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
BRIA BENNETT, *et al.*, *Relators*, *v.* OHIO REDISTRICTING COMMISSION, *et al.*, *Respondents*.	Case No. 2021-1198
THE OHIO ORGANIZING COLLABORATIVE, *et al.*, *Relators*, *v.* OHIO REDISTRICTING COMMISSION, *et al.*, *Respondents*.	Case No. 2021-1210

STIPULATION OF EVIDENCE

(deposition transcript and exhibits)

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STIPULATION OF EVIDENCE

(deposition transcript and exhibits)

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Transcript of Auditor Keith Faber

Date: October 20, 2021
Case: League of Women Voters of Ohio, et al. -v- Ohio Redistricting Comm., et al.

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IN THE SUPREME COURT OF OHIO

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LEAGUE OF WOMEN VOTERS :

OF OHIO, et al., :

Relators, :

v. : Case Nos. 2021-1193

OHIO REDISTRICTING : 2021-1198

COMMISSION, et al., : 2021-1210

Respondents. :

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Remote Videotaped Deposition of

AUDITOR KEITH FABER

Wednesday, October 20, 2021

3:04 p.m.

Job No.: 406207

Pages: 1 - 140

Reporter: DEBRA BOLLMAN FARFAN, RDR-RMR-CRR-CRC

CA CSR NO. 11648

1 Videoconference Deposition of AUDITOR KEITH
2 FABER, held remotely:
3
4
5 Witness Location:
6 REMOTE
7
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9
10
11 Pursuant to notice, before Debra Bollman
12 Farfan, Registered Diplomate Reporter,
13 Registered Merit Reporter, Certified Realtime
14 Reporter, and Certified Shorthand Reporter No.
15 11648, in and for the State of California.
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5 Auditor of State
6 Daniel Long, The VideoTech
7 Derek Stanley, The Videographer
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25

1 P R O C E E D I N G S
2 * * * * *
3 THE VIDEOGRAPHER: This begins the video 03:03:50
4 recorded deposition of Ohio Auditor Keith Faber 03:03:51
5 in the matter of League of Women Voters of 03:03:54
6 Ohio, et al., versus Ohio Redistricting 03:03:57
7 Commission, et al., in the Supreme Court of 03:04:00
8 Ohio, Case Number 2021-1193. 03:04:02
9 Today's date is Wednesday, October 20th, 03:04:07
10 2021. The time is 3:04 p.m. 03:04:11
11 The videographer for today is Derek 03:04:14
12 Stanley, representing Planet Depos. 03:04:16
13 This video deposition is taking place 03:04:18
14 remotely via Zoom videoconference. 03:04:20
15 The court reporter today is Debra 03:04:23
16 Bollman, representing Planet Depos. Would the 03:04:24
17 reporter please swear in the witness. 03:04:27
18 Whereupon, 03:04:44
19 AUDITOR KEITH FABER 03:04:44
20 was called as a witness, was duly sworn 03:04:44
21 and testified under penalty of perjury as 03:04:44
22 follows: 03:04:44
23 EXAMINATION 03:04:45
24 BY MS. GOLDROSEN: 03:04:45
25 Q. Thank you. Good morning, Auditor. My 03:04:45

1 name is Juliana Goldrosen. I'm with 03:04:48
2 Covington & Burling, and I represent the League 03:04:52
3 of Women Voters of Ohio relators. 03:04:54
4 Could you please state your full name 03:04:58
5 for the record. 03:05:00
6 A. Keith Faber. 03:05:00
7 Q. Great. Have you been deposed before, 03:05:01
8 Auditor Faber? 03:05:03
9 A. Yes. 03:05:04
10 Q. How many times? 03:05:05
11 A. Two or three. 03:05:05
12 Q. Okay. And what was the most recent time 03:05:09
13 you've been deposed? 03:05:13
14 A. Probably a few years ago, involving 03:05:14
15 redistricting, actually. 03:05:20
16 Q. Okay. So you probably remember most of 03:05:22
17 the rules, and I know you're an attorney 03:05:25
18 yourself. But so you know, during the 03:05:27
19 deposition I will ask you questions; my 03:05:30
20 questions and your answers will be recorded by 03:05:33
21 our court reporter, Ms. Debra Bollman. 03:05:35
22 I ask that you answer the questions 03:05:38
23 orally because Ms. Bollman can't pick up if 03:05:40
24 you're nodding your head or shaking your head. 03:05:42
25 Will you agree to do that? 03:05:45

1 A. Not a problem. 03:05:46
2 Q. Great. And occasionally I may ask a 03:05:47
3 question you do not understand or we have a 03:05:50
4 Zoom glitch or something happens. If you can't 03:05:52
5 understand me, please let me know, and I can 03:05:55
6 repeat my question or rephrase it accordingly. 03:05:57
7 Will you agree to do that? 03:05:59
8 A. Sure. 03:06:01
9 Q. Great. And, again, particularly because 03:06:02
10 we're in this remote world of depositions, if 03:06:06
11 you could please try to wait until I complete 03:06:09
12 my questions to begin your answer, that best 03:06:11
13 helps Ms. Bollman be able to get the record 03:06:14
14 correctly. Will you agree to do that? 03:06:16
15 A. Sure. 03:06:17
16 Q. Great. And if at any time you need a 03:06:18
17 break, please let me know. I just ask that you 03:06:23
18 let me finish my question, and answer before 03:06:25
19 asking for a break. Will you agree to do that? 03:06:29
20 A. Sure. 03:06:30
21 Q. Great. 03:06:31
22 A. If I don't, remind me. 03:06:32
23 Q. Do you understand that you're under oath 03:06:34
24 today and you are to answer questions 03:06:36
25 truthfully and to the best of your knowledge? 03:06:39

1 A. That's what the oath means. 03:06:41
2 Q. Is there any reason why you cannot give 03:06:42
3 full and complete testimony today? 03:06:45
4 A. None that I'm aware. 03:06:47
5 Q. Great. So I want to start by asking you 03:06:50
6 about the map that President Huffman proposed 03:06:53
7 at the Ohio Redistricting Commission meeting on 03:06:56
8 September 9th. Do you recall that map? 03:07:00
9 A. Which date were you asking? 03:07:01
10 Q. September 9th? 03:07:05
11 A. So that was the first Huffman map? Yes. 03:07:06
12 Q. Okay. Did you have any role in drafting 03:07:09
13 that map? 03:07:13
14 A. No. 03:07:13
15 Q. Okay. Do you know who it was that 03:07:13
16 drafted the map that President Huffman 03:07:17
17 introduced on the 9th? 03:07:20
18 A. To the best of my knowledge, it would 03:07:23
19 have been Ray DiRossi and whoever the gentleman 03:07:25
20 was that was from the House that was working 03:07:29
21 with him. 03:07:30
22 But essentially I would surmise and say 03:07:31
23 it was the legislative leaders and/or their 03:07:34
24 staff. 03:07:36
25 Q. Okay. And just to clarify, did you 03:07:36

1 provide any guidance to those who drafted the 03:07:40
2 map introduced by President Huffman on 03:07:44
3 September 9th? 03:07:47
4 A. Not at that point. 03:07:47
5 Q. Okay. And when did you first see that 03:07:48
6 map that was introduced on the 9th? 03:07:53
7 A. It may have been the day or so before 03:07:56
8 when they showed it to all of the commission 03:08:01
9 members. I think they showed it individually 03:08:03
10 to myself -- I might have been with LaRose, but 03:08:06
11 I think it was individual, and I think they 03:08:15
12 showed the Governor separately. 03:08:18
13 And I know they showed it to Vern and 03:08:20
14 Leader Sykes, at least I believe they did, but 03:08:23
15 we weren't with them when they did that. 03:08:27
16 Q. Okay. 03:08:28
17 A. It might have been the day before -- a 03:08:29
18 day or two before. 03:08:31
19 Q. Okay. Thank you. And when you say 03:08:33
20 "they showed it," who exactly showed the map to 03:08:36
21 you? 03:08:38
22 A. My recollection is that it was either 03:08:38
23 Speaker Cupp or Leader -- or President Huffman 03:08:44
24 and/or Mr. DiRossi. And I'm forgetting the 03:08:50
25 gentleman from the House who took DiRossi's 03:08:54

1 role over there. I want to say it was 03:08:57
2 Springhetti, but I'm probably saying his name 03:08:59
3 wrong. 03:09:02
4 Q. Okay. Were you in an office when they 03:09:02
5 showed you the map? 03:09:06
6 A. The maps I believe we saw for the first 03:09:07
7 time in the Majority conference room in the 03:09:13
8 Senate. 03:09:15
9 Q. Okay. And how did they present it to 03:09:16
10 you? 03:09:20
11 A. They showed us up on a big board what 03:09:20
12 the map was. And we didn't get a copy of it, 03:09:24
13 and we were showed to look at the map. 03:09:32
14 I was, frankly, asking for copies and 03:09:35
15 never got a copy of it until the next day. Or 03:09:37
16 maybe a copy was sent over to me later, six, 03:09:39
17 eight hours later, maybe. 03:09:43
18 But we didn't get a copy of it. 03:09:44
19 Q. So at the time that they presented the 03:09:48
20 map to you initially, you didn't get a copy of 03:09:50
21 it, even though you requested one? 03:09:53
22 A. That's my recollection. 03:09:54
23 Q. And did you ask any questions about the 03:09:56
24 map at this time? 03:10:01
25 A. I'm sure I did. 03:10:02

1 Q. Do you recall any questions you asked? 03:10:03
2 A. I don't offhand. Again, we wanted to -- 03:10:06
3 we did not have the map drawing software, and 03:10:12
4 so we -- and I say "we." I guess I could say 03:10:16
5 "I," but I think LaRose was in the same boat as 03:10:20
6 I was, if he was with me -- I don't remember 03:10:24
7 whether he was with me in that meeting or 03:10:26
8 not -- were concerned that the maps meet the 03:10:30
9 constitutional tests, and we didn't have a way 03:10:32
10 to check that offhand. 03:10:35
11 And so we were asking questions about 03:10:37
12 that, particularly in central Ohio, maybe 03:10:39
13 around Dayton. I had concerns in northwest 03:10:43
14 Ohio because it was making some swaps that I 03:10:46
15 didn't think -- I didn't understand why they 03:10:50
16 were being done. They clearly weren't done for 03:10:53
17 partisan reasons. They had to be done for some 03:10:55
18 other reason. 03:10:58
19 Q. Okay. I want to take that one at a 03:10:58
20 time. So you said you had some concerns or you 03:11:02
21 may have been asking questions about central 03:11:04
22 Ohio, maybe around Dayton. Could you explain 03:11:06
23 what you meant by that? 03:11:09
24 A. You asked me what questions I might have 03:11:09
25 asked. Those are the type of questions I would 03:11:14

1 have asked. 03:11:15
2 Q. Do you recall what concerns you had 03:11:16
3 about that area of the map? 03:11:20
4 A. Not specifically. In Dayton I know at 03:11:21
5 one point or another, whether it was evident 03:11:29
6 there, we were concerned about minority in the 03:11:32
7 Trotwood and Dayton area, trying to get 03:11:34
8 Trotwood into a minority-influenced district. 03:11:36
9 At that time it may have been different. 03:11:39
10 It might have been whether the Dayton Senate 03:11:41
11 district, whether it went inside or outside 03:11:44
12 Montgomery County. 03:11:47
13 Around Columbus the question was do you 03:11:49
14 go -- how do you split? Do you draw it so you 03:11:51
15 get an extra House district in around Franklin 03:11:56
16 County, and do you split going south like the 03:11:59
17 Democrat map had proposed, or do you split 03:12:01
18 going north that the Republican map ultimately 03:12:04
19 proposed. 03:12:07
20 Q. Okay. And do you recall the concerns 03:12:09
21 you had about the -- I believe you said the 03:12:11
22 northwest part of the state? 03:12:14
23 A. Yeah, the northwest part of the state 03:12:15
24 was an area that I had represented for the 03:12:17
25 better part of 20 years. I wanted to make 03:12:19

1 sure -- and, again, that's not a 03:12:22
2 Republican/Democrat area, it's going to be a 03:12:25
3 pretty solid Republican area no matter how you 03:12:26
4 do it. 03:12:29
5 They were making splits, particularly 03:12:30
6 with the 12th Senate district -- 1st Senate 03:12:31
7 district, moving counties in and out, in ways 03:12:34
8 that were allocating what were going to be open 03:12:36
9 seats. 03:12:38
10 And I didn't understand why they were 03:12:38
11 making the decisions and breaking communities 03:12:40
12 that had been represented by the same person 03:12:41
13 for as long as four years. And so I was trying 03:12:44
14 to ask questions. 03:12:46
15 There was another proposal at one point 03:12:48
16 putting a State House district that I used to 03:12:51
17 represent all the way up into Defiance and 03:12:55
18 Henry County, and asking -- trying to figure 03:12:59
19 out why you would make that district not be 03:13:02
20 compact. 03:13:04
21 Q. Okay. So in -- so far we've discussed 03:13:04
22 potential concerns with the Dayton area of the 03:13:11
23 map and the northwest area of the map. Do you 03:13:14
24 recall raising any other concerns with -- I 03:13:16
25 don't know if it was President Huffman or 03:13:20

1 Speaker Cupp? 03:13:22
2 A. I don't remember who was in that 03:13:23
3 meeting. But it was either one or the other. 03:13:24
4 I think it was probably Matt Huffman, it was 03:13:26
5 probably Ray DiRossi, and the gentleman from 03:13:28
6 the House. 03:13:30
7 I asked questions about -- it looked 03:13:31
8 like they were making significant changes in 03:13:33
9 northeast Ohio, particularly putting members 03:13:35
10 together on the Senate side. It looked like 03:13:41
11 they were making changes in the 03:13:44
12 Mansfield/Medina area, and I had heard some of 03:13:47
13 those concerns from members, and then some of 03:13:50
14 the things around Akron. 03:13:54
15 I don't know whether we raised or 03:13:55
16 discussed them in that meeting or not. I 03:13:57
17 recall at one point Matt Huffman walked through 03:13:59
18 all of his members that were not going to be 03:14:02
19 happy with the proposed maps as a way to say 03:14:04
20 we're allocating disappointment. Trying to be 03:14:07
21 fair. 03:14:11
22 Q. Okay. So in addition to that last 03:14:12
23 concern, do you recall raising any other 03:14:17
24 concerns with President Huffman? 03:14:20
25 A. There might have been some discussion 03:14:21

about Hamilton County. But I don't recall. 03:14:23
I'm just thinking generally what we would have 03:14:26
talked about in an early unveiling. 03:14:29
Again, one, this is the first time we 03:14:31
would have seen the maps; and candidly, we 03:14:34
tried to understand it more than figure out the 03:14:39
lines, trying to figure out why decisions were 03:14:42
being made in the way that they were making. 03:14:45
And somebody explained, particularly in 03:14:47
the Cleveland area, that that was the only way 03:14:50
they thought they could get a constitutional 03:14:52
map, was to make those decisions. 03:14:54
We had heard prior that they had had 03:14:57
some concerns about the Vern Sykes map that was 03:15:00
introduced earlier, with regard to it being 03:15:04
unconstitutional around Cleveland, northeast 03:15:06
Ohio. 03:15:09
Q. Okay. And so someone had explained that 03:15:10
they had chosen a different approach in 03:15:13
Cleveland in response to those concerns 03:15:19
about -- 03:15:22
A. I think that's accurate. I would say, 03:15:22
again, when you talk about Cleveland, I mean 03:15:24
northeast Ohio, stemming from the Pennsylvania 03:15:26
border, probably as far over as Lorain, and I 03:15:29

1 think that probably comes down farther into 03:15:34
2 maybe Wayne County, depending on how you 03:15:36
3 allocate. 03:15:40
4 It's like pushing on a balloon. Anybody 03:15:41
5 who has drawn out a map knows, you push on a 03:15:45
6 balloon, it pops out one area, and you might 03:15:47
7 pop out some place there. So all of those 03:15:50
8 dynamics were causing some issues. 03:15:52
9 They had produced -- well, go ahead, 03:15:54
10 I'll let you ask the questions. 03:15:56
11 Q. Thank you. Do you recall asking or 03:15:58
12 discussing anything about the expected partisan 03:16:06
13 outcomes of the map? 03:16:08
14 A. No. 03:16:09
15 Q. Okay. Did you have any other 03:16:10
16 discussions with President Huffman or Speaker 03:16:16
17 Cupp about this map prior to its introduction 03:16:20
18 at the September 9th commission meeting? 03:16:25
19 A. About this map? No, because we didn't 03:16:27
20 see the map until this date. 03:16:30
21 Q. Okay. And, again, you said this may 03:16:32
22 have been a day or two before the September 9th 03:16:35
23 commission meeting? 03:16:38
24 A. I believe that's accurate. 03:16:38
25 Q. Were there any discussions with 03:16:41

1 President Huffman or Speaker Cupp after this 03:16:44
2 presentation but before the introduction at the 03:16:48
3 September 9th meeting? 03:16:52
4 A. I don't recall. 03:16:53
5 Q. Okay. So now I want to discuss what 03:17:02
6 happened between the September 9th meeting and 03:17:08
7 the meeting on the 15th. 03:17:10
8 So as we just discussed, President 03:17:15
9 Huffman officially introduced his map at the 03:17:18
10 September 9th meeting, correct? 03:17:20
11 A. That's accurate. 03:17:22
12 Q. And -- 03:17:23
13 A. That was the meeting in the Senate 03:17:25
14 Finance Committee room, I think. I don't know 03:17:29
15 the dates offhand, but I'm presuming that was 03:17:30
16 the meeting in the Senate Finance Committee 03:17:32
17 room where we voted to accept that as the 03:17:34
18 commission's map. 03:17:36
19 Q. Okay. And after that official 03:17:36
20 commission meeting, did you discuss that 03:17:40
21 September 9th map with anyone else on the 03:17:43
22 commission? 03:17:46
23 A. Oh, I'm sure we did. 03:17:46
24 Q. Okay. So I'll start with do you recall 03:17:51
25 any discussions with President Huffman after 03:17:56

his introduction of that map on September 9th? 03:17:59
A. I do recall a number of conversations 03:18:03
with President Huffman. I don't recall 03:18:07
specifically when the dates were or what they 03:18:09
were. 03:18:11
But I had conversations with all of the 03:18:12
Redistricting Commission members because I was 03:18:15
trying to bring unity in trying to get a 03:18:16
ten-year map. 03:18:19
And as a mediator for nearly 25 years, I 03:18:20
had conversations to see -- to try to get to 03:18:22
find what parties' interests were. That was 03:18:26
the starting point. 03:18:28
So I had a -- to say I had conversations 03:18:29
with every member of the commission between 03:18:32
that and the final vote is probably an 03:18:34
understatement. 03:18:37
Q. Okay. I understand that there was 03:18:37
likely many conversations. I'm just trying to 03:18:42
start walking through what happened between 03:18:45
September 9th and September 15th. 03:18:48
And I understand you may not know the 03:18:51
exact date or the sequence of events, but just 03:18:53
trying to get a general understanding of what 03:18:55
happened. 03:18:58

1 So starting with President Huffman, do 03:18:59
2 you recall any conversations you had between 03:19:06
3 September 9th and September 15th? 03:19:10
4 A. Well, let me back up and tell you this 03:19:12
5 generically, because I don't know that I could 03:19:13
6 tell you specific conversations as to what was 03:19:16
7 said in each meeting and every date. 03:19:18
8 But right after we had this meeting, I 03:19:20
9 strongly suggested that our staffs get 03:19:22
10 together -- because we have the Sunshine rule 03:19:26
11 issue, we couldn't all be in the room and talk 03:19:28
12 about it -- that our staffs get together to 03:19:30
13 identify where the issues were between each one 03:19:33
14 of the respective parties to identify whether 03:19:36
15 we were going to be able to land at a 7-0 map 03:19:39
16 and to get bipartisan support. 03:19:42
17 Because, candidly, I think the 03:19:44
18 Constitution incentivizes us and encourages us 03:19:46
19 to try and get bipartisan maps. 03:19:49
20 And so I suggested originally that we 03:19:51
21 all get together and start this process 03:19:54
22 immediately. 03:19:57
23 I recall that there was some issue with 03:19:58
24 the Sykes, with Vern and Emilia, that led them 03:20:00
25 to be unavailable for a period of time. 03:20:04

1 And so at that I suggested, well, our 03:20:08
2 staffs are all available. We could all be 03:20:11
3 available by phone. We can have conversations; 03:20:13
4 we just can't put any more than three of us in 03:20:16
5 the same room at the same time. And candidly, 03:20:18
6 we need to get to where interests were. 03:20:22
7 We've got the commission map starting 03:20:25
8 point, and let's figure out where the 03:20:27
9 amendments need to be to figure out a solution 03:20:29
10 for that unity. 03:20:31
11 So I know I suggested that, and I know 03:20:34
12 there was initially a little bit of reluctance 03:20:36
13 to doing that. Ultimately, I believe that 03:20:40
14 happened. We designated staff members that met 03:20:43
15 over the weekend, and I know I got reports back 03:20:46
16 from my staff, I'm sure they got reports back 03:20:48
17 from their staff to try to identify where the 03:20:51
18 communities of interest were. 03:20:54
19 From that, I thought there was really 03:20:56
20 good progress, particularly in the central 03:20:58
21 Ohio, the Dayton and Cincinnati areas, and they 03:21:01
22 were working through some of their issues in 03:21:03
23 northeast Ohio. 03:21:05
24 At some point we started in-person 03:21:06
25 meetings when the Sykes came back. 03:21:11

1 And so I know I had a conversation -- 03:21:15
2 and to go back and answer your specific 03:21:20
3 question -- with President Huffman a number of 03:21:22
4 times. 03:21:24
5 At one time I know I had a specific 03:21:25
6 conversation with President Huffman with regard 03:21:28
7 to northwest Ohio. And I asked him, Matt, is 03:21:29
8 there a reason that these changes were made in 03:21:33
9 northwest Ohio? I can't see a reason, unless 03:21:35
10 I'm missing something, on the map drawing side 03:21:38
11 of it. And so it has to be some preference. 03:21:40
12 And who is driving that preference? What is 03:21:46
13 this? 03:21:48
14 And the response from President Huffman 03:21:49
15 was that wasn't his. It was in the House. It 03:21:52
16 was Cupp. 03:21:56
17 So I had a similar conversation with 03:21:57
18 Cupp, and he said, It isn't me. I didn't have 03:21:59
19 any input in that. I don't know why that's 03:22:01
20 done. 03:22:04
21 So I never got an answer as to why those 03:22:04
22 decisions were made in that area. 03:22:06
23 We had conversations with both 03:22:07
24 Mr. President and Speaker to try to figure out 03:22:11
25 where their interests were and where we could 03:22:13

land the plane in a way that would take a 7-0 map. 03:22:16 03:22:20

I had individual conversations with them privately. I had conversations with Secretary LaRose and those members at different times. And usually always had a staff person with us. 03:22:20 03:22:22 03:22:25 03:22:28

Again, the dates, the times, I can't tell you the specifics. 03:22:32 03:22:34

Q. Okay. So to back up a bit, you stated that you had strongly suggested at a meeting that you get together and see what could be done to get to a 7-0 map. 03:22:35 03:22:39 03:22:45 03:22:47

Which meeting are you referring to in that statement? 03:22:49 03:22:51

A. I believe that would have been the 9th meeting. 03:22:51 03:22:54

Q. Okay. 03:22:54

A. It was the meeting in the Senate Finance room, and I believe I said it on the record. 03:22:55 03:22:57

If I didn't say on the record, it was right after we adjourned to certainly Vern and Emilia and/or the other leaders in the room, and ultimately, that's what happened. 03:22:59 03:23:00 03:23:07 03:23:09

Q. Okay. And I believe you said that you directed staff to meet to discuss reaching a 03:23:11 03:23:15

1 compromise on a 7-0 map; is that correct? 03:23:20
2 A. Certainly I directed my staff. I asked 03:23:23
3 all of us to have our staffs meet, and the 03:23:26
4 other members asked their staffs to meet. And 03:23:28
5 ultimately the staff met. 03:23:30
6 I believe it met -- I'm going to say the 03:23:31
7 wrong location, but I believe it was over in 03:23:34
8 the Senate Democrats conference room. None of 03:23:38
9 the members participated, but all of our staff 03:23:42
10 did. And I know they met a number of times 03:23:44
11 that weekend. 03:23:49
12 Q. Who from your staff did you direct to 03:23:50
13 attend these meetings? 03:23:52
14 A. My deputy chief of staff for external 03:23:53
15 affairs, Alex Bilchak, was my senior person. 03:23:57
16 He is an Air Force officer and was going to 03:24:01
17 California for deployment. 03:24:04
18 And so he went to his deployment, so our 03:24:05
19 leg director, Emily Kaylor, was the person who 03:24:11
20 participated. We may have had one other person 03:24:14
21 from our staff in those meetings, but Emily was 03:24:16
22 our lead person in those meetings. 03:24:19
23 Q. And did you direct your staff to convey 03:24:26
24 a particular message when they met with staff 03:24:29
25 for other commissioners? 03:24:32

A. My staff were all about getting a 7-0 map. And so we wanted to find where the parties' interests were, not the positions. 03:24:33 03:24:38 03:24:41

Look, it was very obvious to us at the very beginning of this process that parties were very concerned about litigation. Some people were afraid of it, and some people almost welcomed it. And so it appeared that people were hesitant of putting their actual positions out there and to commit. 03:24:44 03:24:46 03:24:49 03:24:52 03:24:54 03:24:57 03:25:00

I still believed at that point that we were going to get a 7-0 map, that we were going to find compromise. 03:25:05 03:25:07 03:25:09

And so my staff were instructed, pretty straightforward, try and find the answers. Try and see what you guys can get agreement on, and start with the maps that are introduced and figure out where we have areas to work and find out what the interests are. 03:25:11 03:25:13 03:25:16 03:25:20 03:25:22 03:25:24

Is there -- I'll give you one that I heard from -- and I have to say, the Democrat staff worked with us closely on some of the times where we were trying to find information. I never had access to the Republican legislative staff. You know, we tried to have 03:25:27 03:25:30 03:25:33 03:25:35 03:25:38 03:25:40

1 access. I had some conversations, I think, 03:25:44
2 over text with Mr. DiRossi, but I don't think I 03:25:46
3 ever talked to him on the phone. 03:25:48
4 But the short answer is we tried -- we 03:25:50
5 were trying to find compromise to try to get 03:25:56
6 agreement. And it was the goal to try and 03:25:59
7 figure out where those agreement points could 03:26:01
8 land. 03:26:03
9 As I kept telling people, we wanted to 03:26:04
10 land these aircrafts on the aircraft carrier 03:26:06
11 without them falling into the sea, and I 03:26:09
12 thought it was very doable. 03:26:11
13 Q. And did your staff report back to you 03:26:13
14 about how these discussions were going? 03:26:16
15 A. Yes. 03:26:18
16 Q. What did they say when they reported 03:26:22
17 back to you? 03:26:24
18 A. I don't remember the specifics, but 03:26:24
19 Emily called me every time they met -- and they 03:26:26
20 would meet, and they'd take a break, and then 03:26:29
21 they'd meet again -- and just give me a summary 03:26:32
22 of what she was hearing. 03:26:34
23 I think the initial meetings were 03:26:36
24 really, I don't want to say terse, but not 03:26:38
25 helpful between particularly the Democrat 03:26:41

1 legislative leaders and the Republican 03:26:43
2 legislative leaders. She didn't think they 03:26:44
3 were making progress. 03:26:47
4 My summary of that was the irresistible 03:26:47
5 force was meeting the immovable object and that 03:26:50
6 they were almost talking past each other and 03:26:53
7 that they were afraid. Again, this as a 03:26:55
8 mediator, but they were afraid to really 03:26:58
9 identify where their interests were. They were 03:27:00
10 stuck on positions. 03:27:02
11 And ultimately, I think the parties 03:27:07
12 started negotiating a little better. They 03:27:09
13 started having some discussions. But in the 03:27:11
14 end, the reports I was getting back was that 03:27:13
15 the meetings weren't nearly as fruitful as we'd 03:27:17
16 hoped they would be. 03:27:21
17 Q. And did Alex or Emily report back that 03:27:22
18 Mr. Ray DiRossi was in attendance at these 03:27:26
19 meetings? 03:27:29
20 A. Alex didn't report back anything. He 03:27:29
21 was in California on deployment with the Air 03:27:33
22 Force. 03:27:36
23 Q. Okay. 03:27:36
24 A. Emily would have reported back. And I 03:27:36
25 honestly don't remember that answer as to 03:27:38

1 whether DiRossi was there or not. 03:27:40
2 I think it was Frank Strigari, Senate 03:27:42
3 legal counsel, was there on behalf of the 03:27:46
4 Senate. I think they sent lawyers; the 03:27:48
5 legislative leaders sent lawyers. I don't know 03:27:50
6 who the Democratic leaders sent. 03:27:53
7 I know LaRose -- Secretary LaRose -- I 03:27:54
8 don't want to be disrespectful to my fellow 03:27:58
9 elected officeholders. But I think he sent his 03:28:00
10 chief lawyer and his chief of staff or one of 03:28:04
11 his people. And I think the Governor's chief 03:28:06
12 lawyer, who was in all the redistricting 03:28:10
13 hearings, was the person there. 03:28:12
14 But I wasn't there, so I'm going off my 03:28:14
15 memory of what was related back to me. 03:28:16
16 Q. Thank you. I appreciate that 03:28:19
17 clarification. 03:28:21
18 And do you recall hearing the name Blake 03:28:22
19 Springhetti? 03:28:27
20 A. I think that was the House guy that 03:28:28
21 was -- I don't want to say arm-in-arm with Ray 03:28:30
22 DiRossi, but I think he was the House map 03:28:33
23 drawer, House Republican map drawer. 03:28:36
24 Q. And just to clarify for the record, do 03:28:38
25 you recall hearing any reports of 03:28:40

1 Mr. Springhetti being at these meetings between 03:28:42
2 staff? 03:28:44
3 A. I do not recall that. 03:28:44
4 Q. And do you recall Ms. Kaylor -- that's 03:28:50
5 her name, correct? 03:28:56
6 A. Yes, it is. 03:28:57
7 Q. Thank you. Do you recall Ms. Kaylor 03:28:58
8 reporting about any discussions of the expected 03:29:01
9 partisan outcomes of the maps? 03:29:04
10 A. No. Again, to some extent that would be 03:29:05
11 positional, not interests. And, I mean, 03:29:11
12 obviously Republicans wanted more seats. At 03:29:17
13 the time our instructions, I think Secretary 03:29:24
14 LaRose and my instructions to our staff, was to 03:29:27
15 figure out where the safe seats have to be 03:29:29
16 based on the geography and where people live, 03:29:31
17 and draw as many competitive seats as possible. 03:29:34
18 Again, I don't think they were actually 03:29:37
19 drawing maps. I think they were talking about 03:29:38
20 hypotheticals. 03:29:40
21 So I think there were certainly numbers 03:29:41
22 bandied back, you know, whether it was 57/43 -- 03:29:43
23 or what's -- no, 57/42 -- the numbers have to 03:29:48
24 balance -- in the House and 20-something in the 03:29:51
25 Senate. 03:29:55

1 And the Senate guys were talking about 03:29:56
2 different numbers that were on the maps that 03:29:59
3 they produced. 03:30:00
4 I'm sure there were numbers and ratios 03:30:02
5 being talked about, but I don't know -- I 03:30:03
6 didn't get into that nuance because, candidly, 03:30:07
7 that wasn't our focus. Our focus was figuring 03:30:10
8 out how we could get agreement. 03:30:13
9 Q. Okay. So you also said that between the 03:30:14
10 9th and 15th, in addition to these meetings 03:30:21
11 between staff, you also had meetings or 03:30:25
12 conversations with commission members 03:30:28
13 themselves; is that correct? 03:30:30
14 A. That is correct. 03:30:32
15 Q. And just to clarify for the record, you 03:30:33
16 don't -- do you remember the particulars of any 03:30:37
17 of those conversations? 03:30:40
18 A. That's a pretty general question. The 03:30:40
19 short answer is yes. I remember from each one 03:30:46
20 of the conversations over time some of the 03:30:49
21 specifics. If you want to ask me about 03:30:53
22 different conversations. 03:30:55
23 After the weekend, when the members were 03:30:58
24 all back, the members switched from staff 03:31:00
25 meetings -- there might have been some staff 03:31:02

1 meetings still. I'm not sure of that. But 03:31:04
2 we -- I don't want to say we did shuttle 03:31:07
3 diplomacy. 03:31:09
4 One of the things I did right at the 03:31:11
5 very beginning, and Secretary LaRose ultimately 03:31:12
6 joined me, was when Vern Sykes introduced his 03:31:14
7 map, I asked to meet with him and his staff at 03:31:18
8 a computer to understand how he arrived at his 03:31:24
9 map. 03:31:27
10 He and his staff were very gracious. 03:31:29
11 They went through it. They explained to me 03:31:32
12 some of the concerns. At one point we talked 03:31:33
13 about why some of the allied submitted maps 03:31:36
14 weren't valid or wouldn't be workable. 03:31:42
15 To use their terms, they were 03:31:45
16 unconstitutional because the Dave's 03:31:46
17 Redistricting didn't adequately consider the 03:31:50
18 proper census blocks, and they wouldn't work. 03:31:51
19 So, long story short, they were helpful 03:31:55
20 in going through maps. And I wanted to 03:31:59
21 understand why they made the decisions they 03:32:02
22 made in certain areas in drawing maps, to try 03:32:04
23 and understand their interests. They were very 03:32:07
24 helpful to do that. 03:32:09
25 I asked to do the same thing with 03:32:10

1 Huffman and Cupp and was told that wasn't going 03:32:12
2 to happen. 03:32:16
3 So then we started having conversations 03:32:17
4 in different ways with certainly the Speaker 03:32:22
5 and the President. And, again, this was early 03:32:24
6 on, up to the last day or two before the final 03:32:31
7 vote. 03:32:35
8 We also had meetings with Leader Sykes 03:32:35
9 and her dad, a number of times the majority -- 03:32:38
10 I'm sorry, the minority conference room with 03:32:45
11 their map drawers, and drew maps and talked 03:32:48
12 about those maps. And I had input as to what 03:32:50
13 they were trying to achieve and gave them some 03:32:54
14 of our input. 03:32:55
15 So those were the natures of the 03:32:57
16 conversations we had. 03:33:00
17 Q. Okay. And I just want to clarify. You 03:33:01
18 said: "I asked to do the same thing with 03:33:07
19 Huffman and Cupp and was told that wasn't going 03:33:14
20 to happen." 03:33:17
21 Do you recall stating that just now? 03:33:18
22 A. I do. 03:33:19
23 Q. Just to clarify for the record, what is 03:33:20
24 "the same thing" that you were referring to? 03:33:22
25 What were you asking of President Huffman? 03:33:23

A. We wanted to sit down with their map 03:33:25
drawers at their computers and go through the 03:33:28
maps. 03:33:30
Q. Okay. 03:33:30
A. We were never given access. 03:33:32
Q. Access to the map drawers? 03:33:35
A. Correct. 03:33:37
Q. And to the best of your knowledge, those 03:33:38
map drawers were Mr. Ray DiRossi and 03:33:41
Mr. Springhetti? 03:33:46
A. Correct. 03:33:46
And I want to make sure we're clear on 03:33:49
what I mean by not given access. I would see 03:33:51
Ray, and I could talk to him, but I couldn't 03:33:53
talk to him at a computer and go through. To 03:33:57
this day I'm not exactly sure -- Secretary 03:34:00
LaRose was running, and I think he thought that 03:34:05
where the Republicans were drawing their maps. 03:34:09
But the Democrats leaders welcomed us 03:34:12
into their map drawing sanction -- or sanctum 03:34:14
and let us go through the programs. Because, 03:34:17
remember, we didn't have any of that. 03:34:20
The Republicans never gave us that 03:34:21
access. 03:34:23
Q. And to clarify there, you're not exactly 03:34:24

sure where they were actually drawing these 03:34:26
maps? 03:34:28
A. And by "Republicans," I mean Republican 03:34:28
leaders. 03:34:31
Q. Okay. 03:34:31
A. Look, the only thing I know is Secretary 03:34:32
LaRose was out for a jog, and he came -- he 03:34:34
thought he saw them all come out of the BWC 03:34:38
building. So he presumed that they were 03:34:41
drawing maps at the BWC building. 03:34:42
Q. And I think you've been talking about 03:34:45
map drawing software. Could you just clarify 03:34:47
what you mean by that? 03:34:49
A. Certainly everybody had Dave's 03:34:50
Redistricting, which we were told was not a 03:34:55
very good product to do the kind of detail we 03:34:56
needed to do because it lacked some of the 03:34:59
proper data. 03:35:01
There are other map drawing programs. 03:35:02
If you told me the names, I could probably say, 03:35:05
Yeah, I think that's it, or not. But I'm not 03:35:08
an expert in this. 03:35:10
We never had the software that would 03:35:11
allow us to draw maps or verify that maps met 03:35:13
the constitutional tests. 03:35:18

Q. Okay. And -- let's see. 03:35:19
So to clarify the timeline, I think 03:35:30
you've told me that the weekend of, I believe, 03:35:33
September 11th and 12th was when staff for the 03:35:36
commission generally met. And then is it 03:35:40
correct that that Monday commission members 03:35:43
returned and started discussing more directly? 03:35:48
A. I think that's generally correct. If 03:35:51
the meeting was on a Thursday -- I don't know 03:35:54
what day the 9th was on. If it was on a 03:35:56
Thursday, I believe on Friday they had their 03:35:59
first couple of meetings. Then they met a 03:36:02
couple of times on Saturday, and I think they 03:36:05
met on Sunday. They may have met on Monday, I 03:36:07
don't know. 03:36:10
But at some point those meetings stopped 03:36:10
and other meetings started. And at some point 03:36:14
we were invited, and I don't remember how it 03:36:18
came up, but Secretary LaRose and I were 03:36:21
invited to come to the map drawers' location in 03:36:23
the Democrat office location, where we sat down 03:36:27
and started to try and draw amendments to the 03:36:31
map and tried to draw a map that would meet the 03:36:34
expectations. 03:36:38
I recall specifically that either Emilia 03:36:40

1 or Vern were in the room. We were very 03:36:43
2 cautious not to have more than three of us. 03:36:45
3 And, again, I was trying to get what their 03:36:48
4 interests were. 03:36:49
5 So I spent a lot of time on northwest 03:36:50
6 Ohio -- Dayton, Cincinnati -- and central Ohio. 03:36:52
7 LaRose -- I left the room, and both of those 03:36:55
8 two came in, because they're all from Akron, 03:36:58
9 and they drew around Summit County and 03:37:00
10 northeast Ohio. Not an area where I know. 03:37:02
11 What we were trying to do is put 03:37:05
12 communities of interest together. Okay? I can 03:37:08
13 tell you where the communities of interests are 03:37:10
14 in those other areas I know. I don't know the 03:37:11
15 communities of interests and the lines in 03:37:14
16 northeast Ohio as well as Secretary LaRose. 03:37:16
17 And, again, we're trying to figure out 03:37:18
18 things. Based on the testimony that we heard, 03:37:21
19 I sat through eight of the ten redistricting 03:37:24
20 hearings, and we heard testimony over hours. 03:37:26
21 We were trying to identify the issues that we 03:37:29
22 could solve. 03:37:32
23 You know, one of the things in 03:37:34
24 Cincinnati -- I'll just give you one instance. 03:37:35
25 Apparently there is a community down there 03:37:37

1 called Columbia Tusculum, and we heard a lot of 03:37:39
2 testimony that Columbia Tusculum had been 03:37:43
3 represented by somebody who didn't share 03:37:45
4 apparently the community's values, and they 03:37:47
5 wanted to be drawn in with the city of 03:37:49
6 Cincinnati. 03:37:50
7 So we tried to do that. I don't 03:37:51
8 remember whether we were successful, but that 03:37:53
9 was one of the things we tried to do. 03:37:56
10 Q. And you said that you tried to sit down 03:37:58
11 to identify things to resolve. And just to 03:38:01
12 clarify, by "you" you mean you, Secretary 03:38:04
13 LaRose, and Senator Sykes and Minority Leader 03:38:08
14 Sykes? 03:38:13
15 A. At different times. Never all in the 03:38:13
16 room together. 03:38:16
17 Q. Right. And that's because of the 03:38:16
18 Sunshine law, correct? 03:38:19
19 A. We never wanted to have a majority of 03:38:20
20 the commission in one place. 03:38:23
21 And, again, I don't want to say this 03:38:24
22 was -- I hate to use this term "fact-finding," 03:38:26
23 but it was issue identification, to try to 03:38:29
24 identify where -- in order for us to have a 03:38:33
25 ten-year map, we were going to need both Sykes' 03:38:36

1 votes, and I wanted to hear what their concerns 03:38:38
2 are. And as I always use as a mediator, I 03:38:40
3 wanted to know what would get them to yes. 03:38:43
4 And ultimately, you know, some of the 03:38:45
5 things that we were going for, they weren't 03:38:48
6 happy with. 03:38:51
7 I'll use one example, competitive 03:38:51
8 districts. Secretary LaRose and I had an idea 03:38:54
9 if we drew more competitive districts based on 03:38:58
10 the testimony we'd heard -- you know, we heard 03:39:01
11 a lot of people say they wanted competitive 03:39:03
12 districts -- that we thought maybe we could -- 03:39:05
13 we could get people closer to yes. 03:39:10
14 And ultimately that wasn't something 03:39:13
15 that the Democrat map drawers or the Democrat 03:39:14
16 leaders were interested in. 03:39:17
17 If you look at their initial map, one of 03:39:19
18 the maps that they introduced, I think, had 03:39:21
19 zero competitive state Senate seats. All the 03:39:24
20 state Senate seats would have essentially been 03:39:27
21 determined in a primary. 03:39:30
22 So, again, we had different interests 03:39:31
23 and different positions. We were trying to 03:39:33
24 figure out where we could land the plane. 03:39:35
25 Q. And in those direct conversations with 03:39:38

1 Senator Sykes and Minority Leader Sykes, do you 03:39:42
2 recall discussing expected partisan outcomes of 03:39:45
3 the maps? 03:39:47
4 A. Again, I think they were shooting for 03:39:47
5 57, 58. And the Republicans were shooting at 03:39:53
6 different numbers. 03:39:57
7 I don't recall a specific -- I think we 03:40:01
8 were talking around circles as to what the 03:40:03
9 proportionality meant. You know, there were 03:40:05
10 different answers, and everybody agreed that 03:40:09
11 there were some vagaries as to exactly how you 03:40:12
12 could draw that. 03:40:15
13 What we were focusing on was, one, the 03:40:17
14 constitutional tests and the constitutional 03:40:20
15 provisions, you know, compactness, communities, 03:40:22
16 trying to figure -- keeping cities, townships, 03:40:27
17 counties together, minimal splits. 03:40:29
18 And then where you could, put 03:40:32
19 communities of interest together. I would call 03:40:33
20 more the aspirational type things, looking at 03:40:35
21 minority influence where you could. 03:40:38
22 Those were things that I thought were 03:40:42
23 all valid interests that we were trying to work 03:40:44
24 through. 03:40:46
25 And we had a -- I don't want to say we 03:40:47

1 drew a decent -- we had a start at what I 03:40:50
2 thought could have been a compromise map. 03:40:53
3 At the end -- you asked about numbers. 03:40:55
4 At the end, when negotiations broke down and it 03:40:59
5 was clear that we weren't going to get a 03:41:04
6 bipartisan map, I believe it was Leader Sykes 03:41:08
7 that made a comment that there was never going 03:41:12
8 to be a map that her and Bob Cupp could both 03:41:13
9 vote for. I was shocked by that. 03:41:16
10 And so, you know, I think that probably 03:41:18
11 came down to more about representational 03:41:21
12 numbers than it did about, you know, moving 03:41:24
13 minority communities together and not keeping 03:41:29
14 counties split. 03:41:33
15 Q. And so we've discussed a lot about 03:41:36
16 conversations you've had with Senator Sykes and 03:41:40
17 Leader Sykes. Do you recall the specifics of 03:41:43
18 any conversations with President Huffman that 03:41:47
19 we haven't already discussed between 03:41:52
20 September 9th and September 15th? 03:41:55
21 A. As I mentioned, I'm sure I had a number 03:41:56
22 of conversations with Matt Huffman and with Bob 03:41:58
23 Cupp. I recall in one with President Huffman, 03:42:01
24 a discussion that he was willing to make 03:42:07
25 compromise. 03:42:09

1 Somebody made a conversation, and I 03:42:12
2 don't remember who it was, that -- I don't 03:42:15
3 remember whether it was Matt or a staff member 03:42:19
4 or even maybe one of the Sykes -- that they 03:42:22
5 thought Matt Huffman was more eager to get a 03:42:25
6 map than Bob Cupp. 03:42:29
7 But, again, I don't remember the nuances 03:42:32
8 of that conversation. I know when we talked 03:42:35
9 about -- I've mediated cases with Matt Huffman 03:42:38
10 as one of the participants on a number of 03:42:41
11 occasions. As lawyers, I kind of know Matt's 03:42:43
12 style. 03:42:46
13 And at one point I kind of said, "Matt, 03:42:46
14 where are the consensus points here?" 03:42:49
15 And he indicated that he had compromises 03:42:51
16 to give. 03:42:53
17 And I said, "Matt, let's put them on the 03:42:55
18 table. Let's get to where you need to be." 03:42:58
19 At one point with the Sykeses, on the 03:43:00
20 last day, I remember this specifically, that 03:43:02
21 the leaders on the Republican side had put in 03:43:05
22 their map, which ultimately became -- if it 03:43:12
23 wasn't the final map, it was darn final -- 03:43:14
24 close to being the final map. They had sent 03:43:16
25 that out to everybody as their position, their 03:43:17

1 latest move. 03:43:19
2 And we were sitting down with Vern 03:43:20
3 and/or Emilia, and I don't remember which one 03:43:21
4 was in the room. And I focused -- tried to get 03:43:23
5 them to focus. They were very mad about the 03:43:26
6 maps. They did not like what those suggestions 03:43:28
7 were. 03:43:31
8 And they wanted us to just continue to 03:43:31
9 draw a brand-new map from the start with them 03:43:33
10 and ignore Huffman and Cupp. 03:43:35
11 And I said, "That's not going to happen. 03:43:36
12 You know, we're here to get a 7-0 map." 03:43:39
13 And I said, "What you need to do is 03:43:41
14 reply to the Huffman-Cupp latest proposal, 03:43:42
15 identify the areas you want fixed. Use their 03:43:46
16 map as a starting point. Give them suggestions 03:43:49
17 as to what you need fixed to get you to yes. 03:43:51
18 And if it means you just submit amendments that 03:43:54
19 get your map in place of their map, do that. 03:43:57
20 At least we've got negotiations starting." 03:44:00
21 That didn't happen. 03:44:02
22 And so going back to your question about 03:44:04
23 my conversations with Huffman, at some point 03:44:06
24 I'm sure I had a conversation with Matt where 03:44:09
25 he told me this was his last, best, final map, 03:44:12

1 and I was pretty disappointed by that. 03:44:16
2 Q. Okay. To clarify, you were disappointed 03:44:18
3 by his statement that this was his last, best, 03:44:26
4 final map? 03:44:30
5 A. Yes. And I was disappointed that Leader 03:44:31
6 Sykes and Vern Sykes weren't going to give a 03:44:37
7 response to that map so that we had someplace 03:44:39
8 to continue to negotiate. 03:44:42
9 Q. Do you recall that Leader Sykes and 03:44:43
10 Senator Sykes had earlier offered a 03:44:50
11 counterproposal to President Huffman's map? 03:44:53
12 A. They offered a counterproposal right 03:44:56
13 after we stopped negotiating, or some point in 03:45:03
14 there. I might be off by a day. Again, this 03:45:08
15 all blends together, and you're asking me to go 03:45:11
16 back in time. 03:45:12
17 And their counterproposal was 03:45:13
18 essentially -- yes, I recall that they had a 03:45:14
19 counterproposal. I think it was a 03:45:19
20 counterproposal before the final Huffman map. 03:45:21
21 Q. Okay. 03:45:24
22 A. Okay. 03:45:24
23 Q. And earlier you stated that you recalled 03:45:25
24 that President Huffman had discussed potential 03:45:37
25 consensus points or compromise points; is that 03:45:42

1 correct? 03:45:46
2 A. Correct. 03:45:46
3 Q. Do you recall what those consensus 03:45:46
4 points were? 03:45:49
5 A. I don't know that he gave me all of 03:45:49
6 them, but he certainly indicated, as I always 03:45:53
7 tell everybody in mediation or when you're 03:45:56
8 trying to negotiate, you need to compromise. 03:45:59
9 You need to find where you can make a 03:46:01
10 compromise and give. 03:46:05
11 And I know one of them was in Dayton. I 03:46:08
12 think most of his compromises were actually 03:46:10
13 reflected in the final map that they put 03:46:12
14 forward. One of them was in Dayton. I don't 03:46:16
15 remember whether one was in Cincinnati or not. 03:46:22
16 There may have been something around Columbus, 03:46:24
17 and there may have been something in northeast 03:46:26
18 Ohio. But I don't recall. I don't recall the 03:46:28
19 specifics. 03:46:31
20 Again, I'll be -- I don't recall me 03:46:32
21 focusing on any specific area. In general, I 03:46:37
22 was trying to figure out where they thought 03:46:42
23 areas were important. 03:46:44
24 Again, the only area, if I had to pick 03:46:46
25 one, that was important to me was in northwest 03:46:48

1 Ohio. And we got zero compromise in that area, 03:46:51
2 and I never even found out why we didn't, so... 03:46:53
3 Q. And by the "area," do you mean the 03:46:57
4 geographic area? 03:47:00
5 A. Correct. And areas of maps. Issues in 03:47:00
6 the maps. When you're talking about maps, by 03:47:04
7 the very nature, you're talking about lines of 03:47:06
8 geographical areas. 03:47:09
9 Q. Were you focused on any specific 03:47:10
10 provisions of Article XI of the Constitution? 03:47:12
11 A. We were focusing on a lot of provisions 03:47:17
12 in Article XI. Like the restrictions found 03:47:21
13 in -- and I may get these sections wrong, but 03:47:24
14 II, III, IV, V, and VII, which -- and to some 03:47:27
15 extent VI. 03:47:29
16 We certainly were trying to draw maps 03:47:30
17 that had a -- had a decent -- a fairer -- 03:47:33
18 "fair" is an ambiguous term, but had a split of 03:47:39
19 members. 03:47:42
20 Q. Okay. Are there any discussions you 03:47:47
21 recall with any commission members between 03:47:51
22 September 9th and 15th that we haven't already 03:47:54
23 discussed so far? 03:47:56
24 A. Because I've been talking about them in 03:47:57
25 a continuum, I've probably discussed all of 03:48:03

1 them. 03:48:05
2 In concept, there might have been 03:48:06
3 individual conversations where -- trying to get 03:48:08
4 people to negotiate. But, again, we were doing 03:48:11
5 shuttle diplomacy. 03:48:13
6 Q. Okay. And if you recall any while we 03:48:15
7 continue talking, please let me know, any 03:48:18
8 specifics. I understand that some of the 03:48:20
9 timeline may bleed together. 03:48:22
10 A. Yeah, it's real tough to say, hey, we 03:48:24
11 talked about a lot, what else haven't we -- I 03:48:27
12 mean, that's an impossible question to answer. 03:48:29
13 Q. Okay. 03:48:31
14 MS. GOLDROSEN: Daniel, could you pull 03:48:32
15 up Tab 4, please, and we'll mark this as 03:48:39
16 Exhibit 1. 03:48:42
17 (Deposition Exhibit No. 1 was marked for 03:48:43
18 identification.) 03:49:34
19 MS. PFEIFFER: I'm handing him my laptop 03:49:34
20 that has the exhibit on it. 03:49:36
21 MS. GOLDROSEN: Okay. 03:49:37
22 MS. PFEIFFER: So he can read it. 03:49:39
23 BY MS. GOLDROSEN: 03:49:40
24 Q. Thank you. Auditor Faber, could you 03:49:40
25 just confirm for the record that you can read 03:49:42

the document clearly? 03:49:44
A. I see a document marked Exhibit 1. 03:49:44
Q. Okay. And, Daniel, can we zoom in a 03:49:48
little bit on the document. 03:49:54
Okay. Have you seen these before, 03:49:56
Auditor Faber? 03:50:03
A. I have. 03:50:03
Q. Okay. What are these? 03:50:05
A. These appear to be text messages that 03:50:06
were texts that were sent to me or from me. 03:50:09
Q. Okay. Is it your texts that are on the 03:50:12
right-hand side of these messages? And if 03:50:16
you -- 03:50:21
A. I presume that my texts are going to be 03:50:21
the ones in the bubbles. 03:50:24
Q. In the blue bubbles? 03:50:26
A. I think that's right. 03:50:28
Q. And, Daniel, could you just kind of 03:50:30
scroll down through the document so he could 03:50:33
see the rest of the pages. Great. 03:50:35
Just want to confirm that these are 03:50:45
still your messages. 03:50:51
A. Yeah, these appear to be the text 03:50:55
messages that we produced in discovery. 03:50:57
Q. Okay. 03:51:00

A. Which, based on our review, were all the 03:51:01
text messages that would have been discoverable 03:51:03
or part of the redistricting issues. 03:51:06
Q. Okay. And I think there's one 03:51:09
without -- and generally, your texts are on the 03:51:15
right-hand side and in blue -- the blue bubble, 03:51:18
correct? 03:51:21
A. I think that's right, yeah. 03:51:21
Again, we just printed them by taking a 03:51:24
snapshot of the phone. And we could not figure 03:51:27
out a good way to get them off other than doing 03:51:29
that. So we went through and screen-shotted 03:51:32
each one. 03:51:34
Q. Okay. 03:51:35
Okay. And, Daniel, could we go to 03:51:36
page 11 of the PDF. The top of that page, 03:51:41
please. 03:51:50
Auditor Faber, are these your text 03:51:51
messages with President Huffman? 03:51:54
A. Correct. 03:51:55
Q. Okay. 03:51:56
A. I could not figure out how to get a 03:51:57
screen shot that showed Matt Huffman's little 03:51:59
logo at the top, but these were ones that I 03:52:02
sent to Matt Huffman. 03:52:05

1 Q. Okay. Thank you. And could you -- so 03:52:06
2 let's see. It shows that on September 10th you 03:52:13
3 asked if you could call President Huffman, 03:52:17
4 correct? 03:52:19
5 A. Correct. 03:52:19
6 Q. Do you know if that was a call about the 03:52:21
7 redistricting matter? 03:52:24
8 A. Most likely. 03:52:25
9 Q. Do you recall what you discussed in that 03:52:27
10 conversation? 03:52:31
11 A. I'm sure I discussed the northwest Ohio 03:52:32
12 situation. 03:52:35
13 Q. Okay. And -- 03:52:36
14 MR. SPALDING: Excuse me. Could I ask 03:52:45
15 that you put into the record the beginning and 03:52:47
16 ending Bates number for the exhibit, please. 03:52:49
17 MS. GOLDROSEN: Yes. So this is AOS_578 03:52:51
18 through 595. 03:52:55
19 THE WITNESS: The specific page I'm 03:53:03
20 looking at looks like AOS_000588. 03:53:04
21 BY MS. GOLDROSEN: 03:53:11
22 Q. Okay. 03:53:11
23 A. Is that right? 03:53:11
24 Q. Yes. And the northwest Ohio situation, 03:53:18
25 that's what we've already discussed previously, 03:53:20

1 correct? 03:53:22
2 A. Correct. 03:53:22
3 Q. And, Daniel, if you could scroll down to 03:53:25
4 the next page. One more, please. And one 03:53:30
5 more. 03:53:46
6 Okay. And then you at one point texted 03:53:48
7 Senator Huffman: Look at second photos not 03:53:53
8 first. 03:53:56
9 Right? 03:53:56
10 A. Yes. 03:53:56
11 Q. And you were showing -- you had sent him 03:53:57
12 some pictures, correct? 03:54:01
13 A. I sent him screen shots from Dave's 03:54:02
14 Redistricting. And I was so ham-handed with 03:54:08
15 the redistricting that apparently, if you don't 03:54:10
16 drag the mouse right, you can really lump a 03:54:15
17 bunch of people into one district. 03:54:18
18 And the first set of maps that I sent 03:54:20
19 him basically were wrong. Those districts 03:54:22
20 were -- some places were vacant and some places 03:54:26
21 were full. 03:54:29
22 So I went back and reloaded the one that 03:54:30
23 had them correct. And this was showing that 03:54:32
24 you could redo the northwest Ohio districts to 03:54:35
25 keep basically the counties that had been 03:54:38

1 represented together, represented together 03:54:40
2 without violating any of the provisions of the 03:54:41
3 constitution. And it didn't change anything 03:54:43
4 from a partisan index. 03:54:46
5 What we were trying to do, candidly, is 03:54:48
6 just realign those districts. And I had done 03:54:51
7 some math to make sure that the districts' 03:54:54
8 population were all fine, because, again, some 03:54:57
9 of these -- again, not an expert in this field, 03:54:59
10 but to get the district populations within the 03:55:05
11 plus or minus 5 percent. 03:55:07
12 So that's why a second set. The first 03:55:09
13 set I took when I realized I had a district 03:55:11
14 with 500,000 people in it, it really didn't 03:55:14
15 work for a House district. 03:55:17
16 And so I deselected that, or whatever I 03:55:18
17 did, and took pictures and said, "Oh, sorry, 03:55:21
18 Matt, got the wrong ones for you. Look at 03:55:24
19 these and tell me why these wouldn't work." 03:55:27
20 Q. Okay. And then on Monday, 03:55:30
21 September 13th, it looks like around 8:00 p.m., 03:55:36
22 Senator Huffman texted you: Give me a call 03:55:42
23 when you hit the road. 03:55:45
24 Do you recall receiving that message? 03:55:46
25 A. Okay. 03:55:48

1 Q. Do you recall -- did you give him a call 03:55:54
2 at that point? 03:55:56
3 A. I might have. I might not have seen 03:55:58
4 this either. It's possible. That was probably 03:56:01
5 after a redistricting hearing someplace. 03:56:05
6 I don't remember, but it could have been 03:56:09
7 something as simple, if we were both on the 03:56:11
8 road, "Do you want to grab a bite to eat?" We 03:56:15
9 did not. Or he wanted to talk to me about 03:56:18
10 something else. I don't recall a phone call 03:56:19
11 with him after one of the redistricting 03:56:22
12 hearings. 03:56:23
13 Q. Okay. 03:56:23
14 A. We might have, but I don't recall. 03:56:25
15 Q. Could we go to page 6 of the PDF, which 03:56:26
16 should be AOS_000583. 03:56:31
17 Okay. And this shows text messages with 03:56:42
18 a Ray D, right? 03:56:45
19 A. Yeah, this is Ray DiRossi. 03:56:46
20 Q. And it looks like there's four pages of 03:56:51
21 text messages with him. And if we could have 03:56:55
22 Daniel scroll down. 03:56:59
23 And I'm just wondering, generally, what 03:57:00
24 are you discussing in these text messages? 03:57:02
25 A. Okay. If you want to go back to the 03:57:04

1 top. 03:57:42
2 Prior to seeing any of the maps produced 03:57:52
3 by Cupp and Huffman, they produced us and 03:57:55
4 showed us something called the "Red Green Map." 03:57:59
5 And I know we submitted that in our 03:58:02
6 discovery responses. 03:58:04
7 The Red Green Map essentially identified 03:58:06
8 counties that they believed you could and could 03:58:08
9 not split. 03:58:11
10 I asked at the beginning: What are the 03:58:15
11 red green maps mean again? 03:58:18
12 At the beginning of this question. And 03:58:19
13 so it goes on to Ray explaining what he meant. 03:58:22
14 And I'm sure this is in response to me 03:58:27
15 trying to work at some point with the Democrats 03:58:29
16 and trying to understand why Delaware County 03:58:31
17 could have been split or why Delaware County 03:58:34
18 was red. 03:58:37
19 Because I saw on some map, and it might 03:58:38
20 have been one of the submitted maps, not a 03:58:41
21 Democrat or the Republican, but I would say an 03:58:43
22 interested organizational or individual 03:58:47
23 submitted map, that -- either Dave's 03:58:50
24 Redistricting or to the commission, that 03:58:53
25 somebody had split Delaware County. 03:58:55

1 And I was trying to understand why there 03:58:57
2 might have been something in that map that I 03:58:59
3 thought was particularly interesting and why 03:59:01
4 Delaware County could not have been split and 03:59:04
5 pick up the Columbus area. 03:59:07
6 This might have been in response to our 03:59:08
7 testimony around that same time when we heard a 03:59:11
8 lady from Dublin Schools testify that she 03:59:15
9 wanted Dublin Schools to be kept intact in the 03:59:18
10 same legislative district. And Dublin Schools 03:59:21
11 goes into Delaware Union and Franklin Counties. 03:59:24
12 So I might have been trying to figure out 03:59:27
13 whether that was possible or not. 03:59:29
14 But that is that part of the discussion. 03:59:30
15 So if you go on down. 03:59:34
16 Q. Daniel, could you scroll down, please. 03:59:40
17 A. Why don't you ask other questions if you 03:59:43
18 have them on this. 03:59:46
19 Q. Yeah. So you said in response to my 03:59:47
20 first question, "I'm sure this is in response 03:59:50
21 to me trying to work at some point with the 03:59:53
22 Democrats." 03:59:55
23 Are you speculating when you made that 03:59:57
24 statement? 03:59:58
25 A. It was me trying to work on alternative 03:59:58

1 maps, and the only computer at this time we 04:00:02
2 were using with was the Dave's Redistricting 04:00:05
3 programming on my laptop, or -- again, we 04:00:08
4 didn't have any other software, we didn't have 04:00:11
5 any of the good software that worked -- working 04:00:13
6 with the Democrats. 04:00:16
7 I don't remember. This date would have 04:00:16
8 been at a point where it looks like we were 04:00:19
9 looking -- trying to reconcile why certain maps 04:00:20
10 are not valid. So this probably was me going 04:00:24
11 through some of the organizational winners, 04:00:27
12 some of the organizational maps that were 04:00:30
13 submitted to try and identify where those lines 04:00:33
14 were. 04:00:36
15 So this may have been before we started 04:00:36
16 actually drawing maps with the Democrats. 04:00:38
17 Q. Okay. 04:00:39
18 And could you go to page 9 of the PDF, 04:00:40
19 please, Daniel. 04:00:44
20 Could you explain what you meant here by 04:00:52
21 "Are you 10-2" if you recall. 04:00:56
22 A. Can you go back up to the page above 04:00:59
23 that? 04:01:04
24 This looks like I'm having a 04:01:10
25 conversation with him to understand why the 04:01:12

1 Democrats went to Pickaway County and they put 04:01:14
2 Franklin and Union County together with regard 04:01:20
3 to 12 districts versus 11 districts. 04:01:23
4 And I had not come to the conclusion -- 04:01:26
5 I didn't -- I honestly thought Union County was 04:01:28
6 bigger than 62,000 people. And so you can see 04:01:30
7 my note here. It says isn't Union County 04:01:34
8 pretty close to a stand-alone district. 04:01:40
9 Q. Uh-huh. 04:01:43
10 A. And apparently my answer was no, it's 04:01:43
11 about half. 04:01:45
12 So if you go to the next page. Looking 04:01:47
13 at Franklin County, the question is did you 04:01:57
14 draw 11 districts or 10 districts. 04:02:00
15 And, candidly, my analysis was if you're 04:02:03
16 going to try and have people represented by 04:02:06
17 people who share their values, having zero 04:02:09
18 Republicans representing Franklin County would 04:02:12
19 be inconsistent with having people sharing 04:02:16
20 their values. 04:02:19
21 You're going to by very nature. There 04:02:20
22 are some Republicans in Franklin County, there 04:02:23
23 are quite a few Republicans in Franklin County. 04:02:25
24 And the map presented by the Democrats had zero 04:02:28
25 Republican seats in Franklin County. 04:02:32

1 So I was trying to figure out why and 04:02:35
2 how that happened and whether that was just an 04:02:37
3 issue of geography and the constitutionality of 04:02:40
4 splitting. 04:02:43
5 Again, we do know that because Ohioans 04:02:44
6 tend to live around people who think and vote 04:02:48
7 like them, it is much more difficult in certain 04:02:50
8 areas of the state to get competitive 04:02:53
9 districts. 04:02:56
10 And, you know, we even heard testimony 04:02:57
11 that that may be as much as a 3- to 5-point 04:02:59
12 advantage for Republicans based on those 04:03:03
13 constitutional provisions. 04:03:05
14 And so I was trying to figure out 04:03:06
15 whether Franklin County was being drawn largely 04:03:08
16 for partisan reasons or whether there was 04:03:13
17 another way to look at it and whether it needed 04:03:15
18 to be 11 districts or whether you could do 12. 04:03:17
19 I didn't understand those nuances. I 04:03:20
20 was actually shocked that you could draw the 04:03:22
21 districts bigger or smaller and change the 04:03:24
22 answer as to how many representative districts 04:03:29
23 were in Franklin County. 04:03:31
24 Q. Okay. 04:03:34
25 A. So that's what this text represents. 04:03:35

1 Q. Could we go to page 10 of the PDF, 04:03:37
2 please. 04:03:42
3 On September 13th, it looks like you 04:03:48
4 asked Mr. DiRossi: Can I call you later? 04:03:51
5 Do you recall having a subsequent 04:03:54
6 conversation with Mr. DiRossi? 04:03:56
7 A. I never got that phone call. 04:03:58
8 Q. Okay. Could we go to -- 04:04:02
9 A. At least I don't think I did. I don't 04:04:06
10 recall ever having a phone call with Ray. 04:04:08
11 Q. Could we go -- 04:04:10
12 A. Go ahead. 04:04:11
13 Q. Could we go to page 3 of the PDF, 04:04:12
14 please, which is AOS_000580. Okay. 04:04:19
15 Who are these texts with? 04:04:24
16 A. It's with Alex Bilchak, who is my deputy 04:04:27
17 chief of staff for external affairs. 04:04:32
18 Q. And he -- on September 13th you asked 04:04:39
19 "How goes it," and he responded "It's a snails 04:04:42
20 pace." 04:04:45
21 A. Again, this is on Monday. So he would 04:04:46
22 have been back. I believe he flew back in from 04:04:50
23 California early in the morning. And I think 04:04:53
24 he probably went straight to the staff meetings 04:04:55
25 that were going on, and he probably joined 04:04:58

1 Emily at those meetings. 04:05:02
2 So I ask "How goes it," and you can see 04:05:07
3 his response. 04:05:12
4 Q. And to clarify, were those staff 04:05:15
5 meetings with the Democratic staffers? 04:05:17
6 A. I think these are staff meetings with 04:05:20
7 all the staff meeting. This is -- remember I 04:05:23
8 talked about I had encouraged that all of the 04:05:27
9 Redistricting Commission members have our staff 04:05:29
10 get in a room and try to identify what the 04:05:31
11 issues were and where we could find common 04:05:33
12 ground. 04:05:36
13 Q. Okay. And when you said "Do you have 04:05:38
14 something I can look at," what were you asking 04:05:40
15 to look at? 04:05:42
16 A. They were -- according to him, "It's a 04:05:43
17 snails pace. Northwest Ohio and Montgomery 04:05:46
18 issues have been resolved." 04:05:49
19 "Do you have something I can see?" 04:05:51
20 And the answer was "No." 04:05:53
21 So they were talking in concept. They 04:05:54
22 weren't drawing lines, it sounds like. But I 04:05:56
23 don't know. I don't remember. 04:05:58
24 Q. So you were essentially asking to see an 04:05:59
25 amended map or amended portion of a map; is 04:06:02

1 that right? 04:06:05
2 A. I wanted to see suggestions as to how 04:06:05
3 they were resolving the issues, whatever the 04:06:08
4 issues were. 04:06:10
5 Q. Okay. So now I want to discuss the 04:06:10
6 events of September 15th. 04:06:19
7 And, Daniel, you can take down the 04:06:22
8 exhibit, please. 04:06:24
9 A. September 15th was our last day, right? 04:06:28
10 Q. Yes. So there was a commission meeting 04:06:32
11 convened that morning. Is that -- do you 04:06:36
12 remember that? 04:06:38
13 A. I don't, but it's possible. We had a 04:06:38
14 bunch of commission meetings that were convened 04:06:42
15 and then recessed. 04:06:45
16 Q. September 15th is the date that the 04:06:46
17 commission was supposed to pass a map, correct? 04:06:50
18 A. That's the day we passed the map on, 04:06:53
19 yeah. 04:06:55
20 Q. And -- 04:06:55
21 A. I call that the final day. 04:06:58
22 Q. The final day. 04:07:00
23 A. Okay. 04:07:02
24 Q. And so do you recall that the commission 04:07:04
25 was convened at some point that morning? 04:07:09

1 A. Yes. 04:07:11
2 Q. And do you recall that the commission 04:07:12
3 went on recess shortly thereafter? 04:07:15
4 A. Yes. 04:07:17
5 Q. What happened after the commission went 04:07:18
6 on recess? 04:07:21
7 A. A lot of things. You mean that whole 04:07:21
8 day or immediately thereafter? 04:07:27
9 Q. Yes. So I'm going to ask about the 04:07:29
10 whole day, so we'll take it one step at a time. 04:07:31
11 A. Okay, my memory may be fuzzy, so I may 04:07:34
12 be out of timestamp on some of these. 04:07:36
13 Right afterwards, right after we 04:07:39
14 recessed, I recalled either going to my 04:07:43
15 ceremonial office -- I think we went down to my 04:07:46
16 ceremonial office, and I had a meeting with our 04:07:52
17 staff and maybe Senator -- I'm sorry, Secretary 04:07:57
18 LaRose and/or his staff and had various 04:08:01
19 conversations about where we thought we could 04:08:05
20 land the airplanes. 04:08:07
21 Q. Okay. Do you recall any conversations 04:08:10
22 with Speaker Cupp? 04:08:13
23 A. Yes. 04:08:15
24 Q. What were those? 04:08:17
25 A. At one point I think we had 04:08:18

1 conversations with both Cupp and Huffman, but I 04:08:22
2 think those were after the fact. 04:08:24
3 I think I requested to meet with Cupp 04:08:29
4 after our discussion with Emilia Sykes the 04:08:33
5 night before, where she said there was never 04:08:37
6 going to be a map that her and Bob Cupp would 04:08:39
7 ever both agree with. 04:08:42
8 And I think I wanted to ask him whether 04:08:44
9 he thought that was the same thing and/or to 04:08:46
10 figure out whether or not we could reach 04:08:49
11 compromise. 04:08:51
12 Q. Okay. And I believe you said that 04:08:53
13 conversations with both Cupp and Huffman were 04:08:59
14 after the fact. What did you mean by "after 04:09:02
15 the fact"? 04:09:04
16 A. I don't know. You're going to have to 04:09:05
17 refresh my recollection: I mean, look, I had 04:09:08
18 ongoing conversations with Matt and Bob at 04:09:12
19 various times. But probably after we recessed, 04:09:16
20 if that's the timeframe. 04:09:22
21 If you want to talk about the things 04:09:22
22 that happened on the day of, we went down, 04:09:24
23 again, to my ceremonial office, and I may be a 04:09:28
24 little off on the timeframe. But at some point 04:09:31
25 we had a meeting with the Governor, and because 04:09:33

1 Frank and I were together, I think maybe 04:09:37
2 Secretary LaRose had met with Speaker Cupp 04:09:40
3 privately, and he came in and gave me an update 04:09:44
4 of what they talked about. 04:09:47
5 Again, I can't tell you what that was, 04:09:49
6 because it was -- we were all talking in 04:09:53
7 generalities at this point. Are we going to 04:09:54
8 get a deal? Can we get a deal? 04:09:57
9 Some point Secretary LaRose was inclined 04:09:59
10 to try to work through the deadline, thinking 04:10:04
11 that if we got compromise on a map, the 04:10:07
12 deadline wasn't as important as having a 7-0 04:10:09
13 map or a bipartisan map. I didn't necessarily 04:10:12
14 share his view. I wanted to land the planes 04:10:17
15 that day. We had conversations with the 04:10:19
16 Governor. The Governor was more close to 04:10:23
17 Secretary LaRose's view at that point. 04:10:27
18 I know I suggested to the Governor that 04:10:29
19 he take over the mediator's role, and he sit 04:10:31
20 down because he had -- I'm using my term, not 04:10:33
21 his -- more gravitas to sit down with the 04:10:37
22 speaker and/or Emilia, and Vern and Matt 04:10:40
23 separately to hear where their interests were 04:10:44
24 and see how we could get to a 7-0 bipartisan 04:10:47
25 map. 04:10:50

What happened there, I'm not sure. 04:10:51
Q. And by "what happened there," you're not 04:10:53
sure if the Governor took your suggestion to 04:10:57
take more of a mediator's role? 04:10:59
A. I'm not sure. I know he was having 04:11:03
conversations with different members. I'm not 04:11:05
sure what happened there, but I think 04:11:07
ultimately it became clear that we weren't 04:11:09
going to get compromise. We weren't going to 04:11:12
get compromise. 04:11:14
Q. And what happened to make it clear to 04:11:15
you that you weren't going to get a compromise? 04:11:22
A. It started, and my memory says it was 04:11:24
the night before, when Emilia and her team went 04:11:28
home at 10:30. Basically shutting everything 04:11:31
down saying we're never going to agree with a 04:11:35
map that the speaker needs. 04:11:38
It had become clear that people were 04:11:43
posturing for lawsuits and/or other issues. 04:11:44
And so I came to the conclusion that if we were 04:11:48
going to get the map done on the 15th, we only 04:11:53
had one map before us. Without substantive 04:11:55
amendments, I didn't think we were going to get 04:11:58
a 7-0 map. 04:12:00
Q. And what do you mean by "posturing for 04:12:06

lawsuits"? 04:12:18
A. From the very beginning, and maybe 04:12:18
because some of the players had been through 04:12:23
this issue ten years ago, everybody was 04:12:25
concerned about saying or doing something that 04:12:28
would have hurt their legal position in this 04:12:32
litigation, everybody anticipated was coming. 04:12:35
We were told by the groups, by your client in 04:12:37
particular and others, that we were going to be 04:12:41
sued unless we gave them something they wanted. 04:12:43
I, frankly, didn't mind because I wanted 04:12:46
a 7-0 map, and I thought that was the best way 04:12:49
to get to where we needed to be. Other people, 04:12:52
my observation was that either they were taking 04:12:56
such a defensive posture to prepare for the 04:12:59
lawsuit or, in fact, they were hoping the 04:13:02
lawsuit could give them an advantage, political 04:13:05
or legal, that they otherwise weren't going to 04:13:08
be able to get through negotiation. Just my 04:13:10
observation. 04:13:15
Q. So on the date of the 15th, between when 04:13:21
the commission recessed and when it reconvened, 04:13:24
do you recall any specific meetings with 04:13:27
President Huffman? 04:13:29
A. Yes, I had actually -- and I could be 04:13:30

1 wrong -- but I know he had a meeting, and maybe 04:13:38
2 it was over lunchtime, with Matt and his chief 04:13:41
3 of staff. And I don't think any of my staff 04:13:44
4 were there, where we talked about, again, Matt 04:13:47
5 saying I've got some room to compromise, but 04:13:49
6 we're going to have to, you know, figure out 04:13:53
7 where we're at. 04:13:56
8 Matt thought that he had more room to 04:13:57
9 compromise than Speaker Cupp had to compromise. 04:13:59
10 And I thought it was pretty clear that Matt and 04:14:03
11 Bob were working together. And I said we need 04:14:07
12 to get best -- everything on the table. Let's 04:14:11
13 stop the posturing, let's get this done. Let's 04:14:16
14 get bipartisan compromise. 04:14:19
15 I'm pretty sure that was on the 15th 04:14:21
16 that we had that conversation. It may have 04:14:24
17 been another day, but I'm pretty sure it was on 04:14:26
18 the 15th. And I had a similar meeting with Bob 04:14:28
19 Cupp and his chief of staff later that day at 04:14:31
20 some point. And I had encouraged the Governor 04:14:34
21 to work behind the scenes, and I know he had 04:14:38
22 meetings as well to try to figure out whether 04:14:40
23 or not he thought there was a deal to be had. 04:14:44
24 Q. Okay. And did Speaker Cupp make any 04:14:51
25 similar representations about compromise? 04:14:58

A. I think he thought there were things 04:15:04
that they could move forward on. But, no, I 04:15:06
did not recall -- and, again, I'm sure he was 04:15:09
willing to have conversations in certain areas, 04:15:14
but I can't recall any specific suggestions 04:15:17
that he made. 04:15:19
Q. Okay. Do you recall any specific 04:15:20
meetings or discussions about redistricting 04:15:29
between the recessing and the reconvening on 04:15:32
the 15th that we haven't just discussed? 04:15:36
A. I know when they released their final 04:15:38
amendments, the final amendment map, I had a 04:15:46
conversation with Matt Huffman about them, and 04:15:50
Matt indicated to me that that was it. That 04:15:52
was where they were going to be. They weren't 04:15:55
going to make anymore movements. And we had 04:15:57
conversations about how this was coming to an 04:16:01
end. 04:16:04
But, again, nothing specifically other 04:16:06
than procedurally. Okay. You're going to 04:16:08
reconvene. What time are we going to 04:16:11
reconvene? What are you going to do? You 04:16:14
know, and those kind of things. 04:16:16
We did have conversations after that, 04:16:19
literally before we all had the vote, trying 04:16:22

again to get compromise. And the Governor and 04:16:27
Secretary LaRose and I were trying to figure 04:16:33
out, again, can we get the parties to move. 04:16:35
And while I wasn't in favor of it, there was 04:16:39
some discussion if we kick this and work for 04:16:41
another day or two, will we get any more 04:16:44
movement? 04:16:46
And, again, I had asked the Governor to 04:16:48
step in and mediate. He said it couldn't 04:16:50
happen today, but it could happen maybe 04:16:52
tomorrow or the next day. There were 04:16:54
discussions about if somebody offers 04:16:57
amendments. 04:17:02
I always assumed Vern and Emilia were 04:17:02
going to offer amendments. They never did. 04:17:05
The only map that was ever put in front of us 04:17:08
to vote, and I think it's an interesting fact, 04:17:10
is the Huffman map. 04:17:13
Vern and Emilia never made a motion or 04:17:16
never seconded any amendments or any of their 04:17:19
maps or motions. So we never had a chance to 04:17:21
vote on them. And so I found that interesting. 04:17:24
I think, again, it tells you where they were at 04:17:31
in their process. 04:17:33
Q. And, Auditor Faber, they did 04:17:34

1 introduce -- share a map on August 31st, 04:17:38
2 correct, the Sykes? 04:17:43
3 A. No. Vern did. Emilia specifically did 04:17:44
4 not. 04:17:48
5 Q. Okay. 04:17:48
6 A. And they shared the map. I don't 04:17:49
7 believe they made a motion for that map to be 04:17:53
8 accepted as the commission map. And they 04:17:56
9 shared some amendments to that map, which, 04:17:58
10 again, they never offered or moved for 04:18:04
11 amendments to be accepted. Never motioned and 04:18:07
12 seconded, never had a debate in the commission. 04:18:10
13 And then they released to the public a 04:18:12
14 map that they kind of intend -- insinuated that 04:18:14
15 I had something to do with, but it was 04:18:17
16 completely had nothing to do with the maps that 04:18:19
17 we negotiated and talked about when we were 04:18:21
18 drawing maps with them. It was completely 04:18:24
19 different. 04:18:26
20 Q. Okay. And Auditor Faber -- 04:18:26
21 A. And that was -- so I answered your 04:18:28
22 question, I think. 04:18:29
23 Q. Auditor Faber, earlier you stated that 04:18:30
24 President Huffman had said at some point on the 04:18:36
25 15th, this is our final best offer. Do you 04:18:38

1 recall when he made that statement? 04:18:40
2 A. I think it was in the evening. 04:18:41
3 Q. Okay. Do you recall if it was 6:00 p.m. 04:18:46
4 or so? 04:18:52
5 A. It could have been. I'm not going to -- 04:18:53
6 I don't recall the times. 04:18:57
7 Q. Sometime before -- to clarify, do you 04:18:58
8 recall if he made that statement before the 04:19:03
9 commission reconvened -- 04:19:05
10 A. Yes. 04:19:05
11 Q. -- on the 15th? 04:19:06
12 A. Yes. And they pushed out a draft map to 04:19:08
13 all of the commission members. I think it was 04:19:10
14 electronic, but it may have been in paper. 04:19:14
15 They pushed out the draft amendments for 04:19:15
16 everybody to see, and I know they sent that 04:19:18
17 too, again. 04:19:21
18 Q. Do you recall when you first saw those 04:19:26
19 amendments? 04:19:29
20 A. Again, I don't know that I actually saw 04:19:29
21 the amendments. I think they were 04:19:37
22 substantially similar to the map that they had 04:19:40
23 sent out to the parties the night before or the 04:19:41
24 day before. That that was the amendments that 04:19:44
25 they were going to offer. 04:19:46

1 And I may be -- I may be missing and 04:19:48
2 conflating a couple of things. 04:19:51
3 But ultimately I believe it was clear 04:19:53
4 7:00 -- 6:00, 7:00, 8:00 that they were going 04:20:03
5 to move their amendments as the final proposal 04:20:06
6 for from their perspective. 04:20:09
7 Q. Okay. And did you have an opportunity 04:20:11
8 to provide feedback on those final amendments 04:20:14
9 to the Republican legislative leaders' map? 04:20:19
10 A. No. 04:20:22
11 (Deposition Exhibit No. 2 was marked for 04:20:22
12 identification.) 04:20:22
13 Q. Okay. Could we pull up Tab 5, please, 04:20:22
14 Daniel, and mark this as Exhibit 2. 04:20:43
15 Okay. And this is Bates numbered 04:21:17
16 starting AOS_000204. 04:21:23
17 Can you see this, Auditor Faber? 04:21:27
18 A. Yep. 04:21:28
19 Q. Okay. Have you seen this before? 04:21:30
20 A. It looks like it was something we 04:21:35
21 submitted in discovery, but I don't recall 04:21:37
22 seeing it. But looking at it, it's possible. 04:21:39
23 Q. Okay. And could you scroll down to the 04:21:42
24 bottom of the page, Daniel. 04:21:48
25 MS. PFEIFFER: I think he's reading it. 04:21:53

1 MS. GOLDROSEN: Okay. You can scroll 04:21:55
2 back up, please, Daniel. 04:21:56
3 THE WITNESS: Okay. I think I know what 04:21:58
4 this is. I think this is from a binder that we 04:22:00
5 created to do an analysis of the various 04:22:04
6 submissions to the Redistricting Commission. I 04:22:07
7 asked my staff specifically to go through all 04:22:09
8 of the submissions so that we could get an idea 04:22:14
9 of which ones candidly we thought were 04:22:17
10 constitutional and which ones worked so we at 04:22:20
11 least had -- if we were going to look at them 04:22:22
12 for some serious implementation possibly, we 04:22:24
13 wanted to know that they were -- which ones 04:22:28
14 were which. 04:22:31
15 And like I said, I reviewed or my staff 04:22:32
16 reviewed every single proposal that we could 04:22:35
17 get hands on. But, again, we didn't have the 04:22:37
18 redistricting software. We were using Dave's. 04:22:40
19 BY MS. GOLDROSEN: 04:22:42
20 Q. Okay. So did -- okay. Do you know who 04:22:43
21 put together this map -- 04:22:52
22 A. It would have been some of my staff, 04:22:55
23 most likely. Who drafted this? I can't say. 04:22:56
24 It was probably my staff. It looks like these 04:23:00
25 are their notes and their summary of our 04:23:02

binder. And if somebody asked us about a 04:23:04
particular submission, they were my notes to 04:23:07
comment about what we were concerned about or 04:23:11
what we liked about it or just basically some 04:23:13
notes about that. 04:23:16
Ultimately, I thought we were going to 04:23:18
have direct commission hearings an opportunity 04:23:20
to actually discuss features of maps, not just 04:23:23
hear repetitive testimony, but that's not what 04:23:27
happened. 04:23:30
(Deposition Exhibit No. 3 was marked for 04:23:30
identification.) 04:23:30
Q. Okay. 04:23:30
Daniel, could we pull up Tab 8 and mark 04:23:32
that as Exhibit 3, please. And this is Bates 04:23:38
number starting AOS_000255. 04:23:44
Okay. Have you seen this before? 04:24:05
A. A yellow sheet with a tab on it? I've 04:24:10
seen -- I don't know whether I've seen this one 04:24:14
or not. If you're telling me -- 04:24:16
Q. Fair. 04:24:17
A. -- this came out of the binder, I will 04:24:18
say, yeah, that's possible. 04:24:20
Q. Does it appear to be a portion from the 04:24:23
bind he were you were discussing? 04:24:25

A. Yes, yes. And this was completed by my 04:24:26
staff with their notes about the various maps. 04:24:30
Q. Okay. 04:24:32
And Daniel, could you stop on 256, 04:24:33
please. 04:24:35
So this is AOS_000256. Do you recall, 04:24:39
does the reference the Senate and House 04:24:48
Republicans, would that have been President 04:24:51
Huffman's proposed map? 04:24:54
A. Yeah, it probably would have been their 04:24:55
first proposed map, I'm guessing. 04:24:57
Q. Okay. And to the best of your 04:24:59
knowledge, this handwriting is from a staff 04:25:04
member of yours? 04:25:07
A. Absolutely. 04:25:07
Q. And do you recall which staff member it 04:25:09
was? 04:25:13
A. I do not. It was probably one of my 04:25:13
external affairs team. Probably either Emily 04:25:17
or Alex, or another one of our staffers who 04:25:21
spent time. It could have been Tom who works 04:25:24
for Emily. 04:25:27
I asked them to go through each one of 04:25:28
the maps. We created this rating criteria, 04:25:30
which were essentially constitutional elements, 04:25:32

and see what they could determine off each one 04:25:35
of the maps without having more detailed 04:25:37
software so we at least had a place to start 04:25:39
and look if these maps ever came up for us to 04:25:42
do an analysis of the constitutionality. 04:25:44
Candidly -- well, go ahead. 04:25:47
Q. No, please continue. 04:25:51
A. I was going to say it was Democrat 04:25:52
staffers who I really appreciated. I think it 04:25:54
was Randall and their hired staffer who told us 04:25:58
that Dave's Redistricting, if you drew maps 04:26:02
with that, that it would be pro forma 04:26:04
unconstitutional. It would not have met the 04:26:07
constitutional test. 04:26:09
So that was very helpful to us, because 04:26:10
we didn't know that. 04:26:12
Then ultimately I believe -- and I don't 04:26:13
remember his name. He was the hired guy. It 04:26:16
wasn't Randall. It was the other guy. They 04:26:18
were all very helpful to us -- testified in one 04:26:20
of the committees that all of these maps that 04:26:22
we had done this detailed comparison with were 04:26:24
all unconstitutional because they didn't meet 04:26:28
the requirements in various areas and they had 04:26:31
splits in other places. 04:26:34

1 So after this my staff kind of looked at 04:26:36
2 me, you had us do a useless deed going through 04:26:38
3 this. I said, well, it's still helpful to us 04:26:42
4 because we at least got a chance to look at all 04:26:44
5 the submissions and figure if there was 04:26:45
6 something we could work with. 04:26:47
7 Q. Okay. Thank you. 04:26:48
8 And Daniel, you can take that exhibit 04:26:49
9 off the screen. 04:26:50
10 So along those notes, Auditor, earlier 04:26:51
11 you stated that Democratic leaders welcomed us 04:26:59
12 into their map drawing sanctum and let us go 04:27:02
13 through the programs. 04:27:05
14 Do you recall stating that? 04:27:07
15 A. Yes. 04:27:09
16 Q. And by "Democratic leaders," do you mean 04:27:10
17 the Sykes? 04:27:12
18 A. Correct. 04:27:14
19 Q. Do you recall when it was that you went 04:27:15
20 to their map drawing sanctum? 04:27:19
21 A. The very first time we went there was 04:27:22
22 actually in Kenny Yuko's office, not long after 04:27:25
23 Vern's maps have been introduced, in the 04:27:30
24 beginning of the process. 04:27:33
25 I had asked to do the same thing and go 04:27:34

through the Democrat maps with the Republicans 04:27:37
to understand why they didn't think they were 04:27:39
constitutional to better understand their 04:27:41
concerns. 04:27:43
I indicated that I thought it was 04:27:44
appropriate for us to go through and hear all 04:27:46
of the sides of issues. From both of the two 04:27:52
legislative camps. And the Democrats were 04:27:56
welcoming, and we did that. I had a great 04:27:59
conversation with Vern Sykes, Senator Sykes 04:28:02
early on. And then ultimately later on at some 04:28:06
point we got invited over in the majority 04:28:10
conference -- or the minority conference room 04:28:13
in the Senate where they were doing their map 04:28:15
drawing, and went through with their drawer and 04:28:17
Randall, and a plethora of other staff from 04:28:20
both Senator Sykes' office and Leader Sykes' 04:28:24
offices. 04:28:26
Again, I was trying to get at their 04:28:28
concerns. What are the things that you guys 04:28:29
think are important, and what are the things in 04:28:32
each area? 04:28:34
There was one that I completely agreed 04:28:35
with them and tried hard to do it. And I 04:28:37
mentioned it was trying to get minority 04:28:40

1 communities together where you could 04:28:41
2 constitutionally. And Trotwood is the one that 04:28:43
3 comes to mind, and, you know, I know the mayor 04:28:45
4 of Trotwood really well. Trotwood got hit by 04:28:48
5 the same tornado that hit my hometown, and we 04:28:51
6 worked really closely with them. They needed 04:28:54
7 to be represented by, where they could, by a 04:28:56
8 community of interest, if it's possible. And 04:28:59
9 we tried to do that and work with them to do 04:29:01
10 that. 04:29:03
11 Q. And just to clarify, so you were invited 04:29:03
12 into the map drawing rooms, I'd say, for both 04:29:07
13 Senator Sykes and Leader Sykes? 04:29:13
14 A. They had the same room. If they had 04:29:15
15 different rooms, I don't know about it. 04:29:17
16 Q. No, I'm just trying to understand your 04:29:19
17 statement. 04:29:21
18 A. Okay. 04:29:22
19 Q. Okay. So were you invited into the map 04:29:23
20 drawing room on more than one occasion? 04:29:26
21 A. Yes. 04:29:28
22 Q. Okay. Two times? 04:29:29
23 A. At least. Probably more like half a 04:29:32
24 dozen. 04:29:36
25 Q. Okay. And you say that -- 04:29:37

A. Maybe it was less than that, I don't 04:29:41
remember, but it was a number of times. 04:29:45
Q. And you stated they let us go through 04:29:47
the programs. What does "let us go through the 04:29:49
programs" mean? 04:29:51
A. We sat at one point with their map 04:29:52
drawers at a conference table, and we worked 04:29:55
through maps of different regions of the state. 04:30:02
And, again, that's where I said I worked 04:30:05
primarily on northwest Ohio, Dayton, Cincinnati 04:30:08
and Columbus, and Secretary LaRose worked on 04:30:11
northeast Ohio. We worked together, I think, 04:30:15
in central Ohio and southeast Ohio. 04:30:18
But we probably got to see what they 04:30:20
thought they could compromise on for about 04:30:24
60 percent of the state in areas, and 04:30:27
understood things that they didn't really care 04:30:30
much about and things that they cared a lot 04:30:31
about, again, to try and identify where we 04:30:34
could possibly land these planes and 04:30:37
compromise. 04:30:42
I will tell you, the meetings were 04:30:43
fairly productive. At anytime, Vern may or may 04:30:45
not have been in the room, Emilia may or may 04:30:48
not have been in the room. It seemed like 04:30:50

1 Emilia's chief of staff was always in the room. 04:30:52
2 And certainly sometimes we had various staff of 04:30:55
3 ours in the room too. 04:30:59
4 But I thought they were productive 04:31:01
5 discussions. 04:31:02
6 Q. And the programs you're talking about 04:31:04
7 are those the technical map drawing programs 04:31:06
8 that you didn't have access to yourself? 04:31:09
9 A. Yes. Actually, most of it -- actually, 04:31:11
10 that's not true. We were using, I think, 04:31:14
11 Dave's maps, the Dave's program, but they had 04:31:16
12 the ability to run whatever you would draw on 04:31:21
13 Dave's against this other program, and they had 04:31:23
14 them sitting there with two different computer 04:31:26
15 screens. And we were using Dave's, and then 04:31:29
16 they would bounce it up against that to see if 04:31:30
17 they had the whatever needed to be right, 04:31:33
18 right. 04:31:37
19 Q. Okay. And you, yourself, didn't have 04:31:38
20 the ability to make that sort of comparison? 04:31:41
21 A. We did not. 04:31:44
22 Q. Okay. Well, Auditor Faber, that's all 04:31:46
23 the questions I have, so I'm going to turn it 04:31:49
24 over to Ms. Jasrasaria. 04:31:54
25 MS. PFEIFFER: Can we take about five 04:32:06

1 minutes? 04:32:07
2 MS. GOLDROSEN: That works for us. 04:32:07
3 THE VIDEOGRAPHER: Going off the record. 04:32:09
4 The time is 4:32 p.m. 04:32:10
5 (Recess ensued from 4:32 p.m. to 04:32:12
6 4:38 p.m.) 04:38:09
7 THE VIDEOGRAPHER: Going back on the 04:38:15
8 record. The time is 4:38 p.m. 04:38:16
9 04:38:16
10 EXAMINATION 04:38:16
11 BY MS. JASRASARIA: 04:38:16
12 Q. Thank you. 04:38:23
13 Auditor Faber, my name is Jyoti 04:38:23
14 Jasrasaria, and I'm here on behalf of the 04:38:26
15 Bennett relators. Thank you again for your 04:38:29
16 time this afternoon. I'm just going to ask a 04:38:31
17 few questions. 04:38:34
18 I wanted to start by turning to 04:38:35
19 something you had mentioned in your testimony 04:38:37
20 just now with Ms. Goldrosen's questioning. You 04:38:40
21 mentioned that your goal throughout this 04:38:45
22 process was to pass a 7-0 bipartisan map; is 04:38:47
23 that correct? 04:38:52
24 A. Correct. 04:38:52
25 Q. Was there ever any discussion of passing 04:38:54

a bipartisan map with fewer than seven votes? 04:38:56
A. There was a mention at one point, again, 04:39:00
I think where Leader Sykes mentioned that she 04:39:05
didn't think Bob -- I'm sorry -- Speaker Cupp 04:39:08
and her were ever get on the same page. There 04:39:11
would never be a map they could both compromise 04:39:14
and work on. That she wanted to suggest that a 04:39:17
5-0 map would work. 04:39:19
Again, that would have required us to 04:39:21
pick a map that we liked to get a ten-year map. 04:39:24
And, ultimately, without having access to test 04:39:28
the various maps, I mentioned to her that the 04:39:31
only way I thought we could get compromise was 04:39:34
having the ability to put the two parties 04:39:38
through each other's vetting process with the 04:39:42
maps, to find compromise between the two 04:39:44
legislative chambers. Because I thought that 04:39:47
that would be a better process to verify, and 04:39:50
basically share responsibility for compromise. 04:39:53
And so that was the only time I recall 04:39:56
ever discussing a 5-0 map. 04:39:59
Q. And just to clarify, that was the -- 04:40:02
when was that comment made about potentially 04:40:08
seeking a 5-2 map? 04:40:12
A. Again, dates and specifics, you're 04:40:14

1 asking me about lumping in probably what were 04:40:17
2 certainly a dozen, if not dozens, of 04:40:24
3 conversations at different time periods. 04:40:26
4 My suspicion is it was at the end when I 04:40:28
5 was coming to the conclusion that we weren't 04:40:33
6 really going to have a negotiated map. And 04:40:34
7 that probably is when Leader Sykes told me the 04:40:39
8 comment about Speaker Cupp and her never going 04:40:42
9 to be on the same page. 04:40:44
10 And, candidly, I thought that was -- my 04:40:46
11 reaction as somebody trying to get compromise, 04:40:48
12 I didn't like it. I thought that was -- I'm 04:40:54
13 not saying I thought it was posturing, but I 04:40:57
14 also thought that it was premature. We could 04:40:59
15 certainly get compromise. We just had to 04:41:03
16 figure out what the interests are to get 04:41:05
17 compromise. But it was clear that she was more 04:41:08
18 set in her opinion than my belief was. 04:41:10
19 Q. Do you recall if -- 04:41:17
20 A. To put it another way, being nice to 04:41:18
21 Leader Sykes, she meant what she was saying, 04:41:20
22 even though I didn't believe she meant what she 04:41:23
23 was saying. 04:41:25
24 Q. Do you recall if others, besides Leader 04:41:26
25 Sykes, were at all amenable to a bipartisan map 04:41:30

that had less than seven votes? 04:41:37
A. You're going to have to ask them. So 04:41:39
you're talking about a 3-2 map or some 04:41:44
combination thereof, it could be 4-2, I guess, 04:41:47
2-2. I don't know that discussion. You'd have 04:41:51
to ask the Governor and Secretary LaRose where 04:41:56
they were at on it. I know at one time or 04:41:59
another I think the Secretary mentioned to me 04:42:01
that, you know, the Governor, me and you could 04:42:04
vote with the Sykeses, and I said, well, that's 04:42:07
not going to happen, because I don't know that 04:42:11
I can trust the information I'm getting without 04:42:13
running it through some program to verify that 04:42:15
it's constitutional. 04:42:17
And, candidly, this process is looking, 04:42:19
the design of process to be bipartisan 7-0, and 04:42:22
so from my perspective, that's what we were 04:42:26
shooting for. I don't think the Secretary was 04:42:28
serious. I mean, we were talking just in 04:42:32
generalities, when the fact is it might have 04:42:34
been him saying that -- being a little unhappy 04:42:36
that we weren't getting a whole lot of 04:42:39
cooperation from the Republican map drawers. 04:42:41
Q. Turning back to the night of 04:42:44
September 15th, which you called the final 04:42:51

night. The question: So do you recall 9/15 04:42:55
hearing on September 15th, saying that you were 04:43:03
going to vote, "I'm going to vote yes with some 04:43:05
apprehension, and I'm going to vote yes in 04:43:09
reliance on the representation that I've gotten 04:43:11
from various legal counsel that these 04:43:14
provisions fully meet with the constitutional 04:43:16
parameters, and the people who have had the 04:43:18
ability to make these assessments, that this 04:43:20
map meets all those standards because we have 04:43:23
not had the ability to look at those things"? 04:43:25
A. I agree. I said that. 04:43:28
Is that what your question was? 04:43:31
Q. That was my question. Do you recall 04:43:32
saying that? 04:43:34
A. Yes. 04:43:34
Q. Thank you. 04:43:35
What were you referring to when you 04:43:40
mentioned that you were voting with some 04:43:42
apprehension? 04:43:44
A. Exactly what I said. I think that we 04:43:45
could have worked through the process if 04:43:48
everybody came just a little bit more focused 04:43:51
on what the interests were and less on their 04:43:54
positions. Worried less about the lawsuits or 04:43:57

1 the political ramifications that could have 04:43:59
2 come from whatever side you were on and I think 04:44:03
3 both sides were posturing politics, and then we 04:44:06
4 could have gotten a 7-0 map. We could have 04:44:09
5 gotten a bipartisan compromise then. That's 04:44:12
6 what the goal was, and we didn't. And I was 04:44:15
7 apprehensive about that. 04:44:17
8 Q. Did you have any specific apprehensions 04:44:18
9 about the map that you were voting on? 04:44:21
10 A. Look, as I said, I think later this map 04:44:22
11 isn't that bad, it's not that good. So it's a 04:44:28
12 compromise. 04:44:31
13 But at the end of the day, this was the 04:44:31
14 map that was originally introduced by the 04:44:33
15 Republicans. I would have preferred that we 04:44:35
16 had a bipartisan map and had some more 04:44:37
17 compromise on it. 04:44:40
18 But, ultimately, I was convinced that it 04:44:42
19 was constitutional, and that was our -- my 04:44:45
20 test, did it comply with Articles II, III, IV, 04:44:50
21 V, and VII. 04:44:53
22 And certainly VI was an aspirational 04:44:55
23 goal that I can tell you we tried to get to. 04:45:00
24 We tried to get to, depending on how you define 04:45:04
25 it, a proportional split. 04:45:06

Q. Whose representations were you relying 04:45:10
on when you made the statement about both the 04:45:15
night of the 15th as well as just now, that you 04:45:16
thought that the map was constitutional? 04:45:20
A. There were various representations. It 04:45:22
certainly was from the Cupp/Huffman team and 04:45:27
their lawyers. 04:45:30
I had a meeting with Frank Strigari that 04:45:31
I demanded, frankly, before I would consider 04:45:35
voting for their map, that I had assurances 04:45:38
that they had satisfied various components, 04:45:40
particularly that they hadn't violated the 04:45:44
provisions of the constitution. 04:45:47
And so I certainly talked to him, I 04:45:51
talked to my legal counsel, I talked to my 04:45:53
staff, and so those are the people that I was 04:45:56
relying on. 04:46:00
Q. And did you also seek any kind of 04:46:01
representation on whether it was compliant with 04:46:04
Section 6? 04:46:07
A. Again, because Section 6, I believe, is 04:46:08
primarily aspirational. I know what we did. I 04:46:11
know that they made come promises in this 04:46:15
regard on the Republican maps from my 04:46:18
conversation, and I know we tried to find what 04:46:21

1 it was. The problem is we had some 04:46:24
2 disagreement as to what those standards meant. 04:46:26
3 Q. Was there any other basis besides the 04:46:35
4 conversations you just mentioned for your 04:46:37
5 understanding that the final map was 04:46:39
6 constitutional? 04:46:40
7 A. Again, I guess, at the time, I think I 04:46:40
8 gave you the bases. That we examined the maps. 04:46:45
9 We looked at them. We tried to walk through 04:46:48
10 them the best we could with the software we 04:46:50
11 had. We had people who had run them through 04:46:52
12 the software. 04:46:55
13 Other than not liking the ratio here or 04:46:56
14 there, I had heard no complaints from the 04:46:59
15 Democrats specifically about areas they 04:47:01
16 believed were unconstitutional. 04:47:03
17 Again, I haven't read all of your 04:47:06
18 pleadings, but certainly the summaries that I'm 04:47:07
19 getting is nobody has made an argument of any 04:47:09
20 unconstitutional violations in 2, 3, 4, 5 or 7. 04:47:12
21 But the focus has been on Section 6. 04:47:16
22 And so those representations appear to 04:47:18
23 have been accurate. 04:47:22
24 Q. With regard to Section 6, I wanted to 04:47:26
25 ask, do you recall on the night of 04:47:29

1 September 15th asking for the Section 8(c)(2) 04:47:31
2 statement? 04:47:36
3 A. Absolutely. 04:47:36
4 Q. And do you recall when you asked for 04:47:37
5 that, like in terms of where the proceedings 04:47:41
6 were? 04:47:43
7 A. Yes, it was before we voted. I thought 04:47:43
8 it was important that we have that statement on 04:47:46
9 the record before we voted. I had been shown a 04:47:51
10 copy of it by Mr. Strigari. It is in my -- I 04:47:53
11 think it's in my text messages they texted it 04:47:58
12 to me earlier. 04:48:00
13 I had asked for it because, candidly, I 04:48:01
14 wanted to see what their arguments were. 04:48:03
15 As somebody who helped draft that 04:48:05
16 provision of the constitution when it went on 04:48:07
17 the ballot, I recalled my discussions at the 04:48:10
18 time of what that discussion meant. And 04:48:12
19 ultimately that section was what they showed 04:48:14
20 me. 04:48:20
21 Q. And when did you actually receive that 04:48:23
22 text message? Was it before the meetings that 04:48:26
23 evening or was it during meetings? 04:48:28
24 A. By text message, you can see the time of 04:48:29
25 when I got that attachment. I don't recall. I 04:48:32

1 think it was that night. I think it was 04:48:35
2 probably around, I don't know, 6:00, 7:00, 04:48:36
3 8 o'clock. My meeting with Strigari was after 04:48:42
4 9:00. So it was sometime before that I had 04:48:45
5 asked for that. 04:48:47
6 Because I said, "Look, this is not going 04:48:48
7 to be a bipartisan map that you guys want us to 04:48:50
8 vote on. What is your statement going to be? 04:48:53
9 And I want to see the statement." 04:48:55
10 Q. Thank you. 04:49:11
11 That's it in terms of my questioning. 04:49:12
12 So I'll now turn it over to Mr. Funari. Thank 04:49:14
13 you, Auditor. 04:49:18
14 A. Thank you. 04:49:19
15 04:49:26
16 EXAMINATION 04:49:27
17 BY MR. FUNARI: 04:49:27
18 Q. Good afternoon, Auditor Faber, can you 04:49:22
19 hear me okay? 04:49:24
20 A. I can hear you fine. 04:49:25
21 Q. Excellent. I have a few follow-up 04:49:28
22 questions to follow-up a few of the questions 04:49:29
23 that my colleagues have asked. 04:49:35
24 The first question I have is when did 04:49:40
25 the work of the Redistricting Commission begin? 04:49:42

A. When was the first commission meeting? 04:49:44
Q. August 6th. 04:49:53
A. It's whenever -- whenever that date was. 04:49:54
If that's -- I guess I don't know the date off 04:49:56
my hand. 04:49:59
Q. Okay. I believe the Governor put out a 04:49:59
press conference on August 2nd, which was a 04:50:02
Monday. Convening the first meeting of the 04:50:05
commission on August 6th. 04:50:08
A. Whenever we had the first meeting was 04:50:09
the first time we started to work on the map. 04:50:11
Q. Okay. So is it correct that you had 04:50:13
done no work prior to August 6th in working on 04:50:15
preparing a map, preparing for the work of 04:50:20
Redistricting Commission; is that correct? 04:50:23
A. Well, I'm going to answer that question, 04:50:24
there was no official work done. There was 04:50:29
certainly no map drawing done. There were 04:50:30
discussions in review of the constitutional 04:50:32
provisions. There were discussions in review 04:50:34
of various obligations. 04:50:38
I know I had my staff, my legal team 04:50:41
pull together all of the constitutional 04:50:44
requirements as a refresher, pulled up 04:50:46
summaries from the Legislative Service 04:50:49

1 Commission about the nuances of how the 04:50:52
2 commission was working. That probably happened 04:50:53
3 a year before our starting that process. 04:50:55
4 But, I guess to say that, no, nothing 04:50:58
5 official started. We didn't even -- I don't 04:51:02
6 even know that we knew about Dave's 04:51:04
7 Redistricting program at that point. We might 04:51:06
8 have shortly before that. But we certainly 04:51:08
9 didn't have any software. We certainly didn't 04:51:10
10 have any ability to do the work. 04:51:13
11 So the auditor's office, other than 04:51:14
12 gearing up for what was going to be a process, 04:51:16
13 didn't do anything before the first commission 04:51:20
14 meeting. 04:51:22
15 Q. Okay. You mentioned a couple of times 04:51:23
16 in your testimony about software. And early in 04:51:25
17 your testimony, you said you didn't have map 04:51:31
18 drawing software. And had you had that map 04:51:33
19 drawing software, you, personally, would have 04:51:36
20 been able to verify whether or not the map 04:51:38
21 passed the constitutional test but instead you 04:51:43
22 relied on others. And I think that's what you 04:51:45
23 said in your public statement, and then just 04:51:48
24 clarified those people would include Huffman, 04:51:51
25 Cupp, their lawyers, your lawyer, and other 04:51:53

1 members of your staff. 04:51:56
2 Do you recall testimony to that effect? 04:51:59
3 A. Vaguely, yeah, generally, yes. 04:52:00
4 Q. Okay. And is that true that you believe 04:52:02
5 had you had that software, you personally had 04:52:05
6 that software or your staff had that software, 04:52:09
7 that you would have been able to do your own 04:52:11
8 analysis with respect to the constitutional 04:52:15
9 requirements? 04:52:17
10 A. The question is would we have trained 04:52:18
11 and capable staff to run it? Having software 04:52:21
12 is one part of the equation. But I will tell 04:52:25
13 you I think it is important going forward that 04:52:27
14 all members of the Redistricting Commission and 04:52:29
15 their staffs have the software and that 04:52:31
16 everybody be trained to use it, so that all of 04:52:34
17 the members have the ability to look at 04:52:36
18 submissions independently, and have the ability 04:52:40
19 to independently take a look at some of the 04:52:43
20 lines and some of the divides. 04:52:45
21 Q. I appreciate that. I hope that is the 04:52:47
22 case. 04:52:50
23 But my question was had you had the 04:52:50
24 software, would you have been able to, in your 04:52:53
25 view, done your own analysis as to whether or 04:52:57

not the maps met constitutional muster? 04:53:02
A. In a perfect world, yes. The problem is 04:53:04
that it's not a perfect world. For example, 04:53:10
going into the congressional, after what 04:53:13
happened in the legislative, both Secretary 04:53:15
LaRose and I went out and purchased software. 04:53:18
We are told that our people can't get trained 04:53:22
to operate the software for at least months. 04:53:24
So, again, without knowing how to run 04:53:30
the software, software is really nice, but, 04:53:34
again, it's not a simple procedure. 04:53:38
Q. Right. And it's true, based on your 04:53:40
earlier testimony, that you did not order that 04:53:44
software prior to August 6th in order to use 04:53:46
the software for the drawing and analysis of 04:53:51
the maps that we've been talking about with 04:53:56
respect to the State Senate and legislative -- 04:53:58
A. The understanding was is that the 04:54:02
Democrat and Republican caucuses were going to 04:54:05
get the map drawing software, and our 04:54:07
understanding was that we would have access to 04:54:09
it. 04:54:11
Q. Okay. My -- 04:54:12
A. But that's not what happened. 04:54:13
Q. Okay. So it is a correct statement that 04:54:14

you did not make any effort to secure the 04:54:20
software for yourself, prior to August 6th, or 04:54:22
at any point -- let me -- let me clean up the 04:54:30
question a little bit. 04:54:33
It's a correct statement that at no 04:54:34
point prior to your vote to pass the map, the 04:54:36
final map at the final meeting, you had taken 04:54:40
no steps to secure for yourself or your staff 04:54:43
map drawing software, correct? 04:54:47
A. That's not entirely correct. We had 04:54:49
conversation early on during the commission 04:54:55
process, when are we going to get our software? 04:54:56
And I don't remember who it was, but one 04:55:02
of the members was rather surprised that we 04:55:04
didn't have software. The legislative leaders 04:55:07
on both the Democrat and Republican sides were 04:55:10
allocated funds from the Redistricting 04:55:13
Commission to purchase all of these things. 04:55:15
They never purchased them for the 04:55:18
constitutional officeholders: the Governor's 04:55:20
Office, our office, and the other office. 04:55:23
So we inquired at that time, because 04:55:25
they had gotten them for themselves, both 04:55:28
sides, and the presumption was that we would 04:55:31
have access to that software. And we were told 04:55:35

1 specifically that it was prohibitively 04:55:38
2 expensive for us to get the software, but if 04:55:40
3 we -- I think their comment was something like, 04:55:46
4 we never heard from the Republicans, but the 04:55:48
5 Democrats said, well, we could look into it. 04:55:51
6 But the problem at that point was 04:55:54
7 getting staff trained to use it if we were 04:55:56
8 going to get it. And, again, the presumption 04:55:58
9 at that point early on was that we would have 04:56:00
10 access to work with the software with either 04:56:03
11 one of the two caucuses to verify whatever we 04:56:06
12 needed to verify. 04:56:08
13 Q. Okay. 04:56:09
14 A. So I guess you asked me a simple 04:56:10
15 question that does not beget a simple answer. 04:56:12
16 Q. Well, let me ask the court reporter to 04:56:14
17 read back my question, because I respectfully 04:56:17
18 disagree. It is a simple yes/no question. 04:56:21
19 So I'd ask that she read the question 04:56:23
20 back. 04:56:27
21 MS. PFEIFFER: And I'm going to object 04:56:27
22 and say that he has asked and answered. He has 04:56:28
23 answered it for you three times. 04:56:30
24 So you can have the court reporter read 04:56:32
25 it back, but my objection will continue to be 04:56:33

asked and answered. 04:56:36
MR. FUNARI: I think with all due -- 04:56:37
MS. PFEIFFER: Do you have the realtime 04:56:38
video there? Can you read what he -- 04:56:39
MR. FUNARI: I do not. I do not have 04:56:41
the realtime video. 04:56:42
MS. PFEIFFER: So I believe what I just 04:56:43
heard him say is that, yes, in fact, he did 04:56:44
look into buying map -- 04:56:47
MR. FUNARI: That wasn't my question. 04:56:48
You're mischaracterizing my question. That's 04:56:50
why I'm asking the court reporter to read back 04:56:52
the question. 04:56:54
It is an incorrect statement, Julie, 04:56:55
that I've asked the question three times. I've 04:56:57
asked the question once. I got a nonresponsive 04:56:59
answer. 04:57:01
So, respectfully, I'm asking the court 04:57:02
reporter to read it back, and I'm giving the 04:57:04
witness the opportunity to answer my question. 04:57:06
MS. PFEIFFER: I think you have a 04:57:09
different definition -- 04:57:10
MR. FUNARI: Please read the question 04:57:10
back, madam court reporter. 04:57:12
MS. PFEIFFER: -- of what nonresponsive 04:57:13

1 is. 04:57:18
2 MR. FUNARI: At this point you are 04:57:18
3 interfering with my ability to conduct this 04:57:19
4 deposition. 04:57:21
5 MS. PFEIFFER: Why don't you just have 04:57:21
6 the court reporter read it back. 04:57:22
7 MR. FUNARI: So I would appreciate it if 04:57:23
8 you stop obstructing my ability to take this 04:57:24
9 deposition. 04:57:27
10 Please, madam court reporter, would you 04:57:28
11 read back my question. 04:57:30
12 (Testimony read back as follows:
13 Q. Okay. So it is a correct statement
14 that you did not make any effort to secure the
15 software for yourself, prior to August 6th, or
16 at any point -- let me -- let me clean up the
17 question a little bit.
18 It's a correct statement that at no
19 point prior to your vote to pass the map, the
20 final map at the final meeting, you had taken
21 no steps to secure for yourself or your staff
22 map drawing software, correct?) 04:58:16
23 BY MR. FUNARI: 04:58:16
24 Q. Okay. You can answer "yes" or "no." 04:58:17
25 MS. PFEIFFER: And he's asked -- why 04:58:18

1 don't you have the court reporter repeat back 04:58:20
2 what his last answer was and that's your 04:58:22
3 answer. 04:58:25
4 MR. FUNARI: His response was, well, 04:58:25
5 that's not exactly correct, which he didn't 04:58:26
6 provide an answer. 04:58:29
7 MS. PFEIFFER: And he did tell you -- 04:58:30
8 MR. FUNARI: He didn't answer the 04:58:31
9 question. He didn't answer the question. 04:58:32
10 I'd like an answer before he expounds on 04:58:34
11 the answer that you've considered he gave. So 04:58:38
12 I'd like an answer to that question. 04:58:41
13 BY MR. FUNARI: 04:58:43
14 Q. And I understand you go on to testify 04:58:43
15 about communications that you've had with 04:58:46
16 individuals, but that wasn't my question. My 04:58:48
17 question was read back, and I'd like an answer 04:58:51
18 to my question. 04:58:53
19 A. Your question isn't able to be answered 04:58:54
20 with a simple yes-or-no answer. 04:58:56
21 Q. Okay. Then let me ask one that is. Let 04:58:58
22 me ask you one that is? 04:59:00
23 A. It would be no -- 04:59:01
24 (Cross-talking) 04:59:04
25 Q. Sir, with all due respect. I will ask 04:59:04

1 it so that it can be. 04:59:07
2 Is it correct that neither you, nor your 04:59:09
3 staff, ordered or took steps to order any map 04:59:13
4 drawing software prior to the final meeting of 04:59:20
5 the Redistricting Commission on September 15th? 04:59:28
6 A. The answer is, no, that is not a correct 04:59:32
7 statement. 04:59:38
8 Q. What is incorrect about that statement? 04:59:39
9 A. As I explained to you in my more 04:59:42
10 detailed answer, I had conversations about 04:59:44
11 whether or not we were going to obtain software 04:59:49
12 and access to it. And the discussion that I 04:59:52
13 went into gave you the answer as to what we did 04:59:55
14 or didn't do, and why we did or didn't do it. 04:59:58
15 Q. And it is correct that following that 05:00:01
16 vote that you cast in the early morning hours 05:00:04
17 of September 16th, you did, in fact, instruct 05:00:07
18 your staff to go out and order Maptitude, a map 05:00:12
19 drawing software for the purposes of the 05:00:19
20 congressional redistricting process, correct? 05:00:21
21 A. That is correct. Because information 05:00:22
22 that we were gained on the prior process was 05:00:25
23 not accurate in what happened. 05:00:31
24 Q. And your office ordered the software? 05:00:32
25 A. And we sent the bill to the commission. 05:00:34

1 Q. And your office did not order the 05:00:36
2 software prior to September 15th, correct? 05:00:38
3 A. Correct. 05:00:41
4 Q. Okay. Now, in your testimony earlier, I 05:00:41
5 sensed some disappointment and frustration that 05:00:53
6 you had in both the process and the outcome of 05:00:57
7 the work of the Redistricting Commission. Is 05:01:03
8 that a fair understanding of your testimony? 05:01:05
9 A. I would think it's accurate in saying 05:01:09
10 the process didn't work the way I thought it 05:01:14
11 was going to work, and the outcome was not what 05:01:17
12 I wanted. 05:01:19
13 Q. Okay. Were you involved, and I believe 05:01:21
14 you may have alluded to this, were you involved 05:01:26
15 in the drafting of the constitutional 05:01:28
16 amendments, specifically those amendments to 05:01:31
17 Article XI back in 2015? 05:01:33
18 A. Yes. 05:01:35
19 Q. What was your role? 05:01:36
20 A. I believe at the time I was State 05:01:36
21 Senator. 05:01:40
22 Q. And what role did you play in actually 05:01:43
23 drafting those amendments? Were you part of a 05:01:48
24 committee or caucus? 05:01:50
25 A. Again, the way things happened in the 05:01:53

1 legislature in Ohio is you have somebody make a 05:01:55
2 suggestion, and you go back and forth, you 05:01:58
3 negotiate it, and ultimately you get a bill or 05:02:00
4 a resolution. In this case, since it was a 05:02:03
5 constitutional amendment, it was a resolution. 05:02:04
6 And you put that in front of your members to 05:02:07
7 vote on. 05:02:09
8 I believe on the Senate leads were 05:02:10
9 Senator Schiavoni, who was the Minority Leader 05:02:13
10 at the time, and me; and I believe the House 05:02:17
11 leads were Vern Sykes and Matt Huffman at the 05:02:18
12 time. 05:02:21
13 We also had other members that certainly 05:02:21
14 were involved. I think at the time Senator 05:02:24
15 LaRose was involved and other people were. 05:02:26
16 But our work in this area had gone back 05:02:29
17 several generals assembly before that where the 05:02:33
18 Senate had passed resolutions on redistricting 05:02:35
19 reform, and the prior speaker wouldn't take it 05:02:37
20 up. 05:02:40
21 So the Senate had worked on this issue 05:02:41
22 for sometime. And ultimately, the final 05:02:43
23 version that was adopted and put before the 05:02:47
24 voters was, I think, came out of that process. 05:02:49
25 Q. It seems like you personally were 05:02:52

1 involved in pushing for redistricting reform 05:02:57
2 during your time in the Senate? 05:03:00
3 A. That is correct. 05:03:01
4 Q. And how did you ultimately vote on the 05:03:02
5 amendments to Article XI? 05:03:04
6 A. My memory, I would be shocked if I 05:03:09
7 didn't vote for it. But there were times that 05:03:15
8 I would put things forward that I would vote 05:03:17
9 the other way. But I would be -- I would 05:03:19
10 imagine -- are you talking about on the ballot, 05:03:21
11 or are you talking about in the legislature? 05:03:24
12 Q. Both. Well, I'll ask the legislature, 05:03:27
13 because that's a matter of public record. 05:03:29
14 A. I think I voted for it. Maybe you're 05:03:31
15 telling me -- I'm pretty sure I voted for it. 05:03:33
16 Q. It's not a trick question. Not a trick 05:03:35
17 question. 05:03:37
18 A. You know, I think my name's on it as 05:03:38
19 lead sponsor, so I'm pretty sure I voted for 05:03:41
20 it. 05:03:44
21 Q. I believe so. 05:03:44
22 Let me ask you this: Is the process 05:03:46
23 that you've just gone through and the bill 05:03:49
24 passed, I guess, two, three months ago, August 05:03:56
25 through September, mid-September when the map 05:03:59

1 was adopted, was that the process that you 05:04:00
2 envisioned when you were so carefully drafting 05:04:05
3 and contemplating the amendments to Article XI? 05:04:10
4 Is that what you envisioned? 05:04:15
5 A. I mean, the short answer is I'm not sure 05:04:16
6 what we envisioned because it was a new process 05:04:19
7 and the dynamics. 05:04:22
8 I don't think the outcome was what I 05:04:25
9 anticipated. I will tell you that I 05:04:27
10 anticipated when we did this that we would end 05:04:29
11 up with bipartisan maps, because people would 05:04:33
12 want ten-year maps at almost any cost. And 05:04:36
13 certainly we saw other factors, and it could 05:04:42
14 have been because we got the data so late. It 05:04:44
15 could have been people were more worried about 05:04:47
16 lawsuits and litigation advantage, or having a 05:04:50
17 ballot initiative to modify the process, all 05:04:54
18 things that we heard from various interested 05:04:57
19 parties throughout the process. 05:05:00
20 But in the end, the answer to your 05:05:02
21 question, no, it didn't operate like I would 05:05:04
22 have hoped it would have. And I don't know if 05:05:09
23 that's rule based or personality based. 05:05:11
24 Q. So I take it from your testimony, you 05:05:16
25 didn't envision the process to be as partisan 05:05:19

1 as it was that you've described it actually was 05:05:23
2 in reality? 05:05:27
3 A. Yeah, the short answer is it's a 05:05:28
4 partisan process. It's a political process. 05:05:31
5 You can't draw political lines without having 05:05:34
6 politics. 05:05:36
7 But I did not envision when we passed 05:05:37
8 this that we would be in a situation to where 05:05:40
9 the parties would go to their respective camps 05:05:44
10 and not be willing to come out. 05:05:47
11 And that's -- that's the part that was 05:05:49
12 disappointing to me. But, again, I can tell 05:05:51
13 you on the Republican side, we didn't have a 05:05:55
14 conversation. And I'm not really talking 05:05:59
15 necessarily about the Governor, Secretary and 05:06:01
16 me, but certainly the Republican leaders 05:06:02
17 through everything they were done, was done 05:06:06
18 with the view we know we're going to get sued. 05:06:09
19 Let's be careful about showing our hand. Let's 05:06:11
20 be careful about where we're going to land. 05:06:13
21 On the Democrat side, okay, maybe we 05:06:15
22 want the lawsuit. Let's be careful about what 05:06:18
23 we show because we don't want to hurt our case 05:06:20
24 in the lawsuit because we might get better 05:06:23
25 districts if we file a lawsuit. And maybe we 05:06:24

1 want this issue politically in two years or 05:06:27
2 four years with another ballot initiative. All 05:06:30
3 of those are different political motivations. 05:06:33
4 And it's probably not fair that I 05:06:37
5 speculate because nobody ever told you what 05:06:38
6 those motivations were, but in reality, you can 05:06:40
7 see this operating in the background. And we 05:06:43
8 never anticipated that when we were doing the 05:06:45
9 constitutional amendment. So that's the -- 05:06:47
10 Q. So you never, as you were working on the 05:06:51
11 amendments, you never envisioned, as you 05:06:53
12 described two camps, a map coming out of the 05:06:55
13 Republican legislative camp and a map coming 05:06:57
14 out of the Democratic legislative camp, that's 05:07:01
15 not what you envisioned? 05:07:03
16 A. No, no, we absolutely envisioned that. 05:07:04
17 Because that's the process that we do things in 05:07:06
18 the legislature. You have somebody introduce 05:07:08
19 something, somebody else introduces an 05:07:10
20 amendment and you go back and forth and 05:07:13
21 negotiate. That's how we drafted the 05:07:14
22 constitutional amendment. That was the 05:07:15
23 process. 05:07:17
24 So we all anticipated that's the way we 05:07:17
25 draw maps because that's the way we've always 05:07:20

drawn maps. 05:07:22
What I didn't anticipate was that 05:07:22
parties would be so reluctant to actually 05:07:24
suggest amendments to the maps or talk about 05:07:27
where their real interests lies that they were 05:07:31
so caught up on positions that we couldn't get 05:07:33
meaningful discussion and compromise. So I 05:07:36
want to make sure I understood your question. 05:07:39
Q. Yeah, I think you did. 05:07:40
So which provision or amendment, if you 05:07:42
recall, reflects that process that you 05:07:47
described? That there would be two competing 05:07:50
camps coming forward with maps for 05:07:53
consideration by the commission? 05:07:56
MS. PFEIFFER: Object. Asked and 05:07:58
answered. 05:07:58
THE WITNESS: I don't understand your 05:07:59
question. And I guess because -- 05:08:00
BY MR. FUNARI: 05:08:02
Q. Sure. Let me ask it another way. Let 05:08:03
me ask it -- (cross-talking). 05:08:03
Yeah, let me ask it another way. 05:08:04
If you contemplated, when you were 05:08:07
working on the legislation, that there would be 05:08:09
competing maps introduced to the commission, 05:08:13

1 and the commission would try to work out a 05:08:17
2 bipartisan map, where in the constitutional 05:08:19
3 amendments and in today's Constitution is that 05:08:23
4 reflected? 05:08:27
5 A. I think it's reflected in the entire 05:08:28
6 spirit and scope of the constitutional 05:08:30
7 amendment and the process that's outlaid. 05:08:33
8 Specifically, I think you can look at 05:08:35
9 the fact that you want to push for a bipartisan 05:08:36
10 process. And that's consistent with the way 05:08:38
11 the legislative process or the deliberative 05:08:39
12 process has worked in Ohio for as long as I've 05:08:43
13 ever heard, probably going back to the 05:08:45
14 beginning of the state. 05:08:48
15 Q. Okay. Could we -- 05:08:50
16 MS. PFEIFFER: Court reporter, could we 05:08:52
17 get a time? I think we're out. 05:08:53
18 (Court reporter clarification.) 05:08:57
19 MR. FUNARI: While you're doing that, 05:08:57
20 can you pull up Tab 7, please. 05:08:58
21 (Discussion with Videographer held off 05:09:35
22 the written record.) 05:09:37
23 MS. PFEIFFER: I'm going to ask my 05:09:37
24 client not to answer. 05:09:38
25 MR. FUNARI: Okay. And if you could 05:09:41

1 scroll down to page 217. 05:09:42
2 (Deposition Exhibit 4 was marked for 09:54:00
3 identification.) 09:54:00
4 BY MR. FUNARI: 09:54:00
5 Q. Okay. I've put in front of you, and 05:10:01
6 we'll mark as an exhibit, Auditor Faber, a copy 05:10:03
7 of the Constitution of the State of Ohio, 05:10:06
8 specifically Section 1(C). 05:10:09
9 And I draw your attention to the second 05:10:11
10 paragraph that reads: The commission shall 05:10:15
11 release to the public a proposed General 05:10:17
12 Assembly district plan for the boundaries for 05:10:19
13 each of the ninety-nine house of representative 05:10:22
14 districts and the thirty-three senate 05:10:24
15 districts. The commission shall draft the 05:10:28
16 proposed plan in the manner prescribed in this 05:10:29
17 article. 05:10:33
18 Do you see that? 05:10:33
19 A. Uh-huh. 05:10:34
20 Q. And isn't it correct that the commission 05:10:35
21 never drafted a proposed plan, right? 05:10:37
22 A. I don't think that's correct. I think 05:10:40
23 when you talk about the commission shall in 05:10:43
24 this context, just like everything else, there 05:10:47
25 is a lot of things that says the auditor shall 05:10:49

1 or the legislature shall in the Constitution of 05:10:51
2 the Ohio laws. This clearly means that a 05:10:54
3 member of that entity shall. Somebody has to 05:10:56
4 act for the commission. You can't have a body 05:10:59
5 do something that -- a body that has no arms, 05:11:01
6 no legs, no independent thought process do 05:11:04
7 something that requires action. And so when a 05:11:06
8 commission member does something, it is adopted 05:11:11
9 by the commission that becomes the commission's 05:11:12
10 activities. 05:11:14
11 In other words, there is a provision in 05:11:16
12 the same constitution that says the legislature 05:11:17
13 shall enact a -- and I'm paraphrasing -- a 05:11:20
14 thorough and efficient system of education. I 05:11:24
15 don't think the legislature has to -- I don't 05:11:26
16 know how they would do it if you don't do it 05:11:27
17 through the legislative process of bills and 05:11:31
18 amendments and individuals and suggestions and 05:11:32
19 budgets. 05:11:34
20 So this technique, I don't know what 05:11:36
21 this would refer to other than the existing 05:11:37
22 process, deliberative process, that I've always 05:11:42
23 seen. I don't know how you would review it any 05:11:44
24 other way. 05:11:48
25 Q. I think the Supreme Court will tell us 05:11:49

1 what that means. 05:11:50
2 But I guess the only map that you've 05:11:51
3 spoken of and the only map that was introduced 05:11:57
4 before the commission was the September 9th map 05:11:59
5 drafted by the Republican legislative caucus, 05:12:05
6 correct? 05:12:09
7 MS. PFEIFFER: I'm going to advise my 05:12:09
8 client not to answer anymore questions. We are 05:12:10
9 over the two-hour limit. 05:12:14
10 MR. FUNARI: All right. 05:12:15
11 Julie, on the record, I have probably 05:12:16
12 two minutes' worth of questions left, and I 05:12:18
13 would ask for the professional courtesy of 05:12:22
14 letting me finish. 05:12:24
15 As you know, we have been very gracious 05:12:25
16 to the Attorney General's office in this 05:12:27
17 process. 05:12:29
18 You have responded to discovery late. 05:12:32
19 You have produced documents in Mr. LaRose's 05:12:34
20 case after his deposition occurred. You have 05:12:39
21 produced privileged documents, which we, as a 05:12:42
22 professional courtesy to you, returned to you, 05:12:44
23 asking you to confirm that they were privileged 05:12:48
24 and inadvertently produced. 05:12:50
25 We've been nothing but cooperative in 05:12:51

1 this process. 05:12:54
2 This is a Zoom deposition that is 05:12:55
3 happening remotely at the request of the 05:12:58
4 Attorney General's office. So I would ask for 05:13:00
5 some professional courtesy in allowing me to 05:13:02
6 finish. 05:13:04
7 MS. PFEIFFER: Thank you so much for 05:13:05
8 attacking me and my office. I appreciate that. 05:13:06
9 But, no. The answer is no. So, thank you. 05:13:08
10 MR. FUNARI: Did you get that on the 05:13:16
11 record, madam court reporter? 05:13:19
12 THE REPORTER: I did. 05:13:21
13 MR. FUNARI: Thank you. 05:13:22
14 MS. PFEIFFER: Do the respondents -- are 05:13:22
15 there respondents here? Do they have any 05:13:22
16 questions? 05:13:25
17 MR. MCGUIRE: Apologize, this is Greg 05:13:33
18 McGuire for the Speaker and President of the 05:13:34
19 Senate. No, we do not have any questions. 05:13:37
20 MR. GILLIGAN: This -- go ahead, 05:13:48
21 Ms. Merino. Go ahead. Sorry. 05:13:50
22 MS. MERINO: This is Ashley Merino, 05:13:53
23 Organ Law. On behalf of the commission, we 05:13:54
24 don't have any questions. Thank you. 05:13:55
25 MR. GILLIGAN: Yes, on behalf of 05:14:01

1 respondents, Vernon and Emilia Sykes, we do 05:14:03
2 have questions. If we could proceed with that. 05:14:09
3 MS. PFEIFFER: Thank you. 05:14:16
4 05:14:17
5 EXAMINATION 05:14:17
6 BY MR. GILLIGAN: 05:14:20
7 Q. Auditor Faber, my name is John Gilligan. 05:14:20
8 I'm the lawyer or one of the lawyers for Leader 05:14:25
9 Sykes and Senator Sykes, who are both members 05:14:30
10 of the commission. 05:14:34
11 In your testimony earlier, I think you 05:14:39
12 made the statement that you had been told that 05:14:40
13 by making a map that meets the compactness 05:14:45
14 requirements, that it would provide the 05:14:49
15 Republicans with a 3 to 5 percent advantage. 05:14:52
16 Do you remember that testimony, sir? 05:14:58
17 A. Yes. 05:14:59
18 Q. Okay. Who told you that? 05:15:00
19 A. We heard that during commission 05:15:02
20 testimony. I believe it was from the professor 05:15:05
21 who was representing or had represented or 05:15:09
22 worked with, I believe, the Allied 05:15:12
23 organizations, whether it was League of Women 05:15:15
24 Voters, Fair Districts or whoever it was. 05:15:17
25 The concept is straightforward. If you 05:15:20

1 draw districts that meet the representational 05:15:22
2 concept of people living near people who think 05:15:24
3 like them and vote like them, you're, by the 05:15:29
4 very nature when you avoid splits that are 05:15:33
5 required in the constitution, and when you 05:15:35
6 avoid separating counties, townships, cities, 05:15:37
7 and the compactness provisions, by the very 05:15:43
8 nature, you're going to draw districts that 05:15:47
9 have between 3 and 5 percent more Republicans 05:15:50
10 than Democrats. 05:15:58
11 That was the concept of what happens 05:15:59
12 when you comply with this. That's why we 05:16:01
13 really looked at the competitiveness issue to 05:16:03
14 try and draw competitive districts as much as 05:16:05
15 we could, and from the concept that LaRose and 05:16:08
16 I talked about if we were talking about how we 05:16:12
17 could find compromise. 05:16:14
18 Q. Okay. So let me first of all understand 05:16:16
19 this 3 to 5 percent advantage. That would be 05:16:19
20 an advantage in the number of seats that the 05:16:22
21 Republicans would get in the legislature over 05:16:25
22 the number of seats that the Republicans would 05:16:29
23 get just by following the compactness 05:16:32
24 requirement? 05:16:34
25 A. If I heard you -- if I heard you 05:16:35

1 correctly, yes. By drawing under those 05:16:37
2 constitutional guidelines, Democrats, in his 05:16:40
3 analysis -- and I asked this question, and he 05:16:44
4 answered it very candidly -- he said it's 05:16:46
5 between 3 to 5 points, and I may be 05:16:49
6 paraphrasing what he said. 05:16:52
7 But the concept is Democrats in Ohio are 05:16:53
8 more tightly clustered than Republicans are 05:16:56
9 tightly clustered. So when you do that, you're 05:16:59
10 going to have districts that meet the city and 05:17:01
11 the county boundaries that by and large are 05:17:04
12 larger Democrat percentages. And that 05:17:07
13 clustering is going to give an advantage in 05:17:13
14 that range. 05:17:17
15 And if you draw maps in Ohio, you see 05:17:18
16 that. But we are a state that has, you know, I 05:17:22
17 always say this, Ohioans tend to live around 05:17:26
18 people who think like them and vote like them. 05:17:29
19 Your urban core centers tend to vote Democrat, 05:17:32
20 Democrats tend to be clustered. Republicans 05:17:34
21 tend to be disbursed into rural areas and a 05:17:39
22 larger geographical footprint. 05:17:41
23 Q. You also talked about your experience as 05:17:43
24 a mediator over the years in your practice of 05:17:45
25 law, correct? 05:17:47

1 A. Correct. 05:17:47
2 Q. And that you were trying to act -- use 05:17:48
3 your mediation skills to bring the Republican 05:17:53
4 caucus members together with the Democratic 05:17:58
5 caucus members to reach a compromise; is that 05:18:03
6 right? 05:18:06
7 A. That was the goal. 05:18:06
8 Q. And unlike President Huffman, I haven't 05:18:11
9 actually been in a mediation with you, but I 05:18:14
10 assume that in a mediation you focus on the 05:18:17
11 element of the claims or defenses, correct? 05:18:20
12 A. It depends on the nature of the 05:18:23
13 mediation. But, yes, you certainly want to 05:18:28
14 separate legal issues from interests and 05:18:30
15 positions. 05:18:32
16 Q. So you're not just interested in 05:18:36
17 splitting the baby, wherever the two sides 05:18:38
18 start out. You're trying to focus on -- what 05:18:40
19 is at issue in the particular case or dispute, 05:18:44
20 correct? 05:18:50
21 A. To some degree, that's correct, 05:18:50
22 Mr. Gilligan. But in the end, you know, I 05:18:52
23 assume as a litigator, that most of the time, 05:18:54
24 the legal disputes are issues that a mediator 05:18:58
25 can't solve. You can't go in and say you're 05:19:01

1 going to win or you're going to lose summary 05:19:06
2 judgment. You can talk about the possibilities 05:19:08
3 and probabilities. 05:19:09
4 But as you go downstream from there, 05:19:10
5 what you really want to talk about is where the 05:19:12
6 interests are. And what are the parties' 05:19:14
7 interests in the resolution with the risks and 05:19:16
8 the potential rewards. And so once you get 05:19:18
9 people to identify where their real interests 05:19:21
10 lie, you can generally find a better chance of 05:19:24
11 settlement, in my experience. 05:19:27
12 But as a mediator, you're never going to 05:19:28
13 step on and say, oh, you make a wonderful legal 05:19:31
14 argument. The other side disagrees with it 05:19:34
15 completely, I'm going to decide that issue. 05:19:36
16 That's not a mediation. That might be 05:19:38
17 an arbitration. Certainly could be what a 05:19:40
18 judge says. But it's not what a mediator does. 05:19:42
19 At least in my experience. 05:19:44
20 Q. You certainly have had experience where 05:19:49
21 one party starts out with an unreasonable 05:19:52
22 position. 05:19:55
23 A. Always. 05:19:55
24 Q. It can't be justified by the law that 05:19:55
25 applies to the particular dispute, right? 05:19:57

A. Mr. Gilligan, you're exactly right. 05:19:59
Most parties start out at an unreasonable 05:20:01
position, and at some point they come -- you 05:20:03
know, and I do a wonderful little diagram that 05:20:06
points to what you talk about, the range of 05:20:09
possibility and probability. There is a 05:20:11
difference. 05:20:15
Anything is possible. And in this case, 05:20:15
you want to go for the probable, not just the 05:20:19
possible. 05:20:22
Q. So you've talked here today in your 05:20:22
deposition and you've talked at the meeting on 05:20:25
September 15th about competitiveness in 05:20:29
districts, correct? 05:20:32
A. Correct. 05:20:33
Q. And that you and Secretary LaRose were 05:20:36
trying to focus on competitiveness, correct? 05:20:39
A. At one point, that is correct. We 05:20:41
talked, Secretary LaRose and I, talked about 05:20:45
what a possible compromise would be. And the 05:20:48
discussion was why don't we try and draw all of 05:20:50
the safe districts that have to be drawn under 05:20:54
the constitutional provisions. 05:20:56
For example, we are going to have state 05:20:58
districts in the inner city of Cleveland that 05:21:00

1 are going to be Democrat. You're going to have 05:21:02
2 state districts in northwest Ohio that are 05:21:04
3 going to be Republican. Let's figure out what 05:21:06
4 the constitutional drawing requires for safe 05:21:08
5 districts and then try and figure out how we 05:21:11
6 can draw competitive districts. 05:21:12
7 And one of the problems you had, 05:21:14
8 Mr. Gilligan, was determining what competitive 05:21:15
9 meant. What is competitive? Is it a ten-point 05:21:18
10 swing? Is it a four-point swing? Is it a 05:21:21
11 six-point swing? 05:21:23
12 But, ultimately, to answer your question 05:21:24
13 is at one point Frank and I said a novel 05:21:26
14 concept to try to get compromise is let's see 05:21:30
15 if we can get both parties to agree on a 05:21:33
16 strategy to where we can identify where you 05:21:36
17 have to have safe districts and then figure out 05:21:40
18 where you need to draw competitive districts. 05:21:42
19 And that certainly would have responded 05:21:44
20 to what we heard in the over 40 hours of 05:21:47
21 testimony about the concerns about 05:21:50
22 anti-competitive districts and what happens in 05:21:54
23 those situations. 05:21:56
24 Q. The changes to Article XI do not 05:21:57
25 specifically call out a factor of 05:22:03

1 competitiveness, do they? 05:22:06
2 A. Exactly correct. 05:22:07
3 Q. They do call out a factor of 05:22:09
4 proportionality though, don't they? 05:22:11
5 A. Well, it does -- it does talk about that 05:22:13
6 in Article VI, yes. 05:22:18
7 Q. And you understand that the -- one of 05:22:19
8 the focuses of Section 6 was that it would 05:22:31
9 embody the anti-gerrymandering principle of the 05:22:36
10 amendment to the constitution, correct? 05:22:43
11 A. I would argue that the entire provision 05:22:44
12 would have embodied some of that, particularly 05:22:47
13 Article II, III, IV, V, and VII, because if 05:22:49
14 you're drawing districts that are compact, that 05:22:52
15 keep cities, counties, and townships together, 05:22:56
16 you're keeping people in districts that 05:22:58
17 basically share their interests. 05:23:00
18 And to me, gerrymandering means a lot of 05:23:02
19 things to a lot of different people. We've 05:23:05
20 heard a lot of people testify at our public 05:23:07
21 hearings about their interpretation of what 05:23:09
22 gerrymandering is. 05:23:13
23 So, again, when you look at the entire 05:23:14
24 provision, the goal was to draw districts that 05:23:17
25 could have people represented by people who 05:23:19

share their thoughts and values. 05:23:20
Q. Well, the 2011 map that was drawn by the 05:23:23
redistricting board had a partisan favorability 05:23:27
of 67 Republican seats in the House to 33 05:23:35
Democratic seats, right? 05:23:39
A. I don't know that. 05:23:41
Q. You don't know that. Well, you know 05:23:42
that there was a public outcry about the 05:23:45
redistricting map that was enacted in 2011? 05:23:52
A. I know that there were a lot of people 05:23:55
who did not like the 2011 map. That is 05:23:59
correct. 05:24:01
Q. All right. And some of them were 05:24:01
Democrats and some of them were Republicans? 05:24:03
A. I'm sure that's true. 05:24:06
Q. Right. And that there was an effort to 05:24:08
pass a constitutional amendment to eliminate or 05:24:14
reduce gerrymandering in the drawing of the 05:24:17
districts, correct? 05:24:20
A. I think that's correct. What we're 05:24:20
talking about today. 05:24:27
Q. Okay. And is the map that was drawn by 05:24:28
the Republican caucus and passed by a majority 05:24:32
of the commissioners in 2021 any more or less 05:24:36
partisan than the map that was drawn in 2011? 05:24:43

1 MS. PFEIFFER: I'm just going to object 05:24:51
2 to say that he testified that he doesn't know 05:24:53
3 the partisan-ness of the 2011 map. He 05:24:56
4 testified to that. So are you asking him to 05:24:59
5 compare the 2011 map with the 2021 map? 05:25:01
6 MR. GILLIGAN: Yes, I am. 05:25:05
7 MS. PFEIFFER: Well, I'll object to 05:25:07
8 that. But to the extent that he knows, he can 05:25:11
9 answer. 05:25:13
10 THE WITNESS: Again, I don't know how 05:25:14
11 to -- I don't know how to do that comparison. 05:25:15
12 I have not made that comparison except to say I 05:25:17
13 think the Republicans have more legislative 05:25:20
14 seats now than they will under the new maps. 05:25:24
15 BY MR. GILLIGAN: 05:25:24
16 Q. So did the commission have counsel? 05:25:38
17 A. I'm sorry, say again? 05:25:43
18 Q. Did the commission have legal counsel? 05:25:45
19 A. The commission as an entity? I don't 05:25:47
20 know. I did not ever talk to a commission 05:25:49
21 legal counsel. 05:25:52
22 Q. Okay. When you talk about you got 05:25:55
23 advice or comments from Frank Strigari, he was 05:25:58
24 not your counsel, was he? 05:26:03
25 A. He was not. 05:26:04

1 Q. Okay. So what is it that Mr. Strigari 05:26:05
2 told you about the compliance of the 2021 map 05:26:09
3 that you voted on with the constitutional 05:26:16
4 provisions? 05:26:20
5 A. Mr. Strigari is a lawyer for the Senate 05:26:20
6 Republican Caucus. At one time he was my 05:26:25
7 lawyer. He is no longer my lawyer. 05:26:27
8 I asked him to walk me through the legal 05:26:29
9 arguments with regard to the constitutionality 05:26:32
10 of the map that was proposed by Mr. Huffman and 05:26:34
11 Mr. Cupp in the end. 05:26:38
12 And I asked him questions with regard to 05:26:40
13 that map for me to understand that they had 05:26:43
14 done the due diligence that I thought was 05:26:46
15 necessary to draft a map that met particularly 05:26:48
16 the requirements of Section 2, 3, 4, 5 and 7 of 05:26:50
17 the Ohio Constitution. 05:26:54
18 Certainly with an attempt at number 6. 05:26:55
19 Q. What did he tell you? 05:27:00
20 A. I don't remember the exact words. But 05:27:01
21 in summary, he said we did it. Here's what we 05:27:07
22 did. There are no provisions of the 05:27:10
23 constitution that are violated, and this is 05:27:11
24 where we landed. 05:27:15
25 And I asked specifically how are you 05:27:17

1 going to draft or what is the drafting of the 05:27:19
2 competitiveness statement that's required if 05:27:22
3 it's a non-bipartisan map? And he went through 05:27:25
4 that statement with me. 05:27:30
5 Q. Did you get representations from any 05:27:33
6 other legal counsel, other than Mr. Strigari? 05:27:47
7 A. I spoke with my legal counsel about it. 05:27:50
8 Q. And who is that? 05:27:53
9 A. Sloan Spalding. 05:27:54
10 Q. And he is your legal counsel in the 05:27:57
11 Auditor's Office; is that correct? 05:28:00
12 A. Correct. He is my chief of staff and 05:28:01
13 legal counsel, our legal -- I forget his $12 05:28:03
14 title, but, yes, he serves as one of my 05:28:07
15 lawyers. 05:28:09
16 Q. Okay. Did you speak to any other legal 05:28:10
17 counsel? 05:28:12
18 A. I don't recall whether or not I spoke to 05:28:12
19 legal counsel from the House, but certainly not 05:28:17
20 at that night. I would have spoken to legal 05:28:20
21 counsel for Mr. LaRose at one point or another. 05:28:25
22 I'm sorry, could you ask me when the 05:28:28
23 time period of this question is? I'm not sure 05:28:30
24 of the time period you're asking. 05:28:33
25 Q. Okay. Let me see if I can frame this 05:28:34

with your statement that was quoted to you 05:28:38
earlier in the deposition, but let me remind 05:28:40
you of it. 05:28:44
"I am going to vote yes in reliance on 05:28:45
the representation that I've gotten from 05:28:47
various legal counsel, that these provisions 05:28:49
fully meet with the constitutional parameters." 05:28:52
So you've mentioned Mr. Strigari, and 05:28:56
told us what you remember of what he told you. 05:29:00
You have mentioned Sloan Spalding, and I 05:29:03
haven't asked you about the substance of your 05:29:06
communication with him. 05:29:09
So now I'm asking you did you speak to 05:29:11
any other lawyers that gave you the 05:29:15
representation that this map that the 05:29:19
commission approved by a 5-2 vote, met the 05:29:22
constitutional parameters? 05:29:27
A. Not that night. 05:29:28
Q. Any other night before you made your 05:29:32
vote? 05:29:34
A. I would imagine that I had spoken to 05:29:35
other lawyers. Specifically, I know we were 05:29:38
around LaRose's counsel at one time or another. 05:29:41
He would not have been giving me legal advice, 05:29:43
but we might have been talking about various 05:29:46

1 provisions and generic about the redistricting 05:29:48
2 constitutional provisions. 05:29:51
3 I would imagine that I spoke to House 05:29:53
4 lawyers at one time about some various things. 05:29:57
5 But, again, none of them were in the process of 05:30:00
6 -- I guess Mr. Strigari wasn't giving me legal 05:30:02
7 advice either. The only ones giving me legal 05:30:06
8 advice would have been my lawyer. 05:30:07
9 Q. And do you recall the substance of 05:30:08
10 anything that Mr. LaRose's lawyer told you 05:30:10
11 about whether the provisions of this map that 05:30:15
12 you were voting to approve met the 05:30:18
13 constitutional parameters or not? 05:30:20
14 A. Mr. Gilligan, I don't believe we talked 05:30:23
15 about this specific map. I think I mentioned 05:30:25
16 that it wasn't that night. So it would have 05:30:27
17 been at some point before this particular 05:30:30
18 amendment or this particular map would have 05:30:31
19 been offered. 05:30:33
20 But I would tell you that I think the 05:30:34
21 only thing we would have spoken about is as a 05:30:36
22 general application of the constitutional 05:30:39
23 provisions and how they apply and what the 05:30:40
24 process needs to be. 05:30:42
25 Q. Then you went on in your statement and 05:30:47

said, "and the people who have had the ability 05:30:49
to make those assessments, because we have not 05:30:51
had the ability to look at those things." 05:30:56
A. That's correct. 05:30:59
Q. So who are the people who told you that 05:31:00
this map met the constitutional parameters? 05:31:04
A. It would have been the House and the 05:31:07
Republican map drawers. Not specifically. I'm 05:31:14
talking about Huffman and Cupp here. 05:31:16
Q. The map drawers; you mean Mr. DiRossi? 05:31:18
A. I did not talk to DiRossi about these 05:31:21
maps at that point. I would have talked to 05:31:24
Matt Huffman and I would have talked to Bob 05:31:26
Cupp, and this is ongoing throughout the 05:31:29
process. 05:31:30
Q. So those are two of the people who you 05:31:31
relied on to convince you that the map that you 05:31:36
were voting on met the constitutional 05:31:41
requirements? 05:31:43
A. I believe that's correct. Those are two 05:31:44
of the people that I relied on. 05:31:46
Q. Okay. Anybody else that you can recall? 05:31:48
A. Yes. Specifically, I mean, we would 05:31:50
have had conversations with a number of people 05:31:53
about the validity of the various maps and the 05:31:55

versions of the maps. 05:31:57
We kept specifically asking for 05:31:58
provisions of the maps that were 05:32:00
unconstitutional with regard to 2, 3, 4, 5 and 05:32:02
7, and the only thing we ever heard concerns 05:32:05
about were the representation of 05:32:08
proportionality. 05:32:10
I still, Mr. Gilligan, unless you've got 05:32:11
something I'm not aware of, I have not heard of 05:32:14
any violations of 2, 3, 4, 5 or 7. 05:32:16
So if that's the nature of the question, 05:32:20
again, I'm not aware of any. And my concerns 05:32:23
with regard to those particularly with regard 05:32:27
to the splitting of cities and lines that we 05:32:29
didn't have the ability to verify on the map 05:32:32
software, those provisions I have repeatedly 05:32:36
been assured were done correctly, and that the 05:32:38
splits were made in full compliance with the 05:32:41
constitution. 05:32:42
Q. So let's get to this concept that you've 05:32:44
just mentioned again about representational 05:32:46
proportionality. What does that mean? 05:32:48
A. I think it's Article VI is what you're 05:32:50
talking about. 05:32:54
Q. Okay. And what do you understand 05:32:54

1 Article VI to mean insofar as you used the term 05:32:56
2 "representational proportionality"? 05:33:03
3 A. Well, that's a great question, 05:33:06
4 Mr. Gilligan. Ultimately that's the one that I 05:33:09
5 think the Supreme Court's going to rule on. 05:33:10
6 And I know you're not asking me for a 05:33:13
7 legal opinion because we haven't negotiated a 05:33:15
8 fee agreement in consultation with your 05:33:17
9 clients, but -- 05:33:21
10 Q. They'll support you, I'm sure. 05:33:23
11 A. I can tell you, well, my rates are 05:33:26
12 probably close to what Ice Miller's are, but 05:33:28
13 that's another issue. 05:33:33
14 I will tell you, when we passed this 05:33:34
15 constitutional amendment, we had great 05:33:35
16 deliberation and debate about that term. 05:33:38
17 And I recall debating in our chamber, 05:33:40
18 both in caucus and on the floor and in 05:33:44
19 committee and debate in the House side, where a 05:33:47
20 lot of people debated about whether Article VI 05:33:50
21 was aspirational or whether it was somehow 05:33:53
22 controlling and what exactly it meant. 05:33:56
23 And in that, I recall specifically at 05:33:58
24 one point, because remember this was passed at 05:34:00
25 a time looking back ten years, to where the 05:34:03

1 statewide elections were much more evenly 05:34:05
2 split. And most of us were looking at how many 05:34:07
3 seats or how many statewide officeholders went 05:34:12
4 Republican versus how many statewide 05:34:15
5 officeholder races went Democrat, and that's 05:34:17
6 what the numbers were being looked at. 05:34:21
7 And I remember doing the count myself of 05:34:23
8 that -- okay, the Secretary of State under 05:34:26
9 Strickland, the auditor was still a Republican, 05:34:28
10 and you went back and did those counts for the 05:34:32
11 previous ten years. So there is a very strong 05:34:35
12 argument that that provision was meant to mean 05:34:38
13 who won those seats. 05:34:40
14 There is also an argument that's been 05:34:42
15 advanced by everybody, most everybody who 05:34:44
16 testified in front of the commission from your 05:34:46
17 client -- well, not your clients, the other 05:34:48
18 relators clients -- that it somehow means a 05:34:50
19 total vote percentage gotten by for Republicans 05:34:54
20 and Democrats on the votes. That may be a 05:34:58
21 plausible argument, or it may be a hybrid 05:35:01
22 combination of the two. 05:35:04
23 Look, I will tell you, when we drafted 05:35:04
24 this nobody anticipated that the number 05:35:09
25 80 percent would ever show up at a 05:35:11

1 redistricting discussion. But by the same 05:35:13
2 token, in the end, that's an open question as 05:35:17
3 to what that means. And I will tell you, 05:35:21
4 because it's aspirational, at least that's the 05:35:24
5 view, that we certainly tried and I think 05:35:28
6 looking for competitive districts is one way to 05:35:31
7 try that. 05:35:33
8 The final map has 23 competitive 05:35:36
9 districts according to Dave's, of which most of 05:35:38
10 those lean -- or more of those lean Democrat 05:35:43
11 than lean Republican. 05:35:48
12 So looking at any count on any district 05:35:50
13 is a flawed process. To answer your question 05:35:52
14 as what representational proportionality means, 05:35:55
15 it first of all starts out, big assumption. 05:35:57
16 That if you draw a district that you think is 05:36:00
17 going to go Republican that that's the only 05:36:02
18 outcome that could happen, or Democrat, that's 05:36:05
19 the only outcome that could happen, and that's 05:36:06
20 not accurate. 05:36:08
21 We have plenty of examples where 05:36:09
22 Democrats win Republican seats that should be 05:36:11
23 55, 56 Republican, and Republicans win seats 05:36:14
24 that are 43, 44 Republican. 05:36:17
25 So elections matter, candidates matter, 05:36:20

1 election cycles matter. 05:36:25
2 And so, again, going back to the 05:36:28
3 baseline assumption as to what that means, I 05:36:30
4 think it's an aspirational goal. And I think 05:36:32
5 that certainly was a consideration in the 05:36:35
6 development of these maps. 05:36:37
7 Q. What does the aspirational goal mean to 05:36:39
8 you? 05:36:43
9 A. It means it's a goal. 05:36:43
10 Q. It's a goal. 05:36:46
11 A. It's -- the same thing, candidly, in 05:36:48
12 these maps that I worked with your clients to 05:36:51
13 meet an aspirational goal for more minority 05:36:53
14 influenced districts. 05:36:56
15 Q. So what did you do specifically to make 05:36:58
16 sure that there was representation 05:37:01
17 proportionality in this map? 05:37:04
18 MS. PFEIFFER: I'm going to object to 05:37:06
19 the extent that he has extensively answered 05:37:08
20 that throughout these almost three hours. 05:37:11
21 So if you have a specific question, I 05:37:14
22 think, you know, we want to answer the 05:37:17
23 questions, but insofar as -- he's been kind of 05:37:19
24 testifying to that throughout. I don't know 05:37:24
25 how he would be able to recap his entire 05:37:25

1 testimony. 05:37:30
2 BY MR. GILLIGAN: 05:37:30
3 Q. Well, let me ask. 05:37:32
4 What did you do to make sure that the 05:37:34
5 proportional -- proportion of Democratic and 05:37:37
6 Republican district corresponded closely to the 05:37:41
7 statewide preferences of the voters of Ohio 05:37:45
8 over the last ten years? 05:37:48
9 A. I think we've worked consistently to try 05:37:50
10 to make the numbers reflect in that range, and 05:37:53
11 I think they are. I mean, look, the question 05:37:57
12 is where are the numbers? What does that mean? 05:38:00
13 And because there is some ambiguity as to what 05:38:02
14 that means, the question is are they there? I 05:38:05
15 worked by trying to get compromise and 05:38:09
16 negotiate between the two parties. 05:38:11
17 Those negotiation resulted maybe a 05:38:13
18 little bit, maybe a lot, in the House and 05:38:16
19 Senate Republicans changing their proposals, 05:38:19
20 amending their proposed maps and reducing the 05:38:23
21 number of lean Republican seats that are 05:38:26
22 likely. 05:38:30
23 At the same time we worked with the 05:38:30
24 Democrats to try to get them to adjust their 05:38:32
25 maps. But I'll remind you that your clients 05:38:34

never offered or moved or seconded a single 05:38:36
amendment to the maps that were there. And 05:38:40
candidly, I tried to encourage them to do that. 05:38:43
I tried to encourage your clients to offer 05:38:46
amendments and make suggestions, and that just 05:38:48
didn't happen. 05:38:53
Q. But you said that you worked with the 05:38:55
Democrats, their mapmakers, and you and 05:38:56
Secretary LaRose in giving some input, correct? 05:39:05
A. We tried to find compromise, that's 05:39:07
correct. 05:39:09
Q. Okay. But you were able to work with 05:39:09
them on different adjustments that they could 05:39:11
make to their map? 05:39:13
A. We had certain areas of the maps that we 05:39:14
suggested that they adopt compromise areas, 05:39:18
yes. 05:39:20
Q. You had no -- 05:39:21
A. I'm sorry. 05:39:22
Q. No, I'm sorry. 05:39:23
A. We never saw a completed map that 05:39:24
imported our suggestions. In fact, the map 05:39:29
that they subsequently released, picked up 05:39:31
almost zero of our suggestions. 05:39:35
Q. Thank you, Mr. Auditor. That's all I 05:39:37

1 have. 05:39:59
2 A. Thank you. 05:39:59
3 (Court Reporter Clarification.) 05:40:08
4 MS. PFEIFFER: We don't. We will read 05:40:08
5 our transcript. 05:40:15
6 THE VIDEOGRAPHER: This marks the end of 05:40:16
7 the deposition of Ohio Auditor, Keith Faber. 05:40:18
8 We are going off the record at 5:40 p.m. 05:40:20
9 (Deposition concluded at 5:40 p.m., 139) 05:40:49
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Reporter's Certificate

State of California)
)
)

I, Debra Bollman Farfan, Registered Diplomate Reporter and CSR No. 11648, in and for the State of California, do hereby certify:

That prior to being examined, the witness named in the foregoing deposition was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth; That said deposition was taken down by me in shorthand at the time and place therein named and thereafter reduced to typewriting under my direction, and the same is a true, correct, and complete transcript of said proceedings;

I further certify that I am not interested in the event of the action. Witness my hand this 21st day of October, 2021.

Debra Bollman Farfan, CA CSR No. 11648
RDR, RMR, CRR, CRC

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2:16 LTE

Delete All

EK

Emily >

Cancel

iMessage
Sat, Sep 11, 5:11 PM

Sorry, I can't talk right now.

Nothing urgent. Just an update.

Sat, Sep 11, 7:36 PM

Just sent you the slides. Jess is going to have them printed for you tomorrow in the car too.

Mon, Sep 13, 2:09 PM

Both maps imported to your Dave's

Wednesday 10:45 AM

Exhibit #
1
10/20/21-DL
exhibitsticker.com

2:34 5G

107

EK SW

2 People >

iMessage
Sun, Sep 12, 4:01 PM

Sheila Willamowski

SW Hello! Are you close?

Emily Kaylor

EK Auditor is running 15-20 minutes late

Sheila Willamowski

SW Okay. We started about 8 mins ago. Leader Sykes just arrived as well.

Emily Kaylor

EK Thanks

11:22

102

AB

Alex

New contact photo available
Update Contact

Allie is already gone. Half way there

Mon, Sep 13, 6:20 PM

How goes it

It's a snails pace. The NW OH and Montgomery issues are resolved

Do you have something I can look at

No

Wed, Sep 15, 2:00 PM

Come to speakers

On my way

Wed, Sep 15, 6:00 PM

11:23

102

AB

Alex >

New contact photo available
Update Contact

No

Wed, Sep 15, 2:00 PM

Come to speakers

On my way

Wed, Sep 15, 6:00 PM

Minority sent a map to Emily and I that incorporated the suggestions you and the Sec made yesterday evening. They didn't do what you asked them to do (interests, etc), they just adjusted their map.

Call with MW at 7:30

Huffman wants to talk

Article XI, Section 8(C)(2) Statement

Pursuant to Article XI, Section 8(C)(2) of the Ohio Constitution, the Ohio Redistricting Commission issues the following statement:

The Commission determined that the statewide preferences of the voters of Ohio predominately favor Republican candidates.

The Commission considered statewide state and federal partisan general election results during the last ten years. There were sixteen such contests. When considering the results of each of those elections, the Commission determined that Republican candidates won thirteen out of sixteen of those elections resulting in a statewide proportion of voters favoring statewide Republican candidates of 81% and a statewide proportion of voters favoring statewide Democratic candidates of 19%. When considering the number of votes cast in each of those elections for Republican and Democratic candidates, the statewide proportion of voters favoring statewide Republican candidates is 54% and the statewide proportion of voters favoring statewide Democratic candidates is 46%. Thus, the statewide proportion of voters favoring statewide Republican candidates is between 54% and 81% and the statewide proportion of voters favoring statewide Democratic candidates is between 19% and 46%. The Commission obtained publicly available geographic data for statewide partisan elections in 2016, 2018, and 2020. Publicly available geographic data for those elections was not available for elections in 2012 and 2014. Using this data, the Commission adopted the final general assembly district plan, which contains 85 districts (64.4%) favoring Republican candidates and 47 districts (35.6%) favoring Democratic candidates out of a total of 132 districts. Accordingly, the statewide proportion of districts whose voters favor each political party corresponds closely to the statewide preferences of the voters of Ohio.

The final general assembly district plan adopted by the Commission complies with all of the mandatory requirements of Article XI, Sections 2, 3, 4, 5, and 7 of the Ohio Constitution. The Commission's attempt to meet the aspirational standards of Article XI, Section 6 of the Ohio Constitution did not result in any violation of the mandatory requirements of Article XI, Sections 2, 3 ,4, 5, and 7 of the Ohio Constitution.

2:32 LTE

109

RD

Ray >

iMessage
Sun, Sep 12, 7:41 PM

What are the red green maps mean again?

It shows which counties in the state Ie. The red ones

They have some type of additional criteria that it gets so many house districts or so many senate districts within the boundaries of the county. or in the case of Richland and Wayne County red means it is a single county house district

So I thought del county couldn't have been split outside ? Why is del red?

Trying to reconcile why certain maps are not valid

2:33 LTE

109

RD

Ray

So I thought del county couldn't have been split outside ? Why is del red?

Trying to reconcile why certain maps are not valid

Delaware County must have one whole contain house district within its boundaries and the remainder of Delaware County can only go into one adjoining house district and additionally Delaware County must in its entirety be contained within one Senate District

How did groups draw Franklin districts solely within county ... one map tales and combines Delaware and Union

Franklin county can be drawn to be 11 for house

2:33 5G

109

RD

Ray

Franklin county can be drawn to be 11 for house district but for the Senate District pairing it would have to pair with one adjoining house district some where.

We took Franklin and Union population together and created 12 house districts

Senate Democrats took Franklin and Pickaway population together and created 12 house districts

Ok so why didn't we draw house district

How far off is Union from stand-alone

Union county is 62,784 people which is only .52 house ratios

2:33 5G

109

RD

Ray

Union county is 62,784 people which is only .52 house ratios

Are you 10-2

Really...

Really Union can add to 60k left over fc to create a whole new district

So if you combine the populations of Franklin and Union County you get enough people to be 11.64 house districts

If on average you draw them 3% light from the ideal population target you can make those 11.64 house districts. Be 12 house districts and then you make 4 senate districts

2:34 5G

109

RD

Ray

Really Union can add to 60k left over fc to create a whole new district

So if you combine the populations of Franklin and Union County you get enough people to be 11.64 house districts

If on average you draw them 3% light from the ideal population target you can make those 11.64 house districts. Be 12 house districts and then you make 4 senate districts

Ok

Mon, Sep 13, 11:09 AM

Can I call you later?

Delivered

Matt Hulsman

iMessage
Tue, Nov 10, 1:36 PM

Fri, Sep 10, 2:00 PM

Can I call you later?

Yes when you get a chance thanks

Sent with Siri

Fri, Sep 10, 3:14 PM

campa

District Population Deviation

79		117,815	-1,371
80		124,211	5,025
81		113,608	-5,578
82		113,487	-5,699
83		119,464	278
84		48,230	-70,956
85		190,105	70,919
86		113,992	-5,194
87		48,074	-71,112
88		113,965	-5,221
89		115,986	-3,200

90	115,793	-3,393
91	114,286	-4,900
92	119,113	-73
93	117,981	-1,205

District Details

79	117,815	-1,371
80	124,211	5,025
81	113,608	-5,578
82	113,487	-5,699
83	119,464	278
84	116,652	-2,534
85	121,683	2,497
86	113,992	-5,194
87	113,433	-5,753
88	113,965	-5,221
89	115,986	-3,200
90	115,793	-3,393
91	114,286	-4,900
92	119,113	-73

Ignore prior

Look at second photos not first

Delivered

Mon, Sep 13, 8:48 PM

Give me a call when you hit the road

Sent with Siri

Mark Romanek

Will I see you today?

I'm in Medina all day. You?

Redistricting hearings in Mansfield at OSU at 230-3 until ???

No, I wasn't invited not to mention don't want to get asked any questions. Have fun and if you need anything, let me know.

Fri, Sep 10, 3:28 PM

Keeping you in the loop. Have a good weekend.

2:29 LTE

113

NA

Niraj >

iMessage
Tue, Sep 14, 8:54 PM

Do you have a moment to chat?

Wed, Sep 15, 10:31 AM

E

Greene Co proposa...

What's your email and I'll send? Greene county proposal. I would get Greene county HD 1, Montgomery county HD 1 and HD 2. Dem senate district would be HD 3,4,5. Dem house districts are HD 3 and HD 4. You'd have to assign me to the dem senate district and Hackett

2:31 5G

111

KR

Kristina >

iMessage
Tue, Sep 14, 1:21 PM

Is it true that a disproportionate number of conservative women in the House had their districts damaged as well? Disappointing

No idea my guess

Delivered

2:31 5G

111

JH

Jon >

iMessage
Wed, Sep 15, 8:01 AM

When you have a moment please give me a call to discuss how your conversations with the Democrats went last night.

Population Thresholds

House: 119,186

95% = 113,227

105% = 125,145

Senate: 357,559

95% = 339,680

105% = 375,436

Overview of Analyses

- Without more detailed data at the precinct level we cannot say with certainty that any of the 16 submitted maps meet constitutional muster – particularly the issues of township and municipal borders and political party leanings. However, there were some very solid submissions that could be constitutional with more information provided.
    - *Kennedy Submission* – used Districtr system to build maps – while he did not have precinct level data to be able to perform a full analysis, the districts were compact and seemed at a county-level to satisfy many requirements
    - *Senate Dems (Sykes) Submission* – overall might have issues meeting political party guidelines because only provided 4 years of data, not 10; maps do not drill down to municipal and township boundary lines – Jacobsen argues unconstitutionally split Trumbull county and some other issues
    - *OCRC (Brock) Submission* – the narrative provided with the maps was useful, but without the source data and maps with precinct-level data, we are unable to determine whether it meets the township/muni boundary requirements and the political leanings required by the Constitution
    - *Wise Submission* – used Dave's Redistricting software – visually appears to have some issues with the 3 H in 1 S rule and does not drill down to precinct level data as many others didn't; he did also submit an analysis of his map vs Sykes vs OCRC

Points to Remember

We appreciate the public's input in this very important process.

Looking at all of the maps submitted, unconstitutional elements or inadequate information was provided to get to the level of detail necessary. Elements of the maps submitted were useful and provided valuable insight.

The scorecard we developed does not address all the extra "triggers" that can be put in place to reach a map should a constitutional provision be un-achievable.

Exhibit #
2
10/20/21-DL
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AOS_000205

Year	President		US Senate		Governor		Attorney General		Auditor		Secretary of State		Treasurer of State	
Party	R	D	R	D	R	D	R	D	R	D	R	D	R	D
2010	N/A	N/A	2,125,810	1,448,092	1,889,186	1,812,059	1,821,414	1,772,728	1,842,264	1,624,183	1,973,422	1,500,648	2,008,892	1,471,727
2012	2,661,437	2,827,709	2,371,230	2,645,901	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2014	N/A	N/A	N/A	N/A	1,922,436	989,201	1,859,810	1,155,890	1,692,740	1,127,830	1,791,212	1,052,719	1,703,418	1,299,230
2016	2,841,005	2,394,164	3,118,567	1,996,908	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2018	N/A	N/A	2,057,559	2,357,508	2,235,825	2,070,046	2,226,368	2,021,194	2,110,073	1,946,544	2,166,125	1,987,916	2,257,955	1,960,075
2020	3,154,834	2,679,165	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

AOS_000207

House: 119,186 Senate: 357,559	Meets Criteria	Does Not Meet Criteria	Notes
99 House Districts			
33 Senate Districts			
House Districts Population: no less than 95% nor more than 105% of 119,186			
Senate Districts composed of 3 contiguous House Districts			
Each boundary is single nonintersecting continuous line (districts are contiguous territories)			
Counties with populations greater than a House district allowed will be part of only one adjoining House district			*if population is greater than 2 House districts then can be 3 House districts, and so on
Any county that meets House population must be one whole district			
Where feasible, no county shall be split more than once			
Split the smallest possible number of municipal corporations and townships whose contiguous portions contain a population of more than 50% but less than 100% of one ratio of representation			*keeping "communities" as whole as possible
District boundaries shall use the boundaries of counties, municipalities, and townships as they exist at the time of the Census			
Where it is not feasible to keep political subdivisions whole in a district, not more than one municipal corporation or township may be split per district			
If a county has one House district, then it must be in one Senate district as well			
For senators that have 2 years remaining when maps will be finalized, their district shall keep the same number and contain the largest portion of the population of their current district			*see list
No plan shall be drawn to primarily favor or disfavor a political party			
Statewide proportion of districts shall favor political parties closely to the statewide preferences of the voters of Ohio based on the state and federal partisan general election results during the last 10 years			
Districts shall be compact			

AOS_000209

District	Senator	Term
1	McColley	2022
2	Gavarone	2024
3	Maharath	2022
4	Lang	2024
5	S Huffman	2022
6	Antani	2024
7	Wilson	2022
8	Blessing	2024
9	Thomas	Termed Out 2022
10	Hackett	Termed Out 2024
11	Fedor	2022
12	M Huffman	Termed Out 2024
13	Manning	2022
14	Johnson	2024
15	Craig	2022
16	Kunze	2024
17	Peterson	Termed Out 2022
18	Cirino	2024
19	Brenner	2022
20	Schaffer	2024
21	Williams	Termed Out 2022
22	Romanchuk	2024
23	Antonio	2022
24	Dolan	Termed Out 2024
25	Yuko	Termed Out 2022
26	Reineke	2024
27	Roegner	2022
28	Sykes	Termed Out 2024
29	Schuring	2022
30	Hoagland	Termed Out 2024
31	Hottinger	Termed Out 2022
32	O'Brien	2024
33	Rulli	2022

AOS_000211

Senate and House Republicans

Exhibit #

3

10/20/21-DL

exhibitsticker.com

AOS_000255

AOS_000255

Senate and House Republicans

House: 119,186 Senate: 357,559	Meets Criteria	Does Not Meet Criteria	Notes
99 House Districts	X		
33 Senate Districts	X		
House Districts Population: no less than 95% nor more than 105% of 119,186	X		
Senate Districts composed of 3 contiguous House Districts	X		
Each boundary is single nonintersecting continuous line (districts are contiguous territories)	X		
Counties with populations greater than a House district allowed will be part of only one adjoining House district	X		*if population is greater than 2 House districts then can be 3 House districts, and so on 13 under 95% have 2 splits
Any county that meets House population must be one whole district	?		
Where feasible, no county shall be split more than once	X		seems like done when feasible
Split the smallest possible number of municipal corporations and townships whose contiguous portions contain a population of more than 50% but less than 100% of one ratio of representation	?		*keeping "communities" as whole as possible analysis not completed yet
District boundaries shall use the boundaries of counties, municipalities, and townships as they exist at the time of the Census	X		
Where it is not feasible to keep political subdivisions whole in a district, not more than one municipal corporation or township may be split per district	X		visually appears accurate
If a county has one House district, then it must be in one Senate district as well	X		
For senators that have 2 years remaining when maps will be finalized, their district shall keep the same number and contain the largest portion of the population of their current district	X		*see list
No plan shall be drawn to primarily favor or disfavor a political party	?		
Statewide proportion of districts shall favor political parties closely to the statewide preferences of the voters of Ohio based on the state and federal partisan general election results during the last 10 years	?		only had limited data to check – not 10 years
Districts shall be compact	?		a few (circled) appear to have some narrow connectors

AOS_000257

AOS_000258

DEPO_01194

AOS_000258

AOS_000259

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AOS_000261

Pursuant to the 2020 U.S. Census, the population of Ohio as of April 1, 2020 was 11,799,448. The target population for each district is therefore 119,186.

Statistical Information – Proposed Ohio House Districts

House District	Population	Deviation
1	115,498	-3.09%
2	117,559	-1.37%
3	114,104	-4.26%
4	114,500	-3.93%
5	116,735	-2.06%
6	115,517	-3.08%
7	115,170	-3.37%
8	115,189	-3.35%
9	120,997	1.52%
10	113,326	-4.92%
11	114,236	-4.15%
12	113,760	-4.55%
13	125,131	4.99%
14	125,032	4.90%
15	121,266	1.75%
16	124,466	4.43%
17	125,057	4.93%
18	125,133	4.99%
19	122,894	3.11%
20	124,638	4.57%
21	125,069	4.94%
22	124,488	4.45%
23	124,607	4.55%
24	123,469	3.59%
25	123,568	3.68%
26	124,802	4.71%
27	116,286	-2.43%
28	114,050	-4.31%
29	114,653	-3.80%
30	113,811	-4.51%

AOS_000263

31	120,524	1.12%
32	122,094	2.44%
33	121,516	1.95%
34	124,667	4.60%
35	116,217	-2.49%
36	123,669	3.76%
37	113,816	-4.51%
38	121,180	1.67%
39	124,846	4.75%
40	113,280	-4.96%
41	113,996	-4.35%
42	115,350	-3.22%
43	115,929	-2.73%
44	123,601	3.70%
45	123,466	3.59%
46	121,870	2.25%
47	114,507	-3.93%
48	125,053	4.92%
49	114,715	-3.75%
50	113,841	-4.48%
51	125,115	4.97%
52	124,642	4.58%
53	121,772	2.17%
54	121,704	2.11%
55	120,633	1.21%
56	124,848	4.75%
57	124,277	4.27%
58	116,273	-2.44%
59	123,124	3.30%
60	113,964	-4.38%
61	113,860	-4.47%
62	124,425	4.40%
63	113,544	-4.73%
64	119,565	0.32%
65	120,269	0.91%
66	116,342	-2.39%
67	118,575	-0.51%
68	115,385	-3.19%

AOS_000265

69	114,369	-4.04%
70	116,643	-2.13%
71	115,026	-3.49%
72	123,934	3.98%
73	123,976	4.02%
74	121,534	1.97%
75	116,122	-2.57%
76	116,198	-2.51%
77	124,936	4.82%
78	116,894	-1.92%
79	117,815	-1.15%
80	124,211	4.22%
81	120,211	0.86%
82	115,817	-2.83%
83	113,996	-4.35%
84	118,816	-0.31%
85	115,560	-3.04%
86	114,486	-3.94%
87	113,433	-4.83%
88	113,965	-4.38%
89	115,986	-2.68%
90	115,793	-2.85%
91	114,286	-4.11%
92	119,113	-0.06%
93	117,981	-1.01%
94	121,777	2.17%
95	124,663	4.60%
96	123,941	3.99%
97	121,818	2.21%
98	113,571	-4.71%
99	125,112	4.97%

AOS_000267

Statistical Information – Proposed Ohio Senate Districts

Senate District	Population	Deviation
1	350,024	-2.11%
2	348,113	-2.64%
3	346,752	-3.02%
4	368,937	3.18%
5	370,237	3.55%
6	353,702	-1.08%
7	358,623	0.30%
8	342,514	-4.21%
9	371,839	3.99%
10	347,791	-2.73%
11	342,626	-4.18%
12	348,862	-2.43%
13	371,529	3.91%
14	353,762	-1.06%
15	347,161	-2.91%
16	341,322	-4.54%
17	351,380	-1.73%
18	374,237	4.66%
19	341,395	-4.52%
20	367,328	2.73%
21	372,601	4.21%
22	351,811	-1.61%
23	375,296	4.96%
24	370,789	3.70%
25	351,356	-1.73%
26	352,334	-1.46%
27	369,619	3.37%
28	368,277	3.00%
29	354,275	-0.92%
30	370,381	3.59%
31	343,595	-3.91%
32	363,768	1.74%
33	357,212	-0.10%

AOS_000269

Ohio's 33 Senate districts are comprised of the following Ohio House districts.

Senate District 1:	House Districts 81, 82, 83	
Senate District 2:	House Districts 43, 76, 89	
Senate District 3:	House Districts 4, 5, 6	
Senate District 4:	House Districts 44, 45, 46	
Senate District 5:	House Districts 38, 39, 80	
Senate District 6:	House Districts 35, 36, 37	
Senate District 7:	House Districts 27, 54, 55	
Senate District 8:	House Districts 28, 29, 30	
Senate District 9:	House Districts 24, 25, 26	
Senate District 10:	House Districts 70, 71, 75	
Senate District 11:	House Districts 40, 41, 42	
Senate District 12:	House Districts 84, 85, 86	
Senate District 13:	House Districts 51, 52, 53	
Senate District 14:	House Districts 62, 63, 90	
Senate District 15:	House Districts 1, 2, 3	
Senate District 16:	House Districts 10, 11, 12	
Senate District 17:	House Districts 91, 92, 93	
Senate District 18:	House Districts 56, 57, 99	Assigned to Senator Cirino – still has Lake
Senate District 19:	House Districts 60, 61, 98	
Senate District 20:	House Districts 73, 74, 97	
Senate District 21:	House Districts 19, 20, 21	
Senate District 22:	House Districts 66, 67, 78	Assigned to Senator Romanchuk – Richland now in 26
Senate District 23:	House Districts 13, 14, 18	
Senate District 24:	House Districts 15, 16, 17	Assigned to Senator Dolan – Chagrin Falls now in 27
Senate District 25:	House Districts 7, 8, 9	
Senate District 26:	House Districts 77, 87, 88	Assigned to Senator Reineke – still has Seneca
Senate District 27:	House Districts 22, 23, 31	
Senate District 28:	House Districts 32, 33, 34	
Senate District 29:	House Districts 47, 48, 49	
Senate District 30:	House Districts 94, 95, 96	
Senate District 31:	House Districts 50, 68, 69	
Senate District 32:	House Districts 64, 65, 72	Assigned to Senator O'Brien – Ashtabula now in 18
Senate District 33:	House Districts 58, 59, 79	

All of the above assignments of Senators are made pursuant to Section 5, Article XI of the Ohio Constitution.

AOS_000271

Constitution

Exhibit #

4

10/20/21-DL

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AOS_000212

AOS_000212

Article XI, Section 1 | Ohio Redistricting Commission

Ohio Constitution / Article XI General Assembly Redistricting

***Effective:** 2021*

(A) The Ohio redistricting commission shall be responsible for the redistricting of this state for the general assembly. The commission shall consist of the following seven members:

(1) The governor;

(2) The auditor of state;

(3) The secretary of state;

(4) One person appointed by the speaker of the house of representatives;

(5) One person appointed by the legislative leader of the largest political party in the house of representatives of which the speaker of the house of representatives is not a member;

(6) One person appointed by the president of the senate; and

(7) One person appointed by the legislative leader of the largest political party in the senate of which the president of the senate is not a member.

No appointed member of the commission shall be a current member of congress.

The legislative leaders in the senate and the house of representatives of each of the two largest political parties represented in the general assembly, acting jointly by political party,

AOS_000214

shall appoint a member of the commission to serve as a co-chairperson of the commission.

(B)(1) Unless otherwise specified in this article or in Article XIX of this constitution, a simple majority of the commission members shall be required for any action by the commission.

(2)(a) Except as otherwise provided in division (B)(2)(b) of this section, a majority vote of the members of the commission, including at least one member of the commission who is a member of each of the two largest political parties represented in the general assembly, shall be required to do any of the following:
(i) Adopt rules of the commission;
(ii) Hire staff for the commission;
(iii) Expend funds.

(b) If the commission is unable to agree, by the vote required under division (B)(2)(a) of this section, on the manner in which funds should be expended, each co-chairperson of the commission shall have the authority to expend one-half of the funds that have been appropriated to the commission.

(3) The affirmative vote of four members of the commission, including at least two members of the commission who represent each of the two largest political parties represented in the general assembly shall be required to adopt any general assembly district plan. For the purposes of this division and of Section 1 of Article XIX of this constitution, a member of the commission shall be considered to represent a political party if the member was appointed to the commission by a member of that political party or if, in the case of the governor, the auditor of state, or the secretary of state, the member is a member of that political party.

AOS_000216

(C) At the first meeting of the commission, which the governor shall convene only in a year ending in the numeral one, except as provided in Sections 8 and 9 of this article and in Sections 1 and 3 of Article XIX of this constitution, the commission shall set a schedule for the adoption of procedural rules for the operation of the commission.

The commission shall release to the public a proposed general assembly district plan for the boundaries for each of the ninety-nine house of representatives districts and the thirty-three senate districts. The commission shall draft the proposed plan in the manner prescribed in this article. Before adopting, but after introducing, a proposed plan, the commission shall conduct a minimum of three public hearings across the state to present the proposed plan and shall seek public input regarding the proposed plan. All meetings of the commission shall be open to the public. Meetings shall be broadcast by electronic means of transmission using a medium readily accessible by the general public.

The commission shall adopt a final general assembly district plan not later than the first day of September of a year ending in the numeral one. After the commission adopts a final plan, the commission shall promptly file the plan with the secretary of state. Upon filing with the secretary of state, the plan shall become effective.

Four weeks after the adoption of a general assembly district plan or a congressional district plan, whichever is later, the commission shall be automatically dissolved.

(D) The general assembly shall be responsible for making the appropriations it determines necessary in order for the commission to perform its duties under this article and Article XIX of this constitution.

AOS_000218

AOS_000220

Article XI, Section 2 | Representation

Ohio Constitution / Article XI General Assembly Redistricting

Effective: *2021*

Each house of representatives district shall be entitled to a single representative in each general assembly. Each senate district shall be entitled to a single senator in each general assembly.

AOS_000222

Article XI, Section 3 | Requirements for drawing House of Representatives districts

Ohio Constitution / Article XI General Assembly Redistricting

Effective: *2021*

(A) The whole population of the state, as determined by the federal decennial census or, if such is unavailable, such other basis as the general assembly may direct, shall be divided by the number "ninety-nine" and by the number "thirty-three" and the quotients shall be the ratio of representation in the house of representatives and in the senate, respectively, for ten years next succeeding such redistricting.

(B) A general assembly district plan shall comply with all of the requirements of division (B) of this section.

(1) The population of each house of representatives district shall be substantially equal to the ratio of representation in the house of representatives, and the population of each senate district shall be substantially equal to the ratio of representation in the senate, as provided in division (A) of this section. In no event shall any district contain a population of less than ninety-five per cent nor more than one hundred five per cent of the applicable ratio of representation.

(2) Any general assembly district plan adopted by the commission shall comply with all applicable provisions of the constitutions of Ohio and the United States and of federal law.

(3) Every general assembly district shall be composed of contiguous territory, and the boundary of each district shall be a single nonintersecting continuous line.

(C) House of representatives districts shall be created and numbered in the following order

AOS_000224

of priority, to the extent that such order is consistent with the foregoing standards:

(1) Proceeding in succession from the largest to the smallest, each county containing population greater than one hundred five per cent of the ratio of representation in the house of representatives shall be divided into as many house of representatives districts as it has whole ratios of representation. Any fraction of the population in excess of a whole ratio shall be a part of only one adjoining house of representatives district.

(2) Each county containing population of not less than ninety-five per cent of the ratio of representation in the house of representatives nor more than one hundred five per cent of the ratio shall be designated a representative district.

(3) The remaining territory of the state shall be divided into representative districts by combining the areas of counties, municipal corporations, and townships. Where feasible, no county shall be split more than once.

(D)(1)(a) Except as otherwise provided in divisions (D)(1)(b) and (c) of this section, a county, municipal corporation, or township is considered to be split if any contiguous portion of its territory is not contained entirely within one district.

(b) If a municipal corporation or township has territory in more than one county, the contiguous portion of that municipal corporation or township that lies in each county shall be considered to be a separate municipal corporation or township for the purposes of this section.

(c) If a municipal corporation or township that is located in a county that contains a municipal corporation or township that has a population of more than one ratio of representation is split for the purpose of complying with division (E)(1)(a) or (b) of this

AOS_000226

section, each portion of that municipal corporation or township shall be considered to be a separate municipal corporation or township for the purposes of this section.

(2) Representative districts shall be drawn so as to split the smallest possible number of municipal corporations and townships whose contiguous portions contain a population of more than fifty per cent, but less than one hundred per cent, of one ratio of representation.

(3) Where the requirements of divisions (B), (C), and (D) of this section cannot feasibly be attained by forming a representative district from whole municipal corporations and townships, not more than one municipal corporation or township may be split per representative district.

(E)(1) If it is not possible for the commission to comply with all of the requirements of divisions (B), (C), and (D) of this section in drawing a particular representative district, the commission shall take the first action listed below that makes it possible for the commission to draw that district:

(a) Notwithstanding division (D)(3) of this section, the commission shall create the district by splitting two municipal corporations or townships whose contiguous portions do not contain a population of more than fifty per cent, but less than one hundred per cent, of one ratio of representation.

(b) Notwithstanding division (D)(2) of this section, the commission shall create the district by splitting a municipal corporation or township whose contiguous portions contain a population of more than fifty per cent, but less than one hundred per cent, of one ratio of representation.

(c) Notwithstanding division (C)(2) of this section, the commission shall create the district

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by splitting, once, a single county that contains a population of not less than ninety-five per cent of the ratio of representation, but not more than one hundred five per cent of the ratio of representation.

(d) Notwithstanding division (C)(1) of this section, the commission shall create the district by including in two districts portions of the territory that remains after a county that contains a population of more than one hundred five per cent of the ratio of representation has been divided into as many house of representatives districts as it has whole ratios of representation.

(2) If the commission takes an action under division (E)(1) of this section, the commission shall include in the general assembly district plan a statement explaining which action the commission took under that division and the reason the commission took that action.

(3) If the commission complies with divisions (E)(1) and (2) of this section in drawing a district, the commission shall not be considered to have violated division (C)(1), (C)(2), (D)(2), or (D)(3) of this section, as applicable, in drawing that district, for the purpose of an analysis under division (D) of Section 9 of this article.

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Article XI, Section 4 | Requirements for drawing Senate districts

Ohio Constitution / Article XI General Assembly Redistricting

***Effective:** 2021*

(A) Senate districts shall be composed of three contiguous house of representatives districts.

(B)(1) A county having at least one whole senate ratio of representation shall have as many senate districts wholly within the boundaries of the county as it has whole senate ratios of representation. Any fraction of the population in excess of a whole ratio shall be a part of only one adjoining senate district.

(2) Counties having less than one senate ratio of representation, but at least one house of representatives ratio of representation, shall be part of only one senate district.

(3) If it is not possible for the commission to draw representative districts that comply with all of the requirements of this article and that make it possible for the commission to comply with all of the requirements of divisions (B)(1) and (2) of this section, the commission shall draw senate districts so as to commit the fewest possible violations of those divisions. If the commission complies with this division in drawing senate districts, the commission shall not be considered to have violated division (B)(1) or (2) of this section, as applicable, in drawing those districts, for the purpose of an analysis under division (D) of Section 9 of this article.

(C) The number of whole ratios of representation for a county shall be determined by dividing the population of the county by the ratio of representation in the senate determined under division (A) of Section 3 of this article.

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(D) Senate districts shall be numbered from one through thirty-three and as provided in Section 5 of this article.

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Article XI, Section 5 | Changes in boundaries of Senate districts

Ohio Constitution / Article XI General Assembly Redistricting

Effective: *2021*

At any time the boundaries of senate districts are changed in any general assembly district plan made pursuant to any provision of this article, a senator whose term will not expire within two years of the time the plan becomes effective shall represent, for the remainder of the term for which the senator was elected, the senate district that contains the largest portion of the population of the district from which the senator was elected, and the district shall be given the number of the district from which the senator was elected. If more than one senator whose term will not so expire would represent the same district by following the provisions of this section, the plan shall designate which senator shall represent the district and shall designate which district the other senator or senators shall represent for the balance of their term or terms.

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Article XI, Section 6 | Additional district standards

Ohio Constitution / Article XI General Assembly Redistricting

Effective: *2021*

The Ohio redistricting commission shall attempt to draw a general assembly district plan that meets all of the following standards:

(A) No general assembly district plan shall be drawn primarily to favor or disfavor a political party.

(B) The statewide proportion of districts whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party shall correspond closely to the statewide preferences of the voters of Ohio.

(C) General assembly districts shall be compact.

Nothing in this section permits the commission to violate the district standards described in Section 2, 3, 4, 5, or 7 of this article.

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Article XI, Section 7 | Political subdivision boundaries to be used

Ohio Constitution / Article XI General Assembly Redistricting

Effective: *2021*

Notwithstanding the fact that boundaries of counties, municipal corporations, and townships within a district may be changed, district boundaries shall be created by using the boundaries of counties, municipal corporations, and townships as they exist at the time of the federal decennial census on which the redistricting is based, or, if unavailable, on such other basis as the general assembly has directed.

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Article XI, Section 8 | Impasse procedure

Ohio Constitution / Article XI General Assembly Redistricting

Effective: *2021*

(A)(1) If the Ohio redistricting commission fails to adopt a final general assembly district plan not later than the first day of September of a year ending in the numeral one, in accordance with Section 1 of this article, the commission shall introduce a proposed general assembly district plan by a simple majority vote of the commission.

(2) After introducing a proposed general assembly district plan under division (A)(1) of this section, the commission shall hold a public hearing concerning the proposed plan, at which the public may offer testimony and at which the commission may adopt amendments to the proposed plan. Members of the commission should attend the hearing; however, only a quorum of the members of the commission is required to conduct the hearing.

(3) After the hearing described in division (A)(2) of this section is held, and not later than the fifteenth day of September of a year ending in the numeral one, the commission shall adopt a final general assembly district plan, either by the vote required to adopt a plan under division (B)(3) of Section 1 of this article or by a simple majority vote of the commission.

(B) If the commission adopts a final general assembly district plan in accordance with division (A)(3) of this section by the vote required to adopt a plan under division (B)(3) of Section 1 of this article, the plan shall take effect upon filing with the secretary of state and shall remain effective until the next year ending in the numeral one, except as provided in Section 9 of this article.

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(C)(1)(a) Except as otherwise provided in division (C)(1)(b) of this section, if the commission adopts a final general assembly district plan in accordance with division (A)(3) of this section by a simple majority vote of the commission, and not by the vote required to adopt a plan under division (B)(3) of Section 1 of this article, the plan shall take effect upon filing with the secretary of state and shall remain effective until two general elections for the house of representatives have occurred under the plan.

(b) If the commission adopts a final general assembly district plan in accordance with division (A)(3) of this section by a simple majority vote of the commission, and not by the vote required to adopt a plan under division (B) of Section 1 of this article, and that plan is adopted to replace a plan that ceased to be effective under division (C)(1)(a) of this section before a year ending in the numeral one, the plan adopted under this division shall take effect upon filing with the secretary of state and shall remain effective until a year ending in the numeral one, except as provided in Section 9 of this article.

(2) A final general assembly district plan adopted under division (C)(1)(a) or (b) of this section shall include a statement explaining what the commission determined to be the statewide preferences of the voters of Ohio and the manner in which the statewide proportion of districts in the plan whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party corresponds closely to those preferences, as described in division (B) of Section 6 of this article. At the time the plan is adopted, a member of the commission who does not vote in favor of the plan may submit a declaration of the member's opinion concerning the statement included with the plan.

(D) After a general assembly district plan adopted under division (C)(1)(a) of this section ceases to be effective, and not earlier than the first day of July of the year following the year in which the plan ceased to be effective, the commission shall be reconstituted as provided

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in Section 1 of this article, convene, and adopt a new general assembly district plan in accordance with this article, to be used until the next time for redistricting under this article. The commission shall draw the new general assembly district plan using the same population and county, municipal corporation, and township boundary data as were used to draw the previous plan adopted under division (C) of this section.

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Article XI, Section 9 | Jurisdiction of Supreme Court; effect of determination of unconstitutionality

Ohio Constitution / Article XI General Assembly Redistricting

Effective: *2021*

(A) The supreme court of Ohio shall have exclusive, original jurisdiction in all cases arising under this article.

(B) In the event that any section of this constitution relating to redistricting, any general assembly district plan made by the Ohio redistricting commission, or any district is determined to be invalid by an unappealed final order of a court of competent jurisdiction then, notwithstanding any other provisions of this constitution, the commission shall be reconstituted as provided in Section 1 of this article, convene, and ascertain and determine a general assembly district plan in conformity with such provisions of this constitution as are then valid, including establishing terms of office and election of members of the general assembly from districts designated in the plan, to be used until the next time for redistricting under this article in conformity with such provisions of this constitution as are then valid.

(C) Notwithstanding any provision of this constitution or any law regarding the residence of senators and representatives, a general assembly district plan made pursuant to this section shall allow thirty days for persons to change residence in order to be eligible for election.

(D)(1) No court shall order, in any circumstance, the implementation or enforcement of any general assembly district plan that has not been approved by the commission in the manner prescribed by this article.

(2) No court shall order the commission to adopt a particular general assembly district plan

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or to draw a particular district.

(B) If the supreme court of Ohio determines that a general assembly district plan adopted by the commission does not comply with the requirements of Section 2, 3, 4, 5, or 7 of this article, the available remedies shall be as follows:

(a) If the court finds that the plan contains one or more isolated violations of those requirements, the court shall order the commission to amend the plan to correct the violation.

(b) If the court finds that it is necessary to amend not fewer than six house of representatives districts to correct violations of those requirements, to amend not fewer than two senate districts to correct violations of those requirements, or both, the court shall declare the plan invalid and shall order the commission to adopt a new general assembly district plan in accordance with this article.

(c) If, in considering a plan adopted under division (C) of Section 8 of this article, the court determines that both of the following are true, the court shall order the commission to adopt a new general assembly district plan in accordance with this article:

(i) The plan significantly violates those requirements in a manner that materially affects the ability of the plan to contain districts whose voters favor political parties in an overall proportion that corresponds closely to the statewide political party preferences of the voters of Ohio, as described in division (B) of Section 6 of this article.
(ii) The statewide proportion of districts in the plan whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party does not correspond closely to the statewide preferences of the voters of Ohio.

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Article XI, Section 10 | Severability

Ohio Constitution / Article XI General Assembly Redistricting

Effective: *2021*

The various provisions of this article are intended to be severable, and the invalidity of one or more of such provisions shall not affect the validity of the remaining provisions.

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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. **Stipulation of Evidence (Deposition Transcripts and Exhibits)**
2. **Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 1 of 7 (pages 1 - 314)**
3. **Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 2 of 7 (pages 315 - 451)**
4. **Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 3 of 7 (pages 452 - 832)**
5. **Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 4 of 7 (pages 833 - 983)**
6. **Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 5 of 7 (pages 984 - 1250)**
7. **Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 6 of 7 (pages 1251 - 1559)**
8. **Stipulation of Evidence (Deposition Transcripts and Exhibits) Volume 7 of 7 (pages 1560- 1892)**

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