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**

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EXHIBIT 1

Transcript of Video

Date: March 28, 2022
Case: Transcription Services

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TRANSCRIPT OF VIDEO-RECORDED

SESSION OF THE

STATE OF OHIO

REDISTRICTING COMMITTEE

MARCH 28, 2022

Job No.: 443129

Pages: 1 - 139

Transcribed by: Christian Naaden

1 P R O C E E D I N G S
2 SEN. SYKES: The meeting that began on March
3 the 27th. And if no objections, I will now [inaudible]
4 . And I call to order the meeting today on behalf of
5 the Redistricting Commission. Ms. [inaudible], please
6 call the roll.
7 SECRETARY: Co-Chair Speaker Cupp.
8 SEN. CUPP: Present.
9 SECRETARY: Co-Chair Senator Sykes.
10 SEN. SYKES: Present.
11 SECRETARY: Governor DeWine.
12 GOV. DEWINE: Here.
13 SECRETARY: Auditor Faber.
14 SEN. FABER: Here.
15 SECRETARY: President Huffman.
16 SEN. HUFFMAN: Here.
17 SECRETARY: Secretary LaRose.
18 MR. LAROSE: Here.
19 SECRETARY: And Leader Russo.
20 MR. RUSSO: Here.
21 SECRETARY: Mr. Co-Chair, all members are
22 present.

1 SEN. SYKES: A quorum is present. So we will
2 continue to meet as a full Commission. At this time,
3 the independent map drawers are attending the meeting
4 virtually, and we ask that the audience refrain from
5 loud noise out of respect for the independent mapmakers
6 and the persons watching the proceedings remotely on
7 the Ohio Channel.
8 Members who are in the room, please use your
9 microphones so that everyone might hear it.
10 The minutes of the previous meeting are in
11 your folders. Do I have a motion to accept the minutes?
12 REP. CUPP: So moved.
13 MALE: Second.
14 SEN. SYKES: Are there any objections or
15 changes to the minutes as presented? If not, we will
16 accept the minutes as presented.
17 At this time, we'd like an update from the
18 independent mapmakers.
19 MR. JOHNSON: Good morning, co-chairs and
20 members of the Commission. Just reporting on our
21 status, we have received the -- oh, number one, we have
22 merged the maps together.

1 So we have a merged House and a merged Senate
2 map incorporating all of the preferences at the time
3 discussed last night. And we have received and just
4 minutes ago finished importing in the incumbent list
5 and coding them purely for which are Senate and which
6 are House. So as discussed, we do not know names or
7 parties. We just have the dots of the senators and the
8 dots of the House members.
9 So that is imported in our maps. And while I
10 was doing that, Dr. McDonald [ph] has started on the
11 cleanup of the village and city splits and township
12 splits and the small technical things that trip up so
13 many maps. So that work is already underway.
14 And now that we have the the list imported, we
15 will begin the process that was at your direction from
16 last night to begin looking at which incumbents are
17 paired and which incumbents raised Section 5 issues.
18 So that's the work we're about to kick off.
19 The big question in our mind is a process question for
20 the day. Obviously, a big goal today is for you to
21 really make this your map by giving us your question --
22 your suggestions and requests and directions.

1 And so wanted to -- I think a good thing that
2 could come out of this meeting would be a decision on
3 that process, if that's possible. Anything to add, Mr.
4 McDonald.
5 MR. MCDONALD: I would add that there was one
6 change that we've already made that was recommended to
7 us that in Warren County that we were told would fix
8 one of the incumbent issues. And so, we looked at it.
9 It is -- does not affect any of the constitutional
10 requirements or the Court requirements. So we went
11 ahead and implemented that particular change.
12 MR. JOHNSON: So if you have a process in mind
13 for how those changes should come from the
14 commissioners to us, we're certainly happy to work at
15 your direction, or we can offer some ideas for your
16 consideration on that, if you wish.
17 MR. SYKES: Could you -- we start with you
18 offering some ideas because we're trying to accommodate
19 your schedule as well.
20 MR. JOHNSON: I think just from a pure process
21 thought, it might be best if the commissioners share
22 requests amongst the other commissioners and primarily,

1 I think through the staff liaisons. And if there is
2 consensus on a change, then either that commissioner or
3 the staff could pass that along to us and we would
4 implement it. If there is not consensus, I presume we
5 would likely need to come back to the Commission for
6 discussion.
7 But that would be the easiest way because we
8 anticipate that a lot of these changes will be
9 unanimous, non-controversial changes. We just want to
10 be sure that we're having some time to get some work
11 done and not constantly getting those. So if there is a
12 way to consolidate those, have the staff review and
13 sign off on them and then present them to us in batches
14 rather than one at a time, that would be helpful for
15 us.
16 SEN. SYKES: Any there questions or comments
17 from the commissioners? Senator Huffman.
18 SEN. HUFFMAN: Yeah. Thank you, Co-Chair. I
19 guess in terms of process, my expectation and I think
20 the other commissioners' expectation is that at some
21 point there would be a work product, a merged map,
22 taking into account all of the constitutional factors,

1 the other factors that the various commissioners have
2 mentioned throughout these meetings. And we would have
3 a chance then to review that and then make comments.
4 So I guess the question, it appears -- if I'm
5 right, it appears, at least at this moment, the
6 product, if I can call it that, is not ready. But at
7 some point, the two of you will believe, hey, here's a,
8 we'll call it a proposal, and then commissioners will
9 have a chance to review that.
10 And I don't know whether we come back and
11 formally accept that proposal at -- whenever that would
12 be or that's just something that gets sent out. But,
13 you know, we -- I can't make suggested changes if I
14 don't know what it is that I'm changing. So I guess
15 that's a question is when -- I don't want to say when
16 because that's who knows. I mean, you have a better
17 idea, but there's no reason to say this time unless you
18 actually know.
19 So if you -- when that's ready, Mr. Co-Chair,
20 I guess I think all seven commissioners would like to
21 see it and then do their own analysis and be able to
22 make their suggested changes.

1 And maybe I'm stating the obvious, but I don't
2 anticipate a process where the seven of us somewhere
3 virtually get a proposal and then we start making
4 changes and the changes that I'm making may affect the
5 changes that Senator Faber's making. And yeah, we'll do
6 that, Senator Huffman Yeah. We'll do that, Auditor
7 Faber. Now, we've got a new -- I mean, at some point we
8 have to have one working product and then move forward
9 from there. So --
10 SEN. SYKES: I believe we have a working
11 product at this point. The question -- and I appreciate
12 the comments and the question that Senator Huffman is
13 raising -- is that prepared -- is it prepared right now
14 to share with the members?
15 Of course, your share -- it's being shared all
16 along, but are we at that stage that the members could
17 have the unified copy and to use it for evaluating it
18 for assessment -- assessing any kind of changes?
19 MR. JOHNSON: So yes. We are not at the point
20 of giving you a formal next map because the instruction
21 was for us to incorporate the incumbents and make those
22 changes and give you kind of our next merge -- not just

1 our merge but our merge with the incumbent adjustments
2 made.
3 But as we've been doing throughout this
4 process, we can give you just our current working copy,
5 and your staff can -- we'll pass those to your staff,
6 and they can share them with you.
7 And yes. I think to Senator Huffman's point,
8 we won't have done our incumbent adjustments yet, but
9 if you're -- you and -- maybe your staffs can help us
10 along in that process. We welcome any input or
11 direction you have on that. And to the Senator's point,
12 that's my hope is that perhaps, if we are coordinating
13 this and then we get the requests coming to us after
14 they've been coordinated between both caucuses, that
15 might be a working system.
16 MR. MCDONALD: I would just add that we are
17 sharing maps with your staff, and then we are posting
18 them onto the website when there's any major revision
19 to the map that's beyond just a small technical issue.
20 So we plan to -- after this meeting, to move the
21 technical adjustments that I've been making into a plan
22 -- the working draft plan, and we're going to share

1 that with the staff. And my anticipation is that we're
2 going to --- I'm getting a nod yes that we are going to
3 publish that online.
4 MR. JOHNSON: And then in timing, to your
5 timing question, my thought is we talked about this a
6 little bit, that probably we schedule -- if we make
7 great progress and move faster, we'll certainly let you
8 know and perhaps meet before that. But let's suggests
9 that we have the next hearing at [inaudible] was 3:00.
10 So we would need to get you the files by 2:00. It's not
11 quite the 90 minutes you prefer, but we're tight. So if
12 that's okay with you, or we could give you a current
13 status map at 1:30 as well. But --
14 MR. MCDONALD: And I would just add to that. I
15 mean, your staff are going to be looking at these maps
16 over our shoulders, and people I know are going to be
17 viewing it online. So I -- there's going to be a lot of
18 transparency here. If you wish to come in and look at
19 the maps as we're doing them as well, I encourage you,
20 for the commissioners who can do so, I was very aware -
21 - you know, aware. I have my own vision problems. So
22 Speaker Cupp, you know, I understand he needs some maps

1 and I understand the reason why.
2 So but for those who can come down, we'd
3 certainly invite you. And if it doesn't interrupt our
4 work too much, we would be happy to walk you through
5 any issue that you may have or want to look at any
6 particular part of the state.
7 SEN SYKES: Auditor Faber.
8 SEN. FABER: To speed this along, I know
9 you're talking about having various maps, but if we
10 could see -- at least have have the combined printout,
11 I came down and looked at it, but some changes have
12 been made and you're going to make now that the
13 incumbent stat- -- if we could have that printout for
14 us to look at and our staffs to look at, it may help
15 the process of offering amendments go faster if we can
16 see it in total and with the urban areas blown up.
17 MR. MCDONALD: Our strong preference is that
18 your staff do that. It takes us time to produce maps.
19 So we really would hope that you would rely upon your
20 staff to do that.
21 MR. JOHNSON: Just to be clear, we'll hand
22 over all the mapping files, like, in a few minutes

1 here, and then the request is that then the respective
2 staff [inaudible] print the printouts. But yes. We will
3 certainly hand over all the files they need to do that.
4 SEN. SYKES: So it's been suggested that, one,
5 you're going to provide copies of every -- to every one
6 right now of the maps that you have. You have one
7 united map -- unified map, and the members are to look
8 through it to find out if there's any suggestions that
9 they would like to make.
10 You're going to continue to work on
11 compactness issues and splits as well as any
12 suggestions or amendments that's coming from the
13 members.
14 At 1:00 you suggest that we meet again, that
15 we will have another status report. By that time, you
16 would have the recommendations or suggestions on
17 dealing with the incumbency issue. And we could then
18 also print maps out again for the continued review of
19 the members.
20 And we would then set -- at the 1:00, we will
21 set a meeting at 3:00 to come back to, in fact, make
22 any suggestions from the Commission to you and your

1 work.
2 MR. JOHNSON: Correct. If that -- I know it's
3 not the full 90 minutes, but the suggestion would be
4 that we give you kind of our working status at 2:00 for
5 you to review and be ready to give us direction on at
6 your -- at a meeting at 3:00, if that's comfortable
7 with -- if that works for the Commission.
8 SEN. SYKES: But the members will have access
9 to the unified map right now? Yes. Okay. All right.
10 MR. JOHNSON: Yes.
11 REP. CUPP: All right. So are we coming back
12 at 2:00, or are we getting a map at 2:00?
13 SEN. SYKES: 2:00, and we can come back at
14 3:00.
15 REP. CUPP: And we come back at 3:00?
16 SEN. SYKES: And come back at 3:00.
17 REP. CUPP: And not at 1:00?
18 SEN. SYKES: And not at 1:00.
19 REP. CUPP: And we're able to get a current --
20 get a map of current progress now --
21 SEN. SYKES: Yes. Yes.
22 REP. CUPP: -- to get familiar with it. Okay.

1 SEN. SYKES: Any questions? Leader Russo?
2 MS. RUSSO: Thank you. Thank you, Mr. Co-
3 Chair. You know, I just wanted to say that I commend
4 these mapmakers. They have made significant progress
5 even since our late meeting last night. And it's been
6 very helpful to go in and talk with you and sort of
7 see. And I know some Commission members have been down
8 asking if there are -- some of their suggestions are
9 possible.
10 So I appreciate that. And I would encourage
11 all the commissioners, if you haven't been doing that,
12 to continue to do that because I think that that is
13 probably the fastest way to really get feedback on what
14 you're thinking or your suggestion may or may not be
15 possible and present any issues. And I appreciate both
16 of the mapmakers for being very accommodating to that.
17 SEN. SYKES: Can you just review with us just
18 a brief description of the map -- the unified map right
19 now, the proportionality, the symmetry, the compactness
20 as best you can so we understand where we stand right
21 now?
22 MR. MCDONALD: Yeah. So most of the map is,

1 again -- Dr. Johnson and I have randomly been chosen
2 approaches. We have been collaborating all along, but
3 this unified map, given the preferences that was stated
4 by the Commission, is basically the one I've been
5 working on. So it made it easy for us to move over to a
6 unified map.
7 So that's the map. We've discussed it
8 previously. It's proportional both in the House and the
9 Senate. In the House, the proportionality -- the
10 symmetry issue is that there are three competitive
11 leaning Republican districts in that 48 to 52 partisan
12 index range and then there are three democratic. So it
13 has a three and three on the symmetry that the Court
14 has identified.
15 And then in the Senate, there's two Democratic
16 competitive and zero Republican competitive. But we've
17 looked at this hard, and I don't think we're going to
18 be able to improve upon that and keep proportionality.
19 SEN. SYKES: Are there any other questions or
20 comments from the members of the Commission? Leader
21 Russo.
22 MS. RUSSO: Thank you, Mr. Co-Chair. Just to

1 the mapmakers, because I know that you now have the
2 incumbent data that you're incorporating. Do you have a
3 way of knowing which ones, for example, of the Senate
4 are midterm versus up -- or not in that situation
5 because I know that that was one of the discussion
6 points in providing the data to you. I just don't know
7 if that distinction has been made between those that
8 are midterm and have to be assigned to a district
9 versus those that are not.
10 MR. JOHNSON: So we do not. The list we
11 received, I believe, has just all 33 senators in it --
12 oh, minus the -- minus the term limit ones? Sorry.
13 MALE: Twenty-eight.
14 MR. JOHNSON: Sorry. All 28 that are not term
15 limited.
16 MR. MCDONALD: We're going to rely upon staff
17 to give us that direction as to which are the non-term,
18 the --
19 MS. RUSSO: Midterm.
20 MR. MCDONALD: -- midterm senators. Yes. So
21 that was just an agreement that we had to expedite the
22 production of the data for us.

1 MS. RUSSO: Okay. Thank you.
2 SEN. SYKES: Any additional questions or
3 comments? We stand in recess.
4 We'll, have a presentation by the independent
5 map drawers.
6 MR. JOHNSON: Co-Chairs the members of the
7 Commission, we have an update for you, obviously. So we
8 have been working through the challenges of the
9 pairings first with the House and doing some geographic
10 cleanup of county splits and compactness and things
11 like that as much as we can as we make those changes.
12 At this point, we have gone through, I
13 believe, the entire state, except for the seven
14 counties in the northeast, and made all the House side
15 improvements that we believe we can make in terms of
16 avoiding pairings. And we have the proposal that
17 everyone has for how to handle the seven counties, and
18 we've been looking through that and seeing what work --
19 we think works and doesn't work for us in that
20 proposal.
21 We have not yet implemented that, but but
22 we're [inaudible] using it. We're doing the House

first. And so, we have not yet tackled the Senate issues. To the degree possible, we've tried to keep those in mind as we worked on the House, but we have not done any in-depth Senate work yet.

MR. MCDONALD: I would just add that this has been a good exercise not just for resolving incumbent pairings, but this has forced us to take another look at the map. And as we are resolving these incumbency pairings, I would say -- my impression is, is that the overall character of the map is that it is now splitting fewer counties, fewer local jurisdictions, and is more compact in its character.

MR. JOHNSON: Yes. And to Senator Huffman's point the other day or -- and I believe others have made it -- Ohio has the most -- some of the most complicated geographic challenges, certainly the most strict geographic rules, and also the most complicated Senate rules for how this process is handled. So we are getting through those as fast as we can, but it is a slow process.

SEN. SYKES: What is your -- what is your expectation to complete the incumbency issues in the

1 House and the Senate?
2 MR. JOHNSON: It's probably still a couple of
3 hours, at least. The Senate has an advantage of having
4 many fewer individuals that we need to address. But in
5 addition to avoiding pairings, we also have the very
6 tough issue of the percentage of the district
7 triggering the assignment of numbers issue, which
8 greatly complicates that process. And we won't know how
9 much of a challenge we have there until we can run that
10 analysis for the first time. So we're certainly a
11 couple of hours away, if it goes smoothly.
12 SEN. SYKES: Are there any questions or
13 comments from members of the Commission or any other
14 additional suggestions? At this particular time, we
15 have a unified map that we're making adjustments to,
16 edits to, suggestions and input from the Commission as
17 we move forward to our -- to cross the finish line
18 here. Yes. Senator Huffman.
19 SEN. HUFFMAN: Thank you, Mr. Co-Chair. So
20 again, my job, I guess, is the Senate caucus --
21 Republican caucus designee is to look at this from the
22 Senate perspective. And I think you just said what I'm

about to say, but I have not seen what I'm going to say is a final Senate map. And there is no such animal at the moment; right?

MR. MCDONALD: Correct.

SEN. HUFFMAN: Right. Okay. There was some version of a map that we received about 12:15 today, and there has been no other updated versions of a Senate map since then; is that correct?

MR. MCDONALD: Correct. And that would have been the map that existed last night. So it would have been sort of the first merged map that we have.

SEN. HUFFMAN: Okay.

MR. MCDONALD: It's -- yeah.

SEN. HUFFMAN: Yeah. Okay. I was just, you know -- we're -- as I -- when I came down and visited with you about the Section 5 issues and as we're supposed to do to try to -- the map at 12:15 had misaligned House districts on it as it related to the Senate. I can't give you the specifics of that, and maybe it's not relevant at this point, since apparently the House map has changed a few times since 12:15 today. But that, of course, would make at least the map

1 -- the Senate version map that has been created so far
2 unconstitutional. So I guess I'm pointing that out so
3 that you all know about that.
4 The other I guess -- I'll call it a criticism,
5 but as I've mentioned to you in our previous
6 conversations, there are these constitutional
7 requirements about district number and representing the
8 largest population. And it sounds like you're working
9 on that to see if you can get that done.
10 Then there are -- there are incumbency
11 problems unique to the Senate. And in the -- again, the
12 only map that we -- proposed map or working version is
13 probably a better way to do it, we looked at that and,
14 again, acknowledging that this is not a constitutional
15 requirement but I would argue a public policy issue, of
16 the 16 senators who are in midterm, eight or half of
17 them would live outside the district that they
18 represent.
19 Now, sometimes that's, you know -- in drawing
20 a map that happens. Usually, there's one. I think the
21 last time in 2011 there was one senator, but eight
22 seems to me to be excessive. And to us folks here,

1 maybe in the General Assembly and to others, it's it's
2 kind of a, well, what's the difference? You get to be
3 in the Senate, but the public really cares that the
4 person that they elected is -- lives where they live or
5 at least in some version of it. So when you have 8 out
6 of 16 living outside the district, I think that's
7 clearly excessive.
8 I think perhaps Senator Sykes correctly argued
9 that there's no right to run for reelection because you
10 are an incumbent. But there are public policy reasons
11 to do that, especially the public policy reason that
12 exists now that usually doesn't exist, which is
13 petitions were filed in February. People have raised
14 and spent money in our campaigning. The public has been
15 informed. There have been public meetings and door-to-
16 door efforts and media purchased and all the things
17 that go on in campaign. And to dislodge folks so that
18 they can't run again I think is a significant -- also
19 significant public policy issue.
20 Again, I'm not arguing it's a constitutional
21 issue, but it's something we should avoid. So there are
22 senators -- and I would point specifically to Senator

1 Antonio under your map, who happens to be the assistant
2 minority leader in the Senate, who will be unable to
3 run in her district or be unable to run. Now, she,
4 again, filed her petitions in February, I assume been
5 campaigning and doing other things that folks -- but
6 there's no constitutional guarantee.
7 So I'd ask that that be taken into account
8 when considering the working version of the Senate map.
9 A couple of other things that I just wanted to
10 maybe ask and if you're able to answer because I saw
11 one version of a house map and I'm not sure which -- I
12 think that was also the 12:15 version, that it looked
13 like it had a population that was in excess of the 5
14 percent. And I'm never really sure whether it's 5
15 percent qualifies or it has to be 5.01 percent to not
16 qualify. You can tell me.
17 But is it your representation -- professional
18 representation that the district maps -- and again, I
19 know we have working versions, but the district maps
20 that you have now that you're working on and will
21 propose will be between 95 percent -- no more than --
22 no less than 95 percent and no more than 105 percent?

1 MR. JOHNSON: Certainly. Yes.
2 SEN. HUFFMAN: Okay.
3 MR. JOHNSON: And I think we -- maybe
4 technically exactly 5.0 percent would be okay, but
5 we've both been working on the 4.99 is as far as we
6 want to go.
7 SEN. HUFFMAN: Okay. And you also -- pardon?
8 MR. MCDONALD: But we -- it's -- the magic
9 number here is for equal populations, plus or 5,959
10 people and all the districts that we're going to draw.
11 And I think we caught that issue after we provided you
12 with that map. So I think our working map should not
13 currently have any districts outside of that allowed
14 population deviation.
15 SEN. HUFFMAN: Well, I get asked my opinion
16 sometimes in my other job, and I say, well, I think so.
17 And usually, my client says, well, I don't want you
18 telling me what you think. I want you to tell me what
19 you know.
20 So I guess I'm -- I need for you to rep- --
21 and if you can't right now because you're still working
22 on these things, fine. But I guess I need for you to be

able to represent that that's going -- that that is, in fact, met.

MR. JOHNSON: 100 percent it will be met in the maps -- the map we present for your consideration.

SEN. HUFFMAN: Okay. And similarly, the requirement that every district shall be composed of contiguous territory and boundary of each district shall be a single non-intersecting continuous line?

MR. JOHNSON: Yes.

SEN. HUFFMAN: Okay. This is in the future. At the moment, you can't represent or you can represent with a map -- the current version of your working map?

MR. JOHNSON: Actually, we haven't run this in the version we sent to you about an hour ago, but we have run -- since then run the computer analysis of the contiguity, and our current working map that's on the key computer is completely contiguous.

SEN. HUFFMAN: Okay. But that -- what you've done is a House map. It's not a Senate map; is that right?

MR. JOHNSON: Correct.

SEN. HUFFMAN: Because we don't have a Senate

1 map since 12:15; right?
2 MR. JOHNSON: Correct.
3 SEN. HUFFMAN: Okay. And the requirement that
4 no county -- or let me say this. It's not a
5 requirement. It is, where feasible -- interesting
6 language -- no county shall be split more than once. I
7 guess since it's a where feasible, doesn't -- it
8 doesn't mean it's not important. It's kind of like some
9 of the other things, but can you comment generally on
10 not splitting counties, where feasible, more than once?
11 MR. JOHNSON: Yes. I believe we have no
12 counties that we have intentionally split more than
13 once. And Dr. McDonald did do a visual review this
14 morning to confirm that. There is a computer report
15 that we will run and that we can walk through to
16 confirm yes or no on that. But that is -- certainly our
17 belief is at this point that we have not and our goal
18 is to not but we have not run the computer reports that
19 made sure we didn't have one stray census block or
20 something like that.
21 SEN. HUFFMAN: Okay. The additional
22 requirement is that not more than one municipal

1 corporation or township may be split per representative
2 district. Is that also, I guess, you think so, but
3 we're waiting to run the final report?
4 MR. JOHNSON: Correct. Our intention has been
5 to completely comply with that. And we believe at this
6 point we have, but we have not done the kind of things
7 too small to see with your eye or that we may have
8 missed checks yet, but that is certainly something we
9 plan to do.
10 SEN. HUFFMAN: Okay. That's all the questions
11 I have right now, Senator.
12 SEN. SYKES: Leader Russo.
13 MS. RUSSO: Thank you, Co-Chair. I would just
14 like to ask the mapmakers. I mean, we are at -- it
15 seems to me we've got seven and a half hours at least
16 until midnight. I know I'm committed to staying here as
17 long as it takes.
18 You guys have made tremendous progress. It
19 seems to me that you feel confident that you can
20 continue to go through, at least in a couple of hours,
21 get us a map to consider. Am I incorrect in that
22 assessment? We just need to give you the time to keep

1 working; correct?
2 MR. JOHNSON: We are plugging away as fast as
3 we can, definitely.
4 MS. RUSSO: Thank you.
5 MR. JOHNSON: Dedicated to getting it done.
6 SEN. SYKES: Any additional questions or
7 comments at this time?
8 Well, we want to make sure we give you the
9 time that you need to move forward, and we'll keep
10 posted. Let's set a time, Co-Chair.
11 MR. MCDONALD: I do have one more thing to
12 add. Per our agreement that when I came on to do this
13 work, I must leave at 5:00 to teach class in person
14 tomorrow on the campus. I'm contractually obligated to
15 do so.
16 And so, Doug Johnson and I have discussed the
17 major issues and will -- I feel confident that we --
18 we're down to issues that should not affect the
19 constitutionality issues in terms of the
20 proportionality and the symmetry. And so, I feel
21 confident that he should be able to complete whatever
22 work needs to be done. And if there's an issue, we can

1 converse by phone or video. I should arrive home late.
2 So probably around 11:00 p.m. or so that I'll have
3 access to a computer to join in a Zoom.
4 MALE: If we need to, we can -- once he lands,
5 we can share screens. We will likely still be going at
6 11:00 p.m.
7 SEN. FABER: I was going to say, with that in
8 mind, I do have some questions specifically that maybe
9 both you need to chime in to.
10 One of the concerns I've repeatedly asked is
11 with regard to compactness. And specifically, when you
12 guys are making decisions and when we've been listening
13 in to your conversations, it appears and it was
14 specifically said yesterday that compactness was a
15 secondary concern to hitting the proportionality. And I
16 think the term symmetry, although I notice symmetry is
17 a new addition from the Court, it is not in the
18 Constitution. It is, I think, part of their
19 interpretation of what 6A requires.
20 But from that perspective, can you tell me, do
21 you believe that this map has drawn as compacted
22 districts as you possibly could, all things being

1 considered?
2 MR. MCDONALD: I mean, is it as -- I mean,
3 that's a loaded question because there are infinite
4 ways, essentially, of drawing -- redistricting plans in
5 a finite amount of time. I'm certain that there is a
6 map that would be more compact than what we're doing.
7 Our intention is to respect compactness as
8 much as we can while balancing the other goals. So
9 we're not intentionally drawing the least compact plan
10 possible as we're doing this. We're trying as the best
11 humanly possible in a finite amount of time to draw a
12 plan that complies with all of the goals.
13 SEN. FABER: So if you had a choice between
14 drawing a proportional district or a compact district,
15 did you err on the side of proportionality or
16 compactness?
17 MR. JOHNSON: So we had many debates. Those
18 that have been listening in through all of it have
19 heard us debating exactly this question. And this is --
20 what we ended up doing was bringing these questions to
21 the Commission yesterday.
22 So the areas where we've really seen where and

1 we have a disagreement opinion. So I'll speak just for
2 myself. Where I had concerns about this were the issues
3 that we raised to the Commission yesterday, and then we
4 have -- it was a tentative indications of the direction
5 we should continue following without an official sign-
6 off from the Commission. But it is a trade-off, and I
7 think we've laid out where we had those concerns. You
8 saw you saw them yesterday. And we're proceeding per
9 the sense of the Commission yesterday. Is that
10 accurate?
11 MR. MCDONALD: Yeah. I mean, generally, I
12 believe that we've drawn districts that are compact and
13 complying with the other requirements that have been
14 set forth in the Constitution and interpreted by the
15 Courts. So I think we're in good faith, trying our best
16 as we can to balance these competing goals. We're not
17 trying to sacrifice compactness solely in our decision
18 making.
19 SEN. FABER: Another concern I have and that
20 I've expressed is it looks like in each one of the
21 urban core center areas, you guys have adopted what has
22 sometimes become the hub and spoke model, where you

1 take the hub and you take the urban core center and you
2 divide it out in spokes through the town -- through the
3 suburbs to create Democrat districts.
4 I know you're going to say you did that
5 largely for proportionality. Am I hearing you correctly
6 that in almost no circumstances in the urban core
7 centers did you try and maximize the number of
8 districts that were wholly contained within those city
9 boundaries?
10 Let me put it another way, a simpler way. You
11 didn't minimize splits within city boundaries,
12 particularly in the urban seven when you were drawing
13 districts?
14 MR. JOHNSON: So the one piece of good news I
15 will note is in the work we did today -- and I think
16 it's in the 12:15 files that you have -- down in
17 Montgomery County where there was a very funny looking
18 district, that district now -- the compactness of that
19 district is greatly improved. It does still, however,
20 divide up the large city.
21 I think the impression is, is that the
22 proportionality goals and, to be honest, we just have

1 not had any time to go back and see if there was some
2 way to still achieve that proportionality while taking
3 one or two splits out of a given city. But we have not
4 seen that opportunity, or we would have taken it.
5 MR. MCDONALD: There's another dynamic that
6 happens here as I become more appreciative of, which is
7 that the largest city usually is the place you're going
8 to split because you can only have one -- district
9 cross one jurisdictional boundary and split it with
10 another district.
11 And so, as you're piecing together the smaller
12 pieces within a county that can fit together into
13 districts, you kind of run out. And then at the end,
14 you have this large piece that's left over.
15 And so, to try to balance the populations by
16 taking two of the smaller localities and try and only
17 go across the county splits there, it may be possible.
18 Again, there are a lot of -- we can't explore
19 everything in a limited amount of time, but it's often
20 just the obvious solution is to take the largest
21 jurisdiction and split it up because usually these --
22 and you were talking about the largest cities in the

1 state.
2 They're so large and they're so sprawling that
3 they're -- you have to cross their boundaries at some
4 point. And so, they're just kind of naturally the place
5 that you look to to do these splits because it's -- the
6 puzzle pieces don't fit together very well to do them
7 by trying to keep the smaller cities whole, generally.
8 SEN. FABER: I go back and reiterate the
9 question, and I'll just pick one example. I could go to
10 Dayton as well because we've spent a lot of time
11 talking about that. But Dayton's population is -- do
12 you remember what the city population of Dayton is?
13 MR. JOHNSON: [inaudible]. It's larger than a
14 ratio. I know that.
15 SEN. FABER: Yeah. It's larger than one ratio.
16 It's about three ratios, isn't it? Give or take? I may
17 be a little off.
18 MR. JOHNSON: [inaudible] off the top of my
19 head. Yes.
20 SEN. FABER: But yet you have four districts
21 coming in and out of the city of Dayton. And again, it
22 looks like a hub and spoke. And generally, when people

1 talk about packing and cracking, that would sometimes
2 be called cracking a population to try and divide those
3 voters across multiple districts to reach an achieved
4 result. And I'm not implying motive or ill will. I'm
5 just saying that's a reality what you're doing.
6 MR. JOHNSON: Yes. I think I agree with it.
7 SEN. FAVER: I'll go and talk about Toledo,
8 and that's an area that I asked you specifically about
9 when we are in together today. In Toledo, the
10 population is roughly two and a half districts, give or
11 take. You draw no districts solely contained within the
12 city of Toledo, and instead you run districts across
13 multiple jurisdictions for the purposes of diluting the
14 city of Toledo vote across multiple districts to create
15 more Democrat districts in that area.
16 This is the first map that we've been
17 presented out of all the maps we've seen and considered
18 that effectively has no Republican districts inside
19 Lucas County. That's an interesting outcome, but it's
20 done by essentially moving urban voters into suburban
21 areas. Am I correct on my assessment as to what
22 happened here to achieve this outcome?

1 MR. JOHNSON: I would disagree with the part
2 about the purpose being to dilute their voting
3 strength. I think your description of the result of
4 what happens is not inaccurate, but the -- we weren't
5 making choices to intentionally dilute the Toledo vote.
6 We were -- that was the dynamics that play in when
7 we're following the Constitution requirements and the
8 court order.
9 SEN. FABER: Again, but you're leaning largely
10 on Section 6B, the proportionality, to get around the
11 Section 2, 3, 4, 5, and 7 provisions that talk about
12 not splitting cities unnecessarily. And in this case,
13 you are, frankly, splitting the city of Toledo three
14 ways when you could have two wholly contained
15 districts. And I think the rules say if you're wholly
16 contained, it doesn't count as a split, within the city
17 of Toledo.
18 I can go to Columbus. How many wholly
19 contained districts are in the Franklin County,
20 Columbus that are wholly contained within the city of
21 Columbus in your map that have no other -- that have
22 only city of Columbus people in them?

1 MR. JOHNSON: There would be zero that has
2 solely Columbus.
3 SEN. FABER: I think that's right. Out of
4 nearly a million people, you couldn't draw a single
5 state rep district that includes only the people of
6 city of Columbus.
7 I could go to Cleveland and talk about the
8 same experience. There may be -- I think you did one in
9 Cleveland. I haven't gone through the border, but in
10 Cleveland, you got one that's solely contained within
11 the city of Cleveland.
12 MR. MCDONALD: And again, for, you know, your
13 other concern about compactness, we have a district
14 that is mostly Columbus but has Grandview Heights in it
15 as an entirely contained locality that's within the
16 city of Columbus, you know adjacent to it. So it's --
17 to not do that split would create a very non-compact
18 district there.
19 SEN. FABER: I'll give you that one.
20 MR. MCDONALD: So again, we're trying to
21 balance multiple goals here. So --
22 SEN. FABER: I'll give you that one, but there

1 are other areas that you could have put wholly within
2 120,000 people inside the city of Columbus. But again,
3 I understand what you're doing. You're erring to try
4 and hit this magical mystery ratio.
5 The city of Cleveland, you did one. Summit
6 County, I don't think Akron has a single, wholly
7 contained district within the city of Akron either. I'm
8 looking. It's tough for me to tell, but there may be
9 one in Akron. I could be wrong. Which is another
10 interesting decision.
11 How about Senate districts? I haven't seen the
12 Senate pairing map. I'm waiting for the Senate pairing
13 map. Have you done in any of these urban core cities a
14 wholly contained state Senate district? Well, the
15 obvious answer is you probably didn't, if you didn't do
16 wholly contain state rep districts.
17 MR. JOHNSON: Correct. Mathematically, that
18 would be the case. Yeah. Well, yeah. That's correct.
19 SEN. FABER: Let me switch gears about one
20 other point. And I raised this issue yesterday when I
21 went through and talked about the percentage of
22 districts -- Republican districts that were above 60

1 percent and percentage of Democrat districts that were
2 above 60 percent.
3 I haven't had the chance to do the
4 calculations because I haven't got the splits and the
5 spreadsheets on these new districts. But yesterday,
6 when I did the math, and assuming not much has changed
7 based on how red this map is and how blue the map is in
8 different spots, roughly 80 percent of the state rep
9 districts had a voting population of Republican more
10 than 60 percent.
11 By contrast, the percentage of Democrat state
12 rep districts that had a voting population in excess of
13 60 percent was in the 25 or 20 percent ratio or less.
14 So what it looks like is that you're heavily
15 concentrating Republicans in Republican districts and
16 increase -- or lowering your percentage of
17 concentration of Democrats in Democrat districts. Is
18 that effectively what we're doing here?
19 MR. JOHNSON: I think -- follow up if you
20 disagree with any of this, but I think that is the
21 result of following the proportionality, essentially
22 the 6B piece of the Constitution as interpreted by the

1 Court.
2 SEN. FABER: Isn't that the classic definition
3 of packing and cracking?
4 MR. MCDONALD: Just to be clear, I mean, while
5 you're focused on these cities, many of the neighboring
6 cities in these large jurisdictions are also heavily
7 democratic. And I'm just looking at our Columbus map
8 because you'd asked the question about did we entirely
9 contain Columbus.
10 And again, the county -- the city goes all
11 over the place, and there's just little pits that we're
12 picking up in some of the places. But we've got -- in
13 the central urban core of Columbus, we've got three
14 districts that are at democratic indexes of 81.9 or 82
15 percent, 81 percent and 72 percent. So I mean, they're
16 heavily packed on --
17 SEN. FABER: Again, I don't have the
18 spreadsheets to do the analysis, and we'll certainly do
19 that. Maybe it got better in this version than what you
20 had yesterday. But I go back and say, when you've got
21 80 percent of Republican districts over 60 percent, and
22 you've only got 25, 30 percent at most of Democrat

1 districts over that ratio, you have a few. And that's
2 going to be the nature, again, as I've said, for now
3 over a year and a half.
4 Ohioans tend to live around people who think
5 and vote like them. And that's what you see when you
6 see the concentration of blue districts in the urban
7 core cities and the bright red districts in a lot of
8 other places. That's just a geographic fact of Ohio.
9 And if you're going to draw districts with precedents
10 that we heard -- and I heard testimony for over 80
11 hours from people talking about us not wanting to split
12 cities, counties, and townships.
13 If you're not going to split cities, counties,
14 and townships, and frankly, I've got plenty of
15 testimony that I could quote back to you, it's going to
16 be real tough, real tough to hit some magical ratio.
17 And that's what I go back to talking about decisions
18 that you guys have made during this process.
19 And as we've listened into your testimony and
20 listened into your process, at every single time what
21 I've heard you say and what you've done is err on the
22 side of creating Democrat districts. And the reality is

1 that's where we're at with this map.
2 MS. RUSSO: Mr. Co-Chair.
3 MR. JOHNSON: There have been a couple of
4 occasions where we have actually created Republican
5 districts. The -- it's all in the context of the
6 proportionality rule and the symmetry -- as with the
7 symmetry definition as provided by the Court. So it's
8 certainly not universal.
9 It's just -- it's the reality. As you know,
10 it's the the distribution of the voters in the state,
11 in order to hit that magic number, it involves a lot
12 more work to draw those Democratic seats needed to hit
13 that number. But it hasn't been universally one way or
14 the other. But yes. Given the voters, that is the most
15 common challenge we face when we're required to hit
16 that number.
17 SEN. FABER: Thank you.
18 SEN. SYKES: Leader Russo.
19 MS. RUSSO: Thank you, Mr. Co-Chair. I just
20 would like to reiterate that the Ohio Constitution does
21 not require that entire cities be contained within a
22 district. That is not a requirement of the

1 Constitution. And in fact, do -- I'm sorry. Within a
2 city. Excuse me. Within a city. And in fact, I think if
3 you attempted to do that, you would violate other
4 requirements of the Constitution, specifically 6A and
5 6B, and what the Court has ordered.
6 So you have to do all of those things on
7 balance, in the whole. Compactness does not outweigh --
8 Section 6C does not outweigh A and B, and if you can
9 meet the other technical requirements and meet 6A, B,
10 and C, then you should do it. That is what the
11 Constitution requires. It is what the Court has clearly
12 laid out.
13 So I -- you are mapmakers who have expertise
14 in this, and I assume that you were able to assess this
15 by looking at those requirements, looking at those odd
16 city boundaries. And I'll take the city of Columbus,
17 and I'll say this over and over.
18 The city of Columbus is large and sprawling.
19 It is non-contiguous. You are going to get funny
20 shapes, and you are going to get pieces of Columbus in
21 every single House district within Franklin County.
22 There hasn't been a single map produced by anyone,

1 Republican or Democrat, that has not done that. So just
2 want to reiterate that point.
3 SEN. SYKES: Also, I'd like to say that the
4 people of the state, you know, have given us a
5 directive and some direction in how we draw lines, the
6 decisions that we make. And the determination is that
7 it is considered gerrymandering if you don't meet
8 certain goals and objectives.
9 It's the other way around. It's not that this
10 is partisan gerrymandering. This is to promote what the
11 voters have voted on as the criteria to make sure we're
12 not gerrymandered.
13 REP. CUPP: Mr. Co-Chairman, thank you. I want
14 to -- I have some of the same concerns that were were
15 raised earlier. And I don't know whether the Hamilton
16 County or House incumbents have been decoupled or not,
17 but I think at least in the draft map and I haven't
18 been able to see the new map. The data came late and
19 weren't able to get it reproduced.
20 But the Republican vote in Hamilton County is
21 over 48 percent. And at the time there was then only
22 one Republican district and two incumbents paired and -

1 - at least I'm advised that -- although six of the
2 other districts were were Democrat leaning. And that --
3 I can go through the number of counties and do that.
4 And so, I don't -- is there an explanation of
5 why that is that in these these larger counties where
6 there is a substantial Republican vote, yet when it
7 comes to making House districts, there is one or two or
8 sometimes none districts that are Republican leaning in
9 those areas? So just throw that out to you for -- if
10 you can help me understand that.
11 MR. JOHNSON: Yes. There is very few options
12 under the proportionality and symmetry rules for how to
13 meet those goals. It really forces us in almost every
14 case -- as I noted before, it's not universal, but in
15 almost every case where you can draw a Democratic
16 leaning or a safely Democratic seat within the
17 community, county, and township and city rules, almost
18 universally have to draw that in order to hit the
19 proportionality and synergy numbers.
20 As I said, it's not universal. There are one
21 or two or maybe three spots where you can give on that
22 and still hit the proportionality numbers. But there

1 are very few of those spots where we have those options
2 to choose between how we configure it related to the --
3 to what might be the more general community of interest
4 versus following the specific township, city, village,
5 and county lines while still hitting the, as it's been
6 referred to, the magic number and the symmetry
7 requirements.
8 REP. CUPP: And that apparently gets repeated
9 all throughout the state of Ohio in the larger
10 counties. But let me move to another area, and that is
11 -- and I'm not sure -- or if you want to respond,
12 that's fine.
13 MR. MCDONALD: Well, I'm just saying I'm going
14 to have to leave soon to get to the airport to catch my
15 flight. I apologize on that because I know this is a
16 very important hearing. So I'm just trying to make you
17 aware of that.
18 REP. CUPP: All right. I know that you've been
19 working on the asymmetry issue, and that is the number
20 of House seats that are between 50 -- 48 and 52
21 percent. And while I haven't had a time to really look
22 at this in depth, I'm advised that, while you may have

1 made some progress there, the actual is -- question or
2 issue is whether that has actually been pushed out a
3 bit and you still have the asymmetry so that the number
4 of Democrat leaning districts, that lean from 52 to 54
5 percent has increased dramatically in order to do the
6 ones inside the 48, 52 percent.
7 And the Court did talk about that also in its
8 last opinion and whether or not this actually is a --
9 in doing that, also sacrificed compactness. So I don't
10 know if you have any comment on that or that's
11 something you want to take a look at or --
12 MR. MCDONALD: I would just say that I
13 attempted to raise that issue in prior meetings that
14 we've been at, and our direction that we had from the
15 Commission was to look at that 48 to 52 percent range.
16 And so, that's what we've been concentrating on when
17 drawing our districts.
18 MR. JOHNSON: I would add to that, too, that
19 this is part of the natural result of complying with
20 symmetry. You know, the way we got to symmetry was,
21 number one, obviously, bringing a few Republican seats
22 into that 40 to 52 range. And then once there really

1 weren't many more options for that, pushing Democratic
2 seats that were in the range out of it to achieve
3 symmetry as described by the Court.
4 Now, anytime you're doing that, you're going
5 to push them just over the line most of the time. We
6 did, especially early on, have a real desire to have
7 symmetry across the board. But at some point, there's
8 going to be a line, and given that the natural results
9 of the other rules would have -- makes it difficult to
10 reach the democratic magic number, you're going to --
11 wherever you draw that line, you're going to end up
12 with a number of Democratic districts just over the
13 line as we attempt to achieve the symmetry and
14 proportionality requirements.
15 REP. CUPP: Mr. Co-Chair.
16 SEN. SYKES: Yes.
17 REP. CUPP: I'll move on to something else
18 here. And I know the map is still being tweaked, but I
19 would -- for some reason, I have an interest in Allen
20 County. And I noticed in drawing Allen County, instead
21 of following the historical pattern, which has been
22 over decades of sort of linking Allen County and

1 Auglaize together, it has moved into Hardin County in
2 order to pick up the extra population.
3 And I don't know if there was a rationale for
4 that, or is that just a choice that can be tweaked?
5 MR. MCDONALD: That's one of the areas that
6 we've redrawn to accommodate incumbent interests. So
7 the map that you have would be likely out of date.
8 Where is that one?
9 REP. CUPP: Very good. Thank you. you. I know
10 this is kind of a -- still of a moving thing, which is
11 part of a difficulty that both we're having and you're
12 having in terms of it being moving. It's hard to be
13 able to get a handle on some of these things,
14 particularly because of the extraordinarily short time
15 that the Supreme Court thought all this could be done,
16 if they really thought about it. So thank you.
17 SEN. SYKES: One point I would like to make is
18 that the -- we have benefited from the experience of
19 our staffs, particularly our map drawers, and there's
20 been always some Republican, Democratic staff have been
21 in a meeting in the room all the time. But this
22 afternoon we didn't have the Republican map drawer. And

1 I think with this crucial time that's left, I would
2 suggest that, to continue to have bipartisan input and
3 observation, that we have a -- actually have a
4 Republican map drawer in the room, too, as well, to
5 assist us in finalizing things.
6 REP. CUPP: Well, sometimes health concerns
7 get in the way of things we want to do. So --
8 SEN. SYKES: Just making a suggestion.
9 REP. CUPP: I know. I got you, but may not be
10 possible.
11 SEN. SYKES: Yeah. Okay. Yes.
12 SEN. HUFFMAN: Yeah. I have -- I don't know --
13 if Mr. McDonald needs to leave, I have a few questions
14 here, and if you need to leave, that's fine.
15 MR. MCDONALD: I do need to leave. So I do
16 deeply apologize for that. And I'd be happy to speak
17 with you via phone if you have questions -- further
18 questions of me.
19 SEN. HUFFMAN: All right. Thank you.
20 MR. MCDONALD: I apologize but -- and I do
21 appreciate appreciate all the work of the staff here. I
22 know we've argued sometimes. We're actually friends. So

1 you know -- and so, I appreciate the work that Doug has
2 done. And I certainly appreciate the hard task that
3 you, the commissioners, have been given. And I wish we
4 could accomplish everything, but unfortunately, we're
5 given a limited amount of time. And so, we are where we
6 are, and hopefully, it'll be a product that the -- you
7 will find acceptable and the Court will find
8 acceptable.
9 SEN. SYKES: Thank you very much for your
10 service, and we'll be in touch.
11 SEN. HUFFMAN: Thank you.
12 SEN. HUFFMAN: Mr. Co-Chair.
13 SEN. SYKES: Yes.
14 SEN. HUFFMAN: If I could.
15 SEN. SYKES: Yes.
16 SEN. HUFFMAN: And I just -- Mr. DeRossi [ph]
17 is not doing well, and I asked him -- kind of had to
18 make him leave last night. And he's at the BWC
19 building. He's able to work on computer maps and things
20 like that. But he's wearing a mask, and I'm -- don't --
21 will not --
22 SEN. SYKES: Is he okay?

1 SEN. HUFFMAN: Well, in my view, he's not
2 okay, but he's also seems to be superhuman when it
3 budget time and drawing map times. He sleeps about
4 three hours a night. So he's not going to be able to be
5 in the room. And that's not a good idea.
6 But Mr. Springette [ph] is around.
7 SEN. SYKES: Okay. That's fine.
8 SEN. HUFFMAN: And so, pardon me. And I just,
9 order of favor, indicated his staffer was there most of
10 the day also. So I don't -- I was down there to ask for
11 some specific things and talk about this Section 5
12 thing. So I don't know who all has been in and out, but
13 I just -- I want to make that clear that this isn't a
14 situation where we're not fully participating. In fact,
15 I think that we are.
16 I did want to talk a little bit about our
17 timing. Leader Russo brought up the -- and so, the
18 court order requires that we have this final product to
19 the secretary of state today, March 28th, which, if we
20 want to give ourselves a little leeway, means 11:30 in
21 case something happens, someone trips, going up the
22 stairs or whatever it may be.

1 There are a series of things that need to be
2 done by the Commission, by their staff in order to send
3 it to the secretary of state once we have adopted a
4 map. And I'm just going to run through those real
5 quick.
6 We have to do a block assignment file for
7 House districts, which is -- includes an Excel
8 spreadsheet. Block assignment files for Senate
9 districts, an Excel spreadsheet. Statewide House
10 district map, statewide Senate district map, district
11 statistics and Senate assignments or groupings, that's
12 that Section 5 business we talked about, and finally,
13 shape files for House and Senate districts.
14 I am told that that takes our staff -- once
15 the Commission says we have a map, that takes about an
16 hour to prepare all of that. So if our goal is to get
17 it to the secretary of state by 11:30, we have to pass
18 a map by 10:30.
19 Now -- and I'm perfectly willing to work until
20 10:30 or 12:00 or 1:00 or whatever, but we're not going
21 to comply with the Court's order if we're working here
22 at 1:00 in the morning. So it has to -- and obviously,

1 the Court is serious about the deadline, and everyone
2 else is, of course, waiting for us to get the work
3 done.
4 I just wanted to comment. So as of 5:00 today
5 -- well, before I do that, I just want to say, I think
6 that Mr. McDonald and Mr. Johnson have done
7 extraordinary work in five days, as have the staff and,
8 frankly, as has the Commission in multiple meetings,
9 not only these meetings but phone conversations back
10 and forth. And I -- particularly, the co-chairs with
11 all of the process and all of that. So that's been
12 extraordinary.
13 Perhaps the map -- the Commission mapmakers
14 would not have been as readily able to sign on if they
15 knew the fact that Ohio has one of the most complex
16 political geographies in the country, even if we're
17 only the 35th largest state, and we have the most, I
18 think, I've been told, the most complex redistricting
19 rules of any state. That's why these things take longer
20 than five days.
21 One of you remarked in the last few days, if
22 we simply would have been able to take the Republican

1 version and the Senate version -- or Democratic version
2 and merge those, we could have got off to a better
3 start. But the -- of course, the Court required that
4 there be an entirely new map started. So that made it
5 difficult.
6 So you're taking a process that under the
7 Constitution typically would take 7 to 8 to 10 weeks
8 and trying to do that in five days. And I think that's
9 a nearly impossible feat.
10 But as of 5:00, we do not have a Senate map to
11 consider. And you're nodding, Mr. Johnson. So I want to
12 make sure I got that right. As of 5:00, we cannot
13 confirm that we have a constitutional House map, with
14 maybe five hours or so to go in our process.
15 One of the staff just pointed out to me that
16 Knox County, which is a small county of about 60,000
17 people, is actually split in three ways. I don't think
18 any of the maps submitted by the public or any of the
19 Commission members did that. We have the where feasible
20 language. No county should be split more than once, and
21 I -- why a small county is split three times, there's
22 probably a reason in all the machinations.

1 So given that, I also want to say, obviously,
2 the Court is very, very serious about getting these
3 maps -- getting a map to them on time. And I'm
4 concerned based on the description of the process that
5 that's going to happen.
6 So I think we need a failsafe. I think we need
7 something else to -- for the Commission to be able to
8 vote on. And so, I'm going to move, Mr. Co-Chair, that
9 the Commission mapmakers be directed to work
10 individually or jointly. It may be individually at this
11 point, since Mr. McDonald isn't on staff, but work
12 individually or jointly with the staff of all the
13 commissioners who choose to participate to draft
14 constitutional changes to the map passed by the
15 Commission on February 24th. Such changes shall be done
16 in a manner to make the February 24th map plan more
17 closely comport with the decisions of the Supreme
18 Court.
19 We don't want you to stop working on this, but
20 we have to have a product to vote on.
21 And further, my motion will say the changes
22 shall be given to this Commission by 7:00 p.m. tonight

1 for review, and we want to be able to review it, debate
2 it, vote on it. And that's my motion, Mr. Co-Chair.
3 MS. RUSSO: Objection.
4 REP. CUPP: I'll second it.
5 SEN. SYKES: Discussion. First, I'll start out
6 with that is ridiculous. All the time, money, and
7 resources we put into coming up with a constitutional
8 map. We have independent mapmakers. Each of them have
9 drawn separate and apart constitutional maps that
10 comply with the court order. They have put together a
11 unified map that just did edits that we can make in
12 this time period to comply with the requirements.
13 To distract us, the staff, and the map --
14 independent map drawer to divert to some other tasks is
15 ridiculous, contrary to the directive, contrary to the
16 spirit and the direction of the Court. Other comments?
17 MS. RUSSO: Mr. Co-Chair.
18 SEN. SYKES: Leader Russo.
19 MS. RUSSO: Thank you, Mr. Co-Chair. I'd
20 strongly object to this. I mean, this is a classic keep
21 a map in the can and bring it out at the last minute.
22 This is so disingenuous of members of this Commission

1 to even suggest that this would be the process that we
2 would use moving forward.
3 The Court has ordered us to create a map as a
4 Commission starting from scratch. And that is what we
5 have done, and we have brought in these outside
6 independent mapmakers who have spent an enormous amount
7 of time, we as a Commission and our staff.
8 To totally undercut that at this point, number
9 one is, I think, again, a slap in the face to Ohio
10 voters and completely disregarding the court order. And
11 I will tell you that we can work as long as we need to.
12 The Court would much rather us work and finish this job
13 than to again submit another unconstitutional map that
14 is not drawn by the entire Commission and/or submit
15 nothing.
16 So I would encourage that we let our mapmaker
17 and mapmakers and our staff continue working. This is
18 an achievable thing that can be done. If you're telling
19 me that you suddenly can whip up a map and make changes
20 by 7:00, certainly, these mapmakers can get done what
21 they need to do before we need to meet at 10:30. If we
22 need to meet later than that, then we should. If we

1 even have to go past midnight, I bet the Court will be
2 okay if we are a few hours late, as long as we get this
3 job done. Otherwise, we will be in contempt again or
4 possibly held in contempt of not following the Court's
5 order.
6 SEN. HUFFMAN: Mr. Co-Chair, can I respond?
7 SEN. SYKES: Secretary LaRose.
8 SEN. HUFFMAN: I'm sorry.
9 MR. LAROSE: Yeah. Just a practical
10 consideration. And I think going back to last year even
11 reminded all of us continuously about the logistics of
12 elections administration and some of the timelines we
13 operate under.
14 I think it's clear to all involved that have
15 been following this process at this point any map
16 passed by this Commission is not possible to put on a
17 May 3rd ballot. The time has already passed for that to
18 be accomplished.
19 And so, depending on what the desire is of the
20 General Assembly as it relates to election dates or
21 potentially if the Federal Court changed it I suppose
22 would be an option as well. But whatever is passed from

1 this Commission, the fewer changes that are made, the
2 more likely it is that we can implement them sooner.
3 And so, it's just something to think about.
4 If there are -- if there is a desire to look
5 at the February 24th map and modify off of that, the
6 fewer changes made would be the sooner that we could
7 implement it as far as reprograming voter registration
8 systems at county boards of elections and that kind of
9 thing.
10 MS. RUSSO: Mr. Co-Chair.
11 SEN. SYKES: Yes.
12 MS. RUSSO: I will note again that in previous
13 decisions by the Court, this Commission has been
14 criticized for starting with the false premise of
15 starting from an unconstitutional map, which is what
16 two of my fellow commissioners are now asking that this
17 Commission do.
18 The Court has specifically -- I think it was
19 in the second decision, has specifically said that that
20 is a faulty premise to start from an unconstitutional
21 map. So again, here we are again, time number four
22 starting from an unconstitutional map, if this is the

1 route that we go this evening.
2 I also believe that in our Commission rules
3 that we established in the beginning of this process,
4 if this Commission does not agree, we should go to
5 mediation. And so, I would like for us not to vote on
6 this motion until we go to mediation, and we should
7 allow our mapmaker to continue his work.
8 SEN. HUFFMAN: Mr. Co-Chair.
9 SEN. SYKES: Yes.
10 SEN. HUFFMAN: Yeah. Just a couple responses.
11 First, your statement that these mapmakers have come up
12 with a constitutional map and then they put them
13 together, well, I don't know that that's true, and I'm
14 not sure how you know it's true because we never saw
15 that.
16 These mapmakers, again, doing a tremendous job
17 in a very short period of time that was dictated by the
18 Court, have not produced a Senate map and are not able
19 to confirm that they have provided a constitutional
20 House map. And if the -- and what I'm simply saying is
21 we have a deadline today.
22 It may be that Leader Russo knows what the

1 Supreme Court is thinking, but the order says today is
2 the day. And we know the Court means that today is the
3 day and that we have to do it by today. So that -- I
4 mean, that's simply what the order is.
5 If somehow, some way the mapmaker is able to
6 produce a constitutional map that four members of the
7 Commission will support and that is all done by 10:30,
8 then maybe. But it doesn't appear that that's going to
9 happen. So we have to have something that we can
10 provide to the Court today.
11 And I'm suggesting that this is drafting that
12 is going to take place in public, in the room. Mr.
13 Johnson can continue to work on the things that he is
14 working on. He can give suggestions back and forth, and
15 it'll all be very transparent right there, right there
16 in the room.
17 So we're not going to be able to -- if we sit
18 here until 10:30 tonight and say, well, we don't have a
19 map, then what do we do? Well, we violated the Court's
20 order. So I think -- and I appreciate Leader Russo's
21 comments about mediation and this was originally her
22 idea and we we did try to mediate. Originally, wanted

1 to talk about the incumbent issue on Saturday, and that
2 leaked into yesterday.
3 Some of the other issues that were sent to
4 mediation we never even talked about. I'm not sure why,
5 but frankly, taking time away from trying to make
6 decisions in the next few hours is not really what -- I
7 don't think it's going to be productive in trying to
8 get to a map tonight, which is what we're ordered to
9 do.
10 SEN. SYKES: It seems to be no end to the
11 arrogance of the super majority. Any other comments?
12 We'll take a ten-minute recess.
13 Come to order. I believe we have a motion on
14 the floor. Is there any further discussion or questions
15 about the motion?
16 MS. RUSSO: Mr. Co-Chair.
17 SEN. SYKES: Leader Russo.
18 MS. RUSSO: I would just like to say one
19 thing, that in talking with our legal counsel, it is
20 clear that the Supreme Court cannot hold us in contempt
21 at 2:00, 1:00 in the morning. So I again reiterate that
22 we should continue to have our independent mapmaker who

1 is working for the Commission move forward in creating
2 a map that we can consider as a Commission instead of
3 going to the alternative that has been proposed by
4 Senator Huffman.
5 SEN. HUFFMAN: Mr. Co-Chair.
6 SEN. SYKES: Yes.
7 SEN. HUFFMAN: Yeah. To make it clear, the
8 motion includes moving forward -- the independent or
9 the Commission's mapmaker continuing to work on this
10 very complex problem.
11 As I described, at the moment, no Senate map
12 has been produced and no confirmation of a
13 constitutional House map. Move forward with that if
14 they can. The caucus mapmakers -- won't be. Mr.
15 DeRossi, unfortunately -- can suggest changes to the --
16 so, I think we can do these -- both of these paths.
17 And I don't know when the Supreme Court would
18 hold us in contempt. It's not going to be right after
19 midnight. But at some point in the future, if we don't
20 produce a map tonight, potentially. At least there was
21 a -- there was a suggestion of that. We never got that
22 far with it. So I think the longer we sit here and

1 debate about it, the harder it is to get anything done
2 in the next few hours.
3 SEN. SYKES: One consideration, hopefully, a
4 friendly amendment that we allow the independent map
5 drawer to continue to work. We had indicated that we
6 needed both of them in the room at the same time. So if
7 that would be acceptable, consider it a friendly
8 amendment.
9 SEN. HUFFMAN: Yeah. I think, Mr. Co-Chair,
10 and I appreciate the friendly amendment. That -- that's
11 the expected. These folks are all going to be working
12 feverishly over the next few hours, and there has to be
13 a product for the Commission to to vote out today. And
14 that's why I've suggested this path.
15 SEN. SYKES: And another suggested friendly
16 amendment is that the Commission would ask the Attorney
17 General's Office to actually make a request to the
18 Supreme Court for an extension of time of one day.
19 SEN. HUFFMAN: Well, Mr. Co-Chair, that's not
20 part of my amendment. One, if someone wants to ask the
21 Attorney General to -- we can debate that as a separate
22 question. That's not part of my amendment. And you may

1 recall that the Supreme Court specifically stated in
2 their last order there will be no extensions.
3 And so, again, I'm trying to deal with a
4 problem that, frankly, is not the creation of anyone in
5 this room and maybe not any individual or group of
6 individuals in particular. It's under the
7 circumstances, we need some sort of safety valve here.
8 And if we're not going to land the plane, as it's said,
9 it would be nice to have a parachute. And that's what
10 the motion is intended to do.
11 If you want to make that motion and debate
12 separately, I don't -- I think it's specifically said
13 that the Supreme Court had said no extensions. It has
14 to be done today.
15 SEN. SYKES: Secretary LaRose.
16 MR. LAROSE: Appreciate President Huffman's
17 aviation reference because I was thinking along the
18 same lines here that, you know, it's only prudent to
19 have a backup plan in place. And we have a looming
20 deadline tonight. I'll be voting in favor of the
21 president's motion here because I think that, while we
22 should continue pursuing this track of the independent

1 mapmaker and that would be the Plan A, in my mind, it
2 would be unwise of us to not be prepared with a Plan B
3 and therefore find ourselves at risk of being in
4 violation of the Court's order after midnight tonight.
5 REP. CUPP: Mr. Co-Chair.
6 SEN. SYKES: Yes.
7 REP. CUPP: I have pulled up the opinion from
8 the Court and paragraph 47. It says specifically, "No
9 request for stipulation for extension of time shall be
10 filed, and the clerk of this Court shall refuse to file
11 any requests or stipulations for extension of time." I
12 think that's pretty clear.
13 SEN. SYKES: Are there any addition --
14 additional comments or questions? Leader Russo.
15 MS. RUSSO: Mr. Co-Chair, I would just like to
16 again reemphasize that I have full confidence that our
17 independent mapmaker will be able to complete this task
18 by midnight. So I would like to reiterate that I have
19 full confidence that that is possible.
20 SEN. SYKES: Auditor Faber.
21 SEN. FABER: Yeah. I -- sticking with our
22 aviation examples, I hope we don't run out of gas as as

1 we approach a runway. And so, for that reason, I am all
2 for having an alternative parachute, if necessary. But
3 I would just reiterate, this is supposed to be a map
4 that we draw.
5 And so far, other than looking at various
6 things, I still haven't seen a final version that I can
7 draft amendments to for -- on the map drawers' product.
8 We haven't seen a Senate map. And there are certainly
9 going to be some suggestions of things that I would
10 think that we may want to amend as we go forward.
11 And I just will reiterate that my staff has
12 been working in and out of the room all day, all week
13 with the map drawers to try and find areas that we can
14 make compromise and concessions to address some of the
15 issues. But it continues to be a, we haven't seen it.
16 So it's tough to -- tough to move past it.
17 SEN. HUFFMAN: Mr. Co-Chair.
18 SEN. SYKES: Yeah.
19 SEN. HUFFMAN: I would also ask that the
20 Democratic mapmaker, the caucus mapmaker, or the staff
21 -- and this actually goes for the staff of everyone
22 else, get your suggestions together. It may be that the

1 changes to the third map and, again, only changes that
2 will allow, as the motion said, this -- if it comes to
3 this, will more closely comport or get closer to what
4 the Supreme Court wants.
5 So hopefully everyone will -- and perhaps they
6 can get together and talk about it among themselves.
7 And, you know, it is possible, as Leader Russo said,
8 that our mapmaker will be able to solve all of these
9 problems in the next three or four hours. But it's --
10 we -- as I said, there should be a safety valve of some
11 kind.
12 SEN. SYKES: Will the staff please call the
13 roll?
14 SECRETARY: Co-Chair Speaker Cupp.
15 REP. CUPP: Yes.
16 SECRETARY: Co-Chair Senator Sykes.
17 SEN. SYKES: No.
18 SECRETARY: Governor DeWine.
19 GOV. DEWINE: Yes.
20 SECRETARY: Auditor Faber.
21 SEN. FABER: Yes.
22 SECRETARY: President Huffman.

SEN. HUFFMAN: Yes.

SECRETARY: Secretary LaRose.

MR. LAROSE: Yes.

SECRETARY: Leader Russo.

MS. RUSSO: No.

SECRETARY: Mr. Co-Chair, five-two.

SEN. SYKES: The motion is approved and so ordered.

Why don't we take a recess for just an update at 9:00? Going to update at 9:00.

REP. CUPP: Okay. Return at 9:00 for an update.

SEN. SYKES: Return for an update.

P R O C E E D I N G S

SEN. SYKES: Call the Commission -- the Ohio Redistricting Commission meeting to order. First order of business is an update from our independent map drawer.

MR. JOHNSON: Are you ready?

SEN. SYKES: Yes.

MR. JOHNSON: Okay. So co-chairs, members of the commission, as you've hopefully seen, about an hour -- I guess about 2 hours ago now we did finish a full House map and distributed that and have moved on to the Senate map.

As you know, the Senate rules are extremely complex. So we have taken a first pass, kind of hit the expected roadblocks, and just 20 minutes ago, hit the expected roadblocks. And I've jumped back to the House plan to try to clear those roadblocks so that a Senate map can be drawn that will work.

We do not yet have a Senate map put to -- a full Senate map to show you, but we're making progress as fast as humanly possible in an effort to get this done this evening.

1 But -- so, we do have a House map. It will
2 need some changes, mostly in the Northwest, we believe.
3 Well, we know there's some changes in the Northwest.
4 Dr. McDonald is gone. So I guess I don't have to keep
5 saying we. I believe that's the primary area that needs
6 to be redrawn on the House side. But I haven't finished
7 the map, so I can never say for sure.
8 And just an update. I have been talking to Dr.
9 McDonald on the phone twice already, actually. And in
10 about an hour and a half he'll land, and so I can check
11 in with him again.
12 So he's still staying in touch, but we're
13 making progress. Unfortunately, do not have a map -- a
14 Senate map to show you at this time.
15 SEN. SYKES: What is your estimated time for
16 the Senate map?
17 MR. JOHNSON: You know, if we can make these
18 House changes and then make -- and then the Senate map
19 proceeds as we think it will where we don't run into
20 any more roadblocks, I would say 45 minutes or so,
21 optimistically. But it's very hard to predict.
22 The Senate maps can fall into place. The first

one -- the first one I did -- seems very long ago now -- actually fell into place on the first pass, but it can also take two or three passes to get the two maps working together and interrelated. It's just hard to say, but hopefully, if things fall into place, 45 minutes or an hour.

SEN. SYKES: Are there any questions? Senator Huffman.

SEN. HUFFMAN: Thank you, Co-chair Sykes. Could you describe the issues in Northwest Ohio we are -- the changes that have to be made? Well, before that, this is to the -- I guess, the map that was filed at 7:57 p.m., an 8:00 map?

MR. JOHNSON: Exactly. Yes.

SEN. HUFFMAN: Okay. And could you describe the changes in Northwest Ohio that need to be made?

MR. JOHNSON: Sure. The Northwest -- the state kind of gets divided. I think in the state is getting divided by a line -- diagonal line from Cuyahoga down to Hamilton, you know, Cuyahoga, Franklin, Hamilton. There's a lot of rules in each of those areas that lock in the Senate seats around them.

1 And so, the hope is that then when we apply
2 the rules to the Northwest and to the Southeast, the
3 two will end up linking up properly. But what can
4 happen and what did happen is that the combin- -- the
5 combining of the House seats together create walls. And
6 if something links Richland to Delaware, you know, if
7 Morrow gets locked in, then there's only one path from
8 the northwest to the south -- to the Southeast.
9 And then when -- I guess it was Clark got
10 locked in as we were pairing the House seats under the
11 constitutional rules about counties that were one House
12 seat, counties that were one-plus House seats,
13 eventually, the Northwest got locked in to where there
14 were two House seats that were all alone and nothing --
15 with nothing to connect to.
16 And so, then we have to go back to the House
17 maps and remove those blocks. So then we can go back to
18 the Senate maps and get through those two corridors.
19 SEN. HUFFMAN: Okay. Our -- one of our folks
20 reviewed the 8:00 map and found some other
21 constitutional infirmities, including the -- and I
22 could describe them if we need to. But there's -- and

1 this, of course, is the House map. We don't have a
2 Senate map at the moment.
3 The Cleveland Heights and Cleveland are both
4 split in the same House district. And that's
5 significant because we've had this problem before in
6 the last several months of doing it because, when you
7 fix that by taking one out, it's going to cause a
8 district to be more than 5 percent under the population
9 requirement, which -- and when you do that, it has
10 rippling effects throughout the rest of that northeast
11 area. And again, there are some others splits.
12 So I guess did you not catch that or did not -
13 - because you only mentioned the Northwest?
14 MR. JOHNSON: Right. So correct. The reference
15 to Northwest was where the attempt to draw a Senate map
16 from the House maps ran into what we call -- what I
17 call a brick wall, where you can't solve it and you
18 have to go back to the House map to fix it.
19 We have -- there are reports we can run in the
20 computer to look for all the city splits and city
21 pairings, and we can then go through and just verify
22 and catch things like what you described. Those reports

1 and those reviews take time. And so, we've been trying
2 to race through and get a map that is ready for us to
3 run those reports.
4 If your team has those lists, we can certainly
5 try to address them or put them in a list that we would
6 address at the end. But yes. That is -- that is one of
7 the steps, and I'm not to that step yet.
8 SEN. HUFFMAN: Sure. So is it fair to say
9 that, with the Northwest changes that deal with the
10 brick wall that you ran into and at least with this
11 change -- there's some other ones which I think
12 probably can be solved.
13 I don't know -- we -- you first have to draw a
14 new House map and then go back to the Senate map so
15 that you can finish? You got to have a House map, I
16 guess, or at least that's the kind of the way that
17 you're approaching this?
18 MR. JOHNSON: Well, now, we're at the stage of
19 jumping -- now -- I keep saying we out of habit. Now,
20 I'm at the stage of jumping back and forth between the
21 two maps.
22 So when -- we're not at the process of needing

1 to start back from scratch and build a new Senate map
2 from scratch to address issues like that.
3 Almost all those that we run into over the
4 last, I believe it's been almost a week now, we can
5 resolve regionally and so they don't disrupt the whole
6 map. But we never know, of course, until we fix them.
7 But that -- like Cleveland, Cleveland Heights,
8 I should be able to fix just with some regional --
9 intra-regional edits that would not impact, say, a
10 Senate map.
11 SEN. HUFFMAN: Okay. What if members of the
12 Commission have amendments to the House map that you
13 have?
14 MR. JOHNSON: If the -- if you have
15 suggestions -- or I'm sorry. If you have amendments
16 that would resolve the issues you found, I 100 percent
17 welcome those and would love those.
18 I do have some edits that the auditor has
19 asked for that are more fundamental, larger scale
20 changes. And as I told him, I'd make every effort
21 humanly possible to get this map done and then make
22 those edits.

1 I think those maps that don't fit into the map
2 that we have now, for example, that address fairly
3 fundamental concerns that the auditor has raised with
4 the map, I don't -- there's no way I'm going to be able
5 to get to those before midnight.
6 SEN. HUFFMAN: Okay.
7 MR. JOHNSON: But if you have -- but if there
8 are edits that fit into the current kind of map schema,
9 please send those down because, if you can fix those
10 edits, I'm happy to make them.
11 SEN. HUFFMAN: Very good. Thank you.
12 REP. RUSSO: Mr. Co-Chair.
13 SEN. SYKES: Yes.
14 REP. RUSSO: Can I make a suggestion that we
15 dismiss Mr. Johnson, at least from this part of the
16 hearing tonight? This is since he's given us an update
17 so that he can be allowed to continue working and
18 finish this map.
19 It seems like he's indicating he has 30 to 45
20 minutes. I'm sure there are other things this
21 commission will talk about. Presumably, the Republicans
22 now have a map as well that they would like to explain,

1 but I'd like Mr. Johnson to have the opportunity to
2 finish his work.
3 SEN. SYKES: No objections. Dr. Johnson, would
4 you please continue?
5 MR. JOHNSON: Will do. Thank you very much.
6 SEN. SYKES: My suggestion is that we recess
7 for one hour.
8 SEN. HUFFMAN: Yeah. Are you okay, Senator?
9 Yeah. I guess, Mr. Co-Chair, I know that there is a --
10 another working document that Mr. Springette's [ph]
11 been working on and the speaker's been working on. I
12 think that the Commission and the commissioners are
13 entitled to be able to see maps and amend them.
14 I know that Auditor Faber has some amendments,
15 and apparently, those aren't going to be available or
16 aren't going to be able to be incorporated, at least
17 tonight, as Mr. Johnson has indicated.
18 So I don't -- you know, I -- as I've said, a
19 lot of folks have done tremendous work over the last
20 five days, but this is not a five-day job. So I think
21 we should move on with our parachute.
22 REP. RUSSO: Mr. Co-Chair, may I ask with this

1 map that is being passed out that I'm just now seeing
2 for the first time, are we going to be provided the
3 opportunity to make amendments and suggested amendments
4 as well?
5 SEN. SYKES: I think that would be the
6 prerogative of the body to do that.
7 REP. CUPP: Mr. Co-Chair.
8 SEN. SYKES: Yes.
9 REP. CUPP: I -- in spite of all the work
10 that's been done, and I know that the consultants came
11 in and they worked extremely hard, I think it is not
12 feasible to expect that we're going to have a complete
13 plan in which we're going to be able to look at all of
14 those items that need to be looked at to ensure that
15 it's a constitutional plan with all of the -- I think
16 and, particularly, the problem now is in the Senate
17 area where it has complex rules due in part to the
18 four-year terms of the members of the Senate.
19 Now, we're not going to have that in time to
20 be uploaded to the Secretary of State's office in
21 compliance with the Court's order.
22 So I would just -- so, what I'm going to do is

1 to move, I guess, what has been referred to by the
2 upload as the 328 Cupp plan and move that the
3 commission adopt that plan.
4 REP. RUSSO: Objection.
5 SEN. HUFFMAN: Second the motion.
6 REP. CUPP: And if I might, I will explain
7 what's in the plan, at least briefly.
8 The -- before I do that, I wanted to say that
9 this commission moved fairly quickly to comply with the
10 latest decision of the sharply divided Supreme Court.
11 We started meetings -- started meetings within a very
12 short time period after the decision of the Court,
13 which came down two hours to midnight on Wednesday,
14 March the 16th, 2022.
15 The Commission moved to adopt a schedule of
16 meetings through the period of days allotted by the
17 Court. The Commission heeded the call of the Supreme
18 Court to hire independent map drawing experts as
19 quickly as possible, giving -- given the circumstances.
20 And as you recall, we were meeting on Saturday
21 evening trying to figure out who the experts could be
22 and come on such very short order. But I believe by

1 late Sunday or Monday, we had accomplished that
2 purpose.
3 We actually hired two persons with expertise
4 in redistricting, which is a change from prior efforts
5 when the maps were drawn by House staff and a
6 consultant hired by the Democrat members.
7 In contrast to what had occurred before and
8 again in compliance with the strong suggestion or
9 referred to as a requirement or suggestion of the Court
10 that the map drawing was done in public, it was
11 conducted in full public view, both visual and audio,
12 on a live stream from --
13 FEMALE: No. It was not.
14 REP. CUPP: -- from the map drawing room and
15 broadcast by Ohio Government Television.
16 FEMALE: No. It wasn't. Liar.
17 SEN. SYKES: Order, please. Please.
18 REP. CUPP: So this was the best that could be
19 done in the time that was allotted by the Supreme
20 Court. If it had been more than ten days, perhaps some
21 different result would have occurred.
22 We have followed the Supreme Court's process

1 directions and the time requirements, and they have led
2 us to this moment. So at this late hour, we have to
3 comply, I think, as best that we can.
4 The plan that I have moved and been seconded
5 improves the symmetry measures in both the House and
6 the Senate plan by shifting two House districts from
7 asymmetrical to Democrat leaning and one Senate
8 district from asymmetrical to Democrat leaning.
9 Modifications were made in six House districts
10 within three counties, Franklin, Clark -- Stark and
11 Columbiana and two Senate districts in Franklin County.
12 The plan splits less communities than the independent
13 map that we've seen so far and is comprised of more
14 compact districts.
15 The plan moves us closer to comporting with
16 the Court's order, and given the timeline, I recommend
17 that we adopt the plan.
18 REP. RUSSO: Mr. Co-Chair.
19 SEN. SYKES: Leader Russo.
20 REP. RUSSO: Thank you, Mr. Co-Chair. I would
21 just like to say that this process is -- and this
22 motion and this map that's been put before us is a

1 complete farce.
2 I literally have been handed spreadsheets that
3 have population deviations on them. Nothing about
4 partisan lean, nothing about symmetry in them. This is
5 useless information. It gives me population and
6 deviations and a PDF that you can't see the districts
7 or the details of the districts.
8 I'm going to read from the Court's opinion,
9 the last court opinion just to point out how -- just
10 how far off this process is now that these maps have
11 been introduced and given to us at the last minute. And
12 make no mistake about it. They've been entirely drawn
13 by one party.
14 Just as -- this is from paragraph 30. "Just as
15 in league one and league two, the one-sided process is
16 evidence of an intent to draw a plan that favors the
17 Republican Party at the expense of the Democratic
18 Party. The Commission should retain an independent map
19 drawer who answers to all Commission members, not only
20 to the Republican legislative leaders, to draft a plan
21 through a transparent process."
22 There's been absolutely nothing transparent

1 about this set of maps in this motion at all.
2 "In three of our opinions in these cases, we
3 have identified a flaw-" -- this is from paragraph 31.
4 "We have identified a flawed process in which the
5 general assembly district plan adopted by the
6 Commission has been the product of just one political
7 party."
8 In paragraph 32, "The evidence shows that the
9 map drawing process for all three districts plans,"
10 now, the fourth, "we have reviewed will be controlled
11 by the Republican Party or has been controlled by the
12 Republican Party. The evidence shows that the
13 individuals who controlled the map drawing process
14 exercised that control with the overriding intent to
15 maintain as much of an advantage as possible for
16 members of their political party."
17 This is exactly repeating what the Court has
18 already told us that we should not do. We have an
19 independent mapmaker. He has asked for some additional
20 time this evening. We should continue to give that to
21 him.
22 To have this Commission adopt a map, which, by

1 the way, I'd like to ask some questions of the map
2 drawer, Mr. Springette, if he is available, or any of
3 the commissioners about this map because we've been
4 given no information about it.
5 The process has not been shared with the
6 public. Mr. Springette sat in the map room for about 45
7 minutes, clicked his mouse around a few times, and
8 called that public and transparency. That's not public
9 and transparency. This map was drawn long before this
10 evening. I guarantee it.
11 So I oppose this. This, again, is an absolute
12 slap in the face of our voters, of our Constitution,
13 and of the Court. And I am just embarrassed that this
14 is what this Commission is about to do again for a
15 fourth time.
16 SEN. SYKES: Order, please.
17 REP. CUPP: Well, Mr. Co-Chair, let me just
18 say, in terms of the assertion that this plan was
19 drafted a long time ago, that is not accurate. Mr.
20 Springette went to the map room.
21 He took the map that was before this
22 Commission multiple weeks ago and made adjustments to

1 it to comply -- to get closer to the Court's
2 requirement, as best he could. And he did that live in
3 the map room this afternoon.
4 SEN. SYKES: It is, you know, really important
5 when we set the ground rules that the staffs -- we put
6 a lot of emphasis on our staffs, the four map drawers
7 that we have on staff and the other staffs, to guide
8 and help and provide resources to the independent map
9 drawers.
10 And it was -- and we have not received much
11 input from the majority staff to help put this
12 together. In fact, in this last day, they have not been
13 really present to assist and help in this process.
14 And so, instead of passing or adopting a
15 motion to turn their attention away from the
16 independent map drawers and trying to assist and make
17 sure that we comply with all of the requirements of the
18 Constitution, you know, they withdraw.
19 They -- the majority has just hijacked this
20 whole process and they've withdrawn from helping us to
21 get across the finish line.
22 And what we have noticed all along in this

1 whole process is not that we don't have the ability to
2 produce these maps. Again, here in just a few hours,
3 according to the majority, they produced maps.
4 We just have not had the will to produce
5 constitutional maps that comply with the court order.
6 And I think this is, again, another insult and
7 disappointment to not just the Commission and the Court
8 but to the people of Ohio.
9 FEMALE: That's us.
10 SEN. HUFFMAN: Mr. Co-Chair.
11 SEN. SYKES: Yes.
12 SEN. HUFFMAN: Yeah. I guess I'm going to
13 point out, I guess, what I think might be some spaces
14 in your rendition of what has happened.
15 So when I spoke to the mapmakers and for
16 whatever reason, I think it's kind of how maps are
17 drawn, typically and in Ohio, the House goes first and
18 then they try to figure out the Senate map. And that's
19 just must be the way mapmakers want to do that.
20 But I spent some time yesterday with the
21 mapmakers explaining the Section 5 rules and how those
22 are applied. And in fact, one of the mapmakers said,

1 well -- and I asked them why haven't they -- why hasn't
2 the Senate map have numbers on them?
3 And they said, well, we're just going to let
4 the computer do that later. And I explained to them the
5 problem with doing that. And that's the problem I think
6 that these mapmakers are -- have run up and that Mr.
7 Johnson is talking about right now.
8 So we have been trying to explain this. The
9 fundamental problem here is simply the combinations of
10 this extraordinary political geography over almost
11 three -- or more than 3,000 political jurisdictions in
12 Ohio. Like, I think it's something like five or six
13 times as many as the state of New York, which is a
14 bigger population state.
15 So we've got that. We also have the most
16 complex redistricting rules, and these gentlemen had
17 five days to do it. It's just going to be very
18 difficult to do that.
19 So -- and there were some issues, I think,
20 that could have been resolved early on, like this issue
21 regarding incumbents, which I raised Saturday and we
22 chose not to deal with that night and decided to do it

1 on Sunday.
2 And I know we had initial problems with
3 picking mapmakers. The Attorney General suggested two
4 gentlemen who had worked well together in Virginia on
5 Saturday, nine days ago.
6 Leader Russo objected because one of them had
7 been involved in this litigation in a minor way before,
8 and on Sunday I know that you and Leader Russo had a
9 telephone interview with those folks, as did Speaker
10 Cupp and I. And you wanted to hire them, but then by
11 Monday you chose not to.
12 So there's been a lot of backing and forthing
13 and a lot of decision making by all of us. And the
14 reason is we had, you know, essentially 12 days to hire
15 experts, get them in, and for them to understand the
16 rules, to work with the staff, and all of that.
17 And, you know, to the suggestion that the
18 Republican staff hasn't been engaged, you know, Mr.
19 DeRossi was in his office last night with a bloody nose
20 and not really able to stand up on his own. And I told
21 him to go home for the night. And he's not on site
22 because he's sick, and I don't want him to be around

1 other people.
2 But having said all of that, I think there's a
3 lot of folks who've put in extraordinary hours, and
4 this is just a matter of a task being given that
5 couldn't be completed within that time frame.
6 REP. RUSSO: Mr. Co-Chair.
7 SEN. SYKES: Leader Russo.
8 REP. RUSSO: Thank you. I would like to ask
9 either Senator Huffman, Speaker Cupp, or Mr.
10 Springette, the Republican map drawer, some questions
11 about the map that has been put before us.
12 SEN. SYKES: That's good.
13 REP. RUSSO: Yes? Okay. Going to ask the
14 question. First, when did the mapmakers -- the
15 Republican mapmakers start drawing these -- working on
16 these maps?
17 REP. CUPP: This afternoon when he was in the
18 room 116.
19 REP. RUSSO: When was the mapmaker directed to
20 start working on the maps and by whom?
21 REP CUPP: The staff this afternoon, when it
22 became obvious, I think earlier in the day, that it was

1 going to be extremely unlikely that the independent
2 mapmakers would have a map that could be presented,
3 vetted, debated, and adopted before the Court's
4 deadline.
5 REP. RUSSO: And is my assumption correct that
6 the map did not start from scratch, that it is, in fact
7 -- it started with the unconstitutional map that was
8 thrown out by the courts, the February 24th map that
9 was declared unconstitutional and thrown out by the
10 Court?
11 REP. CUPP: In order to have a map in time,
12 you couldn't do it from scratch. That is absolutely
13 correct, as I think we've all seen during the week how
14 much time that takes. And so, it was a modification of
15 the map before to move closer, as much as possible
16 within the time frame, to the constitutional
17 requirements in the Court's determination.
18 REP. RUSSO: Were any of these maps or any
19 earlier versions of these maps shown to any other
20 commissioners before this meeting?
21 REP. CUPP: That I don't know. I think the
22 answer is no.

1 REP. RUSSO: Do you have any information
2 showing the partisan breakdown, competitive districts,
3 compactness evaluation, or any other useful metrics
4 because all I've received in this handout is population
5 deviation?
6 REP. CUPP: Yes. I don't have a list of the
7 partisan change with me. I don't know. It's the -- so,
8 it has 50 -- 54 -- 54 Republican leaning districts, 45
9 Democrat leaning districts.
10 There are still some asymmetrical districts in
11 the House map, but they are less than was in the map
12 the Commission adopted some time ago. There are still -
13 - there was one fewer asymmetrical district in the
14 Senate map.
15 REP. RUSSO: So there were 19 that were in the
16 last map between 50 and 52 percent in the House maps
17 and zero on the Republican between 48 and 50 percent.
18 What is that breakdown now?
19 REP. CUPP: It's 17 asymmetrical districts in
20 the House map, as you say, down from 19 and seven
21 asymmetrical districts in the Senate map, down from
22 eight in the prior map.

1 REP. RUSSO: And still zero for the Republican
2 in both of those?
3 REP. CUPP: Pardon?
4 REP. RUSSO: Still zero from 48 to 50 to --
5 zero seats -- Republican seats between 48 and 50
6 percent?
7 REP. CUPP: Yes. That's correct.
8 REP. RUSSO: Okay. And your assessment is that
9 this addresses the symmetry concerns by the Supreme
10 Court?
11 REP. CUPP: This moves closer to it. This is -
12 - this is obviously something that was not worked on
13 during this period of time as the independent mapmakers
14 were drawing it, which is what the Supreme Court
15 strongly suggested that be done. And so, we did that.
16 And so, because there was only a few hours
17 left when it became apparent that the other one was not
18 going to be ready in time, so it didn't move closer to
19 that plan. But understand this ten days was consumed
20 with the process that we've been going through.
21 REP. RUSSO: So as the Supreme Court has
22 indicated, we will take those, quote, unquote,

1 competitive seats out of the count.
2 So we now have a 54 Republican safe seat -- or
3 Republican seats and 28 -- I'm just counting the House
4 side at this point -- 28 seats that can be considered
5 Democrat. Does that meet the proportionality
6 requirements 54 to 46 percent?
7 REP. CUPP: The proportionality is 54
8 Republican leaning seats and 45 --
9 REP. RUSSO: 54 percent and 46 percent.
10 REP. CUPP: I didn't. I just know it by seats.
11 REP. RUSSO: Okay. So we have 54 Republican
12 seats and now 28 Democratic seats because the Court was
13 very clear that you do not count the competitive seats,
14 those 17, in the total. So it's 54/28. Is that -- does
15 that meet the 54/46 or come close to the proportional
16 requirement of the Constitution and the Court's order?
17 REP. CUPP: It comes closer. It is the best
18 that can be done in the time that was available under
19 the Court's requirement to adopt the plan by March the
20 28th.
21 REP. RUSSO: Well, I took a lot of math in
22 college. I would disagree with that. Are you accepting

1 amendments to this map after we've -- the Commission --
2 all Commission members because this is not a Commission
3 map.
4 The Court has been very clear that the map
5 should be -- should come from the Commission and that
6 the Commission should be working on this map, again,
7 not partisan mapmakers.
8 Will there be time in this evening to propose
9 those amendments, just like we would like to be able to
10 propose perhaps some changes to Dr. Johnson's map and
11 the independent mapmakers?
12 REP. CUPP: I assume. There's nothing that
13 prohibits anybody from offering amendments.
14 REP. RUSSO: Well, if that's the case, then I
15 would suggest that we take a recess so that each
16 commissioner has a chance to actually look at this map
17 because, to me, this appears to be the same map that's
18 already been thrown out by the Court once, with the
19 exception of one or two seat changes, and does not meet
20 the court order or the Constitution.
21 SEN. HUFFMAN: Mr. Co-Chair.
22 SEN. SYKES: Yes.

1 SEN. HUFFMAN: As I indicated in the timeline
2 here, we have to have a set of information to the
3 secretary of state's office before midnight tonight.
4 It's going to take about an hour to prepare that, and
5 the amendments -- I don't know what amendments there
6 are, but as I understand it, these -- this change
7 that's part of this plan reduces the index for -- the
8 Republican index out of the asymmetrical area for two
9 House seats and one Senate seat.
10 And I think if we go down the path of
11 beginning to take a -- recessing and beginning to take
12 amendments, we're going to go well past what
13 essentially is a 10:30 deadline.
14 It's 10:00 now. And I don't you know -- this
15 is, as I said, a situation that is accumulated over the
16 past 11 or 12 days.
17 So I don't think it's going to help to take a
18 recess, and at some point, if the Supreme Court doesn't
19 like this and they give us additional time to prepare
20 some other map, then we do that.
21 SEN. SYKES: If you are -- Senator Huffman, if
22 you are willing to accept this proposal that we're just

1 now looking at and haven't had a chance to have any
2 input on it, if you're willing to do that, why wouldn't
3 you be willing to work with us to complete the map that
4 we've been working on for the last 12 days to try to
5 comply and make sure we comply with the court order?
6 SEN. HUFFMAN: Because based on what the
7 mapmaker has told us, the Commission mapmaker has told
8 us, he not only has to go back and begin reworking the
9 House map, he has not yet presented us a Senate map at
10 all.
11 There is no Senate map, and that is -- and of
12 course, also has indicated there are amendments to that
13 map that Commissioners have -- Commissioner Faber in
14 particular has indicated and he said, I'm not going to
15 be able to do that by midnight. So he's told us he
16 can't do that by --
17 SEN. SYKES: And that's the point that I'm
18 trying to make.
19 SEN. HUFFMAN: Well, if I could finish, he's
20 indicated he can't do that. So we've been working with
21 him. You've been working with him. We've given these
22 folks -- and again, I think they've done an excellent

1 job in the very short time that they've had to work on
2 this.
3 REP. RUSSO: Mr. Co-Chair.
4 SEN. SYKES: Leader Russo.
5 REP. RUSSO: So that I'm clear, so, you are
6 asking us as a Commission to vote on a map that clearly
7 violates the court order and the Constitution as
8 interpreted through the court order because you don't
9 want to give a mapmaker -- our independent mapmaker,
10 the Commission's mapmaker the additional time to do the
11 work.
12 Frankly, I'd rather be here for a couple of
13 hours longer than to have to come back and go through
14 this process again because, again, this map has been
15 declared as non-constitutional or unconstitutional and
16 has been thrown out by the court.
17 This absolutely -- what we see before us and
18 the process that this has been presented absolutely
19 does not meet the requirements of the court order. And
20 you'd rather us vote on that than have a couple more
21 hours to get this right and not have to be here again.
22 SEN. SYKES: Any additional questions or

1 comments?
2 REP. RUSSO: Mr. Co-Chair.
3 SEN. SYKES: Yes.
4 REP. RUSSO: I would like for each of the
5 commissioners to state if they have received this map
6 before this commission meeting, and if so, when and
7 when they knew that this was going to be the plan, that
8 we were going to deviate from having an independent
9 mapmaker and have partisan mapmakers do a, quote,
10 unquote, backup plan. And I'll start first.
11 I knew it before we broke that this was the
12 plan, and I've just now seen the Republican map.
13 SEN. SYKES: This is the first time I've seen
14 the Republican map.
15 Are there other commissioners that would like
16 to respond?
17 SEN. FABER: Mr. Chairman, first of all, I
18 would just -- I'm happy to answer Leader Russo's
19 questions, but she knows it's an improper question to
20 ask other commissioners or other people on the dais.
21 I didn't see this before we got here tonight.
22 The first time we heard something about this was when

1 the motion was offered to start this process earlier
2 today and the process of drawing maps.
3 And as you know and Leader Russo knows, me and
4 my staff were working on trying to figure out
5 amendments to the existing maps being drawn by the map
6 drawers. But I do want to emphasize one other thing.
7 As I've said from the beginning of this
8 process with the independent map drawers, the
9 independent map drawers are essentially our Scribner's.
10 They are to take instruction from us and draw -- and we
11 are the ones who under the Supreme Court order are to
12 draw the maps.
13 I think it's impossible for us to do that if
14 we haven't even seen the completed maps that have been
15 proposed as compromise or collective maps. And
16 certainly, we need to have opportunities to make
17 amendments.
18 I presented my proposed amendments to the map
19 -- to the map drawers and to the Democrat caucus
20 members earlier.
21 And as the Democrat caucus members, and I
22 believe my Republican colleagues on this panel know, my

1 staff have -- and contrary to your statement earlier
2 today, Mr. Co-Chair, my staff have been participating
3 throughout the day in -- with the map drawing room and
4 offering suggestions and working.
5 And so, I take a little bit of umbrage when
6 you say Republicans haven't been participating today in
7 the map drawing process.
8 The other side of this from this issue to me
9 is whether or not we're going to have a map drawer map.
10 I'm happy to take a look. I've got amendments. I've got
11 issues I want to discuss on the map drawer map.
12 And frankly, if we're going to have a
13 discussion on the newly proposed back up, I think,
14 parachute map, as it was called earlier today, I'd like
15 to see the partisan breakdowns and some issues in that
16 map as well.
17 But having said that, that would be my answer
18 to Leader Russo's question that I would argue is not
19 something that I'm used to having asked by other
20 commissioners at hearings of the legislature or
21 legislative bodies.
22 GOV. DEWINE: Chairman.

1 SEN. SYKES: Yes.
2 GOV. DEWINE: I just saw the map the same time
3 it was passed out, and I heard discussion about the
4 plan earlier today at the same time.
5 SEN. SYKES: Well, yes.
6 MR. LAROSE: Mr. Co-Chair, I saw this map when
7 it was passed out a few moments ago by the members of
8 the staff. I will say that I was, like all of us,
9 willing to give this process the best effort that we
10 could. And we have.
11 I think the Court set a timeline that was not
12 attainable and changed the rules on what we should even
13 do as a Commission with novel concepts like symmetry
14 and all these kinds of things.
15 But we've given it a good try here. I think
16 that, as I said earlier, it would have been
17 irresponsible of us to not have a plan B. And so, it
18 appears that we have this Plan B, as it also appears
19 that the independent mapmaker effort is not going to be
20 completed by the midnight deadline that we have to
21 meet.
22 SEN. SYKES: I still would ask the Commission,

1 as I indicated in a -- before recess, that we ask the
2 Commission's lawyer to prepare an emergency motion
3 asking the Court for an extension of 12 hours.
4 I think it's appropriate at this time. In
5 previous submittals with -- and trying to comply with
6 the court order, this commission had decided not to
7 take any action at all.
8 And the Court was -- had threatened contempt
9 charges against the members of the Commission. And so I
10 don't think it's out of order at all to consider making
11 a request for an extension of 12 hours.
12 SEN. CUPP: Mr. Co-Chair, I think the Court
13 was pretty clear. Paragraph 47 of their opinion said no
14 requests or stipulations for extension of time shall be
15 filed, and the clerk of this Court shall refuse to file
16 any requests or stipulations for extension of time. I
17 don't -- I don't know how much clearer the Court could
18 be.
19 REP. RUSSO: Mr. Co-Chair.
20 SEN. SYKES: Yes.
21 REP. RUSSO: To be clear, that was about the
22 objections of the petitioners, not the commissioners

1 and the commissioners' work. I think that the Court has
2 been very clear that they want us to complete this work
3 and do it, and produce the best map possible.
4 I strongly believe that we need to allow Mr.
5 Johnson -- again, at this point, we're less than 30
6 minutes for him to finish, so that we can also see his
7 map. At the very least, we should take a break.
8 And at least -- because what I'm hearing, from
9 at least the majority of the commissioners -- that no
10 one has really seen these maps before. We are now being
11 asked to vote on them. To at least look at the partisan
12 issue, to look at the asymmetry issues.
13 Essentially, we're being asked, as a
14 Commission, to vote on a map that no one knows anything
15 about, except that it is the third map, essentially,
16 that was already tossed out by the Supreme Court -- the
17 Ohio Supreme Court.
18 And I think, frankly, taking an additional 30
19 minutes of a recess to look over that, and also to hear
20 from Dr. Johnson -- has he finished? And be able to
21 look at his map, in comparison, is completely
22 appropriate.

1 SEN. SYKES: In this process, you know, at
2 some point, you just get tired of being mistreated, you
3 know? You know -- again, it's not just us, you know,
4 the commissioners -- it's the people of the state.
5 You know, so many times we have been, you know
6 -- it has been submitted to us -- amendments and bills
7 and provisions -- that we have very little time to
8 contemplate. In this process, the Court has tried to
9 make sure -- to ensure that we would have a different
10 process this time, that -- that would prevent here, in
11 the last minute, the last few hours, that the majority,
12 or anyone, could just submit something to us that we
13 hadn't had a chance to digest, hadn't had a chance to
14 review, and be expected to take a vote on.
15 And here we are again, doing the same thing,
16 even though the Court has gone out of his way to
17 specify how to prevent us from getting in this
18 situation again. And you have just hijacked that whole
19 process in trying to force feed us with, again, this
20 same disrespect for the public's interest. [applause]
21 REP. RUSSO: Mr. Co-Chair, I move that we take
22 a 30-minute recess so that Commission members can at

1 least evaluate the data from the maps that have been
2 presented before us. And we hear from Dr. Johnson if he
3 is, in fact, complete with the map -- the independent
4 mapmaking process.
5 SEN. HUFFMAN: Object. Mr. --
6 SEN. SYKES: Motion on the floor.
7 SEN. HUFFMAN: Yeah. There's currently a
8 motion on the floor.
9 SEN. SYKES: Current motion on the floor. And
10 with the -- would you allow this recess to be
11 considered before --?
12 SEN. HUFFMAN: I object to the motion.
13 SEN. SYKES: You object.
14 SEN. HUFFMAN: There's a motion on the floor
15 right now.
16 UNKNOWN: Wow.
17 SEN. SYKES: Are there any additional
18 questions?
19 REP. RUSSO: Mr. Co-Chair, I'm going to make
20 one more motion. I move that we -- the Commission
21 directs Eric Clark [ph], who is the Commission's
22 attorney with the attorney general's office, to prepare

1 an emergency motion asking the Court for an extension
2 of 12 hours.
3 SEN. SYKES: Seconded. We have a pending -- we
4 have a pending -- but we have a pending motion.
5 SEN. HUFFMAN: Yeah. Yeah. I object, Mr. Co-
6 Chair. We have a motion on the floor regarding it. If -
7 - if -- I don't even know if Mr. Clark's available, but
8 we've already had this -- several times -- read from
9 the Supreme Court's decision. So.
10 SEN. SYKES: Would the staff please call the
11 roll?
12 SECRETARY: Co-Chair Speaker Cupp.
13 SEN. CUPP: Yes.
14 SECRETARY: Co-Chair Senator Sykes.
15 SEN. SYKES: No.
16 MALE: Point of order. Can you tell me what
17 we're voting on?
18 SECRETARY: This is a motion to adopt a
19 revised 3-28 Cupp [ph] map.
20 SPECTATORS: No. No. No. No. No. No. No.
21 SECRETARY: Governor DeWine.
22 SPECTATORS: Shame on you. Cheaters. Shame on

1 you. Cheaters.
2 SEN. SYKES: Quiet down, please. Please. Let's
3 have -- we still have to have order here, please. This
4 being a live stream, and people need to be able to hear
5 what the -- the proceedings here. They need to be able
6 to hear what's going on. Would the staff please call
7 the roll?
8 SECRETARY: A continuation or to restart?
9 SEN. SYKES: Restart. So.
10 REP. RUSSO: Mr. Cochair, can I please request
11 a recess? Even if it's not a formal motion, I am
12 requesting a recess of 30 minutes so that Commission
13 members have an opportunity to review the information
14 about the maps that we are now being asked to vote on.
15 SEN. HUFFMAN: Mr. Co-Chair, I object. We --
16 we -- in order to comply with the Court's timeline, we
17 need to pass this map now. And it needs to go to the --
18 you know, we need to prepare all the documents that
19 have to go to the Secretary of State, as we explained
20 earlier today.
21 REP. RUSSO: Mr. Co-Chair, it is 10:17. And I
22 believe the cutoff point that you gave earlier, Senator

1 -- or President Huffman, was 10:30. I'm sure we can
2 spare an additional 15 minutes.
3 SEN. HUFFMAN: There are other items, too,
4 that we have to do, including the 8(C)(2) Statement. I
5 don't know if there'll be a discussion or argument
6 about that.
7 SEN. SYKES: Will the staff call the roll?
8 SECRETARY: Co-Chair Speaker Cupp.
9 SEN. CUPP: Yes.
10 SECRETARY: Co-chair Senator Sykes.
11 SEN. SYKES: No.
12 SECRETARY: Governor DeWine.
13 GOV. DEWINE: Yes.
14 SECRETARY: Auditor Faber.
15 SEN. FABER: No.
16 SECRETARY: President Huffman.
17 SEN. HUFFMAN: Yes.
18 SECRETARY: Secretary LaRose.
19 MR. LAROSE: Yes.
20 SECRETARY: Leader Russo.
21 REP. RUSSO: No.
22 SECRETARY: With four yays, three nays, the

1 Commission has approved a 3-28 Cupp revised map.
2 SEN. HUFFMAN: Mr. Co-Chair.
3 SEN. SYKES: At this time, I would like to ask
4 for a recess. It's been asked for a recess, and that
5 was the motion pending. And now we can deal with that
6 issue of the recess.
7 SEN. HUFFMAN: Well, Mr. Co-Chair, that's
8 fine. I guess we have this 8(C)(2) motion that the
9 Constitution requires us to adopt, and I think the
10 staff is going to hand it out.
11 Is that right? What? I just have a copy. So I
12 guess I'd like to have -- at least have that handed out
13 to the members of the Commission.
14 So. Mr. -- Mr. Co-Chair, the -- this
15 statement, which is, as I said, constitutionally
16 required -- I'm going to spare the Commission the live
17 reading of that. It's -- it's there for everybody to
18 review.
19 I'm going to move that the -- the statement be
20 adopted. Obviously, Commission members may want to take
21 some time to review that. So if, now that they have it,
22 if we want to take a recess and come back to adopt the

1 statement. But again, if -- if we can do that so that
2 we can get busy on the work -- getting the information
3 to the Secretary of State.
4 SEN. SYKES: Then I would -- I will say we
5 need to prepare a statement as well. It's -- during
6 this time period. So let's take a half hour -- half
7 hour recess. Hearing no objections, we are recessed for
8 a half hour.
9 SEN. SYKES: Believe there's a motion pending.
10 Everyone has had an opportunity to review the
11 statement. Would the staff please call the roll.
12 SEN. HUFFMAN: I'll second it. I don't know
13 there's been a second, so I'll second.
14 SEN. SYKES: Hasn't been a second? Okay.
15 SEN. HUFFMAN: I don't thinks so.
16 SEN. SYKES: Okay. We'll take the second from
17 Speaker Cupp. Secretary -- staff, please call the roll.
18 SECRETARY: Yes, sir. Co-Chair Speaker Cupp.
19 SEN. CUPP: Yes.
20 SECRETARY: Co-Chair Senator Sykes.
21 SEN. SYKES: No.
22 SECRETARY: Governor DeWine.

1 GOV. DEWINE: Yes.
2 SECRETARY: Auditor Faber.
3 SEN. FABER: Abstain.
4 SECRETARY: President Huffman.
5 SEN. HUFFMAN: No. I support the statement,
6 but [inaudible] go for maps.
7 SEN. SYKES: Okay.
8 MALE: Yes. I got you. I got you.
9 SECRETARY: Secretary LaRose.
10 MR. LAROSE: Yes.
11 SECRETARY: Leader Russo.
12 REP. RUSSO: No.
13 SECRETARY: We're four yays, two nos, and
14 abstain.
15 SEN. SYKES: The motion is adopted. I would
16 move that the Commission adopt and pass the maps
17 completed by Dr. Johnson and allow, if necessary,
18 additional work to be conducted through an updated map
19 that the Commission -- and the Commission does not
20 dissolve for four weeks and can work on further
21 improvements to the map. Is there a second.
22 REP. RUSSO: Second.

1 SEN. CUPP: I object to the motion, Mr.
2 Chairman.
3 SEN. SYKES: Okay.
4 MALE: Yes.
5 MR. LAROSE: So the question would be, when
6 would we know -- if this motion were to pass -- when
7 will we know that maps are final, so that I can direct
8 boards of elections to start programing it?
9 SEN. SYKES: They're final right now.
10 MR. LAROSE: No. No. If -- you said the motion
11 would be that we pass this map that Dr. Johnson drew,
12 but that we continue making changes to it.
13 SEN. SYKES: If necessary.
14 MR. LAROSE: Okay.
15 SEN. SYKES: The maps have been distributed to
16 you. Dr. Johnson has completed his work. They're also -
17 - it's posted on the website. It has the constitutional
18 partisan proportionality goals of 45 Democratic House
19 seats and leaning Democratic, and 54 leaning
20 Republican, with 15 Democratic seats in the Senate and
21 18 leaning Republican in the Senate.
22 REP. RUSSO: Mr. Co-Chair.

1 SEN. SYKES: Yes.
2 REP. RUSSO: I would support us accepting this
3 map. I would also add that it also addresses the
4 symmetry concerns of the Court, and that the House
5 seats have three competitive Democratic seats, three
6 competitive Republican seats.
7 In the Senate, there are two competitive
8 Democratic seats, and zero Republican seats. So
9 substantially better in terms of symmetry than the map
10 that the Commission previously adopted.
11 There is nothing that stops this commission
12 from adopting another map. The work of this Commission
13 and the map is not final until the files have been
14 transmitted to the Secretary of State.
15 My understanding is that the files, if they
16 are not already completed, can be within the next 15 to
17 20 minutes. So again, you know, I -- I think that this
18 is a better set of maps. It meets the court's order.
19 And I know some commissioners will have
20 concerns about not seeing this beforehand, but I would
21 note that we just adopted -- some members of this
22 Commission just voted to accept a previous map that

1 they, too, had only seen at the start of the meeting.
2 SEN. SYKES: In addition, I'd like to say that
3 the Commission -- this is -- these are maps that we've
4 been working on for the last several days. And the
5 Commission is more familiar with -- our staffs are more
6 familiar with the map, and the public is more familiar
7 with these maps that we've been working on over the
8 last several days.
9 SEN. HUFFMAN: Mr. Co-Chair.
10 SEN. SYKES: Yes.
11 SEN. HUFFMAN: You -- there were a few things
12 in your motion, and one of them said something about
13 four weeks -- part of your motion. Could you explain
14 that?
15 SEN. SYKES: Yes. That is simply to allow, if
16 necessary, for the Commission to continue to work to
17 make any improvements on the map.
18 SEN. HUFFMAN: Could I continue?
19 SEN. SYKES: Yes.
20 SEN. HUFFMAN: Co-Chair. So at least as of --
21 I guess about an hour ago or so, Mr. -- there were
22 several problems with the House map, and the Senate map

1 had not yet been prepared.
2 And I appreciate the -- Leader Russo's
3 statement about just getting these. And as the -- I
4 guess the Senate -- one of the Senate representatives
5 here, I am concerned that the map is just now showing
6 up. And this does look substantially different, at
7 least on the eye test, than what we previously looked
8 at. Maybe not.
9 But the -- and I would just add that the
10 concern about seeing the previous map that the
11 Commission has passed -- part of my motion was amend
12 the February 24th map, which we're all very familiar
13 with. I mean, we -- whether -- it went through
14 litigation. And there are only minor changes.
15 So about -- probably 97 percent of that map we
16 were familiar with, and there were -- there were
17 changes. And just, I guess, two House districts and the
18 Senate district. This is an entirely new proposal and,
19 by the Commission mapmakers' statements, likely has
20 multiple flaws. So I can't support it.
21 REP. RUSSO: Mr. Co-Chair.
22 SEN. SYKES: Just for clarification, too, it's

1 the same process that maps would be transmitted to the
2 Secretary of State. So it's not taking four -- tonight,
3 not taking four weeks to do it -- to do the work.
4 SEN. HUFFMAN: What would we do for four
5 weeks?
6 REP. RUSSO: Mr. Co-Chair.
7 SEN. SYKES: The Commission would not
8 dissolve, and be available to make any -- if needed --
9 any necessary adjustments to the map. Leader Russo.
10 REP. RUSSO: I was also going to clarify that
11 we don't necessarily need four weeks, just noting that
12 the Commission doesn't officially dissolve for four
13 weeks. If necessary, if there is still small tweaks
14 that need to be made, they can be fixed if needed.
15 The requirement right now -- we would still be
16 able to transmit some of these files to the Secretary
17 of State, certainly to meet the Court's requirement.
18 And if we need to make additional tweaks, we could do
19 that over the next day or so.
20 SEN. CUPP: I'm not sure I understand what the
21 motion is. Is it to also adopt this map and upload it
22 to the Secretary of State, in addition to the one we've

1 already done this evening?
2 SEN. SYKES: Yes.
3 SEN. CUPP: So the Commission itself, I don't
4 think, dissolves for four weeks anyway. So we're --
5 we're going to upload two maps in to the Secretary of
6 State?
7 SEN. SYKES: In place of. In place of.
8 SEN. CUPP: Oh, okay. All right. I got you. I
9 got you. Well, I'm not comfortable with this map. It --
10 I notice there are some egregious compactness issues,
11 like district 85, for example; district 92, for
12 example; and some others in there. In the Senate map,
13 there's District 7, District 30, 31, Horseshoe. So I --
14 I -- I can't.
15 SEN. SYKES: Speaker. It's a miracle. Your
16 vision has improved.
17 SEN. CUPP: Well, you've helped me to see
18 things more clearly.
19 SEN. SYKES: Any additional questions on the
20 motion?
21 GOV. DEWINE: Mr. Chairman.
22 SEN. SYKES: Yes.

1 GOV. DEWINE: Mr. Chairman, just a couple
2 additional comments besides what's already been said.
3 First, I want to thank the two independent map drawers.
4 They worked exceedingly hard. Very talented people.
5 I think, though, that in their attempt to hit
6 the proportionality and have a similar number of
7 Republican and Democrat competitive districts, there is
8 a few other things that were lost. And these few other
9 things go to the Constitution.
10 The map that they've presented, compared with
11 the map that we just approved -- the map that they just
12 presented has a compact district problem. They have a
13 lot more -- fewer compact districts.
14 Districts that have more -- that are not.
15 There's fewer communities of interest that are actually
16 kept together. There's more split cities, and certainly
17 there are fewer competitive districts.
18 If you go back -- I went back and looked at
19 some of the editorials that were written when this
20 Commission was created, this constitutional amendment
21 was passed. And I looked at what was said as far as
22 what the goals were.

1 And I think the first thing you look at is a
2 summary of the constitutional amendment. Proposed
3 amendment would end the partisan process for drawing
4 House, Senate, and -- House and Senate districts and
5 replace it with a bipartisan process with the goal of
6 having district boundaries that are more compact and
7 politically competitive.
8 Toledo Blade stated in their editorial
9 endorsing the amendment that the amendment would create
10 legis- -- I quote, "Legislative districts that are more
11 geographically compact, politically competitive, and
12 reflective of voters' party preferences."
13 Cincinnati Enquirer stated the new mapping
14 criteria would emphasize, and I quote, "keeping
15 communities together by not splitting cities,
16 townships, and counties when -- when possible."
17 The mapmakers talked very clearly, and I think
18 it was instructive to listen to them. They talked about
19 how difficult it is, how unique Ohio is, how tough Ohio
20 is with all the different criteria.
21 So I don't fault them for not being able to do
22 all this. But I think it's important for the record to

1 note that what they produced did -- yes, it did hit
2 proportionality and it did have a similar number of
3 competitive districts, Rs and Ds.
4 But less compact districts, fewer communities
5 of interest being kept together, more split cities, and
6 fewer competitive districts. And I think you can't --
7 you can't ignore that.
8 And we have an obligation not to ignore that.
9 Three of those four, written into the into the
10 Constitution, and that we have to follow. Thank you.
11 SEN. SYKES: Auditor Faber.
12 SEN. FABER: Thank you. I -- I'll just do both
13 of my comments now as well, because I think it goes
14 directly to this map and where we're at with these
15 maps.
16 And I would just start out by saying, look,
17 I'm not sure how you pass a map and then say, "But we
18 want to keep working on it." If we had a map that was
19 final and -- and -- and that we could look at in
20 conclusion and know that the issues, what it was, it
21 would be one thing.
22 But look, I said all along, the fact that we

1 have a map drawer who produces a map that we haven't
2 yet had a chance to see or -- or discuss in length. I
3 had some amendments to this that we never got to offer
4 because they wouldn't have been done in time. I'm all
5 for continuing to work on something, but if we have a
6 deadline that's hard and fast, that's not possible.
7 So I don't think this is where any of us
8 wanted to be tonight. The process over the last ten-
9 plus days, and certainly the last five days, has been
10 enlightening for so many Ohioans.
11 For much of that time, we had Republicans and
12 Democrats sitting together in a room, live streamed
13 across the state. We've seen firsthand the geographic
14 complexities Ohio offers map drawers, and the struggle
15 that accomplies -- accompanies this in the
16 redistricting process.
17 We heard over and over from our independent --
18 I would say professional -- map drawers that this is
19 not an easy task.
20 I think all sides worked hard on the maps.
21 I've consistently said that I've been impressed by the
22 Commission staff members.

1 While much of their work has gone unrewarded,
2 their work ethic and their willingness to work the
3 numerous -- impossible task has not gone unnoticed by
4 the members of the Commission, by the people of Ohio.
5 And from my perspective, I want to thank them.
6 I want to also include the two independent
7 mass -- mapmakers. I think that it was impossible to do
8 everything that the Constitution and demands of the
9 Court asked in the time period the Court allowed us to
10 do it.
11 I think they were doing exactly what the Court
12 asked, and I think that's why too many of their
13 conversations started with the premise of eliminating
14 Republicans where they could be eliminated.
15 And I think that's why the maps that we've
16 seen took every state to eradicate suburban Republican
17 representatives in Ohio. They used the classic spoke
18 and hub technique on the maps to drive cities into
19 districts with suburban areas. They cracked and packed
20 to concentrate Republicans and divide Democrats and to
21 make -- simply, to make more Democrat districts.
22 I talked about the concentration. Nearly --

1 nearly 80 percent of the Republican districts were more
2 than 60 percent, while a mere 20 to 30 percent of the
3 Democrats were more than 60 percent. At every turn, the
4 map draws erred towards drawing more Democrat
5 districts, often at the expense of compactness.
6 I'm a broken record by now, and I'm grateful
7 to have been vindicated by these two expert map drawers
8 that Ohioans -- this is a truism -- tend to live and
9 vote around people that think like them. This leads to
10 a natural division of political affiliation based on
11 geography.
12 The one place that that does not necessarily
13 ring true is in the suburbs -- suburbs in Ohio. In the
14 suburbs, we can and should have competition in our
15 elections. Sadly, few maps we have seen from the
16 independent map drawers get us there.
17 I continue to believe that the districts that
18 split communities where they could otherwise keep them
19 together violates the Constitution. As the governor
20 mentioned, when this constitutional amendment was sold
21 to the public, it was sold on increasing
22 competitiveness.

1 We had a debate in this Commission, a debate
2 that really didn't resolve much, about whether it was
3 required to keep cities whole, and whether or not, if
4 you could draw a whole district in the city, you
5 should, or had to.
6 I'm just going to direct your attention to
7 Article III, Section D (3), that specifically says,
8 "Where the requirements of this -- of these divisions -
9 - B, C and D -- section cannot be feasibly obtained by
10 forming a representative district from whole municipal
11 corporations, then -- and townships, not more than one
12 municipal corporation or township may be split."
13 That clearly leads to the presumption that
14 where you can draw a whole city or township into a
15 congre- -- I'm sorry, into a legislative district,
16 you're supposed to do that.
17 But yet at every -- and by the way, I also
18 agree with my Democrat colleague who brought this up.
19 This wasn't new to these map drawers. This is something
20 the map drawers had been doing before.
21 And yes, there are going to be times when you
22 have to split cities. You have to split large cities.

1 But in the maps that were proposed, as I pointed out,
2 every large city is split in a hub and spoke technique
3 to essentially drive those seats to the Democrat
4 column, packing and cracking.
5 Now, we heard hours of testimony throughout
6 this process. We heard Kathleen -- a League of Women
7 Voters from Greater Youngstown -- told us, and I quote,
8 "Districts that include communities with common
9 interests and are geographically compact, regardless of
10 the political philosophies of the voters who live in
11 these districts, are districts that lead to compe- --
12 to competitive elections and accountability of elected
13 officials and their constituents."
14 We heard Mark, from Columbia Tusculum in
15 Cincinnati, ask this Commission, and I quote, "Follow
16 both the letter and the spirit of the citizen-passed
17 redistricting reforms passed in 2015 and 2018 to create
18 districts that are compact, keep communities, towns,
19 and cities intact, and don't split neighborhoods. And
20 take into account a citizen input."
21 August with the United Way of Greater
22 Cleveland asked us for districts that, and I quote,

1 "Accurately reflect communities are compact, keep
2 county, cities, and villages and townships together
3 within one district."
4 There are other real divides across the state
5 that are left behind when we consider only partisan
6 labels. Few Democrats in Bellaire would feel
7 represented by a Columbus Democrat, and few Republicans
8 in Millersburg would feel represented by a Strongsville
9 Republican.
10 It has nothing to do with the partisan label
11 and everything to do with the way local issues affect
12 our politics. Local issues which are not divided as
13 contentious -- locally that we often see on the
14 national stage. I believe that compromise was once
15 possible.
16 I think if we continued down the path we were
17 on the past five days, we would have seen that
18 proportionality, in its strictest sense, was not
19 attainable within the bonds of the Constitution and
20 that eventually we would have arrived at a compromise.
21 I know I talked with Leader Russo and Senator
22 Sykes about that possibility for some time. I regret

1 that we were not able to come to an agreement. Ten days
2 ago, the Court created a new timeline, and ordered new
3 procedures for this Commission to comply with.
4 There simply was not enough time for us to
5 actually meet those requirements. In their order, they
6 took the unusual step of declaring that they would
7 refuse to even file -- or accept for filing -- any
8 requests for extensions, leaving the
9 Commission with no choice but to come to the solution
10 that it came to this evening.
11 We have begun this process with the assumption
12 that equity of outcomes equals fairness. I don't
13 believe that to be accurate. I expect -- I expressed
14 significant concerns about the timeliness and the
15 urgency of this process.
16 Until just a few seconds ago, I hadn't even
17 seen the final House, and the Senate maps were not able
18 to be reviewed at all. I hadn't been given a chance to
19 offer an amendments and was told that, specifically, if
20 we wanted to offer amendments tonight, there would be
21 no ability to get those done.
22 Ultimately, my concerns about timeliness, and

1 the ability to complete this task, and the limited
2 timeframe allotted to this Commission were
3 unfortunately correct. Where we are now, and where we
4 could have been, are two different positions.
5 Hopefully this matter is behind us. I'm not
6 sure it is.
7 SEN. SYKES: Any other comments? Will the
8 staff please call the roll.
9 SECRETARY: Co-Chair Speaker Cupp.
10 SEN. CUPP: No.
11 SECRETARY: Co-Chair Senator Sykes.
12 SEN. SYKES: Yes.
13 SECRETRY: Governor DeWine.
14 GOV. DEWINE: No.
15 SECRETARY: Auditor Faber.
16 SEN. FABER: No.
17 SECRETARY: President Huffman.
18 SEN. HUFFMAN: No.
19 SECRETARY: Secretary LaRose.
20 MR. LAROSE: No.
21 SECRETARY: Leader Russo.
22 REP. RUSSO: Yes.

1 SECRETARY: Five yays, two nays. Or two nays,
2 five yays. Sorry about that.
3 SEN. SYKES: Thank you. The motion fails. At
4 this time, the minority would like to submit a minority
5 report. I believe copies are available.
6 REP. RUSSO: Thank you.
7 SEN. SYKES: This is -- this is to be added to
8 the record. But I believe Leader Russo would like to
9 read the statement.
10 REP. RUSSO: Thank you, Mr. Co-Chair. The Ohio
11 Constitution is clear. The Supreme Court of Ohio is
12 precise.
13 The voters of Ohio are adamant. Fair and
14 proportional maps are required under the Constitution.
15 Gross disparity and the distribution of competitive
16 districts is barred, and voters deserve to have their
17 voices heard in their State House.
18 The guidelines to draw state legislative
19 district maps are not a mystery, nor are they open to
20 interpretation. This process should be easy and
21 straightforward. Yet here we are again.
22 More than six months have passed since the

1 first minor -- minority report was filed regarding the
2 passage of an unconstitutional General Assembly
3 District plan. The minority commissioners of the Ohio
4 Redistricting Commission could very well write this
5 statement in their sleep.
6 The commissioners have been down this road
7 very often -- so often that the motions are stilted and
8 the storyline is stale. The majority commissioners
9 refuse to bend to current reality and court rulings.
10 Rather they pull the same tired tricks. The
11 process and tactics have not changed since we started
12 this process seven months ago, despite three court
13 orders telling this Commission otherwise.
14 Majority Commissioners have again adopted a
15 General Assembly District plan that was drawn in
16 secret, does not reflect the statewide preferences of
17 Ohio voters, and is ultimately unconstitutional. N
18 o amount of pressure from the Supreme Court of
19 Ohio or help from nationally renowned experts will sway
20 the majority commissioners in their mission to retain
21 an unjustifiable and unconstitutional monopoly on
22 power.

1 From March 16th, 2022 to March 28th, the
2 minority commissioners made every attempt to move this
3 process along to comply with the Supreme Court's clear
4 orders.
5 The minority commissioners pushed for frequent
6 hearings, as strongly suggested by the Court. In fact,
7 the minority commissioners tried to convene the
8 Commission every day, including on Sunday, March 20th,
9 to propose independent mapmakers, and the Republicans
10 demurred.
11 The minority commissioners met their
12 obligations on Monday, March 21st, through their
13 thoroughness and persistence. The minority
14 commissioners pushed the majority commissioners to stop
15 purposely delaying and decide on a team of highly
16 skilled, independent mapmakers to draw new district
17 lines from scratch.
18 The minority commissioners fought for an open
19 and transparent process. The map drawing was done
20 entirely on a live stream, complete with audio, for
21 everyone to observe.
22 Yet -- perhaps yet again, in a bunker at the

1 Bureau of Workers Compensation Building, a secret map
2 has been developed at some unknown time, in violation
3 of the orders of the state's highest judicial
4 authority.
5 The process and outcome, despite all the
6 efforts for public viewing, expert input, and
7 bipartisan oversight, was still, again, conducted in
8 the shadows.
9 The majority commissioners, through President
10 Huffman, announced their secret efforts late on the
11 last day as a parachute. They have apparently planned
12 on, for at least the last several days, perhaps much of
13 this process.
14 This places the Commission where we began,
15 with an unconstitutional General Assembly District
16 plan.
17 And while the Supreme Court of Ohio has
18 directed the redistricting Commission -- not parties,
19 the redistricting Commission -- to create an entirely
20 new map.
21 The plan passed out of this Commission with no
22 input from the minority Commission members -- and,

1 frankly, the majority of the Commission members -- or
2 scrutiny from the public, is nothing more than a
3 tweaked version of a previous unconstitutional General
4 Assembly plan.
5 The majority commissioners have now left an
6 entirely new plan sitting on the table, drawn by two
7 independent mapmaking experts at considerable expense
8 to Ohio taxpayers.
9 Instead, Ohioans are once again subjected to a
10 map that runs afoul of Ohio Constitution Article XI,
11 Section -- Section 6 (A), and Section 6 (B). Sect- --
12 Section 6 (A) provides state legislative district --
13 prohibits state legislative district maps from being
14 drawn primarily to favor or disfavor a political party.
15 The evidence from tonight's hearing is consistent with
16 the evidence used in prior Supreme Court rulings on
17 violations of Section 6 (A).
18 The Supreme Court of Ohio held in League of
19 Wom- -- Women Voters of Ohio versus the Ohio
20 Redistricting Commission that maps adopted -- but not
21 drafted -- by the Commission favor one party over the
22 other.

1 The court held that draw- -- drawing
2 controlled by the majority to the exclusion of the
3 minority party favors one party over the other.
4 Once again, it is the Republican Senate
5 president's map drawer who was sequestered in a secret
6 location, drawing the map. The map was neither drafted
7 by the commission, nor does it have the input of
8 minority commissioners.
9 In the third unconstitutional plan, the
10 minority commissioners were given a copy of the map at
11 12:30 p.m.. In this latest charade, the minority
12 commissioners -- and again, most of the commissioners
13 here -- had been given a copy of the map after 9 p.m.
14 for a vote that took pla- -- place just under an hour
15 later.
16 The majority commissioners have purposely
17 wasted another opportunity to adopt constitutionally-
18 compliant maps that have been drawn in public and with
19 a team of independent, bipartisan mapmakers.
20 This is, once again, a slap in the face to
21 Ohioans who have voted for fair maps, and a dangerous
22 and irresponsible erosion of our democratic processes

1 that we have been entrusted with.
2 Despite only receiving this plan mere minutes
3 before we were expected to vote, a cursory glance shows
4 that this plan still contains the asymmetry issues that
5 plagued the third, invalidated map.
6 The last-minute plan dumped on minority
7 commissioners contains an astounding 17 Democratic
8 toss-up seats in the House, between 50 and 52 percent
9 partisan share, and 0 Republicans in the same range.
10 The Senate map is equally lopsided, with six
11 Democratic Senate seats falling between 50 and 52
12 percent, and zero Republicans in the same range. The
13 absurd asymmetry found in the latest plan is nearly
14 identical to the plan overturned by the Supreme Court
15 of Ohio just 12 days ago.
16 The unconstitutional distribution of toss-up
17 seats is exactly the kind of partisan chicanery the
18 Court found problematic in their numerous decisions.
19 In short, nothing has changed. Once again, a
20 secret plan that violates Article XI, Section 6 (A) and
21 6 (B) has been adopted by this Commission without
22 minority party input, or even proper time for review.

1 And every unconstitutional fault in the last
2 plan is found in the latest plan. And we suspect that
3 the latest ruse will suffer the same fate as its
4 predecessors.
5 That said, in spite of everything that we have
6 witnessed, that has happened in the last several hours,
7 I still have hope. And I believe that we still have
8 time to get this right. Thank you.
9 SEN. SYKES: I believe, again, it does not
10 require a vote. It's just for the -- for information
11 purposes, for the record. Are there any other comments
12 or statements? Any other business to be brought before
13 the Commission?
14 SEN. FABER: I -- just for the record, I do
15 not concur in the Minority Report.
16 SEN. SYKES: Hearing none, the meeting is
17 adjourned.
18
19
20
21
22

CERTIFICATE OF TRANSCRIBER

I, Chris Naaden, a transcriber, hereby declare under penalty of perjury that to the best of my ability from the audio recordings and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome, the above 69 pages contain a full, true and correct transcription of the tape-recording that I received regarding the event listed on the caption on page 1.

I further declare that I have no interest in the event of the action.

March 30, 2022
Chris Naaden

(443129, Ohio Redistricting Committee, 3-28-22, second part)

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