

INITIATIVE PETITION

Number _____

County _____

Issued to _____
(NAME OF SOLICITOR)

Date of Issuance _____

Amendments to the Constitution Proposed by Initiative Petition To be Submitted Directly to the Electors

AMENDMENT

TITLE

AMENDMENT FOR AN INDEPENDENT REDISTRICTING PROCESS

SUMMARY

The proposed amendment would amend Article XI of the Ohio Constitution to provide a new process for the creation of legislative districts for electing representatives to the United States Congress and members to the House of Representatives and Senate of the General Assembly and repeal existing provisions. Specifically, among other things, the amendment:

Section 1. Preamble.

- Declares that free and fair elections are the fundamental foundation of democracy and that free and fair elections can not be achieved if partisan political officials are permitted to control the process of drawing legislative district boundaries. Therefore, the amendment proposes to establish an independent redistricting process that also ensures competitive elections whenever possible.

Section 2. The Ohio Independent Redistricting Commission.

- Creates the Ohio independent redistricting commission, composed of five members, charged with the responsibility of once every ten years, in the year ending in the number one, dividing the state into congressional districts and house of representative and senate districts in the general assembly. Two of the members are first selected, one each, by the longest and second longest serving judges on the state courts of appeals, who were the nominees of different political parties. The two judicially appointed members then select the three remaining members from applications submitted by qualified electors of the state. The amendment sets forth various criteria that make a person ineligible to serve as a member of the commission. For example, persons who hold elective office, are candidates for public office, hold a political party office, or are registered lobbyists, including during specified periods prior to appointment, are ineligible. The amendment also sets forth similar restrictions that apply for a period following service as a member. Persons who hold public office, political party officials, lobbyists and candidates for public office are prohibited from attempting to influence the selection of a member. Commission members will be required to file two personal financial disclosure and ethics reports.
- Requires that all business of the commission be conducted only at open meetings, places limitations on communicating with members outside of public meetings, requires three days notice of all commission meetings and provides that all records of the commission are public.
- Requires the general assembly to appropriate sufficient funds for the commission to perform its duties and provides that the commission may retain the services and set the compensation of such staff and other persons and procure such equipment, supplies and temporary office space as it deems necessary. The same provisions regarding ineligibility for serving as a member of the commission also apply to any person whose services are retained by the commission. The general assembly must set the compensation of the commission members, which shall not be less than ten thousand dollars.
- Provides that a member of the commission may be removed only for failure to meet eligibility qualifications, gross misconduct or inability to discharge the duties and only if directed by the governor with the concurrence of three quarters of the senate. The seat of any member who fails to attend two consecutive meetings is automatically deemed vacant.
- Provides that the place of residence of an incumbent officeholder may not be considered in creating or adopting a redistricting plan and that no federal, state or local office holder shall influence or attempt to influence decisions made by the commission.

Section 3. Division of the State for Purposes of Redistricting.

- Provides that the population of a congressional district shall not be less than or more than one half of one percent of the ratio of representation, which is derived by dividing the population of the state as determined by the most recent federal decennial census by the number of United States representatives apportioned to the state.
- Provides that the population of a general assembly district shall not be less than or more than five percent of the ratio of representation, which is derived by dividing the population of the state as determined by the most recent federal decennial census by the number thirty-three in the case of senate districts and the number ninety-nine in the case of house of representative districts.
- Each senate district must be composed of three general assembly house of representative districts.

Section 4. Definitions.

- Contains definitions of various technical terms used in the redistricting process and in the adoption of redistricting plans.
- Among other terms, the amendment defines the “measure of competition” for a district based on a calculation using the two average partisan indexes for the district, which are also defined. The average partisan index is calculated on the basis of the percentage of vote received by each of the two partisan candidates who received the two highest vote totals statewide in each of the three closest general elections during the four previous even-numbered years prior to adopting a redistricting plan.
- Among other terms, the amendment defines a “competitive district” as one in which the measure of competition is no more than five percent, an “uncompetitive district” as a district in which the measure of competition is more than fifteen percent, a “balanced competitive district” as a competitive district that favors candidates of one partisan affiliation that is balanced by a competitive district that favors candidates of the other partisan affiliation, and an “unbalanced uncompetitive district” as an uncompetitive district where the measure of competition favors the candidates of one of the two partisan affiliations by being higher than the measure of competition for candidates with the other partisan affiliation and which is not balanced by a corresponding uncompetitive district where the measure of competition favors candidates with the other partisan affiliation and for which the difference between the two measures of competition does not exceed five percent.

Section 5. Adoption of a Redistricting Plan to Ensure Competitive Elections.

- This section spells out the steps for adoption of a redistricting plan for congressional districts and a redistricting plan for general assembly districts.
- Any person may file with the commission by May 15 of the year in which a plan must be adopted, a notice of intent to submit a plan or plans. The commission is required to make available to on a website accessible to the public various information necessary in formulating a plan, including, among other things, population data, election data, and the average partisan index for each precinct. The website must also contain information regarding the commission’s process, rules, deadlines, meeting notices and agendas and various public records.
- Not later than July 1 of the same year, all such plans and a summary sheet setting forth specific information must be filed with the commission and immediately thereafter be made available for public examination. The commission then is required to conduct at least five public hearings, one in each quadrant of the state and one in the city of the state capital to receive public comment regarding submitted plans and the commission’s process. The commission is required to give at least three days public notice of each hearing.
- The commission is required to adopt a redistricting plan for congressional districts and a plan for general assembly districts no later than the last day of September of the same year.
- In reviewing submitted redistricting plans, the commission first determines the competitiveness number for each submitted plan from the summary sheet of the plan. The competitiveness number of a plan is calculated as follows: the total number of balanced districts multiplied by two; plus the total number of other remaining competitive districts; minus the total number of unbalanced uncompetitive districts multiplied by two. The competitiveness number for a general assembly plan is the sum of the competitiveness number for the house of representative districts and the competitiveness number for the senate districts. The plan or plans with the highest competitiveness number become the apparent prevailing plan or plans.
- The commission must then evaluate whether it is possible to reconfigure the senate districts in the apparent prevailing plans so as to yield a higher competitiveness number and, if possible, to so reconfigure the senate districts. The reconfigured plan or plans with the highest competitiveness number become the apparent prevailing plan or plans
- The commission must then make an examination of the supporting documents of each apparent prevailing plan to determine whether the information is correct and complete and whether the plan is also a qualifying plan. To be a qualifying plan, it must meet the appropriate district population requirements, create the maximum number of whole congressional or house of representative districts within each county possible as specified by the commission, not divide the remaining portion of any county between more than two congressional or house of representative districts, not divide more than one individual precincts between districts, except those designated by the commission, create districts that are composed of contiguous territory bounded by a single, non-intersecting, continuous line and does not deny racial minority voters an equal opportunity to elect representatives of their choice in accordance with federal law.

- If the commission determines that an apparent prevailing plan is not a qualifying plan or that the information on its summary sheet is inaccurate or incomplete in a material respect, the plan is eliminated.
- If two or more qualifying plans each contain the same highest competitiveness number, the commission must adopt the plan with the fewest county fragments, fewest municipal fragments or fewest township fragments in that order. If there is still not a single prevailing qualifying plan, the commission must use its discretion to designate one of the qualifying plans as the prevailing plan.
- If there is no qualifying plan among those plans with the highest competitiveness number, then the commission must repeat the preceding steps for the plan or plans with the second highest competitiveness number and continue in like fashion until there is one prevailing qualifying plan or no qualifying plan. If no qualifying plan is submitted, then the commission is required to design and adopt a plan that conforms to the required criteria and seeks to maximize the competitiveness number.
- If there is prevailing qualifying plan, the commission shall then adopt such plan, unless the commission chooses to act under either of the next two paragraphs.
- The commission shall evaluate whether to reconfigure the prevailing plan to preserve communities of interest based on geography, economics or race and may decide to reconfigure the plan for this purpose so long as the reconfiguration does not result in a competitiveness number that is more than two points lower than the submitted plan in the case of a congressional plan and four points lower in the case of a general assembly plan.
- In the alternative to adopting a submitted plan, the commission may on its own initiative design and adopt a congressional or general assembly plan or both if the plan meets the same criteria and has a competitiveness number equal to or greater than each of the submitted qualifying plans.

Section 6. Timing of Elections After Adoption of a Redistricting Plan.

- In the first even-numbered year following adoption of a redistricting plan, the first elections shall be held in the new districts for member of congress, member of the house of representatives in the general assembly and member of the senate in the even-numbered senate districts. In the second even-numbered year following adoption of a general assembly plan, the first elections under the plan shall be held for member of the senate in the odd-numbered senate districts.
- After adopting a redistricting plan for general assembly districts, the commission shall assign one of each of the odd-numbered senate districts to each member of the senate whose term does not expire at the end of the first even-numbered year following adoption of the plan. In making such assignments, the commission shall first assign a district to a senator based on the residence of the senator being within the district. If there is more than one such senator in the same odd-numbered senate district, the commission must assign the district to one of the senators and assign each other such senator to an odd-numbered district in which there is not a senator residing whose term does not expire at the end of the first even-numbered year following adoption of the plan. A senator who is assigned to an odd-numbered district in which the senator does not reside is not required to establish residency in the district for the remainder of the term.
- District boundaries adopted under the amendment shall not be changed until the next ensuing federal decennial census, except that the amendment provides for the first redistricting under the amendment to take place in the first odd-numbered year subsequent to the adoption of the amendment and use the most recent federal decennial census.

Section 7. Judicial Review of Redistricting.

- Provides that the supreme court of Ohio has exclusive original jurisdiction involving redistricting plans adopted under the amendment, but limits such jurisdiction to ordering the commission to perform duties required under the amendment and prohibits the court from revising or adopting a plan
- Provides that the commission shall have sole authority to determine its legal counsel.

Section 8. Severability.

- Provides that if any provision of the Article is held to be invalid, such invalidity shall not affect any other provision of the Article.

AMENDMENT

TITLE

AMENDMENT FOR INDEPENDENT ELECTION ADMINISTRATION AND EARLY VOTING

SUMMARY

The proposed amendment would add a new section to Article XVII of the Ohio Constitution to establish a state board of elections supervisors and to provide for early voting in all elections. Specifically, among other things, the amendment will:

State Board of Elections Supervisors

- Create a state board of elections supervisors to serve as the state's chief elections authority and be responsible for supervising the administration of the conduct of elections in the state by county boards of elections. The amendment sets forth the various responsibilities of the state board of elections supervisors and provides that the board shall assume all responsibilities of the secretary of state under existing laws with respect to elections and the duties of the Ohio ballot board under existing law.
- In order to carry out its responsibilities, the state board of elections supervisors shall appoint a state director of elections, who shall serve as the chief administrative officer of the board and be responsible for the day-to-day operations of the board and appoint and supervise the staff of the board. The state board shall have sole authority for determining the qualifications and terms of employment of and removing the state director.
- The state board of elections supervisors will be composed of nine members to be appointed as follows: four by the governor; four by the members of the of the general assembly who comprise the largest group of such members affiliated with a political party that is not the same party with which the governor is affiliated; and one member by a unanimous vote of the chief justice and justices of the Ohio supreme court. If the governor is not affiliated with a political party, then four members each would be appointed by the two largest groups of members of the general assembly affiliated with political parties. The member appointed by the supreme court may not be and may not have been during the previous ten years affiliated with a political party. The terms of members commence on January 1 and are for nine years, except for the initial appointments, which are staggered.
- In making appointments to the state board of elections supervisors, the governor and members of the general assembly must appoint equal numbers of men and women and take into consideration appointing individuals who reflect the geographic regions and racial diversity of the state.
- Members of the state board of elections supervisors must be qualified electors of the state. In addition, the amendment sets forth various criteria that make a person ineligible to be appointed or serve as a member. For example, a member may not hold any elective or appointive public office, be a candidate for public office, hold a position with a political party, or be a registered lobbyist. In addition, the amendment sets forth restrictions on political activity by members during their term of office, including prohibiting making or soliciting political contributions and being involved in a candidate or ballot issue campaign.
- A member may not be removed from the state board of elections supervisors except for specified reasons and only upon the vote of two thirds of the members of each house of the general assembly.
- Among other responsibilities, the state board of elections supervisors shall prescribe uniform procedures to be followed by the county boards of elections, appoint and remove members of the boards of elections in accordance with statutory provisions, certify the petitions of candidates for statewide offices and petitions for statewide ballot issues, certify all equipment and systems used for voting and counting of votes, approve ballot language for all statewide issues, and maintain a statewide voter registration file.
- All business of the members of the state board of elections supervisors shall be conducted only at meetings of the board open to the public in accordance with state law. Seven members of the board shall constitute a quorum. All actions of the board shall require the affirmative vote of five members, except that the affirmative vote of six members shall be required to remove a member of a county board of elections or the state director of elections.
- The general assembly would be required to set a reasonable level of compensation for the members of the state board of elections supervisors and appropriate sufficient funds for the board to be able to fully perform its duties.

Early Voting

- Any qualified elector entitled to vote in an election will be entitled during the thirty five days prior to the election to receive and cast a ballot in the election by mail or in person at the county board of elections in the elector's county of registration. No reason for casting such a ballot shall be necessary.
- A board of elections may also designate additional locations within the county where electors may receive and cast such ballots.

- When a ballot is mailed to an elector, the board of elections shall also provide a pre-addressed envelope with postage pre-paid for purposes of returning the ballot.
- An elector to whom a ballot has been mailed, but which has not been received by the county board of elections prior to the day of the election, may cast a provisional ballot on election day. If the elector's first ballot is received by the board of elections by the tenth day following the election, the provisional ballot shall not be counted.
- An elector's ballot which is received by a county board of elections by mail no later than the tenth day following the election shall be treated as timely cast provided that it contains a postmark not later than the day of the election.
- The general assembly shall enact laws implementing the provisions of the amendment consistent with a purpose of expanding participation in elections by facilitating the voting process. The general assembly may also enact necessary laws to safeguard the voting process. The provisions of the amendment shall not be construed to limit the general assembly from enacting laws providing greater opportunities for voting.

The proposed amendment also contains a severability clause that provides that if any provision of the section is held to be invalid such invalidity shall not affect the remaining provisions that may be given effect.

AMENDMENT

TITLE

AMENDMENT LIMITING POLITICAL CONTRIBUTIONS AND REFORMING CAMPAIGN FINANCE

SUMMARY

The proposed amendment would add a new section to Article XVII of the Ohio Constitution establishing limits on political contributions, establishing various prohibitions regarding political contributions and providing for public disclosure of campaign contributions and expenditures. Specifically, among other things, the amendment will do the following:

Limits on Political Contributions. The amendment establishes the following contribution limits:

Contributions to a Candidate for Member of the General Assembly

\$500 from a political action committee (PAC) or a campaign committee

\$1,000 from an individual or a multi-candidate political committee

\$10,000 from a small donor action committee

\$25,000 combined from all affiliated national, state, county, and local political parties

Contributions to a Candidate for Governor/Lt. Governor, Attorney General, State Auditor, State Treasurer, or Secretary of State

\$1,000 from a PAC or a campaign committee

\$2,000 from an individual or a multi-candidate political committee

\$20,000 from a small donor action committee

\$100,000 combined from all affiliated national, state, county, and local political parties

Contributions to a Small Donor Action Committee

\$50 from an individual to a small donor action committee

Contributions to a Political Action Committee

\$500 from an individual, PAC, multi-candidate political committee, small donor action committee, or campaign committee

Contributions to a Multi-Candidate Political Committee

\$500 from a PAC or candidate campaign committee

\$1,000 from an individual, multi-candidate political committee, or small donor action committee

Contributions to a County or Local Political Party

\$1,000 from an individual, PAC, or committee for all purposes;

\$2,000 from a multi-candidate political committee for all purposes;

\$5,000 from a small donor action committee for all purposes

Contributions to a National or State Political Party

\$1,000 from a PAC or a campaign committee for all purposes;

\$5,000 from an individual for all purposes;

\$10,000 from a multi-candidate political committee for all purposes;

\$25,000 from a small donor action committee for all purposes

Aggregate Annual Limitation on Contributions by Individuals

\$25,000 per calendar year in the aggregate from an individual to all candidates for state executive offices and member of the General Assembly, political parties, PACs, multi-candidate political committees, and small donor action committees.

With respect to such contribution limits:

The limits on contributions apply to the aggregate of all monetary and in-kind contributions from the same source during the contribution period.

All limits on contributions to candidates are per election cycle, meaning the period beginning the day after the last general election for the office, or the day after the last election at which the candidate was a candidate for another office, whichever date is later, through the day of the next general election for the office for which the candidate is seeking election.

All limits on other contributions are per calendar year.

The limits on contributions to and on contributions by PACs, multi-candidate political committees, and small donor action committees apply as a single limit on contributions to or by all such committees that are affiliated with each other. Such committees are affiliated with each other if they have significant common financing or common administration or control or are established or sponsored by the same person, persons, entity, or entities. There is no limit upon transfers of funds between affiliated PACs, between affiliated multi-candidate political committees, or between affiliated small donor action committees.

The limits on contributions to political parties apply as a single limit on contributions to all affiliated political parties. The national, state, county, and local levels of a political party are deemed to be affiliated. The limits apply regardless of the purpose for which the contribution is made to a political party.

The limits on contributions to a candidate do not apply to contributions or expenditures made from the candidate's personal funds in connection with the candidate's own candidacy.

Definitions. The amendment sets forth definitions of various terms, including:

“Candidate” includes the campaign committee of a candidate for nomination or election to public office.

“Political action committee” means a combination of two or more individuals with a purpose of influencing one or more elections for public office, and that is not a campaign committee, political party, or non-profit membership organization under the provisions of the section. Such a purpose is deemed to exist if the committee receives more than \$500 in contributions in a calendar year or makes more than \$500 in expenditures or in independent expenditures in a calendar year.

“Multi-candidate political committee” means a PAC that has been in existence for at least six months, has received contributions from at least 50 individuals in the 24 months preceding qualifying as a multi-candidate political committee, and has during such period made contributions to at least five candidates for elective office with no more than 50% of total contributions to candidates during such period being to one candidate.

“Small donor action committee” means a PAC that receives contributions only from individuals, except for transfers from affiliated small donor action committees, and no individual contributes more than \$50 per calendar year.

“Contribution” means money or anything of value that is directly or indirectly given or loaned to, or received or used by, or expended or used in coordination, cooperation, or consultation with a candidate, PAC, multi-candidate political committee, small donor action committee, or political party, or that is for the purpose of supporting or opposing the nomination or election of a candidate for public office at any election. “Contribution” does not include uncompensated volunteer services, an individual's personal expenses paid from the individual's personal funds and communications by organizations with their employees, shareholders, members and other designated persons.

“In-kind contribution” means a contribution other than money.

“Expenditure” means any use of a contribution.

“Independent expenditure” means an expenditure made with a purpose of influencing an election for nomination or election to public office, that is not made in coordination, cooperation, or consultation with any candidate at the election; and also means any communication to the public during the periods 60 days prior to a primary election through the day of the primary election and 60 days prior to a general election through the day of the general election that contains a reference to a person who is a

candidate at the election for state executive office or member of the General Assembly, regardless of the purpose of the communication, and that is not made in coordination, cooperation, or consultation with any candidate at the election.

“Non-profit membership organization” means an incorporated or unincorporated continuing membership association that is not a mutual company or other business entity and that does not have as a primary purpose influencing the results of elections for the nomination or election of candidates for public office or supporting political parties.

Prohibitions. The amendment establishes prohibitions relating to political contributions, including, but not limited to the following:

Political parties are prohibited from making contributions to PACs, multi-candidate political committees and small donor action committees. A county political party may not make a contribution to another county political party and a local political party may not make a contribution to a county or other local political party in another county. County and local political parties are prohibited from making contributions to candidates for the general assembly whose districts are not contained in whole or in part in the county of the county or local political party.

A corporation or unincorporated business entity may not make a contribution to or assist a candidate for nomination or election to public office or a political party, PAC, multi-candidate political committee or small donor action committee, or make an independent expenditure, or seek to influence the results of any candidate election. The amendment sets forth six exceptions to this general prohibition.

Small donor action committees may only accept contributions from individuals totaling \$50 or less in a calendar year, except a non-profit membership organization that is not a business entity may contribute funds from regular membership dues of the organization’s members to one or more small donor action committees that it establishes or are established by a non-profit membership organization with which it is a member or an affiliate organization, provided that no more than \$50 of a member’s dues are contributed to the committee in a calendar year. A small donor committee that receives such funds shall be required to report the receipt, but shall not be required to list the names and addresses of the members of the organization. A member shall not be required to authorize more than once after becoming a member such transfer, provided that a member shall retain the right to revoke such authorization.

No political contribution or independent expenditure may be made in the name of another person.

Political reporting entities are prohibited from accepting a contribution which is intended to be passed through to a candidate.

A contribution may not be accepted from an individual under the age of eighteen without verifying that the contribution was made from the individual’s personal funds which the individual has the right to control.

A candidate is required to designate a campaign committee related to the candidate’s candidacy and no individual shall have more than one campaign committee in existence at one time for all offices for which the individual is, was or will be a candidate;

No candidate for state executive office or for member of the general assembly and no person who holds any such office shall solicit a contribution to more than one PAC, multi-candidate political committee or small donor action committee in a calendar year;

No candidate for state executive office or for member of the general assembly and no person who holds any such office shall solicit a contribution to a committee supporting or opposing a state ballot issue and a candidate for state executive office or for member of the general assembly shall not appear in advertising in connection with any ballot issue unless the full cost of the production and dissemination of the advertising is paid for by the candidate or the candidate’s campaign committee;

No campaign committee of an individual outside of this state and no political party outside of this state that is not a national political party shall make any contribution or expenditure in connection with candidate elections in this state.

No entity that is not a campaign committee, PAC, multi-candidate political committee, small donor action committee or political party shall make a contribution or independent expenditure in connection with any candidate election, except that such an entity may establish and pay the administrative and solicitation expenses of a PAC, multi-candidate political committee or small donor action committee, provided that only certain designated individuals may make contributions to the PAC, multi-candidate political committee or small donor action committee, and except that independent expenditures may be made by a non-profit membership organization or a non-profit organization of which it is a member or affiliate, solely from dues paid by individual members of the organization and not by a corporation or business.

Public Disclosure of Political Contributions and Expenditures. The proposed amendment contains provisions for public disclosure of political contributions and expenditures, including the following:

Campaign committees, PACs, multi-candidate political committees, small donor action committees, political parties, and organizations that make independent expenditures and individuals who make independent expenditures totaling more than \$500 in a calendar year are required to file election finance reports at such times as designated by law.

Campaign committees of candidates for state executive offices and for a member of the general assembly shall electronically file with a single authority designated by law within one business day of receipt a contribution in the amount of \$1,000 or more received during the period 30 days prior to an election.

Electronic filing of reports is required whenever a reporting entity has \$5,000 or more in contributions or expenditures during a reporting period or any entity or individual has made independent expenditures of \$5,000 or more.

The general assembly is required to pass laws providing for timely public disclosure of all contributions and expenditures and providing for enforcement and penalties, and is prohibited from increasing the contribution limits set forth in the amendment.

The proposed amendment also contains a severability clause that provides that if any provision of the section is held to be invalid such invalidity shall not affect the remaining provisions that may be given effect.

CERTIFICATION OF ATTORNEY GENERAL

Without passing upon the advisability of the approval or rejection of the measures to be referred, but pursuant to the duties imposed upon the Attorney General's Office under Section 3519.01(A) of the Ohio Revised Code, I hereby certify that the summaries are fair and truthful statements of the proposed constitutional amendments titled "Independent Redistricting Process," "Independent Election Administration," and "Campaign Finance Reform."

Jim Petro
Attorney General
May 20, 2005

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:

Laurence A. Friedman	2540 North Moreland #504	Shaker Heights, Ohio 44120
Paula Deming	886 Middlebury Drive North	Worthington, Ohio 43085
Michael Thomas	2593 Coventry Road	Shaker Heights, Ohio 44120
Richard Gunther	40 West Stafford Avenue	Worthington, Ohio 43085

FULL TEXT OF PROPOSED AMENDMENTS

AMENDMENT FOR AN INDEPENDENT REDISTRICTING PROCESS

Be it Resolved by the People of the State of Ohio that Article XI of the Ohio Constitution be amended as follows:

ARTICLE XI

Section 1. Preamble.

Free and fair elections are the fundamental foundation of democracy. However, free and fair elections cannot be achieved if partisan political officials are permitted to control the process of drawing legislative district boundaries to benefit themselves and candidates of their political party. The history of elections in this state has amply demonstrated that such partisan control results in the public being deprived of meaningful choice in electing their representatives. For this reason, a fair and independent redistricting process is essential if the will of the people is to be reflected in the results of elections. A redistricting process that ensures competitive elections wherever possible is hereby provided to ensure that government in Ohio will be of the people, by the people, and for the people.

Section 2. The Ohio Independent Redistricting Commission.

(A) In each year ending in the number one and only at that time, except as provided in Section 6 of this Article, the state shall be divided into as many congressional districts as there are seats in the United States house of representatives apportioned to the state and ninety-nine house of representatives districts and thirty-three senate districts in the general assembly. Each district shall be apportioned one United States representative and one representative and one senator in the general assembly, respectively.

(B) There is hereby created the Ohio independent redistricting commission, composed of five members, charged with the responsibility for making such division of the state into legislative districts. The members of the commission shall have the following qualifications, meet the following conditions, and be chosen as follows:

(1)(a) The two judges from the state district courts of appeals having the longest and second longest continuous service on the courts of appeals as of January 15th of the year in which the independent redistricting commission is required to divide the state into legislative districts, who were the nominees of different political party for such offices, shall each appoint one member of the commission no later than February 15th of that year who is of the same political party affiliation as the appointing judge; the two judicially appointed members shall then not earlier than March 15th and not later than March 30th of that year meet and select three additional members from among the applicants under division (B)(2) of this section, one or all three of whom shall not be affiliated with any political party and no two of whom shall be affiliated with the same political party. In making appointments to the commission, regional, gender, and racial diversity shall be considered. If the two judicially appointed members are not able to agree on three of the applicants to serve as members, they shall select as many up to three on whom they agree and the remaining number shall be drawn by lot from those who meet the elector qualification and all of the conditions set forth in this section, including the aforementioned balancing of political party affiliation and number of members not affiliated with a political party.

(b) The terms of the members of the commission shall be until the later of the adoption of the redistricting plans required to be adopted under this Article or the conclusion of all litigation in any court regarding such plans or the commission's responsibilities, actions or operations.

(c) No person who holds a federal, state or local elective or appointive public office, no candidate for elective public office, no political party official, and no person who is required to register under federal or state law as a lobbyist shall attempt, directly or indirectly, to influence in any manner the selection of a member of the commission

(2) Any person having the qualifications of an elector of this state for a period of at least four years immediately prior to the application date may apply, no later than March 1st of the year in which the commission is required to divide the state into legislative districts, to be chosen as a member of the commission.

(3) No person may be chosen to serve as a member of the independent redistricting commission if any of the following apply: (a) the individual holds or has held at any time during the current year or the previous ten years any federal, statewide or general assembly elective office by election or appointment; (b) the individual is or was at any time during the current year or the previous ten years a candidate for any federal or statewide or state general assembly elective office; (c) the individual is or was at any time during the current year or the previous four years a candidate for or held any other elective office; (d) the individual is or was at any time during the current year or the previous six years an employee on the staff of an elective officeholder or body of elective officeholders at the state, federal, or local level; (e) the individual holds or held at any time during the current year or the previous six years a position on a governing body of a political party; (f) the individual is or was at any time during the current year or the previous six years an employee of or independent contractor for a political party; (g) the individual is or was during the current year or the previous six years a registered lobbyist under state or federal law or an employee or independent contractor of a

registered lobbyist under federal or state law; (h) the individual is or was at any time during the current year or the previous six years a member of a board or commission of the state or federal government, including a state university or college board of trustees; (i) the individual has or had within the current year or the previous six years an interest in a public contract with the federal, state, or local government; or (j) the individual is the spouse of any person encompassed within any of the foregoing provisions or is related within the second degree of consanguinity to any such person or to the spouse of such person.

(4) No person who accepts service as a member of the independent redistricting commission may, during such service and for four years after the year in which the commission is required to divide the state into legislative districts, do any of the following: (a) hold any federal, state, county or municipal elective office by election or appointment; (b) be a candidate for any federal, state, county, or municipal elective office; (c) be an employee on the staff of an elective officeholder or a body of elective officeholders at the federal, state, or local level; (d) serve on a governing body of a political party; (e) be employed by or be an independent contractor for a political party; (f) act as or be employed by or be an independent contractor for a registered lobbyist under federal or state law; (g) serve on any board or commission of the state or federal government, including a state university or college board of trustees; or (h) have an interest in a public contract with the federal, state, or local government.

(5) Each member of the independent redistricting commission shall file a personal financial disclosure and ethics report, in the form prescribed by the general assembly, before entering into the performance of his or her duties. The report shall be inclusive of the calendar year prior to appointment to the commission through the date of filing, and shall also address the individual's eligibility under each of the criteria specified in this section. On April 15th of the year following appointment as a member of the commission, each member shall file a second personal financial disclosure and ethics report inclusive of the period from the day following the day the first report was filed through the April 15th filing date for the second report. All such reports shall be open to the public.

(6) No person, other than an employee, consultant, vendor or attorney of the independent redistricting commission, shall communicate with any member of the commission regarding a redistricting plan, from the date of the member's appointment through the expiration of the member's term, other than by addressing the commission as a body at open meetings of the commission or in writing addressed and simultaneously delivered to all commission members. All such written communications shall be public records and entered into the commission's record at its next meeting.

(7) The independent redistricting commission, and only the commission, shall prescribe rules governing the commission's procedures, except that the commission shall not create any committees to conduct its business. All business of the commission, without exception, other than consultations with the commission's legal counsel, shall be conducted only at open meetings of the commission. Communications between or among members of the commission on commission business shall be by addressing the commission as a body at an open meeting or in writing addressed and simultaneously delivered to all of the members of the commission. All such written communications shall be public records and entered into the commission's record at its next meeting. Four members of the commission are required to be present to comprise a quorum at any meeting, and four or more affirmative votes by the members of the commission are required to authorize any action, including the adoption of a redistricting plan. Adequate notice of all meetings of the commission shall be provided to the public at least three days in advance of the meeting, including through a method by which any person may request and receive direct notice of all meetings. All meetings of the commission shall be fully transcribed and the transcript shall be made available to the public within twenty-four hours.

(8) All records of the commission shall be made available to the public forthwith for review and copying. All submitted redistricting plans, the provisions of this article, the commission's rules, instructions for submitting redistricting plans, applicable deadlines, the date, time, location, and agenda for every commission meeting and public hearing, the information required under section 5(B) of this Article, transcripts of hearings and minutes of all commission meetings and public hearings, the final redistricting plans adopted by the commission and maps of those plans, instructions for obtaining copies of commission records shall promptly be made available to the public at a website the commission shall establish that provides such information in a form that is readily accessible to the public.

(9) The general assembly shall appropriate sufficient funds for the independent redistricting commission to be able to perform all of its duties. Such funds shall be available to the commission no later than January 15th of the year in which the commission is required to adopt a redistricting plan. The commission may retain the services and set the compensation of such staff, consultants, and other persons, and procure such equipment, supplies, material, and temporary office space as it deems necessary to the performance of its duties. All of the conditions for eligibility that apply to service on the commission, except for the requirement as a qualified elector, shall apply to any person whose services are retained by the commission. The general assembly shall determine a fair and reasonable level of compensation to be paid to each member of the commission, which shall not be less than ten thousand dollars. The reasonable travel expenses of members of the commission related to their duties shall also be paid by the state.

(10) In the event that a person appointed to the independent redistricting commission is unable to serve or continue serving as a member of the commission for any reason, that person shall resign. No member of the commission may be removed during his or her term except for failure to meet the eligibility qualifications, gross misconduct, or inability to discharge the duties of office, and no removal of a member is effective unless it is directed by the governor with the concurrence of three-quarters of the senate, except that if a member fails to attend two consecutive meetings of the commission, that member's seat shall automatically be deemed vacant. In the event of a vacancy on the commission, a replacement member shall be appointed forthwith in the same manner as the original member was appointed.

(11) Upon the completion of the terms of the commission members, an agency designated by the governor shall become the custodian of all records of the commission. Such records must be maintained for not less than forty years and shall be open to the public.

Section 3. Division of the State for Purposes of Redistricting.

(A) The whole population of the state, as determined by the most recent federal census, shall be divided: by the number of United States representatives apportioned to the State pursuant to that census, and the quotient shall be the ratio of representation in the congress for the next ten years; by the number thirty-three, and the quotient shall be the ratio of representation for the senate for the next ten years; and by the number ninety-nine, and the quotient shall be the ratio of representation for the house of representatives for the next ten years.

(B) The population of each congressional district shall be no less than one-half of one per cent below and no more than one-half of one per cent above the congressional ratio of representation. The population of each house of representatives district in the general assembly shall be no less than five per cent below and no more than five per cent above the house of representatives ratio of representation.

(C) Each senate district shall be composed of three house of representatives districts in the general assembly.

(D) Senate districts shall be numbered from one to thirty-three. House of representatives districts in the general assembly shall be numbered from one to ninety-nine and the numbers of the districts within a senate district and from one senate district to the next highest numbered senate district shall be consecutive, beginning with house of representatives districts numbers one, two and three being in senate district number one, and continuing in like fashion. Congressional districts shall be numbered from one to the number of the total number of congressional districts. The final numerical designation of all districts in a plan adopted under this Article shall be assigned by the independent redistricting commission.

Section 4. Definitions.

As used in this Article:

(A) "County fragment" means one of the portions of a county resulting when a county is divided between two or more congressional districts, in the case of a congressional plan, or two or more house of representatives districts, in the case of a general assembly plan.

(B) "Municipal fragment" means one of the portions of a municipal corporation resulting when a municipal corporation is divided between two or more congressional districts, in the case of a congressional plan, or two or more house of representatives districts, in the case of a general assembly plan, but not those derived from municipal corporations that are included in more than one county.

(C) "Township fragment" means one of the portions of a township resulting when a township is divided between two or more congressional districts, in the case of a congressional plan, or two or more house of representatives districts, in the case of a general assembly plan, but not those fragments that include any part of a municipal corporation.

(D) "Partisan candidates" refers to those candidates, including candidates for president and vice president of the United States, who are the nominees at the general election of political parties recognized under Ohio law.

(E) The "three closest general elections" means the three general elections for non-judicial statewide federal or state office, including the offices of president and vice president of the United States, held in any of the four previous even-numbered years immediately preceding the year in which the independent redistricting commission must adopt a redistricting plan under this Article, in which the statewide margin of victory between the partisan candidates with the highest and second-highest vote totals was the narrowest and in which such candidates received combined votes equal to at least ninety percent of the votes cast for all candidates for the office.

(F) The "average partisan index" for each precinct or congressional or general assembly district is calculated in the following manner: (1) determine the percentage of the vote received in the precinct or district for each of the two partisan candidates who received the two highest vote totals statewide in each of the three closest general elections, taking into consideration only the votes cast in the precinct or district for those two partisan candidates in each such election; then (2) average together the three voting percentages for the candidates with the same partisan affiliation by dividing the sum of the percentages by the number three to yield the average partisan index for that precinct or district for candidates of that partisan affiliation. If a district contains a divided precinct, that precinct shall be omitted from the computation for a district.

(G) The "measure of competition" for a congressional or general assembly district is calculated by taking the two average partisan indexes for the district and calculating the difference between the two indexes, keeping the index for one of the partisan affiliations always as the minuend and the index for the other partisan affiliation always as the subtrahend from district to district throughout a redistricting plan. .

(H) "Competitive district" means a district in a redistricting plan in which the measure of competition is no more than five per cent.

(I) "Balanced competitive district" means any competitive district in a redistricting plan where the measure of competition favors the candidates of one of the two partisan affiliations comprising the measure of competition by being higher than the measure of competition for candidates with the other partisan affiliation and that competitive district is balanced in that redistricting plan by a corresponding competitive district where the measure of competition favors candidates with the other

partisan affiliation. For the purpose of designating balanced competitive districts, each such district shall be counted no more than once and, in the case of a general assembly redistricting plan, only a competitive senate district may be used to balance another competitive senate district and only a competitive house of representatives district may be used to balance another competitive house of representatives district.

(J) "Uncompetitive district" means a district in a redistricting plan in which the measure of competition is more than fifteen per cent.

(K) "Unbalanced uncompetitive district" means any uncompetitive district in a redistricting plan where the measure of competition favors the candidates of one of the two partisan affiliations comprising the measure of competition by being higher than the measure of competition for candidates with the other partisan affiliation and that uncompetitive district is not balanced in that redistricting plan by a corresponding uncompetitive district where the measure of competition favors candidates with the other partisan affiliation, and for which pair of corresponding districts the difference between the two measures of competition does not exceed five per cent. For the purpose of designating unbalanced uncompetitive districts, each such district shall be counted no more than once and, in the case of a general assembly redistricting plan, only an uncompetitive senate district may be used to balance another uncompetitive senate district and only an uncompetitive house of representatives district may be used to balance another uncompetitive house of representatives district.

Section 5. Adoption of a Redistricting Plan to Ensure Competitive Elections.

(A) The independent redistricting commission is hereby designated as the state body to receive from the federal government the census data following each federal decennial census. On the first day of May in each year ending in the number one, the independent redistricting commission shall, by statewide public notice, invite any person to submit one or more plans for dividing the entire state into congressional districts and one or more plans for dividing the entire state into general assembly districts. Any person may submit a plan for only congressional districts or only general assembly districts or plans for both. Any person intending to submit a plan shall file a notice of intent with the commission by the fifteenth day of May of that year. No fee shall be charged for submitting a plan.

(B) On the first day of June of that same year, the independent redistricting commission shall produce and make available without charge to any person who filed a notice of intent to submit a plan and to the public: the ratio of representation numbers for congressional, senate and house of representative districts and the minimum and maximum population numbers corresponding to each ratio of representation as set forth in section 3 of this Article; the population of each county, municipal corporation, township, and precinct in the state; the votes cast for the partisan candidates in the three closest general elections, the average partisan index for each individual precinct; the maximum number of whole congressional and house of representatives districts that must be created within each county; and the individual precincts in the state that shall not be required to be contained wholly within a single district based on their lack of contiguity. In supplying data by precinct, the commission shall use the precincts from the most recent general election in an even numbered year and shall harmonize to the extent practicable the data derived from earlier general elections to account for changes in precinct boundaries.

(C)(1) Not later than the first day of July of that same year, all redistricting plans shall be filed with the independent redistricting commission and immediately subsequent to that date they shall be available for public examination. Thereafter and prior to proceeding to adopt a redistricting plan, the commission shall hold at least five public hearings, one in each quadrant of the state and one in the city of the state capital, to receive public comment regarding the submitted plans and the commission's process. Statewide public notice shall be provided at least three days before each hearing occurs. All hearings shall be fully transcribed. Members of the public may address the commission at a public hearing and may submit written comments to the commission regarding any proposed redistricting plan or the commission's process.

(2) Each plan submitted pursuant to an invitation issued under this section shall cover the entire state and shall be submitted in the manner prescribed by the independent redistricting commission. Each plan shall include a summary sheet listing the population of each district in the plan, the identity of each county divided by the plan, the number of county fragments resulting from the plan, the identity of each municipal corporation divided by the plan, the number of municipal fragments resulting from the plan, the identity of each township divided by the plan, the number of township fragments resulting from the plan, the plan's competitiveness number as calculated in accordance with division (E)(1) of this section, the identity of each competitive district, the identity of each uncompetitive district, the identity of the balanced competitive districts, the identity of the balanced uncompetitive districts, and the identity of each unbalanced uncompetitive district. The summary sheet shall include a statement, signed by the person submitting the plan, attesting that the criteria in this Article have been met. The commission shall not disqualify any plan because the plan or summary sheet contains errors with no substantive effect.

(D) Not later than the last day of September of the year in which a redistricting plan must be adopted, the independent redistricting commission shall separately adopt a plan for congressional districts and a plan for general assembly districts in accordance with this section.

(E)(1) The independent redistricting commission shall first determine the competitiveness number, as set forth herein, for each submitted plan on the basis of the information provided on its summary sheet. The commission shall then designate as an apparent prevailing plan any one or more plans that have the highest competitiveness number, calculated as follows: the total number of balanced competitive districts multiplied by two; plus the total number of the other remaining competitive districts; minus the total number of unbalanced uncompetitive districts multiplied by two. The competitiveness number for general

assembly plans shall be derived by adding together the competitiveness number for the house of representatives districts under the plan with the competitiveness number for the senate districts under the plan. With respect to each apparent prevailing plan for general assembly districts, the commission shall then evaluate whether it is possible to reconfigure the senate districts so as to yield a higher competitiveness number for the plan and, if such is the case, shall so reconfigure the senate districts. The reconfigured plan or plans with the highest competitiveness number shall become the apparent prevailing plan or plans.

(2) The independent redistricting commission shall then make a detailed examination of the supporting documents of each apparent prevailing plan to determine whether the information provided on its summary sheet is true, correct and complete and whether the apparent prevailing plan is a qualifying plan insofar as it: (a) meets the appropriate district population requirements under section 3 of this Article; (b) creates the maximum number of whole congressional or whole general assembly house of representatives districts within each county as specified by the commission under division (B) of this section; (c) does not divide the remaining portion of any county between more than two congressional or house of representatives districts; (d) does not divide individual precincts between districts, other than those precincts designated by the commission under division (B) of this section, except that it shall be permissible to include no more than one divided precinct in each district as necessary to satisfy the population ratios; (e) creates districts such that each district is composed of contiguous territory bounded by a single, nonintersecting, continuous line; and (f) does not deny racial minority voters an equal opportunity to elect representatives of their choice in accordance with federal law in any district or districts throughout the state.

(3) If two or more qualifying plans each contain the same highest competitiveness number, the plan with the fewest county fragments shall become the prevailing plan. If two or more such plans have the same fewest county fragments, the plan with the fewest municipal fragments shall become the prevailing plan. If two or more such plans have the same fewest municipal fragments, the plan with the fewest township fragments shall become the prevailing plan. If these criteria, applied in turn, fail to produce a single prevailing plan, the commission shall exercise its discretion to designate one of the qualifying plans with the same highest competitiveness number and the same fewest county fragments, municipal fragments, and township fragments as the prevailing plan.

(4) If the commission determines that an apparent prevailing plan is not a qualifying plan or that the information on its summary sheet or in the plan is inaccurate or incomplete in a material respect, that plan shall be eliminated.

(5) If there is no prevailing plan at the conclusion of the foregoing process, the commission shall then repeat the process for the plan or plans with the next highest competitiveness number and continue in like fashion until there is a prevailing plan or no plans remain.

(F)(1) Following completion of the foregoing process, the commission shall adopt the prevailing redistricting plan resulting from such process, except as otherwise provided in divisions (F)(2) and (3) of this section.

(2) The commission shall evaluate whether to reconfigure a prevailing redistricting plan to preserve communities of interest based on geography, economics or race and may decide to reconfigure the plan for this specific purpose so long as any reconfiguration does not result in a competitiveness number for the plan that is more than two points lower than the submitted plan in the case of a congressional plan and four points lower than the submitted plan in the case of a general assembly plan.

(3) In the alternative to adopting a plan submitted to it, the independent redistricting commission may on its own initiative design and adopt a congressional plan or a general assembly plan, or both, if such plan conforms to all of the criteria of this Article and has a competitiveness number that is equal to or greater than that of each of the submitted qualifying plans.

(4) If no qualifying congressional or no qualifying general assembly plan is submitted that conforms to the provisions of this Article, then the independent redistricting commission shall design and adopt a plan that conforms to the provisions of this Article and seeks to maximize the competitiveness number for the plan.

(G) The place of residence of any incumbent officeholder shall not be considered by the commission in creating, evaluating, or adopting any redistricting plan.

(H) No federal, state, or local officeholder shall influence or attempt to influence the decisions made by the independent redistricting commission, except that any person may prepare and submit a plan for consideration.

(I) The independent redistricting commission may adjust the dates specified in this section, but only as necessary to reflect the availability of census data, the time the commission requires to process plans, the filing dates for primary elections, and other relevant factors to achieve the adoption of a valid redistricting plan pursuant to this Article.

(J) The provisions of this Article shall be self-executing and the general assembly may pass laws facilitating, but in no manner impeding, their operation.

Section 6. Timing of Elections After Adoption of a Redistricting Plan.

In the first even numbered year following adoption of a redistricting plan under this Article, the first elections under the plan shall be held for member of the United States house of representatives in all congressional districts, for member of the house of representatives in all general assembly districts, and for member of the senate in all even numbered senate districts, respectively. In the second even numbered year following adoption of a general assembly redistricting plan under this Article, the first elections under the plan shall be held for member of the senate in all odd numbered senate districts. In accordance with Article II, section 2 of this constitution, the terms of office for the elections of senators shall be for four years. After adopting a redistricting plan for general assembly districts, the independent redistricting commission shall assign one of each of the odd numbered senate districts to each member of the senate whose term does not expire at the end of the first even numbered year following adoption of the plan. In making such assignments, the commission shall first assign a district to a senator based on the residence of the senator being

within the district. In the event that the residence of more than one such senator is located in the same senate district, the commission shall assign the district to one of the senators and assign each other such senator an odd number district in which there is not a senator residing whose term does not expire at the end of first even numbered year following adoption of the redistricting plan. In making such assignments where more than one such senator resides in the same odd numbered district, the commission shall establish factors to be considered, including recommendations from the affected senators. A senator who is assigned under this section to an odd numbered district in which the senator does not reside shall not be required to establish residency in the district for the remainder of the term.

District boundaries established pursuant to this Article shall not be changed until the next ensuing federal decennial census occurs and the ensuing redistricting process is complete and effective, notwithstanding the fact that boundaries of political subdivisions or precincts within a district may be changed during that time. Notwithstanding any other provisions of this Article to the contrary, in the first odd-numbered year subsequent to the adoption of this Article an independent redistricting commission shall be appointed as provided in section 1 of this Article and the commission shall proceed to adopt a new congressional redistricting plan and a new general assembly redistricting plan under the provisions of this Article on the basis of the most recent federal decennial census.

Section 7. Judicial Review of Redistricting.

The supreme court of Ohio shall have exclusive, original jurisdiction in all cases arising under this Article involving the redistricting of general assembly or congressional districts. Any such action shall be limited to one for a writ of mandamus or other appropriate writ to order the commission to perform duties required under the provisions of this Article and the court shall have no authority to adopt or revise a redistricting plan. No such action shall be filed with the court later than thirty days after the public announcement of the decision adopting a redistricting plan, and the court shall consolidate and rule on any such petitions promptly. The independent redistricting commission shall have standing in all legal actions concerning the adoption of a redistricting plan, the performance of its duties, or the adequacy of the resources provided for its operations and shall have sole authority to determine whether the attorney general or counsel selected and retained by the commission shall represent it and the people of Ohio in any such action.

Section 8. Severability.

If any provision of this Article or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared severable.

Section 9. Repeal of Existing Provisions.

All existing provisions of Article XI of this constitution are hereby repealed.

AMENDMENT FOR INDEPENDENT ELECTION ADMINISTRATION AND EARLY VOTING

Be it Resolved by the People of the State of Ohio that Article XVII of the Ohio Constitution be amended to add the following section:

ARTICLE XVII, SECTION 4. State Board of Elections Supervisors; Early Voting

(A) There is hereby established the state board of elections supervisors composed of nine members to be selected as follows: four to be appointed by the governor; four to be appointed by the members of the general assembly who comprise the largest group of such members who are affiliated with a political party different than the political party with which the governor is affiliated, or if the governor is not affiliated with a political party, then four members each shall be appointed by the members of the general assembly who comprise the two largest groups of members affiliated with political parties; and one member, who is not and has not been at any time during the preceding ten years affiliated with a political party, to be appointed by unanimous vote of the chief justice and justices of the supreme court. The governor and the forenamed members of the general assembly shall, in making appointments to the state board elections supervisors, appoint equal numbers of men and women and take into consideration appointing individuals who reflect the geographic regions and racial diversity of the state. If the member appointed by the supreme court becomes affiliated with a political party at any time during the member's tenure, the seat shall be deemed vacant. The initial members shall be

appointed no later than December thirty-first of the year following the adoption of this amendment for terms commencing on the first day of the following January. The initial appointments by the governor and the forenamed members of the general assembly shall be as follows: one each for five years, one each for six years, one each for seven years, and one each for eight years. The initial appointment by the supreme court shall be for a term of nine years. After the initial appointments, members shall be appointed to full terms of nine years each commencing on the first day of January following expiration of the preceding term, except in the case of a vacancy, which shall be filled for the remainder of the unexpired term by appointment in the foregoing provisions.

All members of the state board of elections supervisors shall be qualified electors of the state and during their terms of office shall not: (a) hold any elective or appointive federal, state or local government office; (b) hold any appointment to a federal, state or local government board or commission, except in the member's capacity as a member of the board of state elections supervisors; (c) hold any office or position with a political party; (d) circulate or authorize any person to circulate on the member's behalf a petition to become a candidate for any elective public office; (e) declare as a candidate for any elective public office; (f) serve or volunteer with any candidate's campaign or ballot issue campaign; (g) hold any office or position with any organization that supports or opposes the nomination or election of any candidate for public office or the passage or defeat of any ballot issue; (h) serve as a consultant or advisor, with or without compensation, to any candidate for public office or on any ballot issue; or (i) make or solicit any political contribution or expenditure in connection with any election or any political party. A member may not be removed from office unless the member no longer is a qualified elector of the state or for gross misconduct or misfeasance, nonfeasance or malfeasance in office, in which case the member may be removed upon the affirmative vote of two thirds of the members of each house of the general assembly.

The state board of elections supervisors shall be the chief elections authority for the state and shall be responsible for: supervising the administration of the conduct of elections in the state by county boards of elections; declaring the results of all elections for statewide elective offices and statewide ballot questions; prescribing uniform procedures to be followed by county boards of elections in conducting elections to insure compliance with federal and state laws governing voter registration and elections and to insure best practices in administration of elections; appointing and removing the members of the county boards of elections in accordance with statutory provisions; maintaining a statewide voter registration file and directing the county boards of elections in connection with the same; receiving all candidate petitions for statewide elective offices and certifying the legal validity and sufficiency of the same; receiving all petitions proposing state constitutional amendments and laws or seeking a referendum on a state law, certifying the validity and sufficiency of the same and deciding any protest with respect to the same; approving ballot language for all statewide ballot issues; prescribing uniform ballot language for local ballot issues; approving and certifying all equipment and systems used for voting or counting of votes at elections in this state; making recommendations to the general assembly and congress for changes in the election laws; investigating election irregularities and misconduct; establishing fair and open elections; and such other duties as may be imposed by state or federal law. In addition to the foregoing, the independent state board of elections supervisors shall assume all responsibilities of the secretary of state under existing laws with respect to elections and under Article II of this constitution with respect to state initiative and referendum petitions, and all duties of the Ohio ballot board under existing law and under section 1, Article XVI of this constitution.

In order to carry out its responsibilities, the state board of elections supervisors shall appoint a state director of elections, who shall serve as the chief administrative officer of the board, be responsible for the day to day management of the operations of the board and appoint and supervise the staff of the board. The state director of elections shall serve at the pleasure of and the qualifications, amount of compensation, and terms of employment for the position shall be determined solely by the state board of elections supervisors, except that all of the conditions set forth in the second paragraph of this section with respect to the members of the state board of elections supervisors shall also apply to the state director of elections.

All business of the members of the state board of elections supervisors shall be conducted only at meetings of the board open to the public in accordance with state law. Seven members shall constitute a quorum for any meeting. In January of each year the board shall select one member to serve as chairperson and one to serve as vice chairperson. All actions of the board shall require the affirmative vote of five members to be effective, except that the affirmative vote of six members shall be required to remove a member of a county board of elections or the state director of elections.

The general assembly shall set a reasonable level of compensation for the members of the state board of elections supervisors and shall appropriate sufficient funds for the board to be able to fully perform its duties and compensate such staff and acquire such equipment, supplies and office space as necessary to such performance. The general assembly shall enact laws governing the administration of elections, but in no manner restricting the provisions of this section.

(B) Any qualified elector entitled to vote in an election shall be entitled during the thirty-five days immediately prior to the election to receive and cast a ballot in the election by mail or in person at the office of the county board of elections of the elector's county of registration during the hours of operation of the board, in lieu of casting a ballot at the polls on election day. No reason for casting such a ballot shall be necessary. A board of elections may designate additional locations within the county for electors to receive and cast such ballots during hours set by the board. When a ballot is mailed to an elector under the provisions of this section, the board of elections shall also provide a preaddressed envelope with postage prepaid for purposes of returning the ballot by mail.

An elector to whom a ballot has been mailed by the board of elections, which has not been received by the board prior to the day of the election, may cast a provisional ballot on the day of the election at the elector's polling place or at the board of elections during voting hours. An elector's ballot which is received by the board of elections by mail not later than the tenth day after the election, shall be treated as timely cast provided that it contains a postmark not later than the day of the election. In such case, if the elector also cast a provisional ballot under this section, the provisional ballot shall not be counted.

The general assembly shall enact laws fully implementing the provisions of this section consistent with a purpose of expanding participation in elections by facilitating the voting process for all electors. Necessary laws to safeguard the voting process under this section shall also be enacted. No provision of this section shall be construed to limit the general assembly from enacting laws providing greater opportunities for voting in elections under this section or otherwise.

(C) If any provision of this section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared severable.

AMENDMENT
LIMITING POLITICAL CONTRIBUTIONS
AND REFORMING CAMPAIGN FINANCE

Be it Resolved by the People of the State of Ohio that Article XVII of the Ohio Constitution be amended to add the following section:

ARTICLE XVII

Section 5. Political Contribution Limits and Prohibitions; Disclosure of Contributions and Expenditures.

(A) Limits on political contributions are hereby established as follows:

(1) Five hundred dollars from a political action committee or a campaign committee, one thousand dollars from an individual or a multi-candidate political committee, ten thousand dollars from a small donor action committee and twenty-five thousand dollars from all affiliated political parties to a candidate for member of the general assembly.

(2) One thousand dollars from a political action committee or a campaign committee, two thousand dollars from an individual or a multi-candidate political committee, twenty thousand dollars from a small donor action committee and one hundred thousand dollars from all affiliated political parties to a candidate for state executive office.

(3) Fifty dollars from an individual to a small donor action committee.

(4) Five hundred dollars from an individual, political action committee, multi-candidate political committee, small donor action committee or campaign committee to a political action committee.

(5) Five hundred dollars from a political action committee or campaign committee and one thousand dollars from an individual, multi-candidate political committee or small donor action committee to a multi-candidate political committee.

(6) One thousand dollars from an individual, political action committee or campaign committee, two thousand dollars from a multi-candidate political committee and five thousand dollars from a small donor action committee to a county or local political party for all purposes.

(7) One thousand dollars from a political action committee or a campaign committee, five thousand dollars from an individual, ten thousand dollars from a multi-candidate political committee, and twenty-five thousand dollars from a small donor action committee to a state or national political party for all purposes.

(8) Twenty-five thousand dollars per calendar year in the aggregate from an individual to all candidates for state executive offices and member of the general assembly, political parties, political action committees, multi-candidate political committees, and small donor action committees.

(B) For purposes of this section:

(1) All limits on contributions to candidates are per election cycle and all other contribution limits are per calendar year.

(2) All limits on contributions apply to the aggregate of monetary and in-kind contributions from the same source during the contribution period.

(3) The limits on contributions to and by political action committees, multi-candidate political committees and small donor action committees apply as a single limit on contributions to and as a single limit on contributions by all affiliated political action committees, multi-candidate political committees and small donor committees, except that the limits do not apply to transfers of funds between and among affiliated political action committees, between and among affiliated multi-candidate political committees, and between and among affiliated small donor committees.

(4) Contributions to a candidate for the office of governor or the office of lieutenant governor shall be treated as contributions to the joint candidates for such offices.

(5) The national, state, county, and local levels of a political party shall be deemed affiliated.

(6) The limits on contributions to a candidate do not apply to contributions or expenditures made from the candidate's personal funds in connection with the candidate's own candidacy.

(C) Prohibitions on political contributions are hereby established as follows:

(1) A political party shall not make a contribution to a political action committee, multi-candidate political committee or small donor action committee.

(2) A county political party shall not make a contribution to another county political party and a local political party shall not make a contribution to a county or local political party in another county. A county or local political party shall not make a contribution to a candidate for member of the general assembly unless the legislative district for which the candidate is a candidate is contained in whole or part within the county of the county or local political party.

(3) Other than for transfers between affiliated small donor action committees, a small donor action committee may receive contributions only from individuals. Notwithstanding any other provision of this section, an incorporated or unincorporated nonprofit membership association may contribute funds from regular membership dues paid by the organization's individual members and not paid directly or indirectly by a business entity to one or more small donor action committees that it establishes or are established by any nonprofit membership organization with which it is a member or an affiliated organization, provided that no more than fifty dollars of a member's dues are contributed to the committee in a calendar year. A member shall not be required to authorize more than once that such contributions from the member's dues may be made, provided that a member shall retain the right to revoke such authorization. A small donor committee that receives such contributions shall be required to report the receipt of the contributions on its regular finance report, but shall not be required to list the names and addresses of the members of the nonprofit membership organization.

(4) A corporation or unincorporated business entity shall not directly or indirectly make a contribution to or assist a candidate for nomination or election to any public office, a political party for any purpose, or a political action committee, a multi-candidate political committee or a small donor action committee, make an independent expenditure, or seek to directly or indirectly influence the results of any election for or against the nomination or election of a candidate for any public office, except that this provision shall not apply to: (a) a campaign committee, political action committee, multi-candidate political committee, small donor action committee or political party that incorporates solely for liability purposes; (b) communications by a corporation or unincorporated business entity solely to its officers, directors, trustees, employees, members, and shareholders; (c) the establishment by a corporation or business entity and payment of the administrative and solicitation expenses of a political action committee, multi-candidate political committee or small donor action committee in accordance with the provisions of this section; (d) the costs of payroll deduction and transmittal of contributions of employees of the corporation or business entity to any political action committee, multi-candidate political committee, small donor action committee, or political party; (e) an editorial, commentary or news report by a bona fide news reporting organization appearing in a regular publication or broadcast of the organization, which is not owned or controlled by a candidate or person who holds a public office or by a political party, political action committee, multi-candidate political committee, or small donor committee; (f) independent expenditures by a non-profit membership organization made in accordance with division C(16) of this section; and (g) independent expenditures by a corporation that is formed for the purpose of promoting political ideas and cannot and does not engage in business activities, that has no shareholders or other persons with a claim on its assets or income, and that was not established by and does not accept donations or in-kind support from any business entity.

(5) No individual, political action committee, multi-candidate political committee, small donor action committee, political party, campaign committee or other person shall make a contribution to a candidate for public office, political party, political action committee, multi-candidate political committee, or small donor action committee, or make an independent expenditure, in the name of another person or other than from the individual or entity's own funds.

(6) No person shall directly or indirectly reimburse or otherwise compensate a person for any part of a contribution by that person to a candidate for public office, political party, political action committee, multi-candidate political committee, or small donor action committee or for any part of an independent expenditure by that person.

(7) No political action committee, multi-candidate political committee, small donor action committee, political party, or campaign committee shall knowingly accept a contribution that is intended or designated in any way to be passed through to a candidate or campaign committee that is not the recipient.

(8) No person shall knowingly accept a contribution from an individual under the age of eighteen years without verifying that the individual made the contribution from the individual's personal funds which the individual has the right to control.

(9) Each candidate for public office shall designate a single campaign committee for purposes of receiving contributions and making expenditures related to such candidacy. No individual shall have more than one campaign committee in existence at one time for all offices for which the individual was, is or will be a candidate.

(10) No political action committee, multi-candidate political committee or small donor action committee shall make a contribution to a candidate for public office who directly or indirectly exercises decision making authority with respect to the committee or has solicited contributions to the committee in the current or prior four calendar years.

(11) No candidate for state executive office or for member of the general assembly and no person who holds such office shall directly or indirectly solicit a contribution to more than one political action committee, multi-candidate political committee or small donor action committee in a calendar year.

(12) No candidate for state executive office or for member of the general assembly and no person who holds such office shall directly or indirectly solicit a contribution to a committee supporting or opposing a state ballot issue.

(13) No candidate for state executive office or for member of the general assembly shall appear in any advertising in connection with any ballot issue unless the full cost of the production and dissemination of the advertising is paid for by the candidate's campaign committee or by the candidate personally.

(14) No campaign committee of an individual in another state and no political party outside of this state that is not a national political party shall, directly or indirectly, make any contribution or independent expenditure in connection with any election for public office in this state or make a contribution to a political party in this state.

(15) No committee inside or outside of this state that is registered with the federal government as a political committee for purposes of federal election activity shall, directly or indirectly, make a contribution or independent expenditure in connection with any election for public office in this state or a contribution to a political party in this state.

(16) No entity that is not a campaign committee, political action committee, multi-candidate action committee, small donor committee, or political party shall directly or indirectly make a contribution to a campaign committee, political action committee, multi-candidate political committee, small donor committee, or political party or make an independent expenditure; (a) except that the entity may establish and pay the administrative and solicitation expenses of a political action committee, multi-candidate political committee or small donor action committee, provided that such committees may only receive contributions, subject to the limits set forth in this section, from individuals who are officers, directors, trustees, employees, or members of the entity or of any parent or subsidiary of the entity or of any entity of which it is a member or an affiliate entity, and (b) except that an incorporated or unincorporated non-profit membership organizations may make independent expenditures solely from regular membership dues paid by its individual members or paid by individual members of a non-profit membership organization of which it is a member or affiliated, but not from dues paid directly or indirectly by any business entity.

(D) As used in this section:

(1) "Candidate" includes the campaign committee of a candidate for nomination or election to public office.

(2) "Political action committee" means a combination of two or more persons with a purpose of influencing one or more elections for public office in this state, and that is not a campaign committee, political party, or non-profit membership organization under the provisions of the section. Such a purpose shall be deemed to exist if the combination of persons receives more than five hundred dollars in contributions in a calendar year or makes more than five hundred dollars in expenditures or independent expenditures in a calendar year.

(3) "Multi-candidate political committee" means a political action committee that has been in continual existence for at least six months, has received contributions from at least fifty individuals in the twenty-four months preceding qualifying as a multi-candidate political committee and has during such twenty-four month period made contributions to at least five candidates for public office with no more than fifty percent of total contributions to candidates during such period being to any one candidate.

(4) "Contribution" means money or anything of value that is directly or indirectly given to, loaned to, received by, used by, or expended or used in coordination, cooperation or consultation with a candidate, campaign committee, political action committee, multi-candidate political committee, small donor action committee, or political party or that is for the purpose of supporting or opposing the nomination or election of a candidate for public office at any election. "Contribution" does not include: uncompensated volunteer services; an individual's personal expenses paid from the individual's personal funds; and communications by an organization solely to its officers, directors, trustees, employees, members, and shareholders and those of an organization of which it is a member or affiliate.

(5) "In-kind contribution" means a contribution other than money.

(6) "Expenditure" means any use of a contribution.

(7) "Public office" includes all elective public offices in this state, but does not include any position with a political party, delegate to a political party convention, or any federal office.

(8) "State executive office" means the offices of governor, lieutenant governor, attorney general, state auditor, state treasurer, and secretary of state.

(9) "Affiliated" with respect to political action committees, multi-candidate political committees and small donor action committees means committees with common financing indicating common direction or control, committees with common administration or control, and committees that are established or sponsored by the same person, persons, entity or entities.

(10) "Election cycle" means the period from the day following the last general election held for a public office through the day of the next general election for such office, or in the case of an individual who was a candidate for nomination or election to another public office at an election occurring after the last general election for the office, the election cycle begins the day following the last election for nomination or election at which the individual was a candidate.

(11) "Political party" means an organization that is recognized as a political party under Ohio law and for purposes of this section includes the national, state, county, and local levels of any such political party and all committees of the same.

(12) "Independent expenditure" means any expenditure made with a purpose of influencing an election for nomination or election to a public office, that is not made in coordination, cooperation or consultation with any candidate at the election; and also means any communication to the public during the period sixty days prior to a primary election through the day of the primary

election and the period sixty days prior to a general election through the day of the general election that contains a reference in any manner to a person who is a candidate at the primary or general election for state executive office or for member of the general assembly and that is not made in coordination, cooperation or consultation with any such candidate at the election, regardless of the purpose of the communication.

(13) "Small donor action committee" means a political action committee that, except for transfers between affiliated small donor action committees and contributions, receives contributions only from individuals in amounts aggregating no more than fifty dollars from an individual in a calendar year.

(14) "Campaign committee" means the committee required to be designated by a candidate under division C(9) of this section.

(15) "Non-profit membership organization" means an incorporated or unincorporated continuing membership association that is not a mutual company or other business entity and that does not have as a primary purpose influencing the results of elections for the nomination or election of candidates for public office or supporting political parties.

(E)(1) All campaign committees, political action committees, multi-candidate political committees, small donor action committees, political parties, and organizations that makes or incurs a debt for an independent expenditure, and any individual who makes or incurs debts for one or more independent expenditures totaling more than five hundred dollars in a calendar year shall file independent expenditure reports with such elections authorities, at such times and in such form as designated by law, disclosing all contributions and expenditures relating to the independent expenditures. The provisions of this section shall apply regardless of whether an individual, committee, political party, or person is located within or outside of the state.

(2) The campaign committees of candidates for state executive offices and for member of the general assembly, in addition to any other reports required by law, shall electronically report to such single elections authority as designated by law within one business day of receipt a contribution in the amount of one thousand dollars or more received during the period thirty days prior to the election at which the committee's candidate is a candidate through the day before the election.

(3) A reporting entity that has received five thousand dollars or more in contributions or made five thousand dollars or more in expenditures during the entity's reporting period, and any entity or individual that has made or incurred independent expenditures totaling five thousand dollars or more within a reporting period shall electronically file a report of such activity as required by law.

(4) The general assembly shall pass laws implementing the provisions of this section and providing for timely public disclosure of all contributions and expenditures and independent expenditures and providing for enforcement of its provisions and penalties for violations; provided that no law shall be passed that limits the operation of the provisions of this section or increases the limits on contributions.

(F) The provisions of this section do not apply to elections for federal offices.

(G) If any provision of this section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared severable.