Section 8(C)(2) Statement

In *LWV v. DeWine*, Slip Opinion No. 2022-Ohio-65, the Ohio Supreme Court addressed the method by which the Ohio Redistricting Commission determines whether it is in compliance with Section 6(B), Article XI of the Ohio Constitution. According to the Court, this determination requires two calculations. The first is the statewide proportion of districts whose voters favor each political party. “In making this determination, the Commission must determine how voters in the proposed districts are likely to vote in future elections by examining the statewide federal and state partisan election results from the previous ten years.”  Op. at para. 105.  The second calculation is the “statewide preferences of the voters of Ohio.”  Id. at para. 106.  The methodology to make this calculation is to “total[] the votes cast in statewide partisan elections and calculate[e] the percentages of votes received by candidates of each political party.”  Id. at para. 107.  As to this second calculation, the Court concluded that the “commission is required to attempt to draw a plan in which the statewide proportion of Republican-leaning to Democratic-leaning districts closely corresponds to” 54% Republican-leaning and 46% Democratic-leaning.  The Commission refers to the 54%/46% calculation as strict proportionality. Neither the Constitution nor the decision of the Supreme Court requires adoption of a plan meeting strict proportionality, only that it closely correspond with it.

The Commission attempted to draw a plan in which the statewide proportion of Republican-leaning to Democratic-leaning districts closely corresponds to 54% Republican-leaning and 46% Democratic-leaning districts. In doing so, the Commission was mindful that all of Section 6, Article XI of the Ohio Constitution was to be complied with, not just certain sections. Plus, no one division of Section 6 is subordinate to another. The Commission was also mindful that compliance with Section 6 shall not result in violations of Section 2, 3, 4, 5, or 7 of Article XI of the Ohio Constitution.

During the process of drawing the final adopted plan, all Commission members and their staff participated in the map-drawing process. All members of the Commission, through their respective staff, met or communicated nearly each day of the process and exchanged proposals.  The Commission met several times to discuss specific proposals that had been shared with all members of the Commission and the public.   The final adopted plan contains input from all members of the Commission, directly or through their staff.

The final adopted House district plan contains 57 Republican-leaning districts. This corresponds to approximately 57% of the total number of house districts. The final adopted Senate district plan contains 20 Republican-leaning districts. This corresponds to approximately 60% of the total number of senate districts. In total, the final adopted general assembly district plan contains a total of 77 Republican-leaning districts and 55 Democratic-leaning districts.  This corresponds to approximately 58% Republican-leaning districts and approximately 42% Democratic-leaning districts.  These percentages differ from strict proportionality by only 4%.  The Commission achieved this result by changing eight (8) general assembly districts from Republican-leaning to Democratic-leaning.

These percentages are a result of the Commission’s attempt to comply with Article XI, Section 6. The Commission has had dozens of maps submitted to it. However, the Commission’s map was the only map that closely corresponds to the Section 6 requirements, while remaining constitutional in all other elements.

The Commission believes that the number of Republican-leaning districts and Democratic-leaning districts closely corresponds to strict proportionality, particularly in light of the distribution of voters and geography of Ohio.  Moreover, the final adopted general assembly plan does not contain any violations of Sections 2, 3, 4, 5, or 7 of Article XI of the Ohio Constitution and complies with Section 6 of Article XI of the Ohio Constitution.