



ADVISORY 2021-06

December 1, 2021

To: All County Boards of Elections
Board Members, Directors, and Deputy Directors

Re: Congressional Redistricting and State Legislative Redistricting

SUMMARY

On September 15, 2021, the Ohio Redistricting Commission finalized new State House and Senate districts. On November 18, 2021, the 134th General Assembly enacted [Substitute Senate Bill 258](#) ("S.B. 258") creating new congressional districts for the State of Ohio. Absent a referendum or court order invalidating the bill, [S.B. 258](#) and the new map of congressional districts will take effect on **February 19, 2022**. As a result of the 2020 Census, the new map contains districts for 15 members of the U.S. House of Representatives. The state and congressional maps will remain in effect for two general elections for the Ohio General Assembly and the U.S. House of Representatives.

This Advisory provides the most current information available regarding the new districts. Both the state and congressional maps were challenged in the Ohio Supreme Court, and the cases are currently pending. Our Office will issue a directive with additional direction as soon as the lawsuits are resolved.

INSTRUCTIONS

I. POTENTIAL IMPACT OF LAWSUITS PENDING

A. CHALLENGE TO STATE HOUSE AND SENATE DISTRICT MAPS

The State House and Senate district maps were challenged in three cases before the Ohio Supreme Court.¹ Parties challenging the maps claim the new maps violate Article XI of the Ohio Constitution. Those parties ask the Court to invalidate the new State House and Senate district maps and order the Ohio Redistricting Commission to adopt new or amended maps. Oral arguments will occur on December 8, 2021, after which the Court will deliberate and issue a decision. If the Court does not uphold the maps, the Ohio Redistricting Commission will either amend the existing maps or adopt new maps.² The Ohio Constitution does not specify a timeline for this process; however, the plan must allow 30 days for persons to change residence to be eligible for election.³

¹ *League of Women Voters of Ohio, et al. v. Ohio Redistricting Commission, et al.*, Case No. 2021-1193; *Bennett, et al. v. Ohio Redistricting Commission, et al.*, Case No. 2021-1198; *Ohio Organizing Collaborative, et al. v. Ohio Redistricting Commission, et al.*, Case No. 2021-1210.

² [Article XI, Section 9\(D\)\(3\)](#).

³ [Article XI, Section 9\(C\)](#).

B. CHALLENGE TO CONGRESSIONAL MAP

The Congressional map was also challenged before the Ohio Supreme Court.⁴ The final reply brief in the *Adams* case must be filed by December 20, 2021, after which the Court will deliberate and issue a decision. In the *League of Women Voters* case, the parties challenging the map have asked the Court to adopt the same schedule as in *Adams*. If the Court does not uphold the map, the General Assembly has 30 days to pass a revised map.⁵ If the General Assembly fails to pass a revised map within 30 days, the Ohio Redistricting Commission will then have 30 days to adopt a revised map.⁶

II. PRIMARY ELECTION AND FILING DEADLINES

The 2022 primary election remains scheduled for May 3, 2022.⁷ Under current law, declarations of candidacy for partisan candidates to appear on the ballot must be filed by 4:00 p.m. on February 2, 2022, and declarations of intent for partisan write-in candidates must be filed by 4:00 p.m. on February 22, 2022.⁸

[S.B. 258](#) extended the filing deadline for partisan candidates for U.S. Representative, including write-in candidates, to March 4, 2022.⁹ However, the law will not be in effect before the February 2, 2022 filing deadline. Therefore, boards may anticipate receiving candidate petitions for U.S. Representative on or before that date. Any candidate petition for U.S. Representative filed with the board before February 19, 2022, the bill's effective date, will be invalid. After February 19, 2022, the board must promptly refund the candidate's filing fee.

A candidate for U.S. Representative who files their petition prior to February 19, 2022 may file a new petition no later than March 4, 2022. The original petition cannot be re-used for the second filing; once filed, a candidate petition cannot be withdrawn or amended.¹⁰ However, individuals who refile will not be considered candidates for multiple offices under [R.C. 3513.052](#).¹¹

III. PETITION CERTIFICATION AND PROTEST DEADLINES

[S.B. 258](#) requires the Secretary of State to adjust deadlines for U.S. Representative candidate petition review, certification, and protests to accommodate the short timeframe for preparing ballots. Per federal and state law, UOCAVA absentee ballots for the May 3, 2022 Primary Election must be prepared by March 18, 2022.¹² Therefore, the certification and protest deadline for candidates to the U.S. House of Representatives shall be as follows:

⁴ *Adams, et al. v. DeWine, et al.*, Case No. 2021-1428; *League of Women Voters of Ohio, et al. v. Ohio Redistricting Commission, et al.*, Case No. 2021-1449.

⁵ [Article XIX, Section 3\(B\)\(1\)](#).

⁶ [Article XIX, Section 3\(B\)\(2\)](#).

⁷ [R.C. 3501.01\(E\)](#).

⁸ [R.C. 3513.05](#) and [3513.041](#).

⁹ See Section 4 of [S.B. 258](#).

¹⁰ [R.C. 3501.38\(I\)](#) (A person may not alter, correct, or add to a petition after it is filed with a public office, nor may a petition be withdrawn after it is filed).

¹¹ See Section 4 of [S.B. 258](#).

¹² [R.C. 3509.01](#) and [3511.04](#); 52 U.S.C. §20302.

- **Wednesday, March 9, 2022** – Most populous county board of elections must certify the validity and sufficiency of partisan candidate petitions and provide the names of the certified candidates to the less populous county boards of elections in the district.
- **Friday, March 11, 2022** – Protests against partisan candidates for U.S. Representative (including write-in candidates) must be filed with the most populous county by 4:00 p.m.

All other deadlines and dates related to the May 3, 2022 Primary Election follow the standard election timeline found in the [2022 Ohio Elections Calendar](#).

IV. CONGRESSIONAL DISTRICT MAP AND LEGAL DESCRIPTIONS

[S.B. 258](#) contains the legal descriptions of the new congressional districts.¹³ Each district is listed consecutively followed by the area contained in the district. For example, District 1 is located in R.C. 3521.011, and District 15 is located in R.C. 3521.0115. Whenever an area included in a district is less than an entire county, the legal description is a “Block Group” or a “Tract,” as defined by the United States Census Bureau. The equivalency files accompany this Advisory.

V. STATE HOUSE AND SENATE DISTRICT MAPS AND LEGAL DESCRIPTIONS

The State House and Senate district legal descriptions, shape files, and equivalency files accompany this Advisory. Unlike the legal descriptions for the congressional districts, whenever an area included in a district is less than a county, the legal description is a political subdivision, such as city, village, township, municipal ward, or precinct and portions thereof. These descriptions are based on boundaries as they existed when the data was collected by Ohio University. If the board of elections changed precinct boundaries or if there were municipal ward boundary changes or annexations in the past year, the board needs to consider that the new assignments were made based on previous data. For example, if the board combined Precinct A and C into a new Precinct A, and Precinct A is listed in the legal description, then it is referring to the old Precinct A portion of the new Precinct A.

VI. MOST POPULOUS COUNTIES

The most populous county for each House, Senate, and Congressional District is identified in the lists accompanying this Advisory. This information will be included in the 2022 Candidate Requirement Guide.

VII. PRECINCT BOUNDARY ADJUSTMENTS

Boards of elections are not required to re-precinct in response to redistricting. However, new House, Senate, and Congressional districts may increase the number of split precincts in the county. Some boards may choose to realign precinct boundaries to reduce splits once the redistricting process is complete. If county party central committee members are to be elected from any party at the May 3, 2022 primary election, Ohio law prohibits redrawing precincts between January 1, 2022 and May 3, 2022.¹⁴ If the board plans on redrawing precincts before January 1,

¹³ [S.B. 258](#).

¹⁴ [R.C. 3501.18\(A\)](#).

2022, bear in mind that some county party central committee members are elected by precinct and those candidates will be required to file petitions by February 2, 2022.

If no county party central committee members will be elected in the May primary election, the board may change precinct boundaries any time before April 8, 2022.¹⁵

If a precinct boundary does not follow census blocks, the board must seek a waiver from the Secretary of State. A precinct can contain no more than 1,400 registered voters, but voters in confirmation status can be excluded from this count. Waiver requests take approximately ten business days to review and complete, assuming all of the information required on [Form 50](#) is provided at time of submission. Waivers must be sent to SWVRD@OhioSOS.gov and accompanied with the necessary documentation and maps to visually determine the changes to the precinct boundaries. The documentation must clearly list the census block waivers that are being split.

VIII. STATE BOARD OF EDUCATION DISTRICTS

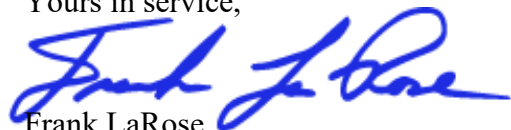
The General Assembly must enact legislation establishing state board of education districts by December 31, 2021.¹⁶ If the General Assembly does not establish the districts by that deadline, the Governor will determine the districts no later than January 30, 2022. Our Office will notify boards once the districts are established and update the 2022 Candidate Requirement Guide accordingly. The filing deadline for state board of education candidates is Wednesday, August 10, 2022.¹⁷

IX. SIGNATURE REQUIREMENTS FOR INDEPENDENT CANDIDATES

Boards must calculate the signature requirements for independent candidates based upon the vote totals from the 2018 gubernatorial race.¹⁸ With redistricting and possible precinct changes, such calculations may be difficult. If you have questions about how to determine signature requirements for independent candidates, please contact the Secretary of State's elections counsel.

Each board of elections must share this Advisory with its legal counsel, the county prosecuting attorney, and with all party central committees in the board's county. If you have any questions regarding this Advisory, please contact the Secretary of State's elections counsel at (614) 728-8789.

Yours in service,



Frank LaRose
Ohio Secretary of State

¹⁵ [R.C. 3501.18\(A\)](#).

¹⁶ [R.C. 3301.01\(B\)](#).

¹⁷ [R.C. 3513.259](#).

¹⁸ [R.C. 3513.05](#) and [3513.257](#).