

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 644**

**Representative Clyde**

**Cosponsors: Representatives Boggs, Patterson, Ramos, Antonio, Kelly, Brown,  
West**

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**A BILL**

To amend sections 101.30 and 103.51 and to enact 1  
sections 103.52 and 103.53 of the Revised Code 2  
to specify public records, public meetings, and 3  
other requirements with which the Ohio 4  
Redistricting Commission, the General Assembly, 5  
and the Legislative Task Force on Redistricting 6  
and Demographic Research must comply during the 7  
redistricting process. 8

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 101.30 and 103.51 be amended and 9  
sections 103.52 and 103.53 of the Revised Code be enacted to 10  
read as follows: 11

**Sec. 101.30.** (A) As used in this section: 12

(1) "Legislative document" includes, but is not limited 13  
to, all of the following: 14

(a) A working paper, work product, correspondence, 15  
preliminary draft, note, proposed bill or resolution, proposed 16  
amendment to a bill or resolution, analysis, opinion, 17

memorandum, or other document in whatever form or format 18  
prepared by legislative staff for a member of the general 19  
assembly or for general assembly staff; 20

(b) Any document or material in whatever form or format 21  
provided by a member of the general assembly or general assembly 22  
staff to legislative staff that requests, or that provides 23  
information or materials to assist in, the preparation of any of 24  
the items described in division (A) (1) (a) of this section; 25

(c) Any summary of a bill or resolution or of an amendment 26  
to a bill or resolution in whatever form or format that is 27  
prepared by or in the possession of a member of the general 28  
assembly or general assembly staff, if the summary is prepared 29  
before the bill, resolution, or amendment is filed for 30  
introduction or presented at a committee hearing or floor 31  
session, as applicable. 32

(2) "Legislative staff" means the staff of the legislative 33  
service commission, ~~legislative budget office of the legislative~~ 34  
~~service commission,~~ or any other legislative agency included in 35  
the legislative service commission budget group. 36

(3) "General assembly staff" means an officer or employee 37  
of either house of the general assembly who acts on behalf of a 38  
member of the general assembly or on behalf of a committee or 39  
either house of the general assembly. 40

(B) Legislative staff shall maintain a confidential 41  
relationship with each member of the general assembly, and with 42  
each member of the general assembly staff, with respect to 43  
communications between the member of the general assembly or 44  
general assembly staff and legislative staff. Except as 45  
otherwise provided in this division and division (C) of this 46

section and in sections 103.51, 103.52, and 103.53 of the  
Revised Code, a legislative document arising out of this  
confidential relationship is not a public record for purposes of  
section 149.43 of the Revised Code. When it is in the public  
interest and with the consent of the commission, the director of  
the commission may release to the public any legislative  
document in the possession of the commission staff arising out  
of a confidential relationship with a former member of the  
general assembly or former member of the general assembly staff  
who is not available to make the legislative document a public  
record as provided in division (C) of this section because of  
death or disability, whom the director is unable to contact for  
that purpose, or who fails to respond to the director after the  
director has made a reasonable number of attempts to make such  
contact.

(C) (1) A legislative document is a public record for  
purposes of section 149.43 of the Revised Code if it is an  
analysis, synopsis, fiscal note, or local impact statement  
prepared by legislative staff that is required to be prepared by  
law, or by a rule of either house of the general assembly, for  
the benefit of the members of either or both of those houses or  
any legislative committee and if it has been presented to those  
members.

(2) A legislative document is a public record for purposes  
of section 149.43 of the Revised Code if a member of the general  
assembly for whom legislative staff prepared the legislative  
document does any of the following:

(a) Files it for introduction with the clerk of the senate  
or the clerk of the house of representatives, if it is a bill or  
resolution;

(b) Presents it at a committee hearing or floor session, 77  
if it is an amendment to a bill or resolution or is a substitute 78  
bill or resolution; 79

(c) Releases it, or authorizes general assembly staff or 80  
legislative staff to release it, to the public. 81

**Sec. 103.51.** (A) There is hereby created the legislative 82  
task force on redistricting, ~~reapportionment~~, and demographic 83  
research, consisting of six members. The president of the senate 84  
shall appoint three members, not more than two of whom shall be 85  
members of the same political party. One member appointed by the 86  
president shall not be a member of the general assembly. The 87  
speaker of the house of representatives shall appoint three 88  
members, not more than two of whom shall be members of the same 89  
political party. One member appointed by the speaker shall not 90  
be a member of the general assembly. 91

Appointments to the task force shall be made within 92  
fifteen days after the commencement of the first regular session 93  
of each general assembly in the manner prescribed in this 94  
division. A vacancy on the task force shall be filled for the 95  
unexpired term in the same manner as the original appointment. 96  
Members of the task force shall serve on the task force until 97  
the appointments are made in the first regular session of the 98  
following general assembly or, in the case of task force members 99  
who also are general assembly members when appointed, until they 100  
are no longer general assembly members. 101

The president of the senate shall appoint a member of the 102  
task force, and the speaker of the house of representatives 103  
shall appoint a member of the task force, to serve as ~~co-~~ 104  
~~chairmen~~ co-chairpersons of the task force. The ~~co-chairmen~~ co- 105  
chairpersons shall be members of different political parties. 106

The ~~co-chairmen~~ co-chairpersons may enter into any agreements on 107  
behalf of the task force and perform any acts that may be 108  
necessary or proper for the task force to carry out its powers 109  
and duties under this section. 110

(B) The members of the task force shall serve without 111  
compensation, but shall be reimbursed for their actual and 112  
necessary expenses incurred in the performance of their official 113  
duties. 114

(C) The task force shall do all of the following: 115

(1) Provide such assistance to the general assembly and 116  
its committees as requested in order to help the general 117  
assembly fulfill its duty to establish districts for the 118  
election of representatives to congress; 119

(2) Provide such assistance to the ~~apportionment board~~ 120  
Ohio redistricting commission as requested in order to help it 121  
fulfill its ~~duty to provide for the apportionment of this state~~ 122  
~~for members of duties under the general assembly Ohio~~ 123  
Constitution. As used in this section, "~~apportionment board~~" 124  
"Ohio redistricting commission" means the ~~persons designated~~ 125  
commission described in Section 1 of Article XI, Ohio 126  
~~Constitution, as being responsible for that apportionment.~~ 127

(3) Engage in such research studies and other activities 128  
as the task force considers necessary or appropriate in the 129  
preparation and formulation of a plan for the next ~~apportionment~~ 130  
redistricting of the state for ~~members of the general assembly~~ 131  
~~and a plan for the next establishment of districts for the~~ 132  
~~election of representatives to congress~~ and in the utilization 133  
of census and other demographic and statistical data for policy 134  
analysis, program development, and program evaluation purposes 135

for the benefit of the general assembly. 136

(D) Notwithstanding any provision of law to the contrary, 137  
the task force may do all of the following: 138

(1) Hire such employees and engage such experts and 139  
technical advisors and fix their compensation, and obtain such 140  
services, as are necessary for the task force to exercise its 141  
duties under this section; 142

(2) Authorize the providing of such services and the 143  
furnishing of such data by the task force to any state agency or 144  
political subdivision of this state as the task force may 145  
specify, on such terms and conditions as the task force may 146  
specify, including the amount of the payment for providing the 147  
services and furnishing the data; 148

(3) Conduct meetings and hearings both within and outside 149  
this state and otherwise exercise all of the powers of a 150  
standing or select committee of the general assembly; 151

(4) Request and receive from any state agency or political 152  
subdivision of this state such assistance and data as will 153  
enable the task force to exercise its powers and duties under 154  
this section. 155

(E) (1) Notwithstanding any contrary provision of section 156  
121.22 of the Revised Code, the co-chairpersons of the task 157  
force shall provide the public with at least seventy-two hours 158  
of advance notice of the time and location of any meeting 159  
concerning the duties of the task force, shall make that meeting 160  
open to the public, and shall hold that meeting in a government 161  
building or office. As used in this division, "meeting" means 162  
any prearranged discussion at which any member of the task force 163  
or the member's employee or agent is present. 164

(2) Notwithstanding any contrary provision of section 165  
101.30 of the Revised Code, all records related to the work of 166  
the task force kept by any member of the task force or the 167  
member's employee or agent, including any contractor or 168  
consultant directly or indirectly retained by any member of the 169  
General Assembly, any task force member, or the Ohio 170  
redistricting commission, or by any other public office are 171  
public records within the meaning of section 149.43 of the 172  
Revised Code. 173

(3) The attorney general or any citizen of this state may 174  
commence a mandamus action to obtain a judgment that orders a 175  
member of the task force or any other public official, employee, 176  
or agent to comply with the requirements of division (E)(1) or 177  
(2) of this section. The court shall hear the action on an 178  
expedited basis unless the court determines that the action is 179  
frivolous or is brought for the purpose of delay. 180

**Sec. 103.52.** (A) During the period beginning on the day 181  
the governor convenes the Ohio redistricting commission and 182  
ending on the day the commission is dissolved, the chairpersons 183  
of the commission shall do all of the following: 184

(1) Hold a public hearing or briefing concerning the 185  
status of the commission's work at least once each week. 186

(2) Issue a written progress report to the public at least 187  
once each week concerning the status of the commission's work. 188  
The report shall be signed by both of the chairpersons and shall 189  
include copies of all draft redistricting plans that have been 190  
shared between two or more members of the commission or their 191  
employees or agents during the period covered by the report. 192

(3) Develop and maintain a process by which the commission 193

receives and considers, in real time, comments submitted by 194  
members of the public concerning any draft redistricting plan. 195

(B) Notwithstanding any contrary provision of section 196  
121.22 of the Revised Code, the chairpersons of the commission 197  
shall provide the public with at least seventy-two hours of 198  
advance notice of the time and location of any meeting 199  
concerning redistricting, shall make that meeting open to the 200  
public, and shall hold that meeting in a government building or 201  
office. As used in this division, "meeting" means any 202  
prearranged discussion at which any member of the commission or 203  
the member's employee or agent is present. 204

(C) Notwithstanding any contrary provision of section 205  
101.30 of the Revised Code, all records related to redistricting 206  
kept by any member of the commission or the member's employee or 207  
agent or by any other public office are public records within 208  
the meaning of section 149.43 of the Revised Code. 209

(D) The attorney general or any citizen of this state may 210  
commence a mandamus action to obtain a judgment that orders a 211  
member of the commission or any other public official or 212  
employee to comply with the requirements of this section. The 213  
court shall hear the action on an expedited basis unless the 214  
court determines that the action is frivolous or is brought for 215  
the purpose of delay. 216

**Sec. 103.53.** (A) During any period in which any two or 217  
more members of the general assembly or their employees or 218  
agents deliberate upon proposed changes to the boundaries of the 219  
congressional districts of this state and the necessary census 220  
and political subdivision boundary data are available for the 221  
members of the general assembly to use for that purpose, the 222  
speaker and minority leader of the house of representatives and 223

the president and minority leader of the senate shall do all of 224  
the following: 225

(1) Hold a public hearing or briefing concerning the 226  
status of the general assembly's work on congressional 227  
redistricting at least once each week. 228

(2) Issue a written progress report to the public at least 229  
once each week concerning the status of the general assembly's 230  
work on congressional redistricting. The report shall be signed 231  
by the speaker and minority leader of the house of 232  
representatives and by the president and minority leader of the 233  
senate and shall include copies of all draft redistricting plans 234  
that have been shared between two or more members of the general 235  
assembly or their employees or agents during the period covered 236  
by the report. 237

(3) Develop and maintain a process by which the members of 238  
the general assembly receive and consider, in real time, 239  
comments submitted by members of the public concerning any draft 240  
congressional redistricting plan. 241

(B) Notwithstanding any contrary provision of section 242  
121.22 of the Revised Code, the public shall be provided with at 243  
least seventy-two hours of advance notice of the time and 244  
location of any meeting concerning congressional redistricting, 245  
and that meeting shall be open to the public and held in a 246  
government building or office. As used in this division, 247  
"meeting" means any prearranged discussion at which any member 248  
of the general assembly or the member's employee or agent is 249  
present. 250

(C) Notwithstanding any contrary provision of section 251  
101.30 of the Revised Code, all records related to congressional 252

redistricting kept by any member of the general assembly, the 253  
member's employee or agent, or any other public office are 254  
public records within the meaning of section 149.43 of the 255  
Revised Code. 256

(D) The attorney general or any citizen of this state may 257  
commence a mandamus action to obtain a judgment that orders a 258  
member of the general assembly or any other public official or 259  
employee to comply with the requirements of this section. The 260  
court shall hear the action on an expedited basis unless the 261  
court determines that the action is frivolous or is brought for 262  
the purpose of delay. 263

**Section 2.** That existing sections 101.30 and 103.51 of the 264  
Revised Code are hereby repealed. 265