affiliate with the First Major Party and two of whom affiliate with the Second Major Party.
- (B) In the initial 2024-2025 redistricting cycle and in each subsequent redistricting cycle, members of the bipartisan screening panel shall be selected as follows:

(1) The four members of the Ohio ballot board who were appointed by members of the general assembly shall convene to oversee selection of the bipartisan screening panel. All administrative and operational support for this selection shall be provided by the Department of Administrative Services.

(2) The four members of the ballot board convened under section 2(B)(1) of this article shall make available an application form no later than December 16, 2024, and no later than May 1 of every year ending in zero, that interested retired judges shall use to apply to be a member of the bipartisan screening panel. The form shall require that an interested retired judge submit sufficient information to enable the four members of the ballot board to assess the judge's qualifications and ability to be impartial and competent, and to carry out required duties with full public confidence. To be eligible to serve on the bipartisan screening panel, a retired judge shall satisfy all the requirements of section 3 of this article. In addition, a retired judge shall attest that he or she has had no known communication material to redistricting matters with anyone ineligible under section 3(C) of this article during the sixty days prior to the submission of his or her application and that he or she is and will continue to be otherwise free from conflicts of interest. The deadline for interested retired judges to submit applications to the ballot board is 30 days after the application first becomes available.

(3) After submission of applications, the bipartisan screening panel shall be constituted as follows:

(a) The members of the ballot board who affiliate with the First Major Party shall review the applications of retired judges who affiliate with the First Major Party and provide a list of eight eligible applicants and their applications to the two members of the ballot board who affiliate with the Second Major Party. The members of the ballot board who affiliate with the Second Major Party shall review the applications of retired judges who affiliate with the Second Major Party and provide a list of eight eligible applicants and their applications to the two members of the ballot board who affiliate with the First Major Party.

(b) From these lists, the members of the ballot board affiliated with the First Major Party then shall select two judges affiliated with the Second Major Party, and the members of the ballot board affiliated with the Second Major Party shall select two judges affiliated with the First Major Party.

(c) The members of the bipartisan screening panel shall be selected no later than January 30, 2025, and no later than June 30 of every year ending in zero.

(C) During his or her service on the bipartisan screening panel, each member of the panel must promptly disclose any contacts with any person disqualified from service on the commission under section 3(C) of this article and can be removed by a unanimous vote of other members of the bipartisan screening panel for any of the causes set forth in section 4(C)(1), (3), (4), or (5) of this article. In the event of resignation or removal, a



replacement will be appointed from the same list and using the same process as for the original appointment. Members of the bipartisan screening panel shall be paid a per diem equal to the per diem paid to a judge assigned to serve on a court of appeals in Ohio.

(D) Once constituted, the bipartisan screening panel shall administer the application process and conduct the commissioner selection process in a manner that is impartial, transparent, and fair and that promotes applications from a geographically and demographically representative cross-section of Ohio.

(1) To assist it in its duties, the bipartisan screening panel shall engage a professional search firm to solicit applications for commissioner, screen and provide information about applicants, check references, and otherwise facilitate the application review and applicant interview process.

(a) Upon approval of this article, and in each year ending with zero, the Department of Administrative Services shall design and issue a request for proposals from interested professional search firms, including soliciting information necessary for a conflict-of-interest check, and shall contract with the chosen professional search firm. The Department of Administrative Services shall create a list of no more than three recommended professional search firms and provide it to the bipartisan screening panel.

(b) From the list provided by the Department of Administrative Services, the bipartisan screening panel shall select a professional search firm based on its specialization in screening high-level public sector employees, professional and technological capability to carry out the process, including investigations of applicants and public broadcasting of interviews, an ability to abide by the requirements of open meetings and public records laws, and, during the current year and for six years preceding the application deadline, absence of any conflicts of interests or connections or relationships with interested parties, including, but not limited to, any employment of or contracting relationships or other involvement with elected officials or candidates for office, or any contractual relationships or other involvement with political parties, ballot measure campaigns, or political action committees.

(2) The form used by applicants interested in serving on the commission shall obtain all required disclosures and information necessary for the bipartisan screening panel to determine each applicant's qualifications, conflicts of interest, party affiliation, relevant experiences and skills, community ties, and commitment to impartiality, compromise, and fairness.

(a) Party affiliation shall be determined based on the applicant's voting record in party primaries and various other relevant factors including, but not limited to, political contributions, campaign activities, and other reliable indicia of partisan affiliation.

- (b) An applicant who has voted in two consecutive even-year primary elections for the same political party in the six years immediately preceding the application deadline shall be presumed to be affiliated with that party unless relevant factors demonstrate otherwise.
  - (c) All applications shall be submitted under penalty of perjury by a deadline set by the bipartisan screening panel.
- (3) The bipartisan screening panel shall provide adequate public notice of the application process and accept applications for a period adequate to gather applications from a geographically and demographically representative cross-section of Ohio.
- (4) After the close of the application period, the bipartisan screening panel shall review submitted applications and by majority vote create a pool of ninety applicants who are qualified to serve on the commission pursuant to sections 3(A) and (C) of this article, who have made requisite disclosures pursuant to section 3(B) of this article, and who collectively form a geographically and demographically representative cross-section of Ohio. This applicant pool shall consist of thirty applicants affiliated with the First Major Party, thirty applicants affiliated with the Second Major Party, and thirty applicants who are independent.
- (5) The bipartisan screening panel shall make public the name, the current municipality or township of residence, and the partisan affiliation, if any, of each person in the applicant pool and shall create a portal for public comment on the applicants. Members of the bipartisan screening panel, in conjunction with the search firm, shall conduct or direct the search firm to conduct and publicly broadcast interviews with each applicant in the pool that examine the applicant's partisan affiliation, relevant experience and skills, community ties, and commitment to impartiality, compromise, and fairness.
- (6) After reviewing public comments and conducting interviews, the bipartisan screening panel shall select and publish a list of forty-five finalists for commissioner who are well qualified and collectively form a geographically and demographically representative cross-section of Ohio. The finalists shall include fifteen applicants affiliated with the First Major Party, fifteen applicants affiliated with the Second Major Party, and fifteen independent applicants.
- (7) In a public meeting not later than three days after publication of the finalist list, the bipartisan screening panel shall randomly draw six commissioners from the finalists. Two shall be affiliated with the First Major Party, two shall be affiliated with the Second Major Party, and two shall be independent.
- (8) The initial six commissioners shall review the applications, public comments, and interview records of the remaining finalists and, in a subsequent public meeting held within 21 days of their selection as commissioners, select nine additional commissioners from the remaining applicants in the pool, three of whom are affiliated with the First Major Party, three of whom are affiliated with the Second Major Party, and three of whom are independent. To be selected, an applicant

must receive affirmative votes from a majority of the initial six commissioners including the votes of at least one commissioner affiliated with the First Major Party, one commissioner affiliated with the Second Major Party, and one independent commissioner. These selections shall be based on the strength of the applications and shall ensure that the commission reflects the geographic and demographic diversity of Ohio.

- (E) Within 60 days of the deadline contained in section 1(D) of this article, the bipartisan screening panel with the assistance of the professional search firm shall create by a majority vote a pool of at least six potential special masters who are willing to serve if needed, in the event of a legal challenge to a redistricting plan under section 8 of this article.
- (1) A person may not be included in the pool of potential special masters unless the person has established that he or she is not disqualified pursuant to section 3(C) of this article, has made disclosures pursuant to section 3(B) of this article, and has been screened by the bipartisan screening panel and determined to have:
- (a) The skill, knowledge, and ability to analyze redistricting plans and, if needed, produce redistricting plans that satisfy all requirements of this constitution and federal law, and in accordance with the record before the court;
  - (b) A lack of contractual relationships with any political party, political action committee, office holder, candidate, or party-affiliated organization in the preceding six years;
  - (c) A lack of substantive communications regarding redistricting matters in the preceding six years with any individual disqualified pursuant to section 3(C) of this article; and
  - (d) A lack of any relationships, connections, personal or professional activities or affiliations, or conflicts of interest that may undermine public trust in the independence of potential special masters or the integrity of the redistricting process.
- (2) The bipartisan screening panel shall remove from the pool the name of any potential special master whom the panel determines no longer satisfies the qualification requirements in section 2(E)(1) of this article or who is no longer available to serve. A person included in the pool of potential special masters shall notify the bipartisan screening panel immediately if any of the information provided to the panel during the screening process changes or if he or she is no longer willing or able to serve as a special master.
- (F) The terms of members of the bipartisan screening panel shall expire upon the certification by the Secretary of State of redistricting plans for the general assembly and United States House of Representatives for each redistricting cycle.

### **Section 3. Qualifications; disclosures; post service restriction**

(A) To be eligible to serve, a commissioner shall be a resident of Ohio who has continuously resided in the state during the current year and immediately preceding six years and shall be an elector in good standing at the time of application.

(B) Each applicant seeking to serve on the commission shall disclose:

- (1) Contributions made by the applicant to federal, state, or local candidates for elective office, political parties, or political action committees, including direct and in-kind contributions, during the current year and immediately preceding six years;
- (2) The applicant's history of partisan affiliations, including primary ballots voted, non-monetary contributions to political campaigns, and any other political engagement, including, but not limited to, involvement in political campaigns or other political organizations whether paid or volunteer;
- (3) The identity of family members who would be ineligible under section 3(C) of this article; and
- (4) Personal or professional relationships with persons during the current year or the immediately preceding six years who would be ineligible under section 3(C) of this article; and
- (5) All financial information required by law.

(C) The following persons shall be ineligible to serve on the commission, on the bipartisan screening panel, as a special master, or as staff, a professional, or a consultant to the commission:

- (1) Current elected or appointive officials to federal, state, or local office and their immediate family members;
- (2) Persons who have served in any federal, state, or local elective or appointive office in Ohio for any period during the current year and immediately preceding six years and their immediate family members;
- (3) Persons who have been a candidate for any federal, state, or local elective office in Ohio during the current year or immediately preceding six years and their immediate family members;
- (4) Persons who have served as an officer, paid consultant, or contractor to any political party, political action committee, or campaign committee at the federal, state, or local level for any period during the current year and immediately preceding six years and their immediate family members;
- (5) Persons who have served as a staff member, paid consultant, or contractor for any elected official or candidate for any federal, state, or local office for any period

during the current year and immediately preceding six years and their immediate family members;

(6) Persons who have been a registered lobbyist or legislative agent with the State of Ohio or the federal government for any period during the current year and immediately preceding six years and their immediate family members.

(D) Commissioners shall be ineligible to hold elective or appointive state office in Ohio for six years following the certification of the redistricting plan for the general assembly.

#### **Section 4. Commission internal governance and staff**

(A) All deliberations and actions of the commission shall be in public meetings and all actions by the commission shall require the affirmative vote of at least nine commissioners, including the vote of at least two commissioners affiliated with the First Major Party, two commissioners affiliated with the Second Major Party, and two independent commissioners. The presence of nine commissioners shall constitute a quorum.

(B) At the first meeting of the full commission, the commission shall select two members to serve as co-chairs. The co-chairs may not have the same partisan affiliation. The co-chairs shall be responsible for presiding over meetings of the commission on an alternating basis and performing such other administrative duties as designated by the commission.

(C) A commissioner shall be removed only by the commission and only for cause after notice, a public hearing, and an opportunity for members of the public to comment. Any of the following shall be cause for removal:

(1) Knowing failure to disclose information pursuant to section 3 of this article;

(2) Willful disregard for the provisions in section 5 of this article;

(3) Wanton and willful neglect of duty or gross misconduct or malfeasance in office;

(4) Incapacity or inability to perform his or her duties; or

(5) Behavior involving moral turpitude or other acts that undermine the public's trust in the commission and the redistricting process.

(D) The commission shall fill any vacancy on the commission by selecting from the list established pursuant to section 2(D)(6) a finalist with the same partisan affiliation as the removed or resigned commissioner.

(E) The commission shall retain staff, professionals, and consultants as needed to assist with the responsibilities, duties, and operations of the commission. All staff, professionals, and consultants shall be retained through a public application process undertaken with the assistance of the Department of Administrative Services. All applicants seeking to serve

the commission as a member of staff, a professional, or a consultant shall be subject to the disclosure requirements and disqualifications in sections 3(B) and (C) of this article. Commission staff shall include the following positions:

- (1) Executive director and other administrative staff to assist with facilitating broad public participation in redistricting including, but not limited to, public outreach, transparency, scheduling hearings, data management, and deployment of technology.
  - (2) Legal counsel with demonstrated experience in compliance and redistricting and, in particular, in enforcing or otherwise applying the Voting Rights Act of 1965; and
  - (3) Demographer or demographers with district mapping experience.
- (F) Commissioners and commission staff, professionals, and consultants shall owe a duty to the commission as a whole and shall act in the utmost public interest of the people of Ohio and not that of any party, individual, or special interest.

### **Section 5. Redistricting process**

(A) The commission shall conduct its hearings in a manner that invites broad public participation throughout the state, including by using technology to broadcast commission meetings and to facilitate meaningful participation from a range of Ohioans.

- (1) In performing their duties, commissioners and commission staff, professionals, and consultants shall adhere to all applicable public records and open meetings laws.
- (2) Commissioners and commission staff, professionals, and consultants shall not communicate with any outside person about the redistricting process or redistricting plan outcomes other than through designated public meetings or official commission portals.
- (3) Notwithstanding any other provisions of law, no person shall attempt to contact any member or members of the commission or commission staff, professional, or consultants with the intent to influence the redistricting process or redistricting plan outcomes other than through designated public meetings or official commission portals. Any communication received by a commissioner or commission staff, professionals, or consultants in violation of this provision shall be immediately disclosed to the commission as a whole including legal counsel. If the commission determines that the communication is a material violation of this provision and that the identity of the person who made the communication and the subject matter of that communication are of public interest, the commission shall vote on whether to make such information public.

(B) Before adopting any redistricting plan, the commission shall hold at least three rounds of public meetings:

- (1) Prior to the release of draft redistricting plans, but not later than July 11, 2025, and not later than May 1 of every year ending in one, the commission shall hold at least five initial input hearings to gather information from the public on communities of interest and other factors that Ohioans believe should inform the commission's creation of redistricting plans. Hearings shall take place in all five regions of Ohio, with at least one hearing in the northwest region, one in the northeast region, one in the southeast region, one in the southwest region, and one in the central region. The commission shall provide at least fourteen days' notice of the initial regional hearings.
  - (2) After release of draft redistricting plans, but not later than August 25, 2025, and not later than June 15 of every year ending in one, the commission shall hold at least five hearings across the five regions of Ohio to gather comments on the draft plans. The commission shall provide at least fourteen days' notice of the regional draft redistricting plan hearings.
  - (3) In the event that the commission makes subsequent revisions to a draft redistricting plan, the commission shall hold at least two hearings to gather comments on any such plans. The commission shall provide at least three days' notice of the revised redistricting plan hearings.
  - (4) No later than September 19, 2025, and no later than July 15 of every year ending in one, the commission shall adopt final redistricting plans. Proposed final redistricting plans shall be made public no later than three days prior to a meeting to adopt final redistricting plans.
- (C) The commission shall make census and relevant election data, demographic data, and other public records broadly accessible and provide a portal for digital submission of public comments. All redistricting plans, whether draft or final, shall be produced with digital geographic files in a format that allows for analysis and reproduction of demographic data, and an analysis of district performance.
- (D) Within three days of approval of any final redistricting plan, the commission shall issue and make publicly available a report for such redistricting plan that explains the basis on which the commission made decisions and sets forth how the commission used the public comments and the evidence presented to it to achieve compliance with the requirements for drawing districts. The report shall include relevant definitions of terms and standards used for drawing each such plan. In conjunction with the report, the commission shall also release the complete record before the commission.
- (E) If any final redistricting plan adopted by the commission is not challenged under section 8 of this article, the commission shall submit that final redistricting plan to the Secretary of State for certification ten days after the redistricting plan report in section 5(D) of this article is made publicly available. The Secretary of State shall certify each final redistricting plan within one day of receiving the plan.

## **Section 6. Rules for drawing districts**

- (A) Each redistricting plan shall contain single-member districts that are geographically contiguous and that comply with the United States Constitution and all applicable federal laws, including the Voting Rights Act of 1965.
- (B) To ban partisan gerrymandering and prohibit the use of redistricting plans that favor one political party and disfavor others, the statewide proportion of districts in each redistricting plan that favors each political party shall correspond closely to the statewide partisan preferences of the voters of Ohio.
- (1) For purposes of this section, the statewide proportion of districts in each redistricting plan that favors each political party shall be determined by:
    - (a) Calculating the number of districts in the redistricting plan that would have been won by the candidates representing the First Major Party and the Second Major Party using the two-party vote in each statewide partisan general election contest held in the preceding six years for which precinct-level data is available;
    - (b) Dividing each of these numbers by the total number of districts in the redistricting plan to obtain the proportion of districts in the redistricting plan that would have been won by candidates representing the First Major Party and the Second Major Party in each election contest; and
    - (c) Calculating the median of these proportions for each political party.
  - (2) The statewide partisan preferences of the voters of Ohio shall be determined by:
    - (a) Calculating the proportion of the statewide two-party vote received by the candidates representing the First Major Party and the Second Major Party in each statewide partisan general election contest held in the preceding six years for which precinct-level data is available; and
    - (b) Calculating the median of these proportions for each political party.
  - (3) For the purposes of this section, to correspond closely means that the statewide proportion of districts in each redistricting plan that favors each political party may deviate by no more than three percentage points in either direction, or if this is arithmetically impossible, by the smallest possible proportion that is larger than three percentage points, from the statewide partisan preferences of the voters of Ohio.
  - (4) No redistricting plan shall be drawn with consideration of the place of residence of any incumbent elected official or any candidate for state or congressional office.
  - (5) In deciding whether to adopt a particular redistricting plan for the general assembly, the commission shall not take into account senators whose terms will not expire within two years of the plan's effective date would be affected by following the provisions of Section 6(E).



(C) Each redistricting plan shall also comply, to the extent possible, with the criteria listed below in order of priority; provided, however, that application of the criteria below does not permit adoption of a redistricting plan that violates paragraphs (A) or (B) of this section:

(1) Districts for the same office shall be reasonably equal in total population;

(a) The total population of Ohio as determined by the most recent federal decennial census shall serve as the population basis for equalizing district population.

(b) Persons in the custody of the Ohio Department of Rehabilitation and Corrections or its successor agency shall be counted at their last known pre-incarceration address for purposes of equalizing district population.

(2) Districts shall ensure the equal functional ability of politically cohesive and geographically proximate racial, ethnic, and language minorities to participate in the political process and to elect candidates of choice; and

(3) Districts shall preserve communities of interest to the extent practicable.

(a) A community of interest is an area where the record before the commission demonstrates the existence of communities of people with broadly shared interests and representational needs, including, without limitation, interests and representational needs that arise from common ethnic, racial, social, cultural, geographic, environmental, socioeconomic, or historic identities or concerns.

(b) Counties, municipal corporations, townships, and school districts may constitute communities of interest provided the record before the commission clearly and convincingly demonstrates such subdivision is a community of people who have broadly shared interests and representational needs that are greater than those of other overlapping communities of interest.

(c) Under no circumstance shall communities of interest include a community defined based on a shared political identity or common relationships with political parties or political candidates.

(d) In considering which overlapping communities of interest to preserve, the commission shall give greater consideration to those communities of interest whose representational needs would be most benefited from the community's inclusion in a single district.

(D) In the redistricting plan for the general assembly, districts for the Ohio House of Representatives shall be numbered from one to ninety-nine, and districts for the Ohio Senate shall be composed of three contiguous House of Representatives districts and shall be numbered from one to thirty-three.

(E) At any time the boundaries of Ohio Senate districts are changed in any general assembly final redistricting plan adopted pursuant to this article, a senator whose term will not expire within two years of the time the adopted redistricting plan becomes effective shall represent, for the remainder of the term for which the senator was elected, the Senate district that contains the largest portion of the population of the district from which the senator was elected, and the district shall be given the number of the district from which the senator was elected. If more than one senator whose term will not so expire would represent the same district by following the provisions of this section, the commission in the report required under section 5(D) of this article or the Supreme Court of Ohio adopting a final redistricting plan under section 8(D)(3) or (4) of this article shall designate which senator shall represent the district and shall designate which district the other senator or senators shall represent for the balance of their term or terms.

### **Section 7. Impasse procedure**

(A) If the commission fails to adopt any final redistricting plan under section 5 of this article by September 19, 2025, or by July 15 of every year ending in one, the following procedures shall be followed to resolve the impasse:

- (1) Each commissioner shall have three days to submit no more than one proposed redistricting plan for each redistricting plan that is the subject of impasse for a ranked-choice selection process. Any redistricting plan submitted for the ranked-choice selection process shall comply with the criteria in section 6 of this article and shall be made publicly available for comment for seven days.
- (2) Within two days of the end of the public comment period, each commissioner shall then rank all the submitted redistricting plans starting with his or her most preferred redistricting plan followed by submitted redistricting plans ranked in decreasing order of preference. The submitted redistricting plan that wins a total vote runoff shall be the final redistricting plan. A total vote runoff process shall be conducted as follows:
  - (a) If a majority of commissioners rank the same submitted redistricting plan in the first position, that submitted redistricting plan is adopted.
  - (b) If no submitted redistricting plan garners a majority of first-position rankings, each submitted redistricting plan is allocated the number of points corresponding to the commissioners' rankings. The method of allocating points for each submitted redistricting plan is to allocate one point for every commissioner's first-rank vote, and two points for every commissioner's second-rank vote, with this process continuing until all commissioners' votes are allocated for each submitted redistricting plan. Each submitted redistricting plan's points total is the sum of the points from all commissioners, and the submitted redistricting plan with the highest point total is eliminated. The rankings of the other submitted redistricting plans are then adjusted if necessary to reflect that elimination and any changes in the point total. If there is a tie for the highest point total, the submitted redistricting plan to be eliminated shall be chosen through a random process.

- (c) This process of eliminating the submitted redistricting plan with the highest point total is repeated until a redistricting plan has the majority of first-position rankings at which point it becomes the adopted final redistricting plan.
- (B) With respect to any final redistricting plan adopted under the provisions of this section, the commission shall issue a report consistent with section 5(D) of this article and shall submit that final redistricting plan to the Secretary of State for certification consistent with section 5(E) of this article, and the Secretary of State shall certify that final redistricting plan consistent with section 5(E) of this article.

**Section 8. Jurisdiction of Supreme Court; expedited judicial review; effect of determination of constitutionality.**

- (A) The Supreme Court of Ohio shall have exclusive, original jurisdiction in all cases which contend that a redistricting plan adopted by the commission fails to comply with the requirements of section 6(B) of this article.
- (B) Any registered elector in Ohio may seek review of an adopted redistricting plan under this section by filing a petition within ten days of the commission's issuance of the report required under section 5(D) of this article. If more than one such petition is filed, the Supreme Court of Ohio shall consolidate such petitions into a single action for purposes of adjudication. In any action brought under this section, the record before the court shall be limited to the record before the commission.
- (C) The commission shall have exclusive standing to defend any action brought under this section and shall file a response to any petition within five days of the petition's filing.
- (D) Actions brought under this section shall be adjudicated using the following expedited review process:
  - (1) Within five days of the filing of any petition under this section, the Supreme Court of Ohio shall by unanimous vote select two special masters from the pool established by the bipartisan screening panel under section 2(E) of this article. If the court is unable to unanimously select two special masters, the administrative director of the Supreme Court of Ohio shall randomly select two special masters from the pool created by the bipartisan screening panel. The two special masters selected shall be entitled to reasonable compensation set by the Supreme Court of Ohio commensurate with their skills, experience, and expertise and consistent with industry standards, plus reimbursement of reasonable, actual, and necessary expenses. The special masters shall hold a public hearing within twenty days of the filing of the commission's response to the latest filed petition. No later than seven days after conclusion of the hearing, applying a standard of review deferential to the decisions of the commission, the special masters shall review the challenged redistricting plan, considering only the record before the court, to determine whether it complies with section 6(B) of this article and shall issue a report setting forth their determination of whether the commission abused its discretion in concluding that the challenged redistricting plan complies with the

requirements of section 6(B) of this article.

- (2) If a petitioner or the commission disagrees with the report and determination issued by the special masters, such party shall have seven days to file objections with the Supreme Court of Ohio.
    - (a) If no objection to the special masters' report and determination is timely filed, the Supreme Court of Ohio shall issue an order adopting the special masters' report and determination as the final, non-reviewable decision of the court.
    - (b) If any such objections are filed, the Supreme Court of Ohio shall hold a public hearing on the objections within fifteen days of the filing of the latest filed objection. Applying the same standard of review deferential to the decisions of the commission, based on the record before the court, the Supreme Court of Ohio shall issue a written order, with opinion, within ten calendar days after the hearing, addressing and either upholding or rejecting each objection to the special masters' determination as to whether or not the commission abused its discretion in concluding that the challenged redistricting plan complies with section 6(B) of this article.
  - (3) If a final order of the Supreme Court of Ohio issued under paragraph (D)(2) of this section determines that the commission abused its discretion in concluding that a challenged redistricting plan fails to comply with the requirements of section 6(B) of this article, the commission shall have seven days to make any adjustments necessary to bring the redistricting plan into compliance and submit the revised redistricting plan to the special masters and the Supreme Court of Ohio. If the commission makes the necessary adjustments, the Supreme Court shall issue an order adopting the revised redistricting plan as the final, non-reviewable decision of the court.
  - (4) If the commission fails to make the necessary adjustments within seven days or the court, in consultation with the special masters, concludes that the commission has failed to adequately remedy the violation of section 6(B) of this article, the Supreme Court of Ohio shall immediately order the special masters to make such minimal adjustments within five days as are necessary to bring the challenged redistricting plan into compliance. Changes made to a challenged redistricting plan by the special masters shall not be reviewable by any court, and the Supreme Court of Ohio shall issue a final order adopting the redistricting plan as adjusted by the special masters.
- (E) Within one day of the issuance of a final order approving a redistricting plan by the Supreme Court of Ohio in a case brought under this section, the commission shall submit such plan to the Secretary of State, who shall certify any such redistricting plan within one day of receipt.

- (F) Except for claims brought under this section, no other challenges to an adopted final redistricting plan, including challenges to the decisions of the commission with respect to how best to comply with the criteria in section 6(C), may be brought in any court.

## **Section 9. Financial and administrative independence**

- (A) Commissioners shall be entitled to one-hundred and twenty-five dollars per day, plus reimbursement for reasonable expenses at the rate set by the United States Internal Revenue Service, for each day attending commission meetings or otherwise carrying out the responsibilities of the commission. This amount shall be adjusted for inflation annually beginning in 2025.
- (B) Notwithstanding any other provision of this constitution or any laws of this state, the general assembly shall make appropriations to the Department of Administrative Services, the bipartisan screening panel, and the commission in amounts adequate for each entity to fulfill its duty under this article, and the general assembly shall further appropriate amounts adequate for funding those entities' participation, if necessary, in all related litigation. If the general assembly fails to comply with any of its obligations under this paragraph, the Supreme Court of Ohio shall compel it to comply with such obligations forthwith.
- (1) For purposes of funding the commission, adequate funding shall mean:
- (a) For redistricting in 2025, an amount appropriated by the general assembly no later than December 10, 2024, that is not less than seven million dollars.
  - (b) For each redistricting cycle after 2025, an amount appropriated no later than January 1 of a year ending in zero that is not less than the amount appropriated under sub-paragraph (B)(1)(a) of this section, adjusted for inflation.
  - (c) The general assembly shall make separate and timely appropriations to cover all the commission's expenses in any related litigation.
- (2) For purposes of funding the bipartisan screening panel, adequate funding shall mean an amount appropriated no later than December 10, 2024, and January 1 of every subsequent year ending in zero, that is not less than one-eighth of the amount appropriated under sub-paragraph (B)(1)(a) of this section, adjusted for inflation. The general assembly shall make separate, timely, and adequate appropriations to cover all the bipartisan screening panel's expenses in any related litigation.
- (C) The work and compensation of the special masters under this article shall be timely and adequately funded out of the budget of the Supreme Court of Ohio.

## **Section 10. Implementation**

- (A) Upon the effective date of this article, all redistricting plans used to elect members of the general assembly or the United States House of Representatives are void for any subsequent election.
- (B) In order to facilitate compliance with section 6 of this article, the Secretary of State shall, within 90 days after any election, collect the precinct boundaries used by each county for any statewide election held, and shall maintain such data and shall make it publicly available on an ongoing basis in a manner suitable for analysis of the redistricting plans.
- (C) The redistricting process set forth in this article shall take place once in a redistricting cycle.

## **Section 11. Definitions**

- (A) “Effective date of this article” means the date on which the Secretary of State certifies that voters have approved the addition of this article to the Ohio constitution.
- (B) “Independent” means a person who is not affiliated with either the First Major Party or the Second Major Party as determined by the bipartisan screening panel based on available information.
- (C) “First Major Party” means the political party whose candidate for governor received the highest number of votes in the last election held for such office.
- (D) “Second Major Party” means the political party whose candidate for governor received the second highest number of votes in the last election held for such office.
- (E) “Retired judge” means a person who left judicial service on any Ohio court by reason of resignation or retirement. “Retired judge” does not include a person who was removed or suspended without reinstatement from service on any Ohio court pursuant to the Rules for the Government of the Judiciary or who resigned or retired from service on any Ohio court while a complaint was pending against the person under those rules. A retired judge may at the time of his or her selection be serving, and may thereafter continue serving, as an assigned judge, teacher, mediator, or arbitrator so long as that service does not conflict with the duties of the bipartisan screening panel.
- (F) “Special master” means a person with the demonstrated ability, knowledge, experience, and expertise to analyze, create, and, where warranted, modify redistricting plans in accordance with constitutional requirements, as well as the capacity to evaluate evidence relevant to such plans and such requirements and to generate a thorough, credible report and determination regarding the same that will withstand judicial review and engender public confidence. This may include a person with appropriate demographic analysis abilities, experience with mapping populations at a state level, and legal understanding of compliance requirements.
- (G) “Adjusted for inflation” means annually applying the United States City Average Consumer Price Index for urban consumers in the Midwest Region, East North Central Division, or the future equivalent of such index.
- (H) “Department of Administrative Services” means that department or its successor agency.

- (I) “Redistricting cycle” means the redrawing in 2024-2025 and following each subsequent federal decennial census, in accordance with this article, of the boundaries of the districts used to elect members of the general assembly and the United States House of Representatives.

## **Section 12. Construction and severability**

- (A) The provisions of this article are severable. If any provision of this article or its application is held to be invalid, that invalidity shall not affect other provisions or applications, which shall be given maximum possible effect in the absence of the invalid provision or application.
- (B) If any provision of this article conflicts with other provisions of this constitution, conflicts shall be resolved in favor of this article.
- (C) All references to days in this article shall be understood as calendar days. If any deadline or date in this article falls on a Saturday, Sunday, or official state holiday, the date or deadline shall be extended to the next day that is not a Saturday, Sunday, or official state holiday.
- (D) The commission may make reasonable adjustments to its deadlines in this article if conditions beyond its control require such adjustment to allow adoption of redistricting plans.

## **Article XI**

~~Section 1. (A) The Ohio redistricting commission shall be responsible for the redistricting of this state 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.~~

~~No appointed member of the commission shall be a current member of congress.~~

~~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.~~

~~(B)(1) Unless otherwise specified in this article or in Article XIX of this constitution, 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 general assembly district plan. For the purposes of this division and of Section 1 of Article XIX of this constitution, 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 and in Sections 1 and 3 of Article XIX of this constitution, 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 draft the proposed plan 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 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 general assembly district plan or a congressional district plan, whichever is later, 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 and Article XIX of this constitution.

Section 2. Each house of representatives district shall be entitled to a single representative in each general assembly. Each senate district shall be entitled to a single senator in each general assembly.

Section 3. (A) The whole population of the state, as determined by the federal decennial census or, if such is unavailable, such other basis as the general assembly may direct, shall be divided by the number "ninety-nine" and by the number "thirty-three" and the quotients shall be the ratio of representation in the house of representatives and in the senate, respectively, for ten years next succeeding such redistricting.

(B) A general assembly district plan shall comply with all of the requirements of division (B) of this section.

(1) The population of each house of representatives district shall be substantially equal to the ratio of representation in the house of representatives, and the population of each senate district shall be substantially equal to the ratio of representation in the senate, as provided in division (A) of this section. In no event shall any district contain a population of less than ninety-five per cent nor more than one hundred five per cent of the applicable ratio of representation.

(2) Any general assembly 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.

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

(C) House of representatives districts shall be created and numbered in the following order of



priority, to the extent that such order is consistent with the foregoing standards:

(1) Proceeding in succession from the largest to the smallest, each county containing population greater than one hundred five per cent of the ratio of representation in the house of representatives shall be divided into as many house of representatives districts as it has whole ratios of representation. Any fraction of the population in excess of a whole ratio shall be a part of only one adjoining house of representatives district.

(2) Each county containing population of not less than ninety five per cent of the ratio of representation in the house of representatives nor more than one hundred five per cent of the ratio shall be designated a representative district.

(3) The remaining territory of the state shall be divided into representative districts by combining the areas of counties, municipal corporations, and townships. Where feasible, no county shall be split more than once.

(D)(1)(a) Except as otherwise provided in divisions (D)(1)(b) and (c) of this section, a county, municipal corporation, or township is considered to be split if any contiguous portion of its territory is not contained entirely within one district.

(b) If a municipal corporation or township has territory in more than one county, the contiguous portion of that municipal corporation or township that lies in each county shall be considered to be a separate municipal corporation or township for the purposes of this section.

(c) If a municipal corporation or township that is located in a county that contains a municipal corporation or township that has a population of more than one ratio of representation is split for the purpose of complying with division (E)(1)(a) or (b) of this section, each portion of that municipal corporation or township shall be considered to be a separate municipal corporation or township for the purposes of this section.

(2) Representative districts shall be drawn so as to split the smallest possible number of municipal corporations and townships whose contiguous portions contain a population of more than fifty per cent, but less than one hundred per cent, of one ratio of representation.

(3) Where the requirements of divisions (B), (C), and (D) of this section cannot feasibly be attained by forming a representative district from whole municipal corporations and townships, not more than one municipal corporation or township may be split per representative district.

(E)(1) If it is not possible for the commission to comply with all of the requirements of divisions (B), (C), and (D) of this section in drawing a particular representative district, the commission shall take the first action listed below that makes it possible for the commission to draw that district:

(a) Notwithstanding division (D)(3) of this section, the commission shall create the district by splitting two municipal corporations or townships whose contiguous portions do not contain a population of more than fifty per cent, but less than one hundred per cent, of one ratio of representation.

(b) Notwithstanding division (D)(2) of this section, the commission shall create the district by splitting a municipal corporation or township whose contiguous portions contain a population of more than fifty per cent, but less than one hundred per cent, of one ratio of representation.

(c) Notwithstanding division (C)(2) of this section, the commission shall create the district by splitting, once, a single county that contains a population of not less than ninety five per cent of the ratio of representation, but not more than one hundred five per cent of the ratio of representation.

(d) Notwithstanding division (C)(1) of this section, the commission shall create the district by including in two districts portions of the territory that remains after a county that contains a population of more than one hundred five per cent of the ratio of representation has been divided into as many house of representatives districts as it has whole ratios of representation.

(2) If the commission takes an action under division (E)(1) of this section, the commission shall include in the general assembly district plan a statement explaining which action the commission took under that division and the reason the commission took that action.

(3) If the commission complies with divisions (E)(1) and (2) of this section in drawing a district, the commission shall not be considered to have violated division (C)(1), (C)(2), (D)(2), or (D)(3)

of this section, as applicable, in drawing that district, for the purpose of an analysis under division (D) of Section 9 of this article.

~~Section 4. (A) Senate districts shall be composed of three contiguous house of representatives districts.~~

~~(B)(1) A county having at least one whole senate ratio of representation shall have as many senate districts wholly within the boundaries of the county as it has whole senate ratios of representation. Any fraction of the population in excess of a whole ratio shall be a part of only one adjoining senate district.~~

~~(2) Counties having less than one senate ratio of representation, but at least one house of representatives ratio of representation, shall be part of only one senate district.~~

~~(3) If it is not possible for the commission to draw representative districts that comply with all of the requirements of this article and that make it possible for the commission to comply with all of the requirements of divisions (B)(1) and (2) of this section, the commission shall draw senate districts so as to commit the fewest possible violations of those divisions. If the commission complies with this division in drawing senate districts, the commission shall not be considered to have violated division (B)(1) or (2) of this section, as applicable, in drawing those districts, for the purpose of an analysis under division (D) of Section 9 of this article.~~

~~(C) The number of whole ratios of representation for a county shall be determined by dividing the population of the county by the ratio of representation in the senate determined under division (A) of Section 3 of this article.~~

~~(D) Senate districts shall be numbered from one through thirty three and as provided in Section 5 of this article.~~

~~Section 5. At any time the boundaries of senate districts are changed in any general assembly district plan made pursuant to any provision of this article, a senator whose term will not expire within two years of the time the plan becomes effective shall represent, for the remainder of the term for which the senator was elected, the senate district that contains the largest portion of the population of the district from which the senator was elected, and the district shall be given the number of the district from which the senator was elected. If more than one senator whose term will not so expire would represent the same district by following the provisions of this section, the plan shall designate which senator shall represent the district and shall designate which district the other senator or senators shall represent for the balance of their term or terms.~~

~~Section 6. The Ohio redistricting commission shall attempt to draw a general assembly district plan that meets all of the following standards:~~

~~(A) No general assembly district plan shall be drawn primarily to favor or disfavor a political party.~~

~~(B) The statewide proportion of districts whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party shall correspond closely to the statewide preferences of the voters of Ohio.~~

~~(C) General assembly districts shall be compact.~~

~~Nothing in this section permits the commission to violate the district standards described in Section 2, 3, 4, 5, or 7 of this article.~~

~~Section 7. Notwithstanding the fact that boundaries of counties, municipal corporations, and townships within a district may be changed, district boundaries 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 8. (A)(1) If the Ohio redistricting commission fails to adopt a final general assembly district plan not later than the first day of September of a year ending in the numeral one, in~~

accordance with Section 1 of this article, the commission shall introduce a proposed general assembly district plan by a simple majority vote of the commission.

(2) After introducing a proposed general assembly district plan under division (A)(1) of this section, the commission shall hold a public hearing concerning the proposed plan, at which the public may offer testimony and at which the commission may adopt amendments to the proposed plan. Members of the commission should attend the hearing; however, only a quorum of the members of the commission is required to conduct the hearing.

(3) After the hearing described in division (A)(2) of this section is held, and not later than the fifteenth day of September of a year ending in the numeral one, the commission shall adopt a final general assembly district plan, either by the vote required to adopt a plan under division (B)(3) of Section 1 of this article or by a simple majority vote of the commission.

(B) If the commission adopts a final general assembly district plan in accordance with division (A)(3) of this section by the vote required to adopt a plan under division (B)(3) of Section 1 of this article, the plan shall take effect upon filing with the secretary of state and shall remain effective until the next year ending in the numeral one, except as provided in Section 9 of this article.

(C)(1)(a) Except as otherwise provided in division (C)(1)(b) of this section, if the commission adopts a final general assembly district plan in accordance with division (A)(3) of this section by a simple majority vote of the commission, and not by the vote required to adopt a plan under division (B)(3) of Section 1 of this article, the plan shall take effect upon filing with the secretary of state and shall remain effective until two general elections for the house of representatives have occurred under the plan.

(b) If the commission adopts a final general assembly district plan in accordance with division (A)(3) of this section by a simple majority vote of the commission, and not by the vote required to adopt a plan under division (B) of Section 1 of this article, and that plan is adopted to replace a plan that ceased to be effective under division (C)(1)(a) of this section before a year ending in the numeral one, the plan adopted under this division shall take effect upon filing with the secretary of state and shall remain effective until a year ending in the numeral one, except as provided in Section 9 of this article.

(2) A final general assembly district plan adopted under division (C)(1)(a) or (b) of this section shall include a statement explaining what the commission determined to be the statewide preferences of the voters of Ohio and the manner in which 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 corresponds closely to those preferences, as described in division (B) of Section 6 of this article. At the time the plan is adopted, a member of the commission who does not vote in favor of the plan may submit a declaration of the member's opinion concerning the statement included with the plan.

(D) After a general assembly district plan adopted under division (C)(1)(a) of this section ceases to be effective, and not earlier than the first day of July of the year following the year in which the plan ceased to be effective, the commission shall be reconstituted as provided in Section 1 of this article, convene, and adopt a new general assembly district plan in accordance with this article, to be used until the next time for redistricting under this article. The commission shall draw the new general assembly district plan using the same population and county, municipal corporation, and township boundary data as were used to draw the previous plan adopted under division (C) of this section.

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 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 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 general assembly from districts designated in the plan, 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, a 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.

Section 10. The various provisions of this article are intended to be severable, and the invalidity of one or more of such provisions shall not affect the validity of the remaining provisions.

## Article XIX

Section 1. (A) Except as otherwise provided in this section, the general assembly shall be responsible for the redistricting of this state for congress based on the prescribed number of congressional districts apportioned to the state pursuant to Section 2 of Article I of the Constitution of the United States.

Not later than the last day of September of a year ending in the numeral one, the general assembly shall pass a congressional district plan in the form of a bill by the affirmative vote of three fifths of the members of each house of the general assembly, including the affirmative vote of at least one half of the members of each of the two largest political parties represented in that house. A congressional district plan that is passed under this division and becomes law shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(B) If a congressional district plan is not passed not later than the last day of September of a year ending in the numeral one and filed with the secretary of state in accordance with Section 16 of Article II of this constitution, then the Ohio redistricting commission described in Article XI of this constitution shall adopt a congressional district plan not later than the last day of October of

that year by 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. The plan shall take effect upon filing with the secretary of state and shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(C)(1) If the Ohio redistricting commission does not adopt a plan not later than the last day of October of a year ending in the numeral one, then the general assembly shall pass a congressional district plan in the form of a bill not later than the last day of November of that year.

(2) If the general assembly passes a congressional district plan under division (C)(1) of this section by the affirmative vote of three-fifths of the members of each house of the general assembly, including the affirmative vote of at least one-third of the members of each of the two largest political parties represented in that house, and the plan becomes law, the plan shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(3) If the general assembly passes a congressional district plan under division (C)(1) of this section by a simple majority of the members of each house of the general assembly, and not by the vote described in division (C)(2) of this section, all of the following shall apply:

(a) The general assembly shall not pass a plan that unduly favors or disfavors a political party or its incumbents.

(b) The general assembly shall not unduly split governmental units, giving preference to keeping whole, in the order named, counties, then townships and municipal corporations.

(c) Division (B)(2) of Section 2 of this article shall not apply to the plan. The general assembly shall attempt to draw districts that are compact.

(d) The general assembly shall include in the plan an explanation of the plan's compliance with divisions (C)(3)(a) to (c) of this section.

(e) If the plan becomes law, the plan shall remain effective until two general elections for the United States house of representatives have occurred under the plan, except as provided in Section 3 of this article.

(D) Not later than the last day of September of the year after the year in which a plan expires under division (C)(3)(e) of this section, the general assembly shall pass a congressional district plan in the form of a bill by the affirmative vote of three-fifths of the members of each house of the general assembly, including the affirmative vote of at least one-half of the members of each of the two largest political parties represented in that house. A congressional district plan that is passed under this division and becomes law shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

A congressional district plan passed under this division shall be drawn using the federal decennial census data or other data on which the previous redistricting was based.

(E) If a congressional district plan is not passed not later than the last day of September of the year after the year in which a plan expires under division (C)(3)(e) of this section and filed with the secretary of state in accordance with Section 16 of Article II of this constitution, then the Ohio redistricting commission described in Article XI of this constitution shall be reconstituted and reconvene and shall adopt a congressional district plan not later than the last day of October of that year by 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. A congressional district plan adopted under this division shall take effect upon filing with the secretary of state and shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

A congressional district plan adopted under this division shall be drawn using the federal decennial census data or other data on which the previous redistricting was based.

(F)(1) If the Ohio redistricting commission does not adopt a congressional district plan not later than the last day of October of the year after the year in which a plan expires under division (C)(3)(e) of this section, then the general assembly shall pass a congressional district plan in the

form of a bill not later than the last day of November of that year.

A congressional district plan adopted under this division shall be drawn using the federal decennial census data or other data on which the previous redistricting was based.

(2) If the general assembly passes a congressional district plan under division (F)(1) of this section by the affirmative vote of three-fifths of the members of each house, including the affirmative vote of at least one-third of the members of each of the two largest political parties represented in that house, and the plan becomes law, it shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(3) If the general assembly passes a congressional district plan under division (F)(1) of this section by a simple majority vote of the members of each house of the general assembly, and not by the vote described in division (F)(2) of this section, all of the following shall apply:

(a) The general assembly shall not pass a plan that unduly favors or disfavors a political party or its incumbents.

(b) The general assembly shall not unduly split governmental units, giving preference to keeping whole, in the order named, counties, then townships and municipal corporations.

(c) Division (B)(2) of Section 2 of this article shall not apply to the plan. The general assembly shall attempt to draw districts that are compact.

(d) The general assembly shall include in the plan an explanation of the plan's compliance with divisions (F)(3)(a) to (c) of this section.

(e) If the plan becomes law, the plan shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(G) Before the general assembly passes a congressional district plan under any division of this section, a joint committee of the general assembly shall hold at least two public committee hearings concerning a proposed plan. Before the Ohio redistricting commission adopts a congressional district plan under any division of this section, the commission shall hold at least two public hearings concerning a proposed plan.

(H) The general assembly and the Ohio redistricting commission shall facilitate and allow for the submission of proposed congressional district plans by members of the public. The general assembly shall provide by law the manner in which members of the public may do so.

(I) For purposes of filing a congressional district plan with the governor or the secretary of state under this article, a congressional district plan shall include both a legal description of the boundaries of the congressional districts and all electronic data necessary to create a congressional district map for the purpose of holding congressional elections.

(J) When a congressional district plan ceases to be effective under this article, the district boundaries described in that plan shall continue in operation for the purpose of holding elections until a new congressional district plan takes effect in accordance with this article. If a vacancy occurs in a district that was created under the previous district plan, the election to fill the vacancy for the remainder of the unexpired term shall be held using the previous district plan.

Section 2. (A)(1) Each congressional district shall be entitled to a single representative in the United States house of representatives in each congress.

(2) The whole population of the state, as determined by the federal decennial census or, if the federal decennial census is unavailable, another basis as directed by the general assembly, shall be divided by the number of congressional districts apportioned to the state pursuant to Section 2 of Article I of the Constitution of the United States, and the quotient shall be the congressional ratio of representation for the next ten years.

(3) Notwithstanding the fact that boundaries of counties, municipal corporations, and townships within a district may be changed, district boundaries shall be created by using the data from the most recent federal decennial census or from the basis directed by the general assembly, as applicable.

(B) A congressional district plan shall comply with all of the following requirements:

(1) The plan shall comply with all applicable provisions of the constitutions of Ohio and the United States and of federal law, including federal laws protecting racial minority voting rights.



~~(2) Every congressional district shall be compact.~~

~~(3) Every congressional district shall be composed of contiguous territory, and the boundary of each district shall be a single nonintersecting continuous line.~~

~~(4) Except as otherwise required by federal law, in a county that contains a population that exceeds the congressional ratio of representation, the authority drawing the districts shall take the first of the following actions that applies to that county:~~

~~(a) If a municipal corporation or township located in that county contains a population that exceeds the congressional ratio of representation, the authority shall attempt to include a significant portion of that municipal corporation or township in a single district and may include in that district other municipal corporations or townships that are located in that county and whose residents have similar interests as the residents of the municipal corporation or township that contains a population that exceeds the congressional ratio of representation. In determining whether the population of a municipal corporation or township exceeds the congressional ratio of representation for the purpose of this division, if the territory of that municipal corporation or township completely surrounds the territory of another municipal corporation or township, the territory of the surrounded municipal corporation or township shall be considered part of the territory of the surrounding municipal corporation or township.~~

~~(b) If one municipal corporation or township in that county contains a population of not less than one hundred thousand and not more than the congressional ratio of representation, that municipal corporation or township shall not be split. If that county contains two or more such municipal corporations or townships, only the most populous of those municipal corporations or townships shall not be split.~~

~~(5) Of the eighty-eight counties in this state, sixty-five counties shall be contained entirely within a district, eighteen counties may be split not more than once, and five counties may be split not more than twice. The authority drawing the districts may determine which counties may be split.~~

~~(6) If a congressional district includes only part of the territory of a particular county, the part of that congressional district that lies in that particular county shall be contiguous within the boundaries of the county.~~

~~(7) No two congressional districts shall share portions of the territory of more than one county, except for a county whose population exceeds four hundred thousand.~~

~~(8) The authority drawing the districts shall attempt to include at least one whole county in each congressional district. This division does not apply to a congressional district that is contained entirely within one county or that cannot be drawn in that manner while complying with federal law.~~

~~(C)(1) Except as otherwise provided in division (C)(2) of this section, for purposes of this article, a county, municipal corporation, or township is considered to be split if, based on the census data used for the purpose of redistricting, any contiguous portion of its territory is not contained entirely within one district.~~

~~(2) If a municipal corporation or township has territory in more than one county, the contiguous portion of that municipal corporation or township that lies in each county shall be considered to be a separate municipal corporation or township for purposes of this section.~~

~~Section 3. (A) The supreme court of Ohio shall have exclusive, original jurisdiction in all cases arising under this article.~~

~~(B)(1) In the event that any section of this constitution relating to congressional redistricting, any congressional district plan, or any congressional district or group of congressional districts is challenged and 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 general assembly shall pass a congressional district plan in accordance with the provisions of this constitution that are then valid, to be used until the next time for redistricting under this article in accordance with the provisions of this constitution that are then valid.~~

~~The general assembly shall pass that plan not later than the thirtieth day after the last day on which an appeal of the court order could have been filed or, if the order is not appealable, the~~

~~thirtieth day after the day on which the order is issued.~~

~~A congressional district plan passed under this division shall remedy any legal defects in the previous plan identified by the court but shall include no changes to the previous plan other than those made in order to remedy those defects.~~

~~(2) If a new congressional district plan is not passed in accordance with division (B)(1) of this section and filed with the secretary of state in accordance with Section 16 of Article II of this constitution, the Ohio redistricting commission shall be reconstituted and reconvene and shall adopt a congressional district plan in accordance with the provisions of this constitution that are then valid, to be used until the next time for redistricting under this article in accordance with the provisions of this constitution that are then valid.~~

~~The commission shall adopt that plan not later than the thirtieth day after the deadline described in division (B)(1) of this section.~~

~~A congressional district plan adopted under this division shall remedy any legal defects in the previous plan identified by the court but shall include no other changes to the previous plan other than those made in order to remedy those defects.~~



STATEMENT OF CIRCULATOR

I, Amy Vegh, declare under penalty of election falsification that I am the circulator of the foregoing petition paper containing the signatures of 34 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.

  
(Signed)

3133 Fairfax Rd  
(Address of circulator's permanent residence)  
Number and Street, Road or Rural Route

Cleveland Hts  
City, Village or Township

OH                      44118  
State                                      Zip Code

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