

unofficial figures, and I think that was probably one of the main reasons why the Supreme Court reversed it.

THE CHAIRMAN: Delegate Boyer.

DELEGATE BOYER: These unofficial figures were probably the best the State of Ohio could come up with at that time. Would it be safe to say that computerized figures would be official or unofficial?

DELEGATE GALLAGHER: In my opinion, any redistricting commission or any General Assembly could not use any Chamber of Commerce or comparable organization figures because most of these are designed for ballyhoo and attracting industry, and certainly give you an exaggerated point of view. You would have to go to some official state agency like the State Planning Department.

THE CHAIRMAN: Delegate Boyer.

DELEGATE BOYER: Would it not be true that truly the only official figures would be the Census figures?

DELEGATE GALLAGHER: No, the only official federal population figures are the census figures, which are presently decennial in nature, and may be on a five-year basis, but it is possible, and we have determined that the State can give you population figures procured from official state records.

THE CHAIRMAN: Delegate Boyer.

DELEGATE BOYER: Just one last question along these lines.

You say "we" have determined—who is this?

DELEGATE GALLAGHER: Well, the Committee, the committee staff by talking to the State Department of Planning.

THE CHAIRMAN: Delegate Boyer.

DELEGATE BOYER: If I may ask a second line of approach here, do I understand that the congressional redistricting would be effective in 1972, and may I inquire why we reapportion or redistrict congressional districts in 1972 and yet we are all going to redistrict the General Assembly in 1970 on unofficial figures?

DELEGATE GALLAGHER: I think the answer is fairly obvious. We are operating today in a General Assembly whose population basis is the 1960 federal census.

Consequently, we are certainly pretty far from any actual view of population as it exists today. There have been tremendous shifts in population.

I think that the deviations in the General Assembly based even on the 1960 Census are in the 60 percent category, whereas the federal congressional districts which were redistricted in 1966 by a federal court, while it is true they used 1960 census figures, the deviations there are less than two percent. Certainly, then, the likelihood of malapportionment is much greater for the General Assembly as it exists today than it is for congressional redistricting.

Now, I am not arguing with you that some very unfortunate things were done by the federal court in the 1966 case, but it has the one overriding virtue of being substantially equal in population. It also preserved a few congressional seats, whose members happened to be chairmen of the committees.

THE CHAIRMAN: Delegate Fox.

DELEGATE FOX: Delegate Gallagher, would it be possible for section 3.03(c), the congressional redistricting procedure, to stand even though section 3.03(b), that tries to set a rigid standard, should be deleted?

I notice there is no date in section 3.03(c), and there is one in 3.03(b), which is why I ask the question.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Yes, it would be possible for 3.03(c) to stand by itself, but it would be a wobbly kind of stand.

THE CHAIRMAN: Delegate Koss, did you have a question?

DELEGATE KOSS: Chairman Gallagher, I was interested in what the implications of the inclusion are with reference to court resort. Without a provision in this constitution, would the federal courts be the only avenue for redress?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: No, I do not think so. I think you could go to the state courts as well.

THE CHAIRMAN: Delegate Carson.

DELEGATE CARSON: Chairman Gallagher, the last congressional district section proposed, which was withdrawn, as I