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Administration

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Secretary of State Frank LaRose
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The KeyBank Building
88 East Broad Street, 5th Floor
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House Minority Leader Allison Russo
77 South High Street, 14th Floor
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Senate Building
1 Capitol Square
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Jeff LaRe Representative
77 South High Street, 13th Floor
Columbus, Ohio 43215

Dear Members of the Ohio Redistricting Commission and Legislative Leaders:

I write today regarding the role and responsibilities of the co-chairs of the Ohio Redistricting Commission. Specifically, whether a delay in selecting one or more of the co-chairs prevents the commission from convening and proceeding to draw and pass maps? The answer: no, it does not. Let me explain why.

Article XI, § 1(A) of the Ohio Constitution provides that the legislative leaders from the two largest political parties shall each appoint a member of the commission to serve as co-chair. Once the co-chairs are appointed Ohio law does not require them to do much. Under the Constitution, if the commission cannot agree on how to expend allotted funds, the money is split between the two co-chairs who each have the authority to spend their respective share. Ohio Const. Art. XI § 1(B)(2)(b). By statute, the co-chairpersons are required to electronically notify the other commission members of a proposed congressional plan submitted by a member of the public, and then cause the plan to be posted on the commission's website. R.C 3521.04. But that's it. While the commission is free to pass rules that give the co-chairs more responsibilities—which a previous commission did, *see* Ohio Redistricting Commission Rules adopted August 31, 2021, available at:

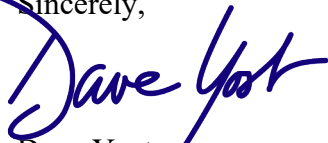
<https://www.redistricting.ohio.gov/meetings#previous-meetings> –this commission has not yet done so. Thus, the fact that one side has not yet chosen a co-chair does not prevent the commission from conducting its business.

This is the case because the commission members, not the co-chairs, are responsible for redistricting the state. Ohio Const. Art. XI, § 1. The commission must draft and adopt the proposed plan and conduct the required meetings during that process. Ohio Const. Art. XI, § 1(C). The co-chairs have no role in those processes, beyond that of any other commission member, and the commission need not wait for a co-chair to be selected before moving forward with them.

The same holds true for convening a meeting. While the first meeting is to be convened by the governor, the Constitution is silent as to how to call a meeting thereafter. Ohio Const. Art. XI, §1(C). The prior commission, by rule, gave the co-chairs joint power to call a meeting and later amended the rule to give the same authority to three members of the commission. *See* Ohio Redistricting Commission Rules, [ohio-redistricting-commission-rules.pdf](#). But before those rules were formally adopted and after Governor DeWine convened the prior commission’s first meeting, the co-chairs called to order a meeting and several regional hearings. There is no reason to conclude that they had—or didn’t have—the authority to do so before the rules were passed. So too here, there is no reason to conclude that it would be improper for the Governor to call another meeting of the commission before a co-chair is named. The only reason that the previous co-chairs (and then three commission members, pursuant to a later amendment) had the exclusive authority to convene a meeting is because the commission passed a rule giving it to them. The commission has not yet done so again. Thus, there is no reason that another commission member—most logically, the Governor—does not have the authority to convene another commission meeting before a co-chair has been named. Simply put, the co-chairs are not needed to convene a meeting at this point in the redistricting process.

I hope this letter is helpful in clarifying the commission’s current abilities. The delay in choosing a co-chair need not hamper the process and the commission is on solid legal footing to convene a meeting and continue the important work ahead. Please feel free to reach out should my Office be able to assist any further on this matter.

Sincerely,



Dave Yost
Ohio Attorney General