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Legislative Update

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Late September, early October were busy months at the Ohio statehouse as both the senate and house standing committees held hearings on multiple bills. However, meetings of the full house have been rare, so much work remains to be done as 2023 come to a close. Of course, there's always 2024, but legislators' schedules will reflect competing priorities in the weeks ahead. They will likely take time to process the results of the November 7th general election that will decide the fate of two statewide issues and many other local races and proposals. Holiday time will slow activity before the looming March primary election takes center stage. That election will see candidates (incumbents and challengers) on the campaign trail with much focus on crucial federal races, including the U.S. presidency and the Ohio U.S Senate race. Because that election will be based on the newly approved state legislative district maps, some members of the house and senate may be rethinking a run in 2024 based on changes made to the map by the Ohio Redistricting Commission in late September.

Redistricting in Ohio

The state continues to face challenges to how its legislative districts are configured. The Redistricting Commission was required to try again to develop a map that could pass constitutional muster after it failed to do so in time for the 2022 elections. The process continues to raise concerns although the committee made up of 5 republicans and 2 democrats did unanimously approve the latest version of a map in late September. That process was not without controversy however, particularly because the two democrat members of the commission voted in favor of what they believed were flawed maps. One of the members of the commission, Rep. Allison Russo, the house minority leader, described the reality of what she and her fellow democrat Sen. Nickie Antonio, the senate minority leader faced as the voting occurred. In an opinion piece she wrote for the Columbus Dispatch, Russo said the new maps included a few marginal improvements thanks to the dedication of a few individuals who participated in the hastily conducted public hearings on the new maps.

“When the commission came together the process was deeply political with every district seen as a political pawn” she wrote. Because of the changes to the makeup of Ohio’s Supreme Court, the likelihood that the court would find the new maps problematic were not high. “The maps are still gerrymandered,” but Russo is committed to finding another way to achieve fair districts by taking the map drawing pen out of the hands of politicians and entrusting it to a citizen’s commission instead. (Discussed more extensively below).

Because the maps received bipartisan support, they will remain in place through the 2030 elections. Under current law, after that time, new census data will be used to redraw the districts to comport with changing demographics. This time frame provides voters an opportunity to give serious thought to an alternative to the current politicized commission. (Source: Russo, A. (9/29/23) *Sad sober reality: Allison Russo on why democrats had no option but to support bogus maps*. Columbus Dispatch.

Although the maps received unanimous approval by the redistricting commission, that did not deter a legal challenge before the Ohio Supreme Court once again. Petitioners in *Bria Bennett v. The Ohio Redistricting Commission* called the most recent plan even more extreme gerrymandering than prior ones, which were ruled unconstitutional. The respondents of course disagree and have filed procedural motions to dismiss the case. The court must act quickly because the candidate filing date for the primary election is December 20th.

When looking at alternatives to the current redistricting process, Citizens Not Politicians (the group behind the endeavor to amend Ohio's Constitution) is stepping up its efforts to minimize the role of elected officials in determining district configurations. The requirements citizens must meet to put the proposed amendment before voters are extensive. Although they have been working for months, organizers recently discovered a typo in the summary of the amendment language approved by Attorney General Dave Yost. Failure to address the typo may have left the effort open to a legal challenge. Therefore, out of an abundance of caution, the group decided to begin the approval process anew. They are now circulating a new petition with the corrected summary language and will resubmit it to the attorney general's office once they have gathered the 1000 petition signatures required to move forward. The upcoming submission will mark the fourth time supporters have provided the summary language to the AG for a determination that the submission is a "fair and truthful" summary of the proposal. The first two times the AG found the submission to be deficient. The third version was approved, but the typo it contained caused organizers to try for a 4th time. Each time supporters have had to gather 1,000 signatures on the petitions. After the preliminary work is completed, organizers must then obtain over 413,000 signatures of eligible registered voters from across Ohio before the proposed amendment can be placed on the ballot for the November 2024 general election.

Legislative Happenings

House member Rep. Scott Wiggam (R-Wayne County) introduced a joint resolution (**HJR 4**) that would amend Ohio's Constitution to protect individuals from being compelled to wear a mask or other facial covering in a place of public accommodation. "Public accommodation" is defined very broadly and includes the professional office of a healthcare provider, publicly accessible areas of a hospital, pharmacies, childcare centers, state agencies and many more. The resolution, as introduced, has 30 republican cosponsors and has been referred to the House Public Health Policy Committee where hearings are set to begin this week.

One major piece of legislation that will be on legislators' agenda in 2024 is the state's capital budget. House Speaker Jason Stephens (Kitts Hill) called the funding bill an "opportunity" to

provide financial support for a variety of projects in big and small communities. The house republican caucus will turn its attention to prioritizing the many proposals legislators are likely to receive. The bill will be introduced next year.

Another issue centers on election procedures. Legislation to close Ohio's primary elections has been proposed in both the house and senate. Under these proposals, voters would be required to formally declare a political party affiliation. One of the bills requires the declaration to be made several months before the primary election. (**HB 210** sponsored by Rep Jennifer Gross (R-West Chester) and Gary Click (R-Vickery). Other proposals are less restrictive with respect to the time frame (**HB 208** sponsored by Rep. Thomas Hall (R-Madison Township) and **SB 147** sponsored by Sen. Michele Reynolds (R-Canal Winchester). Failure to comply would mean the voter could not vote on the candidates seeking elective office for that primary. Ohio currently requires voters to request the ballot of a particular political party based on the voter's party affiliation, but the declaration of affiliation can be changed readily even at the time a ballot is requested. Sponsors of the legislation want to stop what they call "tactical voting" where members of one party request the ballot of the other to influence who their party's candidate will face in the general election. Stephens believes the house will take the lead on this issue but must do so quickly if it intends to have the law effective by the March primary.

Senate President Matt Huffman (Lima) has focused his time recently on further empowering university trustees. To that end, he held a trustee symposium hosted by senate republicans. The first of its kind meeting drew 70 trustees to the statehouse where attendees discussed the future of higher education in Ohio. Senate republicans seemed to be interested in enhancing the role of trustees, particular with respect to critical decisions such as eliminating courses and fields of study with low enrollment and making corresponding staff changes. Sen. Jerry Cirino (R-Kirtland) sponsor of the controversial SB 83, cautioned trustees that "university presidents might resist change and faculty will definitely resist it" but students will benefit. (Source: Gongwer News (10/23/23) *Huffman wants to further 'empower' university trustees*). Cost of higher education continues to be an important issue as well.

Newly introduced bills

SB 177 sponsored by Sen. Bill DeMora (D-Columbus) and Sen. Paula Hicks Hudson (D-Toledo) authorizes the establishment and operation of the Ohio Health Care Plan to provide universal health care. Similar bills have been introduced in previous General Assemblies but have not received legislative attention.

HB 291 sponsored by Rep. Beth Liston (D-Dublin) and Rep. Sara Carruthers (R-Hamilton). Under the bill, during a plan year, it prohibits health benefit plans from switches to prescriptions and medication benefits. The plan cannot increase a person's cost sharing burden, move a drug to a more restrictive tier, remove a drug from a plan's formulary except for clinical safety reasons, if it is not sold in the US, or manufacturing has been interrupted. The bill does not prohibit substituting generically equivalent drugs. The bill has been referred to the House Insurance Committee and has been scheduled for a hearing November 1st.

HB 300 sponsored by Rep. Rachel Baker (D- Cincinnati) and Rep. Sharon Ray (R-Wadsworth). The bill establishes a pilot program for remote methadone treatment during FY 2024-2025. No more than 10 programs representing varied geographic areas will be selected to participate. The bill has been referred to the House Behavioral Health Committee.