

Ohio's new legislative redistricting plan is challenged in court: What happens now?

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COLUMBUS, Ohio—Three legal challenges to Ohio's new state legislative redistricting plan have now been filed with the Ohio Supreme Court, all claiming that the new maps unfairly favor Republicans.

It's now up to the court to decide what to do, though they don't have a lot of time. Secretary of State Frank LaRose [previously warned](#) that final legislative districts need to be in place by Oct. 23 in order for elections officials to meet various administrative deadlines ahead of the March 2024 primary election.

Under the new legislative redistricting plan, passed with unanimous, bipartisan support late last month, Republicans are favored to win 59 of 99 Ohio House districts (not including 10 competitive "tossup" districts) and 20 of 33 Ohio Senate seats (excluding four tossup districts), according to an analysis included in one of the legal challenges that was conducted by Jonathan Rodden, a Stanford University political science professor.

The Ohio Constitution [requires](#) the number of state legislative districts that favor Republicans and Democrats, respectively, to be proportional with the average percentage of votes that each party's statewide candidates received during the past 10 years. Between 2014 and 2022, GOP statewide candidates averaged 56.4% of the vote, Rodden found.

Therefore, the new redistricting plan gives Republicans an advantage in more districts than they're constitutionally allowed to have, according to the three legal challenges.

Each of the challenges were filed Thursday afternoon by several Ohio voters backed by, respectively, [a national Democratic redistricting group](#), [a coalition of activist groups that includes the Ohio Organizing Collective](#), and another group of plaintiffs led by [the League of Women Voters of Ohio](#).

Those are the same plaintiffs who successfully asked the Ohio Supreme Court to rule five times last year that GOP-backed redistricting maps were unconstitutionally gerrymandered. One set of those maps ended up being used anyway for last year's

legislative races, but the court's ruling meant the commission had to reconvene this year to draw legislative district lines ahead of the 2024 election.

However, the Ohio Supreme Court is considered to be less likely to overturn redistricting maps now than it was then. That's because Republican Maureen O'Connor, the court's chief justice and the key swing vote against last year's GOP-authored maps, has since retired, and both the current chief justice, Republican Sharon Kennedy, and the newest member of the court, Republican Joe Deters, are expected to be more sympathetic to GOP redistricting efforts.

"Nothing has changed in the interim period except for the composition of this Court," the League of Women Voters' filing stated. "Respondents' actions make abundantly clear their belief that, as a result, this Court's prior rulings are no longer the law—or at least, will not be enforced."

Ohio House Majority Floor Leader Bill Seitz, a Cincinnati Republican, [tweeted](#) Thursday evening that the legal challenges were the "best news of the week."

"Now we get the NEW Supreme Court to weigh in and hopefully eradicate all the ridiculous decisions from the Maureen O'Connor Court," Seitz wrote.

Republicans on the commission have said that it is impossible to draw maps that would give Democrats an advantage in as many districts as they're demanding, as doing so would interfere with other redistricting rules, such as limits on dividing counties and cities into separate districts.

The Ohio Organizing Collective filing notes that Senate Majority Floor Leader Rob McColley, a Northwest Ohio Republican who serves on the redistricting commission, argued during a commission meeting last month that "many people up on this commission" saw the issue of minimizing city splits "as a superior requirement" to drawing districts that give Democrats the same percentage of seats as the party's statewide candidates averaged.

The Ohio Organizing Collective's filing said it was "simply incorrect" to say that minimizing splits was a "superior requirement," and it pointed to a redistricting proposal drafted by Rodden as proof that maps can be drawn that give Democrats the number of seats they should get under the constitution.

The legal challenges named all seven Ohio Redistricting Commission members as respondents, including the two Democrats on the panel – House Minority Leader Allison Russo of suburban Columbus and Senate Minority Leader Nickie Antonio of Lakewood. Both Democrats voted for the maps, a factor that Republicans have said undercuts the idea that they're gerrymandered.

The Ohio Organizing Collective's filing asserted that it shouldn't make a difference to the Supreme Court that the latest redistricting plan was approved by members of both parties, instead of just Republicans during the last redistricting cycle.

“The only thing proven by the vote is the continued need for this Court to provide a meaningful check against violations of the Ohio Constitution,” the filing stated.

The respondents now could file rebuttals to the three legal challenges, which technically ask the Supreme Court for permission to file briefs formally laying out their arguments for invalidating the new maps and forcing the redistricting commission to again draw new legislative district lines. As of Friday afternoon, no such rebuttals had been filed, though Republicans have said they believe the new maps can and will pass judicial scrutiny.

“We are confident we can defend the constitutionality of the 7-0 maps approved by the Redistricting Commission,” said Aaron Mulvey, a spokesman for House Speaker Jason Stephens, a Lawrence County Republican.

So far, it’s uncertain if the Supreme Court will agree or not to review written arguments in the case, nor it is clear when a final ruling might come.

Last month, [LaRose warned his fellow commission members](#) that they needed to pass new maps by Sept. 22, as it was likely that a subsequent court battle would take six weeks to play out. The redistricting commission submitted its final version of the new redistricting plan on Sept. 29.

LaRose calculated that any redistricting court fight needs to be resolved by Oct. 23 by counting backward from Dec. 20, the candidate filing deadline for Ohio’s March 19, 2024, primary election.

Under the Ohio Constitution, legislative candidates have until Nov. 20 to move to a new district. Before that can happen, LaRose continued, county elections officials need two weeks to update their voter registration systems using the new Ohio House and Senate district lines. Another two weeks are needed before that for legislative staffers to compile and send “updated legal descriptions and shape files” of those districts to LaRose’s office, he said, which means a redistricting plan must be finalized by Oct. 23.

LaRose spokeswoman Melanie Amato, in a statement, said that the secretary of state isn’t worried that the litigation will cause a time crunch. “We added this scenario in the original timeframe when we announced the dates,” Amato stated. “The courts know of the October 23 deadline, and they are aware that this matter needs to be resolved by then.”

One issue that the three legal challenges do not raise is whether the new maps, if they’re put into place, [will last for two years or eight years](#). Redistricting commission members from both parties have said that issue will be up to courts to decide, though it’s unclear if or when the Supreme Court might weigh in on that as part of the current litigation.