

ROBERT R. CUPP
SPEAKER OF THE HOUSE
OHIO HOUSE OF REPRESENTATIVES
DISTRICT 04



77 S. HIGH STREET, 14TH FLOOR
COLUMBUS, OH 43215
REP04@OHIOHOUSE.GOV

TO: House Republican Members
FROM: Bob Cupp, Speaker
RE: Congressional Redistricting
DATE: August 17, 2022

As you may recall, on July 19, the Ohio Supreme Court invalidated the congressional district maps (again) in a 4-3 decision. Particularly over the past week, there has been some speculation – and of late intentional misinformation – over required next steps in this process.

Out-of-state activists have peddled the myth that a deadline looms this week for the General Assembly to adopt a new map. It is false, has zero basis in fact, and either shows a lack of understanding of our legal system, or it is an attempt to intentionally sow confusion over the 2022 elections.

Here are the facts.

The Ohio Constitutional timeline for the General Assembly to enact a new congressional map does not commence until all appeals are final. Matters involving congressional redistricting include elements of U.S. Constitutional and federal law which are appealable to the U.S. Supreme Court from decisions of a court which is described in federal law as a “state court of last resort”, which in this matter is the Ohio Supreme Court.

A party seeking review of a final decision of a state court of last resort, which is the Ohio Supreme Court in this case, invokes U.S. Supreme Court jurisdiction by filing a “petition for a writ of certiorari” (pursuant to the Certiorari Act of 1925). There is a time period of 90 days after the decision of the state supreme court to file the petition.

Thus, the deadline for an appeal to the United States Supreme Court is 90 days after July 19, 2022, the date on which the Ohio Supreme Court released its decision on the last congressional district map. Accordingly, Monday, October 17, 2022, is the final day to appeal to the U.S. Supreme Court. So, there is no state constitutional requirement to draw new congressional districts for the 2024 election cycle before then.

In the event the appeal is not accepted by the U.S. Supreme Court, the General Assembly has 30 days after that decision to pass a new congressional district map plan under Article XIX of the Ohio Constitution approved by voters in 2018. This is the factual reality.

As always, please contact me with any questions or concerns you may have.