Supreme Court of Ohio Clerk of Court - Filed October 22, 2021 - Case No. 2021-1193

IN THE SUPREME COURT OF OHIO

LEAGUE OF WOMEN VOTERS OF OHIO, *et al.*, *Relators*, *v.* OHIO REDISTRICTING COMMISSION, *et al.*, *Respondents*.	Case No. 2021-1193

EXHIBITS TO AND CITED IN COMPLAINT - APPENDIX OF EXHIBITS

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RAYMOND E. DiROSSI

Q. Okay. You mentioned that you were deposed in the past and that that deposition was Wilson v. Kasich; is that right?

A. Yes.

Q. And did that deposition regard apportionment or redistricting?

A. It was apportionment.

Q. And were there any overlaps between apportionment and redistricting at the time?

A. Please clarify in which way overlaps.

Q. Did you use any of the same processes as part of apportionment and redistricting as far as drawing the map, for example?

MR. STRACH: Objection to form. Go ahead.

THE WITNESS: Yeah, you have to clarify a little more. Like I used the same computers.

BY MS. THOMAS-LUNDBORG:

Q. You used the same computers. Did you use the same software?

RAYMOND E. DiROSSI

A. You're talking about this current decade?

Q. I'm talking about 2011.

A. Yes.

Q. Did you use the same political indices?

MR. STRACH: Objection to form.

THE WITNESS: Yeah, that's -- we had historical election data that we had available to us.

BY MS. THOMAS-LUNDBORG:

Q. Okay. For both processes?

A. For both processes.

Q. Were --

A. But everybody used and everybody had their own opinion about what historical information was relevant, so it really was messy.

Q. Were the maps drawn in the same location, apportionment and redistricting?

A. Technically, no, because there were multiple maps.

Q. Okay. We'll get to that.

During the -- during the

* * *

like four different levels of hypothetical there.
I can't answer that.
(Thereupon, Plaintiffs' Exhibit
Number 6, Document Bates Stamped DIROSSI_0000018,
was marked for purposes of identification.)
BY MS. THOMAS-LUNDBORG:
Q. Okay. Let's turn to the next
exhibit that I'm having marked for the record.
It is DIROSSI_000018. I'm having it marked as
Exhibit 6. It is another calendar entry.
This one says Confirmed:
Legislative Task Force on Redistricting, and
the start date of this calendar entry is June
16, 2011. Do you see that?
A. I do.
Q. Now, this entry says confirmed.
If an entry is confirmed in your calendar is it
more likely that you actually attended it?
A. No.
Q. Okay. Do you know what the
legislative -- legislative task force on
redistricting was?
A. Absolutely.
Q. Okay. And what was that?

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A. This is the bipartisan task force that was formed in Ohio law to prepare the State of Ohio for both the apportionment and the redistricting processes every decade.

Q. And who was a part of that task force?

A. There are six members by statute on the board. I don't recall at the times the names of the members who were members of it, but I do know the statute requires that legislative leaders of opposing political parties always are the bipartisan co-chairs of it so that any action the entity takes is bipartisan.

Q. And were you a member of the task force?

A. When I worked in the Ohio House I was a member of this task force for four years, but at the time of this I was not.

Q. You were not. Were you -- so at the time of this, just to be clear for the record, are you talking about in June or for the whole 2011 redistricting cycle?

A. That -- I'm sorry.

* * *

commence on August 1st, 2011, and shall expire on December 31st, 2011, unless terminated in accordance with the provisions of Section 8 of this agreement or extended by the task force by agreement of Capital Advantage. Do you see that?

A. I do.

Q. Okay. Was it your understanding that your term would last from August to December?

A. Yeah, I mean, if that's what the contract says, yes, yes.

Q. Do you recall whether you, in fact, worked through December of 2011?

A. Well, again, so this contract -- so here's where we're mixing. This contract obviously is for apportionment and redistricting. So through December 2011, yes, I was still working, because within 30 days of the apportionment map being adopted there were lawsuits that were filed and depositions and document production that lasted through -- through that time, as well as, as we talked earlier, about there being two maps for the

congressional districts that extended into December as well.

(Thereupon, Plaintiffs' Exhibit Number 10, Document Bates Stamped DIROSSI_0000527, was marked for purposes of identification.)

BY MS. THOMAS-LUNDBORG:

Q. I would like to move to the next exhibit that I'm having marked as Exhibit 10. It is -- it has Bates number DIROSSI_0000527, and the top of the document says Termination Agreement. Do you see that?

And this agreement --

A. I do.

Q. This agreement says that it's pursuant to the termination provision of the contract entered into between the Republican Senate Campaign Committee, RSCC, and Capital Advantage. Do you see that?

A. I do.

Q. And what is the Republican campaign committee, Senate campaign committee?

A. That was the entity that I was engaged with prior to the redistricting and apportionment under my contract.

* * *

RAYMOND E. DiROSSI

Q. And staying on the contract that this is terminating, were you paid under your RSCC contract?

A. Yes.

Q. Do you have a recollection of how much you were paid?

A. I don't sitting here.

MR. STRACH: Insert an objection to that question.

BY MS. THOMAS-LUNDBORG:

Q. So we've seen a number of documents and we've already kind of talked about Heather Mann, also known as Heather Blessing. Who is Ms. Blessing?

A. Who is she now? Who was she then?

Q. Who was she during the redistricting process?

A. She was -- for the redistricting process, she was somebody that the -- I can't remember what her title was in the legislature, but she was somebody that was designated to work on the redistricting on behalf of the Speaker of the House.

Q. Okay. And did you work with

RAYMOND E. DiROSSI

Ms. Blessing directly?

A. Yes.

Q. And what was the nature of your working relationship together?

A. And what do you mean by that?

Q. Did you guys -- between the two of you did you have roles that were designated that you performed certain tasks and she performed other tasks?

A. No. I mean, we were working simultaneously on both the apportionment and the redistricting, and so we were sometimes working on the same concepts or the same processes and at other times different.

Q. Was there anything that you worked on specifically that she did not work on?

A. Not that I could recall specifically.

Q. Is there anything that she worked on specifically that you did not work on?

MR. STRACH: Objection to form.

THE WITNESS: You can ask her.

BY MS. THOMAS-LUNDBORG:

Q. To your recollection do you recall

* * *

RAYMOND E. DiROSSI

Q. More than once?
A. Yes.
Q. And then you mentioned that Troy Judy was there and working on the maps. Do you recall how many times he was at the hotel room?
A. In terms of a specific number, I do not.
Q. Was it more than once?
A. Yes.
Q. And in this hotel room, just so the record is clear, did you work on both the redistricting congressional map and the apportionment map for the Ohio legislature?
A. Yes.
Q. Okay.
A. But if I could clarify that --
Q. Sure.
A. -- as we talked about earlier, not exclusively, because there were two maps, 319 and 369, and by the time 369 was moving through the legislature we were no longer in the redistricting office.
Q. Okay. Where were you when 369 was being worked on?

* * *

RAYMOND E. DiROSSI

what that testimony was.

Q. Okay. But to your knowledge did you, whether you were there or someone else told you, make changes based on public opinion to the map at these hearings?

A. Well, right, public feedback we were getting through a number of ways. I don't believe any of the legislative Democrats chose to testify at these hearings to make their requests known. Those were happening through legislative lines of communication through the minority leaders, the leaders of the chambers and other avenues. It wasn't happening through these hearings.

Q. Okay. You've said you were the author of this document. At the bottom of the document it says, and this is the third to last line, hold it in the can until the legislature comes -- comes back in September 13th, 14th.

What does hold it in the can mean?

A. Yeah, so it was my -- my words basically saying, as we talked about the process and the logistical problems involved in getting the legislature to produce a map, at

RAYMOND E. DiROSSI

the time that I put this document together the legislature didn't have session dates scheduled in order that they would be here to vote to approve a map.

So as we were working simultaneously on the apportionment map, as well as the congressional redistricting, we might have to come up with a proposal that the legislature could consider, but wait until they came back so we could have sessions and hearings, and that's what I meant by hold it in the can.

Q. Okay. And the it referred to here a draft map?

A. Yes, the it here is the proposal of what the congressional redistricting could be.

MS. THOMAS-LUNDBORG: So I believe we need to take a break so the DVD can be changed, and we'll take a ten-minute break and come back?

MR. STRACH: Yeah, five or ten is fine.

THE VIDEOGRAPHER: We're off the record.

* * *

RAYMOND E. DiROSSI

2011 redistricting cycle?

A. I can't remember specifically how he was reintroduced to me as, hey, Clark is going to be available to help you again.

Q. Do you know how he was paid?

A. I do not.

Q. I would like to look at Exhibit 22 -- or it actually hasn't been introduced yet, but if you turn to tab 22.

(Thereupon, Plaintiffs' Exhibit Number 22, Document Bates Stamped DIROSSI_0000010, was marked for purposes of identification.)

BY MS. THOMAS-LUNDBORG:

Q. I'm having marked for the record as Exhibit 22 DIROSSI_10. This is a series of charts here. Do you recognize this document?

A. I do.

Q. Are you the author of this document?

A. I am.

Q. Okay. And why did you create this document?

A. As we talked about before, from my historical interactions with the redistricting

and apportionment in the previous decade, I recalled that when you were doing redistricting and apportionment the first things that everybody wanted from you were maps and indexes, maps and indexes. It doesn't matter if you were talking to the press, if you were talking to legislative senators, state representatives, congressmen, people testifying, citizens, whoever, the first thing that people wanted were historical political indexes and maps.

And so this was a document I created trying to keep the -- the political indexes, the historical election stuff straight so that I could answer those questions.

Q. Okay. Am I correct that this top chart seems to show the 18 house districts as they existed from 2002 to 2012?

A. Right, so that's a very, very good point. These are the 18 congressional districts from the previous decade using the unified index and some other measures from 2011.

Q. Okay. So let's start with this

* * *

A. I do.
Q. Do you recall working late during this period?
A. Yes.
Q. As part of your work during this period were you emailing with President Niehaus?
A. Well, this email was from me to him at 1:06 a.m.
Q. Okay. And were you -- we've seen other emails from Keith Faber. Were you emailing with him during this period?
A. This period being this time of night or this period meaning --
Q. Meaning we've seen a couple of emails starting with September 10th. This is September 12th. Do you recall in this period in September emailing with Keith Faber?
A. I recall mid September is the time where the first map House Bill 319 was close to being enacted and it was also the final two weeks of the apportionment, so we would be working around the clock on both -- both items simultaneously. So conversations with

RAYMOND E. DiROSSI

President Niehaus about apportionment and redistricting would be very commonplace.

Q. What about with Matt Schuler, were you emailing with him regularly during this period?

A. Not as regular. I enjoyed a luxury -- as I mentioned to you before, I had been a part of this process the decade before. I was really the only person that had some historical interaction with this process before. So I was largely, by Matt, who had not been through this process, by President Niehaus, to some extent as well, who had not been through this process, I was -- they knew that I understood the logistical and time frames and everything and so they -- I did not get a whole lot of direction from them.

Q. Do you recall if the map had been introduced yet at this point?

A. I don't recall.

Q. Now, looking at the text of the email, you state index for Latta fell two one-hundredth of a point to 51.33. Who is Latta?

POLITICS & GOV

Huffman defends his maps, redistricting process despite no bipartisan support

BY: **SUSAN TEBBEN** - SEPTEMBER 17, 2021 12:55 AM

Members of the Ohio Redistricting Commission are sworn in at the Ohio Statehouse. From left, Senate President Matt Huffman, state Auditor Keith Faber, House Minority Leader Emilia Sykes, Gov. Mike DeWine, Secretary of State Frank LaRose, House Speaker Bob Cupp and Sen. Vernon Sykes. Photo by Susan Tebben

State Senate President Matt Huffman defended decisions he and Republican members of the Ohio Redistricting Commission made as they moved forward with a partisan, four-year

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redistricting plan for the state.

Just after midnight on Thursday, maps filed under his name passed through the commission on a 5-2 party-line vote. The maps were only slightly different than maps he and the Republican caucus had presented and which was formally introduced as the commission map little more than a week ago.

The Republican majority's four-year Ohio House (L) and Senate (R) districts.

The maps were approved after a full day of talks between commission members and staffers that ended less than an hour before the midnight deadline.

"What it really came down to is at some point a decision had to be made and somebody has to do the work to get to the decision," Huffman said in a press conference on Thursday.

Huffman defended the maps and the constitutionality of the maps, despite strong criticism from anti-gerrymandering advocates, political science professors and public citizens across the state.

"The map that was adopted last night...was the only map presented to the commission that was constitutional, and the only map that was even prepared by anybody that was constitutional," Huffman said.

The commission saw two other map proposals, one from the House and Senate Democratic Caucuses and another, more recently, from the independent Ohio Citizens Redistricting Commission called "unity maps."

"Our maps certainly present a clear contrast to the unconstitutional maps voted on by the majority party commissioners last night," said Maki Somosot, of the Ohio Organizing Collaborative and the Ohio Citizens Redistricting Commission.

Proponents of both of those map proposals said they followed the rule of law in terms of constitutionality and focused some of their map consideration on minority representation, or the avoidance of "packing and cracking." That happens when either minority populations are "packed" into districts to make less minority-led districts or "cracked" into separate districts to dilute their voting power.

Senate President Matt Huffman, R-Lima. Photo from the Ohio Channel.

"It is unjust for Ohioans to face elections, misrepresentation and underrepresentation under these maps for even a single election," said Kobie Christian, communications director for progressive policy group For Our Future Ohio, a part of the Equal Districts Coalition.

Further defending the maps and how the districts came to be, Huffman again blamed Census Bureau delays on the rushed timeline, and said no matter how strongly Ohioans felt about the lateness of the process, the data delays foiled a plan to spend the summer months discussing district lines and proposals.

"That process, at least the way it was designed, just didn't get to happen," Huffman said on Thursday.

Huffman also claimed that if an extension he asked for in April had been agreed to, the commission would have had "a reasonable chance" to get to a 10-year, bipartisan map.

But even though the process happened at a faster clip than planned, Huffman still denies that gerrymandering districts to favor the Republican supermajority (which the new map maintains) was not the strategy. He said indexing of partisan leans and percentages of election results don't determine everything in redistricting.

"Are they important? Sure," Huffman said. "But a good candidate can win in a district that's 55% in favor of the other party, and a bad candidate can lose in one that's 45% on the other side."

The maps weren't the only thing being criticized throughout the month of public hearings and negotiations leading up to the legislative district maps. Even members of the commission called for improvements to the process leading up to the congressional redistricting effort, set to begin in the legislature later this month.

Commission co-chair state Sen. Vernon Sykes, D-Akron, said supporting the maps approved by the commission would "slap the people in the face" that spent hours urging the commission to pass fair districts and eliminate gerrymandering.

"I'm just astounded by the arrogance of the supermajority, having such a careless regard for the people of this state," Sykes said on Wednesday night.

Most people involved in the redistricting process, including Huffman and other commission members like Gov. Mike DeWine are now bracing for legal challenges to the maps and perhaps a new effort if the Ohio Supreme Court sends the job back to the commission for a different solution.

"Our job is to make (the redistricting plan) as constitutional as we can, and I thought we could have done better, but ultimately...no matter what this commission did, we knew this was going to end up going into court," Gov. Mike DeWine said just after the maps were voted on.

Because the maps were released so late on Wednesday, legal experts like those at the ACLU of Ohio are still analyzing the maps, but are prepared to move forward when the time comes.

"We are considering all of our options, litigation being one of them," Celina Coming, communications director for the ACLU told the OCJ. "We are deeply disturbed by the events that transpired through this entire process. Ohioans' faith in their government desperately needed to be restored and the Redistricting Commission sorely missed that opportunity."

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CERTIFICATE OF SERVICE

I, Freda J. Levenson, hereby certify that on October 22, 2021, I caused a true and correct copy of the following documents to be served by email upon the counsel listed below:

1. **Affidavit of Freda J. Levenson – Exhibits to and Cited in Complaint**
2. **Exhibits to and Cited in Complaint, Appendix of Exhibits, Volume 1 of 2 (pages 1 - 285)**
3. **Exhibits to and Cited in Complaint, Appendix of Exhibits, Volume 2 of 2 (pages 286 - 312)**

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