



Positions: Apportionment/Districting

(Adopted January 1980)

LWVO supports an impartial districting process that may include, but is not limited to: (Amended May 2005)

1. Districting for Congress and state legislature based substantially on population equality with a variance of no more than plus or minus 5 percent among districts.
2. Use of a bipartisan commission comprised of an odd number of members to determine congressional and state legislative district lines.
3. Congressional and state legislative districts that are compact, contiguous, bounded by a non-intersecting line and follow local political boundaries as much as possible.
4. Opportunity for citizen participation.
5. No more than 99 House districts and 33 Senate districts within the Ohio legislature.

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

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

Background: Apportionment/Districting

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

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

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

In the fall of 1998, before the general election that elected members of the Apportionment Board, League began an initiative petition drive to submit its nonpartisan, mathematical districting plan to the voters. In 1998-1999, we collected signatures and attracted 14 other organizations to join in coalition with us.

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

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

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

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

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

Outlook: Apportionment/Districting

While a Joint Resolution on redistricting was introduced in early 2007, it did not receive a hearing prior to the budget being passed. All holders of the offices comprising the Apportionment Board are in their first terms and can run as incumbents, taking some of the uncertainty out of the composition of the Board. Once again, we are in the situation of having one party, this time the Democrats, believing they will control the Apportionment Board and having less interest in change.

Government: Apportionment/Districting

Selection of Judges

LWVO interest in appointing judges dates back to 1921. In 1938 we supported a successful initiative petition drive to put such an amendment on the ballot, but the issue failed by a two-to-one margin. In our 1947-52 Constitution Study we again adopted an appointive judiciary position. This was dropped by the 1969 Convention after legislatures in '53, '55, '57, '63, '65, and '67 failed to recommend this issue for the ballot. Re-adoption in 1973, following study of the judiciary article, showed member commitment to the concept.

In 1979, we again worked to reach the ballot with this issue via initiative petition, but the effort failed. In 1986 the League began collecting signatures as an active member of a coalition, and the issue ultimately reached the November 1987 ballot. LWVO campaigned strongly for its passage, but the issue failed 65 to 35 percent. In March 2002 the League's Education Fund hosted a national conference on judicial independence, and at Convention 2002 the League concurred with the addition of the statement regarding general support for policies that promote an independent judiciary. The new position was based on the recognition that voters were not likely to support merit selection and that the existing position offered little flexibility to support other reforms. Later that year, Chief Justice Thomas Moyer asked the League to be one of five conveners of a statewide summit on judicial election reform that took place in March 2003.

In 2007, Governor Strickland formed the Ohio Judicial Appointments Recommendations Panel to screen candidates for judicial appointments made by the Governor. An LWVO Board member was appointed to the initial panel.

Term Limits

In 1992, anti-incumbent fever led to ballot issues across the country seeking to limit the number of terms that could be served by legislators. In Ohio there were actions to put the term limit issue on the ballot, both through initiative petition and through legislative resolutions. LWVUS has a position opposing term limits for members of Congress; however, the position did not extend to state offices. The state board adopted a position opposed to term limitations and, as an emergency program item, the statement was concurred with by delegates to 1992 State Council. Although the LWVO worked to oppose term limits, in 1992 voters passed three constitutional amendments: to limit terms of the members of the General Assembly; to limit terms of Ohio's U.S. senators and representatives (term limits for both U.S. senators and representatives were ruled unconstitutional); and to limit terms of five statewide elected officials: lieutenant governor, secretary of state, treasurer, attorney general, and auditor. (The term for governor was already limited to two four-year terms.)

Outlook: Ohio Constitution

LWVO favors efforts to replace the \$750,000 debt limit with a flexible limit, but since the issue's defeat in 1977 no interest has surfaced. LWVO has worked to repeal current earmarking provisions and will oppose future efforts to earmark taxes in the Constitution.

Since the defeat of merit selection of judges in the 1987 election, prospects for amending the Constitution on this issue appear slim. During the spring of 1999, LWVO worked with other citizen groups to promote bipartisan commissions for the selection of judges. The Governor's office took this proposal under consideration, but there was no action. The March 2003 summit, "Judicial Impartiality: The Next Steps," resulted in broad-based committees examining term lengths, qualifications, disclosure, voter guides,

and public financing, with League members represented on each committee. Initial recommendations involved legislation on term length and qualifications, rules changes on disclosure at the Supreme Court, and voter guide publication. In 2007 LWVO appointed a task force to review the Leagues positions on the judiciary.

Term limits for members of the General Assembly have changed the dynamics in the Statehouse: legislators no longer politely “wait their turn” for leadership positions. More legislators take extreme positions because they have little to lose (they will be gone in eight years regardless), and they are not in the legislature long enough to learn how to compromise so that government can be run effectively. Some legislators express a hope for a repeal of term limits, but with public sentiment still favoring term limits, this is highly unlikely in the near future.

Massive problems in the 2004 election led to four initiated constitutional amendments for the 2005 ballot: to change the process for redrawing legislative and congressional districts; to revamp campaign finance rules; to create a state board of elections; and to require unrestricted absentee voting. Voters resoundingly defeated all of these reforms.

In 2006, three proposals to amend the Constitution were on the ballot. LWVO opposed all of them because they did not contain general language appropriate to the Constitution.