Supreme Court of Ohio Clerk of Court - Filed April 01, 2022 - Case No. 2021-1193

IN THE SUPREME COURT OF OHIO

LEAGUE OF WOMEN VOTERS OF OHIO, *et al.*, ***Petitioners*,** **v.** **OHIO REDISTRICTING COMMISSION, *et al.*,** ***Respondents.***	**Case No. 2021-1193** **Original Action Filed Pursuant to Ohio Constitution, Article XI**

EXHIBITS TO OBJECTIONS — VOLUME 2 OF 2

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EXHIBIT 2

Warshaw Affidavit.pdf

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I, Theresa M Sabo, did witness the participants named above electronically sign this document.

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IN THE SUPREME COURT OF OHIO

LEAGUE OF WOMEN VOTERS OF OHIO, et al.,	
Petitioners	**Case No. 2021-1193**
v.	**Original Action Pursuant to Ohio Const., Art. XI**
OHIO REDISTRICTING COMMISSION, et al.,	
Respondents.	

AFFIDAVIT OF CHRISTOPHER WARSHAW

Franklin County
/ss
State of Ohio

Now comes affiant Christopher Warshaw, having been first duly cautioned and sworn, deposes and states as follows:

1. I am over the age of 18 and fully competent to make this declaration. I have personal knowledge of the statements and facts contained herein.
2. For the purposes of this litigation, I have been asked by counsel for Relators to analyze relevant data and provide my expert opinions.
3. To that end, I have personally prepared the report attached to this affidavit as Exhibit A, and swear to its authenticity and to the faithfulness of the opinions expressed and, to the best of my knowledge, the accuracy of the factual statements made therein.

FURTHER AFFIANT SAYETH NAUGHT.

Executed on 03/29/2022, 2022.

C0ADEDCDC29C
Christopher Warshaw
Signed on 2022/03/29 11:44:08 -8:00

Christopher Warshaw

Sworn and subscribed before me this ____ day of 03/29/2022, 2022.

87FEA0770BD2
Signed on 2022/03/29 11:44:08 -8:00

Notary Public

Theresa M Sabo
Commission # 2016-RE-619622
Electronic Notary Public
State of Ohio
My Comm Exp. Nov 28, 2026

Notary Stamp 2022/03/29 11:44:08 PST 87FEA0770BD2

Notarial act performed by audio-visual communication

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Exhibit A

An Evaluation of the Partisan Fairness of Ohio's March 28, 2022 State Legislative Districting Plan

Christopher Warshaw*

March 29, 2022

*Associate Professor, Department of Political Science, George Washington University. warshaw@gwu.edu. Note that the analyses and views in this report are my own, and do not represent the views of George Washington University.

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1 Introduction

My name is Christopher Warshaw. I am an Associate Professor of Political Science at George Washington University. Previously, I was an Associate Professor at the Massachusetts Institute of Technology (MIT) from July 2016 - July 2017, and an Assistant Professor at MIT from July 2012 - July 2016.

I have been asked by counsel representing the League of Women Voters plaintiffs in this case to analyze relevant data and provide my expert opinions about whether the number of close districts in Ohio's enacted March 28, 2022 state legislative districting plans are roughly proportional between the two parties. I have also been asked to compare the March 28 and February 24 plans. Specifically, I have been asked to examine:

- The number of seats on each plan where each party is expected to receive between 50 and 51% of the vote.
- The number of seats on each plan where each party is expected to receive between 51 and 52% of the vote.
- The geographic overlap between the March 28 and February 24 plans.

2 Qualifications, Publications and Compensation

My Ph.D. is in Political Science, from Stanford University, where my graduate training included courses in political science and statistics. I also have a J.D. from Stanford Law School. My academic research focuses on public opinion, representation, elections, and polarization in American Politics. I have written multiple papers that focus on elections and two published articles that focus specifically on partisan gerrymandering. I also have a forthcoming book that includes an extensive analysis on the causes and consequences of partisan gerrymandering in state governments.

My curriculum vitae is attached to this report. All publications that I have authored and published appear in my curriculum vitae. My work is published or forthcoming in peer-reviewed journals such as: the *American Political Science Review*, the *American Journal of Political Science*, the *Journal of Politics*, *Political Analysis*, *Political Science Research and Methods*, the *British Journal of Political Science*, *Political Behavior*, *Science Advances*, the *Election Law Journal*, *Nature Energy*, *Public Choice*, and edited volumes from Cambridge University Press and Oxford University Press. My book entitled *Dynamic Democracy in the American States* is forthcoming from the University of Chicago Press. My non-academic writing has been published in the *New York Times* and the *Washington*

Post. My work has also been discussed in the *Economist* and many other prominent media outlets.

My opinions in this case are based on the knowledge I have amassed over my education, training and experience, including a detailed review of the relevant academic literature. They also follow from statistical analysis of precinct-level data on recent statewide Ohio elections. Specifically, I use precinct-level data on Ohio's statewide elections between 2016-20 from the Voting and Election Science Team (University of Florida, Wichita State University). I obtained these data from the Harvard Dataverse.[1] I merge the precinct-level returns to the proposed plans by assigning precincts to the district that has the greatest overlap with it.[2] I also use data on each Census block's land area and population.[3]

I have previously provided expert reports in this case, as well as eight other redistricting-related cases and several Census-related cases (see my CV for a current list). I am being compensated at a rate of $325 per hour. The opinions in this report are my own, and do not represent the views of George Washington University.

3 Summary

This report examines whether Ohio's enacted March 28, 2022 state legislative maps appear to meet the criteria in the Ohio Constitution. Specifically, it examines whether the close seats in the plans are roughly proportional between the parties.

It finds that the close seats are not proportional between the parties. Based on the Commission's approach of aggregating the raw votes in elections from 2016-2020, there are 6 Senate districts where Democrats are expected to receive between 50 and 52% of the vote, and no Senate districts where Republicans are expected to win between 50 and 52% of the vote. Moreover, there are 17 House districts where Democrats are expected to receive between 50 and 52% of the vote and zero-Republican leaning districts in this range. The fact that all of the close seats are Democratic-leaning and none are Republican-leaning gives the Republican party a substantial advantage in the translation of votes to seats in Ohio.

The disproportionate distribution of the close seats on the March 28 plan is nearly identical as the February 24 plan that was struck down by the Ohio Supreme Court.

1. See `https://dataverse.harvard.edu/dataverse/electionscience`.
2. This approach is slightly different from the one I used in my initial report, which joined precincts to the district where the geographic center of the precinct was located. There is very little substantive difference between the two approaches. But my current approach appears to better match the methodology used by the Commission in its analysis.
3. I obtained these data from `https://redistrictingdatahub.org/`.

Under that plan, there were 19 Democratic-leaning House Seats in the 50-52% range and 7 Senate seats in that range. There were no Republican-leaning state senate seat and no Republican-leaning state house seats in the 50-52% range.

In fact, the February 24 and March 28 plans are geographically, nearly identical to one another. They have nearly identical assignment of Census blocks to districts. They have nearly identical assignment of population to districts. And the actual voting patterns across districts are extremely similar across plans.

Overall, my analysis echos the findings in my earlier reports. Like the Commission's three earlier plans, the March 28 plan appears to be drawn to favor the Republican political party.

4 Proportionality Results

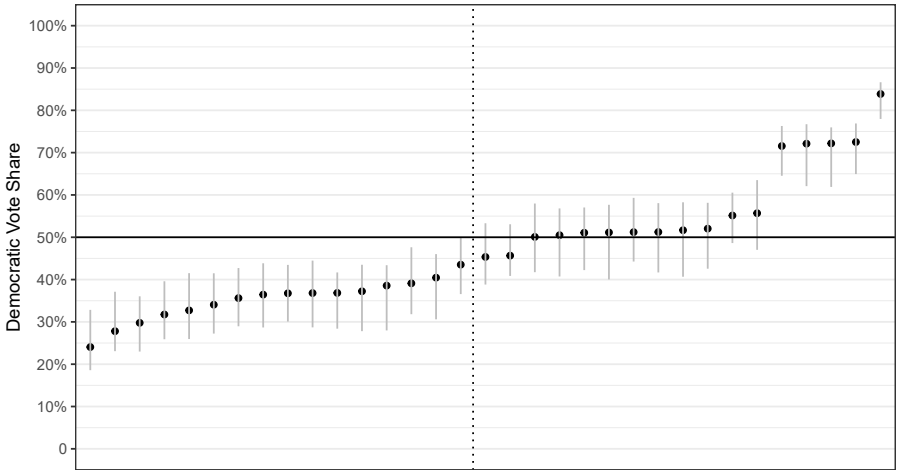
In this section, I analyze the proportionality of the close seats on the Commission's February 24 state legislative plans. In order to do this, it is necessary to estimate each party's share of the votes in each district. While the Ohio Constitution clearly states that the past decade of elections shall be used for this analysis, it does not provide guidance on how these elections should be aggregated. For my analysis here, I focus on the approach used by the Commission. Their analysis appears to sum the raw votes in each district for the 9 statewide elections between 2016 and 2020 (see the Commission's Section 8(C)(2) Statement). Based on these summed votes, they determine whether Democrats or Republicans would win each district on a plan.[4]

4.1 Close Districts on State Senate plan

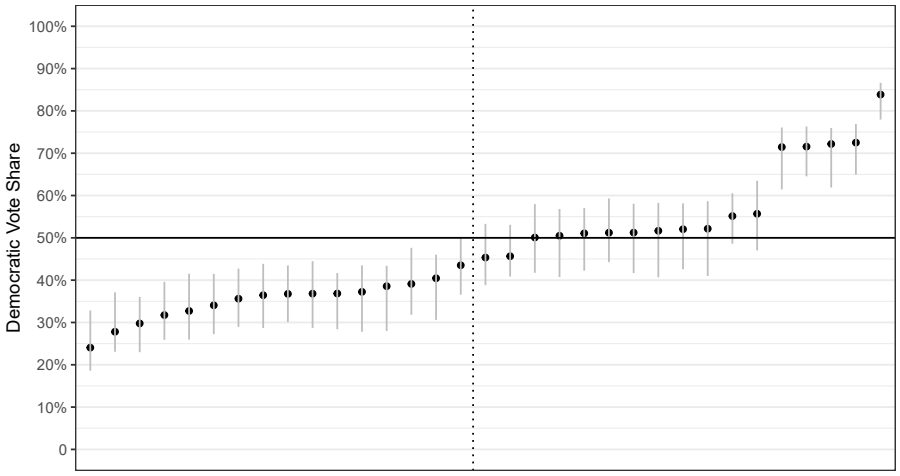
First, I analyze the proportionality of the close seats on the Commission's March 28 state Senate plan. Figure 1 shows the district-level vote shares using the aggregation approach used by the Commission. It indicates that distribution of votes across districts in these

4. As I discussed in a previous report, it is important to note that there are three important weaknesses of this approach. First, it only includes three election years. Moreover, it implicitly overweights the 2018 election cycle, since six of the nine election contests in this composite occurred during this cycle. This was a very strong election year for Democrats. So this is likely to over-estimate Democratic performance in future elections. This could be addressed by weighting each election year equally or including the 2012 and 2014 election years to capture the full range of elections over the past decade. Third, the Commission's approach yields a single, deterministic estimate of the winner of each district. So a district that one party is projected to win by .01% of the vote would count the same as one they are projected to win by 10%. In reality, however, the district where one party is projected to win by .01% is likely to be won by each party about half the time. In my previous report, I discussed other approaches that address these weaknesses.

plans is almost identical.



(a) February 24 Plan



(b) March 28 Plan

Figure 1: District-level Vote Shares on Commission's February 24 and March 28 State Senate plans based on the aggregation approach used by the Commission. The vertical lines around each dot show the range of statewide election results in that district. The dotted line shows the number of seats required for the majority.

Just as on the February 24 plan, the close districts are extremely disproportionate. There are 6 districts where Democrats are expected to receive between 50 and 52% of the vote, and no districts where Republicans are expected to win between 50 and 52% of the vote. This is only one less competitive Democratic-leaning district than on the February 24 plan. As a result, while the February 24 plan had 7 Senate seats in the 50-52% range of Democratic vote share, the March 28 plan has 6 Senate seats in that range and no competitive Republican seats.

The asymmetric distribution of close Senate seats gives Republicans a large advantage

in the translation of votes to seats. All 18 Republican-leaning districts are safe seats with a composite Republican vote share of 52% or more. In contrast, only 9 of the 15 Democratic-leaning districts are safe seats with a composite Democratic vote share of 52% or more. As a result, Republicans are likely to win 66% of the non-competitive seats on this plan.

More specifically, on the Commission's March 28 state senate plan there are:

- 2 districts where Democrats are expected to receive between 50 and 51% of the vote.
- 4 districts where Democrats are expected to receive between 51 and 52% of the vote

In contrast, there are:

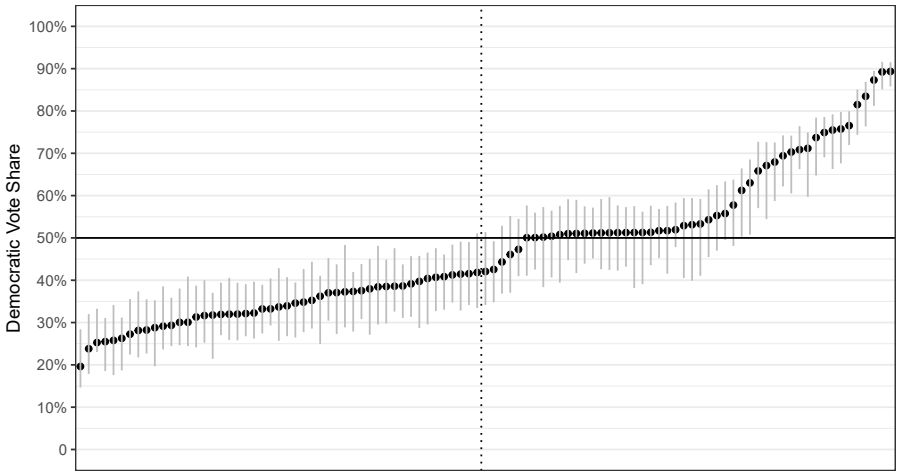
- no districts where Republicans are expected to win between 50 and 51% of the vote.
- no districts where Republicans are expected to win between 51 and 52% of the vote.
- no districts where Republicans are expected to win between 52 and 53% of the vote.
- no districts where Republicans are expected to win between 53 and 54% of the vote.

4.2 Close Districts on State House plan

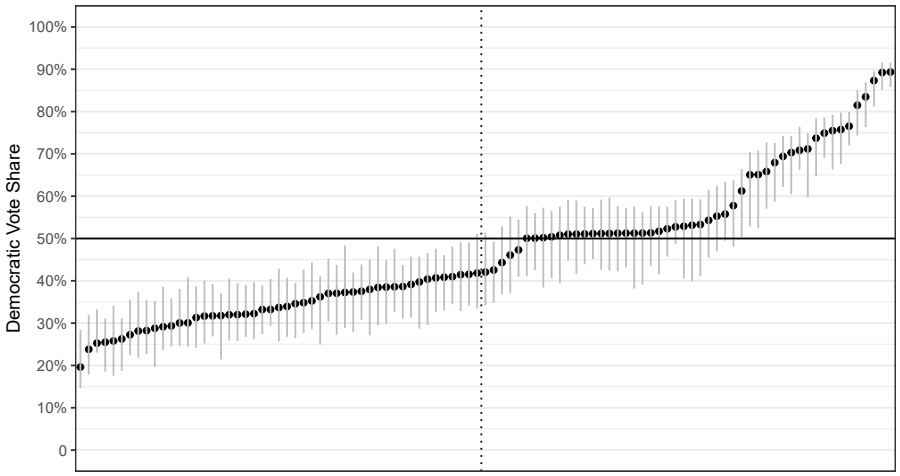
Next, I analyze the proportionality of the close seats on the Commission's March 28 state House plan. Figure 2 shows the district-level vote shares using the aggregation approach used by the Commission. It indicates that distribution of votes across districts in these plans is nearly identical to the naked eye.

Just as on the February 24 plan, the close districts are extremely disproportionate. There are 17 districts where Democrats are expected to receive between 50 and 52% of the vote, and no districts where Republicans are expected to win between 50 and 52% of the vote. This is only two less competitive Democratic-leaning districts than on the February 24 plan. As a result, while the February 24 plan had 19 House seats in the 50-52% range of Democratic vote share, the March 28 plan has 17 House Democratic seats in that range and no competitive Republican seats.

Moreover, the asymmetric distribution of close House seats gives Republicans a large advantage in the translation of votes to seats. This asymmetry means that Republicans are likely to win far more than 54 seats in most elections on this plan. In fact, all 54 Republican-leaning districts are safe seats with a composite Republican vote share of 52% or more. In contrast, only 28 of the 45 Democratic-leaning districts are safe seats with a



(a) February 24 Plan



(b) March 28 Plan

Figure 2: District-level Vote Shares on Commission's February 24 and March 28 State House plans based on the aggregation approach used by the Commission. The vertical lines around each dot show the range of statewide election results in that district. The dotted line shows the number of seats required for the majority.

composite Democratic vote share of 52% or more. So Republicans are likely to win 66% of the safe seats on this plan.

More specifically, on the Commission's March 28 House plan there are:

- 5 districts where Democrats are expected to receive between 50 and 51% of the vote.
- 12 districts where Democrats are expected to receive between 51 and 52% of the vote

In contrast, there are:

- no districts where Republicans are expected to win between 50 and 51% of the vote.
- no districts where Republicans are expected to win between 51 and 52% of the vote.

5 Geographic Overlap between Plans

In this section, I analyze the overlap between the February 24 plans and the most recent plans passed on March 28. I use three approaches to determine how much the March 28 plans differ from the February 24 plans. First, I examine the number of Census blocks and the percentage of Ohio's land area assigned to new districts on the March 28 plans. Second, I examine the number of people in the Census blocks assigned to a different district across maps. Finally, I examine how many districts changed across the plans based on the composite voting data I discussed earlier.

5.1 Overlap across Senate plans

The March 28 Senate plan only assigns 270 Census blocks to a new district between the February 24 plan and March 28 plans (0.1% of the 276,428 census blocks in Ohio). Put differently, only .01% of the land area of Ohio changed districts across these plans. Moreover, the March 28 plan only assigns 23,823 people (0.2% of Ohio's population) into a new Senate district compared with the February 24 plan. Finally, 31 out of 33 districts are exactly the same under the two plans.

5.2 Overlap across House plans

The March 28 House plan only assigns 451 Census blocks to a new district between the February 24 plan and March 28 plans (0.16% of the 276,428 census blocks in Ohio). Only .11% of the land area of Ohio changed districts across these plans. In addition, the March 28 plan only assigns 31,244 people (0.26% of Ohio's population) into a new House district compared with the February 24 plan. Finally, 92 out of 99 districts are exactly the same under the two plans.

5.3 Summary

Overall, the February 24 and March 28 plans appear to be geographically, nearly identical. They have nearly identical assignment of Census blocks to districts. They have nearly identical assignment of population to districts. And the actual voting patterns across districts are extremely similar across plans.

6 Conclusion

Based on my evaluations of the Commission's March 28 enacted plans, I reach the conclusion that the close seats on these plans are not proportionate between the parties. Instead, all the close seats slightly lean toward Democrats. There are no close Republican-leaning seats. This means that Republicans are very likely to win far more than 55% of the seats on both plans. Moreover, the plans are geographically, nearly identical to the February 24 ones struck down by the Ohio Supreme Court. Thus, the new plans appear to have again been drawn to favor the Republican Party.

EXHIBIT 3

2022-03-19-Redistricting-all-360.mp4
https://ohiochannel.org/video/ohio-redistricting-commission-3-19-2022

Co-Chair Sen. Vernon Sykes [00:00:00] Ladies and gentlemen, I like to call this meeting to order. We've been ordered to reconvene by the Ohio Supreme Court to produce constitutional maps by March, the 28th, will the staff please call the roll

staff [00:00:18] Speaker Co-Chair Cupp.

Co-Chair Speaker Robert Cupp [00:00:19] present.

staff [00:00:20] Senator Co-Chair Sykes.

Co-Chair Sen. Vernon Sykes [00:00:22] present.

staff [00:00:22] Governor DeWine, Auditor Faber, President Huffman, Secretary LaRose,

Secretary of State Frank LaRose [00:00:29] here.

staff [00:00:29] And Leader Russo, Mr. Co-Chair. All members are present.

Co-Chair Sen. Vernon Sykes [00:00:33] With a quorum being present. We will meet as a full committee in your folders are minutes of our last meeting on March 1st. Do I have a motion to accept the minutes.

Co-Chair Speaker Robert Cupp [00:00:45] So moved

Co-Chair Sen. Vernon Sykes [00:00:47] Moved and seconded. Are there any objections to the, to the minutes? Hearing and seeing none, we will accept the minutes as presented. At this time, we'll open the floor to any further business to be brought before the commission at this time. Governor DeWine,

Governor Mike DeWine [00:01:12] Mr. Chairman, thank you very much. I'm going to kind of go through oh, a few options and other members may have options, and I'm not tied into any one option at all. But maybe just to start the discussion first, I think we need to come out of here this afternoon with a plan as far as the process of the creation of a new map. I know there's been a lot of different discussions among different members. And let me just summarize a couple of those suggestions, at least one is this suggestion that I had started talking about the last time we went through this before the plan that was ultimately adopted by the commission. And that is to have the mapmakers really, I guess the three people who have been making these maps get together and work literally work together. I have a resolution that could be passed or we could pass any any kind of resolution, but basically what it would say is that this commission is asking the three mapmakers Republican, Democrat to work together to follow the Constitution, to follow the three now three court decisions that have been handed down by the Supreme Court of Ohio and to come back to the commission with with a map that does comply with all of those things. I guess I would propose that they they work together, that they be accessible at any time to members of this commission who could walk in and talk to them, and that they would give periodic reports back to the commission until such time as they'd come up with a map,

which does in fact comply with those three court decisions and with the Constitution. That would be one suggestion I know that the letter from the attorney general has been, I think all the members have seen the letter and I know there's been some informal discussion about with members, which would be, I guess, the second alternative. And I was not involved directly in the initial conversations, but it was reported to me that there are two mapmakers one Republican, one Democrat who were utilized in Virginia, and they came up with a a map. The attorney general, and a letter has indicated that, you know, he is would make those two available. He's had some, I guess, contractual contact with them or an agreement with them and that they would be available to do that. That would have obviously the advantage of having somebody, two people outside who have not been involved in this before, how much that would delay things, I really don't don't know, but that would certainly be a second second option. So I would just put those two options out on the on the table, at least to begin the discussion. You certainly could have other variations of those you know, you could have a with it with the partisan map makers, I suppose you could have another independent individual to be involved in that. The difficulty, of course, is getting everybody to agree on who that who that individual would would be going back to the one suggestion about the two independent mapmakers, again, you could substitute other people for those if the Democrats had somewhere else they want. If Republicans had somebody else they wanted, you could certainly do that. So I think there's a lot of different variations. But I think we need need to agree on something today and and and move forward.

Co-Chair Sen. Vernon Sykes [00:06:02] Governor, I thank you for your comments, starting us off here. I think it would be good for us to resolve or have a resolution here approved by the commission that would indicate our intentions to comply with the constitutional requirements directing staff also to do that. I think that would be a good for us to start with. Commissioner Russo,

Minority Leader Allison Russo [00:06:35] thank you, Mr. Co-Chair, and you know, I there's a lot that the governor has indicated that I agree with and, you know, hope that we all moving forward now in this process again commit to all working together, as has been suggested numerous times, so that we can come to some sort of resolution that both meets the requirements of the court and the Constitution, but also, I think, does well by the citizens of Ohio. I would just add that a couple of other things that I would like for us to discuss today and lay out whether it be through this resolution or coming to some sort of agreement on or at least begin discussions on, as you know, number one, what is this commission schedule going to be from now until the 28th? Are we going to meet every day, every other day? I think it's important for us to be clear about that. I know some members have expressed potentially having the option to attend these meetings virtually. But, you know, we'd like to have some resolution to that today. I think as the governor has brought up a couple of different options, whether it's through the independent map maker working with our existing mapmakers, I've just quick correction that we have four our total. There are two for the Democrats and two for the legislative Republican legislative leaders on the commission. But one of the other potential options is to also have a mediator that this commission could bring in as well to work with our map makers. I know that that has been discussed among some of the commission members here. The only thing that I would say about either of these options, which I am very open to, is I think that it's important whether we're using independent map makers or perhaps a professional mediator is that they actually be contracted and paid for through the commission. We do have finds through the task force to do that, but I think to avoiding any potential conflicts that that should come through this commission and not through the Attorney General's

Office. So I would just add that caveat. The third thing that I would say is the court was very clear about the work of this commission. A map maker is being done in public and how do we actually do that? What are the logistics of that and what do we agree on? I think that there is no reason why we can't make some of the work of our map makers available to the public and figuring out how we do that, whether it's in this room or it's in some other room or one of the theaters that we have available to us, how that's actually going to work. I also think that we need to talk about what is the timeline of releasing any maps so that the public has an opportunity to weigh in on them. I know the attorney general in his memo talked about a 24 hour window, but we have got to provide a better opportunity for transparency for the public to weigh in on the maps that are being considered by this commission. And I think we as part of this, and I hope as part of the resolution that we come to an agreement of what it means to abide by the court's decision in the Constitution. I think in this latest decision, there were some very detailed requirements and thoughts on that that I hope that we can all agree to. And then finally, I think that it is important for this commission to also have some discussion about the primary date and the implications of what instituting a new legislative map, what needs to be considered, having some conversations with the secretary of state, but all of us having some discussion about what are going to be the actions taken to move the primary date and what is actually feasible, what data is actually feasible for us to consider? So thank you.

Co-Chair Sen. Vernon Sykes [00:10:54] Further discussion? On the resolution, then that's being offered, do you have a draft or?

Governor Mike DeWine [00:11:11] Well, Chairman, I laid out two different proposals, and I guess I wanted to see if there is a consensus behind either one of those, if there's any modifications to any of those or if someone has another idea. So I didn't put those on the table in the form of a resolution. I put those two suggestions. I think we can certainly turn them one of those into a resolution, but I just thought that we should see if there is a consensus behind one idea or a variation of either one of those ideas. I mean, there are different ways of doing it. So I don't have a resolution at this point. I think the thought, frankly, that we would have some discussion and try to reach some sort of consensus about which way we would go because obviously it has to be something that there's a support for on this on this commission and I'm not wed to either one of these, if there's a third alternative, I'm fine at least looking at that and considering whether that will will work. I think there's advantages and disadvantages to the two I I laid out. One could make arguments, you know, in favor of one or favor another. But I just think we need to come out of here with something that show that somebody is starting to work on maps this weekend.

Co-Chair Sen. Vernon Sykes [00:12:41] Then we're still open for discussion. Commissioner Faber,

Auditor of State Keith Faber [00:12:47] thank you, I. I don't want to say I'm agnostic to the different ideas. I think all the ideas have the possibility to work. The only one thing that that's been mentioned so far that I have a little bit of an itchy concern with is that is this commission discussing primary dates because I'm looking at the group and I may be the only one on this group that has no say in what the primary date is or has no direct input on what the primary date is. You know, the governor certainly can veto legislation the legislators get to pass legislation Secretary LaRose has to implement legislation, but I'm not sure that the primary date is the concern of the commission. So having said that, I'll take that and let you guys figure that out because you all get a seat at the table and the

primary date on the mediator, I've been a mediator for the better part of 30 years. A mediator can help you find solutions would not otherwise appear to be possible. The problem is is who the mediator is. I there are some very good mediators throughout Ohio. I don't know any that really specializes in governmental mediation that would have background in redistricting, and probably that would be a good thing. But the parties have to have confidence that the mediator is truly a neutral party and is somebody they are comfortable sharing information with. And that brings me to a different, altogether different consideration. For mediation to be effective, the mediator has to have the ability to have confidence and people to talk to them in confidence about where their positions are to separate those from their interests. And there are court rules in place that allow mediators to have that confidentiality and mediation that are through the court. There are some state statutes on that point. But in this context, I would be concerned that any mediator would have a sunshine law or a public record confidentiality issue. Now, it's real tough to give up confidentiality if it's a discussion. And so I'm guessing there would be very few documents except map drafts that may be exchanged. But in that regard, I have not seen a mediation in my experience be as successful if they don't have the ability to have those candid one on one conversations in confidence. And so you may want to if you're going to do a mediator, we may ask the court to appoint that mediator, whoever somebody everybody can agree on. And then that would give the the court confidentiality procedures maybe some some extra teeth. That's my only concern as somebody who's been a mediator for a long time trying to figure out how you can get everybody to level. And candidly, we all saw this early on and I said it in my deposition testimony. A mediator might be very helpful to get us away from the concept of I don't want to say something that's going to hurt or help in litigation. When you go to the next stage of the of the next lawsuit, which everybody knows comes as soon as the map is filed from one side or the other. So a mediator, in my view, could be very helpful, but you got to understand the framework to get a mediator who's good and then a mediator who has the ability to leverage. And there are some very good mediators here in central Ohio. I don't know whether they're available in the next three or four days. With regard to, the staff getting together and agreeing all the play as employees of the commission and not employees of of our respective camps, I'm for that because it's probably easier to do that than to find outside parties. I was perplexed when the Supreme Court ruled that they wanted us to hire independent map makers and then get a map done in 10 days. I've tried to hire people in government and contract with people in government, and I've never seen that happen in 10 days, much less when you don't have even an RFP or RFQ and all the other governmental hiring, and then much less, I don't have any information as to how much this committee has as a budget or whether we have a budget or whether our budgets are subject to normal contracting or whether we can use a state based. I have no idea on any of that. But as an auditor, that's something we audit. And unless there's somebody going to tell me we have a statutory exemption in that process, I'm guessing that we would. I would have concerns with a hiring process that fails to meet the otherwise state requirements absent such an exemption. So if Attorney General Yost has been able to contract in his ability to hire experts that he has, he has the ability to hire in litigation and other things, maybe that's the reason to use the AG process to pay for it. I would just leave it at that, that from that perspective. But getting that done with a 10 day window. And by the way, I always find it interesting. By the way, we're going to hire you. We're going to offer you a job. But you know, you're terminated in 10 days. Another interesting discussion when you're hiring somebody working for government. So maybe the staff option is altogether better if we could have the staff repurposed for the purposes of working collectively to draw maps. I like that idea. I have like that idea from the beginning. I have had good good luck working with frankly that and I didn't realize Leader Russo that you guys had two people I've always dealt with. Maybe

I've dealt with both them. I just didn't realize it. I always assume you're your independent contractor, was your map-drawer, and I've had good luck working with them. You know, as long as we have luck working, working with them in that capacity. And I've had real good luck working with the Republican folks as well as long as everybody understands they work for the commission and we could all have input. I'm good with that. So I've gone on for a while basically saying I'm OK with either one of these. My only suggestion is an option that I've talked to most of the members about are my staff that the most of the members about. And that is this concept that we're all going to have hands on the mouse or we're all going to have the ability to sit in a room and draw maps. To me, the only way that works is if we have the ability to do electronic meetings and we use the electronic meeting purpose to actually have the map on the screen and then have input with the map drawing in an electronic purpose. We have shown throughout Ohio that electronic meetings can work. You can have full and vibrant public input at electronic meetings. It would also stop the concept that we keep scheduling things that people have to sit in the audience for 48 hours to come up and have a 10 minute meeting. I just think moving to an electronic open meeting for at least some purpose of of of this week as we try and do, this makes a great deal of sense to me. And it would allow us to meet Auditor Yost's suggestion that we meet every single day between now and the conclusion or whenever we have maps for at least some period of time. So we have a proposed rule change consistent with the statute that allows electronic meetings to move forward. So that's the only specific thing that I feel relatively strong about is that we could move to do this in a more transparent way using electronic meetings and make it more convenient for the public. But with that, I like the mediator idea if you can find a mediator and he has confidentiality issues. I like the staff collaborative and I like if Dave Yost got a couple of people. By all means, I've been told it's the people who drew the maps in Virginia. There's a Republican and a Democrat. I don't know who they are, so they ought to come in with a clean slate, and maybe that works just fine.

Co-Chair Sen. Vernon Sykes [00:19:58] Commissioner Huffman

Senate President Sen. Matt Huffman [00:20:00] Oh, thank you very much, Senator. So a few things on the scheduling part of it, we thought we had one question about the frequency of meetings. Attorney General Yost had suggested that every day was not excessive and just for the schedulers here I have. This is just personally. I've canceled my trip to see my grandkids in Florida next week. So I am available every day, all day through the midnight on March 28th. So I hope that lets the the schedulers except I have to be at the State of the State at noon on Wednesday. I think that's my only I have to gavel in that session. So other than that, that's my only official duty that I can't abandon, As Leader Russo in her letter, suggested every other day as a possibility. I'll I'll leave that to the schedulers and the co-chairs because as I said, I've made myself will make myself available any time or any, with the exception of the Wednesday event through the end of March 28th as to the method of meetings, Auditor Faber suggested Zoom meetings or some similar type of meeting, and that's that's fine with me too my, I have a basic problem with virtual meetings, which is nobody pays attention. It's hard to get anything done unless everyone's personally present. And so I've done on other issues in the public forum, I've tried to say no. If you're if you're getting paid to be here, et cetera, et cetera, every party needs to show up in the same room. But I think the auditor's right that if it's half an hour check in meeting, depending on what we schedule and how we schedule that, that makes more sense than people perhaps having to all assemble and makes the timing easier and things like that so that I would leave that to the schedulers and the co-chairs. Also Leader Russo, I think, brought up a an excellent point in terms of if we're going to have a public

hearing on a proposed map, when does that have to be done? And I believe leader or excuse me, Attorney General Yost suggested in terms of the transparency that the map be presented at least 24 hours prior to a vote on the map. So if we're if we're here at well, say, four o'clock on March 28th or some time, that the map would need to be presented to the commission by the afternoon of March 27th and if there are going to be public hearings or a hearing that those hearings have to take place on Saturday, the 26th or Friday the 25th, if there's going to be more than one day of hearings, which leaves us really about six or seven days to draw a map at this point. So I'm not saying we should have two days of public hearings or one or whatever it is, but if there is going to be a public hearing and we have to have a map prepared 24 hours, I don't think we have to. But the attorney general suggests that as part of the transparency, I think that's been some of the concern throughout this process that everyone sees the map at least a day before they vote on it, that that's in backing up, that's the kind of time schedule we have to deal with now in terms of additional staff in the suggestion of a mediator, I think mediators are great. I'm not sure whether I ever used Mediator Faber in the last. We had a case together. I don't think we have, but I've used lots of mediators. There are a lot of great ones right here in Columbus, former federal judges and retired judges. Again, I don't know whether there's a redistricting czar out there who also is a mediator, but if that's something that we want to consider hiring someone, you know, typically in a case, the parties agree on the mediator. And if they can't agree on the mediator, then a judge appoints one. But usually it's pretty easy to for parties to agree on a mediator. And if there's someone out there, that's, can be suggested to it and I, for my part, I would leave that to the co-chairs rather than having to come back to the full commission, if if we choose to have a mediator. Now on this issue of map mapmakers or map drawers, the governor's suggestion of having the two Republican map makers and I assume by that they mean Ray DeRossi and Blake Springetti in there. Mr. Glassburn and I forgot Randall's last name, Randall Ralph. Sorry about that, that the four of them would essentially be the map makers, and I'm certainly fine with that. I guess the court's quote was the commission should retain an independent map drawer. I'm sure if it's more than one, it would still comport with that. Who answers to all commissioner members, not only to the Republican legislative leaders to draft a plan, The other things, and so I understand and it makes sense that what what the governor is saying because there are essentially both sides, if you will, represented. And then, of course, the attorney general's decision of having two people who I think none of us have ever met or no but one Republican, one Democrat who have worked in similar circumstances that also, to me, seems to make sense. I would note that in not to go too far down this road, that there are, you know, as as we know, various methods throughout states for General Assembly maps to be drawn, and some of those are independent commissions and some of those independent commissions if they're unable to draw maps, it defaults to the state legislature or some other method. In Virginia, I think I have this right. The there is also an independent commission that draws this, but there is no default method. In other words, of the independent commission can't come up with something. There's no map. And so the Supreme Court in Virginia said these two fellows, who the attorney general is suggesting you draw a map and that's going to be the map. And so there wasn't any General Assembly or group of people who had to vote. The Supreme Court of Virginia essentially impose that map through the method that they chose to do it, which of course, we don't have that circumstance in this. We still have to vote. The commission still has to vote on the map when we get done. And some of us may like the map. Some of us may not like the map. We wouldn't know that, of course, until these two gentlemen produced the map and so in, so I guess those are my comments on who and staffing. The next question, I guess, is on this issue of of how the commission, how the map makers, whoever they may be. And for all I know, there may be a third option. There may be an individual we all agree

with. But but the question is how they take direction, how are decisions made and the court has made clear that they want a public process in, you know, obviously the purest form of that is that the seven of us are here. There's somebody with a mouse, as the auditor suggested and we're saying, no, not that way, this way. And but is there something short of that? As the attorney general is suggesting but whatever the direction that is given to these four individuals or these two individuals or some one individual separate from all of this, it has to be a collective decision of all seven of us at that time when those decisions are made, because that's what the court has specifically said, and I'm just going to read some of their language. The commission has adopted three plans so far, but still has not drafted one. In staff members, the Senate President Huffman, House Speaker Cupp have drafted all three of the plans adopted by the commission. So if if again, the people considered one of them as my staff member, one of them is is Speaker Cupp's staff member. We have a staff member for the Democrats and then a an independent person, independent contractor, Mr Glassburn. But I think the point is these drafters again, for people to people one people, they have to take direction from all seven of us. And I appreciate the governor's kind of get in the room and work it out kind of statement. But the question and that's a good headline, but what comes after that? How is it that they take direction? Is it so that's that part. And for example, if Ray DeRossi calls me and says, Hey, what do you think I should do here? Do I get to talk to Ray DeRossi, independent of the other six members of the commission, and I say all six, by the way, because on these maps, even though we've had majority votes by Republicans, we haven't all agreed on everything that's on there as I think some of the votes have been and in the discussion from September. And I can tell you that Speaker Cupp and I have had many differences over the past six months about this. So if if I'm not going to and I think this is what the Supreme Court is saying and what this commission is saying is if I'm not having a separate conversation with Ray DeRossi or any of the other three folks, but it's only with the of then it needs to be. And I think that's the way it has to be. It needs to be direction from the commission as a whole. Now, if someone says,"ah no you can talk to them whenever you want, you can talk to all four of them whenever you want." OK, I understand, but I just want to know what the rules are because in January, after being criticized by the court, we did our September 15th map and then January 10th, the court criticized that Speaker Cupp and I were too involved, and I said, Look, anybody can go talk to Ray DeRossi I'm not even going to go into the map drawing room, and I didn't. But other members of the commission did. And I just want to know what the rules are going to be that the commission is going to adopt. So I think those are that to me, is a more problematic resolution than frequency of meetings and who are mapped drawers are going to be, et cetera. And I think the location of the work that issue that was brought up that can be resolved, we can dedicate a room here in the state capital for those folks to do that. So those are those are my comments at this time.

Co-Chair Sen. Vernon Sykes [00:32:28] Any additional comments? Leader Russo

Minority Leader Allison Russo [00:32:36] thank you, co-chair. I appreciate I think these are all good discussions and things to consider, and you know, I would go back to last year, actually some of Commissioner Huffman's concerns about, you know, how do we actually implement if we've got whether it be an independent mapmakers or our mapmakers working together, how do we actually create a process so that decisions are made that they can work with? Because I will note that our makers have met in the past throughout this process. The problem has been when they are together not being able to serve as agents to actually come to some sort of consensus on what decisions should or should not be made within the map that has been the hangup primarily is, you know, often

they're in a room discussing some things and then everybody goes their separate ways. And then, you know, I will see a map shortly before we vote on it, not knowing if those things have been incorporated or not. Usually, they were not. So having a process that creates opportunities for actual consensus and agreement among the all commissioners so that the map makers can actually move forward in drafting the maps is, I think, an important detail that we do have to work out. I don't think it's an impossible thing. For example, I'm not opposed to the option of Commissioner Faber. You know, we're all sitting around looking at the map and giving some direction there. I don't think that that is something that is impossible to do or if we're in person in a room. But I do think that that's an important consideration. I will just go back to it sounds to me like we've kind of stepped away from the mediator option, which is fine. But that's what I'm hearing. I could be wrong, but we're stepping away from that potential option. And it's really either, you know, we come in with these independent map makers and decide on who those folks are or, you know, we create some path for our existing map makers people to work together and come to some sort of consensus. I think again, both of those have pros and cons to them, but I think the important detail here. Either way, we go is, you know, what are we agreeing upon is the process that we give any map maker directions as a commission and not as multiple entities within the commission.

Co-Chair Sen. Vernon Sykes [00:35:23] Yes.

Co-Chair Sen. Vernon Sykes [00:35:24] Yeah. To be cleared to Leader Russo, and I'm I have I'm for the mediator and I'm, you know, one method of doing that is to allow the co-chairs to choose that mediator. And I don't think I'm for it. Yeah. I don't think Auditor Faber was against that either. So that that's a I just want to make clear about that.

Auditor of State Keith Faber [00:35:45] I would argue a mediator would be particularly helpful, maybe at the end when we're trying to figure out where we land on the hard decisions. I mean, the map drawsers, and again, I've always interpreted this maybe a little different than somebody else. I've always interpreted that. What we can get broad agreement on a lot of areas, I mean, if I looked at the first map, the leader, I'm sorry, leader Sykes and Senator Sykes proposed. I didn't remember having a whole lot of dispute until you get down around some of the urban county areas as to where the districts went. And so I think there are large areas you can just get agreement with by giving direction collectively to them after hours. OK, in this area, kind of do this in this area. But when we get to the end, there's going to be areas where there needs to be some compromise. And that's where a mediator will be particularly helpful. But. I'm for a mediator that my only question is make sure you figure out how you do the logistics on it to make sure that the mediator can be effective.

Co-Chair Sen. Vernon Sykes [00:36:41] For the record as well, you know, I am supportive of the concept of having a mediation. I think it's important. In my previous conversations with the Speaker Cupp and with Governor DeWine, one of the issues is trying to get the staff to go ahead and be somewhat independent to make decisions. But I think a mediator could be helpful in getting past those impass positions to actually make decisions. If we give them the whole authority, the authority to the staff to make decisions and of course, the mediator to help break ties or help us decide.

Senate President Sen. Matt Huffman [00:37:23] Yeah, and these might be questions of nuance in where lines are and all of that. But the court has made clear that the staff is not to make decisions. The commission is to make decisions. The commission has not drafted

a plan and I don't think that we're complying with the court's order. If we say staff, go draw a map and bring it back to us because that's what we've done so far and there are other constitutional infirmities as the court has laid out to them. But one of the things they've clearly said is the commission has not yet drafted a plan, and I know the practicalities of that are difficult and everybody or can be. But I mean, essentially that, you know, the court has said that.

Co-Chair Sen. Vernon Sykes [00:38:20] Thank you, Commissioner LaRose.

Secretary of State Frank LaRose [00:38:25] Thank you. Co-Chair. A lot of conversation so far about process, and I recognize the importance of process, but process matters only and so much as it yields outcome, right? I think that the idea of having a mediator is fine. I'm open to that. I think that it's great that we've got two folks from out of state who have experience at this that are bipartisan, that there could be a part of the process. I think that we've got four pretty smart people that work for this commission, or at least for the majority in the minority on this commission. But I want to talk about outcome a little bit because I found it frustrating that I think to say that the court has moved the goalpost is an understatement. But you know, we felt like a couple of weeks ago, we drew the 45 Democratic districts and 54 Republican districts that they had asked for. But now it's this new concept that unless it's a certain index, it's not strong enough or safe enough in the partisan index. So I think that we as a commission sort of agreeing on what we want the outcome to be to appease the Court X number of Dem seats, x number of Republican seats and what sort of indexes we're going to see. And then giving the map makers the chance to go and try to fulfill the wishes of the commission that we that we give them. And then we look at that and maybe as a status update, we after a couple of days we say, OK, good, do these changes come back to us? I don't think it's practical for seven people and another four or six staff members to all have their hands on the mouse. I mean, that's the classic too many cooks in the kitchen, and that'll yield nothing. But I think that giving the staff members clear guidance, letting them go and work for a day or two and then coming back to us for a status check may be the path forward on this.

Governor Mike DeWine [00:40:14] [microphone not used—there may be inaccuracies in this transcribed paragraph] Well, maybe just a follow up to what the secretary said. As far as instructuions, I guess there's two ways of doing it. You simply hand, the simplest was is to hand the people who are physically doing maps the instructions in those come up by the Constitution, The State of Ohio and the three court decisions, that's one way to the other way of doing it is having a consensus with this group with specific things that need to be [inaudible] when you're either handing them the decision or you're summarizing that decision that that's the only way I that you can give them at least the initial instruction. I don't know, I don't think it matters, which way you do it there's also a possibility that, and I don't know if this will happen. There's a possibility that whoever is drawing the maps, one of these instructions come back and tells us we can't do everything, we cannot do everything the court says and cannot do everything in the Constitution says, I don't know what if they'll say that, but that back and forth probably is healthy, no matter what they come back and say. Well, I wouldn't envision, but I guess I don't envision seven hours sitting around watching them do this. But I do think it's consistent with what the court has said is that they continue to [inaudible] and tell us if there are challenges and the problems in their areas where there are conflicts back and forth, which occurs at least once a day, seems to me to be consistent with what the court is asking. And also, may be helpful to finally try and reach a [inaudible] instructions, initial instructions to the map makers, we have to go one way or the other I had a resolution based on the first two, there are several

court decisions, will I include a number of things in their map that I thought was in the summary, but I'm not saying you have to be that way to simply say turn the court decision over to them who was as well as the constitution I think, it has to be one or the other. [End of audio quality issues]

Senate President Sen. Matt Huffman [00:43:06] Thank you, co-chair. And just I think in response, maybe maybe to the secretary, but I think to the governor too. I'm certainly not suggesting. And even though the court kind of says it, but I think we've interpreted this, that it's not the seven of us sitting in this room watching the mouse move, that what I am suggesting is that I don't think that we can delegate a in agreement or authority to the staff to go out and make a deal and bring it back to us again because the commission is supposed to be drawing the map. And again, there may be a fine line exactly where it's what we think this was. Of course, we'll take it back to whoever. But if if it's brought back to us individually and then we make our individual insertions into it, and that's how that's how the agreement happens with each of us individually and the auditor and the governor and the secretary of state don't have an employee in the room. That's one of the problems. So I think there has, to be sure, go out and do the work. But whatever work is done, whatever communication is done is done with the commission as a whole. So I'm not I just want to be clear, I think the point here is that we can't let the the map drawers cut the deal, so to speak. I don't think we're allowed. I don't think the court permits us to do that.

Co-Chair Sen. Vernon Sykes [00:44:46] Commissioner LaRose,

Secretary of State Frank LaRose [00:44:48] thank you, co-chair. Yes, so so building on that, I would agree with with the Senate President that it's up to us to make these decisions and that we can give clear guidance to the map makers. And maybe and this is just an arbitrary kind of example of what this could look like. We would tell the mapmakers to go sit down and draw us a map that has 54 Republican districts and 45 Democratic districts in the corresponding similar proportion of of, you know, Senate districts. So, you know, we give them the partisan breakdown of what we want to see. And then we say 10 percent of those for the Democrats and 10 percent of those for the Republicans can be in a certain range of competitiveness. But the other ones have to be outside of this range of competitiveness. And we we want to make every attempt to not put incumbents together that sort of double bunking concept. And we want to maintain compactness and communities of interest and then say, Hey, mapmakers, can you come back in 24 hours and try to accomplish that thing that we all seven just agreed on? And then see where they get and then obviously make adjustments from there.

Co-Chair Sen. Vernon Sykes [00:46:01] I think that whether or not we retain outside mapmakers or use the existing mapmakers, we are still giving them instructions to comply with the Constitution and the court order. And we will still be making the final decision. So I don't know if we need to make too much distinction with that.

Senate President Sen. Matt Huffman [00:46:22] Yeah, sure, I agree with that. It is. It is a little bit nuanced. And you know, the discussion, as we talked about is is with these folks who are hired and work for the Democratic legislators or the Republican legislators. And again, I don't know what how the statewide folks feel necessarily about that. That's why it makes more sense to have independent people do it because they're not beholden to anyone in particular. You know, as I mentioned, just because Speaker Cupp and I are Republican legislators, we don't agree and I can certainly tell you our respective map makers do not have not agreed on many of these things. Ultimately, there was a product

produced. I can also assure you that many Republican legislators are unhappy with it also. The one comment I just want to make is we're trying to if we talk a little bit about criteria regarding incumbents, and I appreciate the secretary's point. But I think that was also criticized by the court that we should not consider incumbency in drawing these maps. So I just want to kind of get that out. There is not not something that the court says that we're allowed to do if I have that right, right?

Co-Chair Sen. Vernon Sykes [00:47:54] Leader Russo,

Senate President Sen. Matt Huffman [00:47:58] I'm sorry could I just finish?

Minority Leader Allison Russo [00:47:59] Sure.

Senate President Sen. Matt Huffman [00:47:59] I didn't get. I probably didn't. It's it's it can't be the. It can't be an overwhelming part of the criteria, I guess maybe that's part of it, so there's probably some nuance to that too. So excuse me, leader Russo.

Minority Leader Allison Russo [00:48:18] Thank you, Mr. Co-Chair I think it's you know again to reiterate that I think we've got the important point here is that we can move forward with this, that there are multiple options. And honestly, there's not a reason that we can't do some combination of all of the above. You know, I'd go back to the independent mapmakers, which I think is a good suggestion and option. And actually, I think we can execute that pretty quickly. And they I would expect that the current map makers that we have been using who are most familiar with Ohio and some of the nuances of Ohio and our communities will be involved in that process as well. And I think in terms of the, you know, the commission has to be drawing this map and we are the decision makers. Part of the reason of having these daily meetings is, I think, to hear back from what is the progress, what are the sticking points, us being able to give clear guidance with those sticking points and make some decisions so that they can continue to move forward is part of the the process of us meeting daily is still, you know, what is the progress? What are the decisions that we need to make because we are the decision makers at the end of the day and we are the commission members. The other thing I would just say to in terms of the mediator, and I think Auditor Faber brought this up. You know, that can be particularly useful at the end. Again, not a reason that we can't use a combination of all of these options. And perhaps the mediator does come in at the end. If there are some remaining sticking points that we as a commission can't seem to come to some sort of agreement or consensus on. In terms of just, you know, I will point out that this commission has got close to $4 million that has been allocated to it. I don't, and not at all suggesting that we would spend that in the next week, but I'm saying that we are have been very quickly able to both execute these contracts and get people on board when necessary. And so there are options there. I still hesitate at having this done through the Attorney General's Office because the attorney general technically serves as our counsel in these cases, and I do not want there to be potential conflicts of interest there.

Co-Chair Sen. Vernon Sykes [00:50:53] If I could maybe try to summarize Leader Russo. I think one suggestion would be that we move forward with independent map drawers. Working with our map drawers and using a mediator to help within the impasse issues. Just kind of the suggestion that we start with the resolution from the body indicating what our intentions are to comply with the Constitution and the court order, and that we empowered or direct the hired contractors as well as our staff to work together to come up with with the recommendation or suggestion. If there's any impasse issues that need to be

addressed, that the mediator would be involved at that point to make a final recommendation to this body for adoption. Commissioner LaRose,

Secretary of State Frank LaRose [00:52:00] Thank you co-chair maybe a hybrid of that, but I like the I like the concept of that sort of bipartisan group of outside out of state mapmakers that have shown a level of expertise at this and past success, being advised by the four very capable staff members that we've been working with for many months now. But maybe the difference would be that we are the the tiebreakers, we're the mediators, the seven of us, at least when the map makers get to the sticking point, if we're having daily meetings, whether they're by Zoom or in-person or what have you, they can bring it to us. And the seven of us could give them some better guidance to, you know, how to how to proceed with the next day's mapmaking session.

Governor Mike DeWine [00:52:51] Mr. Chairman,

Co-Chair Sen. Vernon Sykes [00:52:53] Governor.

Governor Mike DeWine [00:52:53] Just a clarification question, did you anticipate with the mediator that that would be picked by the two chairs?

Co-Chair Sen. Vernon Sykes [00:53:05] Yes,.

Governor Mike DeWine [00:53:06] I think that's a good idea.

Co-Chair Sen. Vernon Sykes [00:53:08] Yes.

Auditor of State Keith Faber [00:53:15] I would just make one potential suggestion that maybe the two chairs could ask the court through the attorney general or council to make a recommendation of three or four mediators that the two chairs could agree from a list that way, the court is the one that's again, I'm just trying to make sure we can give the mediator some artificial cover. Maybe that's necessary. Maybe that's not. But I don't I don't care about the process more than than maybe asking for that at the end.

Co-Chair Sen. Vernon Sykes [00:53:46] Senator Huffman,

Senate President Sen. Matt Huffman [00:53:47] Yeah. In terms of mediator, I yeah, I think this. I mean, we do have to vote as a commission to spend money. But, you know, delegating a selection or a review of names from mediators to the co-chairs seems to be makes sense that the one and perhaps this is a nuance. The one thing that I want to suggest as leader Sykes when you mentioned or co-chair Sykes, Senator Sykes that the mediator would make a final recommendation in my mind, that's not what mediators do. Mediators tried to get a an agreement, so the media and the mediator does not judge. And again, this is let the 30 year mediator comment if I'm getting this wrong. But the mediator doesn't say to a judge in a case or whoever. His job is to resolve the differences and not say, I tried to resolve the differences and they're not resolved. So here's what you should do because that that changes dramatically what the role of that person would be.

Co-Chair Sen. Vernon Sykes [00:55:00] I would agree and my comments only that we used the mediator to help us continue to make progress. Leader Russo,

Minority Leader Allison Russo [00:55:16] thank you, co-chair. I would just add, you know, for this discussion about the independent mat makers, I recognize that the attorney general has put forth two suggestions. I do think that it's important that members of this commission, if we're going to go that route, that we have a little bit of discussion or agreement and who we don't necessarily have to stay with, who the attorney general recommended. But you know, what are we defining as independent? Do we agree? Is there opportunity, I think, for both sides to put forward a name? You know, I will just note that the name that was recommended, the Republican individual has actually been a consultant. I think on the last three cases with the the maps, that gives me some hesitation. You know, clearly there's been further guidance by the court in each decision that might change some of his recommendations. But I think that we just need to have an open discussion about, you know, do we do we agree on what is independent? Are we actually going to go forward with these two recommendations or do we have other suggestions or alternatives for these individuals? I think that's important.

Co-Chair Sen. Vernon Sykes [00:56:34] Senator Huffman, yeah,

Senate President Sen. Matt Huffman [00:56:34] I think it's a it's certainly a fair discussion to have. And as I think we all know, as Leader Russo indicated, these are suggestions by the Attorney General, Attorney General Yost. And other than, you know, his description in his dossier or memorandum that he gave to us. That's pretty much what I know about these folks. And other than they had this, they drew a map in Virginia and were successful. But it's it's there were only two people had to agree to that map, and that was the two of them. And there wasn't a commission later that seven folks had to or at least four four people on a commission had to be in favor of. So, you know, I think it's certainly a valid discussion as to whether if we go with and perhaps it's a single independent map maker, as the court suggested in its opinion, or it is a one from each party as as these two folks are. So I think that's a valid discussion. I don't have anybody to suggest other than, you know or even that I know about, other than the four people have been working on this and the two people, the attorney general suggested.

Co-Chair Sen. Vernon Sykes [00:57:58] One suggestion might be to leave it to the co-chairs, as we have with the mediator concept, leave it with the co-chairs to make the decision to recommend to recommend. So the co-chair here is trying to keep us on point to make some progress today. It seems that we may have some consensus, but I need input from the body that we select independent map drawer or drawers and those persons to be selected by the chair, the co-chairs and they work with that person or persons would work with the existing map drawers, Democrat and Republican two on each side to come up with a plan and to use either the body to deal with difficult positions and decisions and or mediator. If we use the mediator again, the mediator will be selected by the co-chairs upon recommendations from the court or some other entity selection process. And that would. That's what we where we are right now. If there any more discussion about this issue? Yes,

Minority Leader Allison Russo [00:59:25] Thank you, Mr. Co-Chair. I think there's a practicality to this as well in terms of timing. And what time are we going to hold ourselves to to actually make these selections? And most importantly, to begin the work and have some of the public meetings so that we are moving forward and making progress. I think that is entirely feasible for these recommendations to be made and implemented even by Monday. The stuff can move very quickly so that we can have our map makers moving

forward with progress and begin our daily meetings so that we can get feedback and begin having real substantive discussions on this.

Co-Chair Sen. Vernon Sykes [01:00:11] Monday suggested. The comments about time to other issues.

Co-Chair Speaker Robert Cupp [01:00:20] Mr. Chairman, I just want to make it clear that anything the co-chairs do, it's a recommendation to the commission, not a selection by the co-chairs. Is that part of our understanding?

Co-Chair Sen. Vernon Sykes [01:00:34] Yes.

Co-Chair Speaker Robert Cupp [01:00:44] So I've been listening to this with a great deal of interest, I think there is some optimism here. I think there may be some excessive optimism in terms of how this can work in practicality. So I'm a bit skeptical about how that should do. I do agree we need to do something. I do agree. We need to try to move forward. I agree we tried to come up with something that will satisfy the requirements of the court. Problem is, they keep changing what the requirements are or the refinement of those requirements, so it's difficult to know what's next. And I am concerned about the confidentiality issue on this. So I'm assuming that I could talk to Chris Blackburn and ask him to, you know, draw me something. It'll be, you know, spread everywhere. Is that something I want to do? Sure, that's going to work with everybody else as well. One of the problems with this process and Co-Chair Sykes and I have talked about this is there is a lack of confidentiality to be able to do some of these things that are normally done with confidentiality. So Auditor Faber is correct, I think, in saying that a mediator. We've got a confidentiality issue and mediation doesn't work very well without confidentiality. So there are some practical concerns with all of this. I hope members aren't being overly optimistic. Certainly work with the co-chair to try to develop this. I don't know where we can find mediators in, you know, 48 hours and, you know, have them thoroughly vetted and know what we're getting. But I'm certainly willing to to work if that's the direction of the commission. But I do think all of these things are decisions of the commission, not the co-chairs.

Co-Chair Sen. Vernon Sykes [01:02:42] Thank you. Other comments. Yes, Faber.

Auditor of State Keith Faber [01:02:50] I agree with with Speaker Cupp in general that I think the commission needs to be making some of the bigger decisions. But look, if we're going to go down either route, I again, I think it may be a hybrid, route? I don't, if you can, if we want to put the Yost to individuals that are recommended, I know nothing of either of them. So that probably means from my perspective, they're good neutrals and we want to tag them with our four staff members that have been doing this. Look, I'll make one of my staff members who has been kind of my go to person available. I know the secretary has somebody and the governor has somebody so we can put not four, but we could put seven staff members in a room with the two people and sit down there and start. And I would suggest that if they're going to start, I don't know how they get anything to us by Monday or Tuesday. Frankly, it's probably Wednesday before we could see anything realistically. But having said that, because we still got to pick people, we've got to get them in a room. But I would suggest that we start at the largest county, the way the Constitution says draw maps and Franklin County, then move on to the next largest county and move on until you get a map that works. And periodically they report back to us at each one of those stages because I do think at each each stage based on how we saw this go about before, we're

going to have decision points and those decision points should come back to the seven at us. That's why I suggested electronically we see a Columbus map. They say, Should we go outside of Franklin County, you can draw Franklin County, as we all know, without going outside. And I think it's I'm looking at Mr. Glassburn in 11 districts, House seats, or you can go out and draw it and 12. That's it's an important question we have to resolve. The map makers are going to have to figure that out. That's a question that we could sit here and say, OK, see me an 11 seat option, see me a 12 seat option. What does that mean? And then where do you go out? Do you go out into Union County? Do you go out into Pickaway county to go out into Madison County, Delaware County? All of those issues that are going to have to be debated? Certainly, the staff in the room can work out some kind of suggestion. It comes back to us. We say yes or no. Then we move on to the next area. If you go north into Delaware County, that means the Knox, Delaware Marrow area are going to be part of the next district. That's going to have to be debated because Delaware counties now split. All of those are issues that you're going to make decisions as you go about that. I think that's when we meet and that's when we start having those discussions. I think if we. I would be shocked if you get anybody on board between now and, Monday, maybe? I would be shocked if they can have a product for us to look at that has any merit between now and Wednesday. But I'm for it, whatever. And that's why we have I have a motion that before we leave, I'm going to offer to amend our rules to allow us to meet remotely. Because frankly, even if we have people hired, maybe, maybe. Monday's meeting is a remote meeting for Vern, and I'm sorry, co-chair Sykes and Speaker Cupp saying, We've succeeded. We've got two independent map drivers from the state of Bugtussle that want to come help us out with this. And if we put them in the room with all seven of our staff for four or three or whatever the number happens to be, they will start drawing on Monday. They're going to give us something back fungible Monday at three o'clock in the afternoon, and we can look at that for 3:45 meeting. Maybe the answer is it's 4:45 on Wednesday. I don't know. But I think in the end, that process is probably what we ought to do. And that periodic reports as we develop the best possible map we can do. And I don't know where this lands, but I am. I'm still trying to figure out what the new guidelines are, and I read the opinion twice now.

Governor Mike DeWine [01:06:31] Mr. Chairman,

Co-Chair Sen. Vernon Sykes [01:06:33] Governor.

Governor Mike DeWine [01:06:34] Mr. Chairman. We know who the two are. We know who the four are. So you've got six people who you know who they are. What you don't, if that's the consensus of this group, I'm not sure, is consensus yet, but the mediator does sound like a good idea to me. But it would seem that this the group doing the map can certainly start their work before a mediator is there, mediator is going to be in there to resolve problems. And, you know, I would hope that the mediator would, once he or she is there, would take an active role in trying to resolve, as is the Senate President has said, resolve problems and get a an agreement or a consensus. I'm a little concerned, I understand that the decision final decision has to be ours. I understand we have to be involved. We should be involved. But it seems to me that a better shot at getting things done is having the mediator take a shot at the problem first and see if there can be something worked out. And that doesn't mean that the mediator wouldn't necessary, could be very well talking to members, and the mediator could be talking to members behind the scenes. I just candidly, we want to be as transparent as possible. But candidly, a mediator going from one person to another back and forth gets a lot better results generally than an open, open meeting where everybody is involved. And it just it just doesn't move as fast.

And look, we're trying to comply with what the court says, but we only have 10 days now. They're less than 10 days. So the court has given us 10. We didn't make up the day and the court made up to 10. So I think we have some obligation to to make conscious decisions here. There is going to speed this up and get to a resolution. And so my idea was not to have the mediator, but I think was a great idea. And if you find the right person who who can move between not only the staff but also through members if need be, it seems to me that's how you resolve it. So I guess I'm not concerned about the fact we don't have a mediator today. Obviously need we need to start working on that. The two of you need to start working on it, I guess. But I think you could start with the people we have named and let them start on the process now. Time's running out.

Co-Chair Sen. Vernon Sykes [01:09:26] Senator Huffman,

Senate President Sen. Matt Huffman [01:09:28] Thank you, and I agree with the governor, I think he's summed up the issue pretty, very well. I again would caution. It is true that often resolutions, whether it's resolutions on legislation in differences we're trying to settle a case are done in a confidential way. You know, you can't settle a lawsuit, if what you're offering gets thrown out in front of the jury, then you don't want to offer anything because you're not sure. So settlement negotiations by law are not admissible as evidence. We have a legislative privilege that says if I go to Senator Sykes and say, Well, why don't you do this and say that? Or even with other legislators, that's that is confidential. It's privilege. And we do that now, kind of for the same reason that the media does not want to reveal their source. Those sources may not want to talk with them anymore if if that's revealed. So we all know the importance of private, confidential discussions to resolving matters. The issue is those kinds of discussions are one of the things that the court has criticized in a pretty severe way that decisions were not made in a public forum. And again, where that line goes well, there's a recommendation that the decision gets made here. You know, it's kind of like legislation that's broad. It gets resolved. Then it comes to the floor and we all vote for it. That's the legal decision. But the behind the scenes negotiating is not public. So I just caution that whatever negotiations, whatever the mediator would be doing that, that would be too hidden from the public. So that's one thing. The second thing you know, we talked about the map drawers, the independent map drawers and perhaps there are other people or an individual out there who would do that. And I think it's fair for Leader Russo to be skeptical, perhaps of the suggested Republican mapmaker that that's fair. Of course, we have to do it. The court talks about an independent map drawer singular, but I'm sure that two of them would be fine, too. I think we need to prepare for the possibility that in the work that the co-chairs or perhaps their staff or other people would do and trying to find a mediator or an independent map drawer that there's going to be a disagreement about this. And so this is sort of the question I pose: Does the independent map drawer or drawers, do they need to be approved by this commission unanimously? Now, the rules don't say that, but if if five or four members of the commission, perhaps all Republicans decide that this is a pretty good plan, we're going to get these two Virginia folks in here. They've worked together before they solved a Virginia problem. At least the two of them came up with an agreement, Supreme Court in Virginia said, OK. But you know, Leader Russo's concerned about the Republican involved, and I understand completely your concerns. Do we go ahead and hire them anyway? And I'm not sure that's within the spirit of this discussion. But in the spirit of getting this done in time to have a public hearing on Saturday, the 26th or Sunday the 27th and then passing this on Monday the 28th. We may not have time to go back and forth trying to find other map drawers and but maybe there's lots of folks out there who would like to do this, I don't know. And there's somebody that all of us know nothing about

and we're OK with. On the other hand, if we know nothing about them, maybe we shouldn't be OK with them. So I just want to suggest that possibility. If a majority of the commission decides to go one one way or another.

Co-Chair Sen. Vernon Sykes [01:13:55] Leader Russo,

Co-Chair Sen. Vernon Sykes [01:13:57] Thank you, Mr. Chair. You know, listen, I think there is recognition that no one that we involve in this process is not going to have some level of bias. I think when I think maybe there should be some agreement that independent at a minimum means that it's someone who has not been involved in any of the litigation so far. I think is a fair sort of minimum thresholds. I would like to go back to, you know, the governor originally started this meeting recommending a resolution, and I think a resolution is a good idea to lay out, you know, what are the principles or the steps that we're attempting to achieve? I think that it is entirely practical for us to plan to meet again on Monday to vote on this resolution, assuming we'll see a draft beforehand that lays that out, but also is the opportunity for us to take those recommendations for the independent mapmakers and or the mediator. If we're ready to do that, I'm in agreement that we don't necessarily have to do all of those things concurrently. But Monday is a good opportunity, I think, for us to both establish a resolution about what our ultimate goals are as a commission and the instructions that we're giving to the map makers, which is to follow the Constitution and the three court orders, but also to consider these recommendations and take a vote on them. And I think, you know again in considering what is independent. You know, again, everyone comes with biases to this and we can recognize that. But for me, my only hesitation with the recommendations so far is just having somebody who has not been involved in the litigation so far.

Governor Mike DeWine [01:15:43] Mr. Chairman,

Co-Chair Sen. Vernon Sykes [01:15:44] Yes, governor,

Governor Mike DeWine [01:15:47] I understand that. Maybe I'm a little pessimistic, but waiting until Monday to do this and then thinking that we all can agree on the specific instructions. Yeah, I think it's being a little optimistic. Seems to me that we all that simply going by the court decision and going by the Constitution is enough instruction. We all I'll be able to agree on that. But if you start putting it down in writing and putting more emphasis on one thing than on another, they'll never be in agreement here. We will not have an agreement. So I guess I would rather allow the map makers to have some flexibility. They've got their marching orders from the court, three separate decisions plus the Constitution. Isn't that enough? I'm just concerned we're waiting, under your idea that we wait until Monday, then we won't be able to come up with an agreement on the language, and then we battle that out for a while, and I guess I just don't know why we can't go with what the Constitution says and what the three court decisions say.

Minority Leader Allison Russo [01:17:17] Mr. Chairman.

Governor Mike DeWine [01:17:18] Seems to be from the from from, you know, most Republicans have not like those decisions. And so being willing to say we're accepting those decisions, it seems to me that you all ought to be able to say, I'm OK with that. So, yea

Co-Chair Sen. Vernon Sykes [01:17:37] Let me let me say that I appreciate President Huffman's suggestion. And one of the reasons that I suggest there be two map makers as opposed to one is because, you know, you could select one and we could selects one, and we would be easier to come up with agreement in both of us trying to select the same one. I'd like the idea also of unanimous, vote, because if we do have an agreement between the co-chairs, I think we probably could get to that unanimous in the first policy course in my PhD program years ago, they indicated that the cave men and women, when they made decisions, public policy decisions, they were all unanimous. It had to be because that's the only way they can come up with an agreement because the majority might decide to eat the minority. So it's important that the unanimous decision, I think, would be clear, but I think it would be a clear path to that if we have bipartisan recommendations from the co-chairs. Lead Russo,

Minority Leader Allison Russo [01:19:05] thank you, chair, I concur with that, I did just want to quickly respond to the governor's comments, and I am actually fine with the marching orders to the mapmakers being the Constitution and the court decisions. And if that simplifies the process and eliminates any resolution, I'm perfectly fine with that. I think that I agree with you. I think they are perfectly clear and they are good instructions.

Co-Chair Speaker Robert Cupp [01:19:34] Great, so so maybe the the the map drawers from, and on either side can meet between now and sometime on Monday, whenever we decide to meet again with the consultants that the attorney general is offered to just sort of preliminary sketch out just the way the maps exist. And maybe that will produce some ideas as to how we might be able to bridge some of these differences and and go forward. And that being in the interim, while we're trying to decide whether there is a mediator at some point and whether there is or there should be other independent map drawers, which I think are all questions that are still up in the air. So at least there is some effort to try to move forward between now and Monday. I'm just throwing that open for discussion.

Co-Chair Sen. Vernon Sykes [01:20:48] Thank you for giving me that discretion as the chair to try to provide some guidance here. I think it would be important to have the resolution as long as there was bipartisan agreement to deal with the Constitution, implementing the constitutional requirements as well as the court order. I think that would be appropriate. I think a meeting tomorrow would be much better than one on Monday to make a decision about the recommendations the co-chairs would make as as it relates to the independent map drawers. And I think we need to resolve hopefully this so we can move on to some of the other items on the agenda that deals with this issue. Yes.

Senate President Sen. Matt Huffman [01:21:40] Mr. Co-Chair, yeah. In regards to a resolution that says we shall follow the Constitution and the decisions of the Supreme Court, absolutely. First of all, I don't think we have a choice to say whether we do that or not. We just do it. And in some ways, passing the resolution would be superfluous. But if we want to say we're going to do what we're required to do under the oath that we all took for our office, which is follow the Constitution, including as interpreted by the Supreme Court, decisions, I think if the attorney general were here, he would say that that's our also our obligation. So I'm fine with that resolution. The only thing I would say about a meeting tomorrow to decide to discuss the possibility of outside additional staffing, I'll put the mediator in the map drawer or drawers and just just call it additional staff, is that would be if if there's something to report tomorrow in something to decide on. Great. But if you know it's and we can all be notified and up on our cars and be here however it is, you all wanted to do. But it would seem to me, given the complexity of it and given the concerns about,

first of all, you have to have, I don't know that there's several thousand map drawers around that are unemployed right now looking for something to do. But there might be. In finding someone that collectively the co-chairs would agree on or collectively the commission would agree on. In the next oh, 24 hours might not happen. If it does, we could meet tomorrow. If it doesn't, we could meet, you know, Monday morning or something.

Governor Mike DeWine [01:23:36] Mr. Chairman, maybe I misunderstood. I thought that we would pass a resolution giving the two co-chairs the authority to do this. I'm trying to keep this thing moving. I mean, we have confidence in you two. I think you've kind of we've outlined pretty much what you're going to do. I trust that you will be able to reach an agreement on that and do it. So I guess I would prefer giving you that authority today. And if there's a problem, you'll come back to us. But I don't know why that you know, the two of you are perfectly capable of doing this very well, and I think we have trust in you.

Co-Chair Sen. Vernon Sykes [01:24:33] LaRose,

Secretary of State Frank LaRose [01:24:34] Yeah. Be fine with the governor's suggestion. I think that the one thing that maybe we should add to that is some sort of a timeline. I think that if these folks are going to be hired, assuming they may not live in Ohio, they've got to get here, rent a hotel room, get to work. I mean, I think would be ideal if under that resolution, if the co-chairs could come to an agreement on who these two new independent map makers would be and then get them here and working by Monday morning.

Governor Mike DeWine [01:25:08] That would certainly be a goal.

Co-Chair Speaker Robert Cupp [01:25:10] Mr. Co-Chairman, would we be able to take a 15 minute recess?

Co-Chair Sen. Vernon Sykes [01:25:15] Yes. Are we now in recess for 10 minutes more or less. [Commission is in recess]

Co-Chair Sen. Vernon Sykes [01:25:29] [Commission reconvenes] Senator Huffman

Senate President Sen. Matt Huffman [01:25:30] Thank you, co-chair Sykes. So I have a motion, it's five parts to it, but I think it summarizes fairly what the discussions are and has an appropriate go forward plan over the next, oh, 72 hours or so here. So part one is that the, all staff currently hired and who might be hired in the future will be directed to follow the constitution of the State of Ohio and the decisions of the Ohio Supreme Court in the work that they're doing. That's part one, part two that the commission will schedule and as needed. Sunday evening, 7:00 p.m. Meeting to receive recommendations from the two chairs for two independent map makers and one mediator, if any. And the reason why I say as needed is if it's 4:30. And hopefully folks are going to dinner and doing other things, but they may not if we can find folks on Saturday night or Sunday morning and in time for that consideration to happen by tomorrow. That's why I'm suggesting later in the day, 7 p.m. Sunday evening. Third, that we schedule a not-as-needed, but actually schedule another meeting on Monday at 7 p.m. We will meet in person to discuss and hopefully decide on the mediator and the map makers and make that decision decision Monday night. I'm my motion doesn't say we have to make a decision Monday. It's aspirationally we're going to try to make a decision. And but we want to get together in person to talk

about that. Consider recommendations. Number four, that in the interim, the four map makers which we the individuals we've been discussing here today, the employees or contractors of the various caucuses will begin meeting somewhere in the State House, perhaps either the majority or minority conference rooms in the Senate building, if wherever they would choose and begin discussing. How it is that they can work with these two independent map makers. And what are some of the sticking points, things like that? This is not, a these meetings over, again I don't know if that's possible today, but tomorrow and during the day on Monday would be to tee up what the complex issues are. And as Senator Fa- or Auditor Faber and others talk, some some areas are more complex than others. And but to begin framing that and finding areas of agreement, areas of disagreement so that that can be presented to the independent map makers and the mediator and Five that we schedule a meeting of the redistricting commission for Tuesday morning, which is April, excuse me, March 22nd at 9:00 a.m. to continue the work of the commission. And that's that's the extent of my motion, mr. Co-Chair

Co-Chair Sen. Vernon Sykes [01:29:13] is there a second for the motion?

Co-Chair Speaker Robert Cupp [01:29:16] second

Co-Chair Sen. Vernon Sykes [01:29:16] Discussion, one just clarification on the meeting tomorrow, 7:00 p.m., the purpose would be to announce or to actually approve.

Senate President Sen. Matt Huffman [01:29:29] Well, the purpose of the meeting as needed session of the commission tomorrow is to receive the recommendations of the if any of the commissioners for two mapmakers and one mediator. And we probably can decide then or at some point between now and then, if those those determinations for recommendations have not been made, that will determine whether the meeting is made. If there aren't recommendations to be made, obviously, but. And we can't approve it if the recommendations are accepted by by the commission. I hope I hope I was clear, I hope I answered your question.

Co-Chair Sen. Vernon Sykes [01:30:16] Yes. So we could be divided. In other words, you could come up with map makers and not the mediator.

Co-Chair Sen. Vernon Sykes [01:30:26] Yeah, that's correct. Or vice versa. Vice versa.

Co-Chair Sen. Vernon Sykes [01:30:28] Right? OK, any other questions on the motion? Auditor Faber

Auditor of State Keith Faber [01:30:37] I just have one maybe friendly amendment or suggestion you mentioned before from the majority majority and minority legislative staff. I would suggest that we expand that to seven. If the other commissioners have somebody on their staff, they'd like to participate in those meetings.

Senate President Sen. Matt Huffman [01:30:56] I don't have any. I don't have any objection to the proposed amendment, to my amendment.

Minority Leader Allison Russo [01:31:10] Another. Thank you. Can we say the commission, any commissioner staff that is appropriate? I understand that the statewide have staff members. I'll just point out again that the House Democrats are we only have

the contractor available, so we do like to have a staff member or someone who's actually a staff of the caucus present.

Co-Chair Sen. Vernon Sykes [01:31:41] If I could make further clarification, how about the four mapmakers that we've designated already and one staff person from each of the commissioners? If the commissioner would be so inclined?

Senate President Sen. Matt Huffman [01:31:56] Yeah, that's that's fine with me.

Co-Chair Sen. Vernon Sykes [01:32:00] Right. Any other on readiness? All in favor of the motion to signify by saying, aye,.

COMMISSIONERS [01:32:08] Aye

Co-Chair Sen. Vernon Sykes [01:32:09] All of those opposed? so ordered. Is there other items to be bought before the commission today?

Auditor of State Keith Faber [01:32:26] Mr. Chairman, I would make a motion to amend Rule 3 specifically to allow the option of remote meetings. As most everybody in this room knows, the Legislature passed a statute allowing remote meetings, I believe we would be subject to that statute. That is a section that is being used widely across the state of Ohio. It has been well demonstrated that local governments, commissioners, cities and the like have used remote meetings effectively as long as the public has access to it. There are multiple means to give the public access to it, whether it's a phone call into an audio line or participation through a link at one of the many services. And this this rule essentially translates and follows the statute, I believe.

Co-Chair Sen. Vernon Sykes [01:33:25] I think there's been a copy of this rule had been circulated. One question I have, Commissioner Faber is would it be the same as saying that the attendance of any commission member could be virtual as opposed to making the total meeting a virtual meeting?

Auditor of State Keith Faber [01:33:51] I would certainly be open to that as an amendment to the amendment. And certainly if commissioners want to attend virtually and the technology is there, I think that's certainly appropriate. But I would again make my primary purpose for this is is to look and say as we start looking at maps in detail and we start going over those details, it's going to be much easier for, I think, the public and much easier for commissioners, particularly if we get into the point where we're debating various alternatives to see that on the computer screen in front of you. Then looking at the handouts that we pass out and maybe a poster board over on the side of the corner. The technology has adopted so much in this area, and I think most of us in our own lives and attending meetings, it's going to be easier. The other reality is if we're going to be adjusting our meeting schedule and we're going to be doing what we're doing for public to have real input, I know where video stream and live streamed here on the wonderful Ohio Channel. But it's just as easy to have that input electronically and frankly, the Ohio Channel's probably the methodology that's going to be used for the electronic meetings if it's here in virtual component. I would imagine. But that technology is beyond my expertize.

Co-Chair Sen. Vernon Sykes [01:35:08] Second question, would this be optional and then to call of the chair?

Auditor of State Keith Faber [01:35:15] Certainly, Mr. Chair, I would anticipate that a complete virtual meeting would be at the call the chairs of the people who are calling the meeting because we have an alternative meeting calling procedure. I would think that certainly three members could call for a virtual meeting versus an in-person meeting. But I would think that that would certainly the way we anticipated and drafted this, it would be up to the call the chairs to be totally virtual.

Co-Chair Sen. Vernon Sykes [01:35:38] Could we stand at ease just a minute to allow the review of the proposed amendment? [Commission is at ease]

Co-Chair Sen. Vernon Sykes [01:37:13] [Commission reconvenes] Are there any additional questions or comments?

Co-Chair Speaker Robert Cupp [01:37:16] Mr. Chairman, I have a question. I don't have an objection to members participating virtually. If if we can be set up, I don't know if any. If you've, you know, we've asked anybody here whether they can do that and how it's done. And the question would be is is this looking for member participation virtually or is this public public participation as well? I would just add that the Ohio House has not done virtual meetings, so this is not something that we necessarily know right away. How to how to set up but in terms of a member participating, if we can set technology up for it, I don't have any objection to that.

Auditor of State Keith Faber [01:38:09] I mean, the short answer, from my perspective, is both. And again, I don't think this is necessarily something that, look, we don't have to decide on this now. We can certainly send it to OGT and ask how we would participate in how we would do this and consider this Monday, Tuesday or Wednesday. But I do think it is something that we should candidly be talking about. We should be doing. It is being done across the state, so I know it can be done. The public participation side is a little more difficult and most of them, my understanding is is that public participation is more in a passive viewing basis, kind of like, OGT. And if you're going to alot of testimony, you have an open ability to open that up like you do on a Zoom call or a WebEx or another other platform. We have a participation model that we've used in the auditor's office. I believe it's through WebEx where we've had meetings as many as thousand participants and you have the ability to take questions and have dialog. So I know it's doable. I know our technology that we have in the office does it, I can't imagine that OGT and or your people over here don't have that capacity, but it is something that is available. But I don't disagree. The nuances of the implementations a different question than allowing it to happen. Certainly, member participation is a little easier if you have the ability through a phone line or through a a laptop to have somebody participating virtually. It's one thing. The problem is is that you have to be able to transcribe and hear that through whatever you're putting out to the public.

Co-Chair Speaker Robert Cupp [01:39:43] Yeah. So if a member is not sitting here in the end and we all have to figure out some way of being able for the rest of us to see that member and that member to see us, and that's that's the only, you know, concern I have is maybe time to work that out. I do know when we had public hearings back in August or maybe a little later than that, we did have a remote, before for public participation, part of the public hearing. So that part was actually a little easier to do. And what this is, but we can certainly if if you want to hold it so we can see, you know, how we can do that. I don't have an objection to doing it.

Co-Chair Sen. Vernon Sykes [01:40:22] Do you want him to actually hold on the amendment or,

Auditor of State Keith Faber [01:40:26] I will take the amendment under consideration and ask that it be held on our agenda for consideration later the week.

Co-Chair Sen. Vernon Sykes [01:40:34] One comment I would like to make, too, is on the controlling board. We have used this very successfully to both the general public and broadcasting to the general public, as well as having agency representatives being presented and have an opportunity to answer questions and to actually participate also in the meeting. Are there any additional questions or comments at this point? The amendment will stand on hold, for further clarification. OK.

Co-Chair Sen. Vernon Sykes [01:42:10] With no further business, we stand adjourned.

EXHIBIT 4

Ohio Redistricting Commission 03-21-2022

http://ohiochannel.org/video/ohio-redistricting-commission-3-21-2022

Co-Chair Speaker Bob Cupp [00:00:03] The staff please call the roll

Clerk [00:00:05] Co-chair Speaker Cupp.

Co-Chair Speaker Bob Cupp [00:00:06] Present.

Clerk [00:00:06] Co-chair Senator Sykes.

Co-Chair Sen. Vernon Sykes [00:00:08] Present.

Clerk [00:00:08] Governor DeWine.

Governor Mike DeWine [00:00:10] Here.

Clerk [00:00:10] Auditor Faber

Auditor of State Keith Faber [00:00:11] Here.

Clerk [00:00:11] President Huffman.

Senate President Matt Huffman [00:00:13] Here.

Clerk [00:00:13] Secretary LaRose.

Secretary of State Frank LaRose [00:00:14] Here.

Clerk [00:00:14] Leader Russo.

House Minority Leader Allison Russo [00:00:15] Here.

Clerk [00:00:16] Mr. co-chair a quorum is present.

Co-Chair Speaker Bob Cupp [00:00:19] A quorum is present. All members are present in your folders are the minutes of the last meeting on March the 19th 2022. Is there a motion to accept the minutes?

Senate President Matt Huffman [00:00:31] Motion.

Co-Chair Sen. Vernon Sykes [00:00:31] Second.

[00:00:32] It's been moved and seconded that the minutes be adopted as presented. Are there any objections or amendments to the minutes? Hearing and seeing none, the minutes be accepted without objection? Is there further business to come before this meeting of the Ohio Redistricting Commission? Chair recognizes Co-Chair Senator Sykes.

Co-Chair Sen. Vernon Sykes [00:00:53] Thank you, co-chair. Ladies and gentlemen, we have the responsibility have made a decision that we were going to hire, retain

independent map drawers and to come to some agreement on it. We had decided in our last meeting that that each side would be able to recommend. Each co-chair would recommend to the body and the body would consider approving the recommendations being made. And at this time, I would like to offer up Professor Michael McDonald. He has a bachelor's in economics and political science. He's an expert in redistricting elections and methodology. He is a professor at the University of Florida, and he has been a consultant or considered an expert witness in redistricting issues in Alaska, Arizona, California, Georgia, Michigan, New Jersey, New York, Ohio, Oklahoma, Texas and Virginia. And he is available to come to Ohio right away to work on this project. And we have disseminated this information, distribute his more detailed resumé for the benefit of all of the members of the commission, and we would offer this as our suggestion or recommendation to the body.

Co-Chair Speaker Bob Cupp [00:02:39] Thank you, co-chair. So we also, I also took a look at finding independent consultant and interviewed several people. The one that seems to me to be suitable would be a Douglas Johnson, president of National Demographics Corporation, and he has consulted on redistricting both at the state and local level in numerous jurisdictions. He is also available to come to Ohio, unlike others that were have been discussed. And he is actually there are multiple people that work for him, so he has a capability of producing suggestions or map or analyzing maps, whichever the commission should decide that, that we want. And so that would be my recommendation to the commission is to hire or retain Douglas Johnson to help us with this project and process. I will let me just before we do that, I will also say that I have endeavored to find a person that would be available to be a mediator. There was also what we talked about. I contacted the Ohio State Bar Association as and asked for some, some some names, as I predicted Saturday evening that it was going to be difficult to be able to find somebody over the weekend. And while I do have, I had two names and one of them suddenly indicated they were not interested, I have not had an opportunity to contact the other. So just as a report on progress on that front.

Co-Chair Sen. Vernon Sykes [00:04:55] Mr. Co-Chair, I also have some progress. I did as well talk with several people. I was able to be successful with them in particular. I've been recently confirmed with the and approved by the Chief Judge Sutton of the United States Court of Appeals, the Sixth Circuit, that the mediators that they use would be available to us to help us in this venture. They'd be available immediately and it would not cost us anything.

Co-Chair Speaker Bob Cupp [00:05:33] Mediators provided by the federal court system is that?

Co-Chair Sen. Vernon Sykes [00:05:36] Yes, that work in the United States Court of Appeals, the Sixth Circuit.

Co-Chair Speaker Bob Cupp [00:05:47] So there you have it. That's our report.

Co-Chair Sen. Vernon Sykes [00:05:56] Mr. Co-chair, if I may, then I would make a motion that we did this by the commission, approved the two map drawers that we have recommended as we were instructed in our last meeting so that they can start working together to provide us with a map so that we map for the commission so that we can comply with the court order.

Co-Chair Speaker Bob Cupp [00:06:23] The motion, is there a second?

House Minority Leader Allison Russo [00:06:26] Second.

Co-Chair Speaker Bob Cupp [00:06:26] It's been seconded by Leader Russo. I will say that this is coming in here. Tonight is the first time that I've seen the resume for the Mr. McDonald, I think it is. So it was. I know we had several experts that were floated and I will admit that I was involved in other matters today. And so whenever the resumé came, I wasn't available to to look at it. So. So I don't really know much about him.

Senate President Matt Huffman [00:07:07] It's under discussion? So, Mr. Co-Chair?

Co-Chair Speaker Bob Cupp [00:07:14] Senator Huffman,

Senate President Matt Huffman [00:07:15] Yeah, certainly I didn't I don't know anything about Mr. McDonald, but I certainly accept the suggestions of co-chair Sykes. I would note for those who did not have an opportunity to talk to the suggested mapmakers by Attorney General Yost that they are not available for most of the time. They would be working at least after Friday, and I think one of them did not want to come to Ohio. So this gentleman who apparently are willing to come to Ohio and be here for this eight days that we have left, I think are preferable. But do we have, I guess, in complying with the court's order? The mapmaking is supposed to be done in public. And I mean, I say literally that means a room accessible to the public and is, I guess, what kind of instructions are going to be given to these folks in terms of who they can communicate with? Are they only communicating with our staff and or commission members, the members of the media, members of the Legislature, et cetera? I just think that needs to get clarified so that there's not kind of a confusion about that. And I'm not sure that we I don't think they're going to work tonight, but perhaps that's the subject of a of another meeting. But I think we need to clarify how those how that's going to happen.

Co-Chair Sen. Vernon Sykes [00:08:58] I think we had some discussion in our last meeting about the meeting with our map drawers, we had identified four of them as well that the staffs of the commission, at least one from each of the commissioners, those persons that we hold it in a public place that we possibly live stream the deliberations in that we would offer a place, a public place, one of our committee hearing rooms, possibly or theater that would be available and accessible to the public. As with most of these meetings, the co-chairs have worked out the details, but I think it's important, as you've mentioned, to have some general idea of how this will be conducted.

Co-Chair Speaker Bob Cupp [00:10:09] Chair recognizes Auditor Faber.

Auditor of State Keith Faber [00:10:11] Along those same lines, I just want to make sure we're all clear on what the obligations and goals are of what our map makers are going to do because it's going to change my concerns about who the quote unquote map makers are. My understanding is, is that what we're looking for is people essentially to move stuff around the map that we tell them to move. I don't I'm not looking for and I don't think the court suggested that we look for somebody to draw a map and then we we get to say, that's the map or that's the map were presented with. I think the court said we're going to draw a map. And so if the process is other than that, that these map makers are coming here to say, here's here's the map that we think you guys should adopt. I don't want to hear it. And candidly, that's not what I think our obligation is in this process. So if we're

picking people that are essentially going to sit around a table and say, OK, this is how you comply with two, three, four, five and seven, and then this is what you get to on Article six, and these are the options you can move left or right that we discussed last time working with our Gang of Seven, our gang of four, then that's fine. If it's going to be anything other than that, then I've got some questions, frankly, about both of these individuals who I know nothing about. And I would just start out with this one. Mr. McDonald was referenced is participating in a number of lawsuits as an expert witness. Did he or was he ever retained by any of the individuals involved as an expert witness that are involved in this set of litigation by any of the organizations or their affiliated entities and suing us? And who did he testify for? If he's going to hold himself out as an expert witness? And I'd ask the same thing of Douglas Johnson. I just looked at Mr. McDonald's résumé. He has a very interesting resume. But he has testified in redistricting cases all up and down. And so my guess is he has some opinions and I guessing those opinions are probably consistent with people on one side of this case or another. We heard objections that came from Leader Russo that may be a person who had done an analysis on the maps for for the Attorney General's Office may not be qualified or should not be allowed to do this. I'm questioning that in this capacity. Those concerns are much more mitigated and much, much less in the forefront of my concerns. If essentially we're bringing people in that know how to use Maptitude and know how to move districts around and know how to tell us what precincts can go where and not violate two, three, four, five and seven. I just want to make sure we're all clear on what the goal of the map drawers are and that they understand what their goal and roles are so that when we come in and say, Hey, we want to move this here, we want to move that there, we want to know what happens if that happens. It's a much different scenario. That's what I ask for a discussion on.

Co-Chair Sen. Vernon Sykes [00:13:19] I would if I could. I think it's clear that the court has made it clear that it should be a map that's produced by the commission and any map makers that we hire, retain are supposed to produce something for us. And we of course, always have the right and privilege to make any edits or any other requirements that we would like to have made during this during this process. I think that the court and the attorney general recognize that it could be beneficial to us to have some independent people assist us with this process and make a recommendation to us. And we still have the authority to make the final decisions or edits or tweaks to whatever's being presented by the outside independent consultants.

Auditor of State Keith Faber [00:14:25] My only response to be that is, OK. And I accept what you said because I generally agree that we're drawing the map. But my reading of the court's opinion was the court really wanted the commission to hire somebody to run the computers and do that, that work that before we had relied on either the staff that worked for the Democrat Legislative Caucus or the Republican legislative caucuses. OK, whether this is the person you hire and again, I'm much less concerned as long as we're hiring somebody to do the technical and that understand how maptitude works and understand the distinctions of the loading problems that we've heard about maptitude versus Dave's Redistricting in the precinct splits and all that stuff. That's all technical stuff that frankly, none of us are ever going to master. But if the person is coming in to give us some outside expertise on the foibles or joy of this concept in redistricting or another concept, I'm sorry that that's something that we hire experts to testify to us about, not to draw maps for us. And so to me, that's a very different analysis. So as long as that's the understanding, I don't object to either one of these two individuals who I know nothing about. But if we're coming with some other expertise in some other idea that I need to know a lot more about both of these two individuals.

Co-Chair Speaker Bob Cupp [00:15:47] Leader Russo,

House Minority Leader Allison Russo [00:15:50] Thank you, Mr. Chair. I think, you know, to echo what I think I'm hearing from the auditor, just to say that, you know, certainly my expectation is not that we give both the Constitution and the court decisions which should guide any mapmaker, regardless of whether they're independent mapmakers or ones that we are part of our staff, that they go off, produce a map in a black box and they come back to us to report. I don't think that that is neither what any of us seek to achieve, nor is it in the spirit of the court's decision that very clearly laid out that this should be happening in public. So I personally have envisioned this, and I'm not sure if this is in line with the rest of the commission is that this is number one. These two individuals are working together. They come with the technical expertise they are following with the Constitution and the court order have directed. But there will be decision points in discussion that they will need us to weigh in and and there will be multiple as I suspect there are multiple ways to accomplish this. And there, as we've seen in various iterations of maps that have been presented to this commission, that we will need to weigh in on. So I don't think that this is just sending them off to make a map and come back to us. I think that this is very much a they are helping us implement as a commission and coming with their technical expertise, but using the Constitution and the court decision as the guidance.

Co-Chair Speaker Bob Cupp [00:17:32] Further discussion. Secretary LaRose.

Secretary of State Frank LaRose [00:17:48] Yeah, thanks, Baker. And just something to add, and I think that the two individuals that have been recommended, I'm sure, are highly qualified and very purposeful and hardworking and all of that. That doesn't change the fact that we have an enormously complex process with enormously complex rules here in Ohio that are, you know, require a specialized skill. We've got four people that have that specialized skill. Those are the the two very hardworking staffers that have been working for the Republicans and the two very hardworking staffers that have been working for the Democrats. I think that those four individuals are skilled and know this process better than really anybody. And I think that whoever the outside map makers are that we hire should also work together with the four staffers that we have maybe even all six of them in a room together, quite honestly, because I think that's the best possibility, and I remain skeptical that this is going to yield a workable result, but that's the best possibility that we could get that done.

Co-Chair Speaker Bob Cupp [00:18:53] Further discussion.

Governor Mike DeWine [00:18:56] Mr. Chairman?

Co-Chair Speaker Bob Cupp [00:18:57] Governor DeWine.

Governor Mike DeWine [00:19:00] What do you think as both the chairs i the timing of these two individuals hitting Ohio and being able to start work? And I'm I'm curious about that, obviously, because we're in a hurry. But second, you know, we may want to before they really get too far into it to have them actually in front of this panel or commission? So there is an understanding of how this is going to work. I mean, I guess I would understand it to be that it's it's a continuous process that they would come back to us with different issues at the appropriate at the appropriate time and that we certainly should have the ability to go into the map room at any time and check on how they're doing and what the

progress is and what they foresee the issues to be. So I guess the question is what what is the timing and if, if, if the two of you if you know, I mean, I know.

Co-Chair Sen. Vernon Sykes [00:20:16] If I could co-chair, I have also distributed a suggested timetable for our meetings. And I believe a copy was sent to everyone. If not, let's make sure we have that? and on Wednesday, at five o'clock was the time that I thought would be give them time to get in here and get to get together in time for our meeting at that particular meeting, for them to make initial presentations, introductions for us to to exchange expectations and so forth.

Co-Chair Speaker Bob Cupp [00:21:04] OK, I think the proposal was just being circulated now. I have not seen it. I'm just thinking out loud while it's being distributed, whether we want to have a written description of what we were expecting them to do so that they know and we know what it is that we are asking the experts to do.

Co-Chair Sen. Vernon Sykes [00:21:35] I think that would be appropriate on the for the meeting on Wednesday to to have them as well. I think that would be good.

Co-Chair Speaker Bob Cupp [00:21:45] It might be better to have it before then. So they know if whatever it is, if that's something they're willing to live with, I guess. So I mean, I I don't know how they'll come thinking about this. I do know that Mr. Johnson indicated that he was available for a variety of ways that we wanted to do it. So I did. Since I've had a discussion with him, my I think I understand that Mr. McDonald, I do not know, of course.

Co-Chair Sen. Vernon Sykes [00:22:17] And one suggestion I might have co-chair is that on tomorrow morning for our meeting tomorrow morning, it could be a part of it could be a work session of where we actually put that statement together based on some, I'm sure, in advance each of us or may have some ideas of that we can exchange of ideas in advance. But to have a work session tomorrow morning for our regular scheduled meeting time at 9:00 a.m. to kind of work out that that arrangement.

Co-Chair Speaker Bob Cupp [00:23:01] It's certainly a possibility.

Senate President Matt Huffman [00:23:09] Mr. Co-chair. I guess I'm I'm wondering about the governor's question is, is are the map makers are, I assume, are even though this paper says tomorrow morning at nine co-chair Sykes, you're suggesting they'll be here Wednesday?

Co-Chair Sen. Vernon Sykes [00:23:26] Wednesday.

Senate President Matt Huffman [00:23:27] OK. All right. So that, I think, answers the governor's question, right? We're talking about the map makers being here Wednesday.

Governor Mike DeWine [00:23:34] The answer is they cannot be here till Wednesday. Is that what I think?

Senate President Matt Huffman [00:23:37] I think that's

Co-Chair Sen. Vernon Sykes [00:23:40] From what we've been able to figure out so far. Yes. OK.

Senate President Matt Huffman [00:23:44] One in Florida and one in California, right? I believe, right?

Co-Chair Sen. Vernon Sykes [00:23:50] I believe so. OK.

Co-Chair Speaker Bob Cupp [00:23:52] Leader Russo.

House Minority Leader Allison Russo [00:23:54] So I think my understanding is probably tomorrow as a travel day for Italy. Mr McDonnell, given that it is eight o'clock now on a Monday evening, so they will, I assume, probably both be arriving tomorrow. So I think it's fair to expect that on Wednesday they would be available in front of this commission. But certainly that does not prevent us from meeting in the morning to talk about, you know, specifically what our expectations are for each of them, at least in my conversations with Mr MacDonald. I think he is very flexible, has worked in a variety of different circumstances. So whatever the expectations are of this commission, he is adaptable to because he has worked in several different settings and scenarios to be able to do this kind of work.

Co-Chair Speaker Bob Cupp [00:24:46] I did not ask Mr. Johnson when he could arrive here. I asked him whether if he if he was willing and able to come to Ohio, and he said he was. So, I'd have to follow up with to see what timetable might be. I'm just checking your

Auditor of State Keith Faber [00:25:13] While we're looking at our schedules. And maybe it's because the auditor in me has some fiscal questions. I first question who's retaining these folks and what are they charging us? Those people who are coming in generally aren't doing it for the goodness of their heart. And if they are, then I have a question about that because usually they're they have some other interest. And then secondly, who's responsible for paying them? And then do we have a state contracting issue? I assume these are likely going to be fairly expensive items. And do we have a controlling board issue or how are we going to get this approved? I'm just curious whether anybody run those traps to ground. Whether we have to do an RFQ, an RFP usually if it's under $50,000, we don't, but do we have to run it past controlling board for approval? Do we have to? And, and, and so I just asked that question before we agree to commit to something that we may or may not have authority to do.

Co-Chair Sen. Vernon Sykes [00:26:20] I can help you co-chair. Leader Russo,

House Minority Leader Allison Russo [00:26:27] Thank you and thank you, Auditor Faber, for that question. I have actually looked into this a little bit and we do have some experience actually as a commission approving staff and expenses. We've got about $70,000 that is left for this commission. So, you know, again, we can vote to approve this expense and we've got that remaining in this commission's budget. We also have close to $4 million that is left in the task force budget. I've already spoken with my co-chair, Senator McColley. And you know, if there are needs of this commission, we can very quickly issue the allocation of necessary funds. We have actually done a contract through that process that was fairly quick and we can certainly set the limit at forty nine thousand from each of those components if necessary. So I'm saying all of that to say that we can issue those contracts fairly quickly. Have LSC take a look at it, which is what we've done before when we hired our consultant and get the necessary funds allocated.

Auditor of State Keith Faber [00:27:47] I would just like, again, those funds may be there, I have no idea. Again, we've had no role other than the co-chairs in allocating funds in this process. I just want to make sure I mean, as I've been reminded, apparently we passed good government legislation to make certain exemptions for some of these contracting requirements for the General Assembly. There's a General Assembly is the one that's making the contracts through the the task force budget or wherever you have some authority and discretion. Regular state agencies do not. So I just want to make sure whatever we're doing, we're doing in a transparent manner and we're making sure we're doing it correctly. And then frankly, I don't have a clue of what these people expect to be paid. But for somebody getting on a plane from Florida or California and bring a team here or whatever they need is not going to be inexpensive because it is a short duration, even inexpensive, maybe relatively affordable. But I just want to make sure that's transparent and that we all know what that is. The other thing I would ask is that both of these two individuals. Make a conflicts disclosure specifically about and frankly, we can hire them knowing they have a conflict, but we need to know what those conflicts are. It's just been handed to me that one of these gentlemen testified in a case as an expert witness for the League of Women Voters who was a party in this action. And I go, I just ask that question because we need to know those conflicts as all lawyer friends on this board know we can waive conflicts, but you can't waive a conflict you don't know about. And in that regard, I just ask that we have a conflict disclosure from the two individuals.

Co-Chair Sen. Vernon Sykes [00:29:27] We can consider it a friendly amendment, we'll add to it, for sure.

Co-Chair Sen. Vernon Sykes [00:29:43] So Leader Russo.

Co-Chair Sen. Vernon Sykes [00:29:44] Sure, just as a quick follow up to that and to let you know that we have reached out also to LSC just to make sure that, you know, the proper procedures are followed so that we get this these contracts and make sure that the payment is is all certainly appropriate. Regarding, you know, the the rates. We do have some idea based on what the attorney general with the two potential options that they had that he had reached out to. We at least have an idea of what was negotiated with those individuals, so we at least have a threshold. I would say, I dare say that probably neither of the co-chairs has yet talked about rates with these individuals. So I hesitate to even throw anything out there at this point without having that discussion first. But we at least know from the attorney general's previous discussions what I think would be reasonable to expect from these individuals.

Auditor of State Keith Faber [00:30:54] I don't know what that is.

Senate President Matt Huffman [00:30:56] You know, Mr. Chair, Co-Chair, I don't. Auditor just mentioned I don't know what those suggested rates either were. But just just to be clear. Speaker Cupp and I had a conversation with these two individuals yesterday afternoon, and I believe leader Russo and Senator Sykes did. Also, just to be clear, those two individuals, one was in California and made it clear he's not traveling to Ohio for this. So I just know the out of town rate is usually not as much as the, I'm going to sit in my kitchen and work on my computer rate, the other individual who happens to be local, from nearby Delaware County. He was not able to work after three o'clock for a variety of reasons, and both of them after Friday were not available. So. And I also, after kind of some inquiry, believe that they were not really familiar with the frankly extraordinary constitutional requirements that we have in Ohio that I I think you might ask Mr. Glassburn

or some of the others that really other states don't have. They weren't really familiar with that, nor the details of the Supreme Court decisions. So whatever it is that they were quoted, they probably like a lot of things, sometimes you get get quoted prices and they say, Oh, I didn't know you wanted five bathrooms. I quoted you only two bathrooms in this house, so. But the point remains, I guess, that we we should try to figure out what the cost is and the contracting complexities and those things. So but you know, just I want to make that point.

Co-Chair Sen. Vernon Sykes [00:32:46] Additional point. I'm glad you raised that issue. Those issues have been delegated to the co-chairs. Previous contracts and we will do our due diligence to make sure we comply with all the necessary requirements.

Co-Chair Speaker Bob Cupp [00:33:05] It would seem to me that would be prudent that rather than proceeding with the resolution today that we ought to try to get the answers to these questions and bring them back to the commission tomorrow with the what the cost is, when can they be here? What is the the technical requirements for signing the contract? Where does the the the money appropriately come from? What kind of conflicts disclosure should we have? And as well as what is in these some written description of what it is we're asking them to do. So I don't know that we can determine all of that right now. I'm not sure how best to do it by nine o'clock tomorrow, but I mean, it's a lot of a lot of information now. Maybe, maybe you've already done some and LSC can provide that fairly quickly. But it would seem to me that it would be better to have all this in order before we proceed with actually hiring anybody.

Governor Mike DeWine [00:34:14] Chairman.

Co-Chair Speaker Bob Cupp [00:34:15] Governor?

Governor Mike DeWine [00:34:15] I certainly understand all that. I just I hope that we're able to communicate to them that all likelihood they're going to be hired. I'd hate to lose another day. I mean, if we're into tomorrow and we don't know until whatever time, then they've got to make flights and then we push it back another day. I'm just I'm just concerned about the time here, so.

Co-Chair Sen. Vernon Sykes [00:34:44] I agree with the governor, I am concerned about the time on a very short fuse and we have the funds, the ability and guidance. And I think we should move posthaste ahead. I think it's important for us to keep on schedule so that we can comply with a court order.

Governor Mike DeWine [00:35:09] Mr. Chairman, I did not mean to say that we should not do this, wait until 9:00 to do it, but I just hope that we're in contact with both of them and make sure that we're getting flights booked in or they're getting flights booked. And we're we're moving forward. I'm just I'm concerned about losing another day. That's my concern. So I don't mind waiting till tomorrow to voting on it. That's fine. But I just don't want I don't want to lose another day here.

Co-Chair Speaker Bob Cupp [00:35:37] So I was suggesting they you try to gather as much of that this evening as possible and so that we're ready tomorrow. If we if we can be and I guess we're going to meet tomorrow to maybe review what it is their scope of work is which we've talked about in generalities, but not in really any kind of specific. Leader Russo?

House Minority Leader Allison Russo [00:36:00] Mr. chair. Yes. You know, I I would say I'm not in agreement that we should delay at least voting on the selection of these two individuals. I think certainly by tomorrow morning, we can talk about the specifics of what our expectations are. But you know, I feel like we sort of punted this a little bit on Saturday. We didn't meet yesterday to talk about this. We're now going to punt this again to tomorrow morning. Don't know if we're going to vote on this tomorrow morning and move forward with this. We need these individuals to begin to make plans to be here so that we can begin work on a map. We now are one week out from the deadline and the more we turn our wheels here. You know, the more. I just think this delay is not a wise move. Let's at least vote. There's a motion on the floor to agree with who the vote selections from the co-chairs will be. And then we can move forward with some of the details in the morning so that we have everything lined up. But I think that it is important that we keep moving forward in this.

Senate President Matt Huffman [00:37:17] Mr. Co-chair. Just a suggestion we can contact these individuals tonight, say we expect to approve them tomorrow morning at nine o'clock with an expectation that they're going to be here Wednesday at 5:00. But for the formal approval tomorrow, we need to have some information what they're going to charge. And sometimes if you hire somebody and they get to say how much you're going to charge, you know, but but we need to know these things. We need to know about conflicts that the auditor raised. We'd like to have all that information. We expect to formally approve the contract based on the information we are likely to get, which is a reasonable price. No conflicts that are significant that they can be here in person on Wednesday to present to the commission or answer questions. You know, with the folks that the attorney general suggested, that sounded like a good idea until we talked to them and we found out they couldn't be here for most of the time. So if there's going to be conversations with these gentlemen tonight or shortly and we can affirm the information that we're thinking is likely that they're we want to pay what they want to do, that they can be here, that there aren't any significant conflicts that they're. And I understand the charge, so to speak. So I don't think something's going to happen between now and tomorrow anyway, and we don't expect them to be here till Wednesday at 5:00, so.

Co-Chair Speaker Bob Cupp [00:38:58] Leader Russo,.

Co-Chair Speaker Bob Cupp [00:38:59] Thank you, Mr. Chair. Is there a reason that we can't recess for about 45 minutes to have these conversations? I think both of us, both co-chair Sykes and you are probably in very direct communication with each of these individuals to be available to clarify some of these questions pretty immediately.

Senate President Matt Huffman [00:39:22] Not me,

Co-Chair Speaker Bob Cupp [00:39:24] We could try. I had a phone conversation earlier in the day with Mr. Johnson. I can certainly see if he's available. But I mean, there's no way to know whether he really is or not. If we want to recess, I mean, I have no objection, anybody else have a thought on it.

Auditor of State Keith Faber [00:39:52] My only thought on the recesses are we really do anything by recessing tonight and talking to them versus coming back tomorrow morning, talking to them. I'm more concerned. I mean, frankly, I'd ask them to get in here Wednesday morning and start working with our Gang of four Gang of Seven to maybe give

us some draft ideas so we can start the process of looking at central Ohio and then looking at northeast Ohio and then looking at other places, maybe at our meeting on Wednesday to make that more productive Wednesday evening. But I think certainly. The conversations tonight would be, but for something that doesn't work out in this, we anticipate finalizing the request to hire you tomorrow. We expect you to be here Wednesday morning with the expectation that Wednesday night we can have a meaningful discussion. I think we could do that just as easily tomorrow's breaking today, but I don't care if we can get an answer in 45 minutes. We can come back, but I doubt you're going to get an answer on the conflicts. I doubt you're going to get an answer on some of those things until they have a chance to pull all that together. But but I maybe I'm willing to stay to midnight tonight, I don't care.

Co-Chair Sen. Vernon Sykes [00:41:00] And that's unless we take the recess.

Co-Chair Speaker Bob Cupp [00:41:04] All right. If without objection, we will recess for when we just recess for an hour. See if we can get in touch with it. And in the meantime, maybe anybody whose office has some forms, a conflict disclosure form try to get some information on what their requirements are for actually contracting, what kind of documents and time. To do list of things that you. Yep. So Commission will recess till nine 9:30.

Co-Chair Speaker Bob Cupp [00:41:40] Redistricting commission will come back to order. I would ask. Well, first of all, report that I was able to get a hold of Mr. Johnson and he is able to arrive here Wednesday, subject to airline schedules as to particularly when on Wednesday and willing to sign a disclosure of conflicts form that we talked about and compensation was was suitable. So at this point, we have a motion pending. Could we have the motion restated?

Clerk [00:42:19] Restate the motion for the two mapmakers?

Co-Chair Speaker Bob Cupp [00:42:20] Yes, please. Go ahead. Go ahead.

Clerk [00:42:25] Co-Chair, Speaker Cupp

Co-Chair Speaker Bob Cupp [00:42:27] what can you say? So what is the motion? It's for understand that's that's all right. You're doing fine.

Clerk [00:42:34] I'm learning this. It's great. The motion was to have the two makers, sorry,.

Co-Chair Sen. Vernon Sykes [00:42:45] The motion was to approve the recommendations of the two map drawers recommendations of the co-chairs to be retained by the commission to complete the work that we have ahead of us.

Co-Chair Speaker Bob Cupp [00:42:57] And there was a second to that. Is there further discussion on the motion? Secretary LeRose.

Secretary of State Frank LaRose [00:43:08] Yeah, so thank you, co-chair. As I'm trying to learn more about these folks that we're talking about here, it got me curious to dig in. It seems as though Michael McDonald has some affiliation. Maybe he's a on retainer with or has some affiliation with Marc Elias. That's deeply concerning to me. Basically, anybody who's affiliated with that person, somebody I don't want to do business with, but it tells me that we don't know a lot about these people. For one, I guess go back to the comment that

I'd made earlier that we've got for really good map drivers that know this work. And when I was looking at what the court order said, it says the commission should should, shall whatever. The commission should retain an independent map driver who answers to all commission members. It seems to me that we could take the four people we've got, put them on the commission payroll and get them to work tomorrow morning. They already know the process and they could pick up their computers, move them into a room somewhere in this building and start working together and be paid by the commission for the next seven days or whatever else. Just a just a thought. I want to put out there for conversation.

Co-Chair Sen. Vernon Sykes [00:44:23] Leader Russo.

House Minority Leader Allison Russo [00:44:24] Yes. Thank you, Mr. Chair. I just want to clarify that we have specifically asked Mr. McDonald about any potential conflicts. He has confirmed that he has no current conflicts with the current litigants in the Ohio redistricting cases. There may be some confusion. He is working with the Florida League of Women Voters on a state election law issue, not on a redistricting case there and not with the Ohio League of Women Voters. I will also note we actually didn't know this until we were just talking with Mr. McDonald or Dr. McDonald. Rather, that actually he and Doug Johnson, who is who you all have put forward, have actually worked together in Arizona for the independent commission to defend Republican crafted maps. In fact, he's worked for both Republicans and Democrats, specifically defending Republican maps in Maryland and Virginia. And then, of course, in Arizona with Mr. Doug Johnson. So I actually was pleasantly surprised to find out that these two have worked together before in the past. And I think certainly if we started digging down, I think, you know, even with Mr. Johnson, I believe that he's been a consultant with one of the attorneys retained in this case as well. So again, as I said yesterday, I think we're going to have a hard time finding any single person to do this who doesn't have some bias coming into this. The point of us each being able to make recommendations is to balance that. And again, I remind you that these individuals work for the commission and they will be working with all commissioners and at the direction of the entire commission.

Co-Chair Speaker Bob Cupp [00:46:17] Further discussion?

Co-Chair Speaker Bob Cupp [00:46:19] Again, I would just reiterate my request that we have a complete conflict disclosure of any and all law firms, any times that they work for any of the law firms involved in the current litigation or any of the times they work for any of the parties to litigation or the people funding the part of this litigation, including specifically the League of Women Voters, the ACLU, the Holder Group and the like. The fact of the matter is as long as everybody comes into this with the understanding that these these gentlemen are only going to be executing the suggestions of this committee and will not be independently operating or communicating with outside parties. Once they start working for us. If I were to hear they talk to any of these outside law firms or any of the parties, I would consider that a first level conflict of interest. And from that perspective, as long as we're under that clear assumption that they're independently working for this commission, I will. We'll go for it. But I have real concerns hearing somebody is working and has a history of working for the parties that are suing us and their purported to be independent. I would love as a lawyer to have my former experts be the ones that are called on by my opponent in the litigation. What a great concept.

Co-Chair Sen. Vernon Sykes [00:47:44] Co-Chair, I would also say that in talking with Mr. McDonald, what we found is he confirmed that he has no current conflicts with the current litigants at all and is willing to and of course will sign any conflict disclosure statement at the time of who we contract with him.

Co-Chair Speaker Bob Cupp [00:48:14] So is our standard current conflict with any of the current parties as opposed to having had employment or arrangements with the parties before they became current? We saw before the litigation, so the case so that I think that's an important point here, and I have no idea know whether there's any conflict or not. I'm just.

Co-Chair Sen. Vernon Sykes [00:48:51] Well, Mr. Co-chair, I think it's important we had an hour recess, in this time we were able to answer any questions that we could bring about polls to him, but also was willing to sign a disclosure conflict disclosure statement that would be more comprehensive. Yeah, know. Usually that's what happens when you have a contract, you'd have documents that are required that you have to comply with, and he's willing to do that.

Co-Chair Speaker Bob Cupp [00:49:21] So and I think that's fine. I don't have a I don't have a problem with that. We have a full and complete disclosure.

Co-Chair Sen. Vernon Sykes [00:49:31] I think we have that.

Senate President Matt Huffman [00:49:34] Yeah, I mean, on the issue of conflict there, I think there are different standards. For example, attorneys who have represented a party in the past may represent a party against that party if the cases are unaligned or if there is a waiver by their client that they formally represented. I don't think there's that kind of restriction and this is in the legal world. I know this is a unique process, but because an expert witness was was my expert witness in the past and this has happened doesn't mean they can't be someone else's expert witness. Now if it's an expert witnesses, as the Auditor has mentioned many, many times. You know that that's is interesting. I do have the same expert CPA in Lima, Ohio. He's testified for me many times in many different kinds of cases, but in other expert witnesses who have testified, but it doesn't mean they can't go testify for the other side. So I think the key here is that that they disclose. And ultimately, I suppose the commission and if we need to, we could ask them about this Wednesday when they're here right at five o'clock Wednesday, I think is what we're talking about the time being. And we can ask them and see if there's anything that we think would be disqualifying at that time. But you know, we're going to recognize that if you're going to get people who are very good at this, they probably have a pretty extensive background and they've worked for for a lot of different people. So I think we just let that question pend for a while or until they're here and we can ask those specific questions. But good question by the speaker. We can't just be. Is there a current conflict? Is there a disqualifying conflict in some time in their background and, you know, if it's years ago? Well, what difference does that make now if it was six months ago? Maybe it does make a difference, so we just have to ask those questions.

Co-Chair Speaker Bob Cupp [00:51:39] Further discussion on the motion. Auditor Faber.

Auditor of State Keith Faber [00:51:42] And again, while I want to know about the conflicts, my primary goal towards getting to a point where we can overlook the conflicts is having these two gentlemen both understand that they work for the commission as a

whole. One of them, I'm told, sent a Twitter message out that he was about to be hired by the Democrat members on the Redistricting Commission. We're not hiring a Democrat and a Republican. We're supposed to hire independent. And the independents are supposed to work collectively for the group. And as long as that's our understanding, as long as we all have access to them, as long as we can continue to go forward in that capacity, I'm less concerned. As long as I'm assured that we're not having backroom conversations with the litigants, that we're not having other discussions that they truly, oh. I hate to use this term, but their employment loyalty feel, what is it?

Senate President Matt Huffman [00:52:33] Fealty.

Auditor of State Keith Faber [00:52:33] Fealty to the commission? I'm less concerned, but I just want to make sure we're clear on that. Based on the information that's already been out in the I guess we call it the metaverse,

Co-Chair Sen. Vernon Sykes [00:52:46] we have an additional hand out. We kind of outlined some of those issues.

Senate President Matt Huffman [00:52:50] Could I just make a comment or ask a question, I guess?

Co-Chair Speaker Bob Cupp [00:52:54] Senator Huffman.

Senate President Matt Huffman [00:52:56] Do I? I don't have Twitter on my phone. I know I'm supposed to, but I don't have time to keep up. I just read newspapers like guys my age do. If I understand what the auditors said. One of these folks tweeted out tonight that tonight that they were been hired by the Democratic members. Is that the.

Auditor of State Keith Faber [00:53:25] Personal News, I've been put forward as a map drawer of Democrat members of the Ohio Redistricting Commission. The Republican member put forward is Doug Johnson.

Senate President Matt Huffman [00:53:33] OK, well, so that's probably accurate, right? Put forward by the Democrat members. So that's probably accurate. I guess, I guess that's the other thing I would ask is during this process. How about if nobody tweets what's going on unless it's completely public process and they should be tweeting, I don't know. But we ought to have those ground rules figured out the next the next day or so. This is why I should have Twitter on my phone, right?

Co-Chair Speaker Bob Cupp [00:54:08] All right, there's a further discussion on the motion to hire these two experts? Hearing none, hearing no additional discussion. Is there any objection to hiring them? Without objection, the motion will be agreed to the next item is the schedule. Several members have asked me if they could have until tomorrow morning to look over the schedule to see how it compares with their schedule and adopt it at that time, if that's OK. Tomorrow at 9:00. All right.

Co-Chair Sen. Vernon Sykes [00:54:48] Mr. Co-chair the other item is the dealing with the mediators. The chief mediator of the Circuit Court, could be available tomorrow at our meeting just to ask questions or give us information about mediation in general or what kind of services could be offered through their organization, if you if it could be helpful.

Co-Chair Speaker Bob Cupp [00:55:17] Are they willing to come here? Are you suggesting we see if they're able to come,

Co-Chair Sen. Vernon Sykes [00:55:23] They're able to come.

Co-Chair Speaker Bob Cupp [00:55:24] All right. I think that would be fine if they want to provide information on what they do. Any objection to that,.

Senate President Matt Huffman [00:55:31] I could... [inaudible]

Co-Chair Speaker Bob Cupp [00:55:33] Would you want to restate?

Co-Chair Sen. Vernon Sykes [00:55:35] The chief of the mediators for the Circuit Court is available tomorrow morning at 9:00 to come in and just make a brief presentation about the services that could be offered.

Senate President Matt Huffman [00:55:50] OK.

Co-Chair Sen. Vernon Sykes [00:55:53] Without objection. If you want to contact them and invite them in, that would be that would be fine. And you've also passed out a draft description of the scope of map drawers. I think members can look at this till tomorrow morning. We'll talk about it then. All right. Is there any further business to come before the redistricting commission at this time? I think we are scheduled to reconvene tomorrow at nine a.m. and without objection. The commission is adjourned until 9:00 a.m. tomorrow.

EXHIBIT 5

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Speaker Cupp [00:00:07] We'll have a start with a roll call,

Clerk [00:00:11] co-chair, speaker Cupp (present)

Clerk [00:00:13] co-chair, Senator Sykes (present), Governor DeWine (here) Auditor Faber (yes), President, Huffman (here), Secretary LaRose (here) Leader Russo (here). Mr. Co-Chair. A quorum is present.

Speaker Cupp [00:00:25] We do have a full attendance of the commission. In your folders are the minutes from the last meeting, which was March 22nd, 2022. Is there a motion to accept the minutes

Co Chair Sykes [00:00:39] I so move

Speaker Cupp [00:00:41] It's been moved is there a second? (All right). Been moved and seconded that the minutes be approved are there any objections or amendments to the minutes? I see none. The minutes are accepted without objection. At this time we have some budget items to take care of. Pay some bills. I would. We have a bill for $7500 to the Calper [?] Corporation for Aptitude Licenses and three thousand fifty nine dollars and eighty seven cents to Micro Center for computer equipment. I would move that the commission approve payment for these expenses.

Co Chair Sykes [00:01:23] I would second,.

Speaker Cupp [00:01:24] And there's a second. Is there any discussion or are there any objections? Hearing none the motion to be approved without objection. it's in here. Is this in the folders? All right. So to provide an update on the federal mediators in your package, you'll find a letter from Chief Judge Sutton on the two, addressed to the two co-chairs, formalizing our engagement of the mediation services of the six Federal Circuit. Are there any questions on that before we move to the next item of business?

Co Chair Sykes [00:02:31] One update and the mediators are here, of course, but they are also starting to reach out to each member of the commission, initially with an interview, so they may or will be in contact with each member at your convenience to start the process.

Speaker Cupp [00:02:59] We also have with us this evening the two independent map drawers, and I would like to welcome both of you to come to the podium for a few moments and introduce yourselves and be entertained by the commission if they have questions. No, that's not quite the right way.

Michael McDonald [00:03:22] Hello, I'm Michael McDonald, I'm a professor at the University of Florida.

Doug Johnson [00:03:26] And I'm Doug Johnson from the National Demographics.

Speaker Cupp [00:03:30] We appreciate both of you being able to come here on relatively short notice. Thank you. Are there any questions or things anybody wants to address to

the two experts here? All right, I guess that was pretty short, so thank you. All right. So it seems to me the next item would be discussing the ground rules and instructions for the the map drawers. Chair recognizes Senator Huffman.

President Huffman [00:04:11] Thank you, Mr. Co-Chair. Distributed earlier today was a set of 18 proposed ground rules. These are things to help facilitate, both for the independent map makers and the staff, the public to try to allow this process to move along in a in a smooth way, unequivocal way allow decisions to be made. And I think those these have been already seen and reviewed and commented upon. We have a list of proposed amendments or changes to them, and I'm not sure who's proposing those, but we'll find out shortly. And so I would move that these rules be adopted by the commission for the purposes of the next several days to allow the mapmaking process to go forward.

Speaker Cupp [00:05:10] So there's a motion made to adopt these rules as the rules for guiding and directing, I guess more than guiding the the mapmakers is there is a ssecond?

Co Chair Sykes [00:05:22] Before there is a second I would if I could just provide for explanation. The co-chair and I had a discussion yesterday about this and our stance were directed to formulate and help us work through what these guidelines or guides might be. And we were to exchange these prior to this meeting so that we could try to come up with consensus. We also have because of the speaker's session today, we did not have the ample opportunity to make that exchange prior to this meeting. We also have a list that we have produced. Some of them are alike and some of them are not. And we would like consideration for this, that we could possibly take a recess for a few minutes to review both of the proposals and see if we can come up... We'll work out a consensus on these concepts.

Speaker Cupp [00:06:37] So the proposal is that we take a few minutes for recess and that we then reconvene and discuss them here in open session.

Leader Russo [00:06:46] Mr. Chair,

Speaker Cupp [00:06:48] Leader Russo,.

Leader Russo [00:06:48] Thank you. Thank you, Mr. Chair. I would also. I am not sure if the map makers themselves had have seen these rules as well, because I just want to make sure that some of the things that we have on here that they are actually practical. And if there are any concerns, I'd like to hear from our map makers. You know, for example, there's a rule in here about using one computer, which I think might be an issue. So I would recommend too that we allow the map makers also to look at them to see if there's any suggestions that they might have if... Just from a practical standpoint, some of this is not workable.

Speaker Cupp [00:07:28] Is there any objection to the see what we're about to ask them to do. All right. So we will we will do that. Any objection to how you. 30, 30 minute recess? I'm... I can proceed, I haven't had a chance to read them, but I'm sure I can follow along as we go if we want, but I'm open

Co Chair Sykes [00:08:02] maybe at least 10 minutes to review

Speaker Cupp [00:08:03] All right, let's do it for 15 minutes. And during that time, the big the both items can be given to the Mr Johnson and Mr McDonald and and will reconvene. The committee will be in recess for 15 minutes more or less.

Speaker Cupp [00:33:06] Pursuant to the recess, the Ohio Redistricting Commission will come back to order. There has been a motion to adopt. Yes. Yes. That there there's been a motion to adopt. I don't know what we call these...instructions to the map drawers or rules of procedure here by Senator Huffman. And I will second that the procedure is we will go through them one by one, they're 17 items. And then when we get through those 17 items, we will pick up the proposed work plan or plan of work for the independent map makers that Senator Sykes has provided to me. And when and then or when Auditor of State has an item as well. So,.

President Huffman [00:34:06] Mr. Chair.

Speaker Cupp [00:34:09] I'll second your motion,

President Huffman [00:34:10] yes, thank you. And I had been kind of getting bits of pieces of paper from a lot of folks. In fact, if you wouldn't mind, I would go through those with the suggested changes. I have the the changes I've received, which I'm going to assume the blueprint is from Senator Sykes, if that's OK, even though Leader Russo may have some and then I have Senator Auditor Faber's suggested change and additional changes from Secretary LaRose. I'm not sure everybody has all of those, but they might. So if it's OK, I would go through and we might be able to do it that way.

Co Chair Sykes [00:34:49] If if I could add also, I guess, maybe we need a modification to the motion because we're not considering all of them at one time. We're considering one at a time.

President Huffman [00:35:00] Well, that's true in terms of the consideration. If what you're asking is you want to vote on each individual you want to have, it looks like it may actually be 22 votes. Yes. That's fine. Well, I'll withdraw my motion than to on the original 18 and then move that the item number one on the list that I submitted be adopted by the committee.

Speaker Cupp [00:35:28] All right. You know, withdraw my second on the original motion and I'll second the new motion.

President Huffman [00:35:34] OK, may I speak to number one Mr. Chair?

Speaker Cupp [00:35:36] OK, we're a number one.

President Huffman [00:35:37] All right. Very good. So the suggested change in blue is actually to the, I think, the previous version of this and the document submitted here. I think actually, although not the same language actually is the same change this was provided to us by Auditor Faber, maybe an hour or so ago before the meeting. So but I think it does the same thing that yours does. And if you want to just accept what's on the paper, unless we want to have discussion about how they may be different?

Leader Russo [00:36:14] Mr. Chair.

Speaker Cupp [00:36:16] Leader Russo,.

Leader Russo [00:36:17] Thank you, Mr. Chair. I agree with the Senate President Huffman that the change does mostly address, except I would call out that having seven staff in contract map drawers. Again, we're actually at eight. If we just want to say commission staff and map drawers, I think, or commissioners' staff and map drawers that probably will solve that. But on the Democratic side, we each have a staff, but then we have our contract member. So it's actually eight, not seven.

President Huffman [00:36:54] Well, let me let me ask this just so we can get. How do you want to change number one? What language would you want to insert in there?

Leader Russo [00:37:02] My suggestion is to change the word seven and the commissioner's staff contract map drawers.

President Huffman [00:37:14] mean, keep the word seven or

Leader Russo [00:37:16] no strike it,

President Huffman [00:37:17] strike seven and insert

Leader Russo [00:37:21] commissioners

President Huffman [00:37:22] in that same spot.

[00:37:24] Yes. Meaning each of the commissioners.

President Huffman [00:37:28] OK. Did the secretary get that OK? I don't have any objection to that. OK. Move the question then, if unless there's additional changes

Speaker Cupp [00:37:46] Alright, so I guess that would be a motion to amend number one to strike seven in the second line. But depending on which sheet you're looking at, of course, and add. And add..replace seven with the word commissioners. Do you have any objection to that? Hearing, no objection, we've approved number one.

President Huffman [00:38:18] OK. I was then I would move number two on the list, Mr. Chairman. And then the suggested change from Senator Sykes is acceptable to me. So I would I would amend the number two to say the independent map draw shall draft any General Assembly district plan at the direction of their district and commission and in accordance with the Ohio Constitution and the Supreme Court of Ohio's order. So that's an acceptable change.

Speaker Cupp [00:38:50] Any discussion on that? Without objection ww'll adopt number two, as read by Senator Huffman, and we had to mark these sheets, so we know which is which. All right. I know he's working off that one, but we're moving him back and forth. So the one without the inter-lineation in blue, we'll call. Proposal A. And the one that has the blue interlineation we will call Proposal B. And so we have adopted one from Proposal A and we've adopted a number two from Proposal B.

Gov. DeWine [00:39:48] One A as amended.

Speaker Cupp [00:39:50] Yes, one A as amended, yes, that's correct.

President Huffman [00:39:55] All right. I next move. Item three on proposal A. And the... Do we actually need a second? (second). Well, we got one, so the there's only one suggested change from Proposal B, and that's to strike under the paren at the end. Insert the letter three, for six. I'm opposed to that, and perhaps we can get into that in more detail when we get to the mediation efforts in in 14 through 16. So I just ask that we hold that in abeyance until we get to that part. Mr cochair is that all right?

Speaker Cupp [00:40:36] Without, objection we will hold that one.

President Huffman [00:40:38] All right. So number four, I move number four, be adopted under proposal A.

Speaker Cupp [00:40:49] Yes, Mr McDonald.

President Huffman [00:40:52] We do have a second? Do I need a second? You give me a second?

Speaker Cupp [00:40:57] I'm sorry, Dr. MacDonald,.

Michael McDonald [00:40:59] Dr. MacDonald, thank you very much, commissioners. I've looked over this and my colleague Doug Johnson's looked over these requirements. We would like to be able to view any report that has been produced by the your staff or consultants up to this point, that would help us with compliance with the state constitution. And what I'm really talking about here is the Constitution has certain requirements for drawing districts out of counties and certain requirements of that. And we believe there's likely a report that's been generated which would list out all of those counties that are either single districts or require a certain number of districts within them to be in compliance with the Constitution. So we would like to be able to access that report.

President Huffman [00:41:59] Could, Mr. Chairman if you wouldn't mind stand at the microphone there because I am not as it's relates to number four. What about how is that relevant to what you mentioned a report of some kind? So is there is there something in number 4 which you think will make it difficult for you to get your work done?

Michael McDonald [00:42:17] it's the words work product

President Huffman [00:42:25] OK, so it's just or work product, otherwise the rest of that is acceptable.

Michael McDonald [00:42:31] Yes, sir.

President Huffman [00:42:32] OK,.

Speaker Cupp [00:42:34] So we had our conversation. You were because the Ohio Constitution requires certain things. You are interested in knowing what the constitutional requirement was by... In terms of certain counties. Is that is that right? So it is kind of like a list that Wayne County, for example, is a single county district and, you know, wherever these counties require to-- two districts or is that that's the kind of thing that you you're looking for?

Michael McDonald [00:43:05] Yes, we are. Yes.

Doug Johnson [00:43:07] And if I may just add that I suggest just to keep the process independent and clean would leave in the not accessing plan proposals a work product unless approved by the commission. So we could come to you with what we're interested in seeing and get your approval to do that.

Speaker Cupp [00:43:25] All right. So we'll take a look at what you're asking for and see if it is tainted in any way by prior work.

Speaker Cupp [00:43:37] secretary LaRose first

Sec of State LaRose [00:43:39] Thank you Chair, gentlemen, good to meet you. Looking forward to working with you. I think that what you're asking for is fine as far as accessing work product generally, and I like the idea that with the permission of the commission. But I think this is also why it's important for the four commission staffers that have been working on this process since September--well, before that to be working with you, I mean, the four individuals 2 working for the minority, 2 working for the majority, they could probably recite that list of counties off the top of their head. And for them to be in the room working with you, all I think will be, I think, make that kind of thing easier, whether they have a report or not that lists those counties. These are the four people that know the rather complex rules that exist in the Ohio Constitution quite well and I think can aid you in the work that you're doing just by collaborating together.

Speaker Cupp [00:44:34] Auditor Faber,

Auditor Faber [00:44:36] I was essentially going to make the same point, rely on the other seven people that are in the room, and I think that takes care of those issues because I think certainly the four people who have experience with the software added by the other three or four people, they can certainly tell you where those those pitfalls are, where those county limitations are and whether there's a report out there. I don't know. I haven't seen a report. I've seen the whole red green map discussion early on. In the first set of maps. It's counties that you had limitations in counties you didn't have limitations and splitting. But in the end, I agree that's going to help you immensely getting up to speed quickly by just saying, OK, what counties do we have to worry about? What are the unique issues. And if we go through this, as I've proposed in the past, starting with the complex areas, meaning that the big counties that we're going to have issues, a lot of those other things are going to work themselves out when you solve those issues and the big counties which have other issues. So that would be my suggestion, essentially what Secretary LaRose was adding.

Speaker Cupp [00:45:39] Leader, Russo

Leader Russo [00:45:42] thank you, Mr. Chair. So I guess my question to both of the map drawers is, you know, given what we've heard from two of the commissioners about being able to utilize the staff in the room, would that still satisfy, I think, your concerns or would you also need to still have I mean, specifically, you were talking about or work product. Would you still want to have access to that even with the staff? And so I guess we're trying to understand, would that satisfy the concerns

Michael McDonald [00:46:15] from this discussion I take it that you believe that the knowledge that those staffers have is not work product necessarily. And so I believe that that will be sufficient for us to have their knowledge

President Huffman [00:46:33] Very good. Well, I think based on that, then I would just ask that number four, go in in its entirety, as stated on Proposal A.

Speaker Cupp [00:46:42] All right. Any objection to four, as stated on Proposal A? All right. Hearing no objection. Number four is from proposal A is included.

President Huffman [00:46:53] Thank you for explanation, gentlemen. There are no, as far as I know, no suggested changes to Numbers five and six on Proposal A. Number.

Michael McDonald [00:47:05] My I speak.

President Huffman [00:47:06] Oh yes, sir. Yeah.

Michael McDonald [00:47:08] So we were having a discussion with your staff and mappers about the data that's needed here. And I learned in that discussion, by the way, I've been helping you and I didn't even realize it. Ohio University provided you with data that we produced at the University of Florida, so

Speaker Cupp [00:47:32] I don't know did we give an authorization to subcontract this is kind of concerning? (audience laughs)

Michael McDonald [00:47:36] Well, we did it for substantially less than half a million dollars.

Co Chair Sykes [00:47:41] I was wondering how much you know you got for

Michael McDonald [00:47:46] so. So we've already taken the election data and disaggregated it down to the census block level. And I don't know if if someone has done that for the staff at this point and for the mapping that you've been doing up to this point. So we could use the data that we've already generated to accomplish number five. I it's not it doesn't say where the data should come from, but I don't know if that's going to be a sticking point because I think the partisan staff have both produced these databases and I don't think it's the same they've done. They are they were not coordinating when they were producing those data.

Doug Johnson [00:48:32] If I might get a little bigger picture, which is, is there a data set already in existence that you've both been using? You want us to use or do you want us to build a database?

President Huffman [00:48:41] The first one,

President Huffman [00:48:43] I mean, I think every if I could Mr. Chair, Every map and all the work that has been done by both sides up to this time has used what is described in number five. So that's why we put it in there. Isn't that correct?

Co Chair Sykes [00:48:57] It's also Mr. Chair, if I might. It's on the commission's website, so everyone would have access to it. So I don't know if you had a chance to peruse our website.

Michael McDonald [00:49:08] I guess so. Yeah. And that's I, you know, it's our data too. So it's they. I should be clear on this Ohio University produced 2020 data. The 2018 and 2016 data they provided you is from the effort that we did with the University of Florida. And so there's a step where you have to take data that's report at the precincts because I'm sure you're all elected officials and know how elections work. But it has to be put within census blocks, which are smaller. And there's a --when we're doing the redistricting, we're drawing districts out of the census blocks generally. And so we need to have that data that's at the census block level. It takes some time to do that disaggregation, if there's a, you know, if there's one database that both sides have been using and they're agreed upon that-- great, we're done. ...but I don't know if that's the case talking with both the partisan staff, I don't know if that's true or not. And so, otherwise, we have to do this and Maptitude takes a long time to run to do that desegregation.

Auditor Faber [00:50:23] But Mr. Speaker, I think you're getting signals from at least I'm looking at the Democrat staff and Mr. Dirossi says that all of our staff have agreed on that database. So that unified database exists. And that's I think what's referenced here. And I'm seeing the. I'm getting yes from both the Democrat map drawers and the Republican map drawers.

Michael McDonald [00:50:45] OK, well then that issue is off the table for me. I just wanted to make sure that we're moving along as fast as we can and taking that step out of the process.

Co Chair Sykes [00:50:55] Yeah, yeah. All right. So five and six. Any objection to five and six from Proposal A? Without objection. Five and six are agreed to from Proposal A.

President Huffman [00:51:09] All right. Mr. Chairman, I would move number six on Proposal A. The suggested changes from Senator Sykes was to insert the word-- there to two changes to that one is to insert the word independent.

Speaker Cupp [00:51:24] There would be number Seven.

President Huffman [00:51:26] Seven. I'm sorry. Did I not say that OK? He wanted to insert the word independent. I don't particularly have any problem with that, but I just wanted everybody who was involved all to be using the same thing. But I do think from what I understand that the Maptitude is sort of the top of the line software and that that is to be used. And I'm not. I know that there are other mapping devices for a variety of reasons. Some of those are not involving redistricting and I and if GIS means Dave's redistricting, which we've had cited many times, we've had a number of people testify that, well, yeah, the data isn't exactly perfect. Sometimes it doesn't line up. So I'm not sure why we would do something that we knew we-- generally accepted by who I think we should just stick with Maptitude, which is what largely has been used.

Co Chair Sykes [00:52:33] Mr. Co-Chair, if I might, we didn't want to limit particularly the map drawers, they're coming from different parts of the country, we didn't want to limit them in any way. And that's why we--so Maptitude is still applicable. Still can be utilized. Mm-Hmm. But any other software they want to use could be applicable too.

President Huffman [00:52:54] Yeah. Well, I what I don't want is there to be after we leave tonight and they go to work here over the next several hours and days that that very crucial piece of information is not decided. I mean, is there a preference we say Maptitude only or should we have a whole variety of other things available?

Michael McDonald [00:53:18] Well, since I've coauthored software, that's not Maptitude, I prefer the other acceptable G.I.S software, (audience laughter) yeah, but that's just my preference. I can work in Maptitude if that's what you want me to work with.

President Huffman [00:53:34] I just don't want to walk out. And there's a there's a discussion back and forth about different ones. I mean, right, should we decide that?

Co Chair Sykes [00:53:47] I think if we just leave it with the flexibility, I think it would be appropriate.

President Huffman [00:53:54] Well, what you want to do, Bob?

Speaker Cupp [00:53:59] I'm not I'm not comfortable with-- I think if we're going to do this as a unitary thing, we ought to work on the same thing. And so I understand that, you know, that may not be your preference, but you can do it. How about Maptitude for you. You OK with Maptitude?

Doug Johnson [00:54:15] Yes. Yes. The only thing I'm wrestling with is, you know, there may be a situation. We want to look at something in Google Maps or something like that.

Speaker Cupp [00:54:25] Google Maps?

Doug Johnson [00:54:27] It comes up a lot, actually. But ... If we can run in a special circumstance, we always ask. Maptitude is fine.

Michael McDonald [00:54:38] If I could also say something, I as I understand it, we have a desktop computer that's going to be set up in the room and there's going to be a camera that's pointing at it and that has Maptitutde on it. And what I think may be the preferences is any mapping that happens must have happened on that. Visually, publicly on that computer might be the what we're really talking about here, so if we need to look at something else, we could do so, but we should do it in a way that is visually apparent.

Co Chair Sykes [00:55:16] I do understand also you could bring Google Maps into Maptitutde?

Doug Johnson [00:55:23] sort of. Yeah, I mean,

Speaker Cupp [00:55:27] it sounds like at least one of the staff mapmakers knows how to do that, right?

Doug Johnson [00:55:32] I know, I know how to do it. It's just slow and and has some limitations to it. So I mean, I'd be comfortable leaving it as Maptitude. And if we run into special circumstance, we can run. We can check with you,

Leader Russo [00:55:48] Mr. Chair, can can I make a suggestion that perhaps if we say that any final map drawing is in Maptitude, but that allows you a little bit more flexibility as you're sort of, you know, if you've got a work off to the side, maybe you want to look at some other things that other software is a little friendlier. Because I know all of these have different friendliness levels to them that I think the point here is that we want a product that is in Maptitude, but understand that there may be throughout the work process that you're looking at, perhaps some other things or in other platforms. I don't know if that makes sense to the remainder of the commission, but ...

Michael McDonald [00:56:41] I would find that acceptable. I would like that. Yes.

President Huffman [00:56:45] Mr. Chair, let me suggest that this amendment to my amendment to number seven so would read the map drawers shall utilze Maptitude when drawing the General Assembly District Plan, additional software or mapping--additional mapping software may be used in background and preparation work.

Doug Johnson [00:57:08] Well, I want to be clear that we're doing it all on the one computer, so I don't want to open the door to us.

President Huffman [00:57:14] OK. Yeah, I mean, yeah, I mean, the point is that the point is that the Supreme Court has been explicit that the drafting the drafting shall occur in public and the commission shall draft the plan. Well, we'll get to that later, I guess so. I don't I'm not really sure how we get around using only one that's been used for drafting the plan.

Speaker Cupp [00:57:40] So. We could say any General Assembly district plan shall be drawn in Maptitude, that sort of is kind of what the leader Russo said that I may look at other things, but then you have to do it in maptitude. And so the plan is, in my end up the plan is in Maptitude.

Doug Johnson [00:58:02] Yes, I think if you say drawn in Maptitude and all work shall be done on the publicly viewed computer. Yeah.

President Huffman [00:58:12] OK, so I'd like seven to stay as it is because. Right. Or are you trying to add to it?

Co Chair Sykes [00:58:20] I was revising it and enhancing.

President Huffman [00:58:24] All right. Sure. Go ahead.

Speaker Cupp [00:58:28] See any General Assembly district plan shall be drawn--Would you say in Maptitude or with Maptitude? In Mapitude. Okay, so just a suggestion here. So any General Assembly district plan shall be drawn in Maptitude

President Huffman [00:58:56] it's good.

Speaker Cupp [00:58:57] And in there was and. Was it something about the publicly available? No, I think that's that was handled. It's probably already handled, OK...But any General Assembly district plan shall be drawn in mattitude,.

President Huffman [00:59:24] So moved.

Speaker Cupp [00:59:25] Any objection. Hearing no objection Number seven as amended in proposal A accepted

President Huffman [00:59:33] Mr. Chairman Number eight The members utilize one computer purchased by the Redistricting Commission to draft any General Assembly district plan. Does that...Leader Russo commented on that? Does that? I think I think the map drawers, Mr. McDonald just indicated. I think what why that is and I I don't again, if we want to insert the word independent map drawers, I don't think it really changes what we're doing here. But. I guess I would need to know what the purpose of these proposed changes, the number eight are.

Speaker Cupp [01:00:17] It Russo thank you,.

Leader Russo [01:00:18] Mr. Chair. So this is this is actually where I would like to hear from the map maker to make sure that the I think the intent of this rule, as originally drafted, is to facilitate the public drawing piece of this. But I just want to understand, is this practical from a working standpoint, from the two mat makers? That is my that's our biggest concern with this particular rule.

Michael McDonald [01:00:47] I'll be honest and say, I don't know until we get into the process of how this is going to work. I hope that we can make it work and we will work as best as we can. It's unique. I've never operated in this circumstance before where we have one computer and it's, you know, public. I would say North Carolina did something like this earlier this cycle. So it's possible they've managed to do it. So I'm hopeful that we'll be as successful as what North Carolina did.

Leader Russo [01:01:23] Will this slow you down to have only one computer? Does it make more sense to you for each of you to have a computer with public screens and talking with each other, I'm trying to understand. Again, we want to facilitate quick work and not bog you down with what if we're limiting you in this way?

Co Chair Sykes [01:01:46] If I could add, also know it seems to me that you both could have independent computers working. But when you make a decision on how you want to draw something then you would use of my computer to do that? Would that be workable?

President Huffman [01:02:03] Is that three computers,

Co Chair Sykes [01:02:05] yes. Well, they're used to working on the computers, and we don't usually work on a computer with someone else. You have your individual computers.

Doug Johnson [01:02:16] Yeah, I mean, traditionally that would be how we would work. But I'm not sure that that meets the the court's order, you know, because, you know, if we got three screens going live, you yeah, they're being recorded and no one's gonna be able to follow what's going on in all three computers. So I guess that would be a traditional approach I'm I haven't read the letter I got here 45 minutes before this meeting, so I haven't not read the last Supreme Court order yet, so I don't know how specific it was about doing this on my computer.

President Huffman [01:02:52] Mr. Co-Chair for the benefit of the independent mapmakers, the court's order says the drafting shall occur in public and if one mapmakers

doesn't drafting here and the others drafting here, and somehow something else happens here. The drafting isn't all happening in public, and that's that's the purpose of this rule is to try to abide by the court's specific order.

Michael McDonald [01:03:22] I think my preference is to have two workstations essentially so that we can both be working in parallel. I think that's going to speed up the process. I do agree that though we should have a process where any final-- once we've been working parallel, if we have a final change that needs to be implemented, that has to be, you know, there's one computer where that's happening on and that if we had two workstations side by side that we would have cameras on those workstations so people could see what's happening independently. I think otherwise, we're talking about scheduling equal time for us to be working on the computer is the other solution here.

President Huffman [01:04:07] So, so does a workstation --Oh, so so two computers. One screen,

Michael McDonald [01:04:15] two computers, two screens.

President Huffman [01:04:17] Yeah, yeah.

Co Chair Sykes [01:04:18] If all the time, that's what we're doing is, yeah, if I if we had cameras on all three and with the understanding that anytime you want to do something in dealing with the map, making a decision about a line or whatever that goes on the one in the middle, but you still would have independence, computer and screen to do your work so so that we can try to do this in the next three or four days. So I think it would be it would satisfy the court and we're going to we have the ability to have the camera on all of them, on all of them at the same time.

Speaker Cupp [01:05:05] So a couple of a couple of questions. So would we end up with two maps because you're working independently, you take little parts of and put putting together in one. But we still have two maps out here that would be, I think, contrary to the court's requirement. As far as. I'm not even going to characterize it. The other question, the other thing is we have one camera in the room. So are we're going to have one camera that's going to show both screens?

Doug Johnson [01:05:38] I mean, if I might on that question Co Chair Cupp is a I'm sure that I mean, if you look around here, they can bring in more cameras. The challenges for people watching, you know the pictures, you can get really, really small. If there's if there's three screens being broadcast at once and you're not going to able to see on your laptop screen after. So see what's going on. You have to be on a big screen TV show.

President Huffman [01:06:00] So Mr. Co chair, my my concern is if this results in a map that is not passed unanimously and if it's a five to two or four to three vote like the votes that we've had in the past and the map that is passed is largely a map that is drawn by--on one of the computers, but not the other one. Then it seems to me we run afoul of the court saying, Well, this map maker drew the map. It wasn't drawn by the commission. I mean, the conundrum here is that there has to be one commission effort --the court's order, by the way, said hire one map maker. We've hired two. And whether it's a two headed, I could say two headed monster, but two headed intelligent, good looking being of some kind here. They do have to work together, maybe not simultaneously, but what he's doing. He can't be doing something different. And you know, they're taking the instructions of the

commission and working with the staff who already knows a lot of things like that. So I'm concerned about the final plan being generated out of this computer or that computer. And you know, that's that's the point of this is that it has to be the commission's computer. Whichever one that is,

Michael McDonald [01:07:29] if I may, I'd like to explain my reasoning on this is that as you're mapping, you're often exploring different options and it's going to limit our ability to search for different options as we're drawing plans if only one person's being able to look at it and draw districts at one time. So it's but it would happen. I would envision is that what we are both looking at Franklin County and we are looking at ways of drawing Franklin County and we're talking with one another as we're doing that and we're saying, Hey, how about here? Yeah, that looks like a good approach. Or, Hey, I tried this approach, but it doesn't work for this reason. And and then we don't go on a dead end that way. That's really what I'm thinking about here. But at the end of the day, we would then have agreement to say, OK, this looks like the the approach for Franklin. If we do this on one computer, I could see a scenario where Mr. Johnson's working for two hours on Franklin and then I get two hours to work on Franklin's same computer. And then we have to reconcile. Those plans would be better if we're working in parallel rather than working serially on each of the different areas of the state.

Auditor Faber [01:08:51] Mr. Speaker.

Speaker Cupp [01:08:53] Auditor Faber

Auditor Faber [01:08:54] I. I don't have a problem with anything you just said. I envision a process and I think it is consistent with my understanding with the court ask that you guys can work on your own computers, your own software, coming up with ideas, doing manipulation, working with our seven, eight staff members, coming up with ideas for areas. But when you want to bring an issue and remember, and just so we're clear on this, it's my understanding of what we're asking you to do is to draw maps that we instruct you how you're going to draw. And so when it comes to making a decision as to how you make splits or where it is until we sign off on it, it didn't happen. And so when you want to come up with ideas to present to us, particularly in regional areas at a time, those ought to be done on the single computer. But where you get ideas as to how you're going to split, I fully anticipate that you guys work on your own computers, probably in the same room collectively and you say, Hey, I got something I want to show you. You put it up on this. You link it over. You put it up on the single shared computer. You put it so everybody can see it and the other map drawer-- that doesn't work because you forgot Upper Arlington is actually its own city and you split it three times and and then you go back and you say, Oh, OK. And then you go back to your computer and you work on it and you say, Hey, I got a better idea. And you come over and you say, Oh, this is good, and you put it on the one computer and the other nine people in the room say, Well, that's good. Except now Upper Arlington's OK. But Dublin, which also goes into three other counties, is a problem. And so that kind of debate should happen on the single computer, the final product that we're going to review and discuss should be on the single computer. But if we require you to share time on the computer, good luck us hitting a Monday deadline just for the reference point.

President Huffman [01:10:38] So, so let me think, and it's great points auditor Faber How about if we add to sentence eight two additional computers may be used by the

mapmakers at the in the mapmaking making room, not off site or back in the hotel room. Two additional computers may be used for preparation work. Would that be alright?

Michael McDonald [01:11:02] That would be fine with me.

Doug Johnson [01:11:03] OK. You know, it certainly works and it's much more efficient. The the challenge is that we will have looked at scenarios and ruled them out that you'll never see.

President Huffman [01:11:16] well, that they're not they're not destroyed or I suppose they are. But that's what I mean. What we're really interested in is the court's order, which says it has to be drawn in public and endure, as we said, two sides to the coin here and have to be doing it together. But if you're working here and you're working here when you come together, what's on the computer is both of your work product OK, so that would be the my amendment to add to number eight. And if that works for the mapmakers,

Speaker Cupp [01:11:48] it would you would you restate that?

President Huffman [01:11:51] Sure. Two additional computers may be used for preparation work on site.

Speaker Cupp [01:12:01] By the independent mapmakers, right? So, Mr. Shellenbarger,..we have it...OK, so those would be off camera or are they going to be on camera? That's the next question. The preparation, everything will be on camera is what they agreed to put on.

President Huffman [01:12:33] Well, under the transparency rules, I think they need to be on camera.

Speaker Cupp [01:12:42] OK.

Dan Shellenbarger [01:12:43] Our phenomenal staff at the Ohio Channel can have no problem getting to that.

Speaker Cupp [01:12:47] . OK.

Dan Shellenbarger [01:12:48] We already have something set up right now for 2 screens, and we have one computer down there and we could add another computer or another screen.

Speaker Cupp [01:12:57] OK, so that's clear what what is going to be on screen is. Is there in separately working in preparation? Is that going to be on screen or when they they decide, was this will this will work? We're going to we're going to put that on the screen or we're going to have all three on the screen. I'm just asking you we need to get these things settled before we we do it, and then I have a final additional question that is, is your preparation? Once, once there is a consensus on it--is is the rest going to be deleted from the preparation computers or in the end is are each of you going to have separate maps? Even though there is a a a consensus map, you're still going to have separate maps, which is going to get tied up in litigation. So the commission isn't doing that at all anyway, according to the court order.

Michael McDonald [01:13:58] I think we'll just have the one consensus map. I mean, we're going to be mapping around and making changes, and we're not going to be saving every single change that we make as we're drawing test maps. So I think once we have our consensus and we come to agreement where we don't have consensus and we come to you and look for your guidance, you know, that's that's where we'll have safe points in the process. I don't know if Doug has a different opinion, but that's my opinion.

Doug Johnson [01:14:34] Yeah, I mean, that's the dead ends or the things we can look at on the side and don't bring the main computer. Yeah. Aren't, aren't--I guess they'll be that they'll be on the wide screen shot on the TV, but that's about it.

Speaker Cupp [01:14:50] So occasionally you'll have updates on the third screen where the --I don't know. We haven't decided how many screens are going to be televised. But clearly, which is one where they've come together that will be televised? Yes. And maybe you have periodic updates on it that you separate I. I'm just trying to get a sense of what it is. I've never been through a process like this before, and that's why we're told we have to do so.

Michael McDonald [01:15:17] I do like the idea of having one computer where that's the canonical version. That's the one that is the working version that we're going to be showing you. And then on the side, we're exploring different options and seeing what we can come up with. I know this is a really difficult problem and there are lots of puzzle pieces that you can fit together here. And so we're going to run into dead ends. I'm sure that your mapers themselves have run into several dead ends through this process. So I fully expect that we're going to have that same issue and we're going to need to come over as fast as we can.

Speaker Cupp [01:16:00] Leader Russo

Leader Russo [01:16:01] Thank you, Mr. Chair. I think as the gentleman from the Ohio channel has noted, there is certainly the capacity to show all three screens. You know, whether you're working in the two computers working on the putting some sort of consensus on the one computer. But we'll remind you if we're in a room. I mean, this is a it's it's public. It's being streamed, I presume. So all of those discussions, you know, will be available to the public. I think it meets the spirit certainly of the court order and is entirely transparent the process.

Doug Johnson [01:16:37] You actually bring up a good point, which is on the stream, do we need to have a camera on the room so that people can tell who's talking? Or do we just have the screens on on screen, you guys? Yeah. And yeah, he's got it covered. The question is, is just keep in mind each screen we add your your image at home gets smaller and smaller. So I think the staff behind you might be happy to buy some because they might this might be their chance to get some big screens in the office.

Leader Russo [01:17:12] Mr. Chair, you know, to to answer, honestly, any of this is such a huge improvement in the transparency process that I think the people at home will be OK with smaller screens.

Co Chair Sykes [01:17:30] Isn't there a wide screen? You know, nevermind. I don't know.

Speaker Cupp [01:17:41] Maybe we'll have to see how the screen stuff works as we get into the process. I mean, I'm advised, however, that when you do prepratory, we'll have to see how the public records law applies to your preparatory work and whether or not we're going to end up with three maps anyway. So which is a concerning development so but let's let's do number eight, we have to kind of move along. So as I understand 8 would now read the map drawers shall utilize one computer purchased by the registering commission to draft any General Assembly district plan. Two additional computers for preparation. Two additional... Um.

President Huffman [01:18:33] Computers may be used for preparation purposes, .

Speaker Cupp [01:18:40] For preparation purposes, independent map makers.

President Huffman [01:18:43] on site, on site. Right.

Co Chair Sykes [01:18:45] And independent, the independent. The word independent,

Speaker Cupp [01:18:51] I would I don't have any objections, either, although I think we already said the map makers are independents, but we'll add that. OK. All right, is there any objection to eight as amended on Proposal A? There is no objection. Eight as amended, on proposal A will be accepted.

President Huffman [01:19:25] Mr. Chairman, propose and move that point number nine be adopted by the commission. This is racial data will neither be loaded onto the computer nor shall it be utilized by the map drawers in any way. Commissioners may recall, but perhaps not Leader Russo she wasn't on the commission in September that this was a point of discussion by the commission when the two maps-- both see the map for the General Assembly on September and then actually also the congressional map that was eventually adopted by the General Assembly at the end of November did not use racial data. So none of the three maps so far the commission has adopted... Either for the General Assembly or the two for congressional, have used that. As I argued in September, these the use of the stat is illegal under federal law, unless there are a whole variety of requirements that require that, that be used. There in the various lawsuits that were filed with the Supreme Court and have sent this issue back to them, all three of the opinions the court has no instructions or otherwise has not opined that this data should be used, nor have any of the parties who have brought the appeals to these brought this as an issue to the Supreme Court. So I don't think that we since we've argued this issue, it hasn't been used three times. None of the opponents who brought these lawsuits have asked for it, nor has the Supreme Court ordered or otherwise suggested that we use it. So I think we should adopt number nine, as is.

Speaker Cupp [01:21:26] I'll second that.

Co Chair Sykes [01:21:27] Mr. Chairman, even though is not a required requirement. It's not inappropriate. It's allowable, particularly as secondary information. And I don't see why we would not want to avail the map drawers to all of the information that could be helpful and useful in in map drawing for informational purposes and to be used only in accordance with the federal law. So our language here stipulates that that it would only utilized in accordance with the federal law. So we're not trying to violate the law. We just want to have access.

President Huffman [01:22:13] Mr Co Chair, I think it is a violation of federal law and it also is I think that if the level or the determining factor is inappropriateness, not only is it in violation of federal law and therefore inappropriate, it adds another layer of complexity and discussion. And again, we've we've determined this issue a number of times. The opponents of this have not brought this up as an issue. The court has not instructed or opined on it.

Leader Russo [01:22:51] Mr. Chair,

Speaker Cupp [01:22:53] Leader Russo.

Leader Russo [01:22:54] Can I ask the Senate president Huffman, because I wasn't here in September, how is it a violation of federal law? I mean, in what way? Having the information accessible, my understanding is that it shouldn't be the primarily used or considered that is the violation of federal law. So I'm somewhat perplexed. And how you're saying having it accessible as additional information available is a violation of federal law.

President Huffman [01:23:25] Well, I'm not. I'm not sure what you mean by accessible as additional information, either. It is used in the mapping process or it's not. It's not. If this is the information we're using, the census data, the precincts and all of that, and that's being used to draw the map than it is. But another set of data over here that's accessible, either it's being used or it's not. And we have not used that. And the reason we haven't used it is because federal law prohibits the drawing of maps and districts based on race, unless there has been some presentation of evidence and a court determines that it's appropriate in a particular case. So we're kind of around the edges about inappropriate, accessible. It's here. Those aren't the standards. Either the standards are that it's legally required or it's not legally required. We have a lot of requirements in our constitution. I daresay more than any other state in terms of how we draw maps. But not only is this not a requirement, it's illegal to do, and that's what we have determined several times in this commission. And again, none of the opponents have brought that up as an issue in the Supreme Court has ordered us to do that to sort of insert this complex issue at the last moment here. I think the standard is inappropriate would also be inappropriate.

Co Chair Sykes [01:25:12] Co Chair, I'd like to ask the mapmakers, do they have your opinion on this?

Doug Johnson [01:25:20] Well, ask a question, and I don't speak for Dr. McDonald so he can weigh in on it too, but I think to a degree, you're both right. The the door to using this data in redistricting is typically a racially polarized voting study. And I don't know. I don't believe that's been done, but I would like to ask and confirm whether or not that's been done, because without

Speaker Cupp [01:25:45] no information like that has been submitted to the commission.

Michael McDonald [01:25:54] I would say at this stage in the process, we would need a primary election data and none of that is available. So in the limited amount of time that we have to do our work, I would defer to President Huffman and no, I would rather not look at racial data.

Speaker Cupp [01:26:23] Is there an objection to number nine, although I would say now we have three computers instead of the computer, so I would guess that any onto any of the three computers.

President Huffman [01:26:39] So I add the letter s on the end of computer

Speaker Cupp [01:26:43] onto the computers, yes, I think that would solve that problem. Is there objection to number nine with with the addition that computer is now computers? Hearing no objection, number nine from Proposal A is adopted,

President Huffman [01:27:08] Mr. Co-Chair, I move that number 10 be adopted with the proposed amendment, added the word independent before map in the first line of number 10, as suggested by Senator Sykes.

Speaker Cupp [01:27:30] All right, is there any objection to number 10 from Proposal A adding independent before the word maps in the independent maps drawer? Without objection number 10 from Proposal A as amended will be accepted

President Huffman [01:27:51] as to number 11. Mr. Chairman, I think it's the first I move number 11. And again, I think the only assertion is Senator Sykes requested the word independent before the word map in the first line on number 11. And that's acceptable, and I would move with that change for the acceptance of number 11.

Speaker Cupp [01:28:12] All right. Number 11 be amended to add the term independent before map drawers

Doug Johnson [01:28:21] co chair, if I might. Just (yes), a clarifying question. The reference to the United States Supreme Court just like in general, I am not aware of any specific U.S. Supreme Court rulings in this proceeding. Correct?

Speaker Cupp [01:28:33] that we're not aware of any either. But anything could happen in this (audience laughter) All right. Any objection to a number 11 as amended, in proposal A? Hearing none that will be accepted.

President Huffman [01:28:49] Mr. Co-Chair, then I'd move number 12 and again, the same, the same insertion. That suggestion of Senator Sykes would put in the word independent before map. And the other suggestion is that we change the word amongst to between. And I am not --I guess I'm not a -- that's fine with me. I can't think of good words to say about that.

Speaker Cupp [01:29:21] OK number 12 as amended independent before mapmakers -- drawers. I guess drawers. And change amongst to between. Any objection to number 12 from Proposal A as amended? Hearing none, it will be adopted, accepted.

President Huffman [01:29:52] And then, Mr. Chairman, number 13, I would move that and again with the same insertion requested by Senator Sykes with the word independent before mapmakers -- or mapdrawers.

Speaker Cupp [01:30:03] Mapdrawers. all right, any objection to number 13 from Proposal A? And right on this side proposal. As amended, hearing none number 13 is accepted.

President Huffman [01:30:20] Mr. Co-Chair. If I could, I'd like to talk to proposals 14, 15 and 16 together, and so what this suggested attempt at resolution is if there is disagreement under No. 12, the issue is referred to the full commission and if in fact, the redistricting commission under 13 has a unanimous conclusion, the map drawers shall implement those instructions, and I think that's relatively simple to see. However, if the map makers under 12 have a disagreement, if the issue is brought to the redistricting commission and there is not a unanimous consensus by the Commission, 14 says that that issue shall be referred to mediation. And the request of Senator Sykes is to strike 14 and not have that issue referred to mediation, which I guess to be honest with you, I thought that's why we got the mediators. So I'm wondering about the request to strike that.

Speaker Cupp [01:31:45] Any discussion?

Co Chair Sykes [01:31:49] Can we stand at ease for a second?

Speaker Cupp [01:31:53] Sure. The Commission will stand at ease.

Speaker Cupp [01:31:54] The commission will come back to order. Co-chair Sykes,

Co Chair Sykes [01:35:47] thank you, co-chair in reviewing this, we wanted to make sure that we weren't putting some measures in place that would have that would bog down this process. But I believe the president of the senate is correct. This is why we had the mediator. And we will withdraw our objections to those three items. We just want to make sure that we do- we manage this so that we will not bog it down so we can comply with the timeframe that we have that has been stipulated.

President Huffman [01:36:29] Very good. So if I'm understanding the points 14, 15 and 16 are all acceptable, Senator Sykes. So I'll just move all of those jointly rather than going through each one.

Speaker Cupp [01:36:45] Any discussion? Leader Russo.

Leader Russo [01:36:50] Just quickly added I'm fine with moving them all together. But just to add that, I think you know, one of the concerns is as issues and conflict and disagreement arises, we are going to be meeting every day, getting updates. You know those things, you should move on to something else and bring them all to us at one time. I think the concern is stopping with each single one without moving on concurrently to other pieces so that we can be as a commission during our time going through all of those things. That's the only concern. It's just not bogging this down.

Speaker Cupp [01:37:33] Any further discussion. So without objection, number 14, 15, 16 and 17 from proposal,

President Huffman [01:37:43] no. Only 14 through 16.

Speaker Cupp [01:37:46] 14, 15 and 16 from Proposal A. Any objection? There is no objection. They are accepted.

President Huffman [01:37:53] All right. Now as to Mr. Co-chair as to number 17, point 17. I do have a insertion that the Secretary of State handed me his notes. Secretary of State, can I go ahead and do this?

Sec of State LaRose [01:38:07] You can. I can describe them if you'd like, but do you want?

President Huffman [01:38:11] Well, I'll let the secretary talk about why these are important and I can give the specific language. Go ahead, sir.

Sec of State LaRose [01:38:15] Thank you, Mr. President, Co-Chair, co-chairs. Once the work of the commission is done and the maps get filed with my office, those maps are in effect at that point. But of course, the work that the boards of elections need to do is just beginning and in order for the boards of elections to do really what amounts to five or six weeks worth of work, programing these into their voter registration system, beginning to line the right voters up with the right districts so that people receive the correct ballot when they show up to vote. We need a few things beyond what's been listed here. They are the equivalency files, the shape files. This talks about the descriptions, but I wanted to add the word legal in front of those of the legal descriptions of the geographical districts. And then also that most populous county by district description, which is a relatively simple thing to arrive at. Mr. Springhetti and Mr. DeRossi both know this, and they were able to really quickly get that stuff to us. But by really quickly, I mean normally would take three weeks. They were able to get it done in like a week and a few days. So within 10 days to two weeks is the other thing. I'd like to add that we would need those files so that the boards of elections can start to program.

President Huffman [01:39:33] So if I think if I have this right and I'll ask the secretary to confirm. My amendment to 17 that was submitted to to the commission so far, I guess my amendment to the proposed rule is in the third line before the word description. We would, you insert the word legal.

Co Chair Sykes [01:39:58] Right.

President Huffman [01:39:58] And after in the same third line after the word district, we would insert the words shape files, comma equivalency files, comma and county population and the filing location of the most populous county.

Sec of State LaRose [01:40:19] Correct.

President Huffman [01:40:19] And then the fifth and then the final change to the proposed 17 would be to add the words at the end of the fourth line within 10 days.

Sec of State LaRose [01:40:32] Correct.

President Huffman [01:40:33] OK. So that is the proposed 17 that I'm putting forward to the commission and I know that the senator Sykes have moved to strike all of the original proposed 17. So and it looks like the map makers have an opinion, too.

President Huffman [01:40:51] So the if I could speak on it, we did have a chance opportunity to talk to the co-chairs, to the map makers about this particular issue. And our main concern was, again, timetable. We want to make sure up into now the block files, or shaped files are the only ones that we were had been responsible in majority and minority responsible for submitting as the maps. We know that these takes a lot of this. This requirement may take up more time and we just want to make sure that we're not trying to

get them to comply with this all by March 28. So I think they may have some comments to add to it.

Michael McDonald [01:41:34] Yes, I just want to echo that. We can easily get you the block equivalency file and the shape file. If it's possible, since your staff have experience with transmitting the other information to you. It probably, if we can, under our direction that your staff can produce that other information might be acceptable to get it to you to your office?

Sec of State LaRose [01:42:00] Long as it can be done accurately and be done within 10 days, I would defer to the president and the speaker because the two staffers that I named who have done this work very quickly. I mean, in the past, including pulling all nighters to get it done. Thank you, guys. They work for them. So it would be that would be their call.

Doug Johnson [01:42:21] I completely agree with. Dr. McDonald just said and add it may have worked out on the past map. Keep in mind that the Senate assignments can get very complicated and and I would agree with Dr. McDonald that maybe once that once the lines are drawn, it might be better if the Senate assignments are handled by legal staff here.

Sec of State LaRose [01:42:44] We're talking about the Article 11, Section five Senate assignments.

Doug Johnson [01:42:49] Yeah, you can. You can end up with a district being the largest district in multiple Senate districts. And so then who does that get assigned to? And it just leaves that the law just puts that on the commission in those. And I suspect they may be able to do it fast because there may not have been any of those situations, but that would be very awkward. Part of the independence is we don't know where your incumbents live or what they represented in the past. And so it's probably better at that point if those who know those things do make those final calls if they need to be made.

Co Chair Sykes [01:43:29] Again, our only issue is just making sure that we have enough time to do it if the staff can provide this function. I think it could be helpful.

Speaker Cupp [01:43:39] Well, at least one of the staff advises me that if the staff isn't the ones that draw it, that they're going to have difficulty understanding what the legal directions or legal description is, and it's going to be difficult for them to sort of pick it up and do it. So I don't know.

Sec of State LaRose [01:44:02] Speaker, could I make a suggestion, perhaps that maybe the experienced staffers that have done this work in the past would collaborate with our independent map drawers for the creation of those legal descriptions?

President Huffman [01:44:21] Well, I would say that's that certainly willing to do that, but I also want to make sure that those things are not done independently and without the knowledge of all seven commissioners and their staff, because I think that's the spirit of most of the things that we've been. We've been doing.

Speaker Cupp [01:44:38] So it very well may be. We're going to have to get some more information about the process and see how how that can be can be done. And so maybe we'll have to we have to we have to revisit this one on that point. Leader Russo.

Leader Russo [01:44:57] Thank you, Mr. Chair. I think the important piece for us, as we were looking at this was just being very clear that providing the and I'm going to totally mess this up. But the block assignment files, et cetera, by March 28 is distinct from some of these other pieces that do can take 10 days, actually sometimes can take a couple of weeks that we're very clear that that is not part of what is expected on March 28. The legal description, because typically that has come two weeks, two weeks after.

Sec of State LaRose [01:45:37] And I don't think anybody would reasonably expect that the the legal description would be done the same day that the maps are filed. But if we want to put it in there, and that's why I said within 10 days is what I was asking for.

Speaker Cupp [01:45:49] I would just add that if we're part of the team writing the legal descriptions, I don't know how you what yours look like, but that may not fit within our budget as well. So we may need some additional because as you just said, it's seven to 10 days with some over some all nighters.

Sec of State LaRose [01:46:06] Yeah, it's excruciating work. Yes, it really is. Yeah, yeah.

Speaker Cupp [01:46:14] Having done legal descriptions for deeds, even that can be excruciating, let me. So we may have to revisit this to figure out who can do what and how and under what circumstances. But Senator Huffman, I have part of your amendment here because you were going through it. After description of each House and Senate district, you added shaped files, equivalency files and something else

President Huffman [01:46:45] and county population and filing location for the most populous county.

Sec of State LaRose [01:46:53] Yeah. Correct. So as you know, candidates are required to file their petition at the most populous county board of elections, historically those that draw the maps. It's a real, this is a pretty straightforward and simple process, but to just get the list of which county is the most populous county in each district so that so that candidates know where to file their petition?

President Huffman [01:47:13] Yeah, so and I just handed the notes to your clerk, Mr. Co-chair. All right. You can keep that. Oh, you got it. OK?

Speaker Cupp [01:47:23] All right. All right. Is there any further discussion on 17 as amended? All right, hearing no discussion, is there any objection to 17 as amended from Proposal A. Hearing none, that would be accepted.

President Huffman [01:47:39] Mr. Chairman, I would withdraw my proposed 18 in deference to the auditor's superior proposal for 18, right?

Speaker Cupp [01:47:49] Auditor Faber, you have a substitute 18.

Auditor Faber [01:47:53] Yes, it's Mr. Chair. It is nice having a employment lawyer is your chief of staff.

Speaker Cupp [01:47:58] So we're going to we're going to call this one proposal C, how's that?

Auditor Faber [01:48:04] You all have the one sheet for 18, and essentially it makes clear who the duty is owed to by the map drawers to be consistent Supreme Court opinion that it is us that's drawing the maps, and it just also makes clear to alleviate any confusion as to whether anybody is going to be communicating with the mapdrawers on these maps but us. And I don't think there's any confusion on that, but certainly, certainly they they certainly. Just just to clarify here, it says the independent map drivers agree that they have been hired, by the Ohio Redistricting Commission. And as such, they owe a duty of fealty to the Ohio Redistricting Commission. Accordingly, the independent map drawer shall not discuss or communicate with any person, organization or group. Aside from the Ohio Redistricting Commission and the commission member staffs regarding any aspect of the crafting of any redistricting plan. Failure to abide by this requirement may result in immediate termination of the Independent Mapdrawers contract, along with all available remedial measures caused by the independent mapdrawers breached its duty of fealty to the Ohio Redistricting Commission. and the concept is pretty straightforward. You talk to us, you work with us, you don't deal with outside entities. You don't deal with former clients, former people. It shouldn't be. It shouldn't be complex or complicated.

Doug Johnson [01:49:24] If I might. And Dr. McDonald agrees with this. Just where it says crafting. If it could be the substance, the only thing like I want to be able to coordinate with my wife when we might finish. And let my team know when I'm when I'm free for calls and that kind of thing.

Co Chair Sykes [01:49:39] And he's a comedian too, I like that.

Doug Johnson [01:49:41] Well, I've actually been in situations where you weren't allowed to speak with your spouse about the project, and

Auditor Faber [01:49:48] We are not sequestering you.

Doug Johnson [01:49:49] Exactly right.

Auditor Faber [01:49:51] So regarding any aspect of how would you propose changing it?

Doug Johnson [01:49:55] I was just going throw out, the substance of any redistrict plan. If you're comfortable with that.

Auditor Faber [01:50:00] So where do you have that? Just tell me the line and the words.

Doug Johnson [01:50:07] Oh, I guess one two three, four... Line five where it says aspect of the crafting of any redistrict plan? OK, there could just be aspect of the substance of any redistrict plan. All really for logistical discussions being able to be outside.

Speaker Cupp [01:50:24] So substance includes procedure and process?

Doug Johnson [01:50:32] I would think so.

Auditor Faber [01:50:35] So you understand it.

Doug Johnson [01:50:37] Oh, yes, I would certainly understand as everything other than like what time I can be on the phone with somebody you know, about completely unrelated issues.

Speaker Cupp [01:50:49] Dr. McDonald?

Michael McDonald [01:50:50] I was just going to say I just assumed that this was the case, that we are working for you and only you.

Auditor Faber [01:50:57] You've both been independent experts for lawyers, so you understand that.

Michael McDonald [01:51:00] Absolutely.

Auditor Faber [01:51:00] I have no objection to changing it to regarding any aspect of the substance of any redistricting plan. I don't have a problem as long as we understand that the definition of substance means any of the details.

Michael McDonald [01:51:14] Of course.

Auditor Faber [01:51:15] You know, if you want to talk to your wife about what time you have to go back to work, what you're doing, the fact that that redistricting commission have been really crazy and they're micromanaging all of that is perfect communications with a spouse, It isn't necessarily perfect communications with people who are suing us or other people involved the outside. OK.

Michael McDonald [01:51:36] Yep.

Speaker Cupp [01:51:37] All right. So any objection to that change from crafting to substance? Hearing no objection to that. Is there any further discussion on Proposal C that we were considering? All right. Without objection, the Proposal C will be our number 18 and is accepted.

President Huffman [01:52:01] Mr. Co-chair? I have an additional proposal and I apologize to the members that this was not a part of. This was not part of the list of 18 items. And I think this maybe this is a little bit mundane, but in perhaps superfluous. But let me read this and see what the commission members think. So this would be proposal point nineteen. All work is to be done in the designated room at the State House. No materials shall be taken off site and the room shall be available 6 a.m. to 10 p.m. doesn't mean everybody has to be there 18 hours a day, but I don't want folks to say, Hey, I went over there at four o'clock and it was locked and I couldn't get in or something like that, so. And it's 6 a.m. to 10 p.m. seems like you had eight hours of sleep and, you know, 16 hours to work, that's a great day, isn't it?

Speaker Cupp [01:53:02] Do you want to restate or.

President Huffman [01:53:03] Sure, I'll start over. All work has to be done in the designated room at the State House. No materials shall be taken offsite. The room shall be available 6 a.m. to 10 p.m. each day.

Co Chair Sykes [01:53:19] And looking at our other proposal, I guess it's on D, I guess we can say, Oh, it's D, the first item on there is the meeting. The independent mapdrawers will be held in. We designated the North hearing room, but we understand the staff may have identified Room 116. And I think this is similar, that this is a place where they do their work.

President Huffman [01:53:50] Yeah, Mr.

Auditor Faber [01:53:51] I just can offer a friendly amendment.

President Huffman [01:53:54] Well, yeah, in just a response, I do think it's a similar subject matter. The two things that are not two items are the fact that we do not want materials being taken off site or removed from this room. And secondly, that the room shall be available a substantial part of the day, I said 6 a.m. to 10 p.m.. I don't know if that's enough or too little or

Auditor Faber [01:54:21] that's that was my friendly amendment, OK? But my friendly amendment would be to add, I don't know. Six a.m. to 10 p.m. is the right time. I don't know what time you guys work. I'm much more likely to be working past 10 a.m. than I am to be working at 6:00 a.m. But it just depends on your own personal style and time of working. So I would add if this friendly amendment or as requested or required by the drafters or the Commission. So that means if you guys decide to work all night, God bless you, work all right. As long as it's communicated and it's open and available, I would imagine we're going to have a staff with key and with access.

Co Chair Sykes [01:54:54] and we have obtained approval. We have other we have obtained approval from the sergeant of arms that it would be available starting five a.m. until midnight, the 28th. So so any time that they want to go in there, it would be last minute.

Auditor Faber [01:55:15] So make sure I understood what you said. You said it's available open five a.m. to midnight every day till the 28th or it's available starting at 5:00 a.m.

Co Chair Sykes [01:55:24] Starting at 5:00 a.m. tomorrow.

Auditor Faber [01:55:26] All the way until the 28th, 24 seven. Yes, I think that's perfectly fine with me. I just think that you had to have some basic core hours that if Huffman or Faber or anybody else wants, I'm sorry, Mr. President or or Auditor Faber want to show up that that we can do that or that we are there. But I don't have a problem giving our map drawers and our staff discretion is that when they work on this, because my suspicion is they're going to work closer to 24 seven than they are working two to eight hours or 10 hours or 12 hours to get this deadline done.

Leader Russo [01:56:00] Mr. Chair.

Speaker Cupp [01:56:00] Leader Russo.

Leader Russo [01:56:02] Thank you. I just wanted to say that I agree with the auditor on this. If they request that they want to have access, you know, beyond to any of those times, they should have the ability to do that. So I would not want to constrain them with specific hours that we've noted here, but as needed as requested.

Speaker Cupp [01:56:24] All right, so let's restate that, so we have it down correctly.

President Huffman [01:56:27] Well, let me stress this, Mr. Co-Chair. I'll withdraw my proposed 19 if we want to just use Senator Sykes in these these five bullet points on

Proposal D that might just that might be a better working document. And I'm fine with all of these. All of Senator Sykes proposal, the the five bullet points, if we want to enhance this in some way. By that, the main thing is I don't think materials should be removed from the room and taken to off site in any way.

Co Chair Sykes [01:57:04] I would agree we could add that as a friendly amendment.

Speaker Cupp [01:57:10] OK, we're changing North hearing room, no to what? State house room 116.

Auditor Faber [01:57:36] It says here they will connect their computers to individual monitors. Are we not providing them computers? Are they bringing in their own computers? Or I assume we're providing some standard computers, so we're going to have three computers. That's what I presume from our prior discussion. I'm agnostic, but I don't think these guys want to have to leave their computers.

Co Chair Sykes [01:57:55] I believe they asked for... You can speak for yourself.

Michael McDonald [01:58:01] My interpretation is we shouldn't bring our own computers into the room.

Auditor Faber [01:58:05] I agree.

Speaker Cupp [01:58:05] Correct.

Auditor Faber [01:58:05] So so we need to change that.

Doug Johnson [01:58:08] We only the only catch is is that I have about 20 local jurisdictions that have to finish there, that my team is working on finishing the redistricting the next two weeks, their deadlines April 17th. So I think I'm perfectly happy with it to say there will be nothing from this project on my computer at all. Your your staff and commissioners have full access to look at my computer if I may have it in the room in case I get a call.

Auditor Faber [01:58:33] And if you're doing other work on personal, I don't care about that. I mean, I don't know about the other commissioners or will give you another office that you can keep your laptop in and use it or walk out in the hall. I don't care. That would be fine, but I don't think it matters.

Co Chair Sykes [01:58:47] The staff has indicated if we approve the purchase of those computers here today that it would not hamper the time.

Co Chair Sykes [01:59:01] Do you have the motions? So moved.

Speaker Cupp [01:59:07] All right, we're trying to get us all down here, so I would read Bullet Point one on proposal or first bullet point on Proposal D to read the meetings of the independent map drawers will be held in the State House Room 116 and I guess through 116 of the Ohio State House would be redundant here. This will be the designated workspace for the independent map draws. The independent map drawers will have

Auditor Faber [01:59:44] I wouldn't say that...

Speaker Cupp [01:59:50] Yes, so that's already part of the standard race. But the connection of their computers, which are already going to be monitored, right? Yeah. OK, we take that out, didn't you? Yes. What was the. There were no materials shall be.

Clerk [02:00:14] I see what work is to be done, and it doesn't mean to say

Speaker Cupp [02:00:20] Or it should be done in the designated room and no materials shall be taken off site. All right, and then we're not having the time period, right? The time is requested by the drafters or do we have any time period.

Co Chair Sykes [02:00:42] We don't have.

Speaker Cupp [02:00:44] No time period. They can just establish what they are. All right. The Statehouse Ohio Government TV will live stream the map making process in Room 116. OGT will stream the map drawers wherever they're working in the room. Independent matters, communication and work with existing map. Okay, this is a separate bullet point. Independent mapmakers communication and work with existing map makers, as are four four staff and consultant. All right, the rules regarding that. Commissioners shall have unlimited access to the map drawers, but should contact both Dr. McDonald and Mr. Johnson simultaneously, the commissioners, individual mapmakers or designated staff may send proposed maps or suggestion to the independent map makers. Both independent map drawers should receive any suggestions proposed to map or partial design maps simultaneously. I don't know, is that a problem. I thought they were the ones who are supposed to do it.

Co Chair Sykes [02:02:11] Yeah, they're doing it. If we talk to them

Speaker Cupp [02:02:17] Do you want to explain the purpose of that?

Co Chair Sykes [02:02:19] Yeah, we want to make. We want to make sure that we communicate with. We communicated to both of them. Not that we just meet with one of them and just really one of them all the time. We all the time, every time that we communicate with them, it would be communicating with both of them at the same time.

Speaker Cupp [02:02:38] That's that's not the part that I'm wondering about, and that is commissioners. Individual mapmakers or designated staff may send proposed maps or suggestions to the independent mapmakers. Both independent mapmakers should receive any suggestions or or proposed map or partial design simultaneously. Is that what we're going to be doing?

Co Chair Sykes [02:03:01] So if they send something or email, for instance, they would email both of them.

Speaker Cupp [02:03:06] No, that's not. The point is, is our mapmakers going to be sending them ideas? Is that what we're envisioning? I'm just raising the question, is that what we're going to be doing?

President Huffman [02:03:19] Well, co-chair. If I could. Yeah. I think the I'm going to return to the language of the court. Commission shall draft and adopt an entirely new General Assembly district plan. The drafting shall occur in public and I don't have the

Supreme Court decision. But you know, the criticism was that the caucus mapmakers, particularly the Republican Legislative Caucus mapmakers, were drawing that in fact, the commission, the seven of us and our two mapmakers should be drawing this. So I guess it seems to me that the point of having the not only all of the staff there is to provide technical assistance, perhaps explanations of certain nuances or phenomena, things like that. But actually making suggestions through our mapmakers to, I shouldn't say, our map makers. My mapmaker directly to the commission's map maker is what the court specifically is asking us not to do, that we need to tell them that. Now, you know, the question is, how does that get conveyed? And you know, I'm not sure exactly, but I I'm pretty sure that our map makers are not supposed to be telling the commission. Shouldn't say that. Our map makers are those two guys that the legislative map makers are not supposed to be telling them, here's what you should be doing. And that's that's where the line gets crossed. I think.

Leader Russo [02:05:01] Mr. Speaker, can I just add to that that I, I don't disagree with that at all. I think that there may be occasion where communication, whether there's a technical question that's asked. I don't know all the scenarios, but if there's a technical question, I think the intent here is any staff communication with the independent map makers should be done to both of them, not one of them. So maybe if we broaden that just communication, that might help this.

Auditor Faber [02:05:34] Mr. Speaker, as a reference point, it seems to me that our seven, eight people are going to be in the room with them. I expect there to be discussion as they're working on maps and in the room it's public. I think that would fully comply with the Supreme Court's order. And if you know, if there's suggestions in the room, I would frankly hope there would be because we've got people that have been dealing with this issue for over a year now that have some nuanced knowledge. If nothing else, they know where the members live and they know where the conflicts are going to be. It might be an efficiency item to have them in the room having those discussions. I don't think we ought to be sending emails or anything from outside the room, ought to be coming in. And that's why we're having people with knowledge in the room. And so I I don't have a problem deleting this entire bullet point, knowing that in the room, having discussions. If you're talking to one person about an idea and it starts to get legs, then you can talk to the other person. But as long as you're all in the same room, I don't have a problem. And I would be really shocked if we divulge into two camps. You know, this is team A in the room and team B in the room. I would think they're just going to work collaboratively.

President Huffman [02:06:43] Mr. Co-chair, could I just add to that? I think the I think with the flag, the signal goes up here. Red flag, maybe is mapmakers and designated staff sending proposed maps or suggestions to the independent mapmakers. So proposed maps, definitely a no no. But sending sounds like it's done by email or some other type of if it's, as the auditor said, if they're in the room and the independent staffer says, Well, look here, here's a problem with that that you may not have been aware of or, you know, this is a district that is traditionally this way or whatever it is. You know, there's lots of there's, you know, transportation corridors and there's mountains even in Ohio and things like that that may be of interest. And those things can be could communicated. But I think that all has to be done in the room and not, as we say, sent, which sounds like it's coming up over the transom, if you will.

Co Chair Sykes [02:07:50] I don't disagree at all. I think that our idea here is to make sure that they're communicating to both of them at the same time. That's that's the main main thing.

President Huffman [02:08:01] And that that's certainly appropriate.

Co Chair Sykes [02:08:09] All right. I'm not sure how to reword that on the spot here.

Auditor Faber [02:08:12] I suggested to be [inaudible]

Doug Johnson [02:08:25] Co-chairs, I think if if if in the first full point, we have commissioners, if you made that commissioners or designated staff, and then you could eliminate the second bullet point there.

Speaker Cupp [02:08:39] Yes. Yeah, that would work. Commissioners or designated staff.

Co Chair Sykes [02:08:50] I would agree.

Speaker Cupp [02:08:54] All right. I think we can, we could strike out the main bullet point. Independent mapmakers communication and work with existing metros and then leave the. And make the secondary bullet point the primary bullet point there that commissioners or designated staff shall have unlimited access, add the shall to the map drawers, but shall contact both, rather than should.

Co Chair Sykes [02:09:33] Yes.

Speaker Cupp [02:09:34] Contact both Dr. McDonald and Mr. Johnson simultaneously. And then strike out the second dependent or secondary bullet point.

Co Chair Sykes [02:09:47] Co-chair, we could take those bullet points and put numbers on them and make it 19. The first bullet points, 19

Speaker Cupp [02:09:54] 19

Co Chair Sykes [02:09:55] and then the second one 18. I mean, 20.

Speaker Cupp [02:09:59] Yeah, yeah. Sometimes we do seem to go backwards.

Co Chair Sykes [02:10:04] And then the third one, 21, 22 and 23

Speaker Cupp [02:10:14] 21. Progress updates to the commission of each of the commission scheduled meetings, commissioners can expect to ride feedback and guidance on independent mapdrawers in these meetings, in addition to their individual outreach to the independent mapdrawers. So is that 22 and 23 or is it

Co Chair Sykes [02:10:39] Yes.

Speaker Cupp [02:10:41] two, three, independent mapdrawer as instructed by the commission to follow the of course, we've already had that. I think so. Can we take that out of that? Like,.

Co Chair Sykes [02:10:50] Yes, yes.

Speaker Cupp [02:10:51] That's like the third time. [inaudible].

Clerk [02:11:02] Huffman also have the two suggestions on this time because they have no material to be taken out of there.

Speaker Cupp [02:11:07] I thought that was 19, but

Clerk [02:11:11] only 19.

Co Chair Sykes [02:11:12] Sub under 19.

Speaker Cupp [02:11:13] that's under 19.

Clerk [02:11:15] OK, we agreed. Oh wait. But you struck that. Do you want to make it 24 25. I can't miss it.

Speaker Cupp [02:11:24] All right, I made that 19 there. All right. I just want to add that to 19 from Proposal D, OK? Is that nothing taken out of the room?

Clerk [02:11:37] Nothing out of the room?

Speaker Cupp [02:11:38] OK. Well, and all. Thank you.

Clerk [02:11:47] He suggests it all work will be done.

Speaker Cupp [02:11:49] Yes, I think that's right. [inaudible] At some point it would be, no materials shall be taken off site.

Clerk [02:12:05] Okay. All right. All right. All right.

Speaker Cupp [02:12:08] Well, if I had red ink, I would circle that one. OK. I don't know if reading it makes any sense at this point. We have 19 through 24. Let me just let me just read them just over because we're not going to be able to hand them out again here tonight. 19 will be the meeting of independent map will be held in room 116 of the Ohio State House. This will be designated workspace for the independent map drawers. No materials shall be taken off site. Number 20 State House, the State House, Ohio Government TV will livestream the map making process. In, I guessRoom 116, OGT will stream the map drawers whenever they are working in the room. That's 20. 21 is commissioners or their designated staff shall have unlimited access to the map drawers, which shall contact both Dr. McDonald and Mr. Johnson simultaneously. Point 22, the independent map drawers will provide regular progress updates to the commission. Each of the commission's scheduled meetings. 23 commissioners can expect to provide feedback and guidance to the independent mapdrawers in these meetings, in addition to their individual outreach to the individual map drawers, as provided in quote, a number 21. And I think that's it. Did I cover everything?

Co Chair Sykes [02:13:57] Yes.

Speaker Cupp [02:13:59] Any discussion, any objection, without objection these items and Proposal D are accepted.

President Huffman [02:14:10] Mr co-chair.

Speaker Cupp [02:14:12] Senator Huffman.

President Huffman [02:14:12] And roughly maybe this is all implied, or maybe not, but it's my is it the commission's understanding that only the commissioners, their staff as designated and the independent commissioners will have access physical access to this room and no other members of the public, the media, advocates whatever classification someone once put themselves in?

Co Chair Sykes [02:14:43] It is our understanding the room itself should be open to the public. So the public can come in and go if they wanted to observe. Not to interfere, of course not to make any statements, whether we can have a sergeant of arms there to make sure that they didn't take place. But it's the open process. We're trying to totally get away from what the appearance has been in the past. And by doing this in a hearing room, a place where we usually have, the public has access, they have them being able to come in and we can have designated hours for that. During the regular hours of the day when the State House is open.

President Huffman [02:15:27] I would suggest that there be a designated area for the media as there usually is space and chambers and sessions for the Legislature. Those kinds of things.

Co Chair Sykes [02:15:38] It's a good idea.

Speaker Cupp [02:15:39] Auditor Faber Auditor Faber.

Auditor Faber [02:15:41] My only suggestion again, my understanding is a fairly small room. And my guess is OGT could could create a satellite viewing location right next door or right in another room so that you don't actually have the crowds and the interaction, direct or indirect. I would say if OGT puts monitors in viewing right next door, I would think that would take care of everybody's concern. And OGT is shaking his head that that seems to be something they're used to. Hate to say it's an overflow location, but it would be the flow location.

Speaker Cupp [02:16:18] Public access will be available in a nearby room. Where video from the work room will be broadcast. I think I should say public access will only be available in the nearby room where the video from the work room will be broadcast, which is like an overflow. And any objective any further discussion on that point, there will be No. 24. Any objection? Without objection, it will be accepted. All right. Is there further business to come before the alright. I would ask Auditor Faber, you raised the issue about conflict of interest disclosure form. Do you have a forum that we can give to the consultants for that to be accomplished?

Auditor Faber [02:17:43] I don't have a specific form. I would think that the consultants both have had to fill out conflict of interest forms in previous work. If not, we can ask the Attorney General's Office to draft one that we send to them to two relatively quick order. But the short answer is is that we just I think we have an obligation to make sure that there

are no conflicts of interest or at least to have them disclosed so that we can waive them as you start working. It's a little late in the day to do that, but the fact is is we just want to be aware of your conflicts with anybody who is engaged in any of this litigation, any of the parties in the past, any of the parties that have done similar things direct or indirectly. And my big concern is is that you've agreed you're not going to communicate with anybody but us. that takes care most of my concerns about conflicts directly or indirectly. But I do think we have an obligation. Both of you have done work for people on this issue for a while. And so from that perspective, I do not have a forum. Does anybody have a forum to say? I don't know if there is a forum usually in litigation, you're just required to disclose all of your conflicts with people who are parties, and you may not even know who all the parties are, but it's essentially the people who are engaged in this type of activity in the last ten years. If you disclosed to us or have your offices disclose to us, who you've done work for and who the lawyers were that hired you and the lawyers that were involved. Most of that's going to include anybody we're concerned about. If not, we can ask our wonderful attorney general to create some kind of official formal document, but I don't know that we need to go to that detail.

Michael McDonald [02:19:21] I can tell you right now I'm not. I have no conflict with it. I'm not working with anybody. As to my knowledge, that's working.

Co Chair Sykes [02:19:29] As you recall.

Michael McDonald [02:19:29] As I recall, but to my knowledge on, I don't I don't believe I am. And if you want 10 years of history of all of my activity, I did not bring that with me. That would be on my home computer to go through all my files to get all that information so I would not be able to comply with that disclosure.

Doug Johnson [02:19:57] I believe you all have my resumé that's about a year old, but it has all the litigation that I believe would have crossed paths to think involved in this case. There's there's a local school district in California. That's a new case I'm working on, but that won't involve anyone. It's anywhere near here that's just local San Diego school attorneys. So, no, I don't have any conflicts other than what's in the list of past cases in there. And you all probably know better who the legal counsel were in those cases than I do. And whether or not any of them are involved in this.

President Huffman [02:20:33] Mr. Co-Chair, your your wise and able clerk pointed out that we did not go back. We did not adopt number three on Proposal A. And the only proposed change was striking the number six and inserting a number three. However, since the objections to 14 through 16 were withdrawn, I think number three, there aren't any objections to it. So I would just move that number three on proposal A also be adopted right?

Speaker Cupp [02:21:02] Is there any discussion on accepting number three and Proposal A. Was there any objection to that objection that will be also accepted?

President Huffman [02:21:13] Thank you.

Speaker Cupp [02:21:15] All right, thank you for that one.

Doug Johnson [02:21:19] Co-chairs, if I may. One other question, know not going to handle this as a commissioner, just let us know afterwards. But it would be good for us to

get a list of who are the designated staff people. And then probably from that list, if we reach a point where we need to reach out to the commission and say we have a dispute we want to resolve, who is it that we give that official notice to? So can you let us know as a commissioner just after this?

Speaker Cupp [02:21:42] Yeah, I think we'll just give you that information in writing. So you'll you'll have it and that'll be their contact information. So, Dr. Johnson, I apologize. I've called you, Mr. Johnson, and you're also a doctor. So.

Doug Johnson [02:21:57] OK.

Co Chair Sykes [02:21:57] Do you know where Room 116 is?

Speaker Cupp [02:22:02] All right. I think Co-Chair has a motion about being able to get equipment so that they can start to work.

Co Chair Sykes [02:22:09] I would move that we approve the expense of purchasing desktop computers, two of them, and also licenses the required requisite licenses that they may need in the software.

Speaker Cupp [02:22:26] Is there a second?

President Huffman [02:22:28] Second.

Speaker Cupp [02:22:29] It's been moved and seconded. Is there any discussion? Is there any objection to the motion? Hearing no objection, the motion is adopted unanimously. [inaudible] So let's talk about our next meeting. Our meeting is in here in here somewhere. Seven o'clock tomorrow. It's at seven o'clock tomorrow evening. It's either virtual or in-person or in-person virtual option. And we anticipate that we'll need to meet before then.

Co Chair Sykes [02:23:29] We do?

Speaker Cupp [02:23:29] No. do we anticipate that we'll meet it, maybe before the so we have all of the open meeting requirements met, that's my only concern.

Co Chair Sykes [02:23:38] So we could recess if we did need to do that if we thought that was proper. But we do have on the schedule seven o'clock. Yes, and it will be in-person meeting with the virtual option for any member that would like to participate virtually. That would be available to them.

Speaker Cupp [02:23:57] All right. I suggest we recess in case we need to convene more quickly and we wouldn't. I would least give everybody an hour or two before we had if we had to assemble before seven o'clock tomorrow evening.

Co Chair Sykes [02:24:14] I think this would be helpful for us to try to stay on point. Are there in the decisions that we have to make or issues we have to deal with will have the ability to do that.

Speaker Cupp [02:24:28] All right. So do I hear a motion to recess until tomorrow?

President Huffman [02:24:33] Just to be clear, the next two meetings are maybe attended. Scheduled meetings maybe attend virtually. OK. All right. Thank you.

Co Chair Sykes [02:24:40] The staffs have been trained, and if you want to do that, I believe Heather has the information we'll send it directly to you. It is for you individually, not other staff, people. OK, all right.

Speaker Cupp [02:24:56] Without objection, we'll recess until seven p.m. tomorrow evening. Subject to an earlier call by the co-chairs if that becomes necessary, meeting adjourned.

EXHIBIT 6

OHIO REDISTRICTING COMMISSION
Ground Rules for Map Drawers – As Adopted on 3.23.2022

1.) The map drawers shall include the two independent map drawers hired by the Redistricting Commission and Commissioners' staff/contractor map drawers.

2.) The independent map drawers shall draft any General Assembly district plan at the direction of the Redistricting Commission and in accordance with the Ohio Constitution and Supreme Court of Ohio's orders.

3.) The independent map drawers shall answer to each of the Redistricting Commission members. However, any conflicting direction from the Redistricting Commission members shall be resolved via the mediation process described below. (See Rules 12-16)

4.) The independent map drawers shall produce an entirely new general assembly district plan that has not been previously submitted to the Redistricting Commission. The independent map drawers shall not include or consider any general assembly plan proposals or work product produced prior to Wednesday, March 23, 2022 when drafting the entirely new general assembly district plan.

5.) The map drawers shall utilize statewide election results and geography from 2016, 2018, and 2020 for the purpose of measuring the partisan lean of individual districts.

6.) When considering the election results, Republican votes cast plus Democratic vote casts shall equal 100% of the total vote.

7.) Any General Assembly district plan shall be drawn in Maptitude.

8.) The independent map drawers shall utilize one computer purchased by the Redistricting Commission to draft any general assembly district plan. Two additional computers may be used for preparation purposes by the independent map makers on site.

9.) Racial data will neither be loaded onto the computers nor shall it be utilized by the map drawers in any way.

10.) The independent map drawers shall draw a general assembly district plan that conforms with the Ohio Constitution including Article 11, Sections 1, 2, 3, 4, 5, 6, and 7, the Constitution of the United States and applicable federal laws.

11.) The independent map drawers shall draw a general assembly district plan that conforms with the opinions of the Ohio Supreme Court and the United States Supreme Court.

12.) Should the independent map drawers encounter a disagreement between themselves regarding the application of Art. 11 of the Ohio Constitution and/or the opinions of the Ohio Supreme Court, the issue shall be referred to the full Commission.

13.) Should the full Redistricting Commission reach a unanimous consensus, the independent map drawers shall implement the instructions of the full Redistricting Commission.

14.) Should the full Redistricting Commission not be able to resolve the issue by unanimous consensus, the issue shall be referred to mediation.

15.) Should mediation fail to resolve the issue, the issue shall be presented to the full Redistricting commission for a vote. A majority vote of the Commission shall resolve the issue.

16.) The map drawers will then implement the decision of the Commission regarding the disputed issue.

17.) Upon adoption of a general assembly district plan the independent map drawers shall complete and file with the Secretary of State, a geographical legal description of each House and Senate district, shape files, equivalency files and county population and filing location for the most populous county in each district, and any applicable Art 11, Sec. 5 Senate assignments in a manner requested by the Secretary of State within ten days.

18.) The independent map drawers agree that they have been hired by the Ohio Redistricting Commission, and as such, they owe a duty of fidelity to the Ohio Redistricting Commission. Accordingly, the independent map drawers shall not discuss or communicate with any person, organization, or group – aside from the Ohio Redistricting Commission and the Commission members' staffs—regarding any aspect of the substance of any redistricting plan. Failure to abide by this requirement may result in the immediate termination of the independent map drawer's contract along with all available remedial measures caused by the independent map drawer's breach of their duty of fidelity to the Ohio Redistricting Commission.

19.) The meetings of independent map drawers will be held in Room 116 in the Ohio Statehouse. This will be the designated work space for the independent map drawers. No materials shall be taken off site.

20.) The Statehouse's Ohio Government TV will livestream the map making process in Room 116. OGT will stream the map drawers whenever they are working in the room.

21.) Commissioners or their designated staff shall have unlimited access to the map drawers, but shall contact both Dr. McDonald and Mr. Johnson simultaneously.

22.) The independent map drawers will provide regular progress updates to the Commission at each of the Commission's scheduled meetings.

23.) Commissioners can expect to provide feedback and guidance to the independent map drawers in these meetings in addition to their individual outreach to the independent map drawers as provided in Rule 21.

24.) Public access will be only be available in a nearby room where video from the work room will be broadcast.

EXHIBIT 7

Ohio Redistricting Commission 3-26-2022

Co-chair Sen. Vernon Sykes [00:00:02] I like to call the meeting to order to begin on March 25th. Is there any reason not to adjourn the meeting? Seeing and hearing none and now adjourn that meeting.

Co-chair Sen. Vernon Sykes [00:00:15] And I call to order the meeting today, 26 of the redistricting commission, will the staff please call the roll co-chair?

Clerk [00:00:27] Speaker Cupp (Present) Co-Chair Senator Sykes (Present) Governor DeWine (here) Auditor Faber (here) President Huffman (here) Secretary LaRose (here) Leader Russo (here) Mr. Co-Chair. Quorum is present.

Co-chair Sen. Vernon Sykes [00:00:40] We have a quorum and so we will meet as a full commission. At this time the independent map makers are attending the meeting virtually, and we ask that our audience today to refrain from loud noise out of respect for the independent mapmakers and persons watching the proceedings remotely on the Ohio Channel. Members who are in the room. Please use your mates and talking to your mikes so that all everyone will be able to hear you plainly. There are minutes in the folder from our last meeting. Is there a motion to accept the minute?

House Minority Leader Allison Russo [00:01:24] So moved.

Co-chair Sen. Vernon Sykes [00:01:25] Is there a second?

Co-Chair Speaker Bob Cupp [00:01:27] I'll second Mr. Co-Chairman

Co-chair Sen. Vernon Sykes [00:01:28] OK. Is there any objections to the minutes as presented?

Co-Chair Speaker Bob Cupp [00:01:32] Yes, I do have. I think there are some additions that should be added to the minutes. These are items that were raised during the commission meeting yesterday. One. And I don't see them in the minutes. One is that President Huffman requested that the independent map drawers present multiple options for Franklin County. I think that should be reflected in the minutes. Also, I requested that any areas in which the map drawers had had the intent to present to the commission that the the the information and the maps to be presented to commission members 90 minutes before the start of the scheduled commission meeting. And third that prior to drafting a full General Assembly district plan, the various proposals were presented were to be presented to the Commission for discussion. And then the commission would give direction to the map makers on how to proceed pursuant to the rules that we've previously adopted. I think all of those should be reflected in the minutes because they were they were discussed and I moved to amend to add those.

Senate President Matt Huffman [00:02:45] Second.

Co-chair Sen. Vernon Sykes [00:02:45] Any discussion on the motion? Hearing, seeing none, is there are any objections to the amendment? Hearing seeing none and then we will accept the amendment. And now the motion to approve the minutes as amended. Is there any more discussion? Any objections? Hearing seeing none we will accept the amended minutes as adopted? We will move now to the independent map drawers, and for any current updates, you might have.

Doug Johnson [00:03:33] Co-chairs, Good to see you again. It's been a busy 24 hours, I guess. We have finished our first sketch maps that we just had pieces of to show you last night or yesterday afternoon. We worked well into night and got those first sketches done around midnight or one a.m. and came back today. Started digging into the details of those trying to do some trying to do some additional work on the competitiveness, meeting that the different requirements of the court rulings. And also on one of them we have a set of Senate and Senate lines built off of that to see where there might be issues, as you're very familiar from the process working through this. The challenges, first we have to put together House seats. Then we combine them into Senate seats, see where they kind of run into problems on the Senate side side and have to go back and fix those on the House side. So there's a little bit of back and forth throughout this process until we can get a clean map that meets all the in particular, the county groupings and township rules. So we're through the first round of Senate meeting apps, and I think we're not too far off from having the second sketch map also ready. So we do have some some questions and some options to put before you today that have come out of the first two sketch maps. And we can talk a little bit about the and whether or not those have impacts on the partisan balance of the overall map and the degree of of partisan competition in each of the districts. So to start with that, I think I'll hand it over to Dr. McDonald.

Co-Chair Speaker Bob Cupp [00:05:35] Before we start on that. Do we have printed copies of those so we can follow? I cannot follow along on that screen. And I thought we were going to have these 90 minutes or so before the commission meeting started. I haven't seen anything. So it's it's really hard to follow along if we don't have it documents before us.

Senate President Matt Huffman [00:05:58] You know, Mr. co-chair, I'd understood that we asked the map makers to do that. Mr. McDonald indicated he was going to have some staff do that instead. But I also don't have any printouts to look at. Do you if you have some, you know, we could copy yours, Mr....

Co-chair Sen. Vernon Sykes [00:06:16] Can we just stand at ease in just a moment and we can try to make sure that we get those.

Co-chair Sen. Vernon Sykes [00:28:33] Back to order. Just for clarification, co-chair Cupp had approached me about making sure we had information that was being talked about or presented that we had the data and maps and so forth related to that, and I agreed. I thought we should have that information in advance and that we should work with and through our staffs and not hamper or interrupt the map drawers from doing their work. And so earlier today, the map drawers, the independent map drawers gave to both staffs information we copied. The information we were ready and prepared. You today apparently was not copied or prepared or understood that wasn't the procedure today. So we agreed that you should be able to have its information in advance and we set up a process, but apparently was not totally implemented. But now we have, everybody has the same copies of earlier today and this is the status of the map drawers. And at this time, we'll look for or hear from the map drawers themselves to make a presentation on this update status.

Dr. Michael McDonald [00:30:09] Dr. Johnson gave some update earlier. I just want to tell you where we are with our map drawing overall to give you a high level view first, as he mentioned, we've both completed house maps, they're both proportional, so they both have forty five Democratic-leaning districts in them. And now we're just working back and

forth with each other through the mapping process. What we have done is where there are certain decision points as to how a district may have to cross a county boundary line because, say, Montgomery County has three and a half districts within it that can be contained within the county. Which direction does that half district go? Which other county does that additional district cross into? So there are options at that point, and with the advice of the consultants for the partisan sides, they've already explored these and they kind of know where some of them are dead ends that it's impossible to get a solution, where it's a solution that's going to adversely affect how the Senate maps are going to be drawn. So taking their advice, we are typically when we reach one of these decision points, we're left with two options. And so Dr. Johnson's taken one option and I've taken another. We've randomized it so that there's, you know, we're not trying to have any intent here. We're just trying to work our best way through this and explore the options that we have in front of us. Through that process as I said, I, as Dr. Johnson said late last night, we had finished two maps and this today we've been looking at the choices that we respectively made, and we've come to some agreement on some areas of the map. So I have adopted elements of Dr. Johnson's Lucas County approach. Mine was a different approach, and he's adopted my Hamilton approach. So again, we're working collaboratively. We're looking at these options. We're exploring what we think is the best approach at this point. I'm trying to get to that symmetry. At this point I think we're getting close on that 50 to 52 symmetry range. And so we have some guidance. We want to and maps that we want to present to you that will explain to you where we're seeing some differences that we haven't resolved in our maps yet. To also understand. Dr. Johnson, we have had enough time to create a Senate map out of his House map, and that's putting these puzzle pieces together because you have to have three Senate districts with certain rules on how the Senate districts go together. We did not have enough time to do my map yet. So as we say, as we make this presentation, understand that we know that there are some issues. We think that they're minor with Dr. Johnson's house map as it relates to creating a Senate map, and we have not fully explored what my issues are, if any, yet either. So we're still in a draft. I would say, proposal stage. We don't have a final map, but I feel like we have made good progress to get to the point where we're getting there. So with that? At this point?

Co-chair Sen. Vernon Sykes [00:34:18] Can you hold just a minute?

Dr. Michael McDonald [00:34:19] Yes, go ahead.

Co-chair Sen. Vernon Sykes [00:34:19] Just a minute of we are glad today to know that the first lady in the state of Ohio, Fran DeWine, is here and we'd like to give her a warm welcome. He's been hanging out with us for a while, and we appreciate you joining us, thank you so much. You may continue.

Dr. Michael McDonald [00:34:47] I apologize for subjecting you to a mapping session on Saturday, so that gives you a sense of the process I and it's it's good that you interrupted me there. If there are any questions about the process that this might be a good time to ask the same questions about the process before we start showing you some of the work that we've done.

Co-chair Sen. Vernon Sykes [00:35:21] How long will it take you to? You think we're on a short fuse now, it's getting shorter and shorter just a couple of days. So how long you think to have a combined map for a recommendation to us?

Dr. Doug Johnson [00:35:39] Well, I think the the big variable is really the immediate next step is running the second map through a Senate build to see how it works out and what issues there might be in that. It took about two hours this morning to do the first map as the Senate bill. I expect it'll be a little bit faster. You know, we're we're learning as we go, but we're probably looking at an hour to two hours to build that in. And then once we know what pitfalls lie there, then we could sit down and merge the maps together. But as Dr. McDonald saying, they're not that many areas where we have significant differences among the maps. It's really Montgomery County and the Summit Lake Cuyahoga area. So those two regions is really what we have to reconcile. So today, I think, or rather tonight is a very good likelihood that we would have these these sketches ready and combine into one and ready to implement whatever alternative instructions you may give us today.

Dr. Michael McDonald [00:36:53] And I would add to to that response, I mean, this is we're not trying to impose a map. So we're still very much open to suggestions and recommendations. I know we were asked to explore two counties around Franklin and we have a question about that. We wanted to know if it was if the two counties to Madison and Pickaway, if they were meant to be put together or if they were to be looked at independently. So we we didn't have time, quite frankly, to look at it, but we also had the question of how we would proceed with exploring that option versus having Union as the county that is adjoined to Franklin. So we've that. I think we would probably get to tomorrow. Once we can get a map, a unified map together, then we would want to look at that sort of issue.

Dr. Doug Johnson [00:38:00] And so I guess the -- we're saying this to two things here, one is a question for you, which is just clarifying whether the press see one option that went to Madison and one that went to Pickaway both instead of union or if the goal is to go to Madison and Pickaway together with Franklin instead of union. And then the second piece is, we'll have it for you tomorrow.

Co-chair Sen. Vernon Sykes [00:38:21] Senator Huffman?

Senate President Matt Huffman [00:38:24] Yeah, I actually had a number of suggestions and I posed that question yesterday. And I think if I could answer their first question and what you know, we have, I guess maybe in priority, we have the Constitution and we have the Supreme Court decisions which interpret the Constitution. And then we're going to have specific direction of the commission as a whole. So I think if if a majority of the commission says do this and not that which we haven't gotten to that part yet, I understand. And then there may be suggestions of individual commission members. And so the take a look at the Madison Pickaway versus the Union was a suggestion of mine. And the reason I suggested that was it appeared to work better, according to, our folks who have been working on this for several months, when we got to the rest of the state. So if you don't have that tonight, that's fine. We can take a look at that. I have, if I could continue. Mr. Co-chair.

[00:39:40] Yes.

[00:39:40] There's another suggestion that when we looked at Northeast Ohio because of the problems with the counties that have priority because of their size in Wayne County, for example, in that northeast Ohio must remain in the same house district as a single county district and kind of squeezed up there in the corner Geauga and Ashtabula County, which do not have protection. And it worked well in the in the version of the map that was passed in section three or map number three that the seven counties. I think I'm going to

get them right. Cuyahoga, Summit, Lake Geauga, Portage, Ashtabula and Trumbull that those seven counties made up 21 House districts and seven Senate districts, and that was a very nice fit, and it's solved the northeast Ohio population problem. I'll remind members and some members of the public who may not know this, but the 2011 map, I think if I have this right was unconstitutional and the reason was the math problem in Northeast Ohio.there's those counties that all have protection, all because of their size. And then we have a lake and then we have another state and there's only so many places you go. So suggestion from this commissioners is, consider that 21-7 pairing that was in the third map passed by the commission as a possible solution to some of your math problems. I had a couple of other things, Mr. co-chair, and I don't want to cut into the mapmakers presentation. But if I could, I continue?

Co-chair Sen. Vernon Sykes [00:41:31] Please.

Senate President Matt Huffman [00:41:31] All right, good. Thank you. The court made clear and I got scolded a little bit for talking about incumbents, you know, after our last map was passed. And so it does not have the constitutional priority, which I think actually we have in the congressional but do not have in in the General Assembly map. However, I would request and if I guess if there's an objection, I would make a motion. But at the moment I would request that you would put the addresses of the 33 Senate members on your map or you don't have to put their addresses with the dot or what. However, it is that map makers most easily do that and that those be considered when you're drawing the map. Now, not require no requirements of any kind because the courts made it clear that's not true. And let me explain why I think that's important. The Senate has 33 members. They're elected in four year terms. In 2020, there were 16 members elected to four year terms. Those members are entitled to serve out their four year term and cannot be redistricted out. Now there's a provision that actually says if a district was drawn and you live outside your district. That you continue to serve and there's a formula for the largest part. But I think it should be a goal to make sure, as it is, you know, again, Constitution, Supreme Court comes first. But it should be a goal of yours to try to draw a map that has those 16 senators living in the district that they represent. And typically, maps will do that. And I think if I think I have it right that in the the third map that we passed, all of the incumbent senators did in fact live in the district that they represented, and one of my guys behind me will shake their head. No, if I have that right, right? Oh, I got that right. OK. There are 17 Senate, 17 Senate districts that are up for election. That obviously that does not apply to, however, but I would suggest to the map makers and to the commission that those seats, six of those are open seats, as in the senator is is either term limited out or leaving for another reason at the end of the day. But there are 11 districts where a an incumbent senator is running for election. That senator has of course declared filed their petitions has been campaigning for the past several months. And I think it should be appropriate to consider that those candidates, which if they're simply, that they're, are no longer in their district. They just can't run. And so I think you ought to consider that also now. I will let the Speaker Cupp and Leader Russo defend the House. But I will say that all of the House members will be whether they're paired with another incumbent or whether they like their district or the index. Everyone running for the house will live someplace where they can run. And that is not true for incumbent senators. So if a senator, an incumbent senator, is drawn into a district where I live and I represent that area, they won't be able to run because I'm entitled to serve out my four year term, as is Senator Sykes. So I would ask that you put those incumbent senators, maybe a one dot, one colored dot for the folks who are in mid-term and then the 11 non open seats out of 17. So that can be taken into consideration when drawing your map. And I don't I don't know if anybody objected to that or not, but I guess that's that's my message to the map makers.

Co-chair Sen. Vernon Sykes [00:45:50] I would object. A mild objection. You know, I think one would need to be careful of when we're dealing with incumbents, period. And I believe that the law, the Constitution and the requirements is that the district numbers are assigned based on the current map and not where the not where the incumbents live. So knowing where the incumbents live, they're necessarily helpless other than to protect the incumbents. So we don't make decisions that would be contrary to the incumbents interests.

Senate President Matt Huffman [00:46:32] And I'm not sure if -- I'm going to say this and and maybe I'm disagreeing with you, maybe I'm not. But not only are the 16 senators who were elected in 2020 entitled to their four year term, they're also entitled to represent a district that has the same number. And that's also part of the constitutional requirements, so I'm in the 12th Senate District. No matter what the 12th Senate District looks like and whether I live in it or not, I'm entitled to represent the 12th District, even if it's. Someplace else on the other side of the state, which it couldn't be because there's requirements about population and things like that, so I do, and I think I'm certain that the map makers are aware of those constitutional requirements. I'm not talking about the constitutional requirements of having the number and the larger population. I'm saying that I think it should be a goal of this commission or it, although not law, that senators are representing, are living in the districts that they represent, if possible, when drawing this map.

Co-chair Sen. Vernon Sykes [00:47:44] Can we stand down just in just a moment?

Senate President Matt Huffman [00:47:46] Sure.

Senate President Matt Huffman [00:47:47] You got the gavel man

Co-chair Sen. Vernon Sykes [00:47:50] We'll stand at ease just for a few minutes.

Co-chair Sen. Vernon Sykes [00:49:52] We'll call the meeting back to order. Leader Russo.

House Minority Leader Allison Russo [00:49:58] Thank you, co-chair. So, you know, I would like to respond to this recommendation first, I just want to point out that I think that it is early to be asking the map makers to do make these suggestions. They are still in draft form. As has been indicated, they haven't even gotten through the second mapmaker, putting the Senate districts together and for them talking about it. So I think it's a little early to be making some specific suggestions, but specifically related to the incumbent issue. I just want to be very clear that even with the Senate incumbent issue and the district assignment number, there are going to be more Republican incumbents, the Democrats, because this is a map that was ruled gerrymandered. The map, the incumbents that we're working with and I think any, moving forward, any consideration of incumbent addresses, whether we're talking about the House maps or the Senate maps is faulty and it favors one party over another. And so I'm going to disagree that these addresses need to be provided or that that needs to be considered because the constitutional requirement is not about where the incumbent lives. It's about the assignment of their current district. And of course, there are going to be more Republican incumbents, and that automatically sets us up to favor one party over another.

Auditor Keith Faber [00:51:32] Mr. Chairman.

Co-chair Sen. Vernon Sykes [00:51:32] Yes.

Auditor Keith Faber [00:51:34] I would object would Leader Russo's analysis. I objected last time she made that analysis for the simple fact that I think you're you're contorting the concept that yes, if you're going to go from, I don't know how many is at 64 in the house to some number less than 64? Yes, you're going to have Republican incumbents who don't have a seat. But drawing incumbents together, particularly in Republican areas or in other areas, I would argue. And if the court said differently, which it did not directly, I would disagree with them in this capacity. If that happens only to Republican areas and not Democrat areas, I think that is a move that directly violates 6A and would favor one party over another. And for that reason, I think it is important to the extent you can because we all know there's there is a value in incumbency. The reality is to the extent you can, I think you need to protect incumbents from both sides and not intentionally or where you can avoid it putting incumbents together. Does that mean in theory, there's going to be more Republican incumbents not having districts because you're going from 64 or 62 to some lesser number? Yes, but that doesn't mean you put 30 Republicans together and no Democrats together and pretend that that's somehow fair. It is not. And anybody who looks at this objectively would have to come to that conclusion. And so I agree that it is not a primary constitutional factor, but I don't know that we are hemmed in and only looking at primary constitutional factors, particularly we're looking at those factors does not obliterate considering another constitutional factor. And so I have no objection to adding those addresses, frankly, for the House and the Senate, for the consideration to look to see if you can avoid them. And I just give you one example. One of the Democrat maps, and I don't remember which one intentionally drew the Senate president and one of the Senate president's leadership members into the same district that had to have. OK, I'm sorry that might have been an accident, but it was unnecessary under any circumstance because both of those districts could have been drawn without changing any of the indexes, including the Magical Mystery 54-45. And so the reason for doing that had not could not have been for district sanctity or anything other than to achieve some other purpose. And for that reason, I think it's important that you look at those factors and I don't think it's improper. I think it's frankly proper to make sure you're not biasing one side or another another. And if you want to go to a scenario where you're drawing 54 percent of the Republican members together and 45 percent of the Democrat members together, I don't know. Maybe you can say that somehow meets a ratio, but I'm not sure if you do it only to one side, not the other, that somehow you're hitting some kind of objective standard.

Co-chair Sen. Vernon Sykes [00:54:28] Leader Russo,

House Minority Leader Allison Russo [00:54:31] Thank you, Mr. Co-Chair. And, you know, I mean, frankly, it doesn't matter what our individual opinions are about this. I think the court decision has been very clear in paragraph 37 when it talks about this issue specifically, it says, "in this case, we analyze the evidence of Senate President Huffman's concerned for not drawing any incumbent Republican caucus member out of a district based on current voting residents to be grounded in a desire to protect Republican officeholders. These officeholders hold office under a current district plan that is neither compact nor proportional, according to the terms of Article 11. Thus, efforts to protect these incumbents and noncompliant districts can neither be a legitimate and neutral goal nor comport with Article 11, Section 6A." The court has been very clear on this issue in their decision. So whether we agree with that or not really doesn't matter. Because of the direction that we've given to the mapmakers is to follow the Constitution and the court's orders, and they are very specific about this.

Senate President Matt Huffman [00:55:37] Mr. co-chair?

Co-chair Sen. Vernon Sykes [00:55:37] Yes.

Senate President Matt Huffman [00:55:38] Yeah. I guess I'm going to repeat what I said before. This is not about protecting incumbents. This is about making sure, if possible, without violating the other constitutional requirements that senators live in the district that they are representing. That's a good thing, I think most people would say. And if if that can, if that can be achieved with all the other constitutional requirements and other aspirational things, compactness and all of that, then I think we should do that. Now as to the map that we currently have, I understand that the current Supreme Court was critical of the map. However, the Supreme Court in 2011 ruled in. What did we call it? Wilson v. Kasich by a five to two majority, that that map was in fact constitutional. So and I don't think the current court did an analysis to go through and look at all of the block files and do all of the things of that. That was simply their statement in dicta in the in the decision. So none of that really matters because all I'm simply saying is it's a good thing that that elected representatives, senators, legislators live in the district that they are in fact representing and we ought to try to achieve that. And secondarily, we are as to those senators who are candidates right now, both Republican and Democrat. There's if I look on here, I think there's eight Republicans and three Democrats that they continue to be able to run for office, that they filed their petitions for. And because under some scenarios, both Republican and Democratic Senate candidates are eliminated. So I continue to suggest that it's a good idea for the map makers to consider that.

Co-chair Sen. Vernon Sykes [00:57:47] I again would object. It is not the incumbent's office. That's why we have terms. That's why we have terms, so everyone has an opportunity to qualify to run for office. And so I just don't I disagree with the suppositions made here, period.

Co-Chair Speaker Bob Cupp [00:58:11] Mr. Co-Chair?

Co-chair Sen. Vernon Sykes [00:58:11] Yes,

Senate President Matt Huffman [00:58:14] I think Leader Russo is overreading the paragraph 37 about incumbents. I would note that the court says, "while incumbency protection may be legitimate, a neutral goal, it is not always so." And they used this one to suggest that it was simply to favor Republican candidates. But I think it is a legitimate goal to try to leave incumbents in the districts they're in. If you can meet the other requirements in the Constitution and for for a whole variety of reasons. One. Their constituents are familiar with them and that would include Republicans and Democrats. So this would be a neutral objective where it's possible to do it without violating the other provisions of the Constitution, which is exactly what this opinion says. And so I do think it's important to put the addresses of incumbents there and that the map makers make every effort not to pair incumbents together where they don't have to to meet the other constitutional requirements and so forth. So I would agree that the names or the the locations of the incumbents should be on the map so we can identify where they are and that the map makers make every effort not to draw people incumbents together. Republicans against Republicans, Democrats against Democrats, Republicans against Democrats, where, where possible, to meet the other requirements of the Constitution. I don't think it's sufficient to say, Oh, that's too difficult, so we can't do it. I think every effort needs to be made to do it.

Co-chair Sen. Vernon Sykes [00:59:57] I suggest that we take this to mediation. We do have a person, the mediator here, just for this purpose to help us get past these points. And so my suggestion, if that is agreeable, that we take this particular point to mediation,

Senate President Matt Huffman [01:00:15] Mr. Co-Chair, I think that's an excellent idea. I want to make sure that the questions are precise for the mediator. The motion that I made and is as it relates to the the senators who are in office, and I've talked about these two different reasons for the the 16 incumbent senators in the middle of their four year terms. And that's that's not about incumbent protection. I want to make that very clear, even though that's been said in various ways by members of the commission. It has nothing to do with it. I'm going to be here for the next three and a half years, whether anybody likes that or not. Okay. It's just a question of whether Senate District 12 is includes 2220 Merit Avenue in Lima, Ohio. OK. That's what it's about. Not incumbent protection. So that's exactly that's precisely what I've mentioned to this those Senate addresses or where those folks live. Now. Auditor Cupp or excuse me, Auditor Faber, Speaker Cupp have rightly raised the additional answer of the the goal of incumbent cities and not drawing those folks together. I think that's a second issue, which also should be part of the mediation. And I just I don't want those two things necessarily to be conflated because I think it's helpful for the mediator who maybe is in around some of these issues as often as we have. So both of those issues could be mediated. If I if I describe Speaker Cupp in Auditor Faber issue and I think leader Russo is issue appropriately.

Co-chair Sen. Vernon Sykes [01:02:02] Leader Russo,

House Minority Leader Allison Russo [01:02:04] Thank you, Mr. Co-Chair, I don't disagree that this is something that we should discuss with the through the mediation process, but I do want us to be clear that it is entirely appropriate for the mapmakers to continue work because I think progress can continue to be made. And certainly, you know, if if we come to some sort of resolution about this and adjustments have to be made to those maps, that is possible.

Co-chair Sen. Vernon Sykes [01:02:35] What is your.

Senate President Matt Huffman [01:02:35] Co-chair? And I appreciate what leader Russo has said. I guess the issue is how far down the track do they go knowing that this may end up being a direction of the commission? We know that the commission is to be drawing the map. We understand that these gentlemen have have the pen in their hand, so to speak, but we're supposed to be guiding their hand in on that particular issue. They're going to need clarification, so we'll see how quickly it is. We can get it resolved

Co-chair Sen. Vernon Sykes [01:03:08] If the mediator can come forward, please. Leader Russo,

House Minority Leader Allison Russo [01:03:19] Thank you, Mr. co-chair, I do just want to add one more thing to that. I mean, if I'm hearing what the Senate president and the speaker, Mr. Co-Chair, are both saying Co-Chair Cupp, you know this, this would be secondary to the necessity of drawing versions of these maps that are both constitutional and follow the court's orders. So to me, that is the direction that they have been given. They can absolutely proceed with that. And then any potential adjustments, perhaps that can be made that don't violate those things first are adjustments that can be made based on a decision that we come to on this issue. So the primary objective is to draw

constitutional and maps that also comport with the court's decision. And this becomes a secondary consideration.

Co-chair Sen. Vernon Sykes [01:04:21] We're looking at trying to resolve, trying to get past this. We don't want to take up too much time. Is it something you think we might be able to address right now right away? My preference would be to take the recess to do that so that we would not hamper any additional progress that would need to be made. We could always also agree if we to disagree in just take a vote in that that the majority prevail. So I think that would be my question to you is something that we could decide with within a few minutes or we just decide to take a vote. Do you think this is something we could address right now?

Mediator Scott Coburn [01:05:13] I think we could try to address it right now. Or if you think there are, there's the potential for other issues of some other kind of similar nature. Is this that we could go through this evening while we're here? If you'd let the meeting go forward and we could accumulate how many issues there might be and then try to knock them all out, however, you would prefer to do that as a commission.

Co-chair Sen. Vernon Sykes [01:05:42] That sounds good. So this is number one on the list. OK.

Mediator Scott Coburn [01:05:45] OK. All right. One and two. OK. Yes. Thank you.

Co-chair Sen. Vernon Sykes [01:05:49] Thank you. We'll continue. Senator, do you have other oh,

Senate President Matt Huffman [01:05:56] We're going to mediate?

Co-chair Sen. Vernon Sykes [01:05:57] We're gonna mediate, but we're going to wait to see if there's other issues.

Senate President Matt Huffman [01:06:02] Fair enough. Okay. I think I think the last issue is is not really sort of a directional type issue, but I just, I guess what we received here tonight. These are sort of on computers one and two, but there's been no work done on the commission's computer, so to speak or computer three, whatever we want to call that. Is that correct?

Dr. Doug Johnson [01:06:40] Yes, I am, but I don't know. I believe that's our goal. Hopefully tonight, certainly by tomorrow morning to be working on that consoLeaderted map on a commission. Peter, yes, but we have not done that yet. We also don't have a third computer yet, don't we? It's on its way.

Senate President Matt Huffman [01:07:03] Oh, we don't have the commission's computer yet. OK? Very good. That's OK.

Co-chair Sen. Vernon Sykes [01:07:10] Did you all have any additional questions that you needed us to address?

Dr. Michael McDonald [01:07:17] Yes, we do. And these are more along the line of of places where we are seeking or we want to make you aware of what the tradeoffs are in terms of of how we might proceed and what and bring that to you because we have not. There are two areas of the map where we have not resolved significant issues. I will also

bring up a third minor issue, but we have a disagreement on it and I'll start with that one first because I hope that we can take care of it very quickly, within Hamilton County, there's two districts that look very similar to one another. They only really differ along the border of Columbus, where there's some noncontiguous bits of of Columbus that you can swap between adjacent districts. I've drawn that to be a fifty three point one percent partisan index performance district, and Dr. Johnson's drawing it to be fifty two point seven percent. And since it's the fifty three point one percent number is higher, I'd prefer to go with that particular district. Dr. Johnson does not want to, has not expressed an interest in doing that. So want some guidance from you as to which of those two maps we should concepts that we should pursue?

Co-chair Sen. Vernon Sykes [01:08:56] Did you say Hamilton County or Franklin County? You said Columbus?

Dr. Michael McDonald [01:09:03] In Franklin County.

Co-chair Sen. Vernon Sykes [01:09:04] Columbus, OK.

Dr. Doug Johnson [01:09:07] Yes, it boils down to...you know, we both I think we both have the same understanding of the situation. It's just a question of which way to proceed where we have a district that's not in the two percent range, it's it's fifty two point seven or fifty three point one. Depending which way you go. Do we want to move the lines and make a less compact map in order to move it from fifty two point seven to fifty three point one? It's not a huge compactness issue. It's a small change in compactness. But we are making a tradeoff that this moves it from fifty two point seven to fifty three point one, but not in or out of one of the competitive ranges that the court has mentioned.

Co-chair Sen. Vernon Sykes [01:09:54] Leader Russo,

House Minority Leader Allison Russo [01:09:57] Thank you, Mr Cochairs. You know, I would say, and this is hard to evaluate district by district because again, when I read the Constitution, many of the constitutional requirements relate to the entire plan as a whole. So my question for you is how does this impact the entire plan as a whole? It sounds as if it moves one of those seats out of sort of that competitive out? Not sort of, but out of that competitive range from 50 to 52 percent. Does that then address the issue, better addressed the issue of proportionality that requirement of the Constitution, which is weighted equally, by the way, to compactness and some of the other requirements within that section. So that would be my question to you before answering this, because again, when we're talking about these individual districts, that answer depends on and how does it impact the entire plan?

Dr. Michael McDonald [01:11:05] And I would say this is one of these minor issues, and I would have hoped that we could have come to agreement. I think Dr. Johnson has the larger question in mind, which is that when possible, do we go ahead and tinker with districts a bit more so that we might move them? You know, particularly the Democratic districts, which are there's more of them that are in the 50 to 52 and 52 and 55 percent range. Do we make an effort to as much as possible try to move them more towards 55 percent when it's possible to do so? And again, this is not doing any significant damage to compactness or we could even run the compactness measures. I think they'd probably be off by like point zero zero one percent. I mean, this is a very minor change in terms of the perimeter of the district. So I'm I I my thinking is that to try to bulletproof the map as much as we can from the court, we would make these changes so that we just have that little bit

of extra cushion that we have because the court has is looked critically at these districts and has looked at the distribution and of the partisan index and anything that we can do, even if it's minor, that moves the ball so that it's less asymmetry about the map. I think that's a positive thing, but that's that's my position. Dr. Johnson has a different position about that and on. And so, you know, that's what we're asking guidance from you. And I would clarify one thing. Just so there's a clear understanding is that this is a district that is without even before the change that Dr. McDonald is proposing is fifty two point seven. So it's already outside of the court's tossup range. It's in it's within the 10 percent range of one of the experts talked about that the court referred to. But it's we're not talking about a toss up being either toss up or not. It's definitely not toss up either way. So the question is one is it's not toss up and it's already fifty two point seven. Do we then make the district a little less compact to take it to fifty three point one? That I did suggest running the compactness report, but Dr. McDonald preferred to bring it to the commission and and ask for your direction on it.

Co-Chair Speaker Bob Cupp [01:13:41] Mr. Co-chair?

Co-chair Sen. Vernon Sykes [01:13:41] Yes.

Co-Chair Speaker Bob Cupp [01:13:41] It's a little hard to decide this in the abstract. We don't know what you may know, but we don't know. What does that do to surrounding districts? What is it? Is there an incumbent that lives there or it can be changed, moved in or out? But it's not just the point I was making. It doesn't necessarily change the proportionality or the symmetry, but it takes into account the fact that somebody is already representing constituents lives there. So this is all information that we don't have. It's hard to make a decision like this in the spur of the moment without even having a detailed map.

Co-chair Sen. Vernon Sykes [01:14:24] Commissioner Faber?

Auditor Keith Faber [01:14:26] I generally agree with speaker co-chair in general, though when you have a question, I think you need to follow 6C General Assembly districts shall be compact. That's what the Constitution says. And the fact of the matter is, is if you're not changing any of the other factors, drawing it compact ought to be the primary concern. But I think this may be one of those areas that we are going to have some discretion. And it says also in the court's opinion, that we will be drawing the maps. And so no offense to this process. We've got two map drawers who are seem to be drawing the maps and we're asking questions in theory about this issue or that issue in concept, but we're not really drawing the maps. And so until we see the district, there may be other community factors that I think it's also proper for us to consider things that we heard in close to 80 hours of testimony before this commission that could change the dynamic. Maybe it's a community that will encompass an entire school district if you go to the one number or will not. If you go to the other number, it may be a community that you could keep two adjacent entities together. Those are all factors that we need to take a look at when we're looking at these issues in total and in the abstraction, I would tell you ere on the side of compactness, and if it deviates, we can make the adjustment when we see the the last year or the last year.

Co-chair Sen. Vernon Sykes [01:15:54] Leader Russo.

House Minority Leader Allison Russo [01:15:56] Thank you, Mr. Co-Chair. Again, I would remind my colleagues on the commission that Compactness 6C is considered equally with six A and B, according to the Constitution. So we can't consider one of them over the others. They are all considered equally. But but I would agree that in a question

like this, does the decision make a difference in terms of does it make more sense from a community of interest perspective, as Auditor Faber noted? You know, is there portions of a school district that would be taken off in one configuration versus the other? That certainly is something that could be considered and should be considered.

Senate President Matt Huffman [01:16:41] Senator Huffman?

Senate President Matt Huffman [01:16:45] Thank you, and I agree with both the points that Leader Russo just made up. I just gave you my own example when one of the I think when the first map came out, there were people in one one county in my district because the high schools built outside the city, their brand new high schools built outside the city and their city was in one house district. But the high school was in another, and somehow they felt that that was going to be the end of democracy in their town, and the line has to go someplace. But it probably would have been better, at least to those folks in that small town that the high school would have been in the same house district as as their their city. So as Leader Russo and Auditor Faber said, if those things can be done, it should be certainly not a constitutional requirement. I did want to comment, however, about this. Fifty two, fifty to fifty two business. There was no such proportionality requirement. At least there was, but the commission didn't realize it when we passed a map in September. After the second decision, the proportionality requirement was 51, so districts between 50 and 51 could be considered as asymmetric. The third decision the court has now said it's now 50 to 52 should be considered. If if the mapmakers and I frankly I kind of lost track who was saying what there. If the map makers are saying, we're going to think about 52 to 55 as some other special category of districts. I think that's wholly incorrect. And if one or both of you are working under that presumption, I think that needs to be clarified because that is not part of the courts. The new line as of the 3rd rejected map decision is 52, not fifty two point seven or fifty three point one or 55 or anything else. And I frankly don't think there's a whole lot of difference between 52 eight and 53 one, especially if you can keep the district compact and don't have to slice up towns and school districts and things like that. So those are my points Mr. Co-chair Thanks.

Co-chair Sen. Vernon Sykes [01:19:17] I would tend to think that I to agree with you, Senator Huffman, I would agree.

Senate President Matt Huffman [01:19:25] Hallelujah.

Co-chair Sen. Vernon Sykes [01:19:32] So there's no objections. Then we will take the fifty two point seven district.

Dr. Doug Johnson [01:19:43] Co-chair, can I just ask for clarification? I just want to make sure we understand the the competitive range where we're focusing on is two things are essentially a toss up if they're between 50 and 52 percent for one party and outside of that, they're not considered toss up or competitive. And that's how we should approach it. Actually, a 53 percent would just be, say, a 53 [inaudible] 53 percent Republican to be a safe Republican. Is that an accurate statement?

Co-chair Sen. Vernon Sykes [01:20:28] That's something that we had not resolved yet, that range, because the court order indicated that there shouldn't be a lot of disparity when we're talking about these marginal districts. And so regardless of whether it's 55 45 district or 48 52 district, the disparity is the issue. So we cannot decide anything other than than that so far.

Co-Chair Speaker Bob Cupp [01:21:05] Mr co-chair. I didn't know we had an agreement on this particular one with several people have said, but we don't know how it impacts adjoining districts, whether it's community of interest, whether it's incumbent that lives there or you're going to exclude an incumbent or an apparent incumbent. So it's pretty hard to decide this without all that context.

Co-chair Sen. Vernon Sykes [01:21:29] Senator Huffman.

Senate President Matt Huffman [01:21:31] Thank you, co-chair and and if the co-chair chooses to to get into that, I guess what's been defined as disparity or called that issue, which is a significant one. I think the question simply in this case, and I don't know that we're approving of a district because I don't know what the district looks like and I don't know where it's at and what all it includes. I think the question here was because something can go from a 52.7 to a 53.1. And I think one of the map makers says it gets less compact. The other map maker? Yeah, not really. But drawing the compactness out for a second, I don't think it makes a difference to the commission that it's a 52.7 or a 53.1. Those are in the range that those are the kinds of decisions that ultimately the commission would make. And in our instructions to our map makers, we're simply saying, don't worry about 52.7 Versus 53.1, do worry about compactness and other constitutional requirements. I think that's what we're saying, rather than just saying, that's a good district, because I don't know. I'm not saying that because I don't know what district they're talking about.

Co-chair Sen. Vernon Sykes [01:23:08] Any further discussion? OK. I don't think we have any direction for you on this. We have some discussion in the members would like to look at the district and then once they get more information about that district, they can then opine.

Dr. Michael McDonald [01:23:32] If we could get some clarification, if I can ask the question again in a different way as a general principle, when we're faced with drawing districts in order to comply with the court because we've got both proportional plant districts plans, that's not the issue. There's no disagreement on that. But when we're looking at the symmetry issue that the court raises, we're only to look at the range of 52 to say 48 percent on that partisan index is that the will of the commission because if it is, then that gives us very clear guidance on how we're going to proceed.

Co-chair Sen. Vernon Sykes [01:24:23] Can we just hold stand down just. go ahead, go ahead.

Senate President Matt Huffman [01:24:29] I'll just say this if this appears to be a significant issue for the map and if if and I'm not, I'm pretty clear what I think it is. But if this is an issue that we need to take in abeyance. I mean, let's all members, we're ready to unanimously vote in favor of this right now. And if we're not, we can either mediate or think about or whatever it is. But I think it appears to be an issue that the map makers are need to know about.

Co-chair Sen. Vernon Sykes [01:25:06] Okay, well, let's add this number two to the mediation list.

Senate President Matt Huffman [01:25:11] Very good.

Senate President Matt Huffman [01:25:13] OK.

Dr. Doug Johnson [01:25:15] Should I keep going?

Co-chair Sen. Vernon Sykes [01:25:17] Yes,.

Dr. Doug Johnson [01:25:17] Doug Johnson, just adding to this tape to your to your details for your discussion mediation is the issue Leader Russo made the good point about the Constitution has the competiton or the partisan balance and the compactness language treated equally. In the quest to get as close to symmetry as we can, we really are kind of blowing through compactness. The commission touched on this but didn't give direction on the other day with the reference to the Montgomery Burns district and things like that. So as you're looking at the map, I'm not looking for you to make a decision right now. But as you're looking at the map and as you discuss this issue in mediation, it would be very useful for us to know what balance you want us to strike between getting closer to symmetry and and compactness. So if you can add that to your agenda and appreciate it,

Co-chair Sen. Vernon Sykes [01:26:15] OK, we will. Secretary LaRose

Secretary of State Frank LaRose [01:26:19] On this question of symmetry and competitiveness. Obviously, the two are linked. But perhaps considering them separately, the question of what is a competitive district is one that we can talk about. I want a 50, you know, a district that had a heavily leaning democratic index when I ran in 2010. I think we've got a lot of stories around here like this of what could be a competitive district. The frustrating thing is the court has appeared to sort of move the goalpost on where that line is. At one point it was 51 and then it was 52. To this idea of symmetry is I heard a smart lawyer the other day referred to it as a textual, which is to say not in the Constitution, but it's something that the court has told us that they care about. So the question of competitiveness is one. And then the second question is of symmetry. And you know, it seems as though the court has drawn this line at fifty two. So perhaps that's where we should draw it as well. It's too.

Co-chair Sen. Vernon Sykes [01:27:20] OK. Any additional comment?

Auditor Keith Faber [01:27:26] I go back from my perspective, it's very simple. You have to do all of the things two, three, four, five and seven, six, A, B and C if you violate 6C to satisfy the court's 5-4. You have failed. And so if you're drawing Montgomery Burns districts all over the state, I think you've failed. And I'll just be blunt with my opinion on that. I was very clear on that when I voted against two sets of maps a Democrat in a map before what you're finding and I'm finding this from one component very interesting. You're finding out why it's tough to draw maps with all these rules in Ohio compared to other places. And I also, if I've heard both of you say this, the reason this number, the symmetry number between 52 and 48 is important is because candidly, you're both finding that in order to hit this ratio, you have to draw competitive districts that are all are mostly all Democrat, which is also not surprising because every single map, almost every map that we've seen from the Republicans, Democrats and for the neutral third parties make most of the competitive seats Democrat. And that seems to be what you need to do to get towards that ratio. And I just made an observation from both of your two charts that we have here. Now that we've got the analysis of them, you're both effectively to hit the 54 45 ratio. You both seem to be packing Republicans and cracking Democrats. And again, those are something you do it and map drawing. Most people would call that gerrymandering, but it appears based on the conversations in the room that we've been monitoring and listening to your effectively both trying to gerrymander districts to hit the

ratio to favor Democrats. And I just point that out because of what you have is a compactness of where Ohioans live and where particularly Democrats live and where Republicans live. And so that's a problem that we've identified. People in Ohio tend to live around people who think and vote like them. Democrats tend to cluster in the urban counties. Republicans tend to live everywhere else, and it makes it more difficult when you're trying to separate these. In both of your maps I have districts leaning 60 plus in concentration of party. Both of your maps seem to strongly, strongly have many more Republican districts in that than you do Democrat districts. And the ratios aren't even close. And again, that seems to be consistent with what you're doing. So that's why I think it's important that you focus not just on 6B, which is the ratio you focus on 6 A that you don't draw districts where the map predominately favors one party or another. And you'd also comply with 6C, which says the districts and this is the districts, not the map. The districts shall be compact and you hit all those three and you can get to the ratio we've got where we need to be. And I think you're going to have success. But I think if I'm giving you direction from my perspective and as a map drawer, that's the things that I'm going to want to see.

Co-chair Sen. Vernon Sykes [01:30:33] Do you have other items you need us to address?

Dr. Michael McDonald [01:30:39] Yes, we were. We did want some direction on two possible directions to go. I think these are the last two areas where we have disagreement on and it's not really disagreement, I guess just different directions. And we've looked at the other ones and we take them off and agree that we've got some good direction there. But these do require significant changes in the direction of what we would go with the map. The other places where we've reached agreement really are not. They don't have large substantive effects on our approaches that we've just agreed that that's and we don't we didn't feel like we needed to bring it to you. We're happy to go over those issues if you wish, but we thought for the sake of time, we would stick with just these two issues that we're going to bring before you. So if that's OK to proceed, then I'll do so.

Co-chair Sen. Vernon Sykes [01:31:45] Go ahead, please.

Dr. Michael McDonald [01:31:46] OK. So we have two issues, and just to give a summary of where we're at, on it, on overall on we've managed and this was after we provided the maps to your staff. So we've been continuing to work as much as we can. We need every minute that we possibly can get here. And I know I got five hours of sleep last night. So, you know, we're working as much as we can to get this done. And so we're down to the point where we're in agreement that we've got in that 52 to 48 range. And this is where I want to get some clarity for you, if that's what we're looking at. We've got agreement on maps that will create three Democratic districts within that 52 say 50 to 52 percent Democratic performance and one Republican district, which is within that fifty to fifty two percent for Republican performance. So the question is, can can we create two more districts that would be within that range? And would that then satisfy the court's symmetry argument? Because then we would have three and three. So that's what we're looking at at the moment. What our goal is to get that three and three pairing a setting aside the issue about trying to look at the larger symmetry beyond 52 and 48 percent. Our most immediate is that 48 52 on the partisan index range. How do we get two more Republican districts in there and we can do it. We know how we can do it. So we just want to know if the if since this is a departure and we'll show you the differences here and the implications of what those are for you. We just want to show that to you and then you can make a decision as to whether or not you want to proceed along those lines. I'll start what I think is

the lesser of the controversial ones because I just my reading of the room as to what I think it is. And so I think what we'll do is we'll focus on Montgomery County first. And Montgomery County is a county that can contains three and a half to three and a portion districts. So you can't can't quite get three districts in it. You're going to have to take another district and it's going to have to go into another county when we randomly chose which direction we were going to go on. Dr. Johnson went into Preble County with that extension, and I went into Greene County, so as to the West, Greene to the east, and when I drew this district that went into green, I get a competitive Republican district. It's one of these three potential districts that we can get within that 48 to 52 percent pass and index range. When Dr. Johnson goes into Preble, it's going to be a very solidly Republican district, and there's no way within Greene to draw nicely shape. I don't even think it's possible to draw a district that would be a a competitive Republican district within this 52 to 48 percent range. So this is what we're looking at. We can show you the districts if you wish. But I've given you a pretty good idea of what the issues are. Again, I'm happy to show you screen shares and show you that the districts themselves, if you wish to look at them.

Co-chair Sen. Vernon Sykes [01:35:32] Senator Huffman

Senate President Matt Huffman [01:35:39] Mr co-chair, I do have a comment, but I feel like I'm going first every time

Co-chair Sen. Vernon Sykes [01:35:44] I'm cleared it out to, you

Co-chair Sen. Vernon Sykes [01:35:46] Yeah, if you want to go first, it's fine. I just I guess my first reaction is it's a little difficult. I don't know that it seems appropriate to be opining on one district without, you know, the context of the of the entire map. Now, I guess if there can be some better explanation or perhaps some other members feel like they've got understanding that I don't, that's fine.

Co-chair Sen. Vernon Sykes [01:36:16] I think that Senator Huffman, that's a point that Leader russo has made too, the knowing the overall and this is still is early in the process and they haven't gotten to the point where they have consolidated their work. This could be homework for us. We still have another meeting or two and we could get the detail in between and then come back, hopefully with with the solution or recommendation or suggestion or an order tomorrow.

Dr. Michael McDonald [01:36:51] Just to be clear, for us to consoLeaderte the maps. We need to resolve these issues. So until we can resolve these issues, we can't consolidate the maps and we can't finish up the work that we need to do.

Co-chair Sen. Vernon Sykes [01:37:04] Are these three issues that need to be resolved?

Dr. Michael McDonald [01:37:08] Well, I'm talking about these. These are separate. These are not your mediated issues. The issues in terms of how we can proceed with drawing, say this Montgomery County issue. I, my sense would be that it's separate from the mediation issues that you've been raising.

Co-chair Sen. Vernon Sykes [01:37:30] Well, I think we ought to take the time to try to resolve that tonight. If we can have the maps and we have our staff map draws around and we can make a decision and make a recommendation so you can continue to work, I think it's important to do that

Senate President Matt Huffman [01:37:52] Which which you're talking about the Montgomery County issue. Yes.

Co-chair Sen. Vernon Sykes [01:37:55] Yes. Okay. Yes. Yes. So we're going to take the time to make that decision and we'll stand at ease and the staff. So can you help us at this particular time?

Co-chair Sen. Vernon Sykes [01:38:48] Issues. So maybe you'd give us both of them and then we'll recess for one hour till we get it resolved, as we'd like to to keep on moving in. So with two days left. If you could tell us what the other issue is, please.

Auditor Keith Faber [01:39:02] Can I ask a question.

Co-chair Sen. Vernon Sykes [01:39:05] Yes.

Auditor Keith Faber [01:39:05] I want to make sure I'm clear what I heard you say. We're going to look at a couple of maps and a district that we haven't seen the entire match know how they all line up. And then we're going to recess for an hour and come back and tell them which district we like better? I'm just not for that until we see the complete maps and see how they move. Frankly, I tell them to use their judgment as to which way they go one way or another. And if the question is whether or not we're trying to draw a 50 percent competitive districts that are in 50 percent competitive districts that are D, if you can do that, great. But I don't even think that's the standard. I think the court's proportionality and competitive seats discussion was really more akin to a 19-0 ratio, not necessarily a five two ratio or a three two ratio. I think we can get into that range. That's going to be dictated by how you draw the districts and where you draw the districts more than whether you're hitting some, some some proportionality concept. And so for us to say, OK, we want to allow you to draw one district that that's a little bit more competitive here and a little bit more competitive there without seeing the rest of it. In context, I think we're dancing on the head of the pin. I would just say, look, if you can draw more. I've said this before. If you can draw more competitive districts, draw more competitive districts. We told the voters very clearly. When this was in front of the voters that the end of this proposed amendment would end partisan process for drawing House and Senate districts to replace it with a bipartisan process with the goal of having and I quote district boundaries that are more compact and politically competitive. So if we can hit those two standards, I think we're consistent with what we told the voters when we put these things on the ballot. So that would be my general direction to them. But me looking at one district between Greene County and and frankly, Preble County, I don't know if it means I don't think the maps are any more or less constitutional. If you have a district that that goes 53, 47 versus one that goes 40, 52, 48, one way or another. Until you see the rest of the factors, and so that's where I am. But I'd like to get back to a different question. OK, if I could. What is our plan? Is our plan that we are going to still try and give the public 24 hours before we vote on a map. If that's the case, us doing these things and dancing on the nuance means we're we're almost fretting with impossibility because there's no way I can tell you I'm going to see a map and look at it tomorrow and say, Well, that's perfect. I don't have any suggestions. I know each change takes a good deal of time. And if we're going to have meaningful public comment on the maps before we vote on them, which was strongly suggested by the court. I don't know how we vote on a map on Monday at this point. I mean, candidly, our goal would have been to have maps done today. Then we could lay over and then talk about tomorrow evening and then think about voting on Monday. But if we're not going to do that, then we can compress the cycle. But ultimately, I think we need

to get them to draw on maps and then talk about whether we like the map and whole or we have changes in the maps, the maps that I've seen both of them. I have a lot of suggested changes in certain areas, particularly in northwest Ohio, that don't change anything on the magical ratio. And so I would just say that at some point we need to get them on the joint computer drawing maps that we can look at and say yes or no to.

Co-chair Sen. Vernon Sykes [01:42:46] Auditor Faber. I do agree with that. I think we need to do whatever we can to keep from impeding. Governor DeWine.

Governor Mike DeWine [01:42:57] Mr. chairman let me just add something. I think it's just very difficult to make a one off decision, even if you take an hour to make it. You know, it looks like we would be doing that in two separate situations. We wouldn't be doing it in other situations. I just, I think, asking us to make a one decision I've already started to get, you know, some people having concerns or contacting me about that district. And I guess I would like to have some opportunity to look at a lengthy period of time because this is the one hour. But it just it just it just seems, you know, you feel you have a whole map and really making decisions like two different locations. Seems like we need to see the whole or have a little time to look at it.

Co-chair Sen. Vernon Sykes [01:43:58] Leader Russo.

House Minority Leader Allison Russo [01:44:00] I thank you, Mr. Co-Chair. I'm not disagreeing with anything that has been said. I would also note that again, some of these decisions we haven't yet seen, and I don't think Dr. McDonald has finished yet his Senate map or Senate version as well. And all of these, you know, one off district decisions at the end of the day also impact the Senate districts. So I think, you know, in this case, let them finish the work to get to a map that they can present to us that then we can start, you know, making our recommendations are suggested changes, etc. I think it might be premature to do this, and I know they want us to make a decision about this particular piece. But you know, I'm OK with them using their best judgment until we get to some sort of combine that because all of this is going to change once we start adding input anyway.

Co-chair Sen. Vernon Sykes [01:44:56] Is it possible to vote for you all to complete your recommendation in a consolidated map and maybe have two versions so we could see? If you think this is such a critical section of the map that we could have two versions of the map, one demonstrating each of the options so that we could have a comprehensive examination of the total map plan. Do you think that would be possible?

Dr. Michael McDonald [01:45:29] Well, I think at this point, that's essentially what we're asking for guidance for is to move on to that consolidated plan rather than because these are the two last remaining big issues that we have strategic issues on where we would put the districts. We don't really have a lot of disagreement elsewhere. And you know, yes, I think there's going to be room in lots of areas of the map to and as a state to move districts around. They're going to have substantively no effect on the issues that the court has raised for you. So this goes to Auditor Faber's comments on that. But here we have. So if we do, if we do take the approach, I mean, if if the approach is to create the competitive Republican district, then you can't create anything that would be close to competitive Republican with going into Greene. So this is the choice. Do you go in the Greene, create the competitive Republican district or do you go the other direction and go to preble and you don't get anything that's going to look competitive? And so that's I think it's pretty clear that we should create the competitive district. I think that's what my interpretation of the court. But we are I'm really coming to you to guidance because that's what we've been

asked to do at this juncture when we reach a point like this where we have to make these decisions.

Dr. Doug Johnson [01:47:05] I do think, though I might, if I can just add to that, sorry. Just to clarify that the map that has the Greene mapping, as Leader Russo just mentioned, has not yet been drawn into a Senate map. So your staff know this stuff really well. They may know whether it will work or not, but we don't yet. So like if you want us to confirm that first and then come back to you, we can do that.

Co-chair Sen. Vernon Sykes [01:47:31] Yeah, it would be good. Secretary LaRose

Secretary of State Frank LaRose [01:47:35] Yeah. Love to be able to give our drivers some sort of guidance so that they can be productive with their time knowing that no decision here is terminal at this point, right? They're going to bring us back a work product and we're going to look at it. And we're a long way from any kind of a final approval of of a plan. If we don't want to opine about whether this particular configuration is the right one, I understand that. But maybe if we can at least reach the agreement that because the court has sort of set the threshold at 52 that we're going to tell them to, you know, consider 48 to 52 is competitive and then try to hit that parity between Republican and Democratic competitiveness proportional to the fifty four and forty five, right? So they hit the same note, same percentage of Republican competitive districts and the same percentage of Democratic competitive districts and then let them do their best to do that. And then we'll look at that tomorrow.

Co-Chair Speaker Bob Cupp [01:48:32] Mr. co-chair I have a question because my recollection from reading the one of the court opinions and I do agree they don't all line up is that competitive districts don't count. And I think the phrase was there's nothing in the Constitution about competitive districts. So help me explain why competitive districts help us get to where we need to be. Not that I'm opposed to competitive districts, but I'm just taking what I thought I read in the court opinion.

Dr. Doug Johnson [01:49:09] Co-chair Cupp, if I can address that and Co-chair Sykes, if I can guess that this is a piece of the question that we raised the other day that the commission has under advisement, which is that we had raised the larger issue of how to measure competitiveness. And the other question is how to treat those districts that are in that middle range. Do we treat them as toss ups and assign half to each party? Or how or do we not include them in the ratio or at all? I think since we as it's been, I think, appropriately called the magic number that that makes it difficult for us to to not treat them at all. But it is a challenge and we welcome direction from you and the legal team on on just how to interpret that.

Co-Chair Speaker Bob Cupp [01:49:58] So is it that if we have competitive districts, they're removed from the symmetry account and therefore it's easier to get to the symmetry if you don't if you have more competitive districts? Is that the issue.

Dr. Michael McDonald [01:50:16] My interpretation of the court ruling is that the court was concerned that among districts that were close to 50 percent, there were many more Democratic districts and and there were no Republican districts in that range. And so the court looked at it says in the ruling two ranges. But we're being already covered this ground, so we're now at 52 to 48 percent. On the partisan index as being the range, the court identified as finding problematic that there were only Democratic seats leaning seats in that range. And so I've viewed our goal to comply with the court is to get us at a point

where we have as parity, as much parity as possible. And again, it's not 100 percent possible always, but as much parity as possible to get the same number of Democratic and Republican districts on either side of that 50 percent number. And and so that's why I think this. I liked secretary LaRose's suggestion. I heard his statement, I think is is what I've tried to accomplish, which is we have a preference to create districts within this range where it's possible to do so. So if we could get that sort of direction, that would help us quite a bit where it wouldn't mean that we're in endorsing that. We're going to go into Greene. It may be that for other reasons. Greene is combining Montgomery, and Greene is just infeasible because we haven't fully explored it yet. But if after we do the exploration later tonight at 11:00 a.m. and we don't want to call you guys back into session to, you know, report back to what we found, if we already have some direction that says, yes, go with the one that's going to create that, that extra district, as long as it's doing everything else that we need it to do that would be of much use to us, at least in my opinion.

Co-chair Sen. Vernon Sykes [01:52:40] Secretary LaRose

Secretary of State Frank LaRose [01:52:41] Go ahead.

Dr. Doug Johnson [01:52:43] So I guess the challenge here, I think the future is now the issue of corn. I don't think it's all that clear and how to do this. If if we don't count the toss up districts. I don't think it's possible to hit the magic number two, the proportion, I'm not aware of any map that it has hit the right proportion. If you leave those districts in the 48 to 52 percent out, so it is. And yet. The court has has raised questions about counting those, so it is a big thing that we're we're trying to sort through and any guidance you want you wish to give us would be appreciate it.

Co-chair Sen. Vernon Sykes [01:53:27] Secretary LaRose.

Secretary of State Frank LaRose [01:53:28] Thank you co-chair. So assuming that the ratio that we've been working with is 55 45, and that has been the ratio, and assuming that competitiveness is a virtue, right, I think that was part of the sales pitch when when these constitutional amendments were approved by the voters and that kind of thing, then it seems logical that we should first try to maximize competitiveness. And then second of the competitive districts, 55 percent of them should be Republican and 45 percent of them should be Democrats. So if we think that we can get to 30 competitive districts, there should be 17 that are ours and 13 that are D's. If there are 20 competitive districts, there should be 11 and 9D. If there are 10 competitive districts, it should be six hour and 40. And it seems to me like that's the simplest way to approach this problem.

Co-chair Sen. Vernon Sykes [01:54:21] We've had a lot of discussion on this issue. One of the main provisions that the all the members are interested in is that we continue to work toward this goal of Monday. And we are relying on the two of you providing the leadership on the map drawing. And we we're hopeful that you can help us get further down the road. So tomorrow we might be able to make some more decisions when we are able to look at more comprehensive work that you've done, so we can see what the implications might be on the decisions that we make. So we're hopeful that you can use your best judgment to continue to work to produce a collective combined recommendation two to the commission. Are you have you been you're working relations, has it been OK and once you get this, the additional computer is that all that you need to to continue to make progress?

Dr. Doug Johnson [01:55:35] I think, yeah, from my perspective, the working relationships are in very good, I I don't think the I think the computer will be nice as a formal way of formalizing our process and wanting to be here, but it it has not held us up at all. So that's not a concern if we get it today, first thing tomorrow, it would would be fine. And we've talked with your staff we have if if the parts continue not be available, we have a workaround, so that won't hold us up. So I think we are making progress and and and working well. We may very well come back to you with two maps rather than a combined agreement map, but the one way or another, we'll get something to you.

Co-chair Sen. Vernon Sykes [01:56:23] Are there any additional comments or questions? Yes,.

Co-Chair Speaker Bob Cupp [01:56:26] Mr. co-chair. I think they said there was another area that they wanted. They had an issue with and wanted to present it, I think would be helpful if we know where it is as they work through it. So I just wonder if they could go ahead and maybe elaborate on where it is and what it is.

Dr. Doug Johnson [01:56:42] Sure. I think there's all phases in taking this on their agenda and no energy to focus on as you're reviewing the maps. Happy to discuss it. This is the challenge in Cuyahoga County. The the big question is, does Cuyahoga join with Lake to the north east of it? Where does it go south with Summit and also with Geagua? I know I mispronounce that every time I apologize, but with Geauga County. And the trade offs and Dr. McDonald will weigh in on this too. But the trade offs are essentially if you go south. It works out. You don't have to split any townships or villages and drawing the lines. But if you go northeast to Lake, you end up with the ability just to draw a competitive Republican seat. So one of the Republican seats moves into the 40 50 percent rate, or 50 to 52 percent Republican range. But we have to split Mentor. They describe that area. Yes. So that's the directional change that if you have a direction now or as soon as you can, we'd appreciate it.

Co-chair Sen. Vernon Sykes [01:58:02] OK, we will get more information about that and make sure on each one of these issues the members will have posthaste will have more detailed information about the data and maps about these and we'll come prepared. We'll do our homework and come prepared to make maybe suggestions to you on these items. But hopefully, again, as you've indicated, you can continue to work and make more progress and have at least one, maybe two combined maps.

Co-Chair Speaker Bob Cupp [01:58:37] Mr. Co-Chair, I wonder, since the last that data share, which we had some confusion about here, was at 2:30, if perhaps maybe at the conclusion of this commission meeting before they start up again, they could re share that data so we could see where the progress they've made in between. So we would be most current to the present time as we're looking at these. Yes.

Co-Chair Speaker Bob Cupp [01:59:08] And the sharing of that information is that easy or simple to give a flash drive or whatever to the staff, so we may periodically ask that and that way it's not interrupting your work performance. And it's a way of getting information to us.

Dr. Doug Johnson [01:59:29] Yes, I think we've been working very well, just as if it takes us less than five minutes to handover at any time they want it, and maybe.

Co-Chair Speaker Bob Cupp [01:59:39] I'm not sure how many flash drives we're going to need, so maybe we can do it enough so that everybody that has an opportunity to load it up. OK.

Co-chair Sen. Vernon Sykes [01:59:48] Yes.

House Minority Leader Allison Russo [01:59:51] Senator Sykes or co-chair Sykes up one potential suggestion. Wasn't. My original idea is to perhaps even post this on the commission website just in the sake of transparency that when we transfer to the commission staff, we just make a point to put it on the website so the public can see it as well.

Co-chair Sen. Vernon Sykes [02:00:17] We worked as a draft on dealing with this. [inaudible] Yes. We can check that. Yeah, yes. We're going to check that.

Co-Chair Speaker Bob Cupp [02:00:29] We can investigate,.

Co-chair Sen. Vernon Sykes [02:00:30] There's no objections to it.

Secretary of State Frank LaRose [02:00:31] Not here yet. Just as I can do, just make it clear it's a draft, right? It's not a final anything.

Co-chair Sen. Vernon Sykes [02:00:37] Yeah. We've been given some indication that the staff can do that. It can be done. And so you can expect to see some postings of data periodically so you can make your own assessment and evaluation. Any additional comments or questions tonight if we wanted to thank the. Yes.

Auditor Keith Faber [02:01:03] Can we just have a discussion to make sure we understand what we likely think our calendar's going to be going forward? I assume we're going to be back here tomorrow at four o'clock. Is that the plan?

Co-chair Sen. Vernon Sykes [02:01:12] Yes.

Auditor Keith Faber [02:01:14] Are we doing that virtually? Are we doing that live or are we anticipating that we're going to have a map that we can review and make edits to? Are we still because I doubt we're going to be in a place to vote or at least have a proposed map, the final map tomorrow night, which which leads me to the bigger question about what we're going to do on Monday. And candidly, as long as we're working and moving forward is Monday, Monday or is Monday we put something over the clock and keep going until we get something done? And then what do we do about the 24 hour notice that let the maps rest and get public comment? Are we anticipating that we're going to have at some point public comment on the maps? I mean, I'm just curious about all of those things logistically.

Co-chair Sen. Vernon Sykes [02:02:01] One we can do as we have been doing just recess and then at the call of the chair, we can actually have a meeting. On Monday we could also have a hearing. We can have it more than once during the day and we've done that in the past. So with taking a recess, deals with the notice and we've got all day, like you say, 24 hours on Monday, so we could meet more than once to try to address that issue. I think we're is the challenge to the map drawers, which they've been living up to it to produce what they can by tomorrow. So we'd be prepared to make decisions and

suggestions or recommendations and to clear up any other questions. The co-chairs will work together in between.

Co-Chair Speaker Bob Cupp [02:02:54] Yes we will.

Co-chair Sen. Vernon Sykes [02:02:55] We will work together and we will make sure that all these items that need to be addressed, we will either have them addressed by the meeting through mediation or whatever will be prepared to have a vote by the commission tomorrow.

House Minority Leader Allison Russo [02:03:14] Mr. Co-chair

Co-chair Sen. Vernon Sykes [02:03:16] Leader Russo,

House Minority Leader Allison Russo [02:03:17] might I also suggest that we maintain the virtual option, so if there is a need to call the commission sooner than the scheduled time, given everyone's demanding schedules that we provide some flexibility for members to attend all meetings of the commission throughout the remainder of the process?

Auditor Keith Faber [02:03:39] I would second that I would think that we have shown that virtual can work pretty well surprisingly and maybe help be helpful when we get to looking at maps to actually see them on the computer. When you're doing it virtually to move things around. But so what I hear you saying is those who we're going to recess this back if we need something before now and four o'clock when our next meeting is scheduled, we will do that virtually or in person, depending on what we're available. Yes. And then either way, we're back here four o'clock tomorrow. Live or virtual. Yes. Just trying to get a handle on at.

Auditor Keith Faber [02:04:14] One question to the map drawers is four o'clock a good time?

Dr. Doug Johnson [02:04:22] Well, we may very well take you up on the option to to call you sooner if we're ready and see if you're available, but I think considering if the commission is going to meet it at four we were. Our goal is to hand the files off to you and your your staff at 2:30. I think that's probably a good time to aim for. And if we're ready before that, we'll let you know and see if you're available, but I wouldn't want to promise to be that ready before that.

Dr. Doug Johnson [02:04:49] Yeah, I'm happy you said before that, and that's optimistic. We need a motion for the virtual meetings.

Auditor Keith Faber [02:04:58] I made a motion. I think Leader Russo made a motion and I second. OK. Well [auditor]

House Minority Leader Allison Russo [02:05:07] I will formalize I make a motion that we provide a virtual option for the remainder of the commission's meetings.

Co-Chair Speaker Bob Cupp [02:05:16] Second,.

Co-chair Sen. Vernon Sykes [02:05:16] Seconded. Are there any objections? No. So ordered. Any other comments or questions? If not.

Co-Chair Speaker Bob Cupp [02:05:32] I move, we stand in recess.

Co-chair Sen. Vernon Sykes [02:05:34] We stand in recess. There's no objection.

EXHIBIT 8

Mediation Agreement

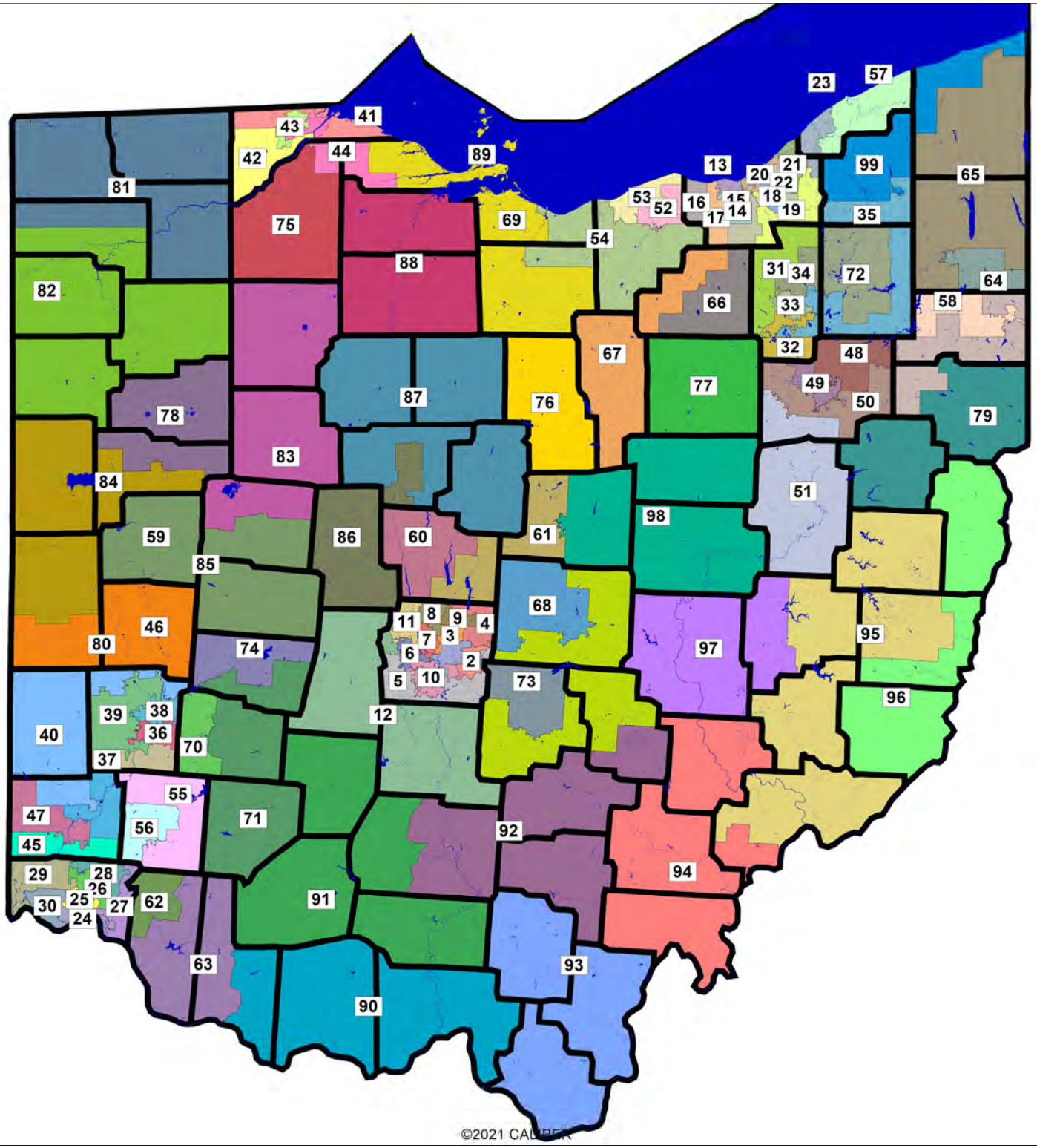
Instructions to Map Drawers with regard to Incumbents

As Adopted on March 27, 2022

Upon completion of the independent map drawers' merger of their independent versions of the House and Senate maps and prior to any presentation to the Commission, the independent map drawers shall consider the residence locations of non-term limited House and Senate incumbents, and Senate incumbents in mid-term, in drafting a Commission map, and where possible without violating constitutional principles, avoid pairing incumbents and also drawing districts such that Senators protected under Section 5 of Article 11 no longer live in the district they represent.

Incumbents will be identified as House or Senate and no other identifying information shall be used.

EXHIBIT 9



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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 Ohio House district is therefore 119,186.

Statistical Information – Ohio House Districts
Revised March 28, 2022

House District	Population	Deviation
1	118,269	-0.77%
2	121,167	1.66%
3	119,267	0.07%
4	113,292	-4.95%
5	116,055	-2.63%
6	116,844	-1.97%
7	122,965	3.17%
8	124,033	4.07%
9	117,175	-1.69%
10	118,982	-0.17%
11	124,045	4.08%
12	114,076	-4.29%
13	125,018	4.89%
14	125,123	4.98%
15	125,126	4.98%
16	124,466	4.43%
17	124,902	4.80%
18	125,122	4.98%
19	123,250	3.41%
20	125,116	4.98%
21	125,129	4.99%
22	125,144	5.00%
23	124,913	4.81%
24	122,543	2.82%
25	115,014	-3.50%
26	120,124	0.79%
27	124,316	4.30%
28	120,869	1.41%
29	113,611	-4.68%
30	114,162	-4.22%
31	121,137	1.64%
32	121,972	2.34%
33	124,678	4.61%

34	119,468	0.24%
35	124,362	4.34%
36	114,991	-3.52%
37	121,534	1.97%
38	122,075	2.42%
39	123,935	3.98%
40	117,193	-1.67%
41	114,264	-4.13%
42	117,985	-1.01%
43	113,597	-4.69%
44	113,261	-4.97%
45	123,472	3.60%
46	121,992	2.35%
47	123,473	3.60%
48	124,669	4.60%
49	113,810	-4.51%
50	115,796	-2.84%
51	113,841	-4.48%
52	118,043	-0.96%
53	123,651	3.75%
54	119,251	0.05%
55	120,633	1.21%
56	121,704	2.11%
57	124,111	4.13%
58	119,785	0.50%
59	119,612	0.36%
60	113,964	-4.38%
61	120,578	1.17%
62	124,425	4.40%
63	113,544	-4.73%
64	124,867	4.77%
65	114,353	-4.06%
66	116,342	-2.39%
67	118,575	-0.51%
68	115,385	-3.19%
69	120,418	1.03%
70	115,458	-3.13%
71	114,405	-4.01%

72	121,758	2.16%
73	123,971	4.01%
74	116,122	-2.57%
75	115,928	-2.73%
76	124,936	4.82%
77	116,894	-1.92%
78	113,287	-4.95%
79	117,815	-1.15%
80	124,211	4.22%
81	113,487	-4.78%
82	114,464	-3.96%
83	122,058	2.41%
84	114,313	-4.09%
85	116,652	-2.13%
86	113,566	-4.72%
87	113,452	-4.81%
88	113,965	-4.38%
89	115,062	-3.46%
90	115,793	-2.85%
91	113,883	-4.45%
92	116,490	-2.26%
93	120,113	0.78%
94	114,124	-4.25%
95	114,126	-4.25%
96	114,020	-4.33%
97	114,521	-3.91%
98	123,138	3.32%
99	124,572	4.52%

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 Ohio Senate district is therefore 357,559.

Statistical Information – Ohio Senate Districts
Revised March 28, 2022

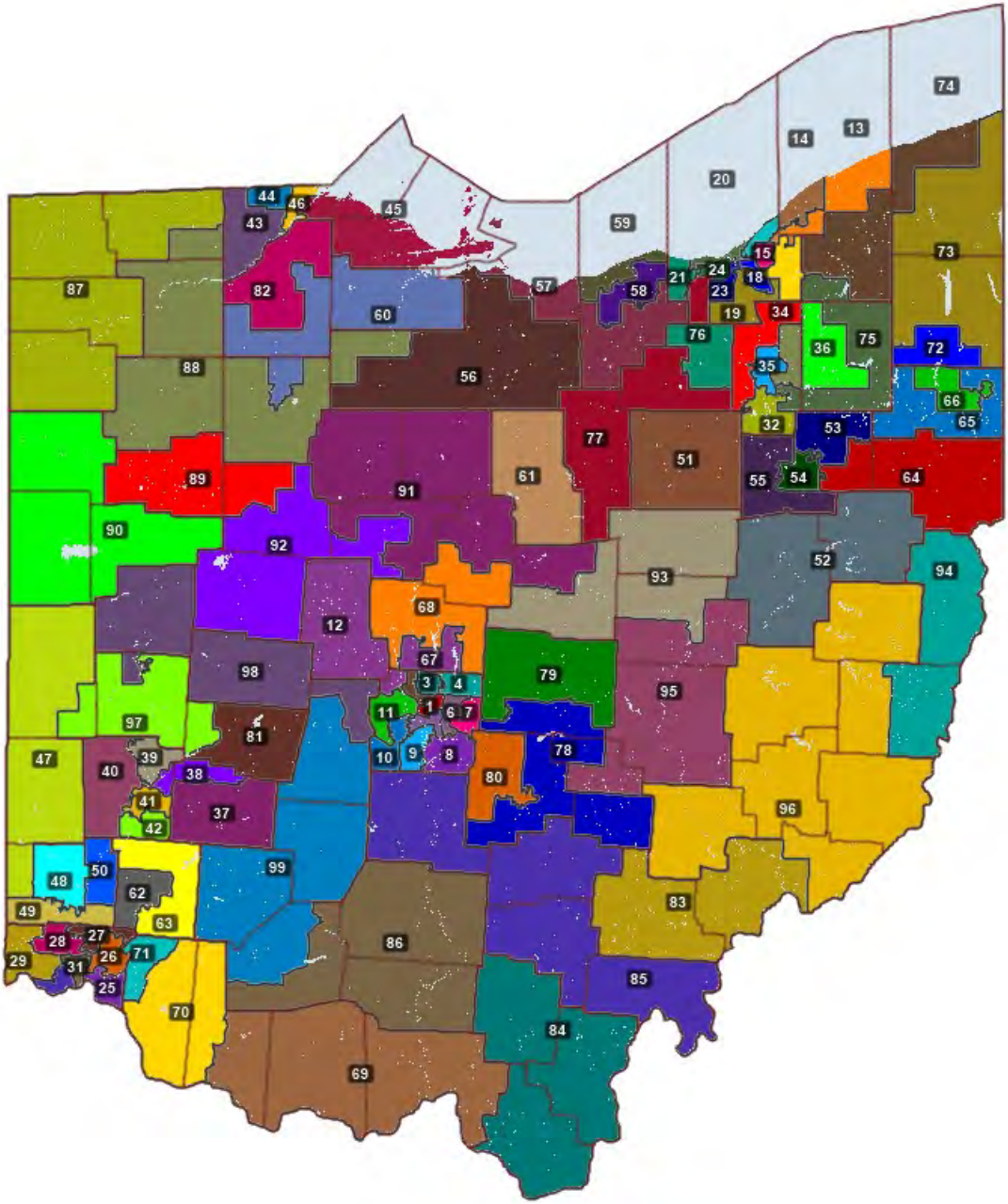
Senate District	Population	Deviation
1	350,009	-2.11%
2	344,251	-3.72%
3	348,329	-2.58%
4	368,937	3.18%
5	365,339	2.18%
6	358,600	0.29%
7	366,653	2.54%
8	348,642	-2.49%
9	357,681	0.03%
10	345,985	-3.24%
11	345,846	-3.28%
12	344,252	-3.72%
13	360,945	0.95%
14	353,762	-1.06%
15	356,280	-0.36%
16	362,154	1.29%
17	350,486	-1.98%
18	372,274	4.12%
19	357,680	0.03%
20	359,774	0.62%
21	375,395	4.99%
22	359,853	0.64%
23	375,257	4.95%
24	374,494	4.74%
25	359,407	0.52%
26	340,983	-4.64%
27	362,577	1.40%
28	370,798	3.70%
29	354,275	-0.92%
30	342,270	-4.28%
31	345,256	-3.44%
32	363,792	1.74%
33	357,212	-0.10%

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

EXHIBIT 10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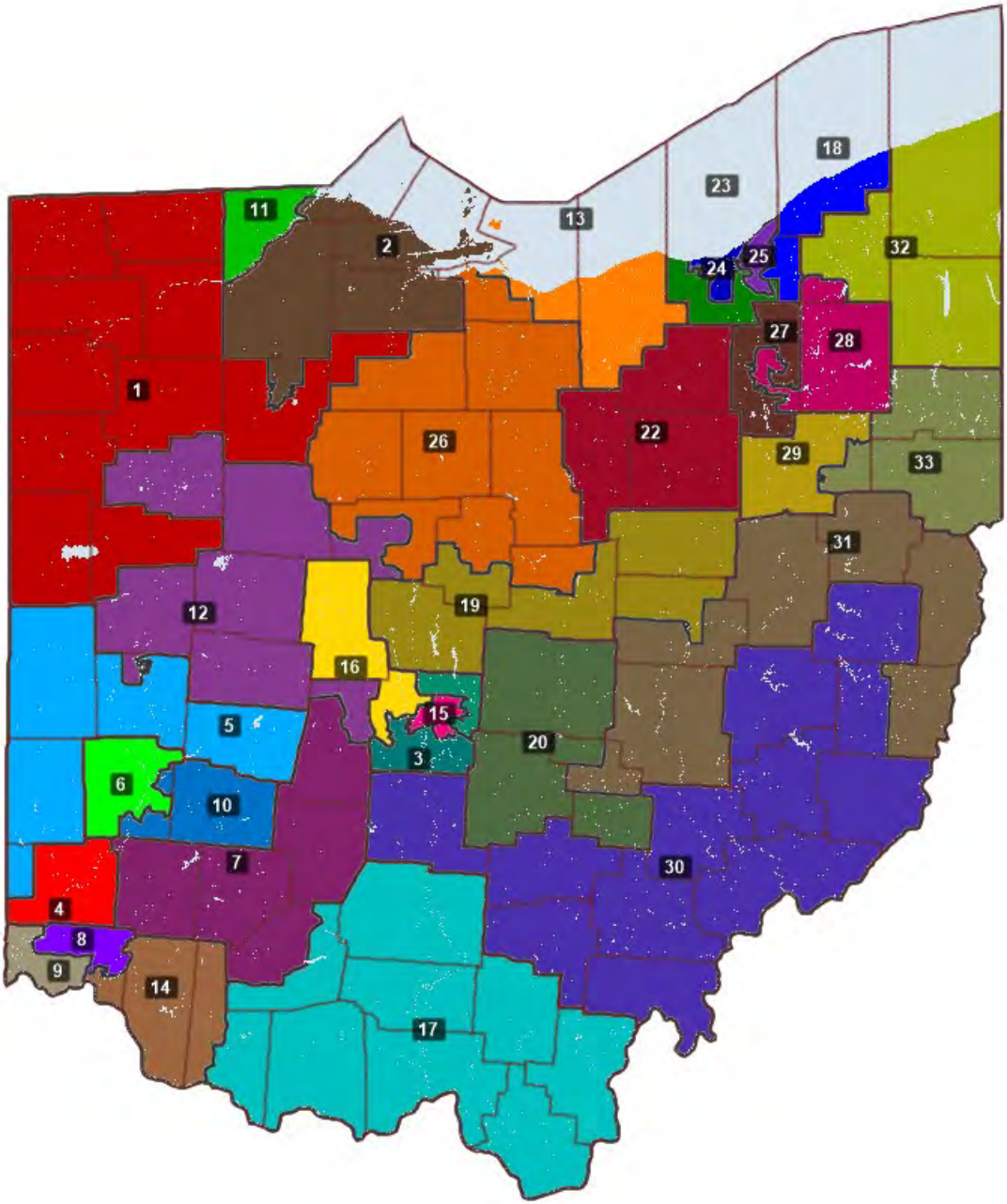
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EXHIBIT 11

Section 8(C)(2) Statement

In *LWV v. DeWine*, Slip Opinion No. 2022-Ohio-789, the Ohio Supreme Court ordered the Commission to draft and adopt a new general assembly district plan that conforms with the Ohio Constitution, including Article XI, Section 6(A) and 6(B). The Commission adopted a new plan on March 28, 2022.

The Commission's new plan contains a statewide proportion of Republican-leaning to Democratic-leaning districts which precisely corresponds to 54% Republican-leaning and 46% Democratic-leaning districts. In doing so, the Commission was mindful that all of Section 6, Article XI of the Ohio Constitution was to be complied with, not just certain sections. Moreover, no one division of Section 6 is subordinate to another. The Commission was also mindful that compliance with Section 6 shall not result in violations of Section 2, 3, 4, 5, or 7 of Article XI of the Ohio Constitution.

In attempting to draw a new general assembly district plan and comply with the Court's orders, the Commission met every day, except for March 20, 2022. During that time, the Commission went to great lengths to retain two independent mapdrawers, one Republican and one Democratic. Both independent mapdrawers have extensive national experience in drawing legislative plans. Commission adopted an extensive set of ground rules to guide the independent mapdrawers in creating a new plan in order to ensure transparency for the Commission and the public. When a consensus decision could not be reached on an issue, the Commission accepted the assistance of the federal mediator for the Sixth Circuit Court of Appeals, assistance which was gratefully provided by that Court at no charge and was extensively used by the Commission. The independent mapdrawers worked long hours every day after they were retained to produce a full general assembly district plan that complied with all of the provisions of Article XI of the Ohio Constitution as well as the Court's orders. The independent mapdrawers were unable to produce such a plan by the Ohio Supreme Court's deadline.

In order to ensure the Commission adopted a general assembly district plan by the Court's deadline, on the final evening of March 28, 2022, the Commission instructed Commission member staff to prepare, with the assistance of the independent mapdrawers, a modification of the plan adopted by the Commission on February 24, 2002 ("Third Plan") that more closely complies with the Court's orders than the Third Plan. The final adopted house district plan contains 54 Republican-leaning districts. This corresponds to approximately 55% of the total number of house districts. The final adopted senate district plan contains 18 Republican-leaning districts. This corresponds to approximately 54% of the total number of senate districts. In total, the final adopted general assembly district plan contains a total of 72 Republican-leaning districts and 60 Democratic-leaning districts. This corresponds to approximately 54% Republican-leaning districts and approximately 45% Democratic-leaning districts. These percentages meet strict proportionality. The Commission also improved upon the number of asymmetric districts identified in *LWV.* The final adopted plan reduces the number of these districts as compared to the Third Plan.

The Commission believes that the number of Republican-leaning districts and Democratic-leaning districts meets strict proportionality, despite the distribution of voters and geography of Ohio. Moreover, the final adopted general assembly plan does not contain any violations of Sections 2, 3, 4, 5, or 7 of Article XI of the Ohio Constitution and complies with Section 6 of Article XI of the Ohio Constitution.

EXHIBIT 12

OHIO REDISTRICTING COMMISSION

Minority Report

March 28, 2022

Senator Vernon Sykes, Co-Chair

House Minority Leader C. Allison Russo, Commissioner

The Ohio Constitution is clear. The Supreme Court of Ohio is precise. The voters of Ohio are adamant. Fair and proportional maps are required under the Constitution, gross disparity in the distribution of competitive districts is barred, and voters deserve to have their voices heard in their Statehouse. The guidelines to draw state legislative district maps are not a mystery, nor are they open to interpretation. This process should be easy and straightforward – yet, here we are.

More than six months have passed since the first minority report was filed regarding the passage of an unconstitutional general assembly district plan. The Minority Commissioners of the Ohio Redistricting Commission could very well write this statement in their sleep. The Commissioners have been down this very road so often that the motions are stilted and the storyline is stale. The Majority Commissioners refuse to bend to current reality and Court rulings. Rather, they pull the same tired tricks. The process and tactics have not changed since we started this process seven months ago, despite three court orders telling this Commission otherwise.

Majority Commissioners have again adopted a general assembly district plan that was drawn in secret, does not reflect the statewide preferences of Ohio voters and is ultimately unconstitutional. No amount of pressure from the Supreme Court of Ohio or help from nationally renowned experts will sway the Majority Commissioners in their mission to retain an unjustifiable and unconstitutional monopoly on power.

From March 16, 2022 until March 28, 2022, the Minority Commissioners made every attempt to move the process along to comply with the Supreme Court's clear orders. The Minority Commissioners pushed for frequent hearings, as strongly suggested by the Court. In fact, the Minority Commissioners tried to convene the Commission every day, including on Sunday, March 20, to propose independent mapmakers. The Republicans demurred.

The Minority Commissioners met their obligations on Monday, March 21, through their thoroughness and persistence. The Minority Commissioners pushed the Majority Commissioners to stop purposely delaying and decide on a team of highly-skilled independent mapmakers to draw new district lines from scratch. The Minority Commissioners fought for an open and transparent process. The map drawing was done entirely on a live stream – complete, with audio – for everyone to observe. Yet, in a bunker at the Bureau of Worker Compensation building, a secret map was developed, at some unknown time, in violation of the orders of the state's highest judicial authority. The process and outcome, despite all the efforts for public viewing, expert input, and bipartisan oversight, was still conducted in the shadows.

The Majority Commissioners, through President Huffman, announced their secret efforts late on the last day as a parachute they have apparently planned on for much of this process. This places the Commission where we began – with an unconstitutional general assembly district plan.

While the Supreme Court of Ohio has directed the Redistricting Commission to create an entirely new map, the plan passed out of the Commission – with no input from the Minority Commission members or scrutiny from the public – is nothing more than a tweaked version of a previous unconstitutional general assembly plan. The Majority Commissioners left an entirely new plan sitting on the table, drawn by two independent mapmaking experts at considerable expense to Ohio taxpayers. Instead, Ohioans are once again subjected to a map that runs afoul of Ohio Const. Article XI, Section 6(a) and Section 6(b).

Section 6(a) prohibits state legislative district maps from being drawn primarily to favor or disfavor a political party. The evidence from tonight's hearing is consistent with the evidence used in prior Supreme Court rulings on violations of Section 6(a). The Supreme Court of Ohio held in *League of Women Voters of Ohio v. Ohio Redistricting Comm.,* Slip Opinion No. 2022-Ohio-789, P 10 (2022) that maps adopted but not drafted by the Commission favor one party over the other. The Court held that drawing controlled by the majority "to the exclusion of the minority-party" favors one party over the other.

Once again, it is the Republican Senate president's map drawer who was sequestered in a secret location drawing the map. The map was neither drafted by the Commission, nor does it have the input of Minority Commissioners. In the third unconstitutional plan, the Minority Commissioners were given a copy of the map at 12:30 PM. In this latest charade, the Minority Commissioners have been given a copy of the map after 9:00 PM, for a vote to take place no later than midnight.

The Majority Commissioners have purposely wasted another opportunity to adopt constitutionally compliant maps that have been drawn in public and with a team of independent, bipartisan map drawers. This is once again a slap in the face to Ohioans who voted for fair maps

and a dangerous and irresponsible erosion of our democratic processes that we have been entrusted with.

Despite only receiving this plan mere minutes before we were expected to vote, a cursory glance shows that this plan still contains the asymmetry issues that plagued the third invalidated map. The last-minute plan dumped on Minority Commissioners contains an astounding 17 Democratic toss-up seats in the House between 50-52% partisan share and zero Republicans in the same range. The Senate map is equally lopsided, with six Democratic Senate seats falling between 50-52%, and zero Republicans in the same range. The absurd asymmetry found in the latest plan is a nearly identical gerrymander to the plan overturned by the Supreme Court of Ohio just 12 days ago. The unconstitutional distribution of toss-up seats is exactly the kind of partisan chicanery the Court found problematic in their numerous decisions. In short, nothing has changed.

Once again, a secret plan that violates Article XI, Sections 6(a) and 6(b) has been adopted by the Commission, without Minority Party input or even proper time for review. Every unconstitutional fault in the last plan is found in the latest plan. We suspect the latest ruse will suffer the same fate as its predecessors.

CERTIFICATE OF SERVICE

I, Freda J. Levenson, hereby certify that on April 1, 2022, I caused a true and correct copy of the forgoing to be served by email upon the counsel listed below:

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