

SPOTLIGHT ON....

Redistricting

The census forms have been mailed in and we are now on to the next steps. The census was included in the United States Constitution in 1787 for two reasons - to allocate each state's share of the costs of the Revolutionary War and to provide the basis for allocating each state's share of Congressional representation. The costs for the Revolutionary War have been paid long ago, but every 10 years the United States reallocates or reapportions Congressional seats. Each state has the responsibility of drawing the districts for its Congressional delegation. The Ohio General Assembly is currently empowered to draw Ohio's Congressional districts in 2011. Depending on the political composition of the Ohio House and Senate then, redistricting for Congressional seats may be done by one party or by both parties. The plan passed by the House and Senate is subject to a veto by the Governor, so it will have to be to the liking of the Governor's political party also. In the past, the outcome has been a high number of safe seats for either one party (if only one party is in control of the General Assembly and Governorship) or safe seats for members of both parties if both parties were necessary to pass a plan.

Ohio's Constitution outlines the process for drawing state General Assembly (senate and house) districts. Under Ohio's current Constitution, the political affiliations of the Governor, Auditor, and Secretary of State at the time of redistricting will determine which party controls the process in 2011. In practice, a single party draws the districts and seeks to protect its incumbents, minimize or eliminate the other party's incumbents, and maximize safe seats.

Political scientists have demonstrated that districts drawn to be safe tend to have contested primaries rather than contested general elections-and the more extreme candidate often wins the primary. In contrast, competitive districts tend to have contested general elections, which encourages more mainstream legislators, and promotes compromise. In other words, competitive districts promote legislators who work for the benefit of all their constituents-and thus in the greater public interest.

The Ohio government is in gridlock. In 2009, the Ohio General Assembly passed only nineteen bills, six of them constitutionally required. One of factors involved in promoting that gridlock is Ohio's redistricting process that encourages safe seats and a lack of responsiveness to the voters.

Redistricting reform in Ohio can only be achieved by amending the Ohio Constitution. The most recent attempt in 2005 failed. That citizen-initiated effort, Reform Ohio Now (RON), focused almost entirely on creating competitive districts. The proposed redistricting amendment was overwhelmingly defeated (70% -30%). Two key lessons were learned in 2005: 1) Bipartisan support is essential for redistricting reform; and 2) Competition alone is not a value voters will support if the districts look bizarre. Notably, leading Republican opponents to the RON reform initiative also acknowledged Ohio's current system of redistricting was flawed and pledged to take up the issue of reform in 2006 if RON was defeated.

Following the defeat of the RON amendment in 2005, a Republican House member introduced a joint resolution in 2006 to place a redistricting reform proposal on the ballot. It expanded Ohio's current Apportionment Board to 7 members and required at least one vote from the minority party to select a plan, making the process a bipartisan effort rather than the current single-party "winner take all" method. It kept Ohio's current general criterion of keeping counties, townships, and municipalities intact to the extent possible, included a general requirement of compactness, and added a competitiveness component (to the extent competitiveness could be achieved after the first two criteria were met). However, the Republican joint resolution failed to receive the 60% supermajority vote in the House needed to place a proposed Constitutional amendment on the ballot. Essentially the same bill was introduced in the next General Assembly but was not heard. The same basic proposal was introduced again in 2009 and passed the Ohio Senate by a party-line vote on September 23, 2009. It is now being heard by the House.

Because of the need for bipartisan support and the prohibitive cost of gathering signatures for a citizen-initiated ballot measure, many good-government groups believe the best way to implement reform is through a ballot issue initiated by the General Assembly. In the past ten years, eight of the nine (89%) Constitutional ballot issues initiated by the General Assembly were passed by Ohio voters. In contrast, in that same timeframe, only three of the eleven (27%) citizen-driven initiative-petition measures on the ballot were passed by Ohio voters.

2010 is a unique time in Ohio politics. The two major parties have publicly stated the current redistricting system is deeply flawed. Furthermore, no one knows who will control the Apportionment Board, as it is unclear what party will dominate the positions of the Governor, Auditor, and Secretary of State following the 2010 election. Initially, the Ohio Democratic Party presumed both the incumbent Democratic Governor and the incumbent Democratic Secretary of State would seek and win re-election. However, the current Ohio Secretary of State is not seeking re-election to that post-nor is the current Republican Auditor. Polls have shown the gubernatorial race could be close. In addition to those three seats being up for grabs, the Ohio General Assembly is divided for the first time in 14 years, with a Democratic House of Representatives and a Republican Senate. If that division remains following the 2010 election, both parties will need to be in agreement to pass a Congressional redistricting plan in 2011 for Congress.

Reform groups have been active in keeping redistricting reform alive. The necessity of reform was highlighted by the 2009 Ohio Redistricting Competition. The goal of the Ohio Redistricting Competition was to show that an open process involving the public and based on objective, measurable criteria can produce fair legislative districts in Ohio. The Competition provided an opportunity for politicians and ordinary citizens alike to use mapping software, and challenge themselves to create more competitive and compact maps.

To show what *can* be achieved through redistricting, the League of Women Voters of Ohio Education Fund, Common Cause/Ohio, Ohio Citizen Action Education Fund and academic partner Dr. Richard Gunther worked throughout 2008 to devise rules for an Ohio Redistricting Competition. Ohio Secretary of State Jennifer Brunner facilitated the Competition and Dr. Mark Salling from Cleveland State University provided the software training and evaluated the maps generated in the contest. The maps of Congressional districts were based upon 2000 Census data and were judged numerically on four objective criteria: compactness, keeping political subdivisions intact, competitiveness and representational fairness.

The surprising results of the Competition were announced in June, 2009: all eleven Redistricting Competition participants produced maps that were more compact, had many more competitive districts and achieved better political balance than the map drawn by the General Assembly in 2001 based on that same 2001 data. A picture is worth a thousand words, and the Competition captured the imagination of Ohio newspapers' editorial boards and other media by demonstrating that Ohioans can be directly

involved in the redrawing of district lines and can create fair, objective maps in a transparent and very public process. More information about the Ohio Redistricting Competition, including the winning maps, can be found at: www.ohioredistricting.org

Building on the Ohio Redistricting Competition, Democrat Rep. Tom Letson introduced House Joint Resolution 15 (HJR 15)--designed to reform how Ohio House and Senate districts are drawn--on February 1, 2010. HJR 15 calls for a public competition to draw General Assembly districts based on the four measurable Competition criteria: representational fairness, competition, keeping political subdivisions intact, and compactness. The resolution has received three hearings in the House Committee and more hearings are anticipated. This proposed Constitutional amendment does not include Congressional redistricting and does not change the composition of the Apportionment Board.

The two bills-SJR 5 and HJR 15-share the same goal: redistricting reform that will lead to a fair redistricting process. And although there are significant differences between the two bills, they complement each other and could be combined. SJR 5 focuses primarily on creating a bipartisan redistricting board and requiring bipartisan agreement to select plans for both General Assembly and Congressional districts. In contrast, HJR 15 focuses exclusively on the use of the four measurable and objective criteria used in the Redistricting Competition to create General Assembly districts, alone.

There is clearly agreement among the two political parties-and good-government groups-that the status quo is a problem. We believe that future redistricting reforms must consider a number of factors. First, they must meet the federal requirements of equal population and laws protecting minority voting rights, as well as contiguity. Second, reforms need to ensure districts are designed to produce representatives who reflect the political values of their constituents. Finally, reforms must move Ohio away from unfettered partisan or bipartisan redistricting models that permit protection of incumbents and encourage unnaturally high numbers of safe seats.

Ohioans deserve representatives who share their values and are able to "find the middle ground" necessary to make policy that is in the best interests of the public. Hopefully in 2010 the window of opportunity will be open far enough for reform proposals to get through and be presented to the voters in November.