

How long will Ohio's new legislative redistricting plan remain in place? No one knows for sure

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COLUMBUS, Ohio—Even though the Ohio Redistricting Commission unanimously voted earlier this week to pass new House and Senate district lines for the state, there still isn't consensus on an important question: How long will these new maps remain in place?

Both Republicans and Democrats on the redistricting commission say they think they will be in place for eight years, until after the 2030 U.S. Census is completed. But those commission members, as well as others considering legal challenges to the newly passed maps, also say it's not yet clear whether they will last for that long, or for only two years.

"I think it is the intent of the commission that this be an eight-year map," said State Auditor Keith Faber, the commission's Republican co-chair, to reporters Friday. "But that's up to the courts to decide."

The reason for the uncertainty is because the Ohio Constitution's new legislative redistricting rules don't explicitly lay out what happens now after the state's initial redistricting process in 2021 and 2022 went off the rails.

The Ohio Supreme Court repeatedly ruled last year that GOP-authored legislative maps were unconstitutionally gerrymandered, but Republicans on the redistricting commission effectively ran out the clock and got their maps used anyway in the 2022 elections. However, the court's ruling meant that the commission had to draw new maps ahead of Ohio's March 2024 primary election.

The question now hinges on whether the newly passed redistricting plan is legally considered to be a replacement of last year's maps or just a modification.

Under [the state's constitutional redistricting rules](#), any legislative redistricting plan passed with bipartisan support lasts for 10 years, while plans with only one-party support expire after four years. That means that the maps passed last year only by Republicans on the Ohio Redistricting Commission would remain in place until 2025.

If the new redistricting plan passed earlier this week is considered just to be a court-ordered modification of that initial plan, that means the new maps would also expire two years from now.

However, the very next paragraph of the Ohio Constitution states that when the redistricting commission votes to “replace” a four-year plan “that ceased to be effective,” the new plan they pass can remain for the remainder of the decade, regardless of whether it’s supported by both Republicans and Democrats. If that’s the case now, that would mean the just-passed redistricting plan would stay in place for eight years, until 2031.

“That is an issue that has never been ruled on before,” Faber told reporters on Tuesday night. “We’re in unique times.”

Senate Minority Leader Nickie Antonio of Lakewood, the commission’s Democratic co-chair who stood next to Faber as he said that, also said she thinks the question will be up to a court to decide. But, like Faber, Antonio said she personally thinks the new maps will last for eight years.

“I strongly believe that [argument] will bear out,” she said.

Steven Steinglass, a retired Cleveland State University law professor and expert on the Ohio Constitution, expressed similar sentiments, in an interview.

“My understanding is that the bipartisan, unanimously approved plan is valid for the balance of the decade,” Steinglass said. The new plan, he said, “sounds like a replacement to me.”

It’s still unclear exactly who believes the new redistricting maps should, under the Ohio Constitution, only last for two years, as well as who, if anyone, would ask a court to weigh in on the issue. Faber said that during this year’s talks on redistricting maps, he heard from people who argued the new maps only last two years. He said he didn’t remember specific names of those who argued that the new maps expire in two years.

“We had learned legal scholars who made an argument that it was very clear in the constitution that the intent was that if your first vote isn’t bipartisan, it’s a four-year map and a six-year map,” Faber said, adding that he personally thinks “there’s a very strong argument for an eight-year map.”

Yurij Rudensky of New York University law school’s Brennan Center for Justice, who represents several of the plaintiffs that successfully contested last year’s GOP-backed legislative redistricting plan in court, said in an interview that he hasn’t heard of anyone who strongly believes that the new maps should only be in place for two years.

Rudensky said he could see how and why someone might make an argument that the new maps should last only for two years. “Maybe there’s a world in which the 2025

redistricting process plays out better,” he said. “I wouldn’t hold my breath... but I could see someone at least, making that argument.”

Rudensky’s clients, which include the Ohio Organizing Collaborative, the Ohio Environmental Council, the Ohio chapter of the Council on American-Islamic Relations, and several individual Ohioans, are now deciding whether to file similar legal challenges to the new maps, Rudensky said. That discussion, he said, also includes the question of whether to raise the subject of how long the new maps can last.

Faber indicated Friday that if no one decides to raise the question in court, he considers the matter settled.

“I guess if nobody says anything, we’re going treat it as an eight-year map,” he said, chuckling.

Looming over the whole issue of how long the new legislative maps will remain in place is the prospect of Ohio voters approving [a proposed constitutional amendment](#) that would put redistricting in the hands of a 15-member commission divided equally among Republicans, Democrats and independents.

If the proposed amendment passes in 2024, as its backers are seeking, new legislative maps would have to be drawn in 2025 under the new system, making a moot point out of whether the redistricting commission passed a two-year-long map or one lasting eight years.