

**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

Bria Bennett, *et al.*,

Petitioners,

v.

Ohio Redistricting Commission, *et al.*,

Respondents.

Case No. 2021-1198

Ohio Organizing Collaborative, *et al.*,

Petitioners,

v.

Ohio Redistricting Commission, *et al.*,

Respondents.

Case No. 2021-1210

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OBJECTIONS**

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## **INTRODUCTION**

The Ohio Redistricting Commission (“Commission”) adopted a fourth general assembly district plan (“Fourth Plan”) late in the evening of March 28, 2022.

The Fourth Plan was a backup option that was only adopted after an exhaustive effort by the Commission to prepare a plan using the process guidance from this Court. The Commission hired two independent mapdrawers, Dr. Doug Johnson (“Johnson”) and Dr. Michael McDonald (“McDonald”) to create an entirely new plan that would be based on their independent work and Commission input rather than drafted by caucus staff. The Commission met daily, sometimes multiple times a day, and made many decisions by consensus. The Commission and its members were actively engaged in the process and provided direction to the independent mapdrawers when needed. The Commission even used a mediator to help it solve problems that could not be resolved by consensus.

But even for two experts in redistricting, the complexity of Ohio law and the short timetable proved to be too much to overcome. A house and senate plan was not available until 11:25 p.m. on March 28, and much work remained to determine if that plan complied with the Constitution and this Court’s orders. Moreover, because time was running out, the senate map in that plan was heavily influenced by a Democratic staffer, and the Commission itself never had time to ensure that the 11:25 plan was a plan drawn by the Commission as opposed to staff or someone else. In the early evening on March 28 it was becoming obvious that a plan was unlikely to be finished and the Commission therefore authorized caucus staff to prepare the Fourth Plan with a goal of addressing as much of the asymmetry issues identified by the Court as quickly as possible. The Fourth Plan was ultimately adopted because no fully completed plan by the independent

mapdrawers became available for the Commission to meaningfully consider. Under these circumstances, Petitioners' objections to the Fourth Plan should be overruled.

### **STATEMENT OF FACTS**

Following this Court's invalidation of the Third Plan, the Commission assessed how it could comply with the process directives issued by the Court. These included having frequent meetings, hiring independent mapdrawers, and ensuring that all members of the Commission participated in drawing the new plan. The Commission came up with a plan for accomplishing all of these objectives in drawing a fourth plan.

On March 19, 2022 the Commission met to discuss the drawing of a fourth general assembly district plan that complied with the decision in *LWV III*. The focus of the meeting was whether to retain independent mapdrawers and whether to use a mediator to help the Commission reach consensus on important decisions.

#### **The Commission Hires Independent Experts and Retains a Mediator**

Senator Sykes suggested that they move forward with independent map drawers using a mediator to help with any impasse issues. (Tr. pp 11–12). Senator Sykes further suggested that there be two map drawers because each party could suggest one, and they could work together. (*Id.* at p 18). The Governor and President Huffman then indicated that the Attorney General had been in touch with Virginia mapdrawers, Sean Trende and Bernard Grofman, and that he could facilitate making these individuals available to work as the independent mapdrawers for the Commission. (*Id.* at pp 2, 6, 16). While there was initial agreement to these two as the mapdrawers, Leader Russo then objected to using Mr. Trende and Dr. Grofman. (*Id.* at p 13). As a result two new independent drawers needed to be found. President Huffman expressed support for hiring independent mapdrawers and proposed that the Commission reconvene on Sunday at 7:00 p.m. to

propose candidates of these positions and a potential mediator. (*Id.* at pp 18–20). The entire Commission agreed to this proposal. (*Id.* at p 21).

On March 21, the Commission reconvened. Senator Sykes stated that he and Leader Russo proposed Dr. Michael McDonald as their independent drawer, who had testified in previous redistricting cases across the country. (*Id.* at pp 24–25). Speaker Cupp proposed Dr. Douglas Johnson who is the president of National Demographics Corporation and who had also consulted on redistricting and testified in numerous cases nationally. (*Id.* at p 25). In terms of mediators, Senator Sykes stated that Chief Judge Sutton of the Sixth Circuit Court of Appeals had offered to make their mediators available to the Commission at no charge. (*Id.*). The Commission preliminarily agreed that Dr. Johnson and Dr. McDonald should be engaged. (*Id.* at pp 34–37). But the Commission also agreed that Dr. Johnson and Dr. McDonald should arrive in Ohio on Wednesday, March 25, for further questions and to ensure that neither had significant conflicts that might disqualify them from working for the Commission. (*Id.*).

### **The Commission Unanimously Adopts Ground Rules for the Independent Experts**

On March 23, the Commission reconvened with Dr. Johnson and Dr. McDonald and discussed a set of rules for Dr. Johnson and Dr. McDonald to follow. (Tr. p 54). The Commission agreed that the final map would be drawn in Maptitude, and that the mapdrawing would be done in public and broadcast on the Ohio Channel. (*Id.* at pp 63–64, 67–68). Leader Russo called this last point a “huge improvement in the transparency process.” (*Id.* at p 68). The Commission discussed whether racial data should be loaded into maptitude or onto the computers used to draw the maps. President Huffman proposed that racial data should not be loaded. (*Id.* at p 69). Both Dr. Johnson and Dr. McDonald agreed it would be unnecessary to load or consult racial data. (Tr. p 70). Ultimately the Commission unanimously agreed that racial data would not be used during

the drafting process. (*Id.* at p 71). The Commission also agreed that no mapdrawing documents could be taken off site. (*Id.* at pp 83–85).

### **The Independent Experts Begin Drawing on March 24 but Data Issues Slow Their Work**

During their opening session on March 24, the mapdrawers spent most of their time determining what resources were available to them and coming to terms with what data they could feasibly work with while still complying with their charge from the Commission and the Supreme Court. From the outset, both Drs. McDonald and Johnson had several questions about the availability of data and the computing resources that they had been provided for this process. (*See, e.g.,* 3/24/22 Recording<sup>1</sup>, 0:7:48-0:16:28 (multiple questions about identifying the correct data files and observations about the length of time required to execute certain files)).<sup>2</sup> One early challenge that the experts struggled with was the availability of disaggregated precinct data, with Dr. McDonald expressing that he didn’t “want to have to Mapitude sitting there for like three hours doing the disaggregation algorithm[.]” (*Id.* at 0:16:20-0:16:28.)

While the experts seemed to cooperate well as they loaded data, they raised several competing concerns about how the data would be analyzed and what assumptions or estimates could be used in the interest of saving time. In fact the amount of time that it would take to run a proper analysis was a regular theme throughout the morning. The mapdrawers discussed estimates for how long it would take to disaggregate data manually and whether stipulating data could be done to save “eight to twelve hours” without violating restriction on viewing “work product.” (*Id.* at 1:30:44-1:31:16). It was unclear whether disaggregated data was even available, and they did

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<sup>1</sup> <https://ohiochannel.org/video/ohio-redistricting-commission-workroom-3-24-2022-820am-1050pm>.

<sup>2</sup> All time stamps from the Ohio Redistricting Commission Workroom recorded livestream are approximations, as there are currently no transcripts for these sessions.

not disaggregate the election result data down to blocks because they would have “no way of knowing” how to disaggregate the data without making “huge assumptions.” (*Id.* at 2:07:33) In addition to the potential delays of manual disaggregation, the mapdrawers expressed concerns about the complexity of Ohio’s political geography and starting the mapdrawing process without initial input from the Commission. (*Id.* at 2:10:28; 2:19:52-2:20:58 (discussing the complexity of Ohio’s geography and describing it as “as bad of ugly as you can imagine”); 2:17:11 (discussing the experts’ ability to start work without the commission’s input but risking the need to rebuild “from scratch”)). Additionally, of particular concern to the mapmakers was interpretation of proportionality and symmetry. (*Id.* at 24:24-27:21 (expressing concerns about the balance of the ratio of statewide and the Supreme Court’s guidance on competitive district); 36:11-39:18 (discussing the breakdown of partisanship from expected districts, proportionality measure, and understanding the seats in both chambers); 27:38-31:23 (discussion about differences with counties in Ohio and nesting districts)).

The mapdrawers ultimately agreed to start with loading the total population data while they waited to get direction from the Commission with respect to other disaggregated data. (*Id.* at 2:21:43-2:22:45.) From that point on, the mapdrawers seemed to be cooperating well to make progress. (*E.g., id.* at 2:34:28 (cooperating regarding load data and checklists); 2:41:11 (cooperating to identify correct data); 2:50:33 (discussing drawing a whole county district “just as a test run.”)). As the morning progressed, they also agreed on certain shortcuts to balance the interest of time against material impacts of accuracy. (*E.g., id.* at 3:19:00-3:20:16 (discussing picking a center point and observing that the error that would be introduced is relatively small when compared to the task that the experts had before them)). Drs. Johnson and McDonald also cooperated to consider methods that would only risk losing precision under certain uncommon

conditions on the basis that they did not want to delay getting started on the process and their fear that that the process would take too long. (*Id.* at 3:21:55-3:25:44.) It was apparent early on that the mechanical time of inputting data was the limiting factor in this process. (*Id.* at 3:59:12-3:59:24.)

### **The Independent Experts Encounter Decisionmaking Hurdles Unique to Redistricting**

As Dr. Johnson and Dr. McDonald began to prepare for their next meeting with the Commission and what clarifications they would seek from the Commission, some of their different approaches emerged. Dr. Johnson stated that one question for the Commission is “what is our competitive toss up range.” Dr. McDonald disagreed that should be a concern. “My opinion is I don’t really care about the range, I just care about the distribution around the 50%. So I don’t really care if it’s a competitive district or not, I just want to see that roughly within, if I plotted out all the number of districts within 50% I’m going to see say up to 45-50 . . . see roughly symmetrical distribution of the districts knowing that it’s not perfect.” (*See id.* at 9:44:00).

The two mapdrawers had different interpretations of even this Court’s opinions. Dr. McDonald interpreted this Court’s opinion as desiring a plan with symmetrical numbers of leaning districts for both parties, but particularly those within 45-55% lean—those within a 5% shift. Dr. Johnson pointed out that the districts Dr. McDonald had been working on were all within that margin and Dr. McDonald lamented that it may come back to haunt them. Dr. McDonald wanted to get the whole map down and then go back and see where there was room for adjustments. Dr. Johnson noted they should look to past elections and see what numbers each party got, as opposed to prioritizing symmetry. Dr. McDonald stated that the Court didn’t find that compelling under its metric. Dr. Johnson noted that “there is no metric.” He believed reliance on asymmetry was what the Court highlighted in its second opinion, but then then walked it back in its third opinion. Dr. Johnson questioned the number of seats and how many democratic seats there could be, noting

that adjustments could be made to minimize additional republican seats. Dr. McDonald was not comfortable with that approach, noting that he would not sign off on such calculations.

Dr. McDonald noted in preparation for the Commission meeting that “We’re not going to have much to show them at this point,” and continued to say that he thought the Court cared about a range of seats between 45-55% and didn’t want Democratic leaning districts clumped around the 50% mark. Dr. Johnson disagreed pointing out that the Court didn’t consider a 52.7% leaning district a “toss up.” Dr. McDonald countered by pointing out that the Court credited Dr. Rodden’s 5% swing analysis. Dr. Johnson suggested looking at past elections for districts to determine who had actually won. Dr. McDonald countered that the Court didn’t find that compelling under its metric. (*Id.* at 9:44-9:54). Dr. Johnson again noted that as best he could tell “there is no metric” (*Id.* at 9:44-9:54). Dr. McDonald then noted that they lost 3-4 hours just getting the set up complete and data loaded (*Id.* at 9:55).

During the March 24 Commission meeting Dr. McDonald and Dr. Johnson gave an update on their progress. (Tr. p 88). At that time they had set up their map-drawing computers with software and worked to build the election data base. (*Id.* at pp 88–89). This was a time-consuming and arduous task. (*Id.* at p 89). While Dr. Johnson continued to trouble-shoot some of the election data issues, Dr. McDonald started to draw Franklin County districts. (*Id.*). At the time of the meeting, Dr. McDonald made it through about half the Franklin County house districts and planned on finishing the rest after the meeting adjourned. (*Id.*).

The map drawers then turned to specific questions they had for the Commission. First, Dr. Johnson noted some geographic issues in the data, where census blocks didn’t quite line up with townships, city lines, and precincts. (*Id.* at p 90). Dr. McDonald clarified that the issue was really when townships and cities overlay. (*Id.*). In some instances, precinct names will be reported as

being in the township, while the census block inside the precinct will be report as being in an adjoining city. (*Id.*). After a discussion, the Commission informally directed Drs. McDonald and Johnson to consult Mr. Springhetti and Mr. Glassburn on technical data/technical questions. (*Id.* at p 91; Affidavit of Dr. Douglas Johnson (“Johnson Affidavit”) p 3). If both sides agreed, that decision would be incorporated into Drs. McDonald and Johnson’s maps. (Johnson Affidavit p 3). If there was no agreement at that level, Drs. McDonald and Johnson would then consult the Commission. (Tr. p 91; Johnson Affidavit p 3).

Next, Drs. Johnson and McDonald asked for guidance on how to define toss-up districts. Dr. McDonald’s preferred option was to focus on 48-52% performance for either party, with a 45-55 swing analysis. (Tr. p 92). Dr. McDonald noted that “We may not get perfect symmetry” around 50, and “in fact, I’d be rather surprised if we did.” (*Id.*). Dr. Johnson recommended an alternative to define toss ups by using past election results to determine which party’s candidate had actually won the district in question. (*Id.* at pp 91–92). Dr. Johnson observed that after making the analysis, the experts could then discuss the numbers that made sense to determine ranges (or, in Dr. Johnson’s view, which percentages actually resulted in swings back and forth). (*Id.*). After discussions among the members regarding how to define competitive districts versus partisan fairness, the Commission tabled the decision. (*Id.* at pp 92–98). The meeting adjourned with Co-Chair Sykes assigning staff to look into the accuracy of underlying data and competitiveness questions. (*Id.* at pp 98–99).

### **Friday March 25 Produces No Plan**

On March 25, 2022, Dr. McDonald and Dr. Johnson again met to draw the state legislative maps. Over the next few days, Dr. McDonald and Dr. Johnson would consult staff from both parties with options to avoid known pitfalls relating to the Ohio Constitution’s geographic



requirements for redistricting in Sections 2, 3, 4, and/or 7. (Johnson Affidavit p 3). They started working on the Cuyahoga County house districts that morning. (3/25/22 7a.m. Recording<sup>3</sup>, 1:29:09). Dr. McDonald and Dr. Johnson evaluated what counties they were able to pair Cuyahoga County with due to Cuyahoga's population being sufficient for 10.6 districts. (*See, e.g. id.* at 1:30:10, 1:34:28, 1:48:15). There were a number of discussions over issues with splitting townships (*Id.* at 2:02:00, 2:20:08, 2:45:06, 4:07:08) and difficulties in not drawing Republican-leaning districts in some circumstances (*Id.* at 2:40:35, 3:59:00, 4:07:30). Dr. McDonald and Dr. Johnson later started drawing districts in Summit County. (*Id.* at 6:08:35). They also worked on districts in Montgomery County, after a discussion of complications in drawing districts there due to constitutional restrictions on how districts for the surrounding counties must be drawn. (*Id.* at 6:21:10, 6:23:00).

During the March 25 Commission meeting Dr. Johnson and Dr. McDonald appeared virtually. A screen with views of their working progress on maps was displayed during the zoom meeting. Both mapdrawers had drawn test maps of Franklin, Cuyahoga, and Hamilton Counties, and were actively working on Montgomery County. (Tr. p 102). Dr. McDonald stressed that what the Commission would be shown in this meeting were very much works in progress and were not formal proposals for the Commission. (*Id.*). In Franklin County both mapdrawers started with the same combination of counties (Franklin and Union), but noted this was not a final decision. (*Id.* at p 104). Dr. McDonald testified that both made this particular county combination choice for population balance reasons. (*Id.* at p 106). In response, President Huffman stated that Franklin was

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<sup>3</sup> <https://ohiochannel.org/video/ohio-redistricting-commission-workroom-3-25-2022-700am-300pm>.

previously paired with Madison and Pickaway counties which allowed more statewide options for drawing districts in other counties. (*Id.* at p 105).

Dr. McDonald then began showing his draft of the northeastern portion of the state. (*Id.* at p 107). He testified that he and Dr. Johnson intentionally chose to use different approaches in this area of Ohio. (*Id.*). Dr. McDonald combined Lake and Cuyahoga counties while Dr. Johnson combined Summit and Cuyahoga Counties. (*Id.*). Auditor Faber stated that Drs. McDonald and Johnson should also be considering compactness instead of just focusing on partisan symmetry. (*Id.* at p 109). Dr. Johnson and Dr. McDonald also displayed their preliminary versions of districts in Hamilton County. (*Id.* at pp 110–113).

Dr. McDonald and Dr. Johnson continued to work collaboratively throughout the afternoon and evening. Dr. McDonald proposed the goal to be “we draw the districts in there and if we need to revisit and cross at a later point, then we do that.” Dr. Johnson agreed. (3/25/22 3p.m. Recording<sup>4</sup>, 5:25:36–6:00:55).

Staff then discussed how Drs. Johnson and McDonald’s maps compared. (3/25/22 11p.m. Recording<sup>5</sup>, 1:55:50-1:58:12). Mr. Glassburn opined that he thought Dr. McDonald’s map was better than expected—in fact, at only a 43 Democratic seat share, Dr. McDonald’s draft map was then short of the 45 Democratic seat goal. (*Id.* at 1:28:00-1:31:00). Dr. Johnson tallied up his draft map. At the time, he had a 45 Democratic seat share, 29 safe Democratic seats, 11 seats within the 52-55% range, and 5 seats in the 50-52% range. (*Id.* at 1:55:20-1:58:12).

### **Saturday March 26 Produces No Plan**

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<sup>4</sup> <https://ohiochannel.org/video/ohio-redistricting-commission-workroom-3-25-2022-300pm-1100pm>.

<sup>5</sup> <https://ohiochannel.org/video/ohio-redistricting-commission-workroom-3-25-2022-1100pm-3-26-2022-700am>.

The next day, on March 26, 2022, the mapdrawers hit several technical roadblocks, including city splits, contiguity, and compactness issues. (3/26/22 7a.m. Recording<sup>6</sup>, 2:57:57–4:03:30). Dr. McDonald and Dr. Johnson specifically disagreed over splitting governmental units for the sake of symmetry. (*Id.* at 4:36–4:46).

The benefit of having two mapdrawers was the ability to explore different options in a short amount of time. (3/26/2022 3p.m. Recording<sup>7</sup>, 1:07:20–1:08:19). However, even under these time constraints, the complexities of Ohio’s redistricting rules made it extremely difficult to draw a cleaner map. (*Id.* at 1:21-1:22).

During the March 26 Commission meeting Dr. Johnson and Dr. McDonald presented their drafts and sought guidance from the Commission for specific areas of the state. (Tr. p 115). Dr. Johnson noted that senate district maps were not available because senate districts had to be combined from completed house districts. (*Id.*). Dr. McDonald testified that both maps presented were proportional in that they had 45 Democratic leaning districts and that he and Dr. Johnson were working collaboratively to adopt each other’s approaches into each map. (*Id.* at pp 115–16).

Dr. Johnson testified that they were challenged in the Montgomery County and the Summit/Lake/Cuyahoga regions. (*Id.* at p 117). Dr. McDonald also raised an issue in Hamilton County where there were two options for drawing a district. (*Id.* at p 124). Dr. McDonald’s district had a 53.1% Democratic leaning election composite score. In contrast, Dr. Johnson’s had a 52.7% Democratic leaning election composite score that was also more compact than Dr. McDonald’s version. (*Id.* at pp 124–25). A debate ensued and Senator Sykes indicated he preferred the 52.7%

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<sup>6</sup> <https://ohiochannel.org/video/ohio-redistricting-commission-workroom-3-26-2022-700am-300pm>.

<sup>7</sup> <https://ohiochannel.org/video/ohio-redistricting-commission-workroom-3-26-2022-300pm-1100pm>.

district to balance the compactness factor, and because the test outlined by this Court indicated a 52% threshold, which both districts were above. (*Id.* at p 126). President Huffman agreed. (*Id.*). Dr. McDonald then detailed issues in Montgomery County. (*Id.* at p 130). Three whole districts must be formed in Montgomery County, but a portion of its population has to be combined with another county. (*Id.*). Dr. Johnson’s proposed plan combined Montgomery County with Preble County, which leans more Republican. (*Id.*). Dr. McDonald’s plan went into Greene County, which leans more Democratic. (*Id.*). Combining Montgomery with Greene resulted in a “competitive Republican district.” (*Id.* ). But, as Dr. McDonald testified, “there is no way within Greene to draw a nicely shape[d district]” referencing compactness issues. (*Id.*). Dr. Johnson then testified about the issues in the northeastern part of the state centered on Cuyahoga County. (*Id.* at p 135). Dr. Johnson stated that the “big question” was whether to join Cuyahoga with Lake County to the northeast, or to go south and join Cuyahoga with Summit County. Dr. Johnson then testified about the “tradeoffs” of each decision. (*Id.*). Dr. Johnson explained that if you “go south” to Summit that “it works out” in that you “don’t have to split any townships or villages.” (*Id.*). Dr. Johnson further explained that if Cuyahoga is instead combined with Lake County in the northeast, it was possible to draw a 50-52% Republican leaning district, at the expense of splitting the City of Mentor into two separate districts. (*Id.*).

In terms of the number of “competitive seats” Auditor Faber commented that there was nearly uniform agreement between maps previously proposed by Republicans and Democrats and now the independent mapdrawers that there would be more Democratic leaning seats in the “competitive” range. (*Id.* at pp 135–36). Dr. Johnson testified that he didn’t think it was “possible to hit the magic number to the proportion” stating that he wasn’t “aware of any map that has hit the right proportion” if you leave out the 48-52% districts. (*Id.* at p 134).

### **The Commission Mediates Regarding Use of Incumbent Addresses**

President Huffman then raised the constitutional requirement that each of the 16 senators elected to four-year terms in 2020 represent the senate district that contains the largest portion of the population of the district from which the senator was elected, and how to address that issue. (*Id.* at pp 118, 122). After a lengthy discussion the Commission elected to send the issue of senator assignments for mediation after the Commission meeting was complete. (*Id.* at pp. 122–23). The parties reached a mediation agreement that was ratified the next day. Under this agreement, the Commission directed that once Dr. Johnson and Dr. McDonald merged their versions to create a consolidated plan, that they would then consider the residence locations of non-term limited house and senate incumbents, and senate incumbents in mid-term. (*Id.* at p 165). The mediation agreement further stated that incumbents would only be identified as either house or senate, without other identifying information, such as political affiliation. (*Id.* at pp 165–67).

Dr. Johnson and Dr. McDonald continued to work after the Commission meeting on the issues raised regarding certain county pairings that arose as a result of creating an entirely new map. (3/26/22 Recording 3p.m., 6:28:19-6:31:53). Dr. McDonald stated that given the time constraints, he would have taken a different approach:

It would have been ideal for me, would have been to start with your map, the two caucuses' maps, and then look to see where we could have complied with the Court. Right there, that's what I would have done. Starting from fresh was not a good idea, necessarily. Maybe we will get a good solution, who knows. . . . then we could have taken into account a lot of the issues that they already hashed out.

(*Id.* at 6:42-6:43). Discouraged with the time constraints, Drs. Johnson and McDonald reflected upon the need to spend more time on compactness and other issues. (3/26/22 11p.m. Recording<sup>8</sup>, 0:08:56-0:9:12, 0:9:55-0:10:22).

### **Sunday March 27 Produces No Plan**

Drs. Johnson and McDonald's debate regarding county pairings carried over into the drawing room the next day. (3/27/22 7a.m. Recording<sup>9</sup>, at 3:35:14-3:38:). When asked by Dr. McDonald for his rationale for opposing the pairing of Montgomery and Greene Counties, Dr. Johnson noted that there was a lingering question that the Commission had not yet answered: "How far do we push symmetry at the cost of compactness?" (*Id.*) Dr. Johnson proposed each mapdrawer finish their separate maps, give the Montgomery County and other outstanding areas of disagreement to the Commission, and let them decide instead of arguing back and forth for an hour. (*Id.* at 3:36:39-3:36:54). Dr. Johnson also noted that due to time constraints, the mapdrawers had absolutely no idea how many county splits each of their respective maps had. (*Id.* at 3:37:41). Both experts agreed there was not going to be a unified map until they provided drawn proposals to show the Commission for them to make decisions. (*Id.* at 3:36:39-3:53:17).

At approximately 3:00 p.m., when the separate maps were being printed in anticipation of the upcoming Commission meeting, Senator Sykes entered the room and obtained an explanation of the maps from staff out of view of the camera(3/37/22 3p.m. Recording<sup>10</sup>, 0:01:41–0:02:52).Governor DeWine then joined and obtained a printout of the maps as well. (*Id.* at

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<sup>8</sup> <https://ohiochannel.org/video/ohio-redistricting-commission-workroom-3-26-2022-1100pm-3-27-2022-700am>.

<sup>9</sup> <https://ohiochannel.org/video/ohio-redistricting-commission-workroom-3-27-2022-700am-300pm>.

<sup>10</sup> <https://ohiochannel.org/video/ohio-redistricting-commission-workroom-3-27-2022-300pm-1100pm>.

0:04:00). Senator Sykes then asked the mapdrawers what the differences were between the two maps. Dr. McDonald explained that his map had 3-3 symmetry, while Dr. Johnson's had 3 Democratic and 2 Republican competitive districts within the 48-52% range. (*Id.* at 0:04:00–0:05:20). Dr. McDonald and Dr. Johnson explained that three outstanding issues were unresolvable and the Commission needed to resolve them. (*Id.* at 0:05:40–0:07:32). Auditor Faber then asked about compactness, and Dr. McDonald explained that compactness was one of the outstanding issues that the Commission needed to resolve. (*Id.* at 0:17).

During the March 27 Commission meeting, the mapdrawers sought Commission guidance on the Montgomery County debate and two other main points of contention. (Tr. pp 139–41). First, they sought guidance regarding districts including and surrounding Montgomery County. (*Id.* at p 143). Dr. McDonald continued to pair Montgomery and Greene counties, with the result being one more competitive Republican seat (48.6% Democrat). (*Id.* at p 144). However, Dr. McDonald's proposal split Dayton for symmetry reasons. (*Id.* at p 145). Instead of pairing Montgomery and Greene Counties, Dr. Johnson proposed pairing Preble and Montgomery. (*Id.* at pp 145–46). Dr. Johnson's proposal followed township lines exactly and he believed the districts resulting from this combination were more compact than the Montgomery-Greene combination favored by Dr. McDonald. (*Id.* at p 146).

The second pairing the mapdrawers sought guidance on involved Cuyahoga County. Dr. McDonald proposed pairing Cuyahoga and Lake counties. (*Id.* at p 153). Dr. Johnson proposed pairing Cuyahoga and Summit counties. (*Id.*). Both reiterated their arguments from the previous day and reiterated their need for guidance. (*Id.* at pp 153–56). Lastly, Dr. McDonald proposed an alternative to the Union and Franklin County combination. (*Id.* at p 140). Dr. McDonald now

advocated that Franklin, Madison, and Pickaway be combined to form districts. (*Id.*). This suggestion was consistent with President Huffman’s recommendations in an earlier hearing. (*Id.*).

President Huffman then asked the mapdrawers to identify the measures they were using to judge compactness. (*Id.* at p 147). Dr. Johnson proposed using three to five compactness tests each of which identify slightly different concepts for measuring compactness. (*Id.* at pp 147–48). Dr. McDonald opined that courts will use the eye test and it comes down to the district’s physical appearance. (*Id.*).

Auditor Faber noted that the city of Dayton was being split four times and expressed concerns with unnecessary splits of cities across the map. (*Id.* at p 152). With regard to this question, Dr. McDonald specifically noted that: “It’s really hard to put the puzzle pieces together it really is... I don’t know what you’re suggesting if you want Akron in a single district, I don’t know if it’s feasible” . . . “the geography is extremely difficult in Ohio.” (*Id.* at pp 152–53).

After a brief recess to consider the plans, Leader Russo moved that the proposed combination of Montgomery and Greene Counties (the Dr. McDonald version) be accepted by the Commission. (*Id.* at p 160). President Huffman voted no because he felt he did not have enough information to determine the overall result of the plan, and did not want to commit to a vote that could be considered binding at this stage. (*Id.*). Secretary of State LaRose stated he was inclined to choose Greene County but wasn’t prepared to vote on it. (*Id.*). Governor DeWine said he didn’t know enough to cast a vote tonight, and therefore voted ‘no’. (*Id.*). Auditor Faber voted yes to the Greene County proposal, but reserved his right to revisit as more details emerged. (*Id.* at pp 160–61). Senator Sykes agreed with Auditor Faber that this was a preliminary decision. (*Id.* at p 161). Leader Russo then withdrew the motion. (*Id.* at p 163).



Following the meeting, Dr. McDonald and Dr. Johnson decided to first apply the incumbents as that may solve the continued issues in the northwestern part of the State. (2/27/22 3p.m., 7:00:40–7:01:15). The mapdrawers then worked to load Dr. McDonald’s map as the base map, with a layer of comparison to Dr. Johnson’s map to the extent necessary to resolve further issues. (*Id.* at 7:01:17–7:06:34). Drs. McDonald and Johnson then strategized on division of labor to try to complete the map within the remaining day. (*Id.* at 7:10:09).

### **Monday March 28 Does not Produce a Final Constitutional Plan by the Independent Mapdrawers**

At around 8:00 a.m. on March 28—the final day— Dr. Johnson began working on the plans again. Dr. Johnson asked Mr. Glassburn if there was a list of incumbent addresses for the mapdrawers to use when assigning districts. Mr. Glassburn stated that a complete list had not yet been established. About 10 minutes later, Dr. McDonald arrived and Dr. Johnson indicated that there was still not a list of incumbents available for their use (3/28/22 7a.m. Recording<sup>11</sup>, 1:07:00–1:07:04). Dr. McDonald said there might be some things they could address while they wait on the list (*Id.* at 1:07:6-1:07:30). Dr. McDonald called this a merged plan given that ideas from both he and Dr. Johnson were present in the plan (*Id.* at 1:08-01-1:08:6). Dr. McDonald commented that he would need to leave at 5:00 that day to catch a flight. (*Id.* at 1:09-1:10:30).

About 15 minutes later both Dr. Johnson and Dr. McDonald inquired about the status of the incumbent list, and Mr. Springhetti stated that the parties were working on the list and removing those that were term-limited and would not be running for re-election (*Id.* at 1:18:15-1:19:47). Dr. McDonald then raised that he was having technical issues pulling up the plans, and both he and Dr. Johnson worked to resolve these issues (*Id.* at 1:20-1:26:21). Dr. McDonald asked Mr.

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<sup>11</sup> <https://ohiochannel.org/video/ohio-redistricting-commission-workroom-3-28-2022-700am-300pm>.

Springhetti and Mr. Glassburn if there was anticipation of incumbent issues in Franklin County. Both laughed and indicated yes there would be issues, with both the senate and potentially the senate district that contains the largest portion of the population of the district from which the senator was elected the house. (*Id.* at 1:26:30-2:27:48). Dr. McDonald then identified an error with the Mahoning County house districts and began working to adjust those districts (*Id.* at 1:32). Specifically, Dr. McDonald identified a locality that was impermissibly split. (*Id.* at 1:34:10-1:34:20). Dr. McDonald found another “substantial issue” shortly thereafter where a census block that had been moved the previous day caused a substantial population issue where the district was now “way off” in population. (*Id.* at 1:43:20-1:44:30). Dr. Johnson commented that there was still “a lot of work to be done, that’s for sure” (*Id.* at 1:44:48-1:45). Dr. McDonald commented that it would be a “mess” to clean up the substantial issue. (*Id.* at 1:45-1:46). Yet another substantial issue was identified, where Swanton was impermissibly split. (*Id.* at 1:57-1:57:30). Dr. Johnson told him to be “careful” because there was a balance of Democratic and Republican seats in that area that might impact symmetry (*Id.* at 1:57:50-1:58:03). Another “substantial” impermissible split of Oakwood was also identified (*Id.* at 2:09:18-2:09:30).

Around 9:30 a.m. Dr. Johnson and Dr. McDonald were given the incumbent list without any political affiliation or names. Dr. Johnson immediately began loading and reviewing this data. (*Id.* at 2:26). However, there were issues with the file and Dr. Johnson needed to ask for another.

Shortly thereafter, Auditor Faber came in and said he wasn’t sure how they “were going to land the plan today.” (*Id.* at 2:42-2:42:30). Auditor Faber asked that they pull up Warren County, and then proposed a revised split in Warren County, that kept communities together, and wouldn’t impact any issues with proportionality (*Id.* at 2:42:30-2:43:40). About 45 minutes after requesting

a new incumbent file, a corrected incumbent file was produced, which Dr. Johnson proceeded to import into Maptitude. (*Id.* at 3:11).

In the late morning of March 28, 2022, the Commission convened again. The mapdrawers reported that they had a “merged” House and Senate map. (Tr. p 170). They stated that they had just received and were coding incumbent data (without names or parties, just addresses), and were still attempting to improve compactness and municipal splits on the merged map. (*Id.*). The merged map used Dr. McDonald’s map as the base map. (*Id.*). In terms of partisan symmetry the map was proportional in the house with 3 competitive-leaning districts in the 48-52% range for both Democrats and Republicans. (*Id.* at p 173). In the senate, the mapdrawers testified that they had gotten as close as possible to the instructions they had received on symmetry with 2 Democratic leaning districts in the 50-52% range and 0 Republican. (*Id.*). Dr. McDonald specifically stated that “[W]e’ve looked at this hard and I don’t think we’re going to be able to improve on that and keep proportionality.” Importantly, this symmetry was achieved before incumbent considerations, Senate assignments, or other fine-tuning. (*Id.* at p 171).

The Commission agreed to the following schedule: Drs. Johnson and McDonald would continue to fine-tune the working draft, to be completed by 2:00 p.m.. (*Id.* at p 172). At 2:00 p.m. that map would be published online and printed for Commission members. (*Id.*). The Commission would reconvene at 3:00 p.m. to discuss and propose amendments. (*Id.*). Dr. McDonald noted they were going to rely on staff to point out midterm Senators to expedite analysis. (*Id.* at p 171).

After providing an update to the Commission, Dr. Johnson and Dr. McDonald continued working. Secretary of State LaRose came to observe the progress (3/28/22 7a.m. Recording, 4:43:45-4:45) Secretary of State LaRose asked Mr. Glassburn about the number of incumbents

who had been paired or “double-bunked.” Mr. Glassburn reported that he had been working on a plan to un-bunk incumbents. (*Id.* at 4:43:45-4:45)

Around noon, Dr. Johnson and Dr. McDonald were actively working to try to un-bunk incumbents, address municipality and township splits, and make districts more compact on the house map. (*See e.g. Id.* at 4:57-4:59). There was significant difficulty un-bunking the many double bunked house members based on population and symmetry compliance. Just un-bunking in a single district involved additional splits and significant conversation with, and direction from Mr. Glassburn. (*See e.g. Id.* at 5:22-5:33).

**The Independent Experts are not Able to Meet Their Self-Imposed Deadlines and There are Looming Problems with the Independent Senate Plan**

At approximately 12:30 p.m., President Huffman came in to ask a few questions about the latest version of the Senate map that he’d seen, which had already been amended. President Huffman noted that the map that he had didn’t have any numbered districts, and asked if there would be a new Senate map with numbered districts for the 3:00 p.m. Commission hearing, so that they could evaluate and troubleshoot any issues regarding Section 5 of Article XI. (*Id.* at 5:37-5:42). Dr. McDonald indicated that was likely impossible because they were still working on house incumbency issues, which would impact the senate map. (*Id.* at 5:37-5:42). Dr. Johnson commented that he didn’t think the numbering was a big deal because it could be left to a computer program. (*Id.* at 5:37-5:42). President Huffman explained this was not the case because of Section 5 of the Ohio Constitution, because Senators protected by Section 5 were entitled to have the same district number and represent the largest portion of their existing district. (*Id.* at 5:37-5:42). Dr. Johnson stated that he had not previously understood the constitutionally required numbering issues, that the senate districts may have to have district lines tweaked in order to comply with the required numbering, and that accomplishing the required renumbering would be difficult. (*Id.* at 5:37-5:42).

When Speaker Cupp arrived, around 2:00 p.m., the task of completing the house map and assigning incumbents were still not complete. (*Id.* at 6:59-7:00). The mapdrawers showed Speaker Cupp some options in Mahoning County, which would resolve splits of governmental units, but which might cause symmetry issues. (*Id.* at 7:00:05-7:03). After Speaker Cupp left, Dr. Johnson commented to Mr. Glassburn that “this is going to be down to the wire” and Mr. Glassburn agreed. (*Id.* at 7:14:40-7:14:53). Senator Sykes checked in on the mapdrawers who indicated that they needed some Commission guidance on Mahoning county, and that Mr. Glassburn was working on a solution for issues in the seven counties located in the northeastern corner of the state. (*Id.* at 7:41-7:42:40). Mr. Glassburn provided the mapdrawers with his previously drawn “seven counties” map file, which “cleaned up the Section 5 concerns in the seven northeast counties of the state, covering seven senate districts and twenty-one house districts. . . No Republican staff member or Commission member gave approval of the use of those districts.” (Johnson Affidavit 3). Due to time constraints, a detailed review of every change and rippling effects of this addition was not possible. (*Id.*)

At 3:00 p.m., Dr. McDonald and Dr. Johnson were still actively working on the house map. (*See, e.g.,* 3/28/22 3p.m. Recording<sup>12</sup>, 0:01:10–0:03:00). Around 3:40 p.m., Dr. McDonald and Dr. Johnson were still cleaning up issues with splits on the house map (*Id.* at 0:40:42-0:40:46). There were also remaining issues in the Akron area. Mr. Glassburn worked with Dr. Johnson and Dr. McDonald to resolve those issues (Mr. DiRossi was sick and unavailable on this day), which involved certain districts becoming more competitive or less competitive which then caused cascading issues with symmetry in several districts. (*Id.* at 0:52:30-0:59:56).

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<sup>12</sup> <https://ohiochannel.org/video/ohio-redistricting-commission-workroom-3-28-2022-300pm-1100pm>.

At 4:00 p.m. Dr. Johnson noted they had not yet worked on a senate map, and Dr. McDonald commented he would have to leave before he could work on the senate map. (*Id.* at 1:07:55-1:08:12).

In the afternoon around 4:30 p.m., the Commission reconvened, and Dr. Johnson indicated that the house map had been revised to account for unpairing of incumbents, making the districts more compact, and splitting fewer localities *except for* the 7 counties at issue in the northeast portion of the state, and that *no work had been done in the senate* as of yet. (Tr. p 175). Dr. Johnson referenced several unforeseen roadblocks when trying to assign the senate districts pursuant to the Ohio Constitution. (*Id.*). President Huffman confirmed there was no final or updated senate plan, and noted that the senate map that was circulated earlier contained senate districts in violation of Section 5 of Article XI of the Ohio Constitution. (*Id.* at pp 175–76). Dr. McDonald indicated to the Commission that he needed to leave at 5:00 p.m. because he had to teach a class the next morning in-person. (*Id.* at p 178). Dr. Johnson indicated that it was likely that they would still be working at 11:00 p.m.. (*Id.*).

Auditor Faber expressed concern over the compactness of the presented house map. (*Id.* at p 179). More specifically, Auditor Faber observed that the mapdrawers appeared to use the “hub and spoke” model where they preserved the urban core of a city and “spoked” out to suburbs to create more Democratic leaning districts. (*Id.*). Auditor Faber specifically asked about keeping larger cities whole, and noted that cities like Toledo were not kept whole. (*Id.* at p 180). Specifically Auditor Faber noted that it appeared that suburban voters were “spoked” in with portions of Toledo to create more Democratic leaning districts, and that this was the only map without a single Republican district in Lucas County. (*Id.*). Auditor Faber noted that Toledo was

split three ways to achieve the Court's required partisan symmetry, when there could be two wholly contained districts in Toledo. (*Id.*).

Speaker Cupp was concerned that there were counties like Hamilton County that had a substantial Republican population that were without any Republican House districts. (*Id.* at p 183). Speaker Cupp also noted that there was a dramatic increase in the number of Democratic leaning districts at 52-54% and whether this impacted compactness or symmetry. (*Id.*). Dr. Johnson testified that given the natural results of the other rules of the Ohio Constitution make it difficult to create 45 democratic leaning districts in and of itself, and that there is no way to achieve perfect proportionality. (*Id.* at p 184). Dr. McDonald also noted that it was extraordinary difficult to balance all goals given the extraordinarily short time frame. (*Id.* at p 185).

#### **The Commission Seeks a Back-Up Option When it Becomes Increasingly Likely One Would be Needed**

President Huffman stated that it would take at least an hour of preparation work before any new general assembly plan could be presented to the Secretary of State. (*Id.* at pp 185–86). President Huffman complimented Dr. McDonald and Dr. Johnson for their extraordinary efforts, effectively trying to cram 7-10 weeks' worth of work into 5 days. (*Id.* at 186). President Huffman then voiced his concern that the Commission had not been presented with either a complete senate map or a constitutional house map as of 5:00 p.m. (*Id.*). Because the deadline for adopting a constitutional general assembly map was fast approaching, President Huffman suggested that the Commission needed to have a failsafe plan which could be adopted in the absence of a final constitutional plan from the mapdrawers. (*Id.*). He moved that all Commissioner's staff work together to produce a map by tweaking the previously passed Commission map to improve its symmetry scores. (*Id.*). Drafting an improved version of the prior plan would at least give the Commission an opportunity to approve a new general assembly plan to meet the deadline

established by the Court. (*Id.*). Secretary of State LaRose commented that the fewest changes that could be made to the previous map would make it easier to implement. (*Id.* at p 187). Senator Sykes raised the possibility of asking the Court for an extension, but Secretary of State LaRose, Speaker Cupp, and President Huffman all pointed that the Court had expressly forbidden the Commission from even filing a request for an extension of time. (*Id.* at pp 189–90). The Commission voted to approve President Huffman’s motion that the staff begin the work of modifying the prior plan by a 5-2 vote. (*Id.* at p 191).

After the lengthy afternoon Commission meeting, Dr. Johnson continued working on the plan alone because Dr. McDonald left to return home. (3/28/22 3p.m. Recording, 2:24:30-2:25:15). Senator Sykes came in and asked how long it was going to take to complete the map, and Dr. Johnson said that “at some point we will have to stop and there will be a risk that there will be a hidden flaw we haven’t found.” Senator Sykes asked if it would be about three hours, and Dr. Johnson responded that he wasn’t sure because they hadn’t run the senate map yet (*Id.* at 2:25:23-2:26:34).

Shortly before 6:00 p.m., Mr. Springhetti entered the map-drawing room and began preparing to draw the alternative map discussed by President Huffman in full view of the Ohio Channel. (*Id.* at 2:55-2:56). At approximately, 6:15 p.m. Auditor Faber came in and saw that Dr. Johnson was still working on the house map. (*Id.* at 3:15).

Auditor Faber then discussed an amendment that be planned to offer to address the fact that Hamilton County as currently drawn did not have any Republican districts despite being 48% Republican. Auditor Faber stated that his amendment would also address his concern about the multiple splits in Cincinnati. Mr. Glassburn commented that Auditor Faber’s amendment would add a Republican seat and delete a Democratic seat. (*Id.* at 3:30:12 -3:31:26). Auditor Faber then



showed an amendment to Lucas County he wanted to offer, to create a wholly contained district in Toledo to avoid it being split so many times, and which created a Republican option for Toledo's heavily Republican suburbs. Mr. Glassburn commented that this would remove one lean republican district on the symmetry scale and create another heavily Republican area (*Id.* at 3:31:28-3:32:50). Dr. Johnson stated he would try his best to draw these amendments, but that it may not even be possible for him to finish one map (*Id.* at 3:33:20-28). Auditor Faber also complained to Mr. Glassburn that Dayton was split 4 times (*Id.* at 3:34:40-3:35).

### **Still No General Assembly Districting Plan as of 7:15 p.m. March 28**

At approximately 7:15 p.m. Dr. Johnson stated to those in the room that he thought he had a completed house map. Mr. Routt immediately began examining the map on Dr. Johnson's screen, and asked for a change immediately. (*Id.* at 4:15:15-4:16). Leader Russo also offered some suggestions on the map. (*Id.* at 4:17:30-4:20). Then, and only then, did Dr. Johnson begin preparing to work on a senate plan. When Dr. Johnson stated "7:22 yikes" he also asked Mr. Routt if there was a built in Maptitude report to run the senate analysis. Mr. Routt indicated there was not. (*Id.* at 4:22:35-4:22:51). At approximately 7:45 p.m., Dr. Johnson told Mr. Strigari that he was "just getting started" on the senate map and that he was "a little freaked out" because the house map took 7.5 hours of work that day. (*Id.* at 4:48-4:48:09).

Shortly thereafter, Dr. Johnson identified an issue with the senate map saying, "oh that's not nice" and asking Mr. Glassburn "there's no way around that, right?" (*Id.* at 4:52:20-25). Mr. Glassburn responded by saying that the house district in question would have to be moved to Huron county and they began discussing how to accomplish that. (*Id.* at 4:52:25-4:53:21). Throughout the drawing of the senate proposal, Mr. Glassburn sat next to Dr. Johnson, pointing out his drawing preferences. Another area was soon identified where house districts would need to be re-drawn. In

fact, Mr. Glassburn stated that it was preferable to re-draw the house districts in that instance. (*Id.* at 5:22:50-5:23:50). In order to fix these configurations Dr. Johnson commented that “it is going to get ugly” (*Id.* at 5:26-5:26:08) referencing the amount of work that needed to be done to fix these issues. Mr. Glassburn and Dr. Johnson discussed whether they have to “blow up” a symmetrical seat because of the Section 5 numbering requirements (*Id.* at 5:35:12-5:35:21).

At approximately 8:50 p.m. Secretary of State LaRose arrived. Dr. Johnson commented that the senate assignment requirements were a “beast of a rule” (*Id.* at 5:49:47-5:50:40). Soon after his arrival, Mr. Glassburn stated that “in retrospect, I’m not sure that Union County is the big obstacle here, but I think that it combined with Montgomery-Greene has to give to undue a lot of this.” Dr. Johnson responded, “well we have no time to fix that so they’re just going to end up not in their seats” (*Id.* at 5:53-5:54:10). At 9:00 p.m. Senator Sykes arrived. Dr. Johnson stated that he did not have new maps and asked if the Commission meeting could be delayed by an hour. (*Id.* at 6:00-6:45). About 15 minutes later, Dr. Johnson commented to Mr. Glassburn that “we have a problem” (*Id.* at 6:18:15-6:18:20). Dr. Johnson pointed out some issues in Wood County and the surrounding areas (*Id.* at 6:18:20-30). Dr. Johnson then remarked to Mr. Glassburn that “in another 72 hours this could be a really good map.” (*Id.* at 6:20:22-27).

#### **Still No General Assembly Districting Plan as of 9:45 p.m. March 28**

The Commission reconvened around 9:45 p.m. Dr. Johnson informed the Commission that a full house map had been drawn, but that he had not completed a senate map. (Tr. p 192). To fix the senate map problems discussed in the afternoon Commission meeting, Dr. Johnson had to jump back and forth from the house plan to the senate plan to make adjustments in the northwestern portion of the state. (*Id.* at pp 192–93). This action and constant need to adjust the house plan stemmed from the Ohio Constitution’s requirements that senate districts be comprised of house

districts. (*Id.*). Dr. Johnson stated that an initial senate map could potentially be completed in about forty-five (45) minutes to an hour *if* there were no further roadblocks, but that such time estimates were exceptionally hard to predict given the complexity of the senate rules. (*Id.* at p 192).

President Huffman asked Dr. Johnson to describe the issues in northwestern Ohio that were problematic. (*Id.*). Dr. Johnson described difficulties created by the interplay between the house and senate districts that lock in certain Senate seats. (*Id.*). A particular issue was the diagonal line that started in in Cuyahoga County and ran down to Hamilton, which created a wall and had a rippling effect resulting in two house seats that ultimately did not connect in the northwest, forcing Dr. Johnson to go back to the house map to redraw. (*Id.*). President Huffman noted that staff had found additional constitutional infirmities in the last publicly posted house map. (*Id.* at p 193). For example, Cleveland Heights and Cleveland were split in same house district –a significant issue as this was a problem in previous map draws. (*Id.*). If the map drawer were to fix that, it would have a rippling effect because of population requirements. (*Id.*). In response, Dr. Johnson noted that he was still focused on drawing district lines for the house and senate plans, and that he had not even begun his review of city and township splits. (*Id.*). Thus, only 2 hours before the midnight deadline established by the Court, and effectively 45 minutes before the Commission needed to pass a map so that it could be transmitted to the Secretary of State by midnight, Dr. Johnson had still not cured all constitutional infirmities in the house plan, and had not completed drawing a senate map.

Several Commission members expressed concerns over amendments to the mapdrawers' map. (*Id.* at pp 193–94). Dr. Johnson said that any amendments that did not fit into the map's configuration in its current stage, could not be addressed before midnight. (*Id.* at p 194). Dr. Johnson was then dismissed from the meeting to continue his work on the map. (*Id.*).

### **With No General Assembly Districting Plan in Reasonable Sight, the Commission Adopts the Back-Up Option**

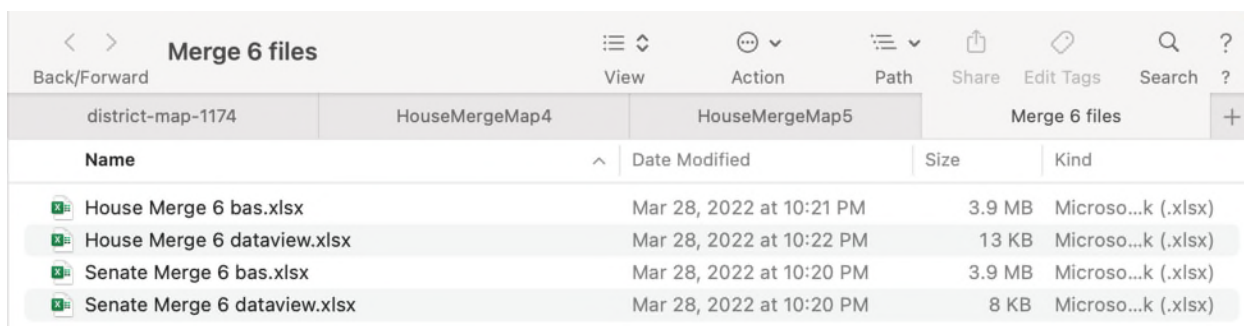
Once Dr. Johnson was dismissed, President Huffman stated that Mr. Springhetti had been working on another map as a backup option for purposes of meeting the Court's deadline, which Speaker Cupp then presented to the Commission. (*Id.*). Speaker Cupp noted that in spite of the work that had been done thus far, it was not feasible to expect Dr. Johnson to have a complete plan finished in time to for proper evaluation to ensure it was constitutional—particularly in the senate where there are complex rules. (*Id.* at p 195). As such, Speaker Cupp moved that the Commission adopt the plan prepared by Mr. Springhetti and designated this plan as the 3/28 Cupp Plan. (*Id.*).

Speaker Cupp summarized the 3/28 Cupp Plan as improving the last plan formally adopted by the Commission. (*Id.*). Specifically, the 3/28 Cupp Plan changed two house districts from asymmetrical to Democratic leaning, and changed one senate district from asymmetrical to democratic leaning. (*Id.*). In total, changes were made to six house districts within three counties, and two senate districts in Franklin County. (*Id.*). The 3/28 Cupp Plan split fewer communities than the draft independent map and had more compact districts. (*Id.*).

President Huffman then emphasized that the map information needed to be transmitted to the Secretary of State's Office by midnight. (*Id.* at p 200). Senator Huffman stated that Commission needed to go ahead and vote to meet the deadline. (*Id.*). Secretary LaRose noted that the Court set a timeline that wasn't attainable and changed the rules on what the Commission should do with novel concepts like symmetry. (*Id.* at pp 201–02). In Secretary of State LaRose's view, it would be irresponsible to not consider a Plan B, like the 3/28 Cupp Plan, especially considering the midnight deadline. (*Id.* at p 202).

The motion to adopt the 3/28 Cupp Plan was then submitted for a vote and the roll was called. (*Id.* at pp 204–05). The 3/28 Cupp Plan passed with 4 in favor, 3 against. (*Id.*).

Meanwhile in the mapdrawer room, after Dr. Johnson was dismissed to continue drawing, Dr. Johnson and Mr. Glassburn did just that. Dr. Johnson examined the questions about the Cleveland Heights population issue and realized that one of the districts was overpopulated (3/28/22 3p.m. Recording, 6:34-6:35). He and Mr. Glassburn then continued addressing other issues in the house map and re-pairing and drawing the senate map. Just before 10:00 p.m. Dr. Johnson stated that he thought that the house map was completed. (*Id.* at 6:57-6:58:20). Mr. Glassburn commented that he was sure there will be a mistake or two in the final product, but said the question is how substantial they are (*Id.* at 6:58-6:59:30). At around 10:00 p.m., Dr. Johnson began copying over the house map to start the senate map over from scratch (*Id.* at 6:59:30-7:00). A few minutes later, Dr. Johnson spotted a non-contiguous portion of House District 98 that he had to go back and adjust (*Id.* at 7:02:15-7:02:50). At approximately 10:20 p.m. Dr. Johnson stated that he had reached a finished product in terms of drawing. (*Id.* at 7:23-7:24). At that time, House Merge 6 and Senate Merge 6 block assignment files and corresponding data were uploaded to a zip folder:



Name	Date Modified	Size	Kind
House Merge 6 bas.xlsx	Mar 28, 2022 at 10:21 PM	3.9 MB	Microso...k (.xlsx)
House Merge 6 dataview.xlsx	Mar 28, 2022 at 10:22 PM	13 KB	Microso...k (.xlsx)
Senate Merge 6 bas.xlsx	Mar 28, 2022 at 10:20 PM	3.9 MB	Microso...k (.xlsx)
Senate Merge 6 dataview.xlsx	Mar 28, 2022 at 10:20 PM	8 KB	Microso...k (.xlsx)

Mr. Glassburn, through his business “Project Govern,” emailed all staff the four files at approximately 10:30 p.m.

However, the mapdrawing process was not complete as revealed by the video. After Mr. Glassburn uploaded the files at 10:30 p.m., work continued. Dr. Johnson began checking for Section 5 compliance and whether Senators were properly assigned. (*Id.* at 7:23-7:24). Applying

the correct number for senate districts, Mr. Glassburn warned, could create conflicts. (*Id.* at 7:28-7:29).

At 10:46 p.m., Mr. Routt fully uploaded the House Merge 6 and Senate Merge 6 materials to the Commission website and the Commission was notified of its submission—this was the first fully merged senate map that was made available to the Commission and the public. (*See* Exhibit A pp 1–2). However, even then the maps were not complete. At 10:52 p.m. Mr. Routt stated “so we need to do the assignments” meaning that assignments to the senate map had not yet been done, and that compliance with Section 5 had not been ensured. (*Id.* at 7:52:40-50). Shortly thereafter Dr. Johnson and Mr. Glassburn began looking again at the Montgomery County districts. (*Id.* at 7:53:40-7:54:20).

**Senator Sykes Attempts to Introduce the Independent Plan at 11:00 p.m. Even Though Video Evidence Demonstrates the Plan Was Not Complete**

Shortly after 11:00 p.m., Mr. Glassburn can be seen on the video stream directing Dr. Johnson on the verification of combining house districts and working through assignments with Mr. Routt and Dr. Johnson. (3/28/22 11p.m. Recording<sup>13</sup>, 0:01:00–0:01:25). Mr. Routt provided incumbent information pertaining to SD 2 and Senator Gavarone. (*Id.*). Mr. Glassburn admitted he “doesn’t know what the criteria is” for assigning the incumbent senators (*Id.* at 0:01:10-0:01:25). Mr. Glassburn then directed Dr. Johnson on how to specifically draw and number the senate districts. Mr. Glassburn can be observed texting someone on his cell phone (*Id.* at 0:04:00-0:04:25). At one point, Mr. Glassburn departed from the view of the camera. (*Id.* at 0:05:18) Mr. Routt began instructing Dr. Johnson on how to draw and label the Senate districts.

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<sup>13</sup> <https://ohiochannel.org/video/ohio-redistricting-commission-workroom-3-27-2022-1100pm-3-28-2022-700am>.

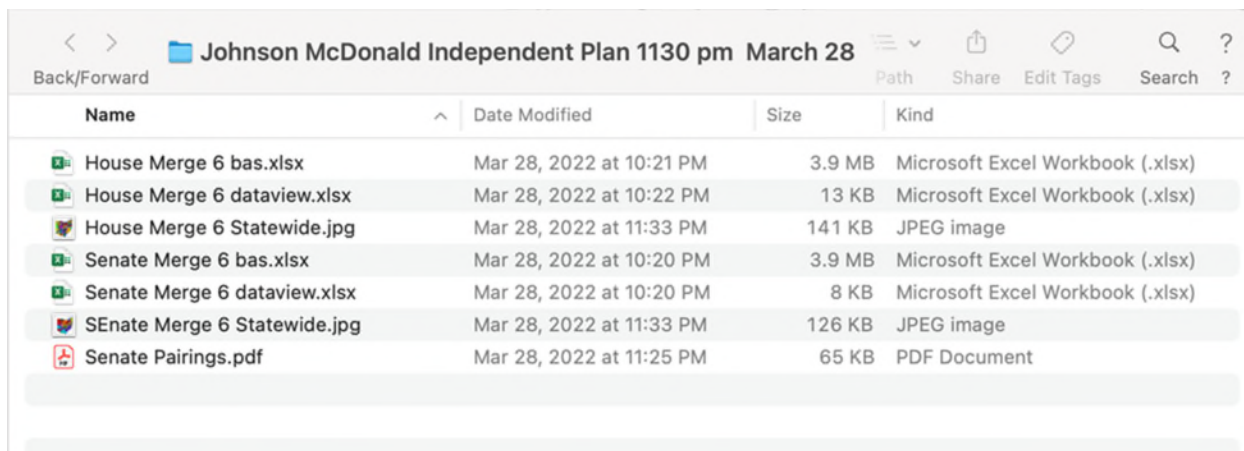
At approximately 11:05 p.m., the Commission reconvened. Co-Chair Sykes moved the Commission pass the plan purportedly completed by Dr. Johnson, allow additional work to be conducted through an updated map if necessary, and that the Commission not dissolve for four weeks in order to continue working on the plan. (Tr. pp 206–07).

President Huffman, Co-Chair Cupp, and Governor DeWine took issue with significant compactness issues in the incomplete plan. (*Id.* at 209–10). Governor DeWine noted that the goal of the constitutional amendment was to end the partisan process through creation of district boundaries that were more compact. (*Id.* at p 209). At approximately the same time as Governor DeWine’s remarks, at approximately 11:15 p.m. the labeling of senate districts was actually complete. (3/28/22 11p.m. Recording, 14:08). The Commission was therefore at that moment considering a map that was continuing to change in the mapdrawing room.

In the mapdrawing room, Mr. Routt and Mr. Glassburn continued to confer on matters. Mr. Glassburn and Mr. Routt continued to view Mr. Routt’s screen, which was not shown on camera, and without Mr. Glassburn visible in the video pane. (*Id.* at 0:15:35-0:23:45). It is impossible to know what was worked on or fully discussed in this conversation, or what was viewable on Mr. Routt’s screen. (*Id.*). These discussions and off-camera work continued for several minutes. (*Id.*). Neither Mr. Glassburn, nor the contents of what was on his computer screen were visible. (*Id.* at 0:15:35-0:21:49). Dr. Johnson commented that he told Dr. McDonald that they “addressed but didn’t necessarily fix” the incumbent issues (*Id.* at 0:20:05-0:20:30). This continued until Mr. Glassburn left the room. (*Id.* at 0:21:49). Mr. Glassburn returned, and resumed his position off screen where Mr. Routt can be heard telling Mr. Glassburn that because of whatever Mr. Routt did off camera the Senate assignments were now “cockeyed.” (*Id.* at 0:23:00-

0:23:50). Mr. Glassburn replied that he did not think that issue was critical. (*Id.*). The time was approximately 11:24 p.m.

At approximately 11:26 p.m., Co-Chair Sykes’ motion failed. (Tr. pp 211–12). While Leader Russo read the Minority Statement into the record at the Commission Hearing (*Id.* at pp 213–14), in the mapdrawer room, Mr. Routt thanked Dr. Johnson for his work, and Dr. Johnson called the process “brutal.” Dr. Johnson then commented that several incumbents remained paired. Mr. Glassburn joined Dr. Johnson on the camera view to look at these and potentially resolve these pairings. (3/28/22 11p.m. Recording, 0:27:25-0:27:46). Mr. Glassburn noted that there were four sets of pairs, and Dr. Johnson commented that he was not sure if every Senator was assigned to a district they currently live in. (*Id.* at 0:28:40-0:29:10). At approximately 11:33 p.m., the latest version of the plan was saved to a zip folder:



Name	Date Modified	Size	Kind
House Merge 6 bas.xlsx	Mar 28, 2022 at 10:21 PM	3.9 MB	Microsoft Excel Workbook (.xlsx)
House Merge 6 dataview.xlsx	Mar 28, 2022 at 10:22 PM	13 KB	Microsoft Excel Workbook (.xlsx)
House Merge 6 Statewide.jpg	Mar 28, 2022 at 11:33 PM	141 KB	JPEG image
Senate Merge 6 bas.xlsx	Mar 28, 2022 at 10:20 PM	3.9 MB	Microsoft Excel Workbook (.xlsx)
Senate Merge 6 dataview.xlsx	Mar 28, 2022 at 10:20 PM	8 KB	Microsoft Excel Workbook (.xlsx)
SEnate Merge 6 Statewide.jpg	Mar 28, 2022 at 11:33 PM	126 KB	JPEG image
Senate Pairings.pdf	Mar 28, 2022 at 11:25 PM	65 KB	PDF Document

The “Johnson McDonald Independent 328 Final” plan included revisions in Mahoning County that were objected to by the Republican Commission Members, but that there was no time to change. (Johnson Affidavit p 4). The plan also included the “seven counties” map drawn by Mr. Glassburn without bipartisan approval. (*Id.* at pp 4–5). Furthermore, the map was not fully assessed for compliance with the Ohio Constitution. (*Id.* at p 6–7). As set forth in Dr. Johnson’s Affidavit, he did not have time to run Maptitude compactness reports or to do any of the following:



- a. Balance the compactness and partisan symmetry requirements of Section 6 as directed by the Ohio Supreme Court;
- b. Address any of the Commission's requested revisions to the map (the change in Mahoning County and the Auditor's requested alternative map with redrawn House districts in Toledo and Cincinnati);
- c. Deliver the map for any substantive review by Commission staff, much less by the Commissioners themselves, such as the review that led to Senator Huffman's note in the afternoon meeting that the House map at the time unconstitutionally split Cleveland Heights; and
- d. Review the maps to determine if there was a way to eliminate any relevant pairings among the three House districts and four Senate districts that contained pairings.

(*Id.* at pp 6–7).

The independent plan was not fully uploaded to the Commission website until 11:37 p.m. by Mr. Routt—after the Commission meeting had adjourned. Only then was the Commission notified of the map’s submission. (*See* Exhibit A p 3). Dr. Johnson “cannot say it was a final constitutional map.” (Johnson Affidavit p 6). At 11:41 p.m., Heather Blessing, on behalf of Co-Chair Cupp, emailed the Secretary of State’s office all required files, thereby complying with the Court’s latest Order for transmittal before midnight. On March 29, 2022, at approximately 8:50 a.m., the Ohio Redistricting Commission filed the required “Notice of Filing of Adopted General-Assembly plan of The Ohio Redistricting Commission” with the Ohio Supreme Court, thereby complying with the 9:00 a.m. deadline set by the Court.

## **LEGAL BACKGROUND**

On September 16, 2021, the Commission adopted its first general assembly district plan (“First Plan”). See *League of Women Voters v. Ohio Redistricting Commission*, slip op. 2022-Ohio-65, ¶ 24 (“*LWW I*”). In *LWW I*, the Ohio Supreme Court held that the percentage of Republican leaning and Democratic leaning districts in the First Plan violated Article XI, Sections 6(A) and 6(B). The Court concluded that the First Plan violated both Sections 6(A) and 6(B) because the number of Republican and Democratic leaning seats did not correspond closely to the statewide preferences of Ohio voters. *LWW I*, ¶ 108. The Court first stated that under the methodology required by Section 6(B) over “the relevant period, about 54% of Ohio voters preferred Republican candidates and about 46% of Ohio voters preferred Democratic candidates.” *LWW I*, ¶ 108. In contrast, the Court found that “under the adopted plan, Republicans are favored to win between 61 and 68 House seats and between 20 and 24 Senate seats.” *Id.* at ¶ 121. Based upon this evidence, the Court held that the Commission did not “attempt” to adopt a plan that complied with Section 6 (B). *Id.* at ¶ 102-121.

While the Court agreed that “Ohio’s political geography poses challenges in the drawing of overall Article XI compliant districts,” *Id.* ¶ 128, it did not explain the percentage of vote which must be found in any district before it can be classified as “favoring” or “leaning” Republican or Democratic candidates. All of the experts who offered testimony during this phase of the litigation treated a district as leaning or favoring one party or the other based upon which party scored a majority of the vote percentage even if it was a bare majority. While the Court mentioned the partisan symmetry test, it did not state where on any partisan symmetry analysis any adopted plan was required to fall in order to correspond closely to the statewide proportion of vote share, as calculated under the methodology stated in Section 6(B). Perfect partisan symmetry was certainly

not mentioned as a requirement. The Court clearly agreed that something other than perfect scores under any of the Petitioners' tests could not be achieved because of the "political geography challenges in the drawing of overall compliant districts." *Id.* ¶ 128.

In response to the Court's order in *LWV I*, the Commission adopted a second plan ("Second Plan") on January 22, 2022. *See League of Women Voters v. Ohio Redistricting Commission*, Slip Opinion No. 2022-Ohio-342, ¶ 2 ("*LWV II*"). . The Second Plan included 57 Republican leaning and 42 Democratic leaning House Districts, 20 Republican leaning Senate Districts, and 13 Democratic leaning Senate Districts. In invalidating the Second Plan, the Court seemed to primarily rely on Dr. Imai's testimony regarding labelling a district as leaning Democratic when the vote share above 50% is less than 1%. The Court did not state whether it would be permissible to label a district as Democratic leaning if the district had a vote share of 52 to 53% even though several Democratic districts in this range were present in the Second Plan. *LWV II*, ¶ 57. The Court also relied on Dr. Imai's testimony that his average simulated plan produced 59 Republican districts as compared to the 62 Republican districts in the Second Plan. *Id.* ¶ 59. No further guidance was provided by the Court regarding the tests that must be used for the Commission to adopt a plan that complies with Section 6(B). As a result of these findings, the Court ordered the Commission to adopt a new plan.

The Commission adopted a Third Plan on February 24, 2022. Petitioners objected to the Third Plan, largely on the grounds that, based on the election composite, there were numerous democratic districts between the 51-52% range. Respondents countered that the Court did not set a bright line test for the "symmetry" required in *LWV II*, but that the Court had relied on Dr. Imai's simulations and reports that examined the number of districts between 50-51%. Based on this, the Commission had tried to achieve better symmetry within the 50-51% range. Relying on expert

reports from Dr. Latner and Dr. Rodden, the Court moved the “symmetry” goal posts and determined that districts between 50-52% were “competitive” and therefore subject to some sort of symmetry requirement. *League of Women Voters of Ohio v. Ohio Redistricting Comm.*, Slip Opinion No. 2022-Ohio-789, ¶ 42 (“*LWV III*”). The Court still did not provide the outer limit in which the Court would deem a district “too” competitive.

## **ARGUMENT**

### **I. Petitioners Fail to Meet Their High Burden of Proof.**

In its decision of January 12, 2022, the Court adopted the same standard of proof outlined by the Court in *Wilson v. Kasich*, 134 Ohio St.3d 221, 2012-Ohio-5367, 981 N.E.2d 814, at ¶ 18-24 (2012). *See LWV I*, at ¶ 78. Thus, “the burden of proof on one challenging the constitutionality of an apportionment plan is to establish that the plan is unconstitutional beyond a reasonable doubt. In the absence of evidence to the contrary, [the court] must presume that the apportionment board performed its duties in a lawful manner.” *Id.* Petitioners fail to meet their high burden to prove that the Fourth Plan is unconstitutional beyond a reasonable doubt. As this Court clarified, challenges to district maps “are not ordinary civil cases” and as such “it is well-settled that the challenging party faces the highest standard of proof, which is also used in criminal cases, proof beyond a reasonable doubt.” *LWV I*, at ¶ 78; *see also State ex rel. Ohio Congress of Parents & Teachers v. State Bd. of Edn.*, 111 Ohio St.3d 568, 2006-Ohio-5512, 857 N.E.2d 1148, ¶ 21. Importantly, Petitioners must prove factual issues beyond a reasonable doubt. *LWV I*, at ¶ 78. Under this standard, “it is not enough to show that one plausible reading requires the statute be stricken as unconstitutional, when another plausible reading permits it to survive.” *Ohio Grocers Assn. v. Levin*, 123 Ohio St. 3d 303, 2009-Ohio-4827, 916 N.E.2d 446, ¶ 24. Petitioners fail to

show that under the facts as they have presented them, there is no plausible reading of Article XI that renders the Fourth Plan constitutional.

## **II. The Fourth Plan is Constitutional.**

### **A. The Commission clearly attempted to comply with Section 6.**

The parties agree that through the afternoon of March 28, the Commission had diligently tried to comply with this Court’s order in good faith. The dispute turns on what happened after 4:26 p.m. that day. (Bennett Renewal<sup>14</sup>, at 5-8; League of Women Voters Motion<sup>15</sup>, at 3-9). First, the Commission scheduled meetings every day between March 19 and March 28—they could hardly do more to “convene frequent meetings,” as the Court ordered. (League Motion, at 3). Next, as Petitioners themselves state, “[i]n an effort to craft a bipartisan map,” the Commission unanimously hired two independent map makers (one chosen by each political party) and a mediator to assist in the process. (League Motion, at 4). The Commission also adopted several detailed ground rules for the map makers—rules that “directly sought to respond to the Court’s Order.” (League Motion, at 4).

The Commission directed the map makers to draw an “entirely new map” that complied with the Ohio Constitution and this Court’s orders. (League Motion, at 5). The rules also provided that the map makers would answer to each of the Commission members (with conflicts resolved by mediation). (League Motion, at 5).

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<sup>14</sup> Petitioners’ Renewed Motion for an Order Directing Respondents to Show Cause and Motion to Schedule Contempt Hearing, *Bennett, et al. v. Ohio Redistricting Commission, et al.*, No. 2021-1198 (Mar. 29, 2022).

<sup>15</sup> Petitioners’ Motion for an Order Directing Respondents to Show Cause for Why They Should Not be Held in Contempt of the Court’s March 16, 2022 Order, *League of Women Voters of Ohio, et al. v. Ohio Redistricting Commission, et al.*, No. 2021-113 (Mar. 29, 2022).

To ensure that the final product was the work of the Commission as a whole, the map makers used two computers in a work room to draft the General Assembly district map. (League Motion, at 5). And to comply with the March 16 Order requirement that the “drafting occur in public,” the Commission set up a live stream of that work room, so that the public could watch the drafting of the map in real time.

On the morning of March 24, the mapdrawers began their work, in room 116 of the Statehouse. (League Motion, at 6). And as Petitioners acknowledge, staff from both the Republican and Democrat sides of the Commission participated in drafting the map throughout the week. (League Motion, at 6). The Commission felt that it was making progress in good faith, and the Commission Co-chairs stated that they were optimistic that they could meet the Court’s March 28 deadline. (League Motion, at 6).

But at 4:26 p.m. on March 28 with just hours remaining to comply with the Court’s midnight deadline, Dr. Johnson stated that drawing a general assembly districting plan was a “slow process” owing to the “complicated geographic challenges” and “most complicated Senate rules.” (3.28.22 Transcript, pt. 2). And according to Dr. Johnson, they were “still a couple of hours, at least” from completing one aspect of the mapping process and not the entire process—“if it goes smoothly.” (*Id.*) The mapmakers offered no estimate on when they might complete the entire process. And by this time the other independent expert—Dr. McDonald—had left town to return home.

At 5:07 p.m., Senate President Huffman noted that the Commission still did not have a proposed constitutional House map to review (never mind a Senate map), with “just five hours or so to go” before the Commission needed to adopt a general assembly districting plan. (*Id.*) The Commission was rightly skeptical that the map makers could finish in time to comply with the

March 16 Order. So Senate President Huffman proposed a “failsafe” to comply with the Order—making additional changes to February 24 map to “more closely comport with the decision of the Supreme Court.” (3.28.22 Transcript, pt. 2). The Commission approved the motion, and Blake Springhetti began working on one of the work room computers (in full view of the live stream) while the independent map makers also continued working.

At 9:23 p.m., Dr. Johnson announced that they had completed a house map, but still did not yet have a senate map. (3.28.2022 Transcript, pt. 4). The problem was, the independent map makers did not have a complete house map at that time either: “And just about 20 minutes ago, we hit the expected roadblocks and **jump[ed] back to the house plan** to try to clear those roadblocks.” (*Id.*) (emphasis added). So Dr. Johnson expected it would take “forty-five minutes or so optimistically, but it’s very hard to predict.” (*Id.*) It was clear around 9:30 p.m. that there were still serious shortcomings in the independent mapdrawers house and senate maps. The mapdrawers had not yet addressed the requirement on city splits and pairings in the maps, and they were “not to that step yet.” (*Id.*)

At 9:59 p.m., the Commission still had no complete general assembly district plan to review. Senate President Huffman noted that “we [the Commission] have to have a set of information to the Secretary of State’s office before midnight tonight,” and that it would take “about an hour to prepare that,” which gave the Commission “essentially” a “10:30 deadline.” (*Id.*)

At 10:17 p.m., the Commission reasonably felt it had to act. The Commission still had no map from the independent map makers. So the Commission turned to the back-up plan and approved the map prepared by Mr. Springhetti (over the objections of Co-chair Sykes and Leader Russo).

Democratic staff ultimately uploaded draft house and senate maps to the Commission's website at 10:46 p.m. after the Commission adopted the back-up plan. That was the first time an even purportedly final senate map was made available to Commission members. But the mapdrawers were not done, and the live stream feed shows that they continued to work on a map for more than another half-hour.

Co-Chair Sykes and Leader Russo moved to have the Commission request from this Court a 12-hour extension of the deadline to draw a final general assembly district plan. (League Motion, at 13). Of course, this Court's March 16 order expressly forbade any request for an extension of time. Indeed, had the Commission asked for an extension, the clerk of court would not have even filed it—per this Court's order. *LWV III*, 2022-Ohio-789, at ¶ 46.

At 11:01 p.m., Co-chair Sykes moved to adopt the map “completed” by Dr. Johnson, and to “allow, if necessary, additional work to be conducted through an updated map” during the next four weeks. (3.28.2022 Tr., pt. 5.) This statement was false as demonstrated by the livestream video. Dr. Johnson had not “completed” the map. Indeed, the live stream of the workroom shows that at the very moment Co-chair Sykes moved to adopt the “completed” map, Dr. Johnson was still working on it. Leader Russo acknowledged that as of 11:03 p.m., Dr. Johnson's map was not complete: “My understanding is that the files, if they are not already completed, can be within the next 15 to 20 minutes.” (*Id.*) Which is to say, Democratic members of the Commission proposed adopting a map that was not complete (and that, most importantly, the Commission members had not seen, commented upon, or amended), and then continue to “update” or “make any improvements on” the map through April 24. The Democratic proposal would mean submitting a plan to the Secretary of State and this Court that would not even be the map to be used in the election. That proposal could not possibly comply with the spirit or letter of this Court's order.



Leader Russo’s prediction proved overly optimistic—as each prior one had been. A Democratic staffer uploaded a “final” version of a general assembly district plan on Dr. Johnson’s behalf at 11:33 p.m.—as confirmed by both the upload time on the Commission’s website, and the “Date Modified” metadata on the file itself. Turns out that the only accurate prediction of the day was how long it would take between the Commission adopting a final plan and submitting the necessary files to the Secretary of State. The Commission adopted the back-up plan at 10:17, and submitted the files to the Secretary of State at 11:41 p.m.. That means that even if the independent mapmakers had given the Commission a truly “final” general assembly districting plan at 11:01 p.m., when Co-chair Sykes (misleadingly) represented that the map was “complete,” the Commission could not transmit the necessary files for that non-existent plan to the Secretary of State, “no later than March 28, 2022.”

The Court asked the Commission to hold frequent meetings and a transparent process to create a new general assembly district plan. The Petitioners admit that the Commission did so. And the Commission worked in good faith to produce an “entirely new General Assembly–district plan.” If the Court believes the Commission failed, it is because the Commission ran out of time—and this Court announce ahead of time that it would grant no exemptions.

#### **B. The Fourth Plan improves upon the Third Plan**

Petitioners complain about the alleged asymmetry of the Fourth Plan but it is undisputed that it is more symmetrical than the Third Plan. The Fourth Plan creates 54 Republican leaning districts instead of the 59 districts Dr. Imai testified would be a fair number of Republican districts in the house plan. The Fourth Plan also reduces two alleged asymmetrical districts in the house plan and one in the senate plan that were previously present in the Third Plan.

More importantly, the supposed asymmetry of the Fourth Plan is not materially different than that of the incomplete independent plan.<sup>16</sup> The number of districts in the house in the Fourth Plan and the Independent Plan at the 55%-45% level (that is, between 54.99% and 45.01%) is as follows:

	Fourth Plan	Independent Plan
Republican Seats	77	75
Democratic Seats	47	51

(Affidavit of Raymond DiRossi (“DiRossi Affidavit”) Exs. 1–2). Thus, in the house, with a vote swing<sup>17</sup> of 5% in favor of Republicans, Republicans can win 77 seats in the Fourth Plan and 75

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<sup>16</sup> In light of the three-day response deadline, which in this case extended mostly over a weekend, Respondents have not had an opportunity to develop expert evidence regarding Petitioners’ expert reports.

<sup>17</sup> This assumes, of course, as Petitioners’ experts do, that the statewide vote swing is uniform. Modernly, the “uniform swing assumption” often produces not-so uniform results, in part because it relies on “the premise that vote switchers are present in equal numbers in each district.” Stephanopoulos & McGhee, *Partisan Gerrymandering and the Efficiency Gap*, 82 U. Chi. L. Rev. 831, 835 (2015). As residential patterns shift, “this assumption is often inaccurate.” *Id.*; see *League of United Latin American Citizens v. Perry*, 548 U.S. 399, 420 (2006) (plurality) (“The existence or degree of asymmetry may in large part depend on conjecture about where possible vote-switchers will reside. . . . [W]e are wary of adopting a constitutional standard that invalidates a map based on unfair results that would occur in a hypothetical state of affairs.”). Furthermore, this assumption does not account for independent district phenomenon like popular candidates, political polarization, and turnout, leading to unequal shifts across individual districts. Stephanopoulos & McGhee, at 859–60. Legal scholars provide the following example of the illogical results that can occur under this assumption:

For instance, a statewide swing of 5 percent in the Republican direction might produce much larger pro-Republican swings in districts full of independent voters who voted for a charismatic Democrat in the previous election. But it might produce no pro-Republican swing at all in polarized districts made up of staunch partisans whose political views are largely set.

*Id.* at 860.

seats in the Independent Plan. With a vote swing of 5% in favor of Democrats, Democrats can win 47 seats in the Fourth Plan and 51 in the Independent Plan.

There is a similar story in the senate, as demonstrated by the following chart:

	Fourth Plan	Independent Plan
Republican Seats	26	27
Democratic Seats	17	18

Thus, in the Senate, with a vote swing of 5% in favor of Republicans, Republicans can win 26 seats in the Fourth Plan and 27 seats in the Independent Plan. With a vote swing of 5% in favor of Democrats, Democrats can win 17 seats in the Fourth Plan and 18 seats in the Independent Plan.

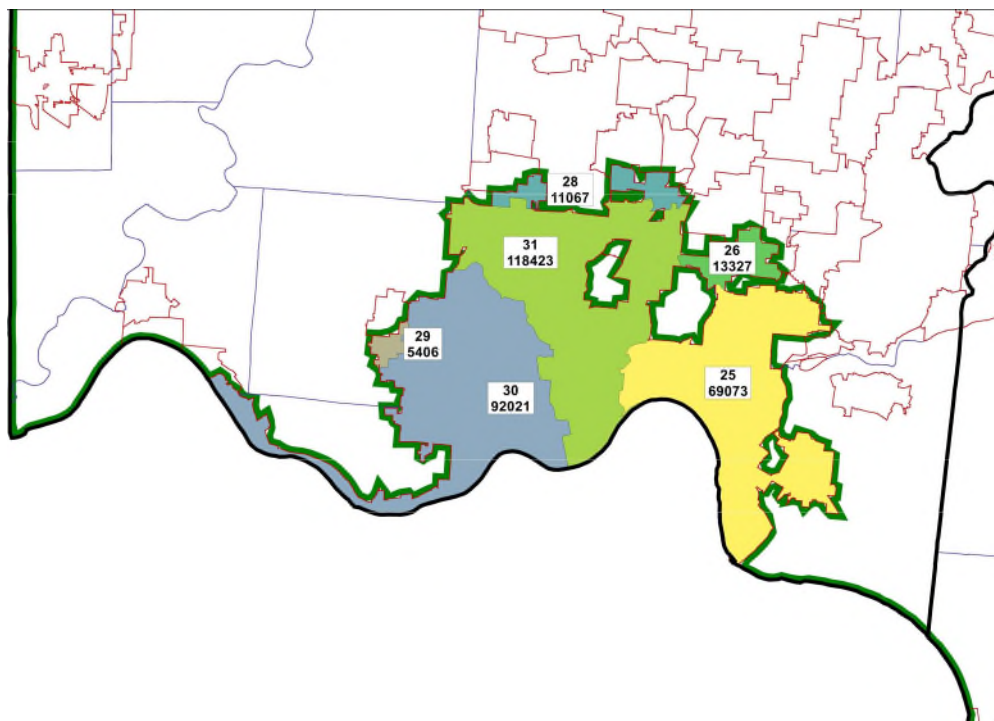
This Court to date has not specified the precise line at which a district becomes “too” competitive. Determining such a line is imprecise at best and arbitrary at worst. This is particularly true where there is no concept of “symmetry” actually written into the Ohio Constitution. As shown above, the independent mapdrawers plan demonstrates that in Ohio there will always be some amount of significant asymmetry—even when neutral experts draw the maps.

The Independent Plan also demonstrates the challenges of Ohio’s political geography and the affect upon the compactness of districts when trying to meet arbitrary symmetry standards. Auditor Faber and others complained that in trying to meet symmetry concerns, the Independent Plan resulted in numerous noncompact districts. These included what the Auditor called “hub and spoke” districts where the mapdrawer slices into an urban core and “spokes” the district out of the urban core into a rural or suburban area. (Tr. pp 179–80).

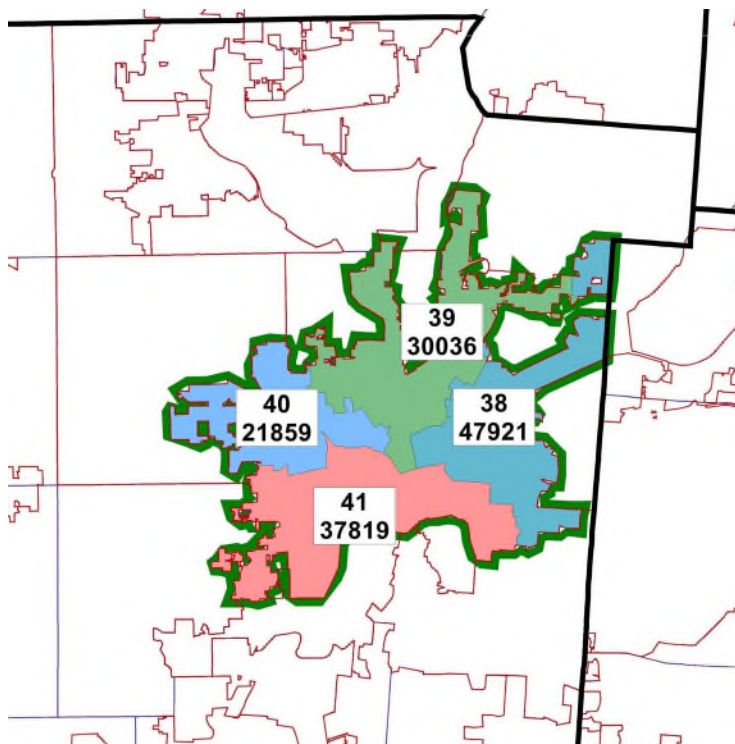
The Independent Plan demonstrates why these kinds of districts were required to address symmetry issues. Their Plan provides for 43 out of 54 house districts favoring Republicans by

60% or more, a range that any expert would consider a safe Republican seat. This constitutes 79.6% of all Republican house seats. The Independent mapdrawers created only 16 (or 35% of all Democratic-leaning districts) that favor Democrats with a vote index of 60% or higher. The story is similar in the mapdrawers' incomplete senate plan, which includes 14 Republican districts with a Republican index of 60% or higher (77.7% of the 18 Republican districts) and only 4 Democratic districts of 60% or higher Democrat (26.6%).

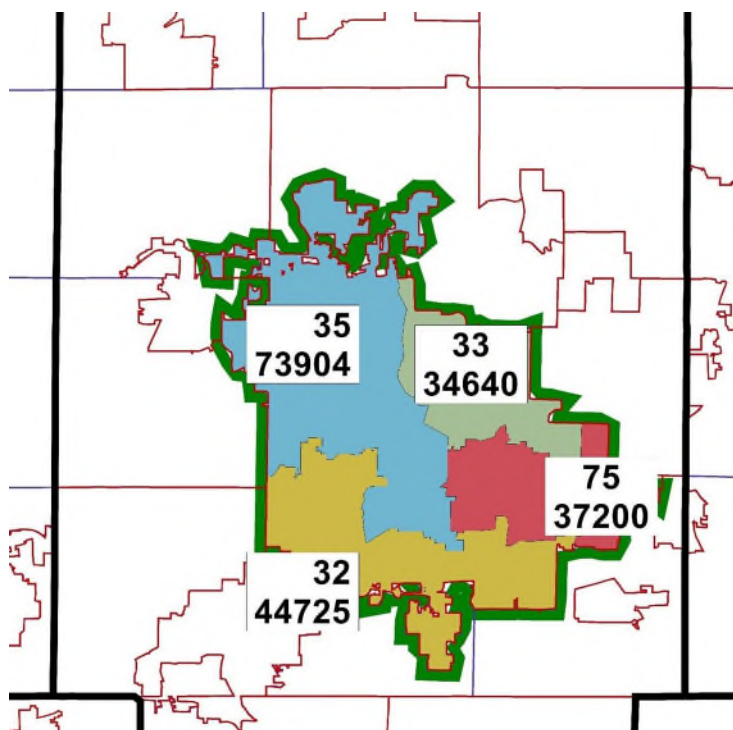
As Auditor Faber pointed out, to defeat this Republican-favorable political geography, the mapdrawer must draw “hub and spoke” districts. And that the independent mapdrawers surely did. Below is an image of how Cincinnati was carved up in this manner:



(DiRossi Affidavit, at Ex. 3). Another example is the city of Dayton:



(DiRossi Affidavit, at Ex. 3). The same is true in Akron:



(DiRossi Affidavit, at Ex. 3). The independent mapdrawers' incomplete plan demonstrates both that the supposed asymmetry in the Fourth Plan is not unreasonable and that to achieve "better" symmetry cities must be carved up like a pizza. There is no basis on this evidence to put the State through additional electoral turmoil.

**C. The Independent Plan was not a Commission-drawn plan.**

This Court made it clear that it is the role of the Commission to draw the plan, not staff. It was impossible for the Commission to draw the plan being prepared by the independent mapdrawers because time simply ran out. Auditor Faber had numerous amendments he wanted to propose for the Commission's consideration. There was no time for that. Other Commission members needed time to verify information about the plan and analyze it. There was no time for that. There was no plan to even be analyzed until 11:33 p.m. Obviously 27 minutes is not enough time to vet a house and senate district plan.

In fact, the only person other than Dr. Johnson who had the most information about the fledgling plan was Mr. Glassburn, a contractor for the Democratic caucus. Mr. Glassburn drew a significant number of districts in the senate plan. Late into the evening Mr. Glassburn continued to assist Dr. Johnson with specific senate districts, as well as house districts that had to change along the way. Then he and Mr. Routt, another Democratic staffer, worked on the senate seat assignments. If anything, the "independent" senate plan was as much a product of the Democratic caucus as it was the independent mapdrawers. Thus, even if there had been time to complete the independent house and senate plans, the evidence would not support the notion that the Commission in fact had drawn those plans.

**II. Petitioners' Proposed Relief is Unconstitutional and Inappropriate.**

**A. OOC Petitioners' new federal law arguments are not properly before this court.**

OOC Petitioners’ federal law arguments are not properly before this court and should be rejected outright. (See *Objections and Requests for Remedies of Petitioners the Ohio Organizing Collaborative, et al.* (“OOC Brief”), pp 1–2, 15–20). A claimant generally cannot raise a new substantive claim without amending or supplementing their Complaint or raise a new argument for the first time during a remedial phase or on appeal. See Ohio R. Civ. P. 8; *State v. Wintermeyer*, 158 Ohio St.3d 513, 145 N.E.2d 278, 2019-Ohio-5156, ¶ 11.

OOC Petitioners seek to do just that. Though their Complaint solely asserts claims that arise under the Ohio Constitution, OOC Petitioners now seek to raise preemption and federal equal protection arguments claims during this Court’s remedial phase. Such arguments are wholly inappropriate and untimely.<sup>18</sup> Whether Ohio’s Constitution conflicts with federal equal protection requirements must be the subject at a minimum of a separate lawsuit.

#### **B. OOC Petitioners’ Supremacy Clause arguments are barred by laches.**

Further, Petitioners’ new federal equal protection and preemption arguments are barred by laches. Laches bars relief in election-related matters if petitioners “fail to act with the requisite diligence.” “The elements of laches are (1) unreasonable delay or lapse of time in asserting a right, (2) absence of an excuse for the delay, (3) knowledge, actual or constructive, of the injury or wrong, and (4) prejudice to the other party.” *Blankenship v. Blackwell*, 103 Ohio St.3d 567, 817 N.E.2d 382, 2004-Ohio-5596, ¶ 19. This Court has “consistently required relators in election cases to act with the utmost diligence.” *Smith v. Scioto Cty. Bd. of Elections*, 123 Ohio St.3d 467, 918 N.E.2d 131, 2009-Ohio-5866, ¶ 11; *Blankenship*, 2004-Ohio-5596 at ¶ 19.

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<sup>18</sup> OOC Petitioners attempt to claim that as of the date of their objections “Ohio has no valid General Assembly district plan based on 2020 census data.” (OOC Brief at p 18). Not so. Though Petitioners may disagree with the Fourth Plan, it was adopted as a properly apportioned plan as explained herein and the Court has not yet ruled on the merits of Petitioners’ objections.

Federal malapportionment law and Article XI of the Ohio Constitution have remained the same throughout the course of this litigation. Petitioners knew this and were aware of the time constraints of the 2022 Primary Election. The only reason OOC Petitioners have waited to raise preemption arguments is a last-ditch attempt to circumvent the Ohio Constitutional provision that “[n]o court shall order, in any circumstance, the implementation or enforcement of any general assembly district plan that has not been approved by the commission . . .” Ohio Constitution, Article XI, Section 9(D)(1). After three full prior rounds of legislative redistricting over the last six months, OOC Petitioners’ new federal arguments are barred by laches.

**C. Even if OOC Petitioners’ new federal preemption argument is properly before this court, state and federal law do not conflict.**

Even if OOC Petitioners’ new federal preemption argument is properly before this Court, there is no conflict between state and federal law to mandate adoption of the incomplete independent map. Under the United States Constitution’s Supremacy Clause, state law must give way when it conflicts with federal law. U.S. Const. art. VI, cl. 2. Conflicts arise in several scenarios:

(1) where Congress, in enacting a federal statute, has expressed a clear intent to pre-empt state law; (2) when it is clear, despite the absence of explicit pre-emptive language, that Congress has intended, by legislating comprehensively, to occupy an entire field of regulation and has left no room for the states to supplement the federal law; and (3) when compliance with both state and federal law is impossible or when compliance with state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of the federal policies embodied in the laws at issue.

*Market Research Servs., Inc. v. Public Utilities Com’n*, 34 Ohio St.3d 52, 54, 517 N.E.2d 540, 543 (1987) (quotation omitted). No such scenario is present here.

The United States Supreme Court has unequivocally answered the question of whether it will wade into the murky waters of partisan redistricting—it will not. *Rucho v. Common Cause*,



139 S. Ct. 2484, 2506–07 (2019). In fact, unlike the challenged portions of the Ohio Constitution that Petitioners base their objections upon, federal law does not contemplate partisan redistricting as a viable claim under the federal Equal Protection Clause. *Id.* at 2501 (“More fundamentally, ‘vote dilution’ in the one-person, one-vote cases refers to the idea that each vote must carry equal weight. In other words, each representative must be accountable to (approximately) the same number of constituents. That requirement does not extend to political parties. It does not mean that each party must be influential in proportion to its number of supporters.”). The cases OOC Petitioners’ cite are inapposite. For example, in *Jones Metal Products Co. v. Walker*, 29 Ohio St.2d 173, 177–78, 281 N.E.2d 1, 6–7 (1972), the Court found that “the principle of nondiscrimination expressed by Title VII” was in conflict with Ohio statutes that gave female employees privileges and protections unavailable to their male counterpart and thus federal law preempted the Ohio statutes. Here, there is no such conflict.

OOC Petitioners attempt to make a convoluted argument that Article XI, Section 9(D)(1) of the Ohio Constitution conflicts with the federal requirement that state legislatures must be apportioned on a population basis. (OOC Brief p 17). However, Article XI, Section 9(D)(1) implicitly only applies to Ohio courts—states cannot confine what federal courts, which arise under Article III of the United States Constitution, can and cannot do. *See, e.g., Gulf Offshore Oil Co. v. Mobil Oil Co.*, 453 U.S. 473, 477 (1981) (providing that only Congress could confine jurisdiction to federal courts under Article III “either explicitly or implicitly.”). If this Court were to hold otherwise, that decision would, ironically, likely be in violation of the Supremacy Clause. Furthermore, currently Ohio’s General Assembly district plan is properly apportioned under the adopted Fourth Plan.

**D. Assuming *arguendo* this Court has the power to apply newly asserted federal substantive law, OOC Petitioners’ suggested remedies would lead to untenable results.**

Assuming *arguendo* this Court can properly consider OOC Petitioners’ federal equal protection and preemption claims, any new plan produced out of that process would independently violate the Ohio Constitution and require the Court to move the primary election date—actions this Court has already repeatedly declined to take.

Article XI, Section 9 of the Ohio Constitution explicitly provides what this Court may and may not do with regard to Ohio’s general assembly district plan. This Court has the power to invalidate a general assembly district plan adopted by the Commission (Article XI, Section 9(D)(3)), but in doing so the Court may not order the Commission to adopt a particular district plan, may not draw a particular district, and shall not order “in any circumstance” the implementation of any general assembly district plan that has not been approved by the Commission (Article XI, Section 9(D)(1)-(2)). No provision of Article XI provides that the Court may move election deadlines, or otherwise usurp the power of the general assembly to regulate the time, place, and manner of elections conducted in Ohio. Ohio R.C. 3501.01(E)(1) provides that the primary election “shall be held on the first Tuesday after the first Monday in May....” This year that falls on May 3, 2022.

In fact, Ohio R.C. 3501.40 specifically states that “no public official shall cause an election to be conducted other than in the time, place, and manner prescribed by the Revised Code.” Ohio R.C. 3501.40 defines “public official” as an “elected or appointed officer, employee, or agent of the state or any political subdivision, board, commission, bureau, or other public body established by law.” Clearly, under Ohio R.C. 3501.40, state court judges and Justices of the Ohio Supreme Court are “public officials” who may not grant Respondents Russo and Sykes their requested relief

without violating Ohio R.C. 3501.40, and well-established separation of powers principles. Furthermore, this Court has also recognized that it is the general assembly, not this Court, which has the sole authority to set the election date and related deadlines.

The General Assembly established the date of the primary election, see R.C. 3501.01(E)(1), and it has the authority to ease the pressure that the commission's failure to adopt a constitutional redistricting plan has placed on the secretary of state and on county boards of elections by moving the primary election, should that action become necessary.

*LWV II*, 2022-Ohio-342, at ¶ 66. For this Court to reverse its prior holding now would also violate the law of the case doctrine. *See Reid v. Cleveland Police Dep't*, 151 Ohio St.3d 243, 2017-Ohio-7527, 87 N.E.3d 1231, ¶ 10 (O'Connor, J.) ("This court has long recognized the law-of-the-case doctrine is necessary to 'ensure consistency of results in a case, to avoid endless litigation by settling the issues...'). This Court has already decided this issue and there is no need to revisit the Court's prior ruling.

Furthermore, in these remedial proceedings, the Court only retained jurisdiction "for the purpose of reviewing the new plan." *LWV I*, at ¶ 68; *LWV II*, at ¶ 45. This is consistent with the plain meaning of Article XI, Section 9 of the Ohio Constitution. *See* Ohio Constitution Article XI, Section 9(D)(1) ("No court shall order, in any circumstance, the implementation or enforcement of any general assembly district plan that has not been approved by the commission in the manner prescribed by this article."), Section 9(D)(2) ("No court shall order the commission to adopt a particular general assembly district plan or to draw a particular district.").

### **CONCLUSION**

For the reasons stated above, Petitioners' objections to the Fourth Plan should be denied, and the Court should allow elections to go forward under the Fourth Plan.

Respectfully submitted this the 4<sup>th</sup> day of April, 2022

/s/ Phillip J. Strach

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## CERTIFICATE OF SERVICE

I hereby certify that on this the 4<sup>th</sup> day of April, 2022, I have served the foregoing document by email:

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/s/Phillip J. Strach

Phillip J. Strach

# **Exhibit A**

**From:** [Routt, Randall](#)  
**To:** [maps@redistricting.ohio.gov](mailto:maps@redistricting.ohio.gov)  
**Subject:** Redistricting Commission Map Submission  
**Date:** Monday, March 28, 2022 10:45:31 PM

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A map has been submitted by Johnson and McDonald.

It is currently under review and will be published on the Redistricting Commission website if it is an acceptable submission.



**From:** Routt, Randall  
**To:** maps@redistricting.ohio.gov  
**Subject:** Redistricting Commission Map Submission  
**Date:** Monday, March 28, 2022 10:45:56 PM

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A map has been submitted by Johnson and McDonald.  
It is currently under review and will be published on the Redistricting Commission website if it is an acceptable submission.

**From:** Routt, Randall  
**To:** maps@redistricting.ohio.gov  
**Subject:** Redistricting Commission Map Submission  
**Date:** Monday, March 28, 2022 11:37:46 PM

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A map has been submitted by Johnson McDonald.

It is currently under review and will be published on the Redistricting Commission website if it is an acceptable submission.

## 2022-03-19-Redistricting-all-360.mp4

<https://ohiochannel.org/video/ohio-redistricting-commission-3-19-2022>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**COMMISSIONERS** [01:32:08] Aye

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

## Ohio Redistricting Commission 03-21-2022

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

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

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

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

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

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

**Clerk** [00:00:08] Governor DeWine.

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

**Clerk** [00:00:10] Auditor Faber

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

**Clerk** [00:00:11] President Huffman.

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

**Clerk** [00:00:13] Secretary LaRose.

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

**Clerk** [00:00:14] Leader Russo.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



## Ohio Redistricting Commission 3-22-2022.mp4

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**Co-Chair Sen. Vernon Sykes** [00:00:01] Like to call the Ohio Redistricting Commission to order would the staff, please call the roll

**staff** [00:00:09] Speaker Co-Chair Cupp (present), Senator Co-Chair Sykes (present), Governor DeWine (here) Auditor Faber (yes), President Huffman (here), Secretary LaRose (here) and Leader Russo (here). Mr Co-Chair all members are present.

**Co-Chair Sen. Vernon Sykes** [00:00:25] All present a quorum is established and will meet as a full commission, the minutes are in the folders. Are there any discussion about the minutes, any additions?

**Co-Chair Speaker Robert Cupp** [00:00:40] I'll move the minutes to be approved.  
(second)

**Co-Chair Sen. Vernon Sykes** [00:00:43] Are there any changes or any further discussion about the minutes? Any objections to the minutes? Seeing and hearing none we will accept the minutes as presented. Is there any further business to be brought before the commission today? We have discussed finalizing a schedule for meetings for the next few days. We have two versions of the schedule that's been distributed, and let's have some discussion about, about the schedule. Yes?

**Senate President Sen. Matt Huffman** [00:01:31] Well, Mr. Co-Chair, since you asked,

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

**Senate President Sen. Matt Huffman** [00:01:35] And as I mentioned,

**Co-Chair Sen. Vernon Sykes** [00:01:37] I didn't mean for you to answer,

**Senate President Sen. Matt Huffman** [00:01:38] Oh, OK. Thank you [group laughter] It's about 10 years of that. We've been doing this right back and forth. Well, what I was going to say, Mr. Co-Chair is and as as I mentioned, I'm available with the exception of an event this afternoon, which obviously won't conflict in the State of State other days. I'm not sure if there's value in the Thursday meeting. If were, as I understand it, There are two new individuals involved are going to be here tomorrow evening and they're we're going to have discussion over parameters of various kinds if they're going to be able to make any kind of significant report on Thursday. And you know, you had mentioned just before the meeting virtual meetings, which which I'm fine with, but, and I know Auditor Faber had brought that up a couple of meetings ago. So that's generally what I would suggest that we not have a meeting Thursday or if we do, we have it earlier in the day, it might, think that we had suggested one o'clock versus four o'clock. That way there can be a go back to your hometown and take care of the things you've got to take care of in your hometown on Thursday. Come back on Friday.

**Co-Chair Sen. Vernon Sykes** [00:03:07] OK.

**Senate President Sen. Matt Huffman** [00:03:09] Those are those would be my that's my input, but obviously go with the will of the group.

**Co-Chair Sen. Vernon Sykes** [00:03:15] Additional comments? Leader Russo,

**Minority Leader Rep. Allison Russo** [00:03:23] Thank you, Mr. Co-Chair. I, you know, I'm flexible, I think, on Thursday. Do you think that it's important that we meet every day. I think that the virtual option, if we consider that and put that back on the table, I think makes much of this daily schedule probably more doable for many of us and a little bit more flexible with some of the times. But also, I think, gives us some good ability in terms of having a more dynamic interaction with the map makers, as well as the commission as a commission as a whole.

**Co-Chair Sen. Vernon Sykes** [00:04:07] Additional comments? Well, let's look at the schedule itself in the two versions of Wednesday is the same on Thursday. We have a difference of one o'clock being proposed as opposed to four o'clock. In the rationale for the four o'clock was to, is that to allow more time?

**Senate President Sen. Matt Huffman** [00:04:41] [inaudible]

**Co-Chair Sen. Vernon Sykes** [00:04:43] OK, ok.

**Co-Chair Speaker Robert Cupp** [00:04:51] Maybe we should identify which schedule we're looking at and working from that might be helpful. There's one that has the heading the Ohio Redistricting Commission, and maybe we could be work off of that one and see if there's any changes to that one would be my suggestion.

**Co-Chair Sen. Vernon Sykes** [00:05:07] OK.

**Co-Chair Speaker Robert Cupp** [00:05:07] And I am available any of those times.

**Co-Chair Sen. Vernon Sykes** [00:05:15] Are there any objections to one o'clock on Thursday.

**Minority Leader Rep. Allison Russo** [00:05:25] Mr. Chairman?

**Co-Chair Sen. Vernon Sykes** [00:05:25] Yes

**Minority Leader Rep. Allison Russo** [00:05:27] My only concern about one o'clock, I think, you know, recognizing what Senator Huffman, President Huffman has said is that, you know, one o'clock, I think four o'clock, one o'clock doesn't give the mapmakers as much time once they arrive on Wednesday to be able and get some of our input Wednesday evening, maybe to have made as much progress by one o'clock. I think four o'clock is probably that additional three hours will be more fruitful. That said, again, you know, recognizing some of the concerns of some of the commission members who maybe want to go back to their districts if there is a virtual option, I think that may make that more doable.

**State Auditor Keith Faber** [00:06:16] Mr. Chairman?

**Co-Chair Sen. Vernon Sykes** [00:06:17] Yes,

**State Auditor Keith Faber** [00:06:18] As far as Thursday, the later Thursday, the better for me

**Co-Chair Sen. Vernon Sykes** [00:06:28] 7 o'clock?

**unidentified** [00:06:32] [inaudible]

**Co-Chair Sen. Vernon Sykes** [00:06:32] It's been a suggestion to say at seven o'clock that would give them more time, in fact, and availability may be even more open, so seven o'clock?

**State Auditor Keith Faber** [00:06:43] Can I make a suggestion, maybe, that that compromises on Thursday between not having it and just scheduling it right now as an as needed? And then we can decide on Wednesday? I also would suggest following up on the co-chair suggestion and to my suggestion earlier in the week that if we can, if we can get the virtual technology in place again, I have no idea what Cap Square and or OG T can do virtually. I would imagine it's doable because again, I've done virtual meetings out of my office with many more people. The technology in this building is different, however, that the Thursday evening might be a good virtual meeting to have with our map drawers to have to see their first cut for Franklin County or Cuyahoga County or whatever they're working on. I just think that wherever we're going to meet, once we start looking at maps needs to be a place to where we all have individual screens and or have large screens for the room. If that's doable, I don't know what the technology is. I don't know who's taking over the technology for this commission. I presume it's the legislators and the legislative, I forget what the name of the entity that does legislative IT is, but they're very good, and I remember that from my days, LIS. And they are very good and have access to wonderful technology in this building, usually not wanting in that capacity. But that might alleviate the need for us being physically present on Thursday if if Thursday is actually necessary, if they have something meaningful for us to review.

**Co-Chair Sen. Vernon Sykes** [00:08:27] I would suggest that we try to keep our schedule daily schedule. I think seven o'clock would be a better time to allow more progress on map drawing. And I think the consideration for that meeting being possibly virtual, I think will address all the issues.

**Senate President Sen. Matt Huffman** [00:08:45] So, Mr. Co-Chair I'm going to make a motion that we scheduled the Thursday meeting at seven o'clock as needed at the call of the chairs. They probably would get input from the map makers as to whether there'd be significant need for that meeting with a virtual option, if possible, as needed, if possible. How about that one motion

**Co-Chair Sen. Vernon Sykes** [00:09:09] Second? All those in favor. Any discussion about the motion?

**Minority Leader Rep. Allison Russo** [00:09:15] Mr. Chair. I just the friendly amendment to remove that as needed. I think, you know, we're at the point where we're less than a week away that these maps are due every single day will be needed. And that's my only concern about that motion. But otherwise, I'm fully supportive of potentially having a virtual option

**Co-Chair Sen. Vernon Sykes** [00:09:35] if you would consider it a friendly amendment. We always had the option to cancel the meeting.

**Senate President Sen. Matt Huffman** [00:09:41] Yeah. Well, yeah, right. And I if if the map makers look at the two of you and say, we don't have anything to report, we're just learning the rules. And for all of us to assemble here again, you know, we're we're all on salary, so it's no extra charge for us all to be here. But yeah, that's if that's what the co-chairs want to do. That's fine.

**Co-Chair Sen. Vernon Sykes** [00:10:01] OK. All right. Are there any objections to that motion?

**Secretary of State Frank LaRose** [00:10:06] Yes. I'm not going to be able to be here Thursday at 7:00, but if it's virtual, then I should be able to find a way to make it work.

**Co-Chair Sen. Vernon Sykes** [00:10:14] I think the motion would accommodate the virtual presentation. So, yeah, OK. Any other objections? If not, then we will accept seven o'clock being a virtual meeting. On Friday we were two o'clock or 10 a.m. was proposed by us and our side any discussion about Friday?

**Co-Chair Speaker Robert Cupp** [00:10:43] Mr. Co-Chair, I say, if we are meeting at seven o'clock on Thursday, 10 p.m., it's probably not as much time for any progress to be made by those who are drawing the map. So to so two o'clock was probably more realistic than 10.

**Co-Chair Sen. Vernon Sykes** [00:11:06] Any additional comments?

**Secretary of State Frank LaRose** [00:11:11] Friday morning is better for me, but yeah.

**unidentified** [00:11:15] [inaudible] [group laughter]

**unidentified** [00:11:15] [inaudible]

**Co-Chair Sen. Vernon Sykes** [00:11:25] Well, by then, we should have the virtual down, so at least attendance could be by virtual. So there's no objections will go, with two o'clock. Then on Saturday, one time proposes at four p.m., the other is that one. No problems? I guess giving more time, maybe the 4:00 p.m.? 4:00 p.m.? OK. It seems we have consensus on four p.m. So now,

**Co-Chair Speaker Robert Cupp** [00:12:21] well let's mark that, we have a consensus

**group** [00:12:21] [laughter]

**Co-Chair Sen. Vernon Sykes** [00:12:24] So we have approval of our schedule at this point, and we will work post haste to make sure that we have the technology to do virtual meetings as well.

**group** [00:12:43] [inaudible chatter]

**Co-Chair Sen. Vernon Sykes** [00:12:59] Yes. We will send out an update, will publish an update on our website as well, so that everyone will know of our intended schedule. And. We'll move now to another item, we have a mediation mediator to try to make a decision on. There has been some names that have been circulated and as well the United States Court of Appeals, the Sixth District of the chief magistrate, has in fact given approval to use the mediation component of the court. And we have some representatives here today

to try to to explain and make a presentation on the possible option. Can you come forward, please? Could you introduce yourselves?

**Catherine Geyer, Chief Circuit Mediator** [00:14:12] Certainly. Good morning, everyone. My name is Cathy Geyer. I'm the Chief Circuit Mediator for the United States Sixth Circuit Court of Appeals.

**Scott Coburn, Mediator** [00:14:19] Good morning, everyone. I'm Scott Coburn and I'm one of the staff mediators with the Sixth Circuit Court of Appeals.

**Co-Chair Sen. Vernon Sykes** [00:14:27] Please, at your leisure, please give us a presentation.

**Catherine Geyer, Chief Circuit Mediator** [00:14:31] OK, so we are here as part of the Sixth Circuit under, Chief Judge Jeff Sutton has given the approval basically to provide our services in whatever way the commission may find helpful. We have been one of the longest standing mediation programs in the United States. We just celebrated our 40th anniversary and our circuit program and other circuits across the country have modeled theirs around the Sixth Circuit. We have Ohio, Kentucky, Tennessee and Michigan in our jurisdiction. And we mediate about 600 cases a year from any case, any case type, fully counsel cases, typically bankruptcy, civil rights and employment discrimination, you name it. We have four circuit mediators and we are we follow a facilitative model. We work with the with the courts and parties in whatever way is needed. We typically follow a process that is a staged process where there's free mediation communications, perspective shared by the parties and solutions generated. But I think the key for mediation is that the mediators are neutral third parties. We don't have any stake in the outcome. And our goal is as mediators is not to determine who's right or wrong is not to render a verdict or a judge judgment as a court or a jury would do. It's not to impose solutions on anyone. It's many people say mediators manage the process and the parties manage the solution. So that's one way to think of it in terms of mediation in this particular situation, the Ohio Mediation Act, I think, would provide good guidance. Mediation is a process where a mediator facilitates communication and negotiation among parties to assist you in reaching a voluntary result. I think it's important to make that distinction about the parties. So in mediation under the Uniform Mediation Act, the parties are the individuals whose agreement is necessary to reach a resolution. There's also a defined term called nonparty participants, and those are individuals who who the parties may rely on to assist you. And I think it's important to make that distinction because in this situation, it does certainly seem like there are many nonparty participants from whom you would be seeking advice and counsel and making decisions upon and from the perspective of the mediators, it's always helpful to make sure that the parties are lockstep with whatever the nonparty participants are suggesting or advising, so that the mediators don't get too far down the road with a conversation with non parties, only to find out that the parties are making the decision may or may not be in agreement with that conversation. Anything you'd like to add?

**Scott Coburn, Mediator** [00:17:22] We see our primary role as problem solving with parties. And we're not solving the problem. It's you solving the problem. So we engage with the participants in order to determine what are the what is the goal or what are the goals? What are the obstacles to getting there? And then and a process of guided conversation back and forth, you know, expressed sometimes emotional concerns, practical concerns, legal concerns. We navigate all of that water together in trying to find the right way to accomplish the goal. I think the advantage you have in this scenario, we work in litigation and often people are working at very opposite goals here. There's the

advantage of everyone trying to get to a goal and it's a shared process. So that would seem to help guide the conversation forward pretty significantly because everybody's trying to get to the same place is just how we get there in the mediation process. That's exactly what we work with is how to get there.

**Catherine Geyer, Chief Circuit Mediator** [00:18:28] We thought we'd tell you a little bit about ourselves. As I mentioned, moment with the Sixth Circuit Court of Appeals, prior to that, I was a mediator for the Supreme Court of Ohio for five and a half years. And not only mediated the cases before the Supreme Court, but also ran a program called the Government Conflict Resolution Services Program, which some of you may recall as the Government Assistance Program or Gap program. It started in 1991 by an agency called the Ohio Conflict Dispute Resolution Conflict Management Program, and it was made up of a commission of 12 individuals for each from each of the three branches of government. And it was formed to help public officials resolve disputes between and among themselves. So we typically would mediate cases with county or local officials, but it is a program that it was designed, recognize that you, as public officials, have as part of your daily responsibilities, that conflict is just a normal part of that. So the GCRS program or the Government Conflict Resolution Program was part of my responsibilities at Supreme Court of Ohio. Prior to that, I was in private practice with a Fortune 100 company managing litigation and litigator at a law firm.

**Scott Coburn, Mediator** [00:19:43] And I've been a mediator for 17 years. I've been with the Sixth Circuit Mediation Office since 2020. Prior to that, I was a mediator with the Kentucky Court of Appeals for about five years, and prior to that, I was engaged in private practice. Did a lot of my practice in real estate construction, banking and business law.

**Catherine Geyer, Chief Circuit Mediator** [00:20:08] We're happy to take any questions if you have any or engage in any conversation or discussion that you'd like.

**Co-Chair Sen. Vernon Sykes** [00:20:14] One question I have it. How much does it cost to have your service?

**Catherine Geyer, Chief Circuit Mediator** [00:20:19] We're on loan from the court. We're the best bargain you have.

**Co-Chair Sen. Vernon Sykes** [00:20:26] Does that mean we don't have to pay you anything?

**Catherine Geyer, Chief Circuit Mediator** [00:20:29] That is correct.

**Co-Chair Sen. Vernon Sykes** [00:20:30] OK. All right. Questions?

**Co-Chair Speaker Robert Cupp** [00:20:36] Mr. Co-Chairman,

**Co-Chair Sen. Vernon Sykes** [00:20:37] Yes,

**Co-Chair Speaker Robert Cupp** [00:20:38] I have a question about the confidentiality in this process, and maybe it's because this is not an actual case in the court. Maybe you could help give us a little parameters of how that would work. Obviously, one concern this whole process has been any time anybody says something to anybody else that ends up in litigation in. And so how what what would what should we know about the confidentiality of the process?

**Catherine Geyer, Chief Circuit Mediator** [00:21:12] Well, I think you'll be pleased to know that the Sunshine Laws apply in mediation and we take those seriously. We do understand that with public bodies that they're important. It's important to both protect the confidentiality of mediation conversations, but to do so within the context of the laws that govern. So if there is a as it is a public meeting, we don't have an ability to go around that if it's necessary to have individual conversations or caucus conversations privately, that doesn't constitute a public meeting. That's certainly very helpful in mediation to be able to have those kinds of conversations. Under the Uniform Mediation Act there is there are three different kinds of privilege that apply, but that's in terms of testifying down the road at a proceeding. So the privilege is separate from the confidentiality.

**Co-Chair Speaker Robert Cupp** [00:22:08] And maybe you could discuss the privilege a little bit since this is a litigious process.

**Catherine Geyer, Chief Circuit Mediator** [00:22:14] OK, so privilege under the Ohio Uniform Mediation Act allows parties to refuse to disclose and to prevent others from disclosing communication communications that occur during mediation. And that disclosure is a privilege against testifying in a future proceeding, and a proceeding could be a court hearing, it could be a legislative hearing, it could be discovery down the road. It doesn't, the privilege does not prevent someone from posting on social media or talking with family or friends or, you know, talking in a restaurant with folks. But it's a specifically a privilege against sharing mediation communication in a future proceeding, and mediation parties have the broadest privilege. Mediators also have a privilege, and mediators can prevent others from sharing mediation communications of the mediators and the nonparty participants can also prevent others from testifying about what the non party participants say in a future proceeding, so the parties have the broadest privilege under Ohio's UMA.

**Co-Chair Speaker Robert Cupp** [00:23:33] Mr. Co-Chair, in our current configuration here is a redistricting body who would, would each of us be considered parties and who would non-parties likely be?

**Catherine Geyer, Chief Circuit Mediator** [00:23:48] From my understanding at each of the commission members has a decision making authority. And so I think, you know, certainly that would be subject to conversation if anyone thinks otherwise. But from my understanding, each one of the commission members would be considered a party, a mediation party under the UMA

**Co-Chair Speaker Robert Cupp** [00:24:11] And non-parties would be staff or interest, interested groups or individuals that wish to influence the decision of the redistricting commission?

**Catherine Geyer, Chief Circuit Mediator** [00:24:25] Right. Nonparty participants might be the independent map, map makers that you bring in or consultants that you might bring in. I think the the question of whether staff constitute nonparty participants is more of a question that maybe under the commentary of the UMA is up for grabs. But I would say that it would be like a law office if a lawyer is consulting with an administrator, administrative professional or someone else in the law firm that I think most might say that the attorney client privilege would still apply to that. So I think that I think it would be important to just establish what the expectations are around everyone in terms of where does that privilege apply? Who's the party? Who's a nonparty participant?

**Scott Coburn, Mediator** [00:25:15] I think it would need to be at the very outset, a period of time spent discussing process. Much of what we do is create environment and the questions you're asking. I think we would need to delve into and flesh out and have a very clear plan on who's participating, how and what opportunities there might need to be to have a private side, confidential conversation in order to, you know, accurately express a concern, interest, need, something of that sort. So I think we would need to start out with that kind of process conversation and make sure we're very clear on and make sure that we're very clear on the privilege and legal parameters.

**Co-Chair Speaker Robert Cupp** [00:26:05] We are a partisan body. We are all elected individually in partisan elections. But in trying to make decisions, we need neutrality. We need nonpartisan mediators or mediation. And what is your experience on this? What's your reputation on the issue of neutrality and partisanship?

**Catherine Geyer, Chief Circuit Mediator** [00:26:37] Mediators, by definition, are neutral third parties, so if we're not neutral, then we're not, you know, it's not we're not competent to serve in the role. Our behavior is guided by the model standards of conduct for mediators stopped by the American [inaudible] Association, American Bar Association and neutrality, self-determination, is all part of our responsibility. If there is a conflict of interest that we become aware of, we will share it with you. We will disclose that, and then it will be up to you to determine whether or not you wanted to waive that conflict of interest or whether you wanted to excuse us as mediators.

**Co-Chair Speaker Robert Cupp** [00:27:22] Leader Russo,

**Minority Leader Rep. Allison Russo** [00:27:24] Thank you, chair. I just have a question about, you know, how would this process began? We're on a very tight timeframe here in less than a week. We have some independent map makers coming in that I think will begin work at least initially tomorrow. So this is going to be very quick, very rapid. The role of a mediator, is this something that begins immediately? Just talk to me a little bit about how you envision this process working.

**Scott Coburn, Mediator** [00:27:59] Thank you Leaders Russo, and I think that's I hate to give a maybe answer, it's a terrible lawyer answer, but it it will depend on what's going to fit best here. Once you've gotten to the point where the commission feels like it needs to plug the mediators in, whether we plug in at a point that got some preliminary map identified and have identified some specific concerns and just want to address those concerns, that would be one way to approach. We've, of course, done mediations where it's a blank slate and we start from the very beginning and just guide the whole conversation. I don't know necessarily because this is, you know, fairly complex situation that that's where you want to plug the mediator in, you know, from the very beginning blank slate phase, it might make more sense to do so when you've started to identify some areas of conflict, and then that's where we come into the conversation.

**Co-Chair Speaker Robert Cupp** [00:29:01] Question? Governor?

**Governor Mike DeWine** [00:29:05] Mr. Chairman. Well, first of all, thank you both for being here. Thank you for your willingness to do this. Thanks to Judge Sutton for offering you up to us to do this. We appreciate it very much. This is different for us as it is different for you. And I want to maybe just kind of explore a couple of things. I'm not sure. I fully understood some of your some of the answers, and that's my fault, not yours. But we have numerous lawsuits that are swirling around and there may be more, we don't know. But



ultimately there's only seven people, at least at this stage, that are making a decision. So I guess the way I look at it is we've got two, two independent mapmakers coming in. We've got each one of us has staff. We're used to working legislators, governors are used to working through their staff. So we're not always the direct participants. But you know, people who when you talk to them or basically you're basically talking to the principal. But in some, so in some respects, this is just different, I think, than a normal case. But in other, it strikes me that in other ways, it is similar in that you have people with divergent views, maybe divergent interests, and you're trying to find as the neutral party third party, you're trying to find a place where everyone can settle. So I guess I want to see if, is that your, is anything that I said disturbing to you or that you would disagree with as we all are kind of working our way through that because no one knows how this is going to work. But we ultimately the goal is we've got the two mapmakers, we've got, we also have four partisan mapmakers. Republicans have two, Democrats have two who also can be valuable as this discussion goes on. But ultimately, it's the people you see up here who are the principals, and it becomes even more complicated than, I assume, the normal civil case when you have two two parties. Now you got seven. I know some cases you may have multiple parties, but so it's just it's just unique. It's just different. But I think we think at least I speak for myself. I think that you can be very valuable in this in this exercise.

**Catherine Geyer, Chief Circuit Mediator** [00:31:53] So there's nothing troubling about what you said. I think the challenge from my perspective and thinking about this is that that, you know, typically you would want to have all of the parties in the room when there's decisions being made. And I don't think there's any delegation of decision making or delegable duty here. So if each of the commission members is the only one who can make the decision, I think access to the decision makers would be the most important thing from the mediator's perspective because of course, we're used to working with others, maybe it's if it's a structured settlement or bringing in an accountant or a specialist or subject matter expert or something like that. That's important. But if the decision makers are, you know, not available to to reach, that would be, I think, a challenge because as I mentioned, we might kind of get headed down a particular path only to find that that one of you is not, you know, in agreement with that. And it's hard to weigh in on a decision that you weren't part of developing. So I think that would be, I think, what probably the challenge in terms of I know that your schedules are all busy and we'd want to make sure we have the right issues lined up. So we would typically meet with you individually with the parties and find out what is the most compelling or important issue to each one of you. And that may be different. And then we would set an agenda for that and say these seem to be the five or three or six or 10 issues that are important that need to be resolved. And that list may not be the same for each of you, but we would want to establish an agenda and then get agreement on the agenda if we address these issues. Does that satisfy the commission and do you feel like there's anything else that we would have to address in order for the commission's ability to feel that you could make a decision.

**Governor Mike DeWine** [00:34:09] And none of that bothers me the access. You know, I think you'll you will have access. I think that, you know, as far as immediate access, sometimes that access will come through staff, but ultimately it's not staff who makes the decisions. We have to make those decisions, but you also have the other situation where, you know, we've had three court decisions that we have to follow. We have a constitution that we have to follow. We all bring our own other interests into into this. And then you have. Two new people are coming in Wednesday who are going to try to at our direction, come up with something that everyone can agree on, or at least we can get enough votes to pass. So you've got another group over here. So it's it's a it's unique, a unique situation.

But I still, you know, I still believe that your your skill sets and your talents can be very, you know, can be very helpful

**Catherine Geyer, Chief Circuit Mediator** [00:35:18] From a process perspective of going back to Leader Russo's question. I think it would be helpful to have an individual conversation to get an idea where there's overlap and where there's not in terms of what's agreed upon and what's not. And that would give us a basis for kind of getting oriented to the framework and getting up to speed on the legal issues, constitutional issues and then also the practical issues in in the timeframe that you need. And then I think once we have an initial conversation, we can suggest possible ways to use our services or, you know, we're kind of coming into a dispute that's been around for a while. So you may say this is we're going to go. Everything is going along fine. Oh, we had a snag. Let's use the mediators here to facilitate this particular conversation is troublesome. Get over that hurdle. Go along and just kind of use us on an ad hoc basis. Really, it's I think, you know, the goal would be to be as flexible as possible so that, you know, this facilitates your resolution in a timely manner.

**Governor Mike DeWine** [00:36:31] Well, I think if I could ask one more question, Mr. Chairman, I think it would be helpful for you to have discussions with the seven members one at a time and do that. And so I think that might give you a framework of where everybody is starting from. Anyway, thank you very much. Thank you, Mr. Chairman.

**Co-Chair Sen. Vernon Sykes** [00:36:55] Senator Huffman,

**Senate President Sen. Matt Huffman** [00:36:57] thank you, Mr. Co-Chair. And so my experience in mediations in the past few decades, I it's based on that and of course, you know, the settlement discussions are not evidence in cases. We know that. And you talked a little bit about the privilege extending to the seven members of the commission. And there are, I guess, three groups of people that besides the commission, the first four, if you will, are the four map makers who have been intimately involved in this for six or eight months. And frankly, in my opinion, I think know more about this than anyone else. Those are not, those are individual either employees or contract employees of different commission members. Are you telling me that the privilege would extend to them, much like it would be an accountant or an expert witness or structured settlement analyst?

**Catherine Geyer, Chief Circuit Mediator** [00:38:02] That would be my interpretation of 27-10. Yes.

**Senate President Sen. Matt Huffman** [00:38:05] OK

**Catherine Geyer, Chief Circuit Mediator** [00:38:06] As nonparty participants, they can refuse to disclose and prevent others from disclosing their own mediation communications. But they couldn't disclose the mediation communications of the parties so as to the parties. You would have the ability to not only prevent others from disclosing what you or any of your mediation communications, but you would also be able to prevent the non party participants from disclosing mediation communications

**Senate President Sen. Matt Huffman** [00:38:38] Ok and the nonparty participants conversations with others can be disclosed if they talked to each other or some outside person who's otherwise not involved.

**Catherine Geyer, Chief Circuit Mediator** [00:38:53] Well, they would, since the privilege is just a privilege against disclosing in future proceeding, then it wouldn't prevent any conversations outside of a proceeding. So they could go to lunch together and talk about it, but they couldn't be subpoenaed to testify.

**Senate President Sen. Matt Huffman** [00:39:12] I see. Yeah, sure, sure. And then the second group of people would be other staff that are regularly involved in this attorneys or other folks. And I assume that's treated similarly to these four in-house map makers.

**Catherine Geyer, Chief Circuit Mediator** [00:39:27] Yes.

**Senate President Sen. Matt Huffman** [00:39:28] OK. And then the next group are the the newly or newly or nearly newly hired map makers who are employees or contractors of the commission. And does that privilege apply to them in a similar fashion? Yes.

**Catherine Geyer, Chief Circuit Mediator** [00:39:50] Yes, nonparty participant privilege.

**Senate President Sen. Matt Huffman** [00:39:51] OK. So I'd like to just read part of it from the Supreme Court's order and ask you to see how this lines up with with the privileges that we just talked about. So the Supreme Court has ordered that the drafting maps, the drafting shall occur in public. And does that affect in any way your ability to communicate know that we have to do this, and I think all of us are struggling a little bit with exactly how that works. You know, the seven of us sitting here with the mouse, moving it around like a Ouija board, you know, kind of thing or exactly how that works. So can you just talk a little bit about how drafting shall occur in public lines up with these negotiations are not public or conversations, whatever they may be.

**Catherine Geyer, Chief Circuit Mediator** [00:40:46] The most similar analogy, I would say, is when we mediate, when I used to mediate with public officials and they were boards or commissions or agencies or or, you know, had multiple individuals, they would meet in an executive session to have conversations. But any kind of decision making that would be made would be made in public. So there would be an opportunity through executive session to have conversations and but not any decision making. So if that that seems like that is the starting point, at least, you know, off the top of my head on on that is that if there's going to be a decision making mapmaking drawing, that sounds like that's the expectation is that happens in public.

**Senate President Sen. Matt Huffman** [00:41:34] Right, Yeah, yeah, I mean, that's the order so,

**Catherine Geyer, Chief Circuit Mediator** [00:41:35] The conversations leading up to that map making or drawing wouldn't necessarily at least as I understand what you just read, be, mean that every conversation that's ever had by anyone about this process is the same as the mapmaking.

**Senate President Sen. Matt Huffman** [00:41:56] Okay. If you haven't had a chance to look at the court's order, that would be helpful. Just make sure we're going down the right path. I would suggest so. Thank you, Mr. Co-Chair.

**Co-Chair Sen. Vernon Sykes** [00:42:07] Is there any additional questions or comments?

**Co-Chair Speaker Robert Cupp** [00:42:15] I would have one. Have you ever mediated a redistricting issue matter before?

**Catherine Geyer, Chief Circuit Mediator** [00:42:22] No.

**Co-Chair Sen. Vernon Sykes** [00:42:23] You're blessed. Any additional comments, Leader Russo,

**Minority Leader Rep. Allison Russo** [00:42:37] Thank you. Thank you, Mr. Chair. I guess my other question would be to the two of you, and I'm not sure who would be available for mediation, but what is your availability throughout the rest of this process? The court has ordered us to complete this task by next Monday on the 28th

**Catherine Geyer, Chief Circuit Mediator** [00:42:57] between the two of us. We have ability availability throughout. Scott has availability through the duration and I have availability through Thursday at noon. I'm going to Europe in the afternoon, so. But Scott will be available through as long as you need him.

**Co-Chair Sen. Vernon Sykes** [00:43:19] Hearing and seeing no, oh,

**Senate President Sen. Matt Huffman** [00:43:22] yeah, I was just reminded here by counsel that he's wrote the privilege law regarding redistricting for the NCSL, National Conference of State Legislators, and he's suggesting that the federal law will trump the state law as it relates to privilege. And I guess that's a new twist for me. I would ask you that you get with all counsel, but particularly Mr. Stigari, who's kind of a national expert in terms of redistricting and advises state legislators. And in the NCSL on these things to see whether, in fact, the privilege that we're talking about is in place. And the answer is it may not be and we have to go forward anyway, especially in light of the court's specific ruling. So,.

**Catherine Geyer, Chief Circuit Mediator** [00:44:17] OK, thank you.

**Senate President Sen. Matt Huffman** [00:44:18] Thank you.

**Co-Chair Sen. Vernon Sykes** [00:44:19] Thank you very much. We appreciate it. We'll get back with you.

**Catherine Geyer, Chief Circuit Mediator** [00:44:24] Thank you.

**Catherine Geyer, Chief Circuit Mediator** [00:44:24] Thank you very much.

**Co-Chair Sen. Vernon Sykes** [00:44:31] Is there any other mediators that you'd like to present at this particular time, or we're going to have a discussion about just the pre previous presentation?

**State Auditor Keith Faber** [00:44:52] I was just going to make a motion that we accept the generous offer of the Sixth Circuit to have them be our mediators and get this show on the road.

**Co-Chair Sen. Vernon Sykes** [00:45:05] This any further discussion?

**Senate President Sen. Matt Huffman** [00:45:10] Mr. Chair, the only thing I would say is I think we need to the rules need to be clear that if in fact one of us sits down and says a whole variety of things to the mediator and we believe it's privileged. But in fact, it's not, we should know that. So I think that needs to be. And I know that's a rather complex legal question at this point. But that's I think that's important.

**Co-Chair Sen. Vernon Sykes** [00:45:39] We can be sure to do the legal research, so we'll have a memo on that. Any objections to the motion? Hearing and seeing none it is so ordered. Is there any further business to be brought before the commission at this time? Leader Russo,

**Minority Leader Rep. Allison Russo** [00:46:05] Mr. Chair I do want to go back to we had some discussion last night about the scope of the map makers agreement with the commission and I know that, and we can pass out just a very skeletal draft, but I do think that it is important for us to be very clear, at least through a formal notion that that we want to make sure that these map makers are following the Constitution. The Supreme Court orders. I know that there will be a lot of direction and parameters that we put around them. But I do want to make sure that is clear. So I would like to formally make a motion that the hired redistricting commissions independent mapmaking consultants and commission's member's permanent staff, follow the Ohio Constitution and orders from this Supreme Court of Ohio State legislative redistricting decisions.

**Co-Chair Sen. Vernon Sykes** [00:47:02] I second.

**Secretary of State Frank LaRose** [00:47:04] Discussion?

**Co-Chair Sen. Vernon Sykes** [00:47:08] Secretary LaRose,

**Secretary of State Frank LaRose** [00:47:09] Yeah, I I guess it kind of goes without saying that the final product that we pass has to abide by the Constitution, but the mapmakers, I think, shouldn't be necessarily constrained in putting some creative ideas down for us to decide whether we think those are constitutional or not. It feels like this just kind of ties the hands of these folks that are trying to come up with a very difficult solution to a complex problem for us. And why not tell them that those should be the guiding principles, but not sort of constrain them? It's up to us to decide what we can accept and vote for.

**State Auditor Keith Faber** [00:47:48] Sorry, echoing comments I'm hearing from my fellow commissioners down this end of the table. We already did this. We did this when we agreed to give everybody involved the directions that we were going to follow the Constitution and the opinions of the Supreme Court. So it's it's it's I would argue this is moot.

**Senate President Sen. Matt Huffman** [00:48:12] You know, Mr. Co-Chair, I would just add, I think we have to follow the Constitution and as interpreted by the court. So I appreciate what Secretary LaRose is saying that, you know, the problem, one of the problems is that there are decisions to be made that are not in the Constitution and not in the court's orders. There's still discretion that needs to be exercised. There's a whole variety of things. You know, there's this issue about asymmetry, the court said. But that's we don't like that. But they didn't say what else they didn't like. There's there's not an upper parameter or lower parameter or things like that. So I think to Secretary LaRose point, there are multiple decisions that are not part of these in the Constitution are specified in here that they need to make. But as it relates to this, I think it's true. And I put it

in my motion that Saturday night and Saturday night that this was part point one of my five point motion that I made.

**Minority Leader Rep. Allison Russo** [00:49:23] So, Mr. Chair, just in quick response, and we can get some clarification, certainly, but I'm not sure that the motion at the time addressed our independent mapmakers that we voted on last evening. So I think it is important to make sure that that direction covers them as well. Also, I will note that the language of this motion does not exclude the ability of both the commission and map makers and staff, where appropriate, to use some discretion. But this simply, I think, puts forward in a formal way that's important that we are giving direction not just to our staff and the commission, which I believe what was done in your motion on Saturday. I'm losing track of our days here, but this also extends to the new independent map makers as well.

**Senate President Sen. Matt Huffman** [00:50:26] Mr. Chair,

**Co-Chair Sen. Vernon Sykes** [00:50:26] Yes.

**Senate President Sen. Matt Huffman** [00:50:27] I also think it might be helpful for us if there's some additional constraint, that needs to be a clarification. However, it is described that we talk about this with the mapmakers. I mean, they may get here tomorrow night and there may be a variety of things that we talk about that they say, Well, I'm I wasn't prepared to do that, in fact when I talked with the map makers that Attorney General Yost suggested in our conversation Sunday afternoon, as we talked about it, they said, Well, one of them said I'm not coming to Ohio, so that made it difficult. So I think I'm not in favor of this motion, at least until we can get some, some further clarification and be helpful with the map makers to understand what their what their parameters are also.

**Co-Chair Sen. Vernon Sykes** [00:51:26] Is there a willingness to withdraw the motion? With the indication that this has been addressed in the previous motion and that if we need to expound upon it, we can at our next meeting that we have with the map drawers to make clarifications.

**Minority Leader Rep. Allison Russo** [00:51:55] Mr. Speaker, if if we need to hold this until we have that conversation tomorrow, I'm willing to consider that. But again, you know, I would assert that the motion that we put forward on Sunday evening did not cover independent map makers at the time, and that is my concern.

**Co-Chair Sen. Vernon Sykes** [00:52:26] Is it any willingness to approve to move forward with this motion at this time to make sure it includes the map drawers?

**Senate President Sen. Matt Huffman** [00:52:35] Can we just wait till tomorrow night?

**Co-Chair Sen. Vernon Sykes** [00:52:37] Wait till tomorrow night. We will wait until tomorrow night.

**Senate President Sen. Matt Huffman** [00:52:42] All right. OK.

**Co-Chair Sen. Vernon Sykes** [00:52:44] Are there any other items that we need to come before us today?

**Co-Chair Speaker Robert Cupp** [00:52:50] Mr. Chairman, I don't I don't think for today, but when we meet again. We had discussed what how we're going to proceed and what sort of directions we're going to give to the map makers. And so it may be better to hold that, but can think about how how we're going to do that. What instructions are we going to give to them in terms of how they how they proceed, what steps they do? Talked about, you know, just they're presenting a whole map or we just how how they're going to begin their work. So I don't think we can do that now, but I think we do need to think and be ready with some ideas when the when when we talk to the map makers.

**Co-Chair Sen. Vernon Sykes** [00:53:34] It sounds like a homework assignment.

**Co-Chair Speaker Robert Cupp** [00:53:36] [talking simultaneously with Co-Chair Sykes] That does. I can see if I could assign it to you

**Co-Chair Sen. Vernon Sykes** [00:53:37] we can put on, as the first item next agenda. The first item on the next agenda. If there are no further items to be brought before us today. We are adjourned

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Leader Russo** [00:37:21] commissioners

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Speaker Cupp** [01:08:53] Auditor Faber

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

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

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

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

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

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

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

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

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

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

**Speaker Cupp** [01:12:42] OK.

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

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

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

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

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

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

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

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

**Speaker Cupp** [01:16:00] Leader Russo

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Michael McDonald** [01:51:00] Absolutely.

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

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

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

**Michael McDonald** [01:51:36] Yep.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

**Speaker Cupp** [01:58:05] Correct.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Speaker Cupp** [02:09:54] 19

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

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

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

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

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

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

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

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

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

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

**Clerk** [02:11:11] only 19.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Doug Johnson** [02:21:57] OK.

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

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

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

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

**President Huffman** [02:22:28] Second.

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

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

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

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

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

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

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



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

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

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

## Ohio Redistricting Commission 3-24-2022

<https://ohiochannel.org/video/ohio-redistricting-commission-3-24-2022>

**Co-Chair Sen. Vernon Sykes** [00:00:00] ...which began on March 23rd, yesterday, and I now adjourn, adjourn that meeting. I now call to order today's meeting, March 24th of the House Redistricting Committee. Will the staff please call the roll?

**staff** [00:00:20] Co-chair Speaker Cupp (Present) Co-Chair Senator Sykes (present) Governor DeWine (present), Auditor Faber (Present) President Huffman (here) Secretary LaRose (here), Leader Russo (Here), Mr. Co-Chair, a quorum is present

**Co-Chair Sen. Vernon Sykes** [00:00:41] and we will continue to meet, as a quorum is present, as a full committee at this time, their commission members who are attending virtually and these proceedings are will are being recorded and broadcast on the Ohio Channel. We asked our audience today to refrain from clapping or other loud noise out of respect for the communities and the persons watching the proceedings remotely. Members who are present in the room please make sure your microphone is on when talking and talking to the mic so our colleagues can can hear us. The minutes from the previous meeting are in the folders. Are there any questions or changes to the minutes as presented .

**Co-Chair Speaker Robert Cupp** [00:01:29] Mr. Co-chair, I'll move that the minutes be accepted as presented.

**Co-Chair Sen. Vernon Sykes** [00:01:33] Is there a second? Are there any changes? Hearing and seeing none, we will accept the minutes as presented. At this time will call up the mapmakers. We've been waiting a long time to have this opportunity to actually talk with you. If you could please give us a progress report.

[00:01:59] You want to talk?

**Co-Chair Sen. Vernon Sykes** [00:02:00] Could you just do brief brief introduction, please? This is new live streaming to the general public, and it might be helpful. Just short bio, just real short

**Professor Michael McDonald** [00:02:13] I am Professor McDonald, I'm a professor at the University of Florida and I'm an expert in American elections.

**Dr. Doug Johnson** [00:02:22] And I'm I'm Doug Johnson from National Demographics Corporation, and I've been working on redistrict since 1991, so my pleasure be working, not [speaking simultaneously, inaudible]

**Co-Chair Speaker Robert Cupp** [00:02:32] hopefully not the same one [laughter]

**Dr. Doug Johnson** [00:02:35] New to, new to Ohio drawing lines in Ohio, but been around drawing lines quite a bit.

**Professor Michael McDonald** [00:02:39] Okay, so I'll give you an update. We arrived this morning. The computer had not been set up yet to begin the mapping, so we had to install software, which took some time. And then once we had the software installed, we had to build a database that would allow us to evaluate the partisanship of the districts. So we did

not complete that task until roughly 12:30 took a lunch break. We came back and we started drawing districts in Franklin County. We tackled the more the difficult part of Franklin County, which is on the western edge of the county. I've drawn about half the Franklin districts halfway through, plus working on the next one as we came to the meeting. I expect that this evening I will finish up Franklin County. The hard part, the hardest part's done. There's still some rough patches ahead, so it's it's not like this is clear sailing through the evening. Dr. Johnson can talk about what he was doing, but he was also trying to get some other data in place that would help us to evaluate some of the trade offs that we have to deal with between townships and city boundaries and get some data that might facilitate us drawing those boundaries more quickly because we had that was one of the difficulties that we were encountering this afternoon. We do have some questions for you, and so we'll pose those after Dr. Johnson gives you his update.

**Dr. Doug Johnson** [00:04:28] On the database front, just want to add, one of the challenges was that when you install the Maptitude software redistricting software, it comes with data that calipers processed from the census, and it does include all the racial categories. So we had to carefully screen all that out and remove all of that. So we did not view any of it using any of it. It's all been removed from the from the data files where we are using site to take some time as well. But I do want to emphasize, given that the the rules that were set forth last night that we were very careful not to refer to that and has been removed from all the data files we're using. I would add we did also take the so on the election data, we took the the Ohio University data put that data is all at the precinct level and so we did have to go through, as Dr. McDonald is talking about Is, a very time consuming, detailed process of just what's called disaggregating. Take, breaking that precinct level of data down to estimate which of those votes in the precinct were cast in which census block. It's an imprecise form. It's probably those watching the livestream probably know more now about that process than they ever wish to know. But it is a key component of getting the database to a point where we can build districts. And then there's always the question there are different methods for doing that because they're none of them is perfect. And given the time constraints and the situation we're in here, we had to do it a fairly quick way, which is kind of a centroid based assignment to blocks the precincts. So that was a concern. So we did draw just some random test districts, not even population ballots, and compare those we had. Both the the Republican staff and the Democratic staff run those against their own databases, and we came back with differences ranging from two thousands of a percent to four hundredths of a percent, which is really precise in terms of disaggregated data. So we're feeling very good about. That that data is a reliable data source and that everyone's on the same page with the data. So it's a big part of it. As I mentioned, very time consuming. So yes, we are working on a first take on on the map and making progress, but it's slow going. As you all know, and we continue to work on it. So we're not presenting maps to you tonight because we don't even have the first counting done yet, but we're happy to answer any questions you have about it. I everyone's been able to see the progress and how far we've been coming with this first take on it. I should emphasize Dr. McDonald has been doing most of the drawing to this point. It's not a map or we're agreed on or anything like that. It's just being a first, first shot at it. So that's kind of our status report, we have a couple of questions for you when you're ready, but we're happy to answer any questions you have first.

**Co-Chair Sen. Vernon Sykes** [00:07:25] Are there any questions from the members of the commission at this time? If not, you can go move forward with your questions to us.

**unidentified** [00:07:37] [inaudible]

**Dr. Doug Johnson** [00:07:40] We'll do the easy ones first issues that we have spent a lot of time today discovering which you and your staff have been living with for throughout this process are issues of geography. Census blocks from the Census Bureau vs. township lines, city lines, precinct lines, some of which we've run into already, some of which, in talking with the staff that have been drawing the lines, have alerted us we're likely to run into. So we wanted to get commission direction. Hopefully, I'll of if I mischaracterize this at all, but one of the questions is where blocks don't quite line up with township and city lines and to a lesser degree, where they don't line up with precinct lines. Should the preference be to treat it as part of the township or treated as part of the city? I think that's the biggest one then related to that some of the blocks are simply assigned to one city and the VTD has it says it's assigned to the township.

**Professor Michael McDonald** [00:08:49] VTD Precinct.

**Dr. Doug Johnson** [00:08:49] Oh yeah, sorry. It's my census speak, VTD precincts. So sometimes the precinct name will be the township and the the census of where thinks it is in the city. So I wanted to get your guidance and comfort level with. If if a block is in a township, in a city, which way should it go? Is there one that should be given preference, given that both are in the Constitution and then under the cities versus precincts? Our presumption is to go with the city assignment given that that's in the Constitution. But you and your staff have been wrestling with this for a lot more longer than just one day. So if you have guidance on that, we would welcome that they capture that accurately.

**Professor Michael McDonald** [00:09:36] I think so, yeah. If I could just clarify mean, if I could just clarify maybe what we're talking about in the first cases, we have townships where there's also cities that are overlaying the township and we want to know what the preference is, just the geography go that's overlaying the two. Does that go to the should be counted as part of the township as we're looking at integrity of the governmental units? Or should we look at give preference to the city as the on the governmental unit that gets integrity and preference?

**Co-Chair Sen. Vernon Sykes** [00:10:21] We'll stand at ease just a minute and,

**Co-Chair Sen. Vernon Sykes** [00:14:23] We have map, two of our map drawers are going to they've got a process to answer those kinds of questions and they can work together to do that if at any point they have a disagreement, you can still bring it back to us. But we believe and they seem confident that they can be able to handle those kinds of issues. Yes. We have two different approaches to, but we think they pretty much comes up, come up with the same answer any differences they can resolve. So. Blake Springhetti?

**Blake Springhetti** [00:15:07] Thank you, co-chairs. A solution I would suggest would be to in the event that a block assigns at the VTD layer with a city, but at the township layer assigns with the township. But on the city layer does not go with the city. I would suggest a that block with the largest layer.

**Co-Chair Sen. Vernon Sykes** [00:15:34] And Chris Glassburn?

**Chris Glassburn** [00:15:35] Thank you, Mr. Chair. I agree that that is the best rule of thumb as you go along. But after you complete a county, we can cross-check against county engineers and official records if there's any discrepancy and make sure that it's the correct legal boundary.

**Dr. Doug Johnson** [00:15:59] And I would add for those watching the live stream, that these are very technical issues, we're talking about blocks of 20 to 80 people. So, you know, on the larger end, so it's very unlikely these will have any material impact on the on the demographics or anything like that of the districts. It's just we want to get it right.

**Co-Chair Sen. Vernon Sykes** [00:16:19] It seems that we've identified a procedure to resolve the issue. Any questions or comments from any of the commission members. If not, then we can move to the next question.

**Professor Michael McDonald** [00:16:33] Can I just ask a clarifying question because I think he's what you were saying was we should talk with the map consultants if we have any similar questions that come up that are of the sort of technical nature about the data. And if as long as they're in agreement to a solution, we don't need to bring that question to you.

**Co-Chair Sen. Vernon Sykes** [00:16:53] That's correct.

**Professor Michael McDonald** [00:16:54] yeah, OK.

**Secretary of State Frank LaRose** [00:16:58] Mr. Co-Chair, Frank LaRose I would add something, if I may

**Co-Chair Sen. Vernon Sykes** [00:17:01] please, sir.

**Secretary of State Frank LaRose** [00:17:03] Yeah, and thanks for going back and doing that quality check on the back end, especially as it relates to where one of these conflicts could be on the boundary of a district, because that's where it could be problematic when our boards of elections go to start loading these in and and doing their quality checking. So appreciate that.

**Co-Chair Sen. Vernon Sykes** [00:17:23] Any other questions or comments? If not move to your next question.

**Dr. Doug Johnson** [00:17:30] We have a much more complicated, bigger picture issue, and we definitely surface it, and if you have guidance today, great if if you want to come back to us tomorrow. This is the issue of of determining which districts are the toss up districts that the court is discussed in its rulings in its rulings, the court is kind of looked at the numbers of the districts and each plan, and we have a disagreement on this, so Dr. McDonald will add to this, has looked at the numbers in each plan and observed, you know, this two percent range that a lot a lot of the districts in in the plans fall outside of it. So they focus on two percent range. They've also discussed a fit a plus or minus five percent, kind of a 45 to 55 range. When they talk about the swings, the five percent swings that some of the experts have written about. The question is is should we just treat those numbers as sacrosanct either as two percent being the range or plus or minus five percent being the range and being the official degree or the other approach is or both of those, if we can also have to look at both of them or the other thing we've done in some projects. Is look at OK, the idea of a toss up district is it's a district that either party could win. And so what we've done in the state of Arizona most recently, is we try to define how do we truly define a toss up district and actually looked at past election results to see which districts or districts that both parties have one where of the nine statewide races we're looking at a certain number of Democrat know one or two or three of those elections have been won by each party. At least one or two or three of those elections have been won by each party.

So rather than simply. Taking a number and kind of see the pants using that number, we would actually look and see what number makes sense for identifying those ranges. So in part, this is somewhat a legal question. Interpreting the court's rulings to say are those numbers that the court decided actually direction? Or are they just the court observing the evidence before it and weighing in on that? Obviously, if its direction, if you view it as direction from the court, then we should use those numbers. If it's more opining and there's more flexibility than the question for you would be, do you want us to use those numbers, you some other numbers or do this analysis saying which seats have it, which percentages have resulted in seats that swung back and forth from election to election? So, so.

**Professor Michael McDonald** [00:20:14] My preference is not to do that. I'm just going to read directly from the court's ruling on the court on paragraph 32 in the most recent ruling, about halfway through notes that the second revised plan includes 19 Democratic leaning House districts in which that Democratic vote share is between 50 and 52 percent. So the court is clearly looking at 50 to 52 percent the court goes on to discuss various other districts outside that range. And rather than believe it's the numbers are of various sorts. But there's much more definitive point later on where on paragraph 53, uh 33, Dr Rodden and also towards the end, Dr Rodden also address a partisan symmetry of the second revised plan, noting that a five percent uniform swing in favor of the Republican Party across all their districts would result in up to 23 additional Republican seats. So that would be going from 50 to 55 percent would essentially be what the swing would be. So I generally read my read of this ruling based on the expert reports that were presented before the court. There are two ranges that the court is interested in. One is a 48 to 52 percent performance for either party. You know, you say the Democrat Party, the Republican Party, but that range, they're around 50 percent. That's one important range that the court has been looking at. There's a wider range of 45 to 55 percent. And the court wants to have some form of something of symmetry around that so that there are a balance of Democratic and Republican seats that are on either side of those divides. We may not get perfect symmetry. I, in fact, I'd be rather surprised if we did if we ended up having exactly the same number of seats that are within those ranges. But my preference is to look at the distribution, look at the for each of the seats that are within these ranges and maybe even a little bit further outside the range. But certainly within these ranges, we look at the number of seats that are 50 well, 45 to 48 percent performance for a party, 48 to 50 percent, 50 to 52 percent and then 50 to 55 percent. I think that's consistent with what the court has ruled, and it's something that would be consistent with my own research in this area. I have not ever endorsed the methodology that Dr. Johnson is proposing, so I don't feel that I can sign my name to that sort of approach that he's suggesting to you.

**Co-Chair Sen. Vernon Sykes** [00:23:23] Dr. Johnson, just for clarification, I heard you say there's a couple of ways it can be done. I didn't hear you say you were recommending any one. And I just want to make sure are you recommending an approach here?

**Dr. Doug Johnson** [00:23:38] Yes. So there certainly are different ways it can be done. I think my recommendation would be and I say it, it's kind of my preference. If the commission directs otherwise, I'm completely comfortable with that as well would be to look at what scores on that scale that we've developed. Show up for districts that in the past have gone both ways that have been swing districts that go both ways. I should note to the other piece I forgot to mention is that one of the sources of concern and the reason for raising the question is that the first round two ruling talked about asynchronous districts and the asynchronous pattern. And then in the round three ruling, they said, and I believe in a footnote that the commission had referred to that asynchronous data, but that the

court and I'm not a lawyer, forgive me for misquoting this. But but the court had cited that is something that looked at, not as a direction. And so I want to be careful that we're differentiating between what directions and what are just things the court is discussing its rulings.

**Co-Chair Sen. Vernon Sykes** [00:24:46] You also had mentioned that this is something we could decide to by tomorrow or you still it would not impede your your work at this particular time. Can you hold? We were going to recess just a minute unless you have another question.

**Co-Chair Speaker Robert Cupp** [00:25:02] May I ask a question in in follow up because there's been a number of these statistical things that I just simply don't understand. And if you can't read the tea leaves in the court, you're not alone. The the question about if you have a certain percentage, like presumably a statewide Republican majority in the election or you have a statewide Democrat majority election and that switches. Who's going to win one of these state representative seats? I can't quite frankly, figure out how you calculate that because normally from my observation is it depends who the candidate is, what the issues are, who the parties are and you you don't like. Congress state nationwide may have a swing for congressional seats one way or another. But I haven't seen that pattern here, so maybe somebody can explain that to me.

**Dr. Doug Johnson** [00:26:07] This is one of the big challenges facing redistricting reformers across the whole country, and I think every state has dealt with it different ways. Dr. McDonald certainly written some of the propositions wrestling with the question. The challenge is, is are you looking, well, there's two questions here just to further muddy the waters. The number one competitive districts are an entirely different measure than partisan fairness. And so, for example, Arizona has a requirement saying you have to create a, competitive districts there are to be favored. Now, that may mean and it has no partisan fairness requirement in the Constitution, so it may mean that the minority party loses more seats in order to make more competitive districts. So none of these is a perfect solution. But there that's where we actually got into it, and that's where we just determined, OK, our goal is to figure out what is the number that measures a tossup seat in their case in Arizona's case, because we're trying to draw them here because we're worried about too many seats being attributed to being to one party that are actually tossups as the court is written about extensively. So. You there are various ways of doing this, none of them are perfect. One of the ways and what we came up with in Arizona after we had various experts from MIT and Tufts and and Berkeley, they all actually came to a unanimous suggestion of. Figure out a measurement, but all measurements are imperfect. And then look back and look at your past statewide elections and say, OK. Is it 45 to 55 where we saw these seats actually swing in actual elections? Or is it forty eight to fifty two and look back essentially look back through the data to see which ones actually did swing from one party to another, and those would be considered toss ups. It's.

**Co-Chair Speaker Robert Cupp** [00:28:03] Do you count incumbents running for reelection, do you count open seats, where is the difference? It seems to me it's this is I quite frankly can't understand how you can determine that, but that's what I'm asking the question. So maybe I can understand.

**Dr. Doug Johnson** [00:28:21] Yeah, and that's actually why we don't use legislative or district based elections. You wouldn't want to do it with just one or two, especially, you know, but here we have nine. The Arizona, I think we had 10 or 11, which are in Arizona's case, we actually had enough that we could toss the outliers. So there were two or three

blowout election. So we didn't use those because of exactly every election has its own dynamics. So certainly neither approach is perfect. I guess I would say that's why ultimately, this is your draft map, which is why we're bringing the question to you. But Dr. McDonald do you want to comment on that

**Professor Michael McDonald [00:29:03]** So you what Doug, is, Dr. Johnson is proposing is to come up with a new way of counting the partisan lean of the districts to the court, and we don't know what the court, how the court would view that. Dr. Johnson is not an expert in this area in terms of competitive districts. I am. I've written extensively on it. I could be qualified in a court on an issue of competitive districts. I would not endorse this approach. So I would refuse to sign on to any report that went before the court on this issue to answer the question more directly. We're talking about the playing field and what what the court is looking at in terms of symmetry is the court wants a level playing field. They don't want it to be tilted one way or another at once. The candidates are on the field and running. They have their own capabilities and abilities and the issues and other forces that are at play. That's what comes into the forefront. But you want to have the field level and the court talks about this in terms of having too many seats that are competitive. By whatever measure, they have some measures that the court is referring to that are all Democratic leaning seats. And but there are none that are on the Republican side, and that tilts the playing field in favor of the Republicans, it's like the Democrats now are trying to play soccer in a field that's tilted against them and the ball is going to come right back down at them. So the court wants us to have a plan that has when we do these analyses of these statewide offices that are in the Constitution. We want to have a certain we want to have an equal number as much of that as possible, given the geography and other constraints of Democratic districts and Republican districts on either side of that 50 percent. And we want them to be relatively spread out in the same manner. So if we look at 50 to 52 percent performance for Democratic Party or Republican Party, we went to about the same number of districts in that range. And if we look at 40, 52 to 55 or for either party, we want the same number of districts in that range. That's what as I read this court ruling, that's what the court is looking for. That's when we're talking about symmetry. Looking at paragraph 32 and 33, the court's extensively citing this as evidence of unfairness or violations of the Constitution. So I think the court's been pretty clear. I don't think there's not a, you know, I don't think this is very murky at all. I think the court wants us to do these calculations. Look at the districts and as best as we can. And again, maybe it not may not be possible because, you know, people live in certain places and we've got some very constraining geography and in Ohio. But as much as it's possible, we need to have a balance of Democratic and Republican leaning districts. Now what I think you should also understand, at least from what I understand, what Dr. Johnson is recommending is that we would count the districts outside of the range. And you can correct me if I'm mischaracterizing you, you will say that's the number of Democratic seats and number of Republican seats out of this competitive range in the middle when we had our discussion before, he said, we count each of those seats as a half a seat for each party. I don't think the court's going to go with that, but that would be something that you'd have to make as an argument to the court that we would be counting all of those seats that are competitive or toss up in the middle that they could easily go to either side. And I don't see anything in this ruling that would suggest that the court thought that these districts that were all loaded up on the Democratic side that were competitive were somehow equally winnable by either political party. So that's my feeling in terms of the timing. We're just starting our work. Our plan is to go through the entire state, draw the maps up and then come back and fine tune the map. So we still have lots of time here. I mean lots relatively speaking, but we have time here. This is not a decision that has to be made today, but I think you just have to understand that there's some novel arguments that I don't think that



has been presented before the court, and that's what you would have to, you would have to make your argument before the court

**Co-Chair Sen. Vernon Sykes** [00:34:20] to the commission, I think. You know, I think the court has been clear, but also I believe we have been clear. You know, we had a meeting two and a half hours or so yesterday, trudging through the ground rules for the map drawers and rule number two indicates that the independent map drawer should draft a General Assembly district plan at the direction of the decision commission and in accordance with the Ohio Constitution and the Supreme Court of Ohio orders. So if you if it's clear what those orders are in this particular situation, I think that answers the question. We've we've had that battle yesterday about determining what the directions in the scope and the ground rules were going to be. And that that's my suggestion. I believe. Commissioner Faber has a question or want to make a comment.

**State Auditor Keith Faber** [00:35:28] Oh, yeah, yeah, the short answer, I don't know if you can hear me, co-chair, OK. I think that the map drivers are going to come into the same problem that almost everybody who has drawn maps has found that the way the geography of Ohio is that you're going to have a very difficult time to hit any kind of ratio that approximates the fifty-four forty-five without drawing more competitive Democrat seats than Republican seats. Every map we have seen before this commission that we've looked at seriously had more Democratic competitive seats than Republicans. But having said that, you know, we have in the past discussed the four point ratio forty-eight fifty-two. And from my perspective, that's not necessarily a bad place to target when you get into that competitive range. That's kind of what the court said. And good luck drawing as many Republican competitive seats as you can Democrat seats just because of the geography. But remember, that may not even be the right test because this is so murky and the court keep changing the goalposts, posts in every opinion. The real argument might be that you need to have fifty four percent of Democrat competitive seats and forty five percent Republican competitive seats to match the statewide average. Because you're going to have, frankly, the voters tend to favor Republicans, not Democrats. And so that would be the opposite of where you're going and where you land. But one of the suggestions that I made to some of our map drives a long time ago was figure out how many safe seats you have to draw because of geography and then figure out how many competitive seats you need to make to hit the ratios and go down that route with the rest. And that seems to be something that the court, in their last opinion hinted may be acceptable as long as the ratios in each category seem to track the ratios statewide. And I don't. Again, how you get there is a different question. But I don't think you need to get there until you get the maps to where you're trying to balance and figure out how you're going to land the plane in each area until you get to that point. Maybe you can come up with a great plan we haven't seen, but you're going to, I think, find that the geography in the map making to get anywhere close to 56, 55, 54, you're going to have more competitive Democrat seats than you do Republicans. I just think the geography and Article two, three, four, five and seven are going to require that, but we'll see

**Co-Chair Sen. Vernon Sykes** [00:38:02] Leader Russo,

**Minority Leader Rep. Allison Russo** [00:38:04] Thank you, co-chair. So as I read the decision and I actually think the court decision is pretty clear on this, I mean, really, there are two issues at hand. There's the partisan symmetry issue, which is one separate issue, and there's the competitive or toss up district issue. In the past, I think we've conflated those two things. And in fact, the court specifically calls out under paragraph six. It's got a footnote that those two things shouldn't be conflated, even though they are related to each

other. You know, as you go through the decision, paragraphs 40, 41 42, I think the court makes pretty clear what is a competitive district. And it is that plus or minus two from 50 within the four point range that I think Auditor Faber is also talking about. And then separately, we have to evaluate the symmetry issue and where we fall. And you know, frankly, I'm not sure at this point we can even do that analysis until some of these districts are drawn. But I think if the question is what is a competitive district, the court is pretty clear about what that is in its latest decision.

**Senate President Sen. Matt Huffman** [00:39:21] Mr co-chair?

**Co-Chair Sen. Vernon Sykes** [00:39:22] Yes, President Huffman,

**Senate President Sen. Matt Huffman** [00:39:25] thank, thank you Mr. Co-Chair just a question, a comment and a question on the issue regarding the plus plus or minus two. I guess the first thing I would say is that that issue has evolved over three opinions from the court and we all kind of given our own version of well this is, it's clear. It's not quite clear. Maybe it's it's something else. And all though some of us who are attorneys, none of us are acting as attorneys in this particular matter. So I think it would be helpful if the commission could consult counsel the Attorney General's Office or our own legal counsel. And maybe that'll help the commissioners come up with a decision to then instruct the map makers as to how this is going to go. But I it's this is a it is a complex question. We haven't been able to get it right yet. And because we thought we thought the number was fifty one after the well, of course, there wasn't a number when we in September, we thought the number was fifty one after the first opinion. Some are fairly arguing. I think that the number is now 52. And I think one of the questions, if I have it right to Dr. Johnson is suggested is whether, in addition to what the court is saying, there are other mapmaking principles that may come into bear here now. I think Senator Sykes is correct that we've instructed the mapmakers, which I don't think we needed to instruct them, but they are to follow the Constitution and the Supreme Court opinions, but also, of course, all other U.S. Constitution and federal law and things like that. So that's my comment, is that I think let's let the lawyers or at least the fellows are in in the, the gals and guys who are being paid to be lawyers in this case give us a legal opinion or at least allow us to consult for that. So now I have a I guess, maybe a more precise. Well, I don't know if it'll sound precise when I say it, but you had commented whether, and by the way, we may not have time to formally ask the attorney general for opinion, we each have lawyers, some of them whom I think are in the room right there. We can consult and come back to you. But having said that, I guess I don't I don't want to gum up the works by, it may take a while for the decision to get made. But you have commented and I've had others throughout this process talk about how in some cases the data is not precise enough or it's only as precise as it is. And based on that, can you really tell the difference between for know for sure if a district is fifty one point nine or in fact, a fifty two point one, where exactly is it on that line? And if we have this sort of hard fifty two and we do all of the moving around that we want and we say it's a fifty, it's a fifty one point nine, do we really know that? Or is it fifty two point one? Do we really know that it's not a fifty one nine? So comment if if both of our our experts would comment on about that, I'd appreciate it.

**Professor Michael McDonald** [00:43:16] Yes, there are different ways of taking the statewide data that we have that's at the precinct level. And assigning it to census blocks, and then since we're drawing districts as census box and we, We aggregate that data up to the districts that we've drawn. And since there are many ways of doing it. There's so many ways of getting answers. I always like to say the old proverb, a man with one watch always knows what time it is. A man with two watches is never sure. So we're in that

situation. But I think in terms of the question that you asked, we have done a consistency check on the data and the work that we did this this morning and we found that the two caucuses data, Well, they've already told us they don't agree because they had two watches and now we brought in a third watch. And they're off by just a little bit. It's not. We're talking about hundredths of a percentage point difference. So I don't think it's, you know, if we're talking about tenths of a percentage point. I don't think we're going to see that a degree of that on dissimilarity between the numbers that we're getting on. As for the predictive value, that's a whole other can of worms about, you know, the candidates and everything else that happens. But that's not what we can control through redistricting and what we can., the one, the key piece of information that we have in this process is this past partisan performance of the districts. And so that's what we have to work on and go with when we're drawing the districts. So I think we've got numbers that are we would probably spend weeks or months trying to figure out exactly why we have different numbers from the three different sources that we have. But they're generally in agreement. And so I feel confident that since they're in agreement that we've got something that it's not going to trip us up when we go present this to the court to say, Oh, we thought it was 49 percent, but it was really 52 percent or something like that where if it's, you know, it's if it's good, it's good to have to be really knife edge like fifty point zero zero one percent would be how we would fall astray. And I I just don't think that that's what's going to trip us up in the tasks that we're done here because I don't think we're going to be drawing any districts that are fifty point zero one percent.

**Co-Chair Sen. Vernon Sykes** [00:46:06] I'd like to make another point if I could, Yeah. OK, Doctor Dr. Johnson, I'm sorry. Go ahead, please.

**Dr. Doug Johnson** [00:46:19] No problem, I think I would agree with what Dr. McDonald was just saying, and the key thing comes down to essentially decimal points. You know, I think if you're trying to say this district is fifty one point four three in this district is fifty one point four nine. So that one is better than the other. I think we'd both be on the same page. No, there's no the data is nowhere near that precise that you can debate and decide whether one hundredths of a point matter between two districts, I think getting down to the tenths of a percent. Yes, if something's fifty point fifty one point one and another one is fifty one point nine, I think it's probably some significant difference there. But going beyond that, you're get it, you're kind of making things up and the numbers get kind of random when you're certainly when you're past a tenth of a percent. I did want to clarify to the one point when Dr. McDonald talked about he's published papers on this topic, I would argue, is that the one state with the strictest competitiveness requirement in its constitution hired me to be their consultant, so I think I would qualify as an expert in that field as well. So I do want to clarify that for the record.

**Senate President Sen. Matt Huffman** [00:47:31] So could you just if I could finish my line.

**Co-Chair Sen. Vernon Sykes** [00:47:36] yes sir.

**Senate President Sen. Matt Huffman** [00:47:36] I would just I would suggest to commission members consult their legal counsel, the respected legal counsel, if we need to make some decision. And it sounds like a lot of the work can proceed in this issue, which I think is significant should be resolved. I appreciate what both the experts have said about the significance of hundreds of points, et cetera. But if in fact, there is a district that is fifty one point nine nine and with one set of data and there's another district, the same district with another set of data, or if it's drawn that way, it ends up being fifty two point oh, one. I'm not so sure based on what I've seen and if this were going to lawyers that that

affects the court's evaluation of this because I get it, we can read the words that are in the opinion, but there are decisions that have to be made. And if the answer is we're going to count it as a half a seat or we're not going to count it at all when determining proportionality. You know, we'd like to get this right, or at least it's close to right as we think we can the fourth time around. So having some guidance from legal counsel, I think for every body would be helpful. And as I understand it, work can proceed while that separate question is being analyzed. So thank you, Mr. Co-Chair.

**Co-Chair Sen. Vernon Sykes** [00:49:12] Thank you. I think it's a very important point. We can all we will follow his recommendation on that. The point that I wanted to write and we're different than we think the co-chair for having me not interrupt you because I want to take you down another road and I want to talk about the just the range of competitive districts, whether we are talking about 48 to 52 or 45 to 55. I think it's clear in the court order. In fact, in paragraph 43, what they're opposed to is the gross and unnecessary disparity in the allocation of close districts. So regardless of what range you use, they just want to make sure that it's not a gross disparity in it. So it's not that the goalpost has been moving. The goalposts have been the same. The criteria has been the same. We want symmetry as much as possible. Leader Russo,

**Professor Michael McDonald** [00:50:17] I would like to respond to that, I mean, that's my recommendation is we just plot these out and see where the districts fall, where the chips may lie, and then that'll give us some clue as to what the weaknesses may be seen by the court. And we can. You know, do some proactive explanation to say, you know, we we tried to balance this out better and, you know, it just wasn't feasible. So, you know, hopefully I don't know if we'll reach that point because, you know, we're just at the start of the process. But I I would not be surprised if that's where we come out at the end of the day. And but we don't want to be in this situation where if I don't think we're going to be in a situation where we have all on one side, I don't think the court wants that from my reading. That's that unbalanced, that gross imbalance and will try to avoid that outcome.

**Co-Chair Sen. Vernon Sykes** [00:51:21] Leader,

**Minority Leader Rep. Allison Russo** [00:51:22] Thank you, Mr. Co-Chair. I just want to point out, I mean, you know, we certainly can consult with our lawyers and have the lawyers weigh in on this. But in terms of, you know, reaching out to the attorney general, he actually already weighed in on this issue in his March 18th memo to the commission under additional criteria. He notes that the court has now established that less than 52 percent as the threshold for a leaning district, any index less than that is viewed by the court as a competitive district. He notes that efforts to protect incumbents are improper. And then the third bullet point is, while competitive districts will not be counted in overall partisan balance, the court indicted was bothered by the imbalance in the number of competitive districts, meaning those with an expected favorable margin of less than 52 percent leaning Democrat versus those Republican. So in my view, he has also weighed in on this issue as well. So I'm not really sure that there is, you know, a need to to have him reevaluate this because it's stated in the March 18th memo.

**Co-Chair Sen. Vernon Sykes** [00:52:35] Are there any other questions or comments on this particular question from the map drawer? If we're all in agreement, we will assign this to our staff and we will get back with you on a more specific response, but appreciate the interaction here. It's very interesting and hopefully interesting to our broader audience too as well. Do you have another question?

**Professor Michael McDonald** [00:53:05] No, we do not.

**Co-Chair Sen. Vernon Sykes** [00:53:06] Thank goodness. At this time, we would like to if you have no other questions, do we have any other questions or comments that we'd like to make while we have the map drawers here? If not, thank you, thank you very much and please continue to work. I would like to say that this is somewhat historic, not just for the state of Ohio, but I think nationwide to have this type of openness, not just in the working where you're able to observe what they're doing, but also in our open meetings that we're discussing these things out in the open and not just in the back, making the decision to come out and make an announcement of what the decisions are. So I think this is good and we're making progress.

**Co-Chair Speaker Robert Cupp** [00:54:02] I'm sorry.

**Co-Chair Sen. Vernon Sykes** [00:54:04] Go ahead, go ahead.

**Co-Chair Speaker Robert Cupp** [00:54:05] No question. It's must watch TV, that's for sure.

**Co-Chair Sen. Vernon Sykes** [00:54:10] At this time, we'd like the mediator to come forward. I think you had made a request to make some comment.

**Scott Coburn, Mediator** [00:54:20] Thank you, co-chair Sykes. And I really want to pick up on what you were just sharing there in a couple of comments Kathy and I wanted to mention tonight. First, though, we want to thank the members of the commission for your very generous time with us over the last couple of days. It's been extremely helpful that in addition to studying the history of this whole situation, legally, we've been able to meet with each of you and get a better understanding of your perspectives, interest concerns and such in this process from here. We're, of course, looking forward to helping in addressing the issues as they arise. But through our conversations with the members of the commission, we had a suggestion we wanted to put out there as the best way to utilize us. Much of what we call mediation really is listening. It's listening, reflecting testing information and assumptions, looking for barriers and then looking at alternatives around those those kinds of things. And given the timetable that we're under here, we wanted to encourage that, that really should be an active and ongoing process throughout, rather than waiting until something specific arises. If there are concerns going ahead, getting those out there, working with us and seeing if we can do some of that clarifying and testing assumptions and so on right away rather than let that blossom sort of are you addressing conflict before it actually becomes conflict, so that's what we're we're here to help out with. And just an example, very small example of how that can come up arose in the conversation last night regarding guidelines for the mapmakers. And it just so happened there's a question came up regarding the involvement of mediators and whether that would lag the process and so on. Now that resolved quickly during the course of the meeting, but Cathy and I thought that was a good example of something that just a quick phone call could have solved the concern before it was a concern. It would have answered the situation right away. We think that can happen throughout this process that as you're hearing information and some concern starts to arise, it may be something that can just be addressed by gathering more information about it again. Testing assumptions looking for alternatives. It's something we can start working with immediately rather than getting down the road and then kind of getting stuck when it's, you know, blown up into something bigger or starts getting combined with other people's assumptions and those kinds of things. So that's our encouragement is, you know, besides specific requests that may

come along, contact us. I'm here. I'm going to be here. Throughout the process that we've mentioned in our first appearance, Cathy had to travel, but she's still available for a collaboration from time to time, so she's connected to the process as co-chairs you've both got my cell phone number. Anybody else on the commission is welcome to have that call me anytime and we can start, you know, working with issues before their issues. That's really what we wanted to encourage you all to think about and, you know, keep us involved in the process actively. So thank you for your time. I promised I would keep my suggestion brief.

**Co-Chair Sen. Vernon Sykes** [00:57:44] Are there any comments or questions to the mediator at this time? Thank you for and please continue to stand by.

**Scott Coburn, Mediator** [00:57:55] Great. Thank you very much.

**Co-Chair Sen. Vernon Sykes** [00:57:58] At this time, we will recess if there's no further business to be brought before us tonight. We'll recess as we did in the last meeting. So just in case there's something that we need to address, we will have the opportunity to to the legal opportunity to address it. In the meantime, we will assign a staff to look at what President Huffman has had questions about dealing with the accuracy of the data as well the competitive districts, the issue raised about the competitive districts. And we hope to have a definitive resolution to it shortly. But you've indicated that it's not going to impede you at all. And you can continue to work. So if there's no further business to be brought before us, we are now adjourned...recessed.

## Ohio Redistricting Commission 3-25-2022

**Co-Chair Speaker Bob Cupp** [00:00:01] From recess, the meeting of the Ohio Redistricting Commission, which began on March the 24th. And we did not need to call the meeting back to order for any specific purpose. So our procedure would be to recess or to adjourn the recess, or adjourn the meeting that began yesterday and then call together to call the new meeting to order. So is there any objection to adjourning the meeting of the March 24th, 2000- 2022? Without objection, the meeting is adjourned. I now call to order the March 25, 2022 meeting of the Ohio Redistricting Commission and I will first ask the staff to call the roll. I know many members are here attending virtually, so as our process was yesterday, when they answer present, if they're virtual, put a V so we can keep track of how they attended. You may proceed to call the roll.

**Clerk** [00:01:12] Co-chair Speaker Cupp.

**Co-Chair Speaker Bob Cupp** [00:01:13] Present.

**Clerk** [00:01:14] Co-chair Senator Sykes.

**Co-Chair Senator Vernon Sykes** [00:01:15] Present.

**Clerk** [00:01:16] Governor DeWine.

**Governor Mike DeWine** [00:01:18] Present.

**Clerk** [00:01:20] Auditor Faber.

**Auditor Keith Faber** [00:01:22] Present.

**Clerk** [00:01:23] President Huffman.

**Senate President Matt Huffman** [00:01:25] Here.

**Clerk** [00:01:25] Secretary LaRose.

**Secretary of State Frank LaRose** [00:01:26] Here.

**Clerk** [00:01:27] And Leader Russo.

**House Minority Leader Allison Russo** [00:01:29] Here.

**Clerk** [00:01:30] Mr. Co-Chair, all members are present.

**Co-Chair Speaker Bob Cupp** [00:01:32] All members are present. At this time, I would just for those who are - the members of the public who are tuned in to this, there are some commission members who are attending virtually, as we've noted. These proceedings will be recorded and broadcast by the Ohio Channel. We ask anyone in our audience here physically present today to refrain from clapping or other loud noises out of respect for the commissioners and the persons who are watching the proceedings remotely. For members who are in the room, please make sure that your microphone before you is on when talking and talk in to the microphone so all of the members of the commission can

can hear. In your folders are the minutes from the last meeting on March 24th, 2022. Do I have a motion to accept the minutes?

**Co-Chair Senator Vernon Sykes** [00:02:30] Some moved.

**Co-Chair Speaker Bob Cupp** [00:02:31] Is there a second?

**House Minoriy Leader Allison Russo** [00:02:33] Second.

**Secretary of State Frank LaRose** [00:02:33] Second.

**Co-Chair Speaker Bob Cupp** [00:02:33] It's been moved in seconded. Are there any objections or amendments to the minutes? Seeing and hearing none, the minutes are accepted as presented. At this time then we would ask if there is any update from the independent map makers to come before this meeting of the Ohio Redistricting Commission. Dr. McDonald and Dr. Johnson.

**Dr. Douglas Johnson** [00:02:59] Sure, so this is [indecipherable] here with Dr. McDonald-

**Dr. Michael McDonald** [00:03:02] Hi.

**Dr. Douglas Johnson** [00:03:03] In the mapping room, and we do have kind of our working maps that we've been working on to this point, and we're happy to briefly walk through with you if you would like us to at this point. We're not to the point of a draft or any kind of recommended draft. We're just working our way through the county or through the state and figuring out how the different county pieces work together. So we're happy to show you what we have if you'd like us to do so.

**Co-Chair Speaker Bob Cupp** [00:03:27] All right. Please, please proceed.

**Dr. Michael McDonald** [00:03:32] You want to go first? So this is Mike McDonald, we're going to be sharing a mic here [indecipherable] so hopefully everyone can hear me. The mic is not as close to me as it is to Dr. Johnson. If you look at the screen share of the software. So I should get an overview of where we're at. We both have drawn test maps of Franklin and the parts of Cuyahoga and of Hamilton. Right now, working on Montgomery. Effectively, also, we've done Summit, which is actually where we were, although I'll describe it when we get to what we've done with Summit so far. We've been working largely independently as we've been doing this, although of course we're sharing ideas as we go along and talking with one another. But generally, we're working in parallel and you'll see here the map that I've drawn for Franklin, it takes, because it requires an additional district, for twelve districts, this is a map goes ahead and crosses over into Union County. Both of us did this approach. But we have some differences for how we approach Franklin itself. And I just want to stress, as Dr. Johnson has already stated, our these are works in progress. So I wouldn't call them even proposals for the commission that like which of the two approaches [indecipherable] at it. We- what we want to do is draw the entire state and then come back and start making adjustments to these districts as we go along. So we don't want to get too far down in the weeds, because we may come back and revisit some of these choices that we've already made to balance on, particularly on the partisanship issues that are facing the commission, the Constitution in the courts, so these are in progress and I don't know what might be most useful, maybe you can see my map, even though... Dr. Johnson, if you want to show your map now or-



**Co-Chair Speaker Bob Cupp** [00:06:25] [Indecipherable].

**Dr. Michael McDonald** [00:06:25] Or you want to just go throughout the entire state. Either way, this approach, I think, would work fine for us. So if you want us to stop or give each county our county we've looked at so far, we can do that or I can just proceed, so I'll just leave it up to these departments.

**Co-Chair Speaker Bob Cupp** [00:06:45] Just a technical technical question. From OGT- it's kind of hard to hear, is that because the sound in this particular room is a problem?

**OGT Executive Director Dan Shellenbarger** [00:06:58] It's the microphone. Right now, can you-?

**Dr. Michael McDonald** [00:07:00] Come a little closer?

**OGT Executive Director Dan Shellenbarger** [00:07:01] Yeah.

**Dr. Michael McDonald** [00:07:02] The issue is that if you had two mics on at once, then we're going to get a lot of feedback, so we're trying to share one mic here. But I will talk more directly towards the mic. I hope you can hear me better now.

**Co-Chair Speaker Bob Cupp** [00:07:24] Yeah I think for me [indecipherable] That we do some additional mics or something, so. All right, thanks.

**Dr. Michael McDonald** [00:07:36] So the question at least I have for you, I can go through all the, and I show you what I've done or we could stop here and have Dr. Johnson show you what he did for Franklin, and then we could move from each part of the state that we've worked on so far. Your preference on which approach you wish us to take.

**Co-Chair Speaker Bob Cupp** [00:08:08] Question there about obviously maybe show Dr. Johnson what he did and then but a bigger question is moving on without, I guess the Commissions sort of OK to this area? So because the Supreme Court does required the commission to draw the map with the assistance of independent mapmakers, whether we should stop at each sort of juncture required under the Constitution and get that resolved, or whether we should hear the presentations and take those under consideration. And then, you know, hear the next one. My assumption and be open to members of the commission is that nothing is final until everything is final. But anybody else aside. Secretary LaRose?

**Secretary of State Frank LaRose** [00:09:14] Yeah, Speaker, just like our mapmaker said, I think this is very much a work in progress as they're going and so allowing them to continue that progress, understanding that there will be tweaks ongoing, is probably the most productive way to do this.

**Co-Chair Speaker Bob Cupp** [00:09:33] Leader Russo.

**House Minoriy Leader Allison Russo** [00:09:34] Thank you, Mr Co-Chair, I agree with that. I think I have a larger process question for the map makers. And then we'd love to hear from Dr. Johnson as well. When do you envision getting through the state and, you know, combining some of your ideas together? When do you see that process playing out and the timing piece of that?

**Dr. Douglas Johnson** [00:10:02] I guess I would say it's hard to say, just because this is our first time through the state, so we we don't know the complexity of what we're getting into as we go down the line. We would love to have a couple of kind of full working drafts with us having a good sense of strategic questions we need guidance on by tomorrow afternoon, but that is a very ballpark estimate. We just don't know how long it's going to take to get through the rest of the state.

**Dr. Michael McDonald** [00:10:39] What I can say, though, is we spent most of yesterday working on Franklin and here we are. At the end of the day, we're finished with Franklin. And so far today we've done Cuyahoga, Hamilton, and we're working on - and Summit - and now we're working on Montgomery. So things have certainly sped up and we're more than a third of the way through on the districts. So it's- we've gotten- your consultants have told us that we've gotten through the roughest part of the state in terms of how difficult it is to draw districts that are going to conform with townships and cities and other acting governmental entities. So my anticipation is, much like Dr. Johnson's said, the pace is definitely picking up here after we got through the initial most difficult counties. And I hope that by tomorrow afternoon at the latest, that we'll have something that's a statewide map. No guarantees, but that's where we hope we would be.

**Co-Chair Speaker Bob Cupp** [00:12:06] All right, the first question before Dr. Johnson presents what he sketched out, I guess we'd call this a sketch.

**Dr. Michael McDonald** [00:12:16] Since we- so you want to move over to his Franklin, or do you want us, do you want to see the other parts that I've done so far?

**Co-Chair Speaker Bob Cupp** [00:12:28] Let's move over to Franklin, because that's the order in which the Constitution requires the drawing, I believe. So, Dr. Johnson.

**Dr. Douglas Johnson** [00:12:40] So for Franklin, we both started with the same combination of counties. Again, this is a - sketch is a good term for it - this is just our first pass and it doesn't mean we've decided to use Union or that we're on the same page or that we made any consensus on that, it's just the first approach we took. So, you see- and obviously anything, if we switch that, then the whole map is internally is going to shift around as well. But, let's see here, show the township lines, so we can put the townships and the cities on there, it does get a little cluttered as we show more detail. But you can see District 12, is the northwestern part of the county and then Union County. We really have one district in each corner. And then, very primarily kind of I think it's safe to say District 11 kind of drives the difference between the two maps. In this case, it's a upper Arlington arching around the prairie. Dr. McDonald's is a more compact version. And again, this isn't that either of us are advocating one approach or another. We're just each testing out different ways, and then we'll compare how those work out and start discussing between us which preference or alternate recommendations you may have. But you all know that this, these maps pretty well, you can probably see a lot of details at a glance that there, that are your concerns, but I'm happy to walk through the numbers, if you- we're happy to watch the numbers on both these maps or to just kind of quickly introduce each region, if you'd like. And if you do, we talked a little bit before this meeting, if you do have strategic direction, I mean, as the leader said, this is your draft map. So if you do have strategic direction about 'use Union' or 'use Madison' or whatever you want. If you're ready to give that direction, that kind of strategic guidance could help limit our options. But as Dr. McDonald said at the small detail level, as the map shifts around, the little details are all going to change as we go along. So-.

**Senate President Matt Huffman** [00:15:15] Mr. Co-Chair? Oops, sorry. Mr. Co-Chair?

**Co-Chair Speaker Bob Cupp** [00:15:18] Senator Huffman.

**Senate President Matt Huffman** [00:15:20] Thank you. Yeah. Just since that issue was raised, I know in maps, I know in Map Three and perhaps a Map Two, but Map Three, and I believe in one of the maps submitted by the Democrat members of the commission, that Franklin was in fact paired with Madison and Pickaway County in some way. And we found eventually, now I guess I can't speak for the Democratic map makers, but they maybe they found the same thing we did. And if I have that wrong, I'm sure they'll correct me if that if that in fact did not happen. But we found that that pairing with a Madison-Pickaway pairing, I think it's some of Madison, and of course, that's not as, about 20,000 people less than Union, and part of Pickaway allowed a lot more versatility in terms of combining count-making sure that counties weren't cut and other versatility throughout the state. So I think it's fine that both of you kind of came upon, arrived at Union because in fact, the first map that the commission passed in September also had the Union pairing. And I think maybe the second map, but the third map did not. And I think some of the, we adopted some of the concepts, we being Republicans who ultimately voted for the third map, adopted some of the concepts from the Democratic map in order to achieve some of the goals that the Supreme Court had established in its second opinion. So, you know, obviously there could be a call one way or the other, but I would suggest that you look at that and it may help you further down the road. So I don't know that at this point it's appropriate for the commission to vote to say do this instead of that, at that point, it doesn't sound like we're at that point where choices have to be made. So I would just ask you to suggest that. And then the second thing and maybe we're not done showing Franklin County, but I would be remiss if I did not say that I don't see any Senate districts on either your maps.

**Dr. Douglas Johnson** [00:17:45] Yes. No you're very right about that. That is one of the challenges that's down the road for us, is figuring out the pairings of House districts into Senate districts. So it is something we are aware has to be done. And as we go into different counties, you know, there's the challenge of internally, of counties or county combinations where the Senate districts are entirely internally contained versus others like Hamilton, where we have two Senate districts and the third piece. So we're aware of that down the road, but we have not done that at all yet.

**Senate President Matt Huffman** [00:18:21] OK. Yeah, because I mean, I'll just say this, I'm sure you're aware of it, but many members of the public, that it's not a matter of just pick three house districts and put him in there because you may fall below or above population, constitutional population requirements in all of the other constitutional requirement 2 through 5 and 7. Not to mention the additional Supreme Court requirements regarding proportionality and things like that. So. But I think we all know that those are just some some kind of pretty heavy lifts as we move forward here. So those are all the things I have to say about Franklin County right now.

**Co-Chair Speaker Bob Cupp** [00:19:16] Auditor Faber, I think, couldn't quite tell.

**Auditor Keith Faber** [00:19:19] Yes!

**Co-Chair Speaker Bob Cupp** [00:19:19] All right.

**Auditor Keith Faber** [00:19:20] Yeah, just two general observations. One I can't tell from this map, or either of your maps, as to whether you made a conscious effort to try and keep the city of Columbus, which is sprawling, as intact as you could in as few districts as possible. And I know one of the intent of the Constitution is that we avoid unnecessary splits to cities, counties and townships where possible. And I know you're going to have to split Columbus probably a few times. But in both of these hub and wheel designs, it looks like you guys are just going in and out of Columbus with other communities. And I can't tell because the Columbus boundaries are what they are that you minimized the splits. I mean, most of Columbus needs to be in a few districts as possible, at least in my view of the way this should be done. But that brings me to my second point. When you're drawing these districts, in my opinion, you really need to focus not just on the concept of 6B, which is this representational mystery ratio, but you also need to remember 6A and 6C, with regard to compactness in particular, that districts are drawn as compact as possible. And if you continue to comply with that and 2, 3, 4, 5, and 7, you'll end up solving a lot of problems. But those are my two comments. And I would just argue that there are certainly going to be some issues as they try and look at this with the city of Columbus, when you guys get to drawing districts together.

**Co-Chair Speaker Bob Cupp** [00:21:00] All right, other questions? Leader Russo.

**House Minority Leader Allison Russo** [00:21:06] Thank you, Mr. Co-Chair. So a couple of things I just want to point out. While Senate President Huffman is correct that there was originally a Democratic map that included Madison and Pickaway County with that 12th district in the second version, we too realized that the pairing with Union County, it seemed to work better. So there's been a little bit of reversal in both the Democratic and Republican maps in terms of what that looks like. The other thing I will just point out about Columbus, as a reminder to my colleagues who aren't in Columbus, that Columbus is noncontiguous in, in many cases. It's big, it's sprawling and in every single version of the maps both Republican and Democrat, every district that has been drawn for Franklin County includes portions of Columbus. Because the nature of the boundaries, it is so sprawling it is not contiguous and frankly, there is no way to draw Franklin County and the districts in Franklin County without having each one of them touch Columbus in some way.

**Co-Chair Speaker Bob Cupp** [00:22:16] Further questions or comments from members of the commission? If not, I'll turn it back to the map drawers. And I think you said you had some other preliminary sketches.

**Dr. Michael McDonald** [00:22:32] Can I just say one thing?

**Dr. Douglas Johnson** [00:22:33] Okay, yeah.

**Dr. Michael McDonald** [00:22:33] Yeah, okay, I just want to say that the reasoning for us behind the choice of Union with Franklin was population balance. It was the county that had the most population that we could join with Franklin to, so that, unfortunately otherwise have to systematically, you have to systematically underpopulate all of the districts in Franklin. So we wanted the least amount of under population to do. I do think, I do find the Madison and Pickaway approach interesting. And if we have time and other constraints, we will take a look at it. I can say it also, it would work. Obviously you created some maps that way. And it would achieve, I think, a better population balance because area than the one we currently have, but we'll have to take a look at it.

**Dr. Douglas Johnson** [00:23:43] Do you want to go to the next section?

**Dr. Michael McDonald** [00:23:45] Sure. Cuyahoga. And so here we decided, Dr. Johnson and I decided to take different approaches. Entirely, not entirely, but significantly different approaches. So my approach was to combine Lake with Cuyahoga. His approach is to take Summit and combine it with Cuyahoga. And you're seeing on my screen Summit districts as well down below here. All I've done is since his, since Dr. Johnson's already drawn Summit, I took his districts and the portion, there's still a portion of that needs to continued to be drawn in Summit, on my map. But that's why there's, it looks like I've done both Lake, Cuyahoga and Summit, but my intent was really to look at Lake, a solution for Lake and Cuyahoga. The solution I came up with, I think it's, it will help us down the road on the balancing that we need to do. It's tricky to get a district that's a, a district for Lake, that will be a Democratic leaning district. This is this district 14 and around here. It is right and it's a fifty point five percent. So it is a, you know, it's competitive. It's the most competitive district I've drawn so far. But we're making, the approach that we did for Lake was to explore that option to see if there was a way to get a democratic district there for the partisan fairness, balance, that's in the proportionality, that's in the Constitution. So that was my approach primarily. There's some differences that we have, but not too many as it turns out, because it on the western part of the county, we took very similar approaches. It's just whether, as Dr. Johnson was coming up into Summit, he had a different configuration on the eastern side of Cuyahoga versus what I was doing on, from coming in from Lake County. I think that kind of describes what we were doing. And you could talk about what the solution resulted in when you just did the Summit, and-

**Dr. Douglas Johnson** [00:26:58] Sure.

**Dr. Michael McDonald** [00:26:58] Cuyahoga. [Indecipherable].

**Dr. Douglas Johnson** [00:27:13] So you can see that the impacts obviously are different if you're coming in from Lake versus coming in from Summit. In this case, 23 is the district that's crossing the two, between the two counties. It gets creative when we're trying to meet the different provisions and keep the different townships and cities together while still trying to meet the partisan balance requirements. And I think we end up in very similar numbers perspectives here, in one or two districts we may vary by a few percent, but in the big picture, we're pretty darn close in both maps. And each one, I think you have a similar results from a partisan prospective, but perhaps different pairings in terms of how many districts are on the on the water or in each region. And a lot of that also is driven by of course, whether you're coming in from Lake, which has a direct impact you can't avoid, versus whether you're coming in from Summit. And the other piece, this is part of the reason we talk about these as sketches- you know, once we get a whole district map and look at how the numbers played out in compliance with the court's orders and the Constitution, as you're probably very familiar with, when the south end of Summit, if 33 and 34 are drawn north, the south we end up with two Democratic districts. If they're drawn horizontally, with 33 on top of 34, you end up with one Democratic district and one Republican district. So these kinds of things are the types of things we have in our mind the easily switched once we get a picture of where each map comes out statewide in that, when we try to come up with a map that best meets all the criteria as a whole map. It is, this process, even getting to this point has been an interesting look at this is, things that in in district by district really we're drawing heavily for partisanship within the other restrictions of the, of the Constitution, because we're aiming for overall map partisan balance. It leads to some creative solutions district by district as we try to make the districts fit into that overall map [Indecipherable]. So, so again, these, each of these and again, we're not advocating one approach or another, we're simply each have kind of

these sketches in progress or what happens you come in from Lake versus what we come in, when we come in from Summit. And one of the things that your staff have been, those listening to livestream have been hearing, as we asked the staff a lot about are, are what are the brick walls and that and kind of mathematical inevitabilities that are down the line and what has happened in past maps. And we, for example, in Summit, I believe all of the past maps that have Summit also go into Geauga? Geauga. I will get that straight by Monday. Going, also going into Geauga. But that is not driven by Summit and by these two counties. It's driven by what goes on in the other Northeast counties. So we are anticipating that we will run into the same mathematical challenge all the previous maps ran into and need to take these in there yet. We just haven't reached that point in the map yet.

**Co-Chair Speaker Bob Cupp** [00:30:52] And yep, Senator Huffman?

**Senate President Matt Huffman** [00:30:53] Yeah. To the extent that the various map makers have suggested, and I assume, by the way, that all four of the map makers, plus the representatives from the offices of all seven commissioners, are giving you helpful terms, hints and suggestions and enhancements. And well, if you do that, this is going to happen. All of that is going on, right, from everybody?

**Dr. Douglas Johnson** [00:31:20] Yes, we've been, they, and the two of us, have been careful not to get direction or or suggestions, but we want to learn from lessons learned. Yeah, that's our emphasis on what brick walls or are we driving towards and what mathematical?

**Senate President Matt Huffman** [00:31:38] Fair enough. I mean, I think that was the intent of the, that these folks have been working on this for six months, so they will have some things. So. One of the things that I learned was that there's sort of this outer ring and inner ring of counties in northeast Ohio. I shouldn't say ring, it's sort of a semi circle. And they, these are counties, and maybe you can start with Lorain to Medina to start, to Mahoning County, is sort of the outer semicircle and then Cuyahoga, Summit, Portage, Trumbull, in Lake. And those counties all have some sort of constitutional protection. In terms of, I don't remember exactly the language, but it's something like if a county is big enough to be, contain a single district, it must be used to complete a complete Senate district. And the conundrum in this part of the state is that we have all of these heavily populated states with protection. And then we've got a lake and then we've got Pennsylvania. And that is the mathematical problem that needs to be solved. And I will say this, in 2011, I think, or certainly 2001, maybe both years. The map that was drawn was unconstitutional. Yet there was no mathematical way to solve the constitutionality problem, and so when there was a lawsuit about that, the court said, "Yep, you can't, it's unconstitutional." But the math doesn't work, and so the map, the unconstitutional map, stood. And that's just the complexity of the Ohio Constitution when it deals with these different things. So I would, I appreciate that you're, you know, you're the commission's mapmakers, but this is a tough nut to crack. And kind of the way that the Democratic map did it, and in the Republican map did it, we're probably doing some things that didn't look very good and maybe weren't the first glance that anybody would do, at least this is your first glance. So I would, I would suggest that you ask these four map makers and, about that problem, that mathematical problem that exists up there.

**Dr. Michael McDonald** [00:34:17] We have had that discussion already. They are warning us of the pitfalls that are coming for us.

**Dr. Douglas Johnson** [00:34:25] And one of the challenges we run into, when you talk about the complexities of the constitution, that, at a minimum that is describing it, is that normally, we both have said we would normally work on a region and address all the issues of the region. But under the requirements of constitution, we're jumping around as we are in this presentation of this county, and that county and only, we've only done Summit and Lake purely because they connect to the prioritized county on the list. So we know these things are coming. Certainly. We just haven't had the opportunity yet to look at those surrounding counties.

**Co-Chair Speaker Bob Cupp** [00:35:06] Comments from members of the commission. Chair recognizes Auditor Faber.

**Auditor Keith Faber** [00:35:14] Yeah, I think that's, based on this, yeah I'm still on. I'd again emphasize my prior context. You needed to not just look at the partisan index, you need to look at compactness. And it appears here that you guys are drawing, this map less so, the other map more so, more districts into, across areas to try and basically gerrymander to create more Democrat seats. And that's again, I think something that is in violation of the Constitution. So I'll just, I'll just leave it at that. But I saw Montgomery Burns back in the previous map, and I had a problem with that last time. I still have a problem with Montgomery Burns up in Lake County this time, and I don't think that's compact. And I think there are plenty of other ways to get where you need to be. And one of the other things that I would just give you for reference, particularly in Cuyahoga County, there are, the city of Cleveland, and then there's the inner ring suburbs and the outer ring suburbs, all within Cuyahoga County. To the extent that you can keep those together, you will find communities of interest that I think the people of Cuyahoga County will appreciate. And having heard from mayors of those many, many communities in that area, they are going to tell you that they have much more in common with the other outer ring or inner ring suburbs that are near and like them, than they do with the city of Cleveland, in many cases. And so just be careful of that when you're doing your pairings and your spoke and hubs. But overall, I do, I know this is a tough approach, and this is the reason this has not been an easy process for anybody. And you guys are figuring out first hand why maybe we're where we're at.

**Co-Chair Speaker Bob Cupp** [00:37:07] Questions or comments from members of the commission? Co-chair Sykes.

**Co-Chair Senator Vernon Sykes** [00:37:11] Just a follow up to the last statements made. It is the requirement of the Constitution to attempt to meet the proportionality goals and objectives. So I don't believe and I don't agree that trying to meet that objective is, you know, unnecessary gerrymandering, to just create Democratic districts, it's trying to comply with the requirement of the Constitution to attempt to, in fact, meet proportionality requirements.

**Auditor Keith Faber** [00:37:44] We're going to have a difference of agreement. I don't disagree that you have to attempt. I think the Constitution and the court opinions are very clear. You can't ignore 2, 3, 4, 5, and 7, and 6A and 6C, to merely comply with 6B. And I think that that is the issue that has come up in previous maps, from my perspective, and I will just say we're going to have an issue there. And I think that's what the Constitution requires.

**Co-Chair Speaker Bob Cupp** [00:38:15] OK, further questions or comments from members of the commission? All right. If not, referred back to the map drawers and you have some other areas, you want to show us your initial, initial individual sketches.

**Dr. Michael McDonald** [00:38:31] Yes. I'll take the reigns again and we'll do this now with jumping around. As Dr. Johnson said, I would much prefer to be working in area regions rather than jumping around, but this is what we have to do. And so now we're down in Hamilton. And, you know, here we have seven districts which are, it's possible to draw them all within Hamilton County. And the population balances come out fairly easy. So this is actually, surprisingly, all in all, this is a fairly easy, relatively easy county to draw. In just in terms of the compactness, as you're looking at my map, you would say, well, why isn't this compact? As everyone is well aware who's been involved in this process, we've got these, we've got to piece together jigsaw puzzle pieces of these townships and cities, and they don't fit together very well, always. They are non compact often. And so we're often trying to comply with the constitutions of drawing districts out of puzzle pieces that don't really fit together very well in a compact manner. I attempted to do that here as, I, in fact, that's, I mean I am trying to draw in a compact manner when I can. And, you know, I have my solution here. You'll see Dr. Johnson's solution a few minutes too, but I think generally we both get a district in the southeast portion of the county that's very similar, but we do have departures, once we get out of the southeast corner and I- the overall numbers, I think for me, our, looking down at these districts, starting at District 25 and District 31. But generally, I don't have any of, the most quote unquote competitive districts that I have is this, there's a fifty four point zero percent district on that Democrats performance. So I don't think any of the districts I've drawn are going to trigger any of the issues that the court was raising. And I think I've done this in a good way. But again, at the end of this process, we're going to come back and revisit and Dr. Johnson will show you this map as well. It's different in some ways. So I don't think that, this is not a final, this is not a proposal. This is just where I'm at at the moment. And I'll let Dr. Johnson show, you how he approached the drawing of Hamilton.

**Dr. Douglas Johnson** [00:42:01] This is, as Dr. McDonald was saying, simpler because the House districts are self-contained, of course, the Senate, yes, will cross out of the county, but you can see the difference. As you mentioned, our southeastern districts are fairly similar in shape. Where the big difference comes in is in the, in the West. Well, I guess the big difference as partisan locations is in the west. We also have different, we ended up with different maps in the Northeast, just through the choices of which communities went with which other communities in a given district. But this is another example, similar to what I mentioned in Summit, where you can have two kind of horizontal districts, 24 and 25 in this map, where one is a safe Republican and the other is a Democrat, but leaning Democratic district. And then you get a District 30, that's Cincinnati. It's also possible you saw on Dr. McDonald's map, to have 30 taking a part of what in this map is 24, and you get, you put Harrison with Cleves and that eastern end, I'm sorry, western end, of the county and then you get one safe, you all, you still get one safe Republican seat, but the Democratic seat becomes, moves out of that 52 percent range and becomes a safer Democratic seat. So this is one of those situations where once we have the overall map dynamics and can look at how the different maps have worked out as the state, we can come back and and easily switch these around as we feel appropriate and necessary given the statewide makeup of the map at that point.

**Dr. Michael McDonald** [00:43:44] I would add to that, you know, we're drawing largely in Democratic areas at the moment, so we haven't really gotten into Republican areas yet, so we're talking about leaning Democratic districts, and given what the court has indicated



about symmetry, we we want to see what we can end up with in the Republican areas of the state so that we know, you know, overall balance. But also we don't want to have, like if we adopted my map and there were bunch of Republican leaning districts, I think that would be a violation and the court would not agree with that. So at some point, we're going to have to come back here and take a look at the symmetry issues and see how well we can address the symmetry issues that the court was raising.

**Co-Chair Speaker Bob Cupp** [00:44:40] Commission have any questions or comments regarding Hamilton County sketches. All right. Is, I think you had said you had one more area that you've preliminarily drawn?

**Dr. Michael McDonald** [00:44:57] I haven't finished Montgomery, so we're not, I'm not quite there yet.

**Dr. Douglas Johnson** [00:45:03] You know, I don't think either one of us have our, we started sketching in Montgomery, but I don't think either one of us have a population balance yet. So we can show you, if you want to see a very much work in progress state, we can show that or we can say that the next meeting of the new progress.

**Co-Chair Speaker Bob Cupp** [00:45:23] Maybe we should, if it's, if you're not complete, if it's not, I guess even, OK, even at the population balance, maybe we should just wait until you do that.

**Dr. Douglas Johnson** [00:45:40] Co-Chairs I can share that that we're doing the same approach that we took up in the Northeast. One of us is approaching it as drawing Montgomery with Green and one of us is approaching it is drawing Montgomery with the counties to the west and north. So we will come up with two very different maps to present to you and share our thoughts with you on. Once we get them drawn.

**Co-Chair Speaker Bob Cupp** [00:46:04] All right. I guess I would have because these are a bit complex, and at some point, I think it would be helpful to the commission, maybe to have a, you know, a print of the area and or each one, if there's two different ones. And maybe some of the stats on it so that when you give us your presentation and your explanation, we have actually had a chance to maybe digest that a little bit. So we would, if we have questions, that would prompt them at that time, I think would be helpful. I don't know how complicated or time consuming that would be, but that would, I think, seem to take things.

**Dr. Michael McDonald** [00:46:54] I have a suggestion on that, if we were to do that. I don't want us to be working on producing reports like that. That's not an effective use of our time. We're going to have a third computer soon. We could have one of your staff members produce those reports. We could put the maps onto that computer and that staff could work on those reports for you and put the maps together. What do you think about that?

**Dr. Douglas Johnson** [00:47:23] And I might take another step, which actually we did a little bit when we verified the data, which is we can, in just 30 seconds or minute, we can export each plan, do it block equivalency file and just give it to your staff. And then they can, they can run all the reports and printouts that you're used to seeing throughout this process, just using the maps that we have at that point. That may be the easiest way to do it. I know you're IT folks have brought a printer over so we can see how, just to give you a quick statewide map, if you wanted to see that when we get to that point. It's probably

easier for us to just hand off the map at any point you want it. You don't have to wait the next meeting, any time you want to see that the information, we're happy to do that.

**Co-Chair Speaker Bob Cupp** [00:48:09] That sounds that sounds like a workable plan, so.

**Senate President Matt Huffman** [00:48:12] Mr. Co-Chair, I just had a question also, if I could.

**Co-Chair Speaker Bob Cupp** [00:48:16] President Huffman.

**Senate President Matt Huffman** [00:48:18] Thanks. I think you just said the third computer, which I assume the third computer is the commission's computer, where the map drawing will actually take place versus the kind of conceptual things. But that computer is not on the premises yet?

**Senate President Matt Huffman** [00:48:38] Our understanding is that it still needs a graphics card.

**Dr. Douglas Johnson** [00:48:43] I think that, I was just about to say what I think you're about to ask, which is I think they're hoping to have it today. It might be tomorrow morning, but it's not holding us up at this point.

**Senate President Matt Huffman** [00:48:55] Well, right. And that kind of does lead to my next question. So hopefully we'll have the commission's computer, computer number three, there in the room. Great, done. But is the concept here that when you're ready with whatever you're ready, at tomorrow's commission meeting, which I think is at four o'clock, you're going to come to us and say, "well, what do you think of this? What do you think of that?" The commission is going to give its input in whatever form and then after that you would go back to computer number three and start putting the plan together. Is that is that how this is working?

**Dr. Michael McDonald** [00:49:33] I think so, I think hopefully tomorrow we're going to have close to something that's going to be two draft maps that are going to have some differences to them and we will have some understanding of what the implications of those differences are to the goals that we're trying to achieve. And I think that's when your input will be valuable.

**Senate President Matt Huffman** [00:49:56] Okay. Thank you. Thank you, Mr. Co-Chair.

**Co-Chair Speaker Bob Cupp** [00:50:00] Further comments or questions. All right. All right, well, thank you for the presentation and is anything else to come before the commission this afternoon?

**Co-Chair Senator Vernon Sykes** [00:50:14] Just one comment, one question- we had planned, we had some discussions earlier on in this process, not knowing how long this was going to take, that we possibly, it was a possibility of us having a public hearing. And I know we're, you know, not far enough along to do that, but at some stage we still would like consideration be given to have a public hearing on this. Of course not tomorrow, but is could be possible, maybe on Sunday to do that and just keep that in mind and let the map draws know that so that we could possibly prepare for it appropriately or at least attempt to do that.

**Co-Chair Speaker Bob Cupp** [00:51:00] All right. So I'll- everyone keep that in mind as a possibility and a timing on that, so we'll have to see how things progress, I think, so. Anything else? If not, I think we will, I would request that we do like we have done, that this meeting recess until tomorrow at four o'clock. But if there is a need to reconvene before that time at an appropriate, timely notice, the commission could reconvene and address issues that that may come up, in the meantime. So without objection, then the commission meeting will be in recess.

## Ohio Redistricting Commission 3-26-2022

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[00:39:40] Yes.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Co-chair Sen. Vernon Sykes** [01:08:56] Did you say Hamilton County or Franklin County? You said Columbus?

**Dr. Michael McDonald** [01:09:03] In Franklin County.

**Co-chair Sen. Vernon Sykes** [01:09:04] Columbus, OK.

**Dr. Doug Johnson** [01:09:07] Yes, it boils down to...you know, we both I think we both have the same understanding of the situation. It's just a question of which way to proceed where we have a district that's not in the two percent range, it's it's fifty two point seven or fifty three point one. Depending which way you go. Do we want to move the lines and make a less compact map in order to move it from fifty two point seven to fifty three point one? It's not a huge compactness issue. It's a small change in compactness. But we are making a tradeoff that this moves it from fifty two point seven to fifty three point one, but not in or out of one of the competitive ranges that the court has mentioned.

**Co-chair Sen. Vernon Sykes** [01:09:54] Leader Russo,

**House Minority Leader Allison Russo** [01:09:57] Thank you, Mr Cochairs. You know, I would say, and this is hard to evaluate district by district because again, when I read the Constitution, many of the constitutional requirements relate to the entire plan as a whole. So my question for you is how does this impact the entire plan as a whole? It sounds as if it moves one of those seats out of sort of that competitive out? Not sort of, but out of that competitive range from 50 to 52 percent. Does that then address the issue, better addressed the issue of proportionality that requirement of the Constitution, which is weighted equally, by the way, to compactness and some of the other requirements within that section. So that would be my question to you before answering this, because again, when we're talking about these individual districts, that answer depends on and how does it impact the entire plan?

**Dr. Michael McDonald** [01:11:05] And I would say this is one of these minor issues, and I would have hoped that we could have come to agreement. I think Dr. Johnson has the larger question in mind, which is that when possible, do we go ahead and tinker with districts a bit more so that we might move them? You know, particularly the Democratic districts, which are there's more of them that are in the 50 to 52 and 52 and 55 percent range. Do we make an effort to as much as possible try to move them more towards 55 percent when it's possible to do so? And again, this is not doing any significant damage to compactness or we could even run the compactness measures. I think they'd probably be off by like point zero zero one percent. I mean, this is a very minor change in terms of the perimeter of the district. So I'm I I my thinking is that to try to bulletproof the map as much as we can from the court, we would make these changes so that we just have that little bit

of extra cushion that we have because the court has is looked critically at these districts and has looked at the distribution and of the partisan index and anything that we can do, even if it's minor, that moves the ball so that it's less asymmetry about the map. I think that's a positive thing, but that's that's my position. Dr. Johnson has a different position about that and on. And so, you know, that's what we're asking guidance from you. And I would clarify one thing. Just so there's a clear understanding is that this is a district that is without even before the change that Dr. McDonald is proposing is fifty two point seven. So it's already outside of the court's tossup range. It's in it's within the 10 percent range of one of the experts talked about that the court referred to. But it's we're not talking about a toss up being either toss up or not. It's definitely not toss up either way. So the question is one is it's not toss up and it's already fifty two point seven. Do we then make the district a little less compact to take it to fifty three point one? That I did suggest running the compactness report, but Dr. McDonald preferred to bring it to the commission and and ask for your direction on it.

**Co-Chair Speaker Bob Cupp** [01:13:41] Mr. Co-chair?

**Co-chair Sen. Vernon Sykes** [01:13:41] Yes.

**Co-Chair Speaker Bob Cupp** [01:13:41] It's a little hard to decide this in the abstract. We don't know what you may know, but we don't know. What does that do to surrounding districts? What is it? Is there an incumbent that lives there or it can be changed, moved in or out? But it's not just the point I was making. It doesn't necessarily change the proportionality or the symmetry, but it takes into account the fact that somebody is already representing constituents lives there. So this is all information that we don't have. It's hard to make a decision like this in the spur of the moment without even having a detailed map.

**Co-chair Sen. Vernon Sykes** [01:14:24] Commissioner Faber?

**Auditor Keith Faber** [01:14:26] I generally agree with speaker co-chair in general, though when you have a question, I think you need to follow 6C General Assembly districts shall be compact. That's what the Constitution says. And the fact of the matter is, is if you're not changing any of the other factors, drawing it compact ought to be the primary concern. But I think this may be one of those areas that we are going to have some discretion. And it says also in the court's opinion, that we will be drawing the maps. And so no offense to this process. We've got two map drawers who are seem to be drawing the maps and we're asking questions in theory about this issue or that issue in concept, but we're not really drawing the maps. And so until we see the district, there may be other community factors that I think it's also proper for us to consider things that we heard in close to 80 hours of testimony before this commission that could change the dynamic. Maybe it's a community that will encompass an entire school district if you go to the one number or will not. If you go to the other number, it may be a community that you could keep two adjacent entities together. Those are all factors that we need to take a look at when we're looking at these issues in total and in the abstraction, I would tell you ere on the side of compactness, and if it deviates, we can make the adjustment when we see the the last year or the last year.

**Co-chair Sen. Vernon Sykes** [01:15:54] Leader Russo.

**House Minority Leader Allison Russo** [01:15:56] Thank you, Mr. Co-Chair. Again, I would remind my colleagues on the commission that Compactness 6C is considered equally with six A and B, according to the Constitution. So we can't consider one of them over the others. They are all considered equally. But but I would agree that in a question

like this, does the decision make a difference in terms of does it make more sense from a community of interest perspective, as Auditor Faber noted? You know, is there portions of a school district that would be taken off in one configuration versus the other? That certainly is something that could be considered and should be considered.

**Senate President Matt Huffman** [01:16:41] Senator Huffman?

**Senate President Matt Huffman** [01:16:45] Thank you, and I agree with both the points that Leader Russo just made up. I just gave you my own example when one of the I think when the first map came out, there were people in one one county in my district because the high schools built outside the city, their brand new high schools built outside the city and their city was in one house district. But the high school was in another, and somehow they felt that that was going to be the end of democracy in their town, and the line has to go someplace. But it probably would have been better, at least to those folks in that small town that the high school would have been in the same house district as as their their city. So as Leader Russo and Auditor Faber said, if those things can be done, it should be certainly not a constitutional requirement. I did want to comment, however, about this. Fifty two, fifty to fifty two business. There was no such proportionality requirement. At least there was, but the commission didn't realize it when we passed a map in September. After the second decision, the proportionality requirement was 51, so districts between 50 and 51 could be considered as asymmetric. The third decision the court has now said it's now 50 to 52 should be considered. If if the mapmakers and I frankly I kind of lost track who was saying what there. If the map makers are saying, we're going to think about 52 to 55 as some other special category of districts. I think that's wholly incorrect. And if one or both of you are working under that presumption, I think that needs to be clarified because that is not part of the courts. The new line as of the 3rd rejected map decision is 52, not fifty two point seven or fifty three point one or 55 or anything else. And I frankly don't think there's a whole lot of difference between 52 eight and 53 one, especially if you can keep the district compact and don't have to slice up towns and school districts and things like that. So those are my points Mr. Co-chair Thanks.

**Co-chair Sen. Vernon Sykes** [01:19:17] I would tend to think that I to agree with you, Senator Huffman, I would agree.

**Senate President Matt Huffman** [01:19:25] Hallelujah.

**Co-chair Sen. Vernon Sykes** [01:19:32] So there's no objections. Then we will take the fifty two point seven district.

**Dr. Doug Johnson** [01:19:43] Co-chair, can I just ask for clarification? I just want to make sure we understand the the competitive range where we're focusing on is two things are essentially a toss up if they're between 50 and 52 percent for one party and outside of that, they're not considered toss up or competitive. And that's how we should approach it. Actually, a 53 percent would just be, say, a 53 [inaudible] 53 percent Republican to be a safe Republican. Is that an accurate statement?

**Co-chair Sen. Vernon Sykes** [01:20:28] That's something that we had not resolved yet, that range, because the court order indicated that there shouldn't be a lot of disparity when we're talking about these marginal districts. And so regardless of whether it's 55 45 district or 48 52 district, the disparity is the issue. So we cannot decide anything other than than that so far.



**Co-Chair Speaker Bob Cupp** [01:21:05] Mr co-chair. I didn't know we had an agreement on this particular one with several people have said, but we don't know how it impacts adjoining districts, whether it's community of interest, whether it's incumbent that lives there or you're going to exclude an incumbent or an apparent incumbent. So it's pretty hard to decide this without all that context.

**Co-chair Sen. Vernon Sykes** [01:21:29] Senator Huffman.

**Senate President Matt Huffman** [01:21:31] Thank you, co-chair and and if the co-chair chooses to get into that, I guess what's been defined as disparity or called that issue, which is a significant one. I think the question simply in this case, and I don't know that we're approving of a district because I don't know what the district looks like and I don't know where it's at and what all it includes. I think the question here was because something can go from a 52.7 to a 53.1. And I think one of the map makers says it gets less compact. The other map maker? Yeah, not really. But drawing the compactness out for a second, I don't think it makes a difference to the commission that it's a 52.7 or a 53.1. Those are in the range that those are the kinds of decisions that ultimately the commission would make. And in our instructions to our map makers, we're simply saying, don't worry about 52.7 Versus 53.1, do worry about compactness and other constitutional requirements. I think that's what we're saying, rather than just saying, that's a good district, because I don't know. I'm not saying that because I don't know what district they're talking about.

**Co-chair Sen. Vernon Sykes** [01:23:08] Any further discussion? OK. I don't think we have any direction for you on this. We have some discussion in the members would like to look at the district and then once they get more information about that district, they can then opine.

**Dr. Michael McDonald** [01:23:32] If we could get some clarification, if I can ask the question again in a different way as a general principle, when we're faced with drawing districts in order to comply with the court because we've got both proportional plant districts plans, that's not the issue. There's no disagreement on that. But when we're looking at the symmetry issue that the court raises, we're only to look at the range of 52 to say 48 percent on that partisan index is that the will of the commission because if it is, then that gives us very clear guidance on how we're going to proceed.

**Co-chair Sen. Vernon Sykes** [01:24:23] Can we just hold stand down just. go ahead, go ahead.

**Senate President Matt Huffman** [01:24:29] I'll just say this if this appears to be a significant issue for the map and if if and I'm not, I'm pretty clear what I think it is. But if this is an issue that we need to take in abeyance. I mean, let's all members, we're ready to unanimously vote in favor of this right now. And if we're not, we can either mediate or think about or whatever it is. But I think it appears to be an issue that the map makers are need to know about.

**Co-chair Sen. Vernon Sykes** [01:25:06] Okay, well, let's add this number two to the mediation list.

**Senate President Matt Huffman** [01:25:11] Very good.

**Senate President Matt Huffman** [01:25:13] OK.

**Dr. Doug Johnson** [01:25:15] Should I keep going?

**Co-chair Sen. Vernon Sykes** [01:25:17] Yes,.

**Dr. Doug Johnson** [01:25:17] Doug Johnson, just adding to this tape to your to your details for your discussion mediation is the issue Leader Russo made the good point about the Constitution has the competition or the partisan balance and the compactness language treated equally. In the quest to get as close to symmetry as we can, we really are kind of blowing through compactness. The commission touched on this but didn't give direction on the other day with the reference to the Montgomery Burns district and things like that. So as you're looking at the map, I'm not looking for you to make a decision right now. But as you're looking at the map and as you discuss this issue in mediation, it would be very useful for us to know what balance you want us to strike between getting closer to symmetry and and compactness. So if you can add that to your agenda and appreciate it,

**Co-chair Sen. Vernon Sykes** [01:26:15] OK, we will. Secretary LaRose

**Secretary of State Frank LaRose** [01:26:19] On this question of symmetry and competitiveness. Obviously, the two are linked. But perhaps considering them separately, the question of what is a competitive district is one that we can talk about. I want a 50, you know, a district that had a heavily leaning democratic index when I ran in 2010. I think we've got a lot of stories around here like this of what could be a competitive district. The frustrating thing is the court has appeared to sort of move the goalpost on where that line is. At one point it was 51 and then it was 52. To this idea of symmetry is I heard a smart lawyer the other day referred to it as a textual, which is to say not in the Constitution, but it's something that the court has told us that they care about. So the question of competitiveness is one. And then the second question is of symmetry. And you know, it seems as though the court has drawn this line at fifty two. So perhaps that's where we should draw it as well. It's too.

**Co-chair Sen. Vernon Sykes** [01:27:20] OK. Any additional comment?

**Auditor Keith Faber** [01:27:26] I go back from my perspective, it's very simple. You have to do all of the things two, three, four, five and seven, six, A, B and C if you violate 6C to satisfy the court's 5-4. You have failed. And so if you're drawing Montgomery Burns districts all over the state, I think you've failed. And I'll just be blunt with my opinion on that. I was very clear on that when I voted against two sets of maps a Democrat in a map before what you're finding and I'm finding this from one component very interesting. You're finding out why it's tough to draw maps with all these rules in Ohio compared to other places. And I also, if I've heard both of you say this, the reason this number, the symmetry number between 52 and 48 is important is because candidly, you're both finding that in order to hit this ratio, you have to draw competitive districts that are all are mostly all Democrat, which is also not surprising because every single map, almost every map that we've seen from the Republicans, Democrats and for the neutral third parties make most of the competitive seats Democrat. And that seems to be what you need to do to get towards that ratio. And I just made an observation from both of your two charts that we have here. Now that we've got the analysis of them, you're both effectively to hit the 54 45 ratio. You both seem to be packing Republicans and cracking Democrats. And again, those are something you do it and map drawing. Most people would call that gerrymandering, but it appears based on the conversations in the room that we've been monitoring and listening to your effectively both trying to gerrymander districts to hit the

ratio to favor Democrats. And I just point that out because of what you have is a compactness of where Ohioans live and where particularly Democrats live and where Republicans live. And so that's a problem that we've identified. People in Ohio tend to live around people who think and vote like them. Democrats tend to cluster in the urban counties. Republicans tend to live everywhere else, and it makes it more difficult when you're trying to separate these. In both of your maps I have districts leaning 60 plus in concentration of party. Both of your maps seem to strongly, strongly have many more Republican districts in that than you do Democrat districts. And the ratios aren't even close. And again, that seems to be consistent with what you're doing. So that's why I think it's important that you focus not just on 6B, which is the ratio you focus on 6 A that you don't draw districts where the map predominately favors one party or another. And you'd also comply with 6C, which says the districts and this is the districts, not the map. The districts shall be compact and you hit all those three and you can get to the ratio we've got where we need to be. And I think you're going to have success. But I think if I'm giving you direction from my perspective and as a map drawer, that's the things that I'm going to want to see.

**Co-chair Sen. Vernon Sykes [01:30:33]** Do you have other items you need us to address?

**Dr. Michael McDonald [01:30:39]** Yes, we were. We did want some direction on two possible directions to go. I think these are the last two areas where we have disagreement on and it's not really disagreement, I guess just different directions. And we've looked at the other ones and we take them off and agree that we've got some good direction there. But these do require significant changes in the direction of what we would go with the map. The other places where we've reached agreement really are not. They don't have large substantive effects on our approaches that we've just agreed that that's and we don't we didn't feel like we needed to bring it to you. We're happy to go over those issues if you wish, but we thought for the sake of time, we would stick with just these two issues that we're going to bring before you. So if that's OK to proceed, then I'll do so.

**Co-chair Sen. Vernon Sykes [01:31:45]** Go ahead, please.

**Dr. Michael McDonald [01:31:46]** OK. So we have two issues, and just to give a summary of where we're at, on it, on overall on we've managed and this was after we provided the maps to your staff. So we've been continuing to work as much as we can. We need every minute that we possibly can get here. And I know I got five hours of sleep last night. So, you know, we're working as much as we can to get this done. And so we're down to the point where we're in agreement that we've got in that 52 to 48 range. And this is where I want to get some clarity for you, if that's what we're looking at. We've got agreement on maps that will create three Democratic districts within that 52 say 50 to 52 percent Democratic performance and one Republican district, which is within that fifty to fifty two percent for Republican performance. So the question is, can can we create two more districts that would be within that range? And would that then satisfy the court's symmetry argument? Because then we would have three and three. So that's what we're looking at at the moment. What our goal is to get that three and three pairing a setting aside the issue about trying to look at the larger symmetry beyond 52 and 48 percent. Our most immediate is that 48 52 on the partisan index range. How do we get two more Republican districts in there and we can do it. We know how we can do it. So we just want to know if the if since this is a departure and we'll show you the differences here and the implications of what those are for you. We just want to show that to you and then you can make a decision as to whether or not you want to proceed along those lines. I'll start what I think is

the lesser of the controversial ones because I just my reading of the room as to what I think it is. And so I think what we'll do is we'll focus on Montgomery County first. And Montgomery County is a county that can contains three and a half to three and a portion districts. So you can't can't quite get three districts in it. You're going to have to take another district and it's going to have to go into another county when we randomly chose which direction we were going to go on. Dr. Johnson went into Preble County with that extension, and I went into Greene County, so as to the West, Greene to the east, and when I drew this district that went into green, I get a competitive Republican district. It's one of these three potential districts that we can get within that 48 to 52 percent pass and index range. When Dr. Johnson goes into Preble, it's going to be a very solidly Republican district, and there's no way within Greene to draw nicely shape. I don't even think it's possible to draw a district that would be a a competitive Republican district within this 52 to 48 percent range. So this is what we're looking at. We can show you the districts if you wish. But I've given you a pretty good idea of what the issues are. Again, I'm happy to show you screen shares and show you that the districts themselves, if you wish to look at them.

**Co-chair Sen. Vernon Sykes** [01:35:32] Senator Huffman

**Senate President Matt Huffman** [01:35:39] Mr co-chair, I do have a comment, but I feel like I'm going first every time

**Co-chair Sen. Vernon Sykes** [01:35:44] I'm cleared it out to, you

**Co-chair Sen. Vernon Sykes** [01:35:46] Yeah, if you want to go first, it's fine. I just I guess my first reaction is it's a little difficult. I don't know that it seems appropriate to be opining on one district without, you know, the context of the of the entire map. Now, I guess if there can be some better explanation or perhaps some other members feel like they've got understanding that I don't, that's fine.

**Co-chair Sen. Vernon Sykes** [01:36:16] I think that Senator Huffman, that's a point that Leader russo has made too, the knowing the overall and this is still is early in the process and they haven't gotten to the point where they have consolidated their work. This could be homework for us. We still have another meeting or two and we could get the detail in between and then come back, hopefully with with the solution or recommendation or suggestion or an order tomorrow.

**Dr. Michael McDonald** [01:36:51] Just to be clear, for us to consoLeaderte the maps. We need to resolve these issues. So until we can resolve these issues, we can't consolidate the maps and we can't finish up the work that we need to do.

**Co-chair Sen. Vernon Sykes** [01:37:04] Are these three issues that need to be resolved?

**Dr. Michael McDonald** [01:37:08] Well, I'm talking about these. These are separate. These are not your mediated issues. The issues in terms of how we can proceed with drawing, say this Montgomery County issue. I, my sense would be that it's separate from the mediation issues that you've been raising.

**Co-chair Sen. Vernon Sykes** [01:37:30] Well, I think we ought to take the time to try to resolve that tonight. If we can have the maps and we have our staff map draws around and we can make a decision and make a recommendation so you can continue to work, I think it's important to do that

**Senate President Matt Huffman** [01:37:52] Which which you're talking about the Montgomery County issue. Yes.

**Co-chair Sen. Vernon Sykes** [01:37:55] Yes. Okay. Yes. Yes. So we're going to take the time to make that decision and we'll stand at ease and the staff. So can you help us at this particular time?

**Co-chair Sen. Vernon Sykes** [01:38:48] Issues. So maybe you'd give us both of them and then we'll recess for one hour till we get it resolved, as we'd like to to keep on moving in. So with two days left. If you could tell us what the other issue is, please.

**Auditor Keith Faber** [01:39:02] Can I ask a question.

**Co-chair Sen. Vernon Sykes** [01:39:05] Yes.

**Auditor Keith Faber** [01:39:05] I want to make sure I'm clear what I heard you say. We're going to look at a couple of maps and a district that we haven't seen the entire match know how they all line up. And then we're going to recess for an hour and come back and tell them which district we like better? I'm just not for that until we see the complete maps and see how they move. Frankly, I tell them to use their judgment as to which way they go one way or another. And if the question is whether or not we're trying to draw a 50 percent competitive districts that are in 50 percent competitive districts that are D, if you can do that, great. But I don't even think that's the standard. I think the court's proportionality and competitive seats discussion was really more akin to a 19-0 ratio, not necessarily a five two ratio or a three two ratio. I think we can get into that range. That's going to be dictated by how you draw the districts and where you draw the districts more than whether you're hitting some, some some proportionality concept. And so for us to say, OK, we want to allow you to draw one district that that's a little bit more competitive here and a little bit more competitive there without seeing the rest of it. In context, I think we're dancing on the head of the pin. I would just say, look, if you can draw more. I've said this before. If you can draw more competitive districts, draw more competitive districts. We told the voters very clearly. When this was in front of the voters that the end of this proposed amendment would end partisan process for drawing House and Senate districts to replace it with a bipartisan process with the goal of having and I quote district boundaries that are more compact and politically competitive. So if we can hit those two standards, I think we're consistent with what we told the voters when we put these things on the ballot. So that would be my general direction to them. But me looking at one district between Greene County and and frankly, Preble County, I don't know if it means I don't think the maps are any more or less constitutional. If you have a district that that goes 53, 47 versus one that goes 40, 52, 48, one way or another. Until you see the rest of the factors, and so that's where I am. But I'd like to get back to a different question. OK, if I could. What is our plan? Is our plan that we are going to still try and give the public 24 hours before we vote on a map. If that's the case, us doing these things and dancing on the nuance means we're we're almost fretting with impossibility because there's no way I can tell you I'm going to see a map and look at it tomorrow and say, Well, that's perfect. I don't have any suggestions. I know each change takes a good deal of time. And if we're going to have meaningful public comment on the maps before we vote on them, which was strongly suggested by the court. I don't know how we vote on a map on Monday at this point. I mean, candidly, our goal would have been to have maps done today. Then we could lay over and then talk about tomorrow evening and then think about voting on Monday. But if we're not going to do that, then we can compress the cycle. But ultimately, I think we need

to get them to draw on maps and then talk about whether we like the map and whole or we have changes in the maps, the maps that I've seen both of them. I have a lot of suggested changes in certain areas, particularly in northwest Ohio, that don't change anything on the magical ratio. And so I would just say that at some point we need to get them on the joint computer drawing maps that we can look at and say yes or no to.

**Co-chair Sen. Vernon Sykes** [01:42:46] Auditor Faber. I do agree with that. I think we need to do whatever we can to keep from impeding. Governor DeWine.

**Governor Mike DeWine** [01:42:57] Mr. chairman let me just add something. I think it's just very difficult to make a one off decision, even if you take an hour to make it. You know, it looks like we would be doing that in two separate situations. We wouldn't be doing it in other situations. I just, I think, asking us to make a one decision I've already started to get, you know, some people having concerns or contacting me about that district. And I guess I would like to have some opportunity to look at a lengthy period of time because this is the one hour. But it just it just it just seems, you know, you feel you have a whole map and really making decisions like two different locations. Seems like we need to see the whole or have a little time to look at it.

**Co-chair Sen. Vernon Sykes** [01:43:58] Leader Russo.

**House Minority Leader Allison Russo** [01:44:00] I thank you, Mr. Co-Chair. I'm not disagreeing with anything that has been said. I would also note that again, some of these decisions we haven't yet seen, and I don't think Dr. McDonald has finished yet his Senate map or Senate version as well. And all of these, you know, one off district decisions at the end of the day also impact the Senate districts. So I think, you know, in this case, let them finish the work to get to a map that they can present to us that then we can start, you know, making our recommendations are suggested changes, etc. I think it might be premature to do this, and I know they want us to make a decision about this particular piece. But you know, I'm OK with them using their best judgment until we get to some sort of combine that because all of this is going to change once we start adding input anyway.

**Co-chair Sen. Vernon Sykes** [01:44:56] Is it possible to vote for you all to complete your recommendation in a consolidated map and maybe have two versions so we could see? If you think this is such a critical section of the map that we could have two versions of the map, one demonstrating each of the options so that we could have a comprehensive examination of the total map plan. Do you think that would be possible?

**Dr. Michael McDonald** [01:45:29] Well, I think at this point, that's essentially what we're asking for guidance for is to move on to that consolidated plan rather than because these are the two last remaining big issues that we have strategic issues on where we would put the districts. We don't really have a lot of disagreement elsewhere. And you know, yes, I think there's going to be room in lots of areas of the map to and as a state to move districts around. They're going to have substantively no effect on the issues that the court has raised for you. So this goes to Auditor Faber's comments on that. But here we have. So if we do, if we do take the approach, I mean, if the approach is to create the competitive Republican district, then you can't create anything that would be close to competitive Republican with going into Greene. So this is the choice. Do you go in the Greene, create the competitive Republican district or do you go the other direction and go to preble and you don't get anything that's going to look competitive? And so that's I think it's pretty clear that we should create the competitive district. I think that's what my interpretation of the court. But we are I'm really coming to you to guidance because that's what we've been

asked to do at this juncture when we reach a point like this where we have to make these decisions.

**Dr. Doug Johnson** [01:47:05] I do think, though I might, if I can just add to that, sorry. Just to clarify that the map that has the Greene mapping, as Leader Russo just mentioned, has not yet been drawn into a Senate map. So your staff know this stuff really well. They may know whether it will work or not, but we don't yet. So like if you want us to confirm that first and then come back to you, we can do that.

**Co-chair Sen. Vernon Sykes** [01:47:31] Yeah, it would be good. Secretary LaRose

**Secretary of State Frank LaRose** [01:47:35] Yeah. Love to be able to give our drivers some sort of guidance so that they can be productive with their time knowing that no decision here is terminal at this point, right? They're going to bring us back a work product and we're going to look at it. And we're a long way from any kind of a final approval of a plan. If we don't want to opine about whether this particular configuration is the right one, I understand that. But maybe if we can at least reach the agreement that because the court has sort of set the threshold at 52 that we're going to tell them to, you know, consider 48 to 52 is competitive and then try to hit that parity between Republican and Democratic competitiveness proportional to the fifty four and forty five, right? So they hit the same note, same percentage of Republican competitive districts and the same percentage of Democratic competitive districts and then let them do their best to do that. And then we'll look at that tomorrow.

**Co-Chair Speaker Bob Cupp** [01:48:32] Mr. co-chair I have a question because my recollection from reading the one of the court opinions and I do agree they don't all line up is that competitive districts don't count. And I think the phrase was there's nothing in the Constitution about competitive districts. So help me explain why competitive districts help us get to where we need to be. Not that I'm opposed to competitive districts, but I'm just taking what I thought I read in the court opinion.

**Dr. Doug Johnson** [01:49:09] Co-chair Cupp, if I can address that and Co-chair Sykes, if I can guess that this is a piece of the question that we raised the other day that the commission has under advisement, which is that we had raised the larger issue of how to measure competitiveness. And the other question is how to treat those districts that are in that middle range. Do we treat them as toss ups and assign half to each party? Or how or do we not include them in the ratio or at all? I think since we as it's been, I think, appropriately called the magic number that that makes it difficult for us to not treat them at all. But it is a challenge and we welcome direction from you and the legal team on on just how to interpret that.

**Co-Chair Speaker Bob Cupp** [01:49:58] So is it that if we have competitive districts, they're removed from the symmetry account and therefore it's easier to get to the symmetry if you don't if you have more competitive districts? Is that the issue.

**Dr. Michael McDonald** [01:50:16] My interpretation of the court ruling is that the court was concerned that among districts that were close to 50 percent, there were many more Democratic districts and there were no Republican districts in that range. And so the court looked at it says in the ruling two ranges. But we're being already covered this ground, so we're now at 52 to 48 percent. On the partisan index as being the range, the court identified as finding problematic that there were only Democratic seats leaning seats in that range. And so I've viewed our goal to comply with the court is to get us at a point

where we have as parity, as much parity as possible. And again, it's not 100 percent possible always, but as much parity as possible to get the same number of Democratic and Republican districts on either side of that 50 percent number. And and so that's why I think this. I liked secretary LaRose's suggestion. I heard his statement, I think is is what I've tried to accomplish, which is we have a preference to create districts within this range where it's possible to do so. So if we could get that sort of direction, that would help us quite a bit where it wouldn't mean that we're endorsing that. We're going to go into Greene. It may be that for other reasons. Greene is combining Montgomery, and Greene is just infeasible because we haven't fully explored it yet. But if after we do the exploration later tonight at 11:00 a.m. and we don't want to call you guys back into session to, you know, report back to what we found, if we already have some direction that says, yes, go with the one that's going to create that, that extra district, as long as it's doing everything else that we need it to do that would be of much use to us, at least in my opinion.

**Co-chair Sen. Vernon Sykes** [01:52:40] Secretary LaRose

**Secretary of State Frank LaRose** [01:52:41] Go ahead.

**Dr. Doug Johnson** [01:52:43] So I guess the challenge here, I think the future is now the issue of corn. I don't think it's all that clear and how to do this. If if we don't count the toss up districts. I don't think it's possible to hit the magic number two, the proportion, I'm not aware of any map that it has hit the right proportion. If you leave those districts in the 48 to 52 percent out, so it is. And yet. The court has has raised questions about counting those, so it is a big thing that we're we're trying to sort through and any guidance you want you wish to give us would be appreciate it.

**Co-chair Sen. Vernon Sykes** [01:53:27] Secretary LaRose.

**Secretary of State Frank LaRose** [01:53:28] Thank you co-chair. So assuming that the ratio that we've been working with is 55 45, and that has been the ratio, and assuming that competitiveness is a virtue, right, I think that was part of the sales pitch when when these constitutional amendments were approved by the voters and that kind of thing, then it seems logical that we should first try to maximize competitiveness. And then second of the competitive districts, 55 percent of them should be Republican and 45 percent of them should be Democrats. So if we think that we can get to 30 competitive districts, there should be 17 that are ours and 13 that are D's. If there are 20 competitive districts, there should be 11 and 9D. If there are 10 competitive districts, it should be six R and 4D. And it seems to me like that's the simplest way to approach this problem.

**Co-chair Sen. Vernon Sykes** [01:54:21] We've had a lot of discussion on this issue. One of the main provisions that the all the members are interested in is that we continue to work toward this goal of Monday. And we are relying on the two of you providing the leadership on the map drawing. And we we're hopeful that you can help us get further down the road. So tomorrow we might be able to make some more decisions when we are able to look at more comprehensive work that you've done, so we can see what the implications might be on the decisions that we make. So we're hopeful that you can use your best judgment to continue to work to produce a collective combined recommendation two to the commission. Are you have you been you're working relations, has it been OK and once you get this, the additional computer is that all that you need to to continue to make progress?



**Dr. Doug Johnson** [01:55:35] I think, yeah, from my perspective, the working relationships are in very good, I I don't think the I think the computer will be nice as a formal way of formalizing our process and wanting to be here, but it it has not held us up at all. So that's not a concern if we get it today, first thing tomorrow, it would would be fine. And we've talked with your staff we have if if the parts continue not be available, we have a workaround, so that won't hold us up. So I think we are making progress and and and working well. We may very well come back to you with two maps rather than a combined agreement map, but the one way or another, we'll get something to you.

**Co-chair Sen. Vernon Sykes** [01:56:23] Are there any additional comments or questions? Yes,.

**Co-Chair Speaker Bob Cupp** [01:56:26] Mr. co-chair. I think they said there was another area that they wanted. They had an issue with and wanted to present it, I think would be helpful if we know where it is as they work through it. So I just wonder if they could go ahead and maybe elaborate on where it is and what it is.

**Dr. Doug Johnson** [01:56:42] Sure. I think there's all phases in taking this on their agenda and no energy to focus on as you're reviewing the maps. Happy to discuss it. This is the challenge in Cuyahoga County. The the big question is, does Cuyahoga join with Lake to the north east of it? Where does it go south with Summit and also with Geauga? I know I mispronounce that every time I apologize, but with Geauga County. And the trade offs and Dr. McDonald will weigh in on this too. But the trade offs are essentially if you go south. It works out. You don't have to split any townships or villages and drawing the lines. But if you go northeast to Lake, you end up with the ability just to draw a competitive Republican seat. So one of the Republican seats moves into the 40 50 percent rate, or 50 to 52 percent Republican range. But we have to split Mentor. They describe that area. Yes. So that's the directional change that if you have a direction now or as soon as you can, we'd appreciate it.

**Co-chair Sen. Vernon Sykes** [01:58:02] OK, we will get more information about that and make sure on each one of these issues the members will have posthaste will have more detailed information about the data and maps about these and we'll come prepared. We'll do our homework and come prepared to make maybe suggestions to you on these items. But hopefully, again, as you've indicated, you can continue to work and make more progress and have at least one, maybe two combined maps.

**Co-Chair Speaker Bob Cupp** [01:58:37] Mr. Co-Chair, I wonder, since the last that data share, which we had some confusion about here, was at 2:30, if perhaps maybe at the conclusion of this commission meeting before they start up again, they could re share that data so we could see where the progress they've made in between. So we would be most current to the present time as we're looking at these. Yes.

**Co-Chair Speaker Bob Cupp** [01:59:08] And the sharing of that information is that easy or simple to give a flash drive or whatever to the staff, so we may periodically ask that and that way it's not interrupting your work performance. And it's a way of getting information to us.

**Dr. Doug Johnson** [01:59:29] Yes, I think we've been working very well, just as if it takes us less than five minutes to handover at any time they want it, and maybe.

**Co-Chair Speaker Bob Cupp** [01:59:39] I'm not sure how many flash drives we're going to need, so maybe we can do it enough so that everybody that has an opportunity to load it up. OK.

**Co-chair Sen. Vernon Sykes** [01:59:48] Yes.

**House Minority Leader Allison Russo** [01:59:51] Senator Sykes or co-chair Sykes up one potential suggestion. Wasn't. My original idea is to perhaps even post this on the commission website just in the sake of transparency that when we transfer to the commission staff, we just make a point to put it on the website so the public can see it as well.

**Co-chair Sen. Vernon Sykes** [02:00:17] We worked as a draft on dealing with this. [inaudible] Yes. We can check that. Yeah, yes. We're going to check that.

**Co-Chair Speaker Bob Cupp** [02:00:29] We can investigate,.

**Co-chair Sen. Vernon Sykes** [02:00:30] There's no objections to it.

**Secretary of State Frank LaRose** [02:00:31] Not here yet. Just as I can do, just make it clear it's a draft, right? It's not a final anything.

**Co-chair Sen. Vernon Sykes** [02:00:37] Yeah. We've been given some indication that the staff can do that. It can be done. And so you can expect to see some postings of data periodically so you can make your own assessment and evaluation. Any additional comments or questions tonight if we wanted to thank the. Yes.

**Auditor Keith Faber** [02:01:03] Can we just have a discussion to make sure we understand what we likely think our calendar's going to be going forward? I assume we're going to be back here tomorrow at four o'clock. Is that the plan?

**Co-chair Sen. Vernon Sykes** [02:01:12] Yes.

**Auditor Keith Faber** [02:01:14] Are we doing that virtually? Are we doing that live or are we anticipating that we're going to have a map that we can review and make edits to? Are we still because I doubt we're going to be in a place to vote or at least have a proposed map, the final map tomorrow night, which which leads me to the bigger question about what we're going to do on Monday. And candidly, as long as we're working and moving forward is Monday, Monday or is Monday we put something over the clock and keep going until we get something done? And then what do we do about the 24 hour notice that let the maps rest and get public comment? Are we anticipating that we're going to have at some point public comment on the maps? I mean, I'm just curious about all of those things logistically.

**Co-chair Sen. Vernon Sykes** [02:02:01] One we can do as we have been doing just recess and then at the call of the chair, we can actually have a meeting. On Monday we could also have a hearing. We can have it more than once during the day and we've done that in the past. So with taking a recess, deals with the notice and we've got all day, like you say, 24 hours on Monday, so we could meet more than once to try to address that issue. I think we're is the challenge to the map drawers, which they've been living up to it to produce what they can by tomorrow. So we'd be prepared to make decisions and

suggestions or recommendations and to clear up any other questions. The co-chairs will work together in between.

**Co-Chair Speaker Bob Cupp** [02:02:54] Yes we will.

**Co-chair Sen. Vernon Sykes** [02:02:55] We will work together and we will make sure that all these items that need to be addressed, we will either have them addressed by the meeting through mediation or whatever will be prepared to have a vote by the commission tomorrow.

**House Minority Leader Allison Russo** [02:03:14] Mr. Co-chair

**Co-chair Sen. Vernon Sykes** [02:03:16] Leader Russo,

**House Minority Leader Allison Russo** [02:03:17] might I also suggest that we maintain the virtual option, so if there is a need to call the commission sooner than the scheduled time, given everyone's demanding schedules that we provide some flexibility for members to attend all meetings of the commission throughout the remainder of the process?

**Auditor Keith Faber** [02:03:39] I would second that I would think that we have shown that virtual can work pretty well surprisingly and maybe help be helpful when we get to looking at maps to actually see them on the computer. When you're doing it virtually to move things around. But so what I hear you saying is those who we're going to recess this back if we need something before now and four o'clock when our next meeting is scheduled, we will do that virtually or in person, depending on what we're available. Yes. And then either way, we're back here four o'clock tomorrow. Live or virtual. Yes. Just trying to get a handle on at.

**Auditor Keith Faber** [02:04:14] One question to the map drawers is four o'clock a good time?

**Dr. Doug Johnson** [02:04:22] Well, we may very well take you up on the option to to call you sooner if we're ready and see if you're available, but I think considering if the commission is going to meet it at four we were. Our goal is to hand the files off to you and your your staff at 2:30. I think that's probably a good time to aim for. And if we're ready before that, we'll let you know and see if you're available, but I wouldn't want to promise to be that ready before that.

**Dr. Doug Johnson** [02:04:49] Yeah, I'm happy you said before that, and that's optimistic. We need a motion for the virtual meetings.

**Auditor Keith Faber** [02:04:58] I made a motion. I think Leader Russo made a motion and I second. OK. Well [auditor]

**House Minority Leader Allison Russo** [02:05:07] I will formalize I make a motion that we provide a virtual option for the remainder of the commission's meetings.

**Co-Chair Speaker Bob Cupp** [02:05:16] Second,.

**Co-chair Sen. Vernon Sykes** [02:05:16] Seconded. Are there any objections? No. So ordered. Any other comments or questions? If not.

**Co-Chair Speaker Bob Cupp** [02:05:32] I move, we stand in recess.

**Co-chair Sen. Vernon Sykes** [02:05:34] We stand in recess. There's no objection.

## Ohio Redistricting Commission 3-27-2022 PART 1 & 2

<https://ohiochannel.org/video/ohio-redistricting-commission-3-27-2022>

**Co-Chair Speaker Robert Cupp** [00:00:00] The meeting of the Ohio Redistricting Commission will come to order. We are currently in the meeting, which began on March 26th and was recessed. Without objection the recess meeting will be officially adjourned. Hearing no objection the recessed meeting is now officially adjourned. I now call to order the March 27th, 2022 meeting of the Ohio Redistricting Commission, and I will ask the staff to please call the role

**clerk** [00:00:32] Co-chair of Speaker Cupp (Present) Co-Chair Senator Sykes (Present) Governor DeWine (present) Auditor Faber (here), President Huffman (here) Secretary LaRose (here) and Leader Russo (here) Mr. Co-Chair a quorum is present.

**Co-Chair Speaker Robert Cupp** [00:00:47] All members of the commission are present, at this time we will have a presentation from the independent mapmakers. They are virtual in room 116 of the Statehouse, and we ask that our audience today refrain from loud noise out of respect for the independent mapmakers and the persons watching the proceedings remotely on the Ohio Channel and commission members, please make sure that your microphone is on when talking and speak into the microphone so that all can hear. This time, I will turn this over to Dr. Johnson and Dr. McDonald and for an update.

**Dr. Michael McDonald** [00:01:30] Thank you co-chair and commissioners. And Dr. Johnson and I will make separate presentations of course, as we have done on. The progress that we've made to date is that we've learned from our last meeting yesterday. We now have two plans that we have checked and verified that they do compile up to Senate plans. And so we've independently done that. We've fine tuned those plans some as well, and they do take different approaches. So we'll discuss those different approaches. And I also had an opportunity to take a look at this swapping out of Union combined with Franklin County, instead using Pickaway and Madison to combine with Franklin. I'll start there first. I know we've shared maps and statistics with you. Just the high level view on that is that it can work. It doesn't substantively affect the proportional balance of the two parties, the number of districts, and it doesn't affect any of the competition or symmetry issues that the court has raised. So it's something that we could do with that plan and with all the other plans. I would also say that while we have done some fine tuning on our our maps, I think if we were really polishing these maps, we could improve county splits and compactness. And do, you know, look for those sorts of things at this point, but we want some guidance from you on the, the point where we have a disagreement about our two maps. And again, just to, I think, fairly characterize our disagreement of trying to do this as best I can because we do have a disagreement. Most of the state, we have different approaches. So our disagreement really centers down in the southeast, excuse me, southwest part of the state and between Montgomery and whether or not you go into Green with the extra district that has to cross over, which is what I do and or into Preble which is what Doug Johnson does. And but we have large amount of agreement, even though we've had different approaches, we have been working through this and adopting each other's approaches throughout the state. And although our symmetry issues, the districts that are contributing to your symmetry are a little bit different in some parts of the state and they they may behave in different ways, you know, by and large were some of that's just more of a function of the different choices that we made in those regions. It's not really a disagreement about how we could do things. And so when I talk about the disagreement that we do have and we do are seeking guidance from you on this, on which direction to go on, we could easily swap out like my approach to

Montgomery with the rest of Doug's map, where you could take my map in whole or we could take my map and swap and Doug's approach where you could in the southwest part of the state, or you could take Doug's approach in whole so, although there are different approaches, I think there's overall there's a lot of agreement between us and there's so on the rest state, it's really a matter of taste as to and again, we're not privy to all of your considerations of how you would approach things and how you think about them. So but I would characterize it more of that sort of your opinion about the rest of the state is really related to that. So I think with that, why don't I just stop before we actually present you with the question that we want to present to you and just see if you have any questions for us at this point?

**Dr. Douglas Johnson** [00:05:48] Well, let me just very briefly summarize the three, I guess, four, three maps that they have before them from us. One, the document just to remind you from yesterday that the one the Dr. McDonald two worked on primarily puts Cuyahoga with Lake and then has, as he described the Montgomery with Green. And then the one that I primarily worked on has Cuyahoga with going down to Summit and then has, as you mentioned, Montgomery going to Preble County. And then you have the third map that Dr. McDonald worked quite quickly today to get before you, where you have the House version of it and the Senate.

**Dr. Michael McDonald** [00:06:32] House and Senate

**Dr. Douglas Johnson** [00:06:34] Where Senate versions of Franklin pairing with Madison, Pickaway versus the first two maps of Franklin paired with Union. So those are the three sets of maps, each one having a House and Senate map before you that you have today that kind of highlight the different, the differences and the questions that we run into. So I'm just trying to get here. So with that, we're happy to answer questions you have and then we can get in.

**Co-Chair Speaker Robert Cupp** [00:07:03] Are there questions from the commission for the map drawers? Hearing none, so I guess you might just get in to it all.

**Co-Chair Senator Vernon Sykes** [00:07:14] Yes.

**Dr. Michael McDonald** [00:07:14] You want to start with your approach?

**Dr. Michael McDonald** [00:07:19] Sure, I think that the key thing that each of these maps highlights is number one, just choices, some of which I don't think have have huge constitutional or Supreme Court order related questions. They're things like in the map that goes Cuyahoga to Lake you get an extra competitive or even extra democratic district in that area. In the map that goes Cuyahoga to Summit, that last Senate Democratic seat comes in Toledo. It's the second seat in Toledo instead of just one. So we end up with the same number of Democratic seats in both the House and Senate maps kind of the magic number that's been referred to. It's just on the Senate side. It's in a different part of the state than where we where they do differ is in the symmetry side. The Cuyahoga with Lake, I get you one more competitive Republican seat, essentially a safe Republican seat comes down into the the competitive range, which improves the symmetry. All the other places, we're actually where we both on that and in the latest versions is in Mahoning. We get to there's a second map in the Cuyahoga to Summit, the second, I'm sorry, the second competitive Republican seat in the Cuyahoga, the summit map by making changes purely within Mahoning County or in the case of the Cuyahoga to Lake, make it to a third competitive Republican seat.

**Dr. Michael McDonald** [00:09:07] Actually, it's a Democratic seat in my map, so it's really right on the cusp. You can either make some very minor changes and you could go either way with that particular district. Yeah.

**Dr. Michael McDonald** [00:09:19] And and that really highlight that in some of the other places highlight the question that we raised before and we posed to you. And it's one of the questions we have for you, which is the tradeoff between compactness and and partisan balance and symmetry. So I think that the court order is very clear on the magic number. You know, we need to hit the 45/54 and the 18/15, and we need to have good symmetry as well. But when we get into the do, we have three, we have two or three or four competitive Republican seats versus three or four Democratic seats. Does compactness come into that decision? I think the court made very clear in its earlier rulings when it was when there were five or eight competitive Democratic seats and no competitive Republican seats. You know, regardless of compactness, that was not acceptable. But when we start getting into these ranges of three, one or two, the then how far can we go in the compactness question to achieve better symmetry? So that's a key question that we have a disagreement on, and we look for your direction and on that question. Then as you may recall, we have the the pending question from the last meeting that you were. I don't know if the mediation has happened or not, but about whether you wish to share with us the Senate addresses and have us do that Section 5 analysis or not. Any other questions?

**Dr. Michael McDonald** [00:11:06] I don't know if it came up in the mediation, but I did raise the question last time about the 20, 52 to 55 percent range and what we may wish to approach from on those ranges. Comments last yesterday that we were to disregard any districts there are key primary focus should be in the 48 to 52 percent partisan index range. But if there is any guidance further that you wish to get to us than that, then we'd like to hear it.

**Dr. Douglas Johnson** [00:11:42] And then actually the comment about the last meeting triggers, we should report back to you that the Cuyahoga to Lake and map that Dr. McDonald prepared does meet Senator Huffman's request for the the Northeast to have the the 7 counties and 21 seats and 7 Senate seats in that area, that that is, that is embodied in that Cuyahoga to Lake Map

**Dr. Michael McDonald** [00:12:07] and I know we're like going back and forth. But just to add one more thing, I yesterday when we talked about this, I characterized or we characterize, someone did. That the district that went from Cuyahoga to Lake is a competitive district, and it has a local boundary split because I've found another opportunity to create a competitive democratic district elsewhere. I decided to no longer have that to be a competitive seat, and I now that that district, as it spans the two counties, no longer splits any localities in that area.

**Dr. Douglas Johnson** [00:13:02] So we have a pretty good summary, I think I think we're both comfortable with that summary of where we're at and the questions and directions we're looking at from you. We we do not have a combined map, as you're aware, getting these maps prepared and ready to present to you when right down to the wire for this meeting. So we did get them done for this meeting, but we did not have time to then negotiate and go through and come to any kind of agreement of one joint map, in part because we're looking for direction from you on these questions that may be better answered by the commission than by us.

**Co-Chair Speaker Robert Cupp** [00:13:40] Leader Russo,

**Minority Leader Rep. Allison Russo** [00:13:43] Thank you, Mr. Co-Chair. I do have a question for you in terms of you're talking about some of the trade offs, you know, making the decision to do the Cuyahoga/Lake pairing versus Cuyahoga/Summit County pairing. And you indicated that there might be some trade off, potentially with compactness. And you know, I will note that, you know, compactness is weighted equally 6C as the Constitution is 6A and B. So some of these issues around symmetry certainly, the proportionality issue is all related to meeting the requirements of 6A. But when you say that, what do you mean? Are that? I mean, are these huge trade offs, small trade offs? And you know, I would also note that to my knowledge, at least in any of the decisions that I've read, you know, the court hasn't raised issues so far about compactness. So we just assume that that has been met and not an issue previously. So can you just talk about that a little bit in when we talk about compactness, another overall map, compactness, scores, et cetera. Can you explain that just a little bit?

**Dr. Michael McDonald** [00:14:59] Can I first could answer that question? Because I haven't had a chance to talk about what I think is the issue in Montgomery and Greene County. I think that if you look at the map that I provided you and I can blow it up and we can look at it in more detail. And if you compare it to Dr. Johnson's map, I am absolutely convinced that it is more compact than his map. I don't know if someone wishes to argue with that. That's fine. But I do think I have a compact solution that creates a another competitive Republican district in that 48 to 52 range. So it's it's and that district, that's the difference between our maps. Dr. Johnson has three Democratic leaning districts in that range and two Republican. I have three Democratic and three Republican there. Some of them are coming from different parts of the state, but that's when we come down to it. And this is where we have had. Our disagreement is that he believes that my district is somehow non-compact. And again, I I think if we show them to you, I think you would agree with me that there is no trade off here and that indeed, because between Greene and Montgomery County, you have six districts. You not only is there no compactness issue with the House districts, it also creates two very compact Senate districts because you can create two, sit two Senate districts entirely contained within those two counties. So I just want to make clear that Dr. Johnson believes that there is a compactness issue here and that somehow this compactness issue is driving a trade off between the competition. I do not believe that in the least. I believe very strongly that are you in this case, you can have your cake and eat it too, because I think you get both compact solution and a solution that creates that third district that will give us even symmetry around for three Democratic and three Republican seats.

**Dr. Douglas Johnson** [00:17:07] Yeah, I would say one just is that as you as you all are extremely aware, this is a very fast moving process. And literally, we finished getting the maps ready just shortly before this meeting. So we haven't run, you know, compactness reports and compared the numbers on compactness yet and done those kinds of quantitative analysis. Now, compactness is not a purely quantitative measure. You can certainly with what they euphemistically call the intraocular test, meaning you just look at it and see what you think is a valid is one valid measure compactness. But we can do a systematic approach of looking at maps. We can give you specific numbers. You know, we have a disagreement over them, the Montgomery/Greene thing that you know, when we look at the full ripples and analyze the compactness of all the districts that get touched by that it it is an interesting question whether it will end up being better or worse. Certainly, the the district in my map is not competitive Green is much more compact than the



competitive district that crosses over, Dr. McDonald could be right that it could be offset by another district. We don't know at this point because we have not had the chance to do that analysis of the whole map. And you know, and if you would like to see it, we can show you that the Mahoning switch is a good example of the trade off since it's really simple. It's two districts in one county. You draw them one way and they're significantly more compact. But neither one is competitive. You change them and one becomes competitive. There's it can either go all the way to a competitive D seat, or it can just go to be a competitive R seat, depending on the mix you need for the rest of the state. But if you'd like to see one example of where we can show that, but it really is, I think Dr. McDonalds is right, ultimately, it's a overall picture of the ripples that come out of this. But I think overall more competitive districts well or a more competitive Republican districts to bring you better symmetry is going to decrease your compactness. In my my opinion, Dr. McDonald disagrees and could be right once we had more time to dig into it. But my belief is that it does lead to more to less compactness. So the court has been very clear that in a total in a near total lack of symmetry, which the earlier plans had. That greatly outweighed compactness. Now, as we get closer to perfect symmetry, I think compactness becomes more of a consideration in the balancing of six figures to succeed. And so that's where I think the question is posed to, you know, how to handle, how to handle that tradeoff, whether you want us to get to symmetry and then, as Dr. MacDonald's saying, just kind clean up where we can without impacting symmetry that can be your direction. Or if there is a concern that maybe going to perfect symmetry is, well, perfect symmetry among the competitive seats is going too far. If without really a district by district, look at the ripple effect of on compactness of that change. But that was a long winded answer. I hope that.

**Dr. Michael McDonald** [00:20:28] I want to make clear. We could take Dr. Johnson's map for the rest of the state and implement it and plop in this section of the southwest corner of the state. Because, you know, there will be some issues about how you go about balancing some districts. I mean, but for the most part, this is isolated. This is a very isolated approach. We take a very similar approach in Hamilton County, for example, a very similar approach in the rest of the south part of the state. So it's this is a choice. It's very much concentrated in this one area. On if if you think that Dr. Johnson has taken a good compact approach to the rest of the state, that's fine. And we but we could we really do need guidance because I'm not going to give up on this on this district in Greene and Montgomery, I believe not only is it on adhering to the requirement to have symmetry, but it is also more compact than the the version that Dr. Johnson has produced. And I'm happy to show it to you. I firmly believe that this district, you will look at it and you will realize the impact on the Senate districts and you will will realize that this is a compact solution, not just for the House districts, but for the Senate districts.

**Co-Chair Senator Vernon Sykes** [00:21:50] Co-Chair Sykes, thank you, co-chair of the independent made drawers have outlined, you know, several decisions that we need to make in order for them to continue to make progress. They have made significant progress, but we have just one day left and I think we should just look at the outline that they've presented to us and take it one at a time and see and proceed to make decisions so that we can give them the guidance they need to complete this project by sometime tomorrow. That is my suggestion. First, we outline each of their points and then and then decide on what guidance we want to give them on each of the items.

**Co-Chair Speaker Robert Cupp** [00:22:42] Further discussion, it would seem to me that we're not going to be able to be make very useful decisions unless we do see the outlines. And it may be that we also need to take a look at the statistics as well. So I think you said you're able to blow up these areas to to show us because all I have is a little tiny map and

I can't even quite, it's actually kind of blurry. So if you could, why don't you start with whichever one you want to start with? And let's take a look.

**Dr. Michael McDonald** [00:23:17] Sure, I'll be happy to go first, because I do believe that this is a good solution, so again, we're looking in the to move some zoom around just for a second. Excuse me. All right. So here we go. As I said, there are six districts that fit within Montgomery and Greene. These irregularities that you're seeing have solely to do with local political boundaries, which we know in Ohio are not compact. So this is compliance with the Constitution to get these shapes and the district in question is this District 38, this 48.6, if I can, you know, blow up it a little bit more on this 48.6 is the partisan performance of that district, so it fits within the 48 to 52 range. That's 48 percent democratic performance, which has been going on that because the focus has been more on the democratic. So that's why we did Democratic. We could have flipped around as a Republican, but that's what this is. It's a forty eight point six percent Democratic performance district, so that makes it a competitive Republican district. And then in the Senate map, right?

**Co-Chair Speaker Robert Cupp** [00:24:40] I mean, which? Which district? Number, and I don't know if you have ability.

**Dr. Michael McDonald** [00:24:45] It's this District 38, it's this [speaking simultaneously]

**Co-Chair Speaker Robert Cupp** [00:24:47] its not visible from where I'm sitting. As to what the district numbers are,

**Dr. Michael McDonald** [00:24:52] yeah, it's unfortunately it's [inaudible]. So I can't I'd have to make the font much bigger on the if you want. But it's it's this one that crosses the boundary, the border. It's the only one that can that will cross the border. So it's takes a portion of Montgomery and it crosses over onto the northern part of Greene County.

**State Auditor Keith Faber** [00:25:14] It would be the light blue.

**Dr. Michael McDonald** [00:25:16] It's this light blue. It yeah, Maptitude chooses its colors for you automatically so. There's also a kind of light blue off in the western part, and that's where we're going to see the difference between Dr Johnson's approach, and it's probably best for just for him to show it to you rather than for me to characterize it. But this is this is my approach. Again you get two nice compact Senate districts in this by combining three House districts, you know, twice, so you get three and three. So you get two Senate districts here as well. I could show those, but I think you can. You've got the other map and you can take a look at yourself, they're bigger districts, because they're conglomerates of three districts.

**Dr. Douglas Johnson** [00:26:01] I just want to ask Dr. McDonald to clarify one thing you said this shapes. These are driven by the local jurisdictions. I don't think fifty-nin...39 isn't, is it?

**Dr. Michael McDonald** [00:26:10] Yeah, that's totally driven by, yeah, it's locality boundaries.

**Dr. Douglas Johnson** [00:26:14] That Dayton That's the city of Dayton.

**Dr. Michael McDonald** [00:26:20] But, yeah, I mean, it's there has to be a split of Dayton. So yes, but the reason why it's funneled in like that is because of Dayton. Yes.

**Dr. Douglas Johnson** [00:26:31] But District 39 is not following any local jurisdiction borders.

**Dr. Michael McDonald** [00:26:35] Yeah on the northern half of it it is,

**Dr. Douglas Johnson** [00:26:36] Oh yeah, north, but the south is...[speaking simultaneously]

**Dr. Michael McDonald** [00:26:38] it's not, no.

**Dr. Douglas Johnson** [00:26:38] ...the south, and it's not. I mean, this is a good example of this. The southern portion 39 is purely looking that way for, yeah, for competitiveness reasons or simply symmetry,

**Dr. Michael McDonald** [00:26:54] Symmetry reasons actually, that's not competitiveness reasons that symmetry reasons for 39, 38 is in, you know, entirely local boundaries there, except where it needs to bleed over for population balance. And I don't even mean I can pull up that.

**Dr. Douglas Johnson** [00:27:09] Yeah. Why don't you put the county subdivision lines on.

**Dr. Michael McDonald** [00:27:12] The county subdivision lines. I don't think it's it's, you know, it is coming into Dayton for that purpose, right? But I'm trying to take it in in a reasonable manner.

**Dr. Douglas Johnson** [00:27:25] I agree. I just want to highlight that you're definitely right the north of that District 39 is driven by the odd parts of the north of 39 are certainly local jurisdiction borders, but where 40, 39, and 38 come together is purely for symmetry reasons. That is that.

**Dr. Michael McDonald** [00:27:43] Yeah, that's right. It's not competition that's driving that particular choice, or. No,.

**Dr. Douglas Johnson** [00:27:48] It's symmetry, right?

**Dr. Michael McDonald** [00:27:49] Symmetry. No, it's it's the proportionality. So if I can't get, I have to balance out 39 and 41 because they're also highly competitive. They're at 52.2 And 52.5 percent. So I've got, you know, there's trying to balance out as best as I can, so I know I can get to proportional seats in there as well.

**Dr. Douglas Johnson** [00:28:16] No, I agree. And I think this is a good this and appreciate him walking through this. And it is a good illustration of. This undeniably improves the symmetry by adding another Republican competitive seat, and you get a very different shape. So let me, for comparison, show you the other one. And this is the other map, and. So you can see where in that map there's a seat coming down from. Let me make my numbers bigger. Sorry with that, one second. So in this case, Greene is completely separate, as you can see. So 70 is a very safe Republican district entirely and Greene 35 is a fit. The numbers are the district number in the Democratic average share of the vote. So you get a 53.8, 53.8t and then a 62.8. So there's no nothing close to a

competitive Republican district here, fully admit that. But this is where we disagree on that, the how compactness is driving it. Thirty seven does have the the piece coming down similar to the northern piece of the district, Dr. McDonald was just showing. But that is following the the township orders, there you see, the red lines are that the township and city and village lines. And so that does explain it, but instead it stops. It actually does follow the local jurisdiction line instead of coming all the way across and cutting Dayton in half, as is the other map does in order to give the other map is putting thirty five in Dayton and then over in the Greene, Greene County. Instead of pulling the extra population from this county into Greene, this map is taking the western portion of Montgomery county and taking it over into Preble and then down south. So as we zoom out, this is to present all the sites that you can see instead of having all the districts contained in Montgomery and Greene. This approach does lead to one House seat leaving Greene and going out to Fayette and Clinton, and in the Senate district, similarly is Greene, Fayette, Clinton and then it continues to the south and then the western side of Montgomery County with Preble goes down in the Butler. So that portion of Butler, Preble, that portion of Montgomery and then Miami make up the Senate district. So he's right. Containing Montgomery and Greene and all the districts within them as they show up at work and his map. He does get a competitive Republican district that does improve symmetry there. But I think you can see where we disagree on our interpretation and our and our view of compactness and in how the districts match up there, which is why we're we're bringing it to you two to have any direction you might share.

**Dr. Michael McDonald** [00:31:35] So please notice that Dr. Johnson doesn't care a bit about the non compact portion that he in Butler and he's creating that he's forced to create by his solution. He doesn't, you know, he can't create three nice Senate districts that are within these two counties. He's got this Trenton addition. So I would argue, I think, quite correctly, that the solution that I have overall is much more compact than this solution that Dr. Johnson is providing you. If I could, can I share something else with him because I want to show them my Preble district? OK

**Dr. Douglas Johnson** [00:32:16] Of course. But just let me answer that point.

**State Auditor Keith Faber** [00:32:18] Can I just help you with pronunciation. It's Preb-le, not Pray-ble

**Dr. Michael McDonald** [00:32:21] Preble, Sure. My apologies to the people there, the good citizens there.

**Dr. Douglas Johnson** [00:32:25] Just just to highlight on that one quick point that the borders down here of 44, 46, 39, 45 all exactly follow the local city, village and township lines. So where there is any bit of non compactness, that is because the local jurisdictions are non-compact, there's no no choices or divisions or, or symmetry questions driving any compactness issues down here.

**Dr. Michael McDonald** [00:33:03] But there is a solution that gets a much more compact. So if I can share that and show them the I'm going to mispronounce it again Preble.

**Dr. Douglas Johnson** [00:33:11] Preble

**Dr. Michael McDonald** [00:33:19] Preble, [inaudible background whispering from commission members] So I will back out a little bit and show you what I do. I don't have to do that. I don't have to take that portion out. So my my western district here is entirely

composed of two entire whole counties and two very square townships. So I have nothing of that on a non compact configuration for that district that is Preble,

**Dr. Douglas Johnson** [00:33:50] Except that the odd shaped pieces from that you were saying in my piece are in District 48 in this map.

**Dr. Michael McDonald** [00:33:57] Well, again, it's also affecting 47 because these these things can't be done independently. And so the district that you are forced to draw there is a district that is non-compact because you've got to have certain amount of population there. I don't have to have that population. So I'm able to get it two whole counties where you have to go in and start doing these, splitting out the towns and the cities in order to get to your target population, I don't have to do that. So again, I feel very strongly that the solution that I have here is very compact compared to the solution that Dr. Johnson is presenting to you.

[00:34:41] So you can see we have a disagreement, as I mentioned, we have not had the time to run the compactness reports, so you can make a decision without having the statistical numbers and compactness. You can wait until we have those numbers to add to this description, but we we welcome your direction on this.

**Co-Chair Speaker Robert Cupp** [00:35:03] I think Russo leader, Russo was first.

**Minority Leader Rep. Allison Russo** [00:35:09] Thank you. Thank you, gentlemen. Just so that I have in my head. So the differences here seem to be that one option going into Greene County essentially adds another competitive Republican district, correct? Another Republican district addressing some of the issues and concerns about symmetry. The compactness question seems to be a bit of a question mark to me because, you know, frankly, as I look at it, I think going into Greene County, you know, especially once we consider the impacts on the Senate district seem to make more sense. But I think the bigger question also that I have, and I'm just recalling back from some of the public meetings that we had in this particular area is that when this issue was actually debated at those public meetings and there was a lot of response from the public in combining Montgomery, a Montgomery County district with Greene County, because those communities of essentially, you know, because of urban and suburban sprawl have gone into the Greene County District set, for example, Beaver Creek, as opposed to that, seems to make more sense than I think having some portions of Dayton go into Preble County, which is very rural. So to me, just even from a community. Just thinking about what makes sense from a community perspective, going into Greene County seems to make more sense.

**Co-Chair Speaker Robert Cupp** [00:36:50] Senator Huffman,.

**Senate President Sen. Matt Huffman** [00:36:54] Yeah, this is a I guess, just a sort of a general question, you both use the word compactness or I guess words compact compactness study, and I guess there is the eye test. I I picked up that part. But is there some? Academic measure or scientific formula or something like that, that is we I've heard of that, but I don't I've heard of a couple of names, but what is the calculation that you would do for, that?

**Dr. Douglas Johnson** [00:37:32] We actually have been talking about that the last couple days. One of the challenges is there's what you say, there's 30 some odd calculations,.

**Dr. Michael McDonald** [00:37:39] 100 I think is what someone has actually identified.

**Dr. Douglas Johnson** [00:37:42] Yeah, there's there's probably three to five that are the most commonly cited in part because they're just the fastest to run. And so what typically is done and weigh in if you disagree with me on this, what's typically done is you run the three or four or five tests and see if they consist. Generally, they will consistently come out identifying districts as compact or not compact. There are certainly certain shapes that will kind of stump one formula or another in that, and that's where you really are left with just the eye test. But yes, there are three or four or five tests we can run that will give you numbers. And if they all or almost all agree on what is considered compact or not compact, they're very handy just forewarn you, sometimes they don't all agree, and then they don't really help you very much in looking in a certain district, do you agree with that?

**Dr. Michael McDonald** [00:38:38] Yeah, they all measured different aspects of what people think of as compactness. So usually courts will just come down to does it look compact to me? I mean, that's basically what it has. And I I'm not familiar with Ohio's Supreme Court decisions on compactness. I don't believe that there are any of that explicitly tell us, give us guidance as to which measure would be appropriate for the state of Ohio. Some states do have it in their constitutions, a specific measure. Some have been interpreted by courts to require a certain measure, but that, to my knowledge, I don't believe that that is the case in Ohio.

**Co-Chair Speaker Robert Cupp** [00:39:18] Co-Chair Sykes,

**Co-Chair Senator Vernon Sykes** [00:39:20] thank you, co-chair. It was you all's strategy to convince us that you don't you don't always disagree. You don't always agree. Believe me, you've done that today, you. But you know, I would think that the pairing would that in Greene County with the idea of creating one more competitive Republican seat would be my vote. And I just think we ought to try to move with it as if we can, as diligent as we can to try to resolve this issue. It seems that there definitely have convinced us that they're at an impasse themselves and they're reaching to us to resolve this issue and they need it to move on. So I'm suggesting Mr. Co-Chair here that we devise a process to move forward.

**Co-Chair Speaker Robert Cupp** [00:40:20] Yeah, I think devising a process is a key part of this because from here, looking at the map up there and looking at our little map here, it's which is even blurry. It's really kind of hard to tell what all is involved with, even without the with, particularly without the political subdivision lines mapped in. And then there's the whole question of, you know, the the the the the partisan Index and whether or not these are sort of the kind of a uniform mix or whether you have, you know, very strong Democrat part that's mixed in with a very strong Republican part, which means you have sort of a real clash rather than you have a community of interest. So, so a process to sort of figure that out rather than simply here on the spur of the moment seems to me to be the prudent thing to do. But I am open to what others might think. So it may. So I think what would make me comfortable is if I had a blowup of that section with the political subdivision in it and the statistics in it and and have a little bit of time here tonight to to take a look at that one. And then we have what, two more as well. So I don't know whether we need to, you know, should probably have all of that together. Go through these and then look at it. And if we have come back, we have some questions we can ask and then maybe make some determination. I think we're in the process where of course, nothing is final until everything is final. So it doesn't it doesn't impede coming back and taking another look at this. I would think so. That's my thoughts on it. I certainly like to hear what other members of the commission want to do. Co-Chair Sykes,

**Co-Chair Senator Vernon Sykes** [00:42:30] Mr. co-chair. You know, I think that, you know, we don't have very many days left in just one day, in fact. So, you know, I'm committed and I think we all are committed to making decisions on on to give them the guidance that they need. So I think we need to take whatever time is necessary to go through this so that we can give them the guidance so they can continue to work to completion.

**Co-Chair Speaker Robert Cupp** [00:42:58] And I'm certainly willing to do that tonight. Once we go through all of these, get the maps, get the statistics, get an hour or two recess and we can come back and make a decision.

**Co-Chair Senator Vernon Sykes** [00:43:12] OK.

**Co-Chair Speaker Robert Cupp** [00:43:13] I mean, that's my thought. I don't know what the rest of the members want to do.

**Co-Chair Senator Vernon Sykes** [00:43:18] Mr Co-Chair would agree with that. That would be afford us a pathway to continue to work.

**Co-Chair Speaker Robert Cupp** [00:43:29] Anybody else? Silence?

**Senate President Sen. Matt Huffman** [00:43:31] No, Mr. Speaker, I agree with you. I mean, maybe we can resolve the other issue that we negotiated through mediation. We can let folks know that in addition and I have an additional question which can be not, doesn't need to be answered until tomorrow, but something that I'd like to have.

[00:43:54] So, see, I thought we'd get the report from the independent map drawers. And and we can move on to the other other part. So that is, as I understand it, Montgomery county is one. There's also Cuyahoga and Franklin County, I think. Or is there Franklin County, Auditor Faber,

**State Auditor Keith Faber** [00:44:24] just going back to to Mr. President Huffman's comment. I am concerned that by complying with the agreement that we reached on the locations, it may change the two analysis. And so they may want to see those addresses and figure out what they can do with that when they're trying to figure out some of these other disputes. And so that may change where they go from that perspective.

**Co-Chair Speaker Robert Cupp** [00:44:55] Right, I think it's a that's a reasonable point, do we want to move on, take a look at Cuyahoga pairing with Lake or Summit I think? Representative Russo, er, Leader Russo

**Minority Leader Rep. Allison Russo** [00:45:10] Well, I would like to caution us in that because again, we we want to be very clear that we don't taint decisions of mapmakers in terms of complying with the Constitution based on incumbent addresses. So I think that the, you know, the consensus that we came to address that concern, inserting that before, I think this decision is made would change that. And that would not be the consensus agreement that we came to. That said, you know, it may be possible that there are versions of the map because it, my understanding of this issue is it it's pretty isolated in its impact. So you can have a combined version that goes one way combined version that goes the other way. But in, it's pretty concentrated within that area so that it doesn't have

impacts on the rest of the state. Is that correct? For a combined map, once you do a map, merge.

**Dr. Douglas Johnson** [00:46:16] Which issue are you talking about are you talking about the [speaking simultaneously]

**Minority Leader Rep. Allison Russo** [00:46:18] So the Montgomery, no the Montgomery, Greene County, Montgomery, Preble County issue. It's isolated, correct?

**Dr. Douglas Johnson** [00:46:26] Yes, it doesn't ripple up to say, Franklin County or into Toledo, but it pretty much everything on that west end of the state as Dr. McDonald was just showing with the Senate districts and then down in the south. We're very similar in Hamilton, so it doesn't really ripple into Hamilton very much. But but essentially everything from Hamilton to Toledo to the edge of Franklin and not into Toledo or Franklin.

**Dr. Michael McDonald** [00:46:57] I think ideally for us, you would pick one of the two maps and we would just move forward on that map, but it would be possible to take one version of the map and cut this out. Cookie cutter it out and plop it in whatever direction that the commission wishes to go for the Montgomery/Greene issue. So Dr. Johnson's right, this is isolated, are issues elsewhere, I think we were in agreement on how to approach that either one of our approaches are going to comply with the Constitution and the court to best our ability in the limited time that we have. So it really just comes down to for us, I think it's this decision, and I do agree that if you do wish to look at the incumbents, but I don't know if that's what you wish to do. It may be somewhat advantageous for us to look at our two approaches and see which would be best to accomplish that goal. But my preference is that we just take one map and start running with it, and it may be. There's still adjustments that could be made. We can still make improvements. We know that we've talked with your mapping consultants and your staff, and they are in agreement with us. That's one of the reasons why we haven't run these compactness reports is because we we kind of know that it's kind of for the whole statewide compactness. It's meaningless in some respects at this point. That's what the consultants have been saying. Doug.

**Dr. Douglas Johnson** [00:48:38] So I think it's our job to evaluate these things, not to take the staff's word for it

**Dr. Michael McDonald** [00:48:43] And you've said you already said it here in this very meeting, so now you're you're you're disagreeing with yourself. You said earlier that, you know, we're going to continue to work on these maps and that we're going to fine tune them like this so.

**Dr. Douglas Johnson** [00:48:56] That has nothing to do with taking the staff's word on that the maps or compact.

**Dr. Michael McDonald** [00:49:02] No, that we can improve the compactness.

**Dr. Douglas Johnson** [00:49:04] Oh, OK.

**Dr. Michael McDonald** [00:49:05] That we're not done, and so a compact overall compactness of the map right at this moment is a bit misleading because we know that if we're given more time to continue working on this map, we can take advantage of certain aspects and look at some alternatives. And again, look at the incumbent locations. That's not going to be necessarily on that. We could accommodate those sorts of things. So. But



the most important thing for I think for us is that we're here now at seven p.m. on and we have a limited amount of time tonight and then a limited amount of time tomorrow. So if I, from my perspective, anyone who wants to come down and take a look at the maps, I'm we're happy to walk you through and you could see it up close and we could pan around. You could see it. I know we could bring some of the commissioners in. I think some of the commissioners already have an idea of what they want to do on how they would vote on the maps. So maybe they don't need to come down here and maybe it's like a short recess. We could show you and give you the information you need to see and then you could get back into session and vote on the maps. So that would be my recommendation on to you on how I think we could best accommodate your interests and being able to view the maps rather than produce some maps, print them out given to you, produce reports. Everything else, we can do that right here in the room.

[00:50:39] Yes I would agree, we're happy to address whatever the needs, however, the commission wishes, whether you want to come down to look at them or whether you want us to run the numbers and give you those numbers where we're at your discretion.

**Co-Chairs** [00:50:58] [inaudible off-mic whispering]

**State Auditor Keith Faber** [00:51:35] Are we holding up on whether we're going to give them recommendations on Dayton or Cleveland, if we are, I'm for the the the Greene County, but I want to see some other stuff before we get to that.

**Co-Chair Senator Vernon Sykes** [00:51:48] Are we are we? Could we take a poll of people?

**Co-Chair Speaker Robert Cupp** [00:51:54] Well, well, I was just going to ask if there's other comments here from the commission members. Senator Huffman.

**Senate President Sen. Matt Huffman** [00:52:01] Thanks. I appreciate that. I think what you've identified is, well, there's three or four key questions that are locations that we need questions answered. And I'm I don't know enough about the House districts. I know enough about Senate districts because, well, because I'm in the Senate, I guess. And but these look, there are a lot of different Senate districts. It's not just in Hamilton County, in northeast Ohio. I mean, these these two Senate maps are extraordinarily different. You know, the Terry Johnson, I'll call it that it's district T on one map and then it's split up between G and Y. On the other map. But those four counties have been paired together in all three of the Republican maps that the commission passed in both of the Democratic maps that were passed. And Mr Johnson has that same district drawn. Mr McDonnell doesn't. However, Mr McDonald has the same northeast. I shouldn't say same but general footprint that we adopted in the third commission map. Mr Johnson doesn't. So I mean. Are these look really, really different, not just different in three or four places? Could you react to that?

**Dr. Douglas Johnson** [00:53:38] Yes, Senator Huffman, you're correct that the challenge in this is was not very coherently trying to discuss on the Montgomery/Greene question is that there's a lot of people in a lot of districts right there in Montgomery and Greene in the Dayton area. And then there's and the impacts of what happened in those house districts, as you can see, impact the Senate districts there as well. Once the Senate districts start getting touche, well, you just need to impact two or three Senate districts and you're up to, you know, Hancock and Putnam County, and you're over to Ross and Vinton County. And so in those either for lack of a better word, the circle around Franklin, those all the small

counties that are between Franklin and Greene and between, you know, Franklin and and Stark, those get impacted immensely and rotated around immensely, depending on which decisions you make in each region. The key thing in why we don't focus on them all that much is it is two things. Number one, they're they're all fairly small counties So they are from a map makers perspective, from our perspective, for the most part, fairly straightforward to move around. And they're fairly flexible. As you know, part of our description is independent. We are not familiar with the past maps. We are not familiar with the senators and the history and the ties of all that. So when we look at it from the constitutional factors, these these counties can move around a lot other than Section 5, obviously, that we're not looking at at this point. But yes, as we move those around, those are big changes, they're just not big constitutional changes other than Section 5, but they are big community changes, as you know.

**Dr. Michael McDonald** [00:55:31] And just to also underscore something, it takes time to look at those changes. So if if you want us to explore how we can improve Section 5, then we need to get working on that. And if we need to take. So again, I we have a clock and I just really want to implore upon you that we really need guidance from you. We sought that yesterday. I'm begging you today to give us guidance.

**Co-Chair Speaker Robert Cupp** [00:56:09] Senator Huffman follow up.

**Senate President Sen. Matt Huffman** [00:56:12] Yeah, I appreciate the time factor here, and I noticed that you both used letters versus numbers and you're both aware, aren't you, that these term limited and excuse me, midterm senators, the 16 elected senators are not only entitled to represent a district that has the largest population who elected them. You know that part, right? Yes.

**map makers** [00:56:42] Yes.

**Senate President Sen. Matt Huffman** [00:56:42] And and that their district has is has to have its requirement in the Constitution that it has the same number, district number. You know, that's also a requirement.

**Dr. Douglas Johnson** [00:56:56] Yes, that's actually why we use the letters because we don't know where the senators live and we're not looking at the current map. As part of this drawing, we use the letters as a signal that that step is still there still lies down the road.

**Senate President Sen. Matt Huffman** [00:57:09] Ok, All right. Very good.

**Co-Chair Speaker Robert Cupp** [00:57:17] Auditor Faber,

**State Auditor Keith Faber** [00:57:23] I just and again, I go back to this Dayton state and split where you split it four times and I'm having a tough time, and maybe this is something that one of our staff or experts can help me with. How are we complying with section 3D of the Constitution by splitting Dayton four times? Isn't there generally a presumption that where you've got a city that's bigger than one representation, you put as many communities within that representation as possible before doing splits? It seems to me like you're unnecessarily splitting a municipality to get a desired result, but again. I think that's a question that I have on how we do that.

**Dr. Michael McDonald** [00:58:04] We relied upon your staff who have told us that if the locality is below the threshold to have a single district within sight of it, then you are free to split it as many times as you feel necessary to do so.

**Dr. Douglas Johnson** [00:58:24] Well, let me.

**Dr. Michael McDonald** [00:58:25] Generally what her rule has been.

**Dr. Douglas Johnson** [00:58:28] Let me agree with the conclusion but clarify how we got to that, which is there is there is a provision saying you are to attempt to minimize the splits about that size, but it's not required like it is for others. So in the goal of hitting the the magic number and achieving symmetry, we have felt that that over weighted the attempts to minimize the over numbers, overall numbers. But so I think we're at the same conclusion. We're not disagreeing on that. But the how we got there is that balance of the court order and the constitutional provision versus the attempt to language.

**Dr. Michael McDonald** [00:59:04] And I would suspect, though, if we tried to draw a single district for Akron or any of these places, there's so many other local local government units around those that it it's really hard to put the puzzle pieces together. It really is. So I don't even know what you're suggesting if you were to order us to look at this and try to resolve Akron in a single district. I don't even know if it's feasible to do it, given how the puzzle pieces have to fit together.

**State Auditor Keith Faber** [00:59:39] Which? Mr. Chair is exactly the issue that we're struggling with. Again, just my guidance to you from my perspective, is you are to comply with Article two, three, four or five and seven. And attempt to comply with Article 6A, 6B and 6C, you don't get a choice on complying with two, three, four or five and seven. And so. I'm going to have to have a clear understanding of these, these issues as we move forward. But where you can draw an entire district within a municipality or city, I think that's what the Constitution says you're supposed to do. Maybe I'm misreading this, but I just went back and reread it. And it's when you have communities that are less than those totals that you get to split them or you have split rules. But maybe I'm missing this and I'm happy to have a conversation with staff to get a clear understanding of this from a legal opinion

**Dr. Michael McDonald** [01:00:40] Akron's the only community that's split. And so I, as you're suggesting, we're probably going to have to split other localities so it becomes a choice of where you're going to go with the splits. And so I again, these puzzle pieces don't fit together very well. So the geography is extremely challenging in Ohio. So I, we could spend some time doing it. I think we could. Um, not get a map out and could spend some time doing it, but I don't think there's enough time for us at this point to explore all of these options that you're presenting us with.

**Senate President Sen. Matt Huffman** [01:01:24] Mr. Co-Chair.

**Co-Chair Speaker Robert Cupp** [01:01:28] First

**Minority Leader Rep. Allison Russo** [01:01:29] Sure, I just want to clarify that Section 3D-3 says one split per district only it's it's not about one split in a city, but it's one split per district. And so when we talk about some of these larger cities, if you try to do what the Senate or Auditor Faber is suggesting, then you get into multiple splits of other localities within the district. So that is the balance there. So it is still absolutely achieving the

requirements of the Constitution and that section in particular. So I just want to clarify that that is what the requirement is.

**Co-Chair Speaker Robert Cupp** [01:02:09] Senator Huffman,.

**Senate President Sen. Matt Huffman** [01:02:10] Thank you. Have either of you done a count of the number of county splits in the number of local jurisdiction splits in either the Senate or the House map?

**Dr. Douglas Johnson** [01:02:27] I have not.

**Dr. Douglas Johnson** [01:02:29] No, and as we have mentioned, we believe that once we can get direction from you, we can start working on seeing how we can minimize those issues and improve compactness. It's hard for us to know what to do at this point without your direction.

**Co-Chair Speaker Robert Cupp** [01:02:55] All right, so we've taken a look at Montgomery. Where else, where do you want to go next? Map drawers

**Dr. Michael McDonald** [01:03:06] Well, and it's really up to you as far as I see it, I mean, our this is our only point where we have differences in terms of the substantive issues that in our respect that the court has presented to us. On the other, when the Constitution, the others are just a matter of choice between you. So as I see it, I mean, do you wish to go combine Cuyahoga with Lake? Or do you wish to combine with the district crossover into Summit on when we show that that we can show you those maps. But I'm also sensitive to the fact that you've already said that you can't see these over the television screen. So I I think if the maps of that we provide you are not sufficient. Probably the most efficient use of our time at this point is for you to come down here and we can show you what the differences are on a big screen. And you can see and you can ask us to point around on the map where these differences are.

**Dr. Douglas Johnson** [01:04:21] If you're like we can Cuyahoga you as much as we can on these screens and you can make a determination whether that gives you enough of the big picture. I think Cuyahoga is a bigger picture question for you. It's not down to how is Dayton split like, like Montgomery was, but. Whatever your preferences, but we were happy to show it now or have you come down whatever is your preference?

**Senate President Sen. Matt Huffman** [01:04:47] Is this 40 for the count for the Senate now? Wow,.

**Co-Chair Speaker Robert Cupp** [01:04:53] All right. So I think my preference would take a quick look at it on the big screen here and then we can maybe follow up with by either coming down. I guess I'm I'm not so good at working on things on the screen. I like to see them, you know, in a static form, but maybe others are able to do that. So.

**Dr. Douglas Johnson** [01:05:18] We do have the color printer down here. If you want to take a brief break, we could print out an in-depth F11 zoomed in on that area if that would be useful for you.

**Co-Chair Speaker Robert Cupp** [01:05:28] That's a. My question, are you able to zoom in on an area and print it out, so it's big enough? I mean, it doesn't have I mean, if you have, you have a zoom in area that's, you know, eight and a half by 11. That's probably good

enough. I don't mean a huge map. I just need something where you can distinguish between these and see the political subdivision lines.

**Dr. Douglas Johnson** [01:05:50] Yes, I think in 15/20 minutes we could zoom in on issues areas and have those for you.

**Co-Chair Speaker Robert Cupp** [01:05:58] Senator Huffman, Senator Huffman.

**Dr. Douglas Johnson** [01:05:59] I hope

**Senate President Sen. Matt Huffman** [01:05:59] Well I don't, I just I want to get back to this local splits issue and I Section 3 D of the Constitution, Section 3D-3 says. Not more than one municipal corporation or township may be split per representative district. That's a constitutional requirement. There's no maybe this, maybe that close to anything like that that is a constitutional requirement. So do you know, as do either of, you know, as you sit here, whether Mr. McDonald knows about his map or Mr. Johnson knows about his map in those 99 state representative districts? Have you considered or calculated what whatever term you want to use, whether those 99 districts have more than one municipal corporation or township divided?

**Dr. Douglas Johnson** [01:07:13] We we certainly have been considering that and working hard to avoid that. I can't promise that we haven't had an inadvertent slip. As you know, many of these particular municipal corporations have some very odd borders. So I think this is what Dr. McDonald was referring to. We haven't done the like run the computer reports go through block by block and confirm them. But as we've been drawing, these have been aware of that requirement and working hard to comply with it. And we believe we have to complied with it.

**Dr. Michael McDonald** [01:07:45] And and your consultants and staff have been looking at these issues as we have been mapping and they have pointed them out to us where we have made those mistakes or errors there. It's also important understand there's an interpretation of the Constitution, so the reports will be a bit meaningless. And so in that interpretation is, is that like, for example, in the extreme with a locality like Columbus, you've got a city that has multiple small pieces that that are all over the place. They're embedded in other localities they without, you know, their noncontiguous, are not attached to the city. That's very common throughout the state. Columbus is just an extreme example of it. You've got a city that also crosses county boundaries. And so those pieces where they're fragmented in that way are treated differently. They're not considered to be part of the whole. They are part of the fragment. And so the interpretation is, is that we can put those but on the software that we use doesn't, doesn't know that they don't know which pieces go together like that. And so the reports that we would produce will be highly misleading because they are they'll count any of these pieces that are all over the state as a split, even though they're not treated as a split when we are actually doing the mapping.

**Senate President Sen. Matt Huffman** [01:09:29] OK and Mr. Mr. Co-Chair, just those exceptions to the rule. But just I want to quibble about language. Those aren't interpretations. Those are specific exceptions listed in the Constitution. The city of I think it's Bellevue, Ohio, lies in four different counties. But if you split it in all the four counties, it's not counted as a split. For purposes of Section 3D-3 and just some of the townships in Franklin County, there's bits and pieces all over. Those aren't splits Bexley's wholly within the city of Columbus. So I get that, but that does not mean that we can otherwise violate that specific provision of the Constitution. I think you both know that. And I guess this is the

the difficulty in producing a map that doesn't violate the Constitution cannot be overstated here. And the difficulty that you two gentlemen have been presented with in a short period of time. Some have said mapmakers here locally have said and others people nationally that Ohio has the most complicated redistricting rules in the country. Maybe that's just an overstatement because we're all from Ohio and we're proud of that? I'm not sure. But anyway, so I know that it's extraordinarily difficult. In fact, these maps generally when they're created and in Ohio, are created over several weeks and months. Even though we didn't get the census data until the end of August and our map was voted out first one September 15th. They're doing that, preparing and looking at all. Those maps went on for several weeks prior to that because we could kind of estimate population. So trying to come up with a completely different map over a space of four or five days in and complying with the Constitution is going to be difficult. But we have to comply with the Constitution, including that very difficult part of it. So I just wanted to say that that I know it's you're doing yeoman's work. And I the last question, you may want to assign this to somebody else or staff, but I would like to know the local splits for both county and city. Because even though it's not a hard and fast rule, we would like to minimize those splits. The the Senate map on the third plan had 15 counties splits and only six local splits, and because that was an aspirational goal of Section three, we worked hard to reduce those. I don't have the number for the a House, but it would be good for that, whatever ultimately comes out of this sometime tomorrow to have that number. So the commission could evaluate it. Thank you, Mr. Co-Chair.

**Co-Chair Speaker Robert Cupp** [01:12:27] Further discussion? The commission will stand at ease for a moment. [commission stands at ease]

**Co-Chair Speaker Robert Cupp** [01:14:55] The commission will come back to order. I just wanted to to clarify the the question, the issues that you're asking for some decision or direction tonight. We obviously have Montgomery County. You mentioned Cuyahoga County and two approaches there, and I think I understood that you would like to have some direction for that one. What was the third one?

**Dr. Douglas Johnson** [01:15:23] Including the question of Franklin with Union versus Franklin with Madison Pickaway.

**Co-Chair Speaker Robert Cupp** [01:15:29] All right. So there's not a question in Lucas. It's not a question in Mahoning. Yeah.

**Dr. Douglas Johnson** [01:15:37] Well, Mahoning is kind of a secondary issue. I think it's a much simp- we didn't put it in the list of the three big questions because it's a simple yes and no thing that has no ripple effects at all. But Lucas is actually tied in the Lucas configuration is actually tied into the the the Cuyahoga, the decision. So that is we'll show you all that at once. And that's a yes/no, either way, because we have to get to 18/15 somehow and those two areas are locked together.

**Co-Chair Speaker Robert Cupp** [01:16:09] All right. The Co-Chair Sykes and I have talked and we think maybe the and we'll throw it out to the commission here. We think maybe the best approach is to recess for an hour and a half. And during that time, members can get printouts as us older folks with bifocals and then and get the report that we have the statistics, consult with staff and whatnot, and then convene here back again in an hour and a half and hopefully be able to give some direction. But so any member of the commission have any different request. Representative Russo has a different request.

**Minority Leader Rep. Allison Russo** [01:17:02] Thank you, Mr. Co-Chair. Listen, I just want to be very clear here. I think these map makers are perfectly capable of producing constitutionally compliant maps. The issue here is decisions that we need to make that are slowing them down. And this feels like we are just throwing sand in the gears here. I think we as a commission, we have to make decisions and we may not agree on the decisions, but we need to be making decisions. That is what slowing these map makers down is our inability to tell them what our decision is. I think if you polled everyone here, what the decision is about Montgomery/Greene versus Montgomery/Preble, everybody has an opinion about this.

**Co-Chair Speaker Robert Cupp** [01:17:47] I don't,

**Minority Leader Rep. Allison Russo** [01:17:48] Vote for it,

**Co-Chair Speaker Robert Cupp** [01:17:49] I don't.

**Minority Leader Rep. Allison Russo** [01:17:50] But I will stop and say I think an hour and a half is excessive. We should be able to assess this pretty quickly within an hour. Some of us actually have laptops here in front of us and we're looking at this as we're going through. This should not take an hour and a half to make these decisions.

**Co-Chair Speaker Robert Cupp** [01:18:10] All right, you can make your decision quicker then. Any objection, any further objections to recess for an hour and a half and do what I suggested and come back and see what guidance we can provide.

**State Auditor Keith Faber** [01:18:22] Mr. Co-Chair, I have no objection to the recess. 9 o'clocks, fine. I'll be up here all night doesn't matter. But I want to go back to the question, I assume. We have the Huffman, mediated agreed upon solution. I go back, I think when you dump that information in there. It may change some of the suggested outcomes for these guys as to what they're going to do and what I because I agree with that with Leader Russo, I do not want us dancing on the head of a pin to an incomplete task tomorrow. And so if we are going to put information that's going to change, particularly some of these districts and some of the pairings, ultimately, I think we need to get that done before we we resolve other minor issues. And so I think that information needs to be input. I think it needs to be discussed and that may dictate some of the solutions that we're talking about here before we start going down a route to make all the decisions, only to have them all done and done and have to restart. And so I think we ought to get that information to them and let them start doing that while we're working on whatever else we're going to be looking at. There's one other thing to keep in mind, and I say this to all my commission friends. The Constitution is a baseline minimum, whatever map we pass has to be constitutional. But passing a map is a game of addition. You need for votes. And there are going to be factors that are going to determine whether members decide to vote for or against any particular map. And it may be an interpretation of this district or that district, or whether there was a better map to be had. We've seen that, I would argue, in votes that have occurred in this commission already. So I think we need to be working to try and find a solution that's going to garner minimum of four votes. And that's something that we ought to keep in consideration as we move forward with a constitutional map being the baseline minimum

**Co-Chair Speaker Robert Cupp** [01:20:42] [off mic] Thought, you know, so before, Auditor Faber suggested the general consensus, [inaudible] consensus Oh, we can give you.

**Co-Chair Senator Vernon Sykes** [01:21:13] [offmic] Yeah, yeah, yeah, we agree. We agree with this. Which is. That does put it here. We agreed upon completion of the independent. When they finished the independent. I mean, complete put together then [inaudible]

**Senate President Sen. Matt Huffman** [01:21:39] [off mic] part of drafting the map whatever sequence [inaudible] [simultaneously speaking]

**Co-Chair Senator Vernon Sykes** [01:21:43] [off mic] Yes, yes, absolutely. I agree, I agree. I agree.

**Co-Chair Speaker Robert Cupp** [01:21:49] All right. We have a question or we have an issue about that came up in the meeting yesterday about considering in incumbents that are not term limited or Senate incumbents that are in midterm in consideration of those in drafting the map, provided that does not cause a violation of the Constitution. So we have been mediated this issue. I believe we've come to a consensus on it and believe a copy has been provided. Except I can't find my final copy here, but I know what it is. So. So Senator Huffman, you want to proceed here?

**Senate President Sen. Matt Huffman** [01:22:39] Thanks. Thank you, Mr. Co-Chair. And so as the Speaker mentioned, there was an earlier version of this. My Democratic colleagues had asked for changes to this and we did those and we now have a unanimous about that. Let the bells ring a unanimous agreement on this motion. So I move that upon completion of the independent map drawers merger of their independent versions of the House and Senate maps and prior to any presentation to the Commission, the independent map drawers shall consider the residents locations of non terminated, non term limited House and Senate incumbents and Senate incumbents in mid-term in drafting a commission map and, where possible, without violating constitutional principles. Avoid pairing incumbents and also drawing districts such that senators protected under Section 5 of Article 11 of the Ohio Constitution no longer live in the district they represent. Incumbents will be identified as House or Senate, and no other identifying information shall be used.

**Co-Chair Speaker Robert Cupp** [01:23:57] There's a motion is there a second? I'll second it. Is there any objection, co-chair Sykes

**Co-Chair Senator Vernon Sykes** [01:24:04] Just a comment. You know, I took a position against including the information about incumbents. I don't think that they should be considered at this particular time. But I do agree that we should at least allow the independent map makers drawers to actually put together their recommendation. And then at that particular time, they as they continue to draft the maps that they would include the information dealing with incumbents and make adjustments as long as they comply with the Constitution, make adjustments, as indicated by the statement that was read by by Senator Huffman.

**Co-Chair Speaker Robert Cupp** [01:24:57] So the motion is to adopt the statement as a consensus document. Is there any objection to the statement as presented in and all parties should have a written copy. Any objection? Without objection, it will be adopted as a consensus statement and direction to the map drawers. So at this time, then we will recess until 9 o'clock. Governor DeWine



**Governor Mike DeWine** [01:25:28] Clarification as far as we go through again the issues that we're supposed to be looking at in the next hour and a half?

**Co-Chair Speaker Robert Cupp** [01:25:36] Yes, they are.

**Governor Mike DeWine** [01:25:37] Besides the Montgomery County, Greene County,

**Co-Chair Speaker Robert Cupp** [01:25:41] we're looking at the Cuyahoga County pair with Lake, or pair with Summit and the Franklin County going out county that it's one of the districts or the district its paired with

**Governor Mike DeWine** [01:25:55] but not Mahoning County?

**Co-Chair Speaker Robert Cupp** [01:25:59] Nope, they thought. They said they could resolve that, but I'll throw it back to the map drivers to make sure we have the right ones we're looking at

**Dr. Douglas Johnson** [01:26:09] Yes, I would add the Mahoning question to that. The reason we didn't highlight is one of the three is that the Mahoning is a real quick yes/no. I think that's a much simpler question than anything else in Mahoning. For example, Mahoning has no impact on the Senate map at all so that there would be a fourth, but hopefully much easier question.

**Dr. Michael McDonald** [01:26:29] I don't understand what the question is to them about Mahoning. We both have a highly competitive district in Mahoning. We'll use that because because it could be drawn either way, depending on the decisions that you make as a commission. My preference would be just to use that feature of that particular district to create a competitive district. Either way, to help with the symmetry issue. So I until we know what it is that you wish to do, I would just, you know, wait until we know your direction and then we could make a more informed question to you about that particular district.

**Dr. Douglas Johnson** [01:27:14] I guess my preference was that I think Mahoning is a good example of the compactness versus improving the symmetry question. I was going to propose that, that you take a look at that and and weigh in on it.

**Co-Chair Speaker Robert Cupp** [01:27:26] All right. Suggest for those of us who need a printed map and the folk blown up for that so we can see that area. Let's do that. Whether we make a decision tonight, we'll leave that to after we take a look at it and come back. So why don't we do that so we can get on with our work here? Without further objection or discussion, we'll be in recess until 9:00.

**[recess]**

**Co-Chair Speaker Robert Cupp** [00:00:00] To the recess, the Ohio Redistricting Commission will come back to order during the time we were in recess. Many or all of us, depending, had a chance to take a look at the draft maps for the Montgomery County area in Cuyahoga Summit Lake County area, as well as the Franklin County. And so the map drawers the independent map drawers are looking for some guidance from this commission on how they should proceed so we can take the Montgomery County one first if we wish. And in that case, there are is the Johnson proposal and the McDonald proposal. Is there any discussion or a motion from anyone?

**Minority Leader Rep. Allison Russo** [00:01:12] Mr. Speaker, I will move that the proposal that pairs, Mr. Speaker, thank you. I move that the proposal that pairs Montgomery County with Greene County, and I think that is the McDonnell proposal be accepted by the commission as the direction moving forward.

**Co-Chair Speaker Robert Cupp** [00:01:36] There's a motion. Is there a second second?

**Co-Chair Sen. Vernon Sykes** [00:01:38] Second.

**Co-Chair Speaker Robert Cupp** [00:01:38] It's been moved in second discussion? Chair recognizes President Huffman.

**Senate President Sen. Matt Huffman** [00:01:44] Thank you, Mr. President and I, as I mentioned to the break, I think the mapmakers have done a terrific job. A lot of work in a short amount of time. We looked real quickly with cities, townships and villages. There are about 3200 in the state of Ohio. I don't know whether that makes you feel better or worse with all of that. And of course, there are 88 counties and we talked about the preferences for other jurisdictional lines school districts of which there are over 600 in Ohio and there are some other districts too the probably aren't as relevant, but so there's a tremendous amount of work to do. But as it relates to this particular motion, to be honest with you, I don't know what the ramifications of this are. I appreciate that in a sitting there at the desk. There's we'd like to know this or we'd like to know that, but I don't know how that plays out through the state. I really don't. And I guess it was my expectation that at some point the mapmakers would make, present a map to us and to say what we need to know whether you want to do this or that. I don't know the answer to it. So in short, I'm a no on this. I don't know how it gets resolved between the map makers, but I can't say yes on something when I don't know what the result of it is.

**Co-Chair Speaker Robert Cupp** [00:03:20] Further discussion Secretary LaRose

**Secretary of State Frank LaRose** [00:03:23] Similar to the Senate President looking at the two proposals, I'm inclined to lean toward one or the other, and I'm inclined to lean toward the one that goes into Greene County. But the time to analyze this and actually cast a vote on whether, you know, that's the one I want to go with or not is not something I'd be prepared to do tonight

**Co-Chair Speaker Robert Cupp** [00:03:44] Further discussion, governor DeWine,

**Governor Mike DeWine** [00:03:48] Yeah, I have that really the same position. I I don't think we know enough, not just on this one, frankly, but on on the other ones as well. So I will vote no, although I think that. You know, just on its face with what we know, it does make it certainly more sense to have Greene County in with Montgomery County than it does for Greene County or for that, excuse me for that Senate talking about the Senate district now and for that Senate district to go basically from Fairborn down to the southern part of Jackson County. So.

**Co-Chair Speaker Robert Cupp** [00:04:31] Further discussion. Auditor Faber

**State Auditor Keither Faber** [00:04:40] my view on this is that I agree with all the comments. I also think that it's important that they complete the other task before we know the variables. But if they need a decision to move forward now, I have no problem for the

reasons the Governor just articulated of suggesting that they do the Greene County. So I'm going to I'm going to vote that. That's OK from my perspective to do the Greene County, but I reserve the right to revisit this as we get to see more details

**Co-Chair Speaker Robert Cupp** [00:05:10] any further discussion? Senator Sykes.

**Co-Chair Sen. Vernon Sykes** [00:05:13] I agree with the Auditor Faber. What we're doing now is giving them marching orders so that they can continue to work. We still have a vote to approve any plan that comes forward. We trying to make some preliminary decisions that they need to make at this particular time so that we can move forward. So I'm encouraging the members to do that because of the short timetable that we have, and we've taken some time to review the proposal. And once we have one united unified map will be better able in the position to make a decision about the total maps that we have before us. But I'm encouraging everyone to take a position to help us keep moving in the right direction to complete our task by tomorrow.

**Co-Chair Speaker Robert Cupp** [00:06:14] Further discussion, Representative Russo Leader Russo,

**Minority Leader Rep. Allison Russo** [00:06:18] thank you, co-chair. You know, I would just like to comment that in the last two maps Republican members, the Republican generated maps went with Preble County in this election, so I'm a little perplexed. You know why today? Maybe you vote no on this pairing with Greene County, but you know, saying that you don't have the information or don't know what the impacts are. We've seen in previous maps what the impacts are when you pair Montgomery County with Preble County, Montgomery County with Greene County because these have been decisions that we've had to make in the past with these maps. You know, I would also just ask what information is missing that you don't have now that we didn't get in the two hours that we were in a break that would be necessary other than simply where incumbents live, which, you know, has been very clear by the courts that where incumbents live shouldn't matter in terms of, you know, picking how these districts are drawn. And certainly in terms of what the question is here, which is it's going to overall impact overall symmetry within the map. That's not a reason to pick one way or the other based on incumbents. So I'm again a bit perplexed and what information is still needed to move this forward to make a decision

**Co-Chair Speaker Robert Cupp** [00:07:42] any further discussion?

**Secretary of State Frank LaRose** [00:07:45] I think the co-chair, I think the question is between whether we vote on something or not. It sounds like there was general agreement that leaning more towards taking it from Montgomery into Greene County. But I think that there are some of us who just don't want to cast a vote for something where we haven't been able to fully analyze it. So if we're just given the map maker some opinions, OK, if it's a vote that we're casting, it's a separate matter.

**Co-Chair Speaker Robert Cupp** [00:08:17] Further discussion. Oh,.

**Co-Chair Sen. Vernon Sykes** [00:08:22] I can.

**Co-Chair Speaker Robert Cupp** [00:08:24] Senator Sykes,

**Co-Chair Sen. Vernon Sykes** [00:08:24] Yeah, I can agree with that. We gave them some a similar discussion or a suggestion last evening using their best judgment. This time they

asked for some guidance and if we could tell them to use the guidance to use Greene at a particular time, but we're not ready at all. No, none of us are ready to actually vote on a plan because we don't have a complete plan in front of us, but I think we'd be remiss if we did not give them some indication of where we might lean in this particular, this particular situation, so they can continue their work

**Co-Chair Speaker Robert Cupp** [00:09:10] further discussion.

**Governor Mike DeWine** [00:09:13] Mr Chairman. Follow up on with the co-chair said. I think it seems to be that consensus here, but I think some of us are just, you know, feel reluctant, not just on this one, but on on one involving Summit County to cast a vote where we, you know, basically say that this is we have enough information to make that decision. I think, you know, I think there's consensus here seems to be leaning towards doing that. Maybe that it maybe that is enough information to mapmakers at this point about taking a formal vote.

**Co-Chair Speaker Robert Cupp** [00:09:56] President Huffman

**Senate President Sen. Matt Huffman** [00:09:57] Yeah, I think the issue is if if there was a vote taken and at some point there was amendments to the proposed map, which assuredly there will be someone that this commission will argue, Well, you already voted for this yesterday. Why are you voting to change it today? That's that's obviously the problem. And I will say some of the things that the governor has said about this. I'll say some of those things about Northeast Ohio since it's what I said yesterday, which in the in the map that we drew those seven Northeast County 21 Rep. Districts and seven Senate districts seemed to be a good. But I'm not ready to take a vote that says that's the way I want it to be, because that's what it will count as when we come to look at this. So everyone, I think can comment and say whatever it is they want. Maybe that's helpful to the map makers. In the end, someone has to have. There has to be a consensus for us to get a a commission map.

**Co-Chair Speaker Robert Cupp** [00:11:05] Leader Russo,

**Minority Leader Rep. Allison Russo** [00:11:06] I thank you, Mr. Co-Chair. So, you know, I would ask the mapmakers, Do you feel that you are getting a sense of any direction at all from this commission to be able to move forward?

**Dr. Douglas Johnson** [00:11:19] So, Leader Russo, members of the commission. Yes, we don't we don't need a formal vote in motion and second, all that if it's a general sense of the the, I guess the strongest curiosity of the commission that works for us, I think.

**Dr. Michael McDonald** [00:11:35] I agree with that. And we certainly want to get the other direction and information, we have not yet seen that information on the Senate incumbent residences yet, so we can't even start beginning to look at that until we get that information. So just being able to move forward for us, I think, is important that you give us a sense of the direction we want to go and we're going to look at the additional information and we're going to continue to fine tune these maps. We may decide that for whatever reason, the sense of the commission can't be met in that direction, so we're still open to moving in other directions. If that's required,

**Minority Leader Rep. Allison Russo** [00:12:27] then based on Mr. Co-Chair, I will withdraw my formal motion for a vote and ask the map makers to move forward with what they feel is the general sense of the commission.

**Co-Chair Speaker Robert Cupp** [00:12:44] And I would just add that I've had a chance now to take a look, and I noticed there's multiple incumbents in that area paired together and not one party, the other. It's kind of a bipartisan pairing, and I think that's a that's a problem. So well, let's move on then to Cuyahoga County, and maybe members can express their sense about that.

**Senate President Sen. Matt Huffman** [00:13:15] Mr. Co-Chair, just before we go forward, I'm I'm getting handed documents, I think, by the Democratic staff, but I'm not sure what they are. Anybody be able to fill us in here, what's been put down in front of us? And is this something that we're going to be asked to talk about today?

**Unidentified** [00:13:36] [inaudible off mic chatter]

**Co-Chair Speaker Robert Cupp** [00:13:40] All right. These are blow up.

**Senate President Sen. Matt Huffman** [00:13:43] Oh, these were the handouts I came down and asked for it during the break. Is that right? Right?

**Dr. Douglas Johnson** [00:13:50] I'm sorry. I'm sorry. Go ahead.

**Dr. Michael McDonald** [00:13:53] Oh yeah, those are the maps that Speaker Cupp requested, and we just wanted for completeness for everybody to have that information as well.

**Co-Chair Speaker Robert Cupp** [00:14:04] That's good because I got mine about 20 minutes before 9:00.

**Senate President Sen. Matt Huffman** [00:14:09] Well, I got mine now.

**Co-Chair Speaker Robert Cupp** [00:14:10] So all right. All right. So let's see if that's what that is. Let's move on to the Cuyahoga County area then. Anybody want it? Secretary LaRose

**Secretary of State Frank LaRose** [00:14:20] Yeah, I'll kick the conversation off on this Speaker. So we were looking at two options. I went downstairs and sort of looked over the shoulders of our map maker's. They showed one option where Cuyahoga County has an exit into Summit County and then another option where Cuyahoga County has an exit into Lake County. I think that, you know, looking at all of those again, not necessarily wanting to cast a vote on one particular plan for Cuyahoga County tonight. But I do think that the one that that causes Cuyahoga County to exit out into Lake County is the leader of the two options

**Co-Chair Speaker Robert Cupp** [00:15:02] for their discretion, comments anyone Leader Russo

**Minority Leader Rep. Allison Russo** [00:15:07] Mr. Co-Chair. I would agree with that. I actually think this is something that we have come to some sort of consensus on in the past, at least in past versions of maps from both Democrats and Republicans have taken

this approach of of going from Cuyahoga to Lake County. Because I think that we have found both sets of map makers have found that it it solves multiple issues.

**Co-Chair Speaker Robert Cupp** [00:15:39] Further discussion. I would I would just note, and I'm not sure which is the right direction, but Cuyahoga County appears to have six incumbents paired for no constitutional reason that I'm aware of yet. Maybe there will be one, but. All right.

**Co-Chair Sen. Vernon Sykes** [00:16:05] I would tend to also, Mr. Co-Chair, to agree to Lake County pairing to support that version of the map.

**Co-Chair Speaker Robert Cupp** [00:16:19] All right. I think you've heard from members of the commission that have an opinion on it, so well, let you sort of take it to their. And then there is the Franklin County one, which I think we have a blow up of now. Any comment on Franklin

**Secretary of State Frank LaRose** [00:16:50] Speaker, I'll kick this one off again, if that's right. Again, recognizing that these were drawn incumbent agnostic, I guess you could say that that is going to require some work to look at the double bunking in that kind of thing. I think that the the version of the map that has Franklin County exiting into Union County is is preferable versus the version of the map that has Franklin County picking up parts of Madison and Pickaway or all of Madison and Pickaway and parts of Franklin. I think it was. So the option where Franklin County connects with union in the northwest county corner of the county, essentially the Dublin area would be would be preferable to me, but again, not something I'd be prepared on on voting on tonight.

**Co-Chair Speaker Robert Cupp** [00:17:42] Any further discussion? Senator Sykes

**Co-Chair Sen. Vernon Sykes** [00:17:49] co-chair, I would I would I would agree with that.

**Co-Chair Sen. Vernon Sykes** [00:17:57] Does agree? I believe

**Co-Chair Sen. Vernon Sykes** [00:18:00] does agree. Yes.

**Minority Leader Rep. Allison Russo** [00:18:07] Mr. Co-Chair

**Co-Chair Speaker Robert Cupp** [00:18:10] Leader Russo.

**Minority Leader Rep. Allison Russo** [00:18:10] Thank you, Mr. Co-Chair. I may be one of the members on this commission that people would guess would have the strongest opinion about this. But I will tell you that on the whole, both options, I think, have pros and cons. And on the whole, I don't see large differences between either option. So if there are other compelling reasons to do this, you know, the impact on Franklin County itself and the districts within Franklin County seemed to be on the whole, pretty balanced. You know, some good things, some bad things doesn't really differ between the two.

**Co-Chair Sen. Vernon Sykes** [00:18:51] Anything further? All right, I guess that's the information that's available to provide to you for your decision making on this. It may depend on what happens elsewhere as you begin to draw things out.

**Governor Mike DeWine** [00:19:08] Chairman?

**Co-Chair Speaker Robert Cupp** [00:19:09] Governor Duane,

**Governor Mike DeWine** [00:19:10] if we also have the one Mahoning Valley. Mahoning County

**Co-Chair Speaker Robert Cupp** [00:19:18] All right. That is an issue that came up, although I think they said it wasn't one of their top issues, but if you have a comment on that. Go right ahead.

**Governor Mike DeWine** [00:19:30] I'm looking for my map here look like the one version has, Mr McDonald can correct me, but I believe his version has Columbiana County and Carroll County together, is that correct?

**Dr. Douglas Johnson** [00:19:52] Sorry, I couldn't hear the question.

**Governor Mike DeWine** [00:19:53] Yeah, my my fault, I wasn't speaking in the microphone. I believe the the one version has Carroll and Columbiana County together. Is that correct? That'd be 64.

**Unidentified** [00:20:14] [inaudible]

**Governor Mike DeWine** [00:20:16] Oh, McDonald, I'm sorry. Yeah.

**Dr. Michael McDonald** [00:20:21] It just [inaudible]. Yeah, it there's yes. We don't. Yes, Columbiana is to the South, but it doesn't actually you have to. The Mahoning isn't just quite populous enough to support one entire district, so yes, there's the version that I have crosses over into Columbiana to round up population. It's an unavoidable one,.

**Dr. Douglas Johnson** [00:20:51] Yea actually, that that actually is a is a function of the decision of, Cuyahoga with Lake. It's not driven, the Mahoning decision.

**Governor Mike DeWine** [00:21:01] Mahoning [inaudible due to audio echo] that then?

**Dr. Douglas Johnson** [00:21:03] Exactly.

**Governor Mike DeWine** [00:21:04] OK. OK. All right. I don't have anything else then

**Co-Chair Speaker Robert Cupp** [00:21:13] Anything further?

**Secretary of State Frank LaRose** [00:21:14] Nothing, O'Mahony, nothing, right?

**Co-Chair Speaker Robert Cupp** [00:21:20] All right, so I think we have minutes to approve think I missed that. When we started,

**Secretary of State Frank LaRose** [00:21:32] Well, the question of when our map makers are going to get incumbent data. I know that we had gone through the mediation process to determine sort of how they would get incumbent data. But I think that if there's one thing that's going to scupper this process, it's the double bunking of dozens and dozens of incumbents. I think the sooner that they can get the incumbent data anonymized just by House and Senate would be better for them. So perhaps maybe they can get a fresh start bright and early tomorrow morning trying to work at fixing those double bunking scenarios that have caused a lot of concern for a lot of us.

**Co-Chair Speaker Robert Cupp** [00:22:10] All right. We will work with our staff and where the data is to try to get it to him so that we have that

**Co-Chair Sen. Vernon Sykes** [00:22:17] If I could,

**Co-Chair Sen. Vernon Sykes** [00:22:18] yes. Co-Chair Sykes

**Co-Chair Sen. Vernon Sykes** [00:22:21] Yeah In our agreement, you know, we indicated that as soon as we have a unified plan that they would be able to put that information in there. So again, we're anxious and moving forward as soon as we can. The sooner the more progress that we make, the sooner we'll be able to consider the incumbency issue.

**Senate President Sen. Matt Huffman** [00:22:45] Well, Mr. Co-Chair, I and we can read the motion that I read. The plan is to be drawn with the incumbent information. There's not they're not supposed to draw a plan. And then there's a plan and then you put the incumbent information and it's supposed to be considered when drafting the plan. I guess I just want to make sure the map makers do that. And that also includes House incumbents, not just the Senate incumbents.

**Co-Chair Sen. Vernon Sykes** [00:23:17] For clarification,

**Dr. Michael McDonald** [00:23:18] this is I think this has helped us quite a bit,

**Co-Chair Sen. Vernon Sykes** [00:23:21] I think. And if you could hold, please. This is an important issue.

**Dr. Michael McDonald** [00:23:26] oh I'm sorry.

**Co-Chair Sen. Vernon Sykes** [00:23:26] We're trying to address because we've gone through mediation on this and want to make it clear upon completion of the independent map drawers merge merger of their independent versions of the House and Senate maps, so as soon as that is completed, that merger is completed on the then you will continue.

**Co-Chair Sen. Vernon Sykes** [00:23:50] But before there's any presentation of a merg—

**Senate President Sen. Matt Huffman** [00:23:54] The motion also clearly says that they have to consider those incumbent residences while drafting their plan. Now if if what you're saying is that's now not true because we decided they could put a plan together, put those and then change the plan, then if they needed to. Well, then we can change the motion and go back to the way it was before. But clearly they're supposed to consider the incumbent residences while drafting the plan. That's what the motion says that you agreed to.

**Co-Chair Sen. Vernon Sykes** [00:24:29] I think it's clear, you know, what does that two components? The first part of the set of the motion upon completion of the independent map drawer's merger of their independent versions. What does that mean?

**Senate President Sen. Matt Huffman** [00:24:47] All right. The independent map dryers shall consider the residents locations of non-term, term-limited House and Senate incumbents and Senate incumbents in mid-term in drafting a commission map



**Co-Chair Sen. Vernon Sykes** [00:25:00] when they drafted.

**Senate President Sen. Matt Huffman** [00:25:01] Okay, if if, if you want to argue this point, we can take this out and we can just start over with a with a new direction. So clearly, what they're supposed to do in drafting the map is make sure before they come back to us whether they do it before they merge their plans, while they're merging their plans or after they've merged their plans. But in drafting the map and before they come to us, that's supposed to be a consideration.

**Co-Chair Sen. Vernon Sykes** [00:25:34] I agree that is before they come to us. I agree that's in the proposal, but they're not to include the incumbency information until they have completed upon completion of the independent map drawers merger of their independent versions of the House and the Senate maps prior to any presentation to the Commission. So once once they merge their plans, then they would add the incumbency that data or information in there, and that would be before they would present any such plan to this body.

**Senate President Sen. Matt Huffman** [00:26:22] It are the map makers unclear about this, as I say, we're dancing on the head of a pin here,

**Dr. Douglas Johnson** [00:26:28] but I think we're fine. I think this is important words, but the final result is the same either way. I don't think.

**Senate President Sen. Matt Huffman** [00:26:36] fair enough

**Secretary of State Frank LaRose** [00:26:39] Here's a.

**Co-Chair Speaker Robert Cupp** [00:26:44] Auditor Faber,

**State Auditor Keither Faber** [00:26:46] Thank you I just want to make sure we're clear on where we're going here. I assume they now have enough information to merge their plan and give us a unified plan, but I don't just make sure we're clear on this. That's not a plan for us. Ultimately, we're going to take a look at it, and I assume we're all going to have hundreds of suggestions to modify or adjust here and there and there and here before we land to where this commission is going to have a combined plan. So we're going from two theoretical plans to where you guys get agreement, at least in concept. But as I was just going through these maps and I didn't necessarily hear that from the governor, but maybe I did. There might be some county pairings that make more sense and other issues that may or may not change, the ratios may or may not change the numbers, but certainly you're going to find when you're putting things together and you're drafting this plan overnight or tomorrow morning that there may be things that you need to move around to make your two plans work. And I just looked at an area that I know very well Northwest Ohio. Your two plans are very different on how you treat different county pairings in that area, but it doesn't change one iota of what you do for the ratios or any of those other issues. And you're going to have to find a compromise and figure out which ones on first and how you land there. But I think that's easily going to be where you come and give us something new to look at tomorrow morning.

**Co-Chair Speaker Robert Cupp** [00:28:10] All right. I'm sorry Secretary LaRose

**Secretary of State Frank LaRose** [00:28:13] Yeah. So as they go through the work of merging two maps into one with the guidance that we've given them, I think that obviously

time being of the essence that we should be ready to provide them that incumbency data as soon as they need it. And I think that that means that our staffs and this is probably going to be House and Senate staffs because they have this have a spreadsheet of. Street address, city, state zip, without name and without party, and they'd be ready to get those CSV to those guys effectively so that they can load them up, is that I mean, is that what you guys need as far as addresses for incumbents?

**Dr. Douglas Johnson** [00:28:58] Yeah, I mean, if your staff has them geo coded, there are already dots on the map, a layer we can just add in, that'd be even better, but we can work from that. We were with our staff to get the format very quickly.

**Co-Chair Speaker Robert Cupp** [00:29:11] All right now, are we ready to approve the minutes from the preceding committee, meeting there before you in your folder?

**Co-Chair Sen. Vernon Sykes** [00:29:23] I so move

**Co-Chair Speaker Robert Cupp** [00:29:23] It's been moved. Is there a second?

**Minority Leader Rep. Allison Russo** [00:29:27] Second

**Co-Chair Speaker Robert Cupp** [00:29:27] Are there any additions corrections to the minutes? Are there any objections to the minutes that objection? Without objection the minutes will be approved. So then if there's nothing else to come before the commission this evening, I would entertain a motion to recess until tomorrow morning at 10 o'clock and we probably will not convene. But if there's something that comes up that we need to, you know, a virtual call or something that would give us the ability to do that. So without without objection, we will recess this evening's meeting until 10:00 a.m. tomorrow when we have a scheduled four meeting of the commission Hearing no objection. The commission stands in recess.

## Ohio Redistricting Commission - 3-28-2022 part 1

**Co-Chair Senator Vernon Sykes** [00:00:00] The meeting that began on March the 27th, with no objection I pronounce adjourned said meeting. And I call to order the meeting today of the Ohio Redistricting Commission. Will the staff please call the roll.

**Staff** [00:00:21] Co-Chair Speaker Cupp.

**Co-Chair Speaker Bob Cupp** [00:00:22] Present

**Staff** [00:00:24] Co-Chair Senator Sykes.

**Co-Chair Senator Vernon Sykes** [00:00:25] Present.

**Staff** [00:00:25] Governor DeWine.

**Governor Mike DeWine** [00:00:26] Here.

**Staff** [00:00:27] Auditor Faber.

**Auditor Keith Faber** [00:00:28] Here.

**Staff** [00:00:28] President Huffman.

**Senate President Matt Huffman** [00:00:29] Here.

**Staff** [00:00:30] Secretary LaRose.

**Sec. of State Frank LaRose** [00:00:31] Here.

**Staff** [00:00:32] And Leader Russo.

**House Minority Leader Allison Russo** [00:00:32] Here.

**Staff** [00:00:33] Mr. Co-Chair, all members are present.

**Co-Chair Senator Vernon Sykes** [00:00:36] A quorum is present, so we will continue to meet as a full commission. At this time, the independent map drawers are attending the meeting virtually and we ask that the audience refrain from loud noise out of respect for the independent mapmakers and the persons watching the proceedings remotely on the Ohio Channel. Members who are in the room, please use your microphone so that everyone might hear it. The minutes of the previous meeting are in your folders; do have a motion to accept the minutes?

**Co-Chair Speaker Bob Cupp** [00:01:11] So moved.

**Co-Chair Senator Vernon Sykes** [00:01:13] Are there any objections or changes to the minutes as presented? If not, we will accept the minutes as presented. At this time, we'd like an update from the independent mapmakers.

**Dr. Douglas Johnson** [00:01:31] So good morning, Co-Chairs and members of the commission. Just reporting on our status, we have received the - number one, we have

merged the maps together, so we have a merged House and merged Senate map, incorporating all of the references at the time, discussed last night. And we have received and, just minutes ago, finished importing in the incumbent list and coding them purely for which are Senate, which your House. So as discussed, we do not know names or parties. We just have the dots of the senators and the dots of the House members. So that is imported in to our maps. And while I was doing that, Dr. McDonald has started on the cleanup of the village and city splits and township splits and the small technical things that trip up so many maps, so that work is already underway. And now that we have the the list imported, we will begin the process that was at your direction from last night, to begin looking at which incumbents are paired, and which incumbents raise section five issues. So that's the work we're about to kick off. The big question in our mind is a process question for the day. Obviously, a big goal today is for you to really make this your map by giving us your questions, your suggestions and requests and directions. And so wanted to, I think a good thing that could come out of this meeting would be a decision on that process, if that's possible. Anything to add, Dr. McDonald?

**Dr. Michael McDonald** [00:03:15] I would add that there was one change that we've already made that was recommended to us, that in Warren County that we were told would fix one of the incumbent issues. And so we looked at it. It does not affect any of the constitutional requirements or the Court requirements. So we went ahead and implemented that particular change.

**Dr. Douglas Johnson** [00:03:45] So if you have a process in mind for how those changes should come from the commissioners to us, we're certainly happy to work at your direction or we can offer some ideas for your consideration on that if you wish.

**Co-Chair Senator Vernon Sykes** [00:04:00] Could we start with you offering some ideas, because we're trying to accommodate your schedule as well.

**Dr. Douglas Johnson** [00:04:09] I think just from a pure process, thought it might be best if the commissioners share requests amongst the, amongst the other commissioners and primarily, I think, through the, through the staff liaisons. And if there is consensus on a change, then either that commissioner or the staff could pass that along to us and we would implement it. If there's not consensus, I presume they would likely need to come back to the commission for discussion. But that would be the easiest way because we anticipate that a lot of these changes will be unanimous, non-controversial changes. We just want to be sure that we're having some time to get some work done and not constantly getting those. So, if there is a way to consolidate, those have a staff review and sign off on them and then present them to us in batches rather than one at a time, that would be helpful for us.

**Co-Chair Senator Vernon Sykes** [00:05:09] Are there any questions or comments from the commissioners? Senator Huffman.

**Senate President Matt Huffman** [00:05:16] Yeah, thank thank you, co-chair, I guess in terms of process, my expectation, I think the other commissioners expectation, is that at some point there would be a well worked product, a merged map taking into account all of the constitutional factors, the other factors that the various commissioners have mentioned throughout these meetings. And we would have a chance then to review that and then make comments. So I guess the question it appeared, if I'm right, it appears, at least at this moment, the product, if I can call it, is not ready. But at some point the two of you will believe, Hey, here's a we'll call it a proposal, and then commissioners will have a chance

to review that. And I don't know whether we come back and formally accept that proposal that whenever that would be, or that's just something that that gets sent out. But you know, we, I can't make suggested changes if I don't know what it is that I'm changing. So I guess that's a question. Is it when, I don't want to say when, because that's, who knows. I mean, you have a better idea, but there's no reason to say this time unless you actually know. So if you, when that's ready, Mr. Co-Chair, I guess I think all seven commissioners would like to see it and then do their own analysis and be able to make their suggested changes. And maybe I'm stating the obvious, but, I don't anticipate a process where, the seven of us somewhere virtually get a proposal, and then we start making changes and the changes that I'm making may affect the changes that Senator Faber's making and 'yeah, we'll do that, Senator Huffman, yeah, we'll do that Auditor Faber,' now we've got a new I mean, at some point we have to have one working product and then move forward from there.

**Co-Chair Senator Vernon Sykes** [00:07:29] I believe we have a working product, at this point, the question and I appreciate the comments and the question that Senator Huffman is raising, is that prepared, is it prepared right now to share with the members? Of course you share, it's being shared all along. But are we at that stage that the members could have the unified copy and use it for evaluating it, for assessment, assessing any kind of changes?

**Dr. Douglas Johnson** [00:08:09] So, yes, we are not at the point of giving you a formal next map because the instruction was for us to incorporate the incumbents and make those changes and give you kind of our next merge, not just our merger but our merge with the incumbent adjustments made. But as we've been doing throughout this process, we can give you just our current working copy and your staff can, we'll pass those to your staff and they can share them with you. And and yes, I think to Senator Huffman's point, we won't have done our incumbent adjustments yet, but if your, you and your staffs, can help us along in that process, we welcome any input or direction you have on that and to the senator's point, that's my hope, is that perhaps if we are coordinating this and then we get the request come to us after they've been coordinated between both caucuses, that might be a working system.

**Dr. Michael McDonald** [00:09:12] I would just add that we are sharing maps with your staff and then we are posting them on to the website when there's any major revision to the map, that's beyond just a small technical issue. So we plan to, after this meeting, move on the technical adjustments that I've been making into a plan, the working draft plan, and we're going to share that with staff. And my anticipation is that we're going to and I'm getting a nod, yes, that we are going to publish that online.

**Dr. Douglas Johnson** [00:09:42] And then in timing, to your timing question, my thought is, we talked about this a little bit, that, well we schedule- if we make great progress and move faster, we'll certainly let you know and perhaps meet before that, but would suggest that we have the next hearing at, Dr. McDonald's suggestion was 3:00, so we would need to get you the files by 2:00. It's not quite the 90 minutes you prefer, but we're tight, so if that's okay with you, or we can give you a current status map at 1:30 as well, but-

**Dr. Michael McDonald** [00:10:15] And I would just add to that, I mean, your staff are going to be looking at these maps over our shoulders and people I know are going to be viewing it online. So I, there's going to be transparency here, if you wish to come in and look at the maps as we're doing them as well, I encourage you, you know, for the commissioners who can do so, I was very aware, you know, aware, I have my own vision problems, so to Spekaer Cupp, you know, I understand he needs some maps and I

understand the reason why. So, but for those who can come down, we certainly invite you. And you know, if it doesn't interrupt our work too much, we would be happy to walk you through any issues that you may have or want to look at any particular part of the state.

**Co-Chair Senator Vernon Sykes** [00:11:08] Auditor Faber.

**Auditor Keith Faber** [00:11:10] To speed this along, I know you're talking about having various maps, but if we could see, at least have have the combined print out, I came down and looked at it. But some changes have been made and you're going to make, now that the incumbent's data, if we could have that print out for us to look at it and our staff to look at, it may help the process of offering amendments go faster. If we could see it in total and with the urban areas blown up.

**Dr. Michael McDonald** [00:11:38] Our strong preference is that your staff do that. It takes us time to produce maps, so we really would hope that you would rely upon your staff to do that.

**Dr. Douglas Johnson** [00:11:49] Just to kind of, we'll hand over all their mapping files, like in a few minutes here. And then the request is that then the respective staff secure print, the print outs. But yes, we will certainly hand over all the files they need to do that.

**Co-Chair Senator Vernon Sykes** [00:12:06] So it's been suggested that one, you're going to provide copies of every, to everyone right now, of the maps that you have. You have one united map, unified map and the members are to look through it to find out if there's any suggestions that they would like to make. You're going to continue to work on compactness issues and splits, as well as any suggestions, amendments, that's coming from the members. At 1:00, you suggest that we meet again, that we will have another status report. By that time, you would have the recommendations or suggestions on dealing with the incumbency issue. And we could then also print maps out again for the continued review of the members, and we would then set at the 1:00, we would set a meeting at 3:00 to come back to, in fact, make any suggestions from the commission to you and your work.

**Dr. Douglas Johnson** [00:13:21] Correct, if that, I know it's not the full 90 minutes, but the suggestion would be that we give you kind of our working, working status at 2:00 for you to review and be ready to give us direction on it at you're, at a meeting at 3:00, if that's comfortable with, if that works for the commission.

**Co-Chair Senator Vernon Sykes** [00:13:39] But the commission members will have access to the unified map right now. Yes.

**Dr. Douglas Johnson** [00:13:45] Yes.

**Co-Chair Senator Vernon Sykes** [00:13:45] Okay. All right.

**Co-Chair Speaker Bob Cupp** [00:13:47] So, so are we coming back at 2:00? Or are we getting a map at-

**Co-Chair Senator Vernon Sykes** [00:13:51] 2:00.

**Co-Chair Speaker Bob Cupp** [00:13:51] 2:00.

**Co-Chair Senator Vernon Sykes** [00:13:53] And we can come back at 3:00.

**Co-Chair Speaker Bob Cupp** [00:13:57] And we come back at 3:00. And and not at 1:00?

**Co-Chair Senator Vernon Sykes** [00:13:59] Not at 1:00.

**Co-Chair Speaker Bob Cupp** [00:14:03] And we're able to get a current, get a map of the current progress now-.

**Co-Chair Senator Vernon Sykes** [00:14:09] Yes.

**Co-Chair Speaker Bob Cupp** [00:14:09] To get familiar with it. OK.

**Co-Chair Senator Vernon Sykes** [00:14:14] Any questions? Leader Russo.

**House Minority Leader Allison Russo** [00:14:17] Thank you, Mr. Co-Chair. You know, I just wanted to say that I commend these map makers. They have made significant progress even since our late meeting last night, and it's been very helpful to go in and talk with you and sort of see, and I know some commission members have been down, you know, asking if there are, some of their suggestions are possible. So I appreciate that and I would encourage all the commissioners if you haven't been doing that to continue to do that because I think that that is probably the fastest way to really get feedback on what you're thinking or your suggestion may or may not be possible and present any issues. And I appreciate both of the mapmakers for being very accommodating to that.

**Co-Chair Senator Vernon Sykes** [00:15:10] Can you just review with us just a brief description of the map, the unified map, right now, the proportionality, the symmetry and the compactness as best you can, so we understand where we stand right now.

**Dr. Michael McDonald** [00:15:28] Yes, so most of the map is the, again, we're actually, Dr. Johnson, I have randomly been choosing approaches. We've been collaborating all along, but this unified map, given the preferences that were stated by the commission, is basically the one I've been working on. So it made it easy for us to move over to a unified map. So that's the map. We've discussed it previously. It's proportional, both in the House and the Senate. In the House, the proportionality, the symmetry issue is that there are three competitive leaning Republican districts in that 48 to 52 partisan index range, and then are three Democratic. So it has a three and three on the symmetry that the court has identified. And then in the Senate, there's two Democratic competitive and zero Republican competitive. But we've looked at this hard and I don't think we're going to be able to improve upon that and keep proportionality.

**Co-Chair Senator Vernon Sykes** [00:16:44] Are there any other questions or comments from the members of the commission?

**House Minority Leader Allison Russo** [00:16:48] I have a question.

**Co-Chair Senator Vernon Sykes** [00:16:49] Leader Russo.

**House Minority Leader Allison Russo** [00:16:50] Thank you, Mr. Co-Chair. Just to the mapmakers, because I know that you now have the incumbent data that you're incorporating. Do you have a way of knowing which ones, for example, of the Senate, are midterm versus up or not in that situation? Because I know that that was one of the

discussion points and in providing the data to you, I just don't know if that distinction has been made between those that are midterm and have to be assigned to a district versus those that are not.

**Dr. Douglas Johnson** [00:17:28] So we do not. The list we received, I believe, has just all 33 senators on it. Oh, minus the term, minus term limited ones? Sorry, 28. Sorry, all 28 that are not term limited.

**Dr. Michael McDonald** [00:17:43] We're going to rely upon staff to give us that direction as to which are the non term-limited, the.

**House Minority Leader Allison Russo** [00:17:56] Midterm.

[00:17:56] Midterm senators, yes. So that was just an agreement that we had and expedite the production of the data for us.

**House Minority Leader Allison Russo** [00:18:04] OK, thank you.

**Co-Chair Senator Vernon Sykes** [00:18:09] Any additional questions or comments? We stand in recess.



## Ohio Redistricting Commission - 3-28-2022 part 2

**Co-chair Senator Vernon Sykes** [00:00:00] Have a presentation by the independent map drawn.

**Dr. Doug Johnson** [00:00:10] Co-chairs and members of the commission. We have an update for you, obviously. So we have been working through the challenges of the pairings first with the House and doing some geographic cleanup of county splits and compactness and things like that as much as we can, as we as we make those changes. At this point we have gone through, I believe, the entire state, except for the seven counties in the Northeast and made all of the House side improvements that we believe we can make in terms of avoiding pairings. And we have the proposal that everyone has for how to handle the seven counties that we've been looking through that and seeing what we're what we think works and doesn't work for us in that proposal. We've not yet implemented that. But but we're close (inaudible). And so we have not yet tackled the Senate issues to the degree possible. We've tried to keep those in mind as we work on the house, but we have not done any in-depth Senate work yet.

**Dr. Michael McDonald** [00:01:27] And I would just add that this has been a good exercise, not just for resolving incumbent bearings, 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 is now splitting fewer counties, fewer local jurisdictions and is more compact. And its character

**Dr. Doug Johnson** [00:01:57] In to Sen. Huffman's point the other day, and I believe others are made it that 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 this as fast as we can, but it is a slow process.

**Co-chair Senator Vernon Sykes** [00:02:22] What is your, what is your expectation to complete the incumbency issues in the House and the Senate?

**Dr. Doug Johnson** [00:02:35] It's probably still a couple of hours, at least. To the Senate, the Senate has (inaudible) having many fewer individuals that we need to address. But in addition to avoiding pairings, we also have the very tough issue of the percentage of the district triggering the assignment of numbers issue, which greatly complicates the process. And we won't know how much of a challenge we have there until we can run that analysis for the first time. So we're certainly a couple of hours away if it goes smoothly.

**Co-chair Senator Vernon Sykes** [00:03:16] Are there any questions or comments from members of the commission or any other additional suggestions at this particular time? We have a unified map that we are making adjustments to, edits to, suggestions and input from the commission as we move forward to our and to cross the finish line here. Yes, Senator Huffman.

**Senate President Matt Huffman** [00:03:39] Thank you, Mr. Co-Chair. So again, my job, I guess as the Senate caucus Republican caucus designee is to look at this from the Senate perspective. And I I think you just said what I'm about to say, but I have not seen what I'm going to say as a final Senate map, and there is no such animal at the moment, right?

**Dr. Doug Johnson** [00:04:06] Right.

**Senate President Matt Huffman** [00:04:06] Right. OK. There was some version of a map that we received about 12:15 today, and there has not been no other updated versions of a Senate map since then. Is that correct?

**Dr. Michael McDonald** [00:04:26] And that would we're been the map that existed last night, so it would have been sort of the first emerged map that we have. Yeah, yeah.

**Senate President Matt Huffman** [00:04:36] OK. I just, you know, we're as I when I came down and visited with you about the Section five 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, the Senate version map that has been created so far unconstitutional. So I guess I'm pointing that out so that you all know about that. The other, I guess I'll call it a criticism, but as as I've mentioned to you and there are previous conversations, there are these constitutional requirements about district number and representing the largest population. And sounds like you're working on that to see if you can get that done. Then there are there are incumbency problems unique to the Senate. And in the again, the only map that we proposed map or working version is probably a better way to do it. We looked at that and again, acknowledging that this is not a constitutional requirement, but I would argue a public policy issue of the 16 senators who are in midterm, eight or half of them would live outside the district that they represent. Now sometimes that's, you know, and drawing a map that happens, usually there's one. I think the last time in 2011 there was one senator, but eight seems to me to be excessive and to to us folks here, maybe in the General Assembly and two others, it's it's kind of a, well, what's the difference you get to be in the Senate, but the public really cares that the person that they elected is lives where they live, or at least in some version of it. So when you have eight out of 16 living outside the district, I think that's clearly excessive. I think perhaps Senator Sykes correctly argued that there's no right to run for reelection because you are an incumbent. But there are public policy reasons to do that, especially the public policy reason that exists now. That usually doesn't exist, which is petitions were filed in February. People have raised and spent money in our campaigning. The public has been informed, there have been public meetings and door to door efforts and media purchase and all the things that go on in campaigning and to dislodge folks so that they can't run again, I think is a significant, also significant public policy issue. Again, I'm not arguing that's a constitutional issue, but it's something we should avoid. So there are senators, and I would point specifically to Senator Antonio under your map, who happens to be the assistant minority leader in the Senate, who will be unable to run in her district or be unable to run as she again, filed her petitions in February. I assume been campaigning and doing other things that folks. But there's no constitutional guarantees, so I'd ask that that be taken into account when considering the working version of the Senate map. A couple of other things that I just wanted to maybe ask. And if you were able to answer because I saw one version of a house map and I'm not sure which, I think that was also the 12:15 version that it looked like it had a population that was in excess of the five percent. I'm never really sure whether it's five percent qualifies or it has to be 5.01 percent do not qualify, you can tell me. But is it your your representation professional representation that the district maps? And again, I know we have working versions, but the district maps that you have now that you're working on and will propose will be between 95 percent, no more than no less than 95 percent, no more than one hundred and five percent.

**Dr. Doug Johnson** [00:09:18] Certainly, yes. OK. We. Yes, maybe technically. Exactly 5.0 percent would be OK, but we both been working on the four point ninety nine, it's as far as we want to go.

**Senate President Matt Huffman** [00:09:30] OK. And you also.

**Dr. Michael McDonald** [00:09:34] So. But it's the the magic number here is for equal populations plus or minus five thousand nine hundred and fifty nine people and all the districts that we're going to draw. And I think we caught that issue after we provide you with that map. So I think our working map should not currently have any districts outside of that allowed population deviation.

**Senate President Matt Huffman** [00:10:06] Well, I get asked my opinion, sometimes in my other job, and I say, Well, I think so. And usually my client says, Well, I don't want to tell them what you think. I want you to tell me what you know. So I guess, I need for you to get to. And if you can't right now, because you're still working 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.

**Dr. Doug Johnson** [00:10:35] One hundred percent (inaudible) improvement in the maps that the map we present for your consideration.

**Senate President Matt Huffman** [00:10:40] OK. 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.

**Dr. Doug Johnson** [00:10:55] Yes. Okay.

**Senate President Matt Huffman** [00:10:57] This is 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?

**Dr. Doug Johnson** [00:11:07] We have not run this in the version we sent you about an hour ago, but we have run since then run the the computer analysis of the contiguity and our current working methods on the the the key computer is completely contiguous.

**Senate President Matt Huffman** [00:11:23] OK. But that what you've done is a house map. It's not a Senate map, is that right?

**Dr. Doug Johnson** [00:11:30] Correct.

**Senate President Matt Huffman** [00:11:30] Because we don't have a Senate map since 12:15. Right. OK. Yeah, and the the requirement that no county or let me say this, it's not a requirement. It is where feasible. Interesting language. No county shall be split more than once. I guess since it's a where feasible doesn't, it doesn't mean it's not important. It's kind of like some of the other things, but it can. You comment generally on not splitting counties where feasible more than once?

**Dr. Doug Johnson** [00:12:09] Yes, I believe we have no counties that we have intentionally split more than once and Dr. McDonald into a visual review this morning just to confirm that. There is a computer report that we will run and that we can walk through to confirm yes or no on that. But that is certainly our belief is at this point that we have not. And our goal is to not, but we have not run the computer reports that make sure we have one spray census block or something like that.

**Senate President Matt Huffman** [00:12:37] OK. The additional requirement is that not more than one municipal corporation or township may be split per representative district. Is that also, I guess you think so, but we're waiting to run the final report?

**Dr. Doug Johnson** [00:12:55] Correct. Our intention has been to completely comply with that, and we believe at this point we have. But we have not done that, the kind of things to put too small to see with your eye or that we may have missed checks yet, but that is certainly something we plan to do.

**Senate President Matt Huffman** [00:13:12] Okay. That's all the questions I have right now Senator.

**Co-chair Senator Vernon Sykes** [00:13:18] Leader Russo

**House Minority Leader Allison Russo** [00:13:20] Thank you, co-chair. I would just like to ask the mapmakers, I mean, we are at. It seems to me we've got seven and a half hours, at least until midnight. I know I'm committed to staying here as long as it takes. You guys have made tremendous progress. It seems to me that you feel confident that you can continue to go through at least a couple of hours. Get us a map to consider. Am I incorrect in that assessment? We just need to give you the time to keep working. Correct?

**Dr. Doug Johnson** [00:13:54] We are plugging away as fast as we can, definitely. [inaudible]

**Co-chair Senator Vernon Sykes** [00:14:03] Any additional questions or comments at this time? Well, we want to make sure we give you the time that you need to come back. We need to move forward and we'll keep posted. Let's set a time, co-chair.

**Dr. Michael McDonald** [00:14:24] But I do have one more thing to add, per our agreement, that when I came on to do this work, I must leave at five o'clock to teach a class in person tomorrow on my campus. I'm contractually obligated to do so. And so Doug Johnson and I have discussed the major issues, and while I feel confident that we, we're down to issues that should not affect the constitutionality issues in terms of the proportionality and the symmetry. And so I feel confident that he should be able to complete whatever work needs to be done. And if there's an issue we can converse on by phone or video, I should arrive home late. So probably around 11:00 p.m. or so that I'll have access to a computer to to join in a Zoom.

**Dr. Doug Johnson** [00:15:32] If we need to. We can. When he lands, we can share screens. We will likely still be going at 11:00 p.m.

**Auditor of State Keith Faber** [00:15:44] Yes, I was going to say with that in mind, I do have some questions specifically that maybe both you need to chime into. One of the concerns I repeatedly ask is with regard to compactness. And specifically when you guys are making decisions and when we've been listening into your conversations, it appears and it was specifically said yesterday that compactness was a secondary concern to hitting the proportionality. And I think the term symmetry, although I know the symmetry, is a new addition from the court. It is not in the Constitution. It is, I think, part of their interpretation of what 6A requires. But from that perspective, can you tell me, do you believe that this map has drawn as compacted districts as you possibly could? All things being considered?

**Dr. Michael McDonald** [00:16:37] Is it as I mean, that's a loaded question, because there are infinite ways essentially of drawing redistricting plans and a finite amount of time. I'm certain that there is a map that would be more compact than what we're doing. Our intention is to respect compactness as much as we can with balancing the other goals. So we're not intentionally drawing the least compact plan possible. As we're doing this, we're trying as best as humanly possible and a finite amount of time to draw a plan that complies with all of the goals.

**Auditor of State Keith Faber** [00:17:14] So if you had a choice between drawing a proportional district or a compact district, did you air on the side of proportionality or compactness?

**Dr. Doug Johnson** [00:17:23] So we had many debates, those that have been listening in through all that have heard us debating exactly this question. And this is what we ended up doing was was bringing these questions to the commission yesterday. Some of the areas where we've really seen work and we have a disagreement opinions, I'll speak just for myself, where I had concerns about this, where the issues that we raised for the commission yesterday. And then we have a tentative indications of the direction we should continue following without an official sign off from the commission. But it is a trade off and I think we've laid out where we had those concerns. You saw you saw them yesterday and and we're proceeding for the sense of the commission yesterday, but.

**Dr. Michael McDonald** [00:18:07] Yeah, I mean, generally, I believe that we've drawn districts that are compact and complying with the other requirements and set forth in the Constitution and interpreted by the courts, so. So I think we're in good faith trying our best as we can to balance these competing goals. We're not trying to sacrifice compactness solely in our decision making.

**Auditor of State Keith Faber** [00:18:34] Another concern I have and that I've expressed is it looks like in each one of the urban core center areas, you guys have adopted what has sometimes become the hub and spoke model where you take the hub and then you take the urban core center and you divide it out and spokes through the tap through the suburbs to create Democrat districts. I know you're going to say you did that largely for proportionality. Am I hearing you correctly that in almost no circumstances in the urban core center did you try and maximize the number of districts that were wholly contained within those city boundaries? Let me put it another way, simpler way. You didn't minimize splits within city boundaries, particularly in the urban seven when you were drawing districts?

**Dr. Doug Johnson** [00:19:25] So the one piece of good news I will note is in the work we did today, I think it's in the 12:15 files that you have down in Montgomery County, where there was a very funny looking district, that district now the compactness of that district is greatly improved. It does still, however, divide up the the large city. Yeah, I think. The impression is, is that. A proportionality goals. And we just have not had any time to go back and see if there was some way to still achieve that proportionality while taking one or two splits out of a given city. But we have not seen that opportunity. We would have

**Dr. Michael McDonald** [00:20:13] to. There's another dynamic that happens here as I become more appreciative of, which is that the largest city usually is the place you're going to split because you can only have one district, cross one jurisdictional boundary and split it with another district. And so as you're piecing together the and the smaller pieces within a county that can fit together and districts, you kind of run out and then at the end, you

have this large piece that's left over. And and so to try to balance the populations by taking two of the smaller localities and try and only go across the county splits there, it may be possible again. You know, there are like we can't explore everything in a limited amount of time, but it's often just the obvious solution is to take the largest jurisdiction and split it up because usually these and you're talking about the largest cities in the state. They're so large and they're so sprawling that they're you have to cross their boundaries at some point and so that they're just kind of naturally the place that you look to to do these splits because it's the puzzle pieces don't fit together very well to do them by trying to keep the smaller cities whole generally.

[00:21:44] I go back and reiterate the question, and I'll just pick one example I could go to Dayton as well because we spent a lot of time talking about that. But Dayton's population is do you remember what the city population of Dayton is?

**Dr. Doug Johnson** [00:21:59] No, I think it's larger than a ratio. I know that.

**Auditor of State Keith Faber** [00:22:03] Yeah, it's larger than one ratio, it's about three ratios, isn't it? Give or take. I may be a little off.

**Dr. Doug Johnson** [00:22:13] I don't know. Yes.

**Auditor of State Keith Faber** [00:22:14] But yet you have four districts coming in and out of the city a date. And again, it looks like a hub and hub and spoke, and generally when people talk about packing cracking, that would sometimes be called cracking a population to try and divide those voters across multiple districts to reach an achieved result. And I'm not I'm not implying motive or ill will. I'm just saying that's a reality, what you're doing.

**Dr. Doug Johnson** [00:22:50] Yes, I mean, I would agree with it.

**Auditor of State Keith Faber** [00:22:52] I'll go and talk of Toledo, and that's an area that I ask you specifically about when we are in together today in Toledo. The population's roughly two and a half districts give or take. You draw no district solely contained within the city of Toledo, and instead you run districts across multiple jurisdictions for the purposes of diluting the city of Toledo vote across multiple districts to create more Democrat districts in that area. This is the first map that we've been presented, and in all the maps we've seen and considered that effectively has no Republican districts inside Lucas County. That's an interesting outcome, but it's done by essentially moving urban voters into suburban areas. Am I correct on my assessment as to what happened here to achieve this outcome?

**Dr. Doug Johnson** [00:23:46] And I would disagree with the part about the purpose being to dilute their voting strength. I think your description of the result of what happens is not inaccurate, but the we weren't making choices that intentionally to dilute the Toledo vote, we were. That was the dynamics that play in when we're following their constitutional requirements and the court order.

**Auditor of State Keith Faber** [00:24:10] Again but you're leaning largely on section six, be the proportionality to get around the Section two, three, four or five and seven provisions that talk about not splitting cities unnecessarily. And in this case, you are frankly splitting the city of Toledo, three ways when you could have two wholly contained districts, and I think the rules say if you're wholly contained, it doesn't count as a split within the city of Toledo. I can go to Columbus. How many wholly contained districts are in the Franklin

County, Columbus that are wholly contained within the city of Columbus in your map? That have no other, that have only city of Columbus, people in them.

**Dr. Michael McDonald** [00:25:02] So there would be zero that hasn't solely Columbus.

**Auditor of State Keith Faber** [00:25:08] I think that's right out of out of nearly a million people, you couldn't draw a single state rep district that includes only the people city of Columbus. I could go to Cleveland and talk about the same experience there may be, I think you did one one in Cleveland. I haven't gone through the border, but in Cleveland you got one that solely contained within the city of Cleveland.

**Dr. Michael McDonald** [00:25:29] And again, for you know, your other concern about compactness, we have a district that is mostly Columbus, but has Grandview Heights in it has an entirely contained locality that's within the city of Columbus and adjacent to it, so it's on to not do that split would create a very non district there. So when you to balance multiple goals here.

**Auditor of State Keith Faber** [00:26:05] I'll give you that one. But there are other is that you could have put a wholly within 120,000 people inside the city of Columbus. But again, I understand what you're doing. You're airing to try and hit this magical mystery ratio. The city of Cleveland, you did one, Summit County, I don't think Akron has a single, wholly contained district within the city of Akron, either. I'm looking it's tough for me to tell, but there may be one in Akron. I could be wrong. Which is another interesting decision. How about Senate districts, I haven't seen the Senate pairing map, I'm waiting for the Senate paring map. Have you done in any of these urban core cities and wholly contained state Senate district? Well, the obviously answer is you'd you probably didn't if you didn't do wholly contain state rep districts.

**Dr. Doug Johnson** [00:26:55] Right. Mathematically, that would be the case, yeah. Well, yeah, that's correct.

**Auditor of State Keith Faber** [00:27:01] But let me switch gears with one other point, and I raised this issue yesterday when I went through and talked about the percentage of districts, Republican districts that were above 60 percent in percentage of Democrat districts that were above 60 percent. I haven't had the chance to do the calculations because I haven't got the splits and the spreadsheets on these new districts. But yesterday, when I did the math and assuming not much has changed based on how red this map is and how blue the map is in different spots, roughly 80 percent of the state rep districts had a voting population of Republican, more than 60 percent. By contrast, the percentage of Democrat state rep districts that had a voting population in excess of 60 percent was in the twenty five or twenty percent ratio or less. So what it looks like is that you're heavily concentrating Republicans in Republican districts and. Increase -- or lowering your percentage of concentration of Democrats in Democrat districts. Is that effectively what we're doing here?

**Dr. Doug Johnson** [00:28:11] I think with [inaudible] if you disagree with this, but I think that is the result of. Following the proportionality, essentially the six B is the Constitution as interpreted by the court?

**Auditor of State Keith Faber** [00:28:25] Isn't that the classic definition packing and cracking?

**Dr. Michael McDonald** [00:28:30] Just to be clear, I mean, a while you're on the cities. Many of the neighboring cities in these large jurisdictions are also heavily democratic. And I'm just looking at our Columbus map because you'd ask the question about to be entirely contained Columbus and again, county, the city goes all over the place, and there's just little pits that we're picking up in some of the places. But we've got in the central urban core of Columbus. We've got three districts that are democratic indexes of eighty one point nine, eighty two percent, 81 percent and 72 percent. So I mean, they're heavily packed on.

**Auditor of State Keith Faber** [00:29:14] Again, I don't have the sheets to do the analysis, and we'll certainly do that, maybe it got better in this version than what you had yesterday. But I go back and say, when you've got 80 percent of Republican districts, over 60 percent and you've only got 25, 30 percent at most of Democrat districts over that ratio, you have a few. And that's going to be the nature again in the Safe said, for now, over a year and a half where Ohioans tend to live around people who think and vote. Like them. And that's what you see when you see the concentration of a blue districts in the in the urban core cities and the bright red districts and a lot of other places. That's just a geographic fact of Ohio. And if you're going to draw districts with a precedence that we heard and I heard testimony. For over 80 hours from people talking about us not wanting to split cities, counties and townships, if you're not going to split cities, counties and townships, and frankly, I've got plenty of testimony that I can quote back to you. It's going to be real tough, real tough to hit some magical ratio. And that's what I go back to talking about decisions that you guys have made during this process. And as we've listened in to your testimony and listening to your process at every single time, what I've heard you say and what you've done is err on the side of creating Democrat districts. And the reality is that that's where we're at with this map.

**clerk** [00:30:48] Mr co-chair.

**Dr. Doug Johnson** [00:30:48] There have been a couple of occasions where we have actually created Republican districts. The it's all in the context of the proportionality rule in this image, as with the symmetry definition, is as provided by the court. So it's certainly not universal. It's just it's the reality, as you know, it's the the distribution of the voters in the state. In order to hit that magic number, it involves a lot more work to draw those Democratic seats needed to hit that number? But it hasn't been universally one way or the other. But yes, given the voters, that is the most common challenge we face when we're at that number.

**Auditor of State Keith Faber** [00:31:34] Thank you.

**Auditor of State Keith Faber** [00:31:34] Thank you. Leader Russo,

**House Minority Leader Allison Russo** [00:31:37] Thank you, Mr. Co-Chair. I just would like to reiterate that the Ohio Constitution does not require that entire cities be contained within a district that is not a requirement in the Constitution. And in fact, do I'm sorry within a city, excuse me, within a city? And in fact, I think if you attempted to do that, you would violate other requirements of the Constitution, specifically 6A and 6B. And what the court has ordered. So you have to do all of those things on balance in the whole compactness does not outweigh section 6C not outweigh a and B. And if you can meet the other technical requirements and meet six, A, B and C, then you should do it. That is what the Constitution requires. It is what the court has clearly laid out. So I you are map makers who have expertise in this, and I assume that you are able to assess this by looking at those requirements, looking at those odd city boundaries. And I'll take the city of



Columbus. And I'll say this over and over at the city of Columbus is large and sprawling. It is nine contiguous. You are going to get funny shapes and you are going to get pieces of Columbus and every single house district within Franklin County. There hasn't been a single map produced by anyone, Republican or Democrat that has not done that. So I just want to reiterate that point.

**Co-chair Senator Vernon Sykes** [00:33:08] Also, I'd like to say that the people of the state of, you know, have given us a directive and some direction in how we draw lines, the decisions that we make and the determination is that it is considered gerrymandering if you don't meet certain goals and objectives. It's the other way around is not that this is partisan gerrymandering, this is to promote what the voters have voted on as the criteria to make sure we're not gerrymandered.

**Co-chair House Speaker Bob Cupp** [00:33:47] Mr. Co-chair, thank you. I want to have some of the same concerns that were were raised earlier, and I don't know whether the Hamilton County House incumbents have been decoupled or not, but I think at least in the draft map and I haven't been able to see the new map, the data came late and we're not able to get it reproduced. But the Republican vote in Hamilton County is over 48 percent, and at the time there was only one Republican district and two incumbents paired. And at least I'm advised that although six of the other districts were were Democrat leaning, and that didn't go through the number of counties and do that. And so is there. Is there an explanation of why that is that in these these larger counties where there is a substantial Republican vote? Yet when it comes to making House districts, there is one or two or sometimes none districts that are Republican leaning in those areas. So just throw that out to you for. If you can help me understand that,

**Dr. Doug Johnson** [00:35:20] Yes, there there is very few options under the proportionality and symmetry rules for how to meet those goals. It really forces in almost every case, as I noted before, it's not universal, but in almost every case where you can draw a democratic leaning or a safely Democratic seat within the community, county and township and city rules be almost universally have to draw that in order to hit the proportionality and symmetry numbers. As I said, it's not universal. There are one or two or maybe three spots where you can you can give on that and still hit the proportionality numbers. But there are very few of those spots where we have those options to choose between how we configure it related to the to what might be the more general community of interest versus following the specific township, city, village and county lines while still hitting that, as has been referred to the magic number and the cemetery requirements.

**Co-chair House Speaker Bob Cupp** [00:36:32] And that apparently gets repeated all throughout the state of Ohio and in the larger, larger counties. But let me move to another area and that is and I'm not sure or if you want to respond, it's fine.

**Dr. Michael McDonald** [00:36:49] I'm just saying I'm going to have to leave and go to the airport to catch my flight, but I apologize on that because I know this is a very important hearing, so I'm just trying to make you aware of that.

**Co-chair House Speaker Bob Cupp** [00:37:06] All right. I know that you've been working on the asymmetry issue and that is the number of House seats that are between 50, 48 and 52 percent. And well, I haven't had time to really look at this in depth. I'm advised that while you may have made some progress there, the actual, is the question or issue is whether that has actually been pushed out a bit and you still have the asymmetry so that the number of Democrat leaning districts that lean from 52 to 54 percent has increased

dramatically in order to do the ones inside the 48 52 percent. And the court did talk about that also in its last opinion and whether or not this actually is a. In doing that, also sacrifice that compactness. So, I don't know if you have any comment on that or that's something you want to take a look at or um.

**Dr. Michael McDonald** [00:38:27] I would just say that I have attempted to raise that issue at prior meetings that we've been at and our direction that we had from the commission was to look at that 48 to 52 percent range. And so that's what we've been concentrating on when drawing our districts.

**Dr. Doug Johnson** [00:38:49] I would add to that this is part of the natural result of of complying with symmetry in the way we get to the symmetry was number one, obviously bringing a few Republican seats into that 40 to two range. And then once there really weren't many more options for that. Pushing Democratic seats that were in the range out of it to achieve symmetry is as described by the court. Now, any time you're doing that, you're going to push them just over the line most of the time. We did, especially early on, have a real desire to have symmetry across the board. But at some point there's going to be a line. And given that the natural results of the other rules would have meant it makes it difficult to reach the democratic magic number you're going to -- whatever, wherever you draw that line, you're going to end up with a number of Democratic districts just over the line as we as we attempt to achieve the symmetry and proportionality requirements.

**Co-chair House Speaker Bob Cupp** [00:39:51] Mr. Co-Chair,

**Co-chair Senator Vernon Sykes** [00:39:52] yes,.

**Co-chair House Speaker Bob Cupp** [00:39:52] I'll move on to something else here, and I know the map is still being tweaked, but I would for some reason I have an interest in Allen County. And I noticed in drawing Allen County instead of following the historical pattern, which has been over decades of sort of linking Allen County and Auglaize together. It has moved into Hardin County in order to pick up the extra population. And I don't know if, if, if, if there was a rationale for that or is that just a choice that can be be tweaked?

**Dr. Michael McDonald** [00:40:32] That's one of the areas that we've redrawn to accommodate incumbent interests, so the map that you have would be likely out of date.

**Dr. Doug Johnson** [00:40:42] It was

**Co-chair House Speaker Bob Cupp** [00:40:43] Very good. I know this is kind of a still of a moving thing, which is part of a difficulty that we're having and you're having in terms of it being moving. And it's hard to be able to get a handle on some of these things, particularly because of the extraordinarily short time that the Supreme Court thought all this could be done if they really thought about it. So thank you.

**Co-chair House Speaker Bob Cupp** [00:41:08] One point I would like to make is that the -- we have benefited from the experience of our staffs, particularly our map drawers, and there have been always some Republican, Democratic staff have been in a meeting in the room all the time. But this afternoon, we didn't have the Republican map drawer, and I think with this crucial time this left, I would suggest that to continue to have bipartisan input and observation that we have a actually have a Republican mapdrawer in the room too as well to assist us in finalizing things.

**Co-chair House Speaker Bob Cupp** [00:41:51] Well, sometimes health concerns get in the way of things we want to do.

**Co-chair Senator Vernon Sykes** [00:41:55] So just making a suggestion.

**Co-chair House Speaker Bob Cupp** [00:41:59] I got you , but it may not be possible.

**Co-chair Senator Vernon Sykes** [00:42:02] Yes.

**Senate President Matt Huffman** [00:42:03] Yeah, I have. I I don't know if Mr. McDonald needs to leave. I have a few questions here. If you need to leave, that's fine.

**Dr. Michael McDonald** [00:42:12] You need to wait. So I do deeply apologize for that. And I'd be happy to speak with you via phone if you have questions, further questions for me.

**Senate President Matt Huffman** [00:42:24] All right.

**Dr. Michael McDonald** [00:42:24] So I apologize. And I do appreciate I do appreciate all the work of the staff here. I know we've argued sometimes, we're actually friends, so you know. And so I appreciate the work that Doug has done and I certainly appreciate the hard task that you, the commissioners have been given. And I know I wish we could accomplish everything, but unfortunately we're given a limited amount of time. And and so we are where we are, and hopefully it'll be a product that the you will find acceptable and the court will find acceptable.

**Co-chair Senator Vernon Sykes** [00:43:01] Thank you very much for your service, and we'll be in touch.

**Senate President Matt Huffman** [00:43:06] Thank you. Mr. co-chair.

**Co-chair Senator Vernon Sykes** [00:43:17] Yes.

**Senate President Matt Huffman** [00:43:18] If I could. Yes, yes. And I just. Mr. DeRossi is not doing well. And I asked him kind of had to make him leave last night. And he is. He's at the BWC building, is able to work on computer maps and things like that. But he's wearing a mask and I don't.

**Co-chair Senator Vernon Sykes** [00:43:41] Is he ok?

**Senate President Matt Huffman** [00:43:41] Will not well. Well, in my view, he's not OK, but he's also seems to be superhuman when, at budget time and drawing map time, he sleeps about three hours a night, so he's not going to be able to be in the room. And that's that's not a good idea. But Mr. Springhetti is around. And so. And I just Auditor Faber indicated his staffer was there most of the day also. So I don't. I was down there to ask for some specific things and talk about this section five thing. So I don't know who has been in and out, but I just I want to make that clear that this isn't a situation where we're not fully participating, in fact. And I think that we are. I did want to talk a little bit about our timing. Leader russo brought up the and so the court order requires that we have this final product to the Secretary of State today, March 28th, which, if we want to give ourselves a little leeway, means 11:30. In case something happens, someone trips going up the stairs or whatever it may be. There are a series of things that need to be done by the commission, by their staff. In order to send it to the secretary of state once we have adopted a map and

I'm just going to run through those real quick, we have to do a block assignment file for house districts, which includes an Excel spreadsheet, block assignment files for Senate districts, an Excel spreadsheet. Statewide House district map. Statewide Senate district map. District statistics and Senate assignments or groupings. That's that Section five business we talked about, and finally shape files for House and Senate districts. I am told that that takes our staff once the commission says we have a map that takes about an hour to prepare all of that. So our goal is to get it to the secretary of state by 11:30. We have to pass in that by 10:30. Now, and I'm perfectly willing to work till 10:30 or 12 or 1:00 or whatever, but we're not going to comply with the court's order. If if we're working here at one o'clock in the morning, that's past. And obviously the court is serious about the deadline. And you know, everyone else is, of course, waiting for us to get the work done. I just wanted to comment. So as of five o'clock today, well before I do that, I just want to say I think that Mr. McDonald and Mr. Johnson have done extraordinary work in five days, as have the staff and frankly, as has the commission in multiple meetings, not only these meetings, but phone conversations back and forth. And I particularly the co-chairs with all of the process and all of that. So that's been extraordinary. Perhaps the map, the commission mapmakers would not have been as readily able to sign on if they knew the fact that Ohio has one of the most complex political geographies in the country, even if we're only the thirty fifth largest state and we have the most, I think I've been told the most complex redistricting rules of of any state. That's why these things take longer than five days. One of you remarked in the last few days, if we simply would have been able to take the Republican version in the Senate version or Democratic version and merge those, we could have gone off to a better start. But the of course, the court required that there be an entirely new map started so that that made it difficult. So you're taking a process that the under the Constitution typically would take seven to eight to 10 weeks in trying to do that in five days. And I think that's a nearly impossible feat. Well as of five o'clock, we do not have a Senate map to consider. And you're nodding. Mr. Johnson, I want to make sure I got that right. As of five o'clock, we cannot confirm that we have a constitutional house map with maybe five hours or so to go in our process. One of the staffers pointed out to me that Knox County, which is a small county of about 60,000 people, is actually split in three ways. I don't think any of maps submitted by the public or any of the commission members did that. You know, we have the where feasible language. No county should be split more than once and why small counties split three times. There's probably a reason and all the machinations. So given that I also want to say, obviously, the court is very, very serious about getting these maps, getting a map to them on time. And I'm concerned based on on the description of the process that that's going to happen. So I think we need a failsafe. I think we need something else for the commission to be able to vote on. And so I'm going to move Mr. Co-Chair that the Commission mapmakers be directed to work individually or jointly. It may be individually at this point since Mr. McDonald isn't on staff but work individually or jointly with the staff of all the commissioners who choose to participate to draft constitutional changes to the map passed by the Commission on February 24th. Such such changes shall be done in a manner to make the February 24th map plan more closely comport with the decisions of the Supreme Court. We don't want you to stop working on this, but we have to have a product to vote on and further, my motion will say the changes shall be given to this commission by 7:00 p.m. tonight for review and we want to be able to review it. Debated it, vote on it. And that's my motion, Mr. Co-Chair.

**House Minority Leader Allison Russo** [00:50:08] Objection.

**Co-chair House Speaker Bob Cupp** [00:50:12] I'll second it.

**Co-chair Senator Vernon Sykes** [00:50:16] Discussion. First, I'll start out with that is ridiculous. Yeah, all the time, money and resources we've put into coming up with a constitutional map. We have independent mapmakers. Each of them have drawn separate and apart constitutional maps that comply with the court order. They've put together a unified map that just need edits that we can make in this time period to comply with the requirements. To distract us, the staff and the independent map drawer to divert to some other tasks is ridiculous, contrary to the directive, contrary to the spirit and the direction of the court. Other comments.

**House Minority Leader Allison Russo** [00:51:35] Mr Co-chair.

**Co-chair Senator Vernon Sykes** [00:51:35] Leader Russo,

**House Minority Leader Allison Russo** [00:51:37] Thank you, Mr Co-Chair, I strongly object to this. I mean, this is a classic. Keep a map in the can and bring it out at the last minute. This is so disingenuous of members of this commission to even suggest that this would be the the process that we would use moving forward. The court has ordered us to create a map as a commission starting from scratch, and that is what we have done, and we have brought in these outside independent app makers who has spent an enormous amount of time, we as a commission and our staff to totally undercut that at this point, no one is, I think, again, a slap in the face to Ohio voters and completely disregarding the court order. And I will tell you that we can work as long as we need to. The court would much rather us work and finish this job than to again submit another unconstitutional map that is not drawn by the entire commission and or submit nothing. So I would encourage that we let our map maker and that makers and our staff continue working. This is an achievable thing that can be done. If you're telling me that you suddenly can whip up a map and make changes by seven o'clock, certainly these map makers can get done what they need to do before we need to meet at 10:30, if we need to be it later than that than we should, if we even have to go past midnight. I bet the court will be OK if we are a few hours late as long as we get this job done. Otherwise, we will be in contempt again or possibly held in contempt of not following the court's order.

**Senate President Matt Huffman** [00:53:21] Mr. co-chair.

**Co-chair Senator Vernon Sykes** [00:53:22] Secretary LaRose

**Secretary of State Frank LaRose** [00:53:25] Yeah, just a practical consideration, and I think going back to last year even reminded all of us continuously about the logistics of elections administration and some of the timelines we operate under. I think it's clear to all involved that have been following this process. At this point, any map passed by this commission is not possible to put on a May 3rd ballot. The time has already passed for that to be accomplished. And so depending on what the desire is of the General Assembly as it relates to election dates, or potentially if the federal court changed it, I suppose would be an option as well. But whatever was passed from this commission, the fewer changes that are made, the more likely it is that we can implement them sooner. And so it's just something to think about. If there are, if there is a desire to look at the February 24th map and modify off of that, the fewer changes made would be the sooner that we could implement it as far as reprogramming voter registration systems at County Board of Elections and that kind of thing.

**House Minority Leader Allison Russo** [00:54:34] Mr. Co-Chair.

**Co-chair Senator Vernon Sykes** [00:54:34] Yes.

**House Minority Leader Allison Russo** [00:54:34] I will note again that in previous decisions by the court, this commission has been criticized for starting with the false premise of starting from an unconstitutional map, which is what two of my fellow commissioners are now asking that this commission do. The court has specifically, I think it was in the second decision, has specifically said that that is a faulty promise to start from an unconstitutional map. So again, here we are again, time number four, starting from an unconstitutional map. If this is the route that we go this evening, I also believe that in our commission rules that we establish in the beginning of this process that this commission does not agree we should go to mediation. And so I would like for us not to vote on this motion until we go to mediation, and we should allow our mapmaker to continue his work.

**Senate President Matt Huffman** [00:55:36] Mr. co-chair?

**Co-chair Senator Vernon Sykes** [00:55:36] Yes.

**Senate President Matt Huffman** [00:55:36] Yeah. Just a couple responses first. Your statement that these matchmakers have come up with a constitutional map and then they put them together. Well, I I don't know that that's true and I'm not sure how you know it's true because we never saw that. These map makers again doing a tremendous job in a very short period of time that was dictated by the court have not produced a Senate map and are not able to confirm that they have provided a constitutional House map. And if the. And what I'm simply saying is we have a deadline today, it may be that Leader Russo knows what the Supreme Court is thinking. But the order says today is the day and we know the court means that today is the day and that we have to do it by today. So I mean, that's simply what the order is. If somehow some way the map maker is able to produce a constitutional map. That four members of the commission will support, and that is all done by 10:30, then maybe. But it doesn't appear that that's going to happen. So we have to have something that we can provide to the court today. And I'm suggesting that this is drafting that is going to take place in public, in the room. Mr. Johnson can continue to work on the things that he is working on. He can give suggestions back and forth, and it'll all be very transparent right there, right there in the room. So we're not going to be able to, you know, if we if we sit here till 10:30 tonight and say, well, we don't have a map, then what do we do? Well, we violated the court's order. So I think and I appreciate Leader Russo's comments about mediation. And you know, this was originally her idea and we did try to mediate it. Originally wanted to talk about the incumbent issue on Saturday and that leaked into yesterday. Some of the other issues that were sent to mediation we never even talked about. I'm not sure why, but frankly, taking time away from trying to make decisions in the next few hours is not really what I don't think it's it's going to be productive in trying to get to a map tonight, which is what we're ordered to do.

**Co-chair Senator Vernon Sykes** [00:58:26] It seems to be no end to the arrogance of the super majority. Any other comment. Yes. We'll take a 10 minute recess.

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**Co-chair Senator Vernon Sykes** [00:00:02] We have a motion on the floor. Is there any further discussion and questions about the motion.

**House Minority Leader Allison Russo** [00:00:14] Mr. Co-Chair.

**Co-chair Senator Vernon Sykes** [00:00:15] Leader Russo. I would just like to say one thing that in talking with our legal counsel, it is clear that the Supreme Court cannot hold us in contempt at two o'clock, one o'clock in the morning. So I again reiterate that we should continue to have our independent matchmaker who is working for the commission and move forward in creating a map that we can consider as a commission instead of going to the alternative that has been proposed by Senator Huffman.

**Senate President Matt Huffman** [00:00:52] Mr. Co-chair.

**Co-chair Senator Vernon Sykes** [00:00:52] Yes.

**Senate President Matt Huffman** [00:00:53] Yeah. To make it clear, the motion includes moving forward, the Independent or the commission's map maker continuing to work on this very complex problem as I described at the moment, no Senate map has been produced and no confirmation of a constitutional House map Move forward. If that, if they can, the caucus map makers, won't be. Mr. DeRossi, unfortunately, can suggest it changes to the so. So I think we can do these both of these paths. And I don't know when the Supreme Court would hold it in contempt. It's not going to be right after midnight, but at some point in the future, if we don't produce a map tonight, potentially at least there was a there was a suggestion of that. We never got that far with it. So I think the longer we sit here and debate about it, the harder it is to get anything done in the next few hours.

**Co-chair Senator Vernon Sykes** [00:01:53] One consideration, hopefully a friendly amendment if we allow the independent map drawer to continue to work. We had indicated that we needed both of them in the room at the same time. So that would be acceptable, consider it a friendly amendment.

**Senate President Matt Huffman** [00:02:10] Yeah, I think Mr. Co-Chair and I appreciate the friendly amendment that that's the expected. These folks are all going to be working feverishly over the next few hours and there has to be a product for the commission to to vote out today. And that's why I've suggested this path.

**Co-chair Senator Vernon Sykes** [00:02:29] Another suggested friendly amendment is that the commission would ask the Attorney General's Office to actually make a request to the Supreme Court for an extension of time of one day.

**Senate President Matt Huffman** [00:02:42] Well, Mr. Co-chair, that's not part of my amendment. One if if someone wants to ask the Attorney General, we can debate that as a separate question, that's not part of my amendment. And you may recall that the Supreme Court specifically stated in their last order, there will be no extensions. And so again, I'm trying to deal with a problem that frankly, is not the creation of anyone in this room and maybe not any any individual or group of individuals in particular is under the circumstances. We need some sort of safety valve here. And, you know, if we're not going to land the plane as it's said, it would be nice to have a parachute. And that's that's what the motion is intended to do. If you want to make that motion and debate separately, I

don't think it's specifically said that the Supreme Court has said no extensions. It has to be done today.

**Co-chair Senator Vernon Sykes** [00:03:47] Secretary LaRose,

**Secretary of State Frank LaRose** [00:03:50] Appreciate it, President, President Huffman aviation reference, because I was thinking along the same lines here that, you know, it's only prudent to have a backup plan in place and we have a looming deadline tonight. I'll be voting in favor of the president's motion here because I think that what we should continue pursuing this track of the independent mapmaker and that would be the plan A in my mind, it would be unwise of us to not be prepared with a Plan B and therefore find ourselves at risk of being in violation of the court's order after midnight tonight.

**Co-chair Senator Vernon Sykes** [00:04:25] Mr. Co-chair.

[00:04:26] Yes,

**Speaker 5** [00:04:27] I have pulled up the opinion from the court and paragraph 47. It says specifically, no request for stipulation for extension of time shall be filed, and the clerk of this court shall refuse to file any requests or stipulations for extension of time. I think that's pretty clear.

**Co-chair Senator Vernon Sykes** [00:04:48] Are there any additional additional comments or questions Leader Russo.

**House Minority Leader Allison Russo** [00:04:59] Mr. Co-chair, I would just like to again re-emphasize that I have full confidence that our independent mapmaker will be able to complete this task by midnight. So I would like to reiterate that that I have full confidence that that is possible.

**Co-chair Senator Vernon Sykes** [00:05:21] Auditor Faber,

**Auditor of State Keith Faber** [00:05:22] yeah, sticking with our aviation examples, I hope we don't run out of gas as as we approach a runway. And so for that reason, I am all for having an alternative parachute if necessary. But I would just reiterate this is supposed to be a map that we draw. And so far, other than looking at various things, I still haven't seen a final version that I can draft amendments to for on the on the map drawers product. We haven't seen a Senate map, and there are certainly going to be some suggestions of things that I would think that we may want to amend as we go forward. And I just will reiterate that my staff has been working in and out of the room all day, all week with the map drawers to try and find areas that we can make of compromise and concessions to address some of the issues. But it continues to be a we haven't seen it, so it's tough to tough to move past it.

**Senate President Matt Huffman** [00:06:33] Mr. Co-Chair Yeah, I would also ask that the Democratic mapmaker, the caucus map maker or the staff and this actually goes for the staff of everyone else. Get your suggestions together. It may be that the changes to the third map and again, only changes that will allow the motion said this, if it comes to this, will more closely comport or get closer to what the Supreme Court wants. So hopefully everyone will, will and perhaps they can get together and talk about it among themselves. And you know, it is possible to Russo said that our map maker will be able to solve. All of



these problems in the next three or four hours. But it's it we, as I said, there should be a safety valve of some kind.

**Co-chair Senator Vernon Sykes** [00:07:32] All right. Will the staff please call the roll

**Clerk** [00:07:39] Co-Chair Speaker Cupp.

**Co-chair House Speaker Bob Cupp** [00:07:40] Yes.

**Clerk** [00:07:40] Co-chair Senator Sykes.

**Co-chair Senator Vernon Sykes** [00:07:42] No.

**Clerk** [00:07:42] Governor DeWine.

**Governor Mike DeWine** [00:07:44] Yes.

**Clerk** [00:07:45] Auditor Faber.

**Auditor of State Keith Faber** [00:07:45] Yes.

**Clerk** [00:07:46] President Huffman.

**Senate President Matt Huffman** [00:07:47] Yes.

**Clerk** [00:07:47] Secretary LaRose.

**Secretary of State Frank LaRose** [00:07:48] Yes.

**Clerk** [00:07:49] Leader Russo.

**House Minority Leader Allison Russo** [00:07:50] No.

**Clerk** [00:07:52] Mr. Co-Chair, 5-2.

**Co-chair Senator Vernon Sykes** [00:07:54] The motion is approved and so ordered. Why don't we take a recess for for just an update at nine o'clock. An update at 9.

**Co-chair House Speaker Bob Cupp** [00:08:06] Return at 9 for an update?

**Co-chair Senator Vernon Sykes** [00:08:07] Rreturn at 9 for an update.

## Ohio Redistricting Commission - 3-28-2022 part 4

**Co-chair Senator Vernon Sykes** [00:00:02] Call the commission, the Ohio Redistricting Commission meeting to order. First Order of business is an update from our independent map drawer.

**Dr. Doug Johnson** [00:00:19] Are we ready?

**Co-chair Senator Vernon Sykes** [00:00:20] Yes.

**Dr. Doug Johnson** [00:00:22] So co-chairs members of the commission, as you've hopefully seen throughout an hour, I guess about two 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 about 20 minutes ago, we hit the expected roadblocks and jump 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 together a full Senate map to show you. But we are making progress as fast as humanly possible and effort to get this done this evening. But so we do have a house map. It will need some changes, mostly in the northwest. We believe, well, we know there are some changes in the northwest. Dr. McDonald is gone, so I guess I don't have to keep saying we I believe the that's the primary area that needs to be redrawn on the house side. But but I haven't finished the map, so I can never say for sure. And just an update. I have been talking to Dr. McDonald on the phone twice already, actually, and in about an hour and a half, you'll land and so I can check in with him again. So he's still staying in touch. But but we're making progress, unfortunately, do not have a map, a Senate map to show you at this time.

**Co-chair Senator Vernon Sykes** [00:02:03] What is your estimated time for the Senate map?

**Dr. Doug Johnson** [00:02:09] You know, if we can make these House changes and then make and then the Senate map proceeds as we think it will where we don't run into any more roadblocks. I would say forty five minutes or so optimistically, but it's very hard to predict. 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 they're related. It's just hard to say, but hopefully if things fall into place, it's forty five minutes or an hour.

**Co-chair Senator Vernon Sykes** [00:03:02] Are there any questions? Senator Huffman.

**Senate President Matt Huffman** [00:03:09] Thank you, co-chair Sykes, could you describe the issues in northwest Ohio? We heard that 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. A eight o'clock map. Exactly. Yes. And could you describe the changes in northwest Ohio that need to be made?

**Dr. Doug Johnson** [00:03:33] Sure. The northwest, the state kind of gets divided, I think in the is getting divided by a diagonal line from 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. And so the hope is that then when we apply the rules to the northwest and to the southeast, the two will end up linking up properly. But what can happen and what did happen is that the common, the combining of the House seats

together create walls. And if something links Richland to Delaware, you know, if Morrow gets locked in and there's only one path from the northwest to the south, to the southeast, and then when when I guess it was Clark got locked in as he were preparing the House seat under the under their constitutional rules about counties that were one House seat counties or one plus House seats. Eventually, the Northwest got locked into where there were two House seats that were all alone and nothing with nothing to connect to. And so then we have to go back to the house maps and remove those blocks so that they would go back to the Senate maps and get through those two corridors.

**Senate President Matt Huffman** [00:04:58] OK. Our one of our folks reviewed the eight o'clock map and found some other constitutional infirmities included, including the and I could describe him if we need to. But there's there's in this, of course, is the house map. We don't have a Senate map at the moment. The Cleveland Heights in Cleveland are both split in the same house district, and that's significant because we've had this problem before in the last several months doing it, because when you fix that by taking one out, it's going to cause a district to be more than five percent under the population requirement, which. And when you do that, it has rippling effects throughout the rest of that northeast area. And again, there are some others splits. So I guess. Did you not catch that or did not because you only mentioned the northwest?

**Dr. Doug Johnson** [00:06:08] Right, so correct that the reference to Northwest was where the attempt to draw a Senate map from the House maps ran into what we call what I call a brick wall. We can't solve it. You have to go back to the house map to fix it. We have there are reports we can run and the computer too to look for all the city splits and city pairings that we can then go through and just verify and catch things like what you describe and those reports in those reviews take time. And so we've been trying to race through and get a map. That is ready for us to run those reports. If your team have has those lists, we can certainly try to address them or put them in a list that we would address at the end. But yes, that is that is one of the steps. And I'm not to that step yet.

**Senate President Matt Huffman** [00:07:01] So is it fair to say that with the northwest changes to deal with the brick wall that you ran into, and at least with this change, there's there's some other ones which I think probably can be solved. I don't know. We you first have to draw a new house map and then go back to the Senate map so that you can see that you're going to have a House map, I guess. Or at least that's kind of the way that you're approaching this.

**Dr. Doug Johnson** [00:07:31] Well, now we're at the stage of jumping now. I keep saying, we have it now, I'm at the stage of jumping back and forth between the two maps. So when we're not in the process of needing to start back from scratch and build a new Senate map from scratch to address issues like that, almost all those that we run into over the last, I believe it's been almost a week now we can resolve regionally. And so they don't disrupt the whole map, but we never know, of course, until we fix them. But but that, like Cleveland, Cleveland Heights should be able to fix just with some regional intra regional edits that would not impact a Senate map.

**Senate President Matt Huffman** [00:08:14] What if members of the commission have amendments to the House map that you have?

**Dr. Doug Johnson** [00:08:22] If the, if you have suggestions, I'm sorry if you have amendments that would resolve the issues you found. I 100 percent welcome those and would love love those. I do have some edits that the auditor has asked for that are more

fundamental, larger scale changes. And as I told him and make every effort humanly possible to get this map done and then make those edits, I think those maps that don't fit into the map that we have now, for example, that address fairly fundamental concerns that the Auditor is raised with the map. I don't there's no way I'm going to be able to get to those before midnight. OK. But if you but if there are edits that fit into the current kind of map schema, please send those down because if you can fix those edits, I'm happy to make them.

**Senate President Matt Huffman** [00:09:12] Very good. Thank you,.

**House Minority Leader Allison Russo** [00:09:13] Mr. Co-Chair.

**Co-chair Senator Vernon Sykes** [00:09:14] Yes.

**House Minority Leader Allison Russo** [00:09:16] Can I make a suggestion that we dismiss Mr. Johnson, at least from this part of the hearing tonight since he's given us an update so that he can be allowed to continue working and finish this map. It seems like he's indicated a 30 to 45 minutes. I'm sure there are other things this commission will talk about. Presumably, the Republicans now have a map as well that they would like to explain, but I'd like Mr. Johnson to have the opportunity to finish his work.

**Co-chair Senator Vernon Sykes** [00:09:51] No objections. Dr. Johnson, would you please continue?

**Dr. Doug Johnson** [00:09:58] Will do thank you very much.

**Co-chair Senator Vernon Sykes** [00:10:05] My suggestion that we recess for one hour. Yes.

**Senate President Matt Huffman** [00:10:17] Yeah, I guess, Mr Co-Chair, I know that there is a another working document that Mr Springhetti's been working on in the speaker's been working on. I think that the commission and the commissioners are entitled to be able to see maps and amend them. Auditor Faber has some amendments and apparently those aren't going to be available or aren't aren't going to be able to be incorporated, at least tonight, as Mr Johnson has indicated. So I don't, you know, I, as I've said, a lot of folks have done tremendous work over the last five days, but this is not a five day job, so I think we should move on with our parachute.

**House Minority Leader Allison Russo** [00:11:04] Mr Co-Chair, may I ask with this map that is being passed out that I'm just now seeing for the first time, are we going to be provided the opportunity to make amendments and suggested amendments as well?

**Co-chair Senator Vernon Sykes** [00:11:27] I think that would be the prerogative of the body to do that.

**Co-chair House Speaker Bob Cupp** [00:13:40] Mr. Co-Chair.

**Co-chair Senator Vernon Sykes** [00:13:40] Yes.

**Co-chair Senator Vernon Sykes** [00:13:40] I in spite of all the work that's been done and I know that the consultants came in and they worked extremely hard, I think it is not feasible to expect that we're going to have a complete plan in which we're going to be able

to look at all of those items that need to be looked at to ensure that it's a constitutional plan with all of the the the. And I think in particular, the problem now is in the in the Senate area where it has complex rules due in part to the four year terms of the members of the Senate there. We're not going to have that in time to be uploaded to the Secretary of State's Office in compliance with the court's order. So I would just say what I'm going to do is to move, I guess, what has been referred to by the upload as a 3-28 Cupp plan and move that the commission adopt that plan.

**House Minority Leader Allison Russo** [00:14:51] Objection.

**Senate President Matt Huffman** [00:14:52] Second motion.

**Co-chair House Speaker Bob Cupp** [00:14:56] And if I might, I will explain what's what's in the plan, at least briefly. The before I do that, I wanted to say that this commission moved fairly quickly to comply with the latest decision of the sharply divided Supreme Court. We started meetings, started meetings within a very short time period after the decision of the court, to which came down two hours to midnight on Wednesday, March the 16th of 2022 to the commission moved to adopt a schedule of meetings through the period of days allotted by the court. The commission heeded the call of the Supreme Court to hire independent map, drawing experts as quickly as possible, given given the circumstances as you recall. We were reading on Saturday evening trying to figure out who the experts could be and come on such very short order. But I believe by by late Sunday or Monday, we had to accomplish that purpose. We actually hired two persons with expertise in redistricting, which is a change from prior efforts when the maps were drawn by House staff and a consultant hired by the Democrat members. In contrast to what had occurred before and again in compliance with the strong suggestion or referred to as a requirement or suggestion of the court that the map drawing was done in public, it was conducted in full public view both visual and audio on a live stream from....from the drawing room and broadcast by Ohio Government Television.

**Co-chair Senator Vernon Sykes** [00:17:05] Order, please, please.

**Co-chair House Speaker Bob Cupp** [00:17:10] So this was the best that could be done at a time that was allotted by the Supreme Court had been more than 10 days. Perhaps some different result would have occurred. We have followed the Supreme Court's process directions that time requirements, and they have led us to to this this moment. So at this late hour, we have to comply, I think is best that we can. The plan that that I have moved had been seconded improves the symmetry measures in both the House and the Senate plan by shifting to House districts from asymmetrical to Democrat leaning and one Senate district from asymmetrical to Democrat leaning. Modifications were made in six House districts within three counties. Franklin, Clark, Stark and Columbiana and two Senate districts in Franklin County. The plan splits less communities than the independent map that we've seen so far and is comprised of more compact districts. The plan moves us closer to comporting with the court's order, and given the timeline, I recommend that we adopt the plan.

**House Minority Leader Allison Russo** [00:18:34] Mr. Co-Chair

**Co-chair Senator Vernon Sykes** [00:18:37] Leader Russo,

**House Minority Leader Allison Russo** [00:18:39] Thank you, Mr. Co-Chair. I would just like to say that this process is and this motion in this map has been put before us as a

complete farce. I literally have been handed spreadsheets that have population deviations on them. Nothing about partisan lean, nothing about symmetry. And this is useless information. It gives me population and deviations and a PDF that you can't see the the districts or the details of the districts. I'm going to read from the court's opinion, the last court opinion, just to point out how, just how far off this process is now that these maps have been introduced and given to us at the last minute, and make no mistake about it, they've been entirely drawn by one party. Just as this from paragraph 30 just as in League One and League Two, the one sided process is evidence of an intent to draw a plan that favors the Republican Party at the expense of the Democratic Party. The commission should retain an independent matter who answers to all commission members, not only to the Republican legislative leaders to draft a plan through a transparent process. There's been absolutely nothing transparent about this set of maps in this motion at all. In three of our opinions, in these cases we have identified a flight. This is from paragraph 31. We have identified a flawed process in which the General Assembly District Plan adopted by the commission has been the product of just one political party. In paragraph 32, the evidence shows the map drawing process for all three districting plans. Now, the fourth we have reviewed will be controlled by the Republican Party or has been controlled by the Republican Party. The evidence shows that the individuals who controlled the map drawing process exercised that control with the overriding intent to maintain as much of an advantage as possible for members of their political party. This is exactly repeating what the court has already told us that we should not do. We have an independent map maker. He has asked for some additional time this evening. We should continue to give that to him. To have this commission adopt a map, which, by the way, I'd like to ask some questions of the map drawer. Mr. Springhetti, if he is available or any of the commissioners about this map because we've been given no information about it, the process has not been shared with the public. Mr. Springhetti sat in the map room for about 45 minutes, clicked his mouse around a few times and called that public and transparency. That's not public and transparency. This map was drawn long before this evening. I guarantee it. So I opposed this. This, again, is an absolute slap in the face of our voters, of our constitution and of the court, and I am just embarrassed that this is what this commission is about to do again for a fourth time.

**Co-chair Senator Vernon Sykes** [00:22:16] Order, please.

**Co-chair House Speaker Bob Cupp** [00:22:23] Well, Mr. Co-chair, let me just say, in terms of the assertion that this plan was drafted a long time ago, that is not accurate, Mr. Springhetti went to the map room. He took the map that that was before this commission multiple weeks ago and made adjustments to it to comply to get closer to the court's requirement as best they could. And he did that live in the map room this afternoon.

**Co-chair Senator Vernon Sykes** [00:23:05] It is, you know, really important when we set the ground rules that the staffs, when we put a lot of emphasis on our staffs, the four map drawers that we have on staff and the other staffs to guide and help and provide resources to the independent map drawers. And it was and we have not received much input from the from the majority staff to help put this together. In fact, in this last day, they have not been really present to assist and help in this process. And so instead of of passing or adopting a motion to turn their attention away from the independent map drawers and trying to assist and make sure that we comply with all of the requirements of the Constitution, you know, they withdraw the the majority has just hijacked this whole process and withdrawn from helping us to get across the finish line. And what we have noticed all along in this whole process is not that we don't have the ability to produce these maps. Again here in just a few hours, according to the majority, they produce maps. We just have

not had the will to produce constitutional maps that comply with the court order. And I think this is and again, another insult and disappointment to not just the commission and the court, but to the people of Ohio.

**Co-chair Senator Vernon Sykes** [00:25:11] Mr Co-chair? Yeah, I guess I'm going to point out, I guess what I think might be some spaces in your your rendition of what, what has happened. So when I spoke to the map makers and for whatever reason, I think it's kind of found maps are drawn typically in Ohio, the House House goes first and then they try to figure out the Senate map and that that's just must be the way map makers want to do that. But I spent some time yesterday with the map makers explaining the Section five rules and how those are applied. In fact, one of the map makers said, Well, when I asked them why, why haven't they? Why hasn't the Senate map have numbers on it? And they said, Well, we're just going to let the computer do that later. And I explained to them the problem with doing that. And that's the problem. I think that these map makers are have run up and that Mr. Johnson is talking about right now. So we have been trying to explain this. The the fundamental problem here is simply the combinations of this extraordinary political geography over almost 3000, more than 3000 political jurisdictions in Ohio. Like, I think it's something like five or six times as many as the state of New York, which is a bigger population, states. We've got that. We also have the most complex redistricting rules, and these gentlemen had five days to do it. It's just going to be very difficult to do that. So. And there were some issues, I think that could have been resolved early on like this issue regarding incumbents, which I raised Saturday and we chose not to deal with that night and and decided to do it on Sunday. And I know we had initial problems with with picking mapmakers. The attorney general suggested two gentlemen who had worked well together in Virginia. On Saturday, nine days ago, Leader Russo objected because one of them had been involved in this litigation in a minor way before and on Sunday. I know that you and Leader Russo had a telephone interview with those folks, as did Speaker Cupp and I. And you wanted to hire them. But then by Monday, you chose not to. So there's been a lot of backing and forthing in a lot of decision making by all of us. And the reason is we had, you know, essentially 12 days to hire experts, get them in and for them to understand the rules, to work with the staff and all of that. And you know, to the to the suggestion that that the Republican staff hasn't been engaged, you know, Mr. DeRossi was in his office last night with a bloody nose and not really able to stand up on his own, and I told him to go home for the night. And he's he's not on site because he's sick and I don't want him to be around other people. But having said all of that, I think there's a lot of folks who put in extraordinary hours, and this is just a matter of a task being given that couldn't be completed within that time frame.

**House Minority Leader Allison Russo** [00:28:43] Mr. Co-Chair.

**Co-chair Senator Vernon Sykes** [00:28:43] Leader Russo.

**House Minority Leader Allison Russo** [00:28:45] Thank you. I would like to ask, I mean, either Senator Huffman. Speaker Cupp or Mr. Spring Getty, the Republican that draw some questions about the map that has been put before us.

**Co-chair House Speaker Bob Cupp** [00:29:04] Yes.

**House Minority Leader Allison Russo** [00:29:04] Yes. OK, OK. Can I ask a question first? When did the mapmakers, the Republican map makers, start drawing these working on these maps?

**Co-chair House Speaker Bob Cupp** [00:29:23] This afternoon, when he was in the the room 16,

**House Minority Leader Allison Russo** [00:29:29] When was the mapmaker directed to start working on the maps and by whom?/

**Co-chair House Speaker Bob Cupp** [00:29:36] The staff this afternoon when it became obvious, I think earlier in the day that it was going to be extremely unlikely that the independent mapmakers would have a map that could be presented, vetted and debated and adopted before the court's deadline.

**House Minority Leader Allison Russo** [00:29:59] And is my assumption correct that the map did not start from scratch, that it is in fact it started with the unconstitutional map that was thrown out by the courts, the February 24th that was declared unconstitutional and thrown out by the court?

**Co-chair House Speaker Bob Cupp** [00:30:13] in order to have a map in time. You couldn't do it from scratch. That is absolutely correct, as I think we've all seen during the week how much time that takes. And so it was a modification of the map before to move closer as much as possible within the time frame to the the the constitutional requirements and the court's determination.

**House Minority Leader Allison Russo** [00:30:41] Were any of these maps or any earlier versions of these maps shown to any other commissioners before this meeting?

**Co-chair House Speaker Bob Cupp** [00:30:50] That I don't know. I think the answer is no.

**House Minority Leader Allison Russo** [00:30:59] Do you have any information showing the partisan breakdown, competitive districts, compactness, evaluation or any other useful metrics? Because all I've received in this handout is population deviation.

**Co-chair House Speaker Bob Cupp** [00:31:20] Yes, I don't have a list of the partisan change with me and I don't know just it's just different. It's the show. It has 50, 54, 54 Republican leaning districts. Forty five Democrat leaning districts. There are still some asymmetrical districts in the House map, but they are less than was in the map the commission adopted some time ago. There are still, there is one fewer asymmetrical district in the Senate map.

**House Minority Leader Allison Russo** [00:32:14] So there were 19 that were in the last map between 50 and 52 percent in the house maps and zero on the Republican, between 48 and 50 percent. What is that breakdown now?

**Co-chair House Speaker Bob Cupp** [00:32:28] 17 asymmetrical districts in the house map that you say, down from nineteen and seven asymmetrical districts in the Senate map, down from from eight in the prior map.

[00:32:42] And still zero for the Republican. And both of those are still zero from 48 to 50 to zero seats. Republicans say it's between 40 and 50 percent.

**Co-chair House Speaker Bob Cupp** [00:32:55] Yes, that's correct.



**House Minority Leader Allison Russo** [00:33:00] And your assessment is that this addresses the symmetry concerns by the Supreme Court.

**Co-chair House Speaker Bob Cupp** [00:33:05] This moves closer to it. This is this. This is obviously something that was not worked on during this period of time as independent mapmakers were drawing it, which is what the Supreme Court strongly suggested that be done. And so we did that. And so because there was only a few hours left when it became apparent that the the other one was not going to be ready in time. So it didn't move closer to that plan. But understand this 10 days was consumed with the the process that we've been going through.

**House Minority Leader Allison Russo** [00:33:43] So as the Supreme Court has indicated, we will take those a those quote unquote competitive seats out of the count. So we now have a 54 Republican safe seat or Republican seats and twenty eight. I'm just counting the House side at this point twenty eight seats that can be considered Democrat. Does that meet the proportionality requirements? Fifty four to forty six percent.

**Co-chair House Speaker Bob Cupp** [00:34:13] The proportionality is 54 Republican leaning seats and

**House Minority Leader Allison Russo** [00:34:18] 54 percent and 46 percent.

**Co-chair House Speaker Bob Cupp** [00:34:24] I just know it by seats.

**House Minority Leader Allison Russo** [00:34:26] OK, so we have 54 Republican seats and now 28 Democratic seats because the court was very clear that you do not count the competitive seats, though 17 in the total. So it's 54 28. Is that does that meet the 54 46 or come close to the proportional requirement of the Constitution and the court's order?

**Co-chair House Speaker Bob Cupp** [00:34:48] It comes closer is the best that can be done in the time that was available under the court's requirement to adopt plan by March the 28th.

**House Minority Leader Allison Russo** [00:34:58] OK. Well, I took a lot of math in college. I would disagree with that. Are you accepting amendments to this map after we've the commission then all commission members because this is not a commission map? The court has been very clear that the maps should be should come from the commission and that the commission should be working on this map again, not partisan map makers. Will there be time in this evening to propose those amendments? Just like we would like to be able to propose perhaps some changes to Dr Johnson's map and the independent mapmakers?

**Co-chair House Speaker Bob Cupp** [00:35:47] So. There's nothing that prohibits anybody from offering amendments.

**House Minority Leader Allison Russo** [00:35:56] Well, if that's the case, then I would suggest that we take a recess so that each commissioner has a chance to actually look at this map because to me, this appears to be the same map that's already been thrown up by the court once, with the exception of one or two seat changes and does not meet the court order or the Constitution.

**Senate President Matt Huffman** [00:36:15] Mr. Co-chair.

**Co-chair Senator Vernon Sykes** [00:36:19] Yes.

**Co-chair Senator Vernon Sykes** [00:36:19] As I indicated in the timeline here, we have to have a set of information to the Secretary of State's Office before midnight tonight. It's going to take about an hour to prepare that and the amendments. I don't know what, what amendments there are, but as I understand it, these there's no change. That's part of this plan reduces the the index for the Republic index out of the asymmetrical area for two House seats and one Senate seat. And I think if we go down the path of beginning to take a recess, beginning to take amendments, we're going to go well past what essentially is a 10 30 deadline. It's 10 o'clock now. And I don't, you know, this is, as I said, a situation that has accumulated over the past 11 or 12 days. So I I don't I don't think it's going to help to take a recess. And at some point the Supreme Court doesn't like this and they give us additional time to prepare some other map than we do that.

**Co-chair Senator Vernon Sykes** [00:37:33] If you are Senator Huffman, if you were willing to accept this proposal that we're just now looking at and had a chance to have any input on it, if you're willing to do that, why wouldn't you be willing to work with us to complete the map that we've been working on for the last 12 days to try to comply and make sure we comply with the court order?

**Co-chair Senator Vernon Sykes** [00:38:03] Because based on what the map maker has told us, the commission map maker has told us he not only has to go back and begin reworking the house map, he has not yet presented us the Senate map at all. There is no Senate map and that is. And of course, it also is indicated there are amendments to that map that commissioners have, Commissioner Faber in particular, has indicated, he said, I'm not going to be able to do that by midnight. So he's told us.

**Co-chair Senator Vernon Sykes** [00:38:35] And that's the point that I'm trying to make.

**Co-chair Senator Vernon Sykes** [00:38:38] Well, if I could finish. He's indicated he can't do that. So we've been working with him. You've been working with him. We've given these folks. And again, I think they've done an excellent job in the very short time that they've had to work on this.

**House Minority Leader Allison Russo** [00:38:56] Mr. Co-Chair

**Co-chair Senator Vernon Sykes** [00:38:58] Leader Russo

**House Minority Leader Allison Russo** [00:38:59] So so that I'm clear. So you are asking us as a commission to vote on a map that clearly violates the court order in the Constitution, as interpreted through the court order because you don't want to give a map maker, are independent map maker of the commission's map maker the additional time to do the work. Frankly, I'd rather be here for a couple of hours longer than to have to come back and go through this process again, because again, this map has been declared as not unconstitutional or unconstitutional and has been thrown out by the court. This absolutely what we see before us in the process that this has been presented absolutely does not meet the requirements of the court order. And you'd rather us vote on that than have a couple more hours to get this right and not have to be here again.

**Co-chair Senator Vernon Sykes** [00:40:16] Any additional questions or comments?

**House Minority Leader Allison Russo** [00:40:42] Mr. Co-Chair, I would like for each of the commissioners to state if they have received this map before this commission meeting and if so, when and when they knew that this was going to be the plan that we were going to deviate from having an independent map maker and a partisan map makers do a quote unquote backup plan. And I'll start first. I knew it before we broke that this was the plan. And I've just now seen the Republican map.

**Co-chair Senator Vernon Sykes** [00:41:19] This is the first time I've seen the Republican map. Are there other commissioners that would like to respond?

**Audior of State Keith Faber** [00:41:39] Mr. Chairman, first of all, I would just I'm happy to answer Leader Russo questions, but she knows it's an improper question to ask other commissioners or other people on the dais. I didn't see this before we got here tonight. The first time we heard something about this was when the motion was offered to start this process earlier today in the process of drawing maps. And as you know, and Leader Russo knows me and my staff are working on trying to figure out amendments to the existing maps being drawn by the map draft. But I do want to emphasize one other thing. As I've said from the beginning of this process with the independent map drivers, the independent map drivers are essentially our Scribner's. They are to take instruction from us and draw. And we are the ones who are to the Supreme Court order are to draw the maps. I think it's impossible for us to do that if we haven't even seen the completed maps that have been proposed is compromise or collected maps. And certainly, we need to have opportunities to make amendments. I presented my proposed amendments to the to the map, to the map drawers and to the Democrat caucus members earlier. And as the Democrat caucus members and I believe my Republican colleagues on this panel know my staff have been contrary to your statement earlier today. Mr. Co-Chair, my staff have been participating throughout the day and with the map drawing room and offering suggestions and working. And so I take a little bit of umbrage when you say Republicans haven't been participating today and in the map drawing process. To the other side of of this from this issue to me is whether or not we're going to have a map drawer map. I'm happy to take a look. I've got amendments. I've got issues I want to discuss on the map drawer map. And frankly, if we're going to have a discussion on the newly proposed back up, I think parachute map, as it was called earlier today, I'd like to see the partisan breakdowns and some issues in that map as well. But having said that. That would be my answer to Leader Russo's question that I would argue is is not something that I'm used to having asked by other commissioners at hearings of the legislator or legislative bodies.

**Governor Mike DeWine** [00:44:07] Chairman.

**Co-chair Senator Vernon Sykes** [00:44:08] Yes.

**Governor Mike DeWine** [00:44:08] I just saw them at the same time it was passed out and I heard discussion about the plan earlier today at the same time.

**Secretary of State Frank LaRose** [00:44:21] Mr. Co-chair.

**Co-chair Senator Vernon Sykes** [00:44:24] Yes.

**Secretary of State Frank LaRose** [00:44:25] I saw this map when it was passed out a few moments ago by the members of the staff. I will say that. I was like all of us willing to give this process the best effort that we could and we have, I think the court set a timeline that was not a t a chain attainable and changed the rules on what we should even do as a

commission with novel concepts like symmetry and all these kinds of things. But we've given it a good try here. I think that as I said earlier, it would have been irresponsible of us to not have a Plan B, and so it appears that we have this Plan B is it also appears that the independent mapmaker effort is not going to be completed by the midnight deadline that we have to meet.

**Co-chair Senator Vernon Sykes** [00:45:28] I still would ask the commission, as I indicated before recess, that we ask the commission's lawyer to prepare an emergency motion, asking the court for an extension of 12 hours. I think it's appropriate at this time. In previous submittal with and trying to comply with the court order, this commission has decided not to take any action at all. And the court was had threatened contempt charges against the members of the commission. And so I don't think it's out of order at all to consider making a request for an extension of 12 hours.

**Co-chair House Speaker Bob Cupp** [00:46:33] Mr. Co-chair, I think the court was pretty clear in paragraph 47 of their opinion said no requests or stipulations for extension of time shall be filed and the clerk of this court shall refuse to file any requests or stipulations for extension of time. I don't I don't know how much clearer the court could be.

**House Minority Leader Allison Russo** [00:46:53] Mr. Co-Chair.

**Co-chair Senator Vernon Sykes** [00:46:54] Yes.

**House Minority Leader Allison Russo** [00:46:54] To be clear, that was about the objections of the petitioners, not the commissioners and the commissioners work. I think that the court has been very clear that they want us to complete this work and do it and produce the best map possible. I strongly believe that we need to allow Mr Johnson again at this point. You know, we're less than 30 minutes for him to finish so that we can also see his map. At the very least, we should take a break and at least because what I'm hearing from at least the majority of the commissioners that no one has really seen these maps before, we are now being asked to vote on them to at least look at the partisan issue, to look at the asymmetry issues. Essentially, we're being asked as a commission to vote on a map that no one knows anything about, except that it is the third map essentially that was already tossed out by the Supreme Court. The Ohio Supreme Court. And I think frankly, taking an additional 30 minutes of a recess to look over that and also to hear from Dr. Johnson. Has he finished and be able to look at his map in comparison is completely appropriate.

**Co-chair Senator Vernon Sykes** [00:48:17] This process, you know, at some point you just get tired of being mistreated, you know? You know, again, it's not just us, you know, the commissioners. It's the people of the state, you know. So many times we have been, you know, it has been submitted to us amendments and bills and provisions that we have very little time to contemplate. In this process, the court has tried to make sure to ensure that we would have a different process this time that would prevent here in the last minute, the last few hours that the majority or anyone could just submit something to us that we hadn't had a chance to digest and had a chance to review and be expected to take a vote on. And here we are again doing the same thing, even though the court has gone out of his way to specify how to prevent us from getting in this situation again. And you have just hijacked that whole process. And trying to force feed us with again this same disrespect for the public's interests.

**House Minority Leader Allison Russo** [00:50:15] Mr. Co-Chair, I move that we take a 30 minute recess so that commission members can at least evaluate the data from the maps have been presented before us and we hear from Dr. Johnson if he is in fact complete with the independent map making process.

**Senate President Matt Huffman** [00:50:37] Objection.

**Co-chair Senator Vernon Sykes** [00:50:37] Motion on the floor.

**Senate President Matt Huffman** [00:50:40] There's currently a motion on the floor.

**Senate President Matt Huffman** [00:50:41] The current motion on the floor and with the - would you allow this recess to be considered before?

**Senate President Matt Huffman** [00:50:49] I object to the motion. There's a motion on the floor right now.

**Co-chair Senator Vernon Sykes** [00:51:05] Are there any additional questions?

**House Minority Leader Allison Russo** [00:51:13] Mr. Co-Chair, I'm going to make one more motion, I move that we, the commission directs Eric Clark, who is the commission's attorney with the Attorney General's Office, to prepare an emergency motion, asking the court for an extension of 12 hours.

**Co-chair Senator Vernon Sykes** [00:51:32] Seconded.

**Co-chair House Speaker Bob Cupp** [00:51:36] We have a pending motion.

**Co-chair Senator Vernon Sykes** [00:51:38] But we have a pending motion.

**Co-chair Senator Vernon Sykes** [00:51:40] Yeah, yeah, I object. Co-Chair we have a motion on the floor regarding if I don't even know if Mr Clark's available that we've already had this several times. Read from the Supreme Court's decision. So.

**Co-chair Senator Vernon Sykes** [00:52:07] Will the staff please call the roll

**Co-chair Senator Vernon Sykes** [00:52:12] Co-chair Speaker Cupp.

**Co-chair House Speaker Bob Cupp** [00:52:14] Yes.

**Co-chair Senator Vernon Sykes** [00:52:15] Co-Chair, Senator Sykes.

[00:52:18] Point of order, can you tell me what we're voting on?

[00:52:20] This is the motion to adopt a revised through 28 Cupp map.

[00:52:25] Governor DeWine [inaudible]

**Co-chair Senator Vernon Sykes** [00:52:39] Quiet down, please. Please, let's have we still have to have order here, please. This is being live streamed and people need to be able to hear what the the proceedings, they need to be able to hear what's going on would the staff, please call the roll.

**Co-chair Senator Vernon Sykes** [00:53:02] A continuation or to restart?

**Co-chair Senator Vernon Sykes** [00:53:04] Restart.

**House Minority Leader Allison Russo** [00:53:04] Mr Co-Chair.

**Co-chair Senator Vernon Sykes** [00:53:05] Yes.

**House Minority Leader Allison Russo** [00:53:06] Can I please request a recess even if it's not a formal motion? I am requesting a recess of 30 minutes so that commission members have an opportunity to review the information about the maps that we are now being asked to vote on.

**Co-chair Senator Vernon Sykes** [00:53:23] Mr Co-chair, I object. In order to comply with the court's timeline. We need to pass this map. It needs to go to the, you know, we need to prepare all the documents that have to go to the secretary of State, as we explained earlier today.

**House Minority Leader Allison Russo** [00:53:39] Mr Co-chair, it is 10:17. And I believe the cut off point that you gave earlier, Senator, President Huffman was 10:30. I'm sure we can spare an additional 15 minutes.

**Senate President Matt Huffman** [00:53:52] There are other items, too, that we have to do, including the 8C2 statement. I don't know if there be a discussion or argument about that.

**Co-chair Senator Vernon Sykes** [00:54:03] Will staff call the roll

**Staff** [00:54:06] co-chair speaker Cupp.

**Co-chair House Speaker Bob Cupp** [00:54:08] Yes.

**Staff** [00:54:09] Co-Chair Senator Sykes.

**Co-chair Senator Vernon Sykes** [00:54:10] No.

**Staff** [00:54:11] Governor DeWine.

**Governor Mike DeWine** [00:54:14] Yes.

**Staff** [00:54:14] Auditor Faber.

**Audior of State Keith Faber** [00:54:14] No.

**Staff** [00:54:14] President Huffman.

**Senate President Matt Huffman** [00:54:18] Yes.

**Staff** [00:54:18] Secretary LaRose.

**Secretary of State Frank LaRose** [00:54:20] Yes.

**Staff** [00:54:20] Leader Russo.

**House Minority Leader Allison Russo** [00:54:24] No.

**Staff** [00:54:24] With the four yays, three days the commission has approved 3-28 Cupp revised map.

**Senate President Matt Huffman** [00:54:34] Mr. Co-chair,

**Co-chair Senator Vernon Sykes** [00:54:35] I would like to ask for a recess has been asked for a recess and that with the motion pending and now we can deal with that issue of the recess.

**Senate President Matt Huffman** [00:54:48] Well, Mr. Co-chair? That's fine. I guess we have this 8C2 two motion that the Constitution requires us to adopt. And I think the staff is going to hand it out. Is that right? So I guess I'd like to have at least have that handed out to the members of the commission. So, Mr. Mr. Co-Chair, the this statement, which is, as I said, constitutionally required. I'm going to spare the commission, the live reading of that. It's it's there for everybody to review. I'm going to move that to the statement be adopted. Obviously, commission members may want to take some time to review that. So now that they have it. If we want to take a recess and come back to adopt the statement. But again, if if we can do that so that we can get busy on the work, getting the information to the Secretary of State.

**Co-chair Senator Vernon Sykes** [00:56:11] Then I would. I will say we we need to prepare a statement as well. During this time period. So let's take a half hour, half hour recess. Hearing no objections, we recessed for half hour.

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**Co-chair Senator Vernon Sykes** [00:00:02] I believe there's a motion pending. Everyone has had an opportunity to review the statement with the staff, please call the roll.

**Co-chair Speaker Bob Cupp** [00:00:19] Second. I don't know, there's been a second, so I'll seconds.

**Co-chair Senator Vernon Sykes** [00:00:25] OK, we'll take the second from Speaker Cupp. Secretary, staff, please call the roll.

**Staff** [00:00:33] Yes, sir. Co-Chair Speaker Cupp

**Co-chair Speaker Bob Cupp** [00:00:36] Yes.

**Staff** [00:00:38] Co-Chair Senator Sykes.

**Co-chair Senator Vernon Sykes** [00:00:39] No.

**Staff** [00:00:40] Governor DeWine.

**Governor Mike DeWine** [00:00:45] Yes.

**Staff** [00:00:45] Auditor Faber.

**Auditor of State Keith Faber** [00:00:46] Abstain.

**Staff** [00:00:46] President Huffman.

**Auditor of State Keith Faber** [00:00:51] I support the statement, but I didn't vote for the map.

**Co-chair Senator Vernon Sykes** [00:00:53] OK.

**Senate President Matt Huffman** [00:00:53] Yes.

**Staff** [00:01:01] Secretary LaRose.

**Secretary of State Frank LaRose** [00:01:02] Yes.

**Staff** [00:01:02] Leader Russo.

**House Minority Leader Allison Russo** [00:01:05] No.

**Staff** [00:01:05] With, four yays, two nos and abstain,

**Co-chair Senator Vernon Sykes** [00:01:13] the motion is adopted. I would move that the commission adopt and pass the math completed by Dr Johnson and allow, if necessary, additional work to be conducted through an updated map that the Commission and the Commission does not dissolve for four weeks and can work on further improvements to the map. Is there a second.



**House Minority Leader Allison Russo** [00:01:42] Second

**Senate President Matt Huffman** [00:01:46] I object to the motion.

**Secretary of State Frank LaRose** [00:01:49] Mr. Co-chair?

**Co-chair Senator Vernon Sykes** [00:01:51] Yes.

**Secretary of State Frank LaRose** [00:01:53] So the question would be when would we know if this motion were to pass? When will we know that maps are final so that I can direct boards of elections to start programming it.

**Co-chair Senator Vernon Sykes** [00:02:03] They're final right now.

**Secretary of State Frank LaRose** [00:02:06] No, no. If you said the motion would be that we pass this map that Dr. Johnson drew, but that we continue making changes to it.

**Co-chair Senator Vernon Sykes** [00:02:13] If necessary.

**Secretary of State Frank LaRose** [00:02:16] OK.

**Co-chair Senator Vernon Sykes** [00:02:16] The maps have been distributed to you. Dr Johnson has completed his work. They're also posted on the website. It has the constitutional of partisan proportionality goals of 45 Democratic House seats and leaning Democratic and 54 leaning Republican with 15 Democratic seats in the Senate and 18 leaning Republican in the Senate.

**House Minority Leader Allison Russo** [00:02:57] Mr. Co-Chair.

**Co-chair Senator Vernon Sykes** [00:02:57] Yes,.

**House Minority Leader Allison Russo** [00:02:57] I would support us accepting this map. I would also add that it also addresses the symmetry concerns of the court and that the House seats have three competitive Democratic seats, three competitive Republican seats and the Senate there are two competitive Democratic seats and zero Republican seats. So substantially better in terms of symmetry than the map that the commission previously adopted. There is nothing that stops this commission from adopting another map. The work of this commission and the map is not final until the files have been transmitted to the Secretary of State. My understanding is that the files, if they are not already completed, can be within the next 15 to 20 minutes. So again, you know, I think that this is a better set of maps. It meets the court's order and I know some commissioners will have concerns about not seeing this beforehand. But I would note that we just adopted some members of this commission just voted to accept a previous map that they too had only seen at the start of the meeting.

**Co-chair Senator Vernon Sykes** [00:04:15] And in addition, I'd like to say that the commission, this is, these are maps that we've been working on for the last several days. And the commission is more familiar with it, our staffs are more familiar with the map, and the public is more familiar with these maps that we've been working on over the last several days.

**Senate President Matt Huffman** [00:04:38] Mr. Co-chair.

**Co-chair Senator Vernon Sykes** [00:04:39] Yes.

**Senate President Matt Huffman** [00:04:39] There were a few things in your motion. One of them said something about four weeks. Part of your motion? Could you explain that?

**Co-chair Senator Vernon Sykes** [00:04:48] Yes, that is simply to allow, if necessary, for the commission to continue to work, to make any improvements on the map

**Senate President Matt Huffman** [00:05:01] Could I continue?

**Co-chair Senator Vernon Sykes** [00:05:01] Yes.

**Secretary of State Frank LaRose** [00:05:01] So at least as of, I guess, about an hour ago or so, Mr. There were several problems with the House map, and the Senate map had not been prepared. And I appreciate the bill. Russo's statement about just getting these and is that I guess the Senate, one of the Senate Representatives here, I am concerned that the map is just now showing up, and this does look substantially different, at least on the eye test than what we've previously looked at. Maybe not, but the and I would just add that the concern about seeing the previous map that the commission has passed. You know, part of my motion was amend the February 24th map, which we're all very familiar with. I mean, we were there. We went through litigation and there were only minor changes. So about probably ninety seven percent of that map we were familiar with. And there were there were changes in just, I guess, two House districts in the Senate district. This is an entirely new proposal and by the commission, mapmakers statements likely has multiple flaws, so I can't support it.

**House Minority Leader Allison Russo** [00:06:34] Mr. Co-Chair.

**Co-chair Senator Vernon Sykes** [00:06:36] Just for clarification, too, it is the same process. The maps would be transmitted to the secretary of state. So it's not taken four... Tonight. We tonight are not taking four weeks to do to do the work.

**Senate President Matt Huffman** [00:06:54] What would we do four weeks?

**House Minority Leader Allison Russo** [00:06:55] Mr. Co-Chair.

**Co-chair Senator Vernon Sykes** [00:06:58] The commission would not dissolve and be available to make any, if needed, any necessary adjustments to the map.

**Co-chair Senator Vernon Sykes** [00:07:12] Leader Russo.

**House Minority Leader Allison Russo** [00:07:12] I was also going to clarify that we don't necessarily need for weeks just noting that the commission doesn't officially dissolved for four weeks if necessary, if there are still small tweaks that need to be made. They can be fixed if needed. The requirement right now, we would still be able to transmit some of these files to the Secretary of State, certainly to meet the court's requirement. And if we need to make additional tweaks, we could do that over the next day or so.

**Co-chair Speaker Bob Cupp** [00:07:44] Mr. Co-chair, I'm not sure I understand what the motion is. Is it to also adopt this map and upload it to the secretary of State in addition to the one we've already done this evening?

**Co-chair Senator Vernon Sykes** [00:08:03] Yes.

**Co-chair Speaker Bob Cupp** [00:08:03] And so the commission itself, I don't think dissolves for four weeks anyway. So we're we're going to upload two maps to the secretary of state? Oh, OK. All right. Gotcha. I gotcha. Well, I'm not comfortable with this map. It I notice there are some egregious compactness issues like District 85, for example, District 92, for example, and some others in there. In the Senate map, there's District 7, districts 30 and 31, a horseshoe, so I can't.

**Co-chair Senator Vernon Sykes** [00:08:54] Speaker, it's a miracle. Your vision has improved.

**Co-chair Speaker Bob Cupp** [00:09:03] Oh, you've helped me to see things more clearly.

**Co-chair Senator Vernon Sykes** [00:09:13] Any additional questions on the motion.

**Governor Mike DeWine** [00:09:15] Mr. Chairman.

**Co-chair Senator Vernon Sykes** [00:09:15] Yes,

**Governor Mike DeWine** [00:09:18] Chairman, just a couple additional comments. Besides what's already been said? First, I want to thank the two independent map drawers. They work exceedingly hard, very talented people. I think, though, that in their attempt to hit the proportionality and have a similar number of Republican and Democrat competitive districts. There is a few other things that were lost, and these few other things go to the Constitution. The map that they've presented, compared with the map that we just approved. The map that they just presented has a compact district problem, they have a lot more fewer compact districts, districts that have more that are not. There's fewer communities of interest that are actually kept together, there's more split cities and certainly there are fewer competitive districts. If you go back, I went back and looked at. Some of the editorials that were written when this commission was created, this constitutional amendment was passed. And I looked at what was said as far as what the goals were, and I think the first thing you look at is a summary of the constitutional amendment. Proposed amendment would end the person process for drawing Ohio House, Senate and House and Senate districts and replace it with a bipartisan process with the goal of having district boundaries that are more compact and politically competitive. Toledo Blade stated in their editorial, endorsing the amendment that the amendment would create legislation, I quote legislative districts that are more geographically compact, politically competitive and reflective of voters party preferences. Cincinnati Enquirer stated the new mapping criteria would emphasize and I quote keeping communities together, but not splitting cities. Townships and counties when possible. The mapmakers talked very clearly, and I think it was instructive to listen to them. They talked about how difficult it is, how unique Ohio is, how tough Ohio is with all the different criteria. So I don't fault them for not being able to do all this. But I think it's important for the record to note that what they produced did. Yes, it did hit proportionality and did have a similar number of competitive districts or indeed, but less compact districts, fewer communities of interest being kept together, more splits, cities and fewer competitive districts. And I think you can't you can't ignore that and we have an obligation not to ignore that. Three of those four written into the into the Constitution and that we have to follow. Thank you.

**Co-chair Senator Vernon Sykes** [00:13:07] Auditor Faber.

**Auditor of State Keith Faber** [00:13:09] Thank you. I'll just do both of my comments now as well, because I think it goes directly to this map and where we're at with these maps, and I would just start out by saying, Look, I'm not sure how you pass a map and then say, but we want to keep working on it. If we had a map that was final and that we could look at in conclusion and know that the issues what it was, it would be one thing. But look, I said all along the fact that we have a map drawer who produces a map that we haven't yet had a chance to see or discuss in length. I had some amendments to this we never got to offer because they wouldn't have been done in time. I'm all for continuing to work on something, but if we have a deadline that's hard and fast, that's not possible. So I don't think this is where any of us wanted to be tonight. The process over the last ten plus days and certainly the last five days has been enlightening for so many Ohioans, for much of that time, we had Republicans and Democrats sitting together in a room live streamed across the state. We've seen firsthand the geographic complexities Ohio offers map drawers and the struggle that accompanies the redistricting process we heard over and over from our independent, I would say, professional map drawers that this is not an easy task. I think all sides worked hard on the maps. I've consistently said that I've been impressed by the commission staff members. While much of their work has gone unrewarded, their work ethic and their willingness to work, the numerous impossible task has not gone unnoticed by the members of the commission, by the people of Ohio, and from my perspective, I want to thank them. I want to also include the two independent mapmakers. I think that it was impossible to do everything that the constitutional demands of the court ask in the time period the court allowed us to do it. I think they were doing exactly what the court asked, and I think that's why too many of their conversations started with the premise of eliminating Republicans where they could be eliminated. And I think that's why the maps that we've seen took every state to eradicate suburban Republican representatives in Ohio. They used a classic spoke and hub technique on the maps to drive cities into districts with suburban areas. They cracked and packed to concentrate Republicans and divide Democrats and to make simply to make more Democrat districts. I talked about the concentration. Nearly nearly 80 percent of the Republican districts were more than 60 percent, while a mere 20 to 30 percent of the Democrats were more than 60 percent. At every turn, the map drawers erred towards drawing more Democrat districts, often at the expense of compactness. I'm a broken record by now, and I'm grateful to have been vindicated by these two expert map drawers that Ohioans, this is a truism, tend to live and vote around people that think like them. This leads to a natural division and political affiliation based on geography. The one place that that does not necessarily ring true is in the suburban suburbs in Ohio. And the suburbs we can and should have competition in our elections. Sadly, few maps we have seen from the independent map drives get us there. I continue to believe that the districts that split communities where they could otherwise keep them all together violates the Constitution. As the governor mentioned, when this constitutional amendment was sold to the public, it was sold on increasing competitiveness. We had a debate in this commission, a debate that really didn't resolve much about whether it was required to keep cities whole and whether or not if you could draw a whole district in the city, you should or had to. I'm just going to direct your attention to Article three, Section D three that specifically says where the requirements of this of these divisions B, C and D section cannot be feasibly obtained by forming a representative district from whole municipal corporations then. And townships, not more than one municipal corporation or township may be split. That clearly leads to the presumption that where you can draw a whole city or township into a congressional -- I'm sorry into a legislative district, you're supposed to do that. But yet every. And by the way, I also agree with my Democrat colleague who brought this up. This wasn't new to these map drawers. This is something the map drawers have been doing before. And yes, there are going to

be times when you have to split cities. You have to split large cities. But in the maps that were proposed, as I pointed out, every large city is split and a hub and spoke technique to essentially drive those seats. To the Democrat column, packing and cracking. Now, we heard hours of testimony throughout this process. We heard Kathleen, of league of women voters from Greater Youngstown, told us, and I quote districts that include communities with common interests and our geographically compact, regardless of the political philosophies of the voters who live in these districts, our districts that lead to Cupp to competitive elections and accountability of elected officials and their constituents. We heard Mark from Columbia Tusculum in Cincinnati ask this commission and I quote follow both the letter and the spirit of the citizen-passed redistricting reforms passed in 2015 and 2018 to create districts that are compact, keep communities, towns and cities intact and don't split neighborhoods and take into account citizen input. August, with the United Way of Greater Cleveland, asks for districts that and I quote accurately reflect communities are compact, keep counties, cities and villages and townships together within one district. There are other real divides across the state that are left behind when we consider only partisan labels. Few Democrats in Bellaire would feel represented by a Columbus Democrat, and few Republicans in Millersburg would feel represented by a Strongsville Republican. It has nothing to do with the partisan label and everything to do with the way local issues affect our politics. Local issues, which are not divided, is contentious. Locally that we often see on the national stage, I believe that compromise was once possible. I think if we continue down the path we were on the past five days, we would have seen that proportionality in its strictest sense was not attainable within the bounds of the Constitution and that eventually we would have arrived at a compromise. I know I talked with Leader Russo and Senator Sykes about that possibility for some time. I regret that we were not able to come to an agreement. 10 days ago the court created a new timeline in order new procedures for this commission to comply with. There simply was not enough time for us to actually meet those requirements in their order. They took the unusual step of declaring that they would refuse to even file or accept for filing any requests for extensions. Leaving the commission with no choice but to come to the solution that it came to this evening. We have begun this process with the assumption that equity of outcomes equals fairness. I don't believe that to be accurate. I expect I expressed significant concerns about the timeliness and the urgency of this process. Until just a few seconds ago, I hadn't even seen the final House and the Senate maps were not able to be reviewed at all. I hadn't been given a chance to offer amendments and was told that specifically, if we wanted to offer amendments tonight, there would be no ability to get those done. Ultimately, my concerns about timeliness and the ability to complete this task and the limited timeframe allotted to this commission were unfortunately correct. Where we are now. And where we could have been are two different positions. Hopefully this matter is behind us. I'm not sure it is.

**Co-chair Senator Vernon Sykes** [00:21:11] Any other comments? Well, the staff please call the roll.

**Staff** [00:21:19] Co-chair Speaker Cupp.

**Co-chair Speaker Bob Cupp** [00:21:19] No,.

**Staff** [00:21:20] Co-chair, Senator Sykes.

**Co-chair Senator Vernon Sykes** [00:21:22] Yes.

**Staff** [00:21:23] Governor DeWine.

**Governor Mike DeWine** [00:21:25] no.

**Staff** [00:21:26] Auditor Faber.

**Auditor of State Keith Faber** [00:21:26] no.

**Staff** [00:21:27] President Huffman.

**Senate President Matt Huffman** [00:21:29] No.

**Staff** [00:21:30] Secretary LaRose.

**Secretary of State Frank LaRose** [00:21:30] No.

**Staff** [00:21:30] Leader Russo.

**House Minority Leader Allison Russo** [00:21:32] Yes.

**Staff** [00:21:32] Five, yays, two nays or, two yays, five nays.

**Co-chair Senator Vernon Sykes** [00:21:45] Thank you. The motion fails this time the minority would like to submit a minority report, I believe we have copies available.

**House Minority Leader Allison Russo** [00:22:02] Thank you.

**Co-chair Senator Vernon Sykes** [00:22:02] This is to be added to the record, but I believe a leader Russo would like to read the statement.

**House Minority Leader Allison Russo** [00:22:09] Thank you, Mr. Co-Chair. The Ohio Constitution is clear. The Supreme Court of Ohio is precise. The voters of Ohio are adamant. Fair and proportional maps are required under the Constitution. Gross disparity and the distribution of competitive districts is barred, and voters deserve to have their voices heard in their state house. The guidelines to draw state legislative district maps are not a mystery, nor are they open to interpretation. This process should be easy and straightforward. Yet here we are again. More than six months have passed since the first Minor Minority Report was filed regarding the passage of an unconstitutional General Assembly district plan. The minority commissioners of the Ohio Redistricting Commission could very well write the statement in their sleep. The commissioners have been down this road very often so often that the motions are stilted and the storyline is stale. The majority commissioners refused to bend to current reality and court rulings. Rather, they pulled the same tired tricks. The process and tactics have not changed since we started this process seven months ago. Despite three court orders telling this commission otherwise. Majority commissioners have again adopted the General Assembly district plan that was drawn in secret, does not reflect the statewide preferences of Ohio voters, and is ultimately unconstitutional. No amount of pressure from the Supreme Court of Ohio or help from nationally renowned experts will sway the majority commissioners and their mission to retain an unjustifiable and unconstitutional monopoly on power. From March 16th, 2022 to to March 28th, the minority commissioners made every attempt to move this process along to comply with the Supreme Court's clear orders. The minority commissioners pushed for frequent hearings, as strongly suggested by the court. In fact, the minority commissioners tried to convene the commission every day, including on Sunday, March 20th, to propose

independent map makers, and the Republicans demurred. The minority commissioners met their obligations on Monday, March 21st, through their thoroughness and persistence. The minority commissioners pushed the majority of commissioners to stop purposely delaying and decide on a team of highly skilled, independent map makers to draw new district lines from scratch. The minority commissioners fought for an open and transparent process. The map drawing was done entirely on a live stream, complete with audio for everyone to observe. Yet perhaps, yet again in a bunker at the Bureau of Workers Compensation building, a secret map has been developed at some unknown time in violation of the orders of the state's highest judicial authority. The process and outcome, despite all the efforts for public viewing, expert input and bipartisan oversight, was still again conducted in the shadows. The majority commissioners through President Huffman, announced their secret efforts late on the last day as a parachute. They have apparently planned on for at least the last several days, perhaps much of this process. This places the commission where we began with an unconstitutional General Assembly district plan. And while the Supreme Court of Ohio has directed the redistricting commission. Not parties, the redistricting commission to create an entirely new map. The plan passed out of this commission with no input from the Minority Commission members and frankly, the majority of the commission members or scrutiny from the public is nothing more than a tweaked version of a previous unconstitutional General Assembly plan. The majority commissioners have now left an entirely new plan sitting on the table, drawn by two independent mapmaking experts at considerable expense to Ohio taxpayers. Instead, Ohioans are once again subjected to a map that runs afoul of Ohio Constitution. Article 11, Section Section 6A and Section 6B. Section six A provides state legislative district, prohibits state legislative district maps from being drawn primarily to favor or disfavor a political party. The evidence from tonight's hearing is consistent with the evidence used and prior Supreme Court rulings on violations of Section 6A. The Supreme Court of Ohio held in League of Women Voters of Ohio vs. the Ohio Redistricting Commission that maps adopted but not drafted by the commission favor one party over the other. The court held that draw drawing controlled by the majority to the exclusion of the minority party favors one party over the other. Once again, it is the Republican Senate president's map drawer who was sequestered in a secret location, drawing the map. The map was neither drafted by the commission, nor does it have the input of minority commissioners. In the third unconstitutional plan, the minority commissioners were given a copy of the map at 12:30 p.m. In this latest charade, the minority commissioners and again most of the commissioners here have been given a copy of the map after nine p.m. for a vote that took place place just under an hour later. The majority commissioners have purposely wasted another opportunity to adopt constitutionally compliant maps that have been drawn in public and with a team of independent, bipartisan map makers. This is once again a slap in the face to Ohioans who have voted for fair maps and a dangerous and irresponsible erosion of our democratic processes that we have been entrusted with. Despite only receiving this plan mere minutes before we are expected to vote, a cursory glance shows that this plan still contains the asymmetry issues that plagued the third invalidated map. The last minute plan dumped on minority commissioners contains an astounding 17 Democratic toss up seats in the House between 50 and 52 percent partisan share and zero Republicans in the same range. The Senate map is equally lopsided, with six Democratic Senate seats falling between 50 and 52 percent and zero Republicans in the same range. The absurd asymmetry found in the latest plan is nearly identical to the plan overturned by the Supreme Court of Ohio just 12 days ago. The unconstitutional distribution of toss up seats is exactly the kind of partisan chicanery the court found problematic in their numerous decisions and short nothing has changed. Once again, a secret plan that violates Article 11, Section 6A and 6B has been adopted by this commission without minority party input or even proper time for review and every

unconstitutional fault in the last plan is found in this plan, and we suspect that the latest ruse will suffer the same fate as its predecessors. That said, in spite of everything that we have witnessed that has happened in the last several hours, I still have hope. And I believe that we still have time to get this right. Thank you.

**Co-chair Senator Vernon Sykes** [00:30:10] I believe, again, it does not require a vote is just for the for information purposes, for the record, for any of the comments or statements, any other business to be brought before the commission.

**Auditor of State Keith Faber** [00:30:24] I just for the record, I do not concur in the Minority Report.

**Co-chair Senator Vernon Sykes** [00:30:28] OK, we're hearing none. The meeting is adjourned.