

IN THE SUPREME COURT OF OHIO

**The Ohio Organizing Collaborative**

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Youngstown, OH 44504

**Council on American-Islamic Relations, Ohio**

4985 Cemetery Road  
Hilliard, OH 43026

**Ohio Environmental Council**

1145 Chesapeake Avenue, Suite I  
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**Pierrette Talley**

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**Samuel Gresham Jr.**

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**Ahmad Aboukar**

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**Mikayla Lee**

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Columbus, OH 43215

**Prentiss Haney**

918 Windsor Street  
Cincinnati, OH 45206

**Crystal Bryant**

2210 East 97th Street  
Cleveland, OH 44106

*Relators,*

v.

**Ohio Redistricting Commission**

1 Capitol Square  
Columbus, OH 43215

**APPORTIONMENT CASE**

Filed pursuant to S.Ct.Prac.R. 14.03(A) and Section 9 of Article XI of the Ohio Constitution to challenge a plan of apportionment promulgated pursuant to Article XI.

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**House Speaker Robert R. Cupp, Co-Chair**

77 South High Street, 14th Floor  
Columbus, OH 43215

**Senator Vernon Sykes, Co-Chair**

1 Capitol Square, Ground Floor  
Columbus, OH 43215

**Senate President Matt Huffman, Member**

1 Capitol Square, 2nd Floor  
Columbus, OH 43215

**House Minority Leader Emilia Sykes,  
Member**

77 South High Street, 14th Floor  
Columbus, OH 43215

**Governor Mike DeWine, Member**

77 South High Street, 30th Floor  
Columbus, OH 43215

**Auditor Keith Faber, Member**

88 East Broad Street, 5th Floor  
Columbus, OH 43215

**Secretary of State Frank LaRose, Member**

22 North Fourth Street, 16th Floor  
Columbus, OH 43215

*Respondents.*

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**RELATORS' COMPLAINT IN APPORTIONMENT CASE**

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## INTRODUCTION

1. In 2015, the people of Ohio issued a resounding declaration that partisan gerrymandering should have no place in this state. With more than 71 percent of the vote—and across party lines—Ohioans approved a constitutional amendment to end the long legacy of partisan gerrymandering in Ohio and to encourage bipartisanship in the redistricting process. In so doing, the people instructed the Ohio Redistricting Commission to attempt to adopt a General Assembly district plan under which the number of districts favoring each party is proportional to the statewide preferences of voters, and to refrain from drawing districts primarily to favor or disfavor a political party.

2. This amendment came as a direct response to an extreme partisan gerrymander in the General Assembly district plan adopted in 2011, and, after that plan was challenged, to this Court’s subsequent ruling that “[t]he words used in Article XI [of the Ohio Constitution] do not explicitly require political neutrality, or for that matter, politically competitive districts or representational fairness, in the apportionment board’s creation of state legislative districts.” *Wilson v. Kasich*, 134 Ohio St.3d 221, 2012-Ohio-5367, 981 N.E.2d 814, ¶ 14. In amending the Constitution, the people enacted provisions to explicitly require partisan fairness and conferred on this Court the authority and the obligation to enforce those provisions.

3. Flouting these clear constitutional commands and defying the will of the people, on September 16, 2021, just after midnight, the Ohio Redistricting Commission voted 5-2 on party lines to adopt a district plan that has the intent and effect of entrenching a veto-proof Republican supermajority in both chambers of the General Assembly for the next four years.

4. The Ohio Redistricting Commission's own analysis highlights the brazenness of the district plan's partisan gerrymander and the bad faith of the underlying process. In a statement issued pursuant to Article XI, Section 8(C)(2) of the Ohio Constitution, the Ohio Redistricting Commission calculated that under the plan it enacted, 64.4 percent of districts favored Republicans, while the statewide proportion of voters favoring Republican candidates over the past 10 years was only 54 percent. *See* Ex. 6. The Ohio Redistricting Commission justified this disparity by pointing to the fact that Republican candidates won 13 of 16 statewide elections, or 81 percent of contests, during that period, asserting that the percentage of election wins is an appropriate measure of voters' statewide preferences. *Id.* According to the Ohio Redistricting Commission's tortured reasoning, had Republicans won 100 percent of statewide elections over the past decade, even if only by a single vote in each instance, a plan drawn to favor Republicans to win every single seat in the General Assembly would be proportional to Ohio voters' statewide preferences.

5. The resulting plan enacted by the Ohio Redistricting Commission is intended to and has the effect of favoring and giving disproportionate political power and control over the future of Ohio to one political party and its members. For example, with a statewide average of 54 percent voter support, Republican candidates are estimated to win 64 of 99 seats in the House of Representatives, nearly two-thirds of all seats. By contrast, because of the way the Commission drew the districts, Democrats would win only 49 seats with an equivalent percentage of statewide support. Ex. 1 (Latner Aff. ¶ 26). In other words, the number of votes that would secure a veto-proof *supermajority* for Republicans would likely not be enough to obtain a simple majority for Democrats. Even some of the Commissioners who voted for the plan cast doubt on its legality. For example, Governor Mike DeWine commented, "[w]hat I am sure

in my heart is that this Committee could have come up with a bill that was much more clearly, clearly constitutional, and I'm sorry we did not do that.”<sup>1</sup>

6. The harms are stark: the district plan dilutes the voting power of Ohio voters who tend to support Democrats by intentionally cracking and packing them into districts on the basis of political party for the purpose of weakening their political influence. These abuses are especially borne by members of Ohio's growing Black and Muslim communities who, because of Ohio's political geography, are among the communities that bear the brunt of the enacted partisan gerrymander and are burdened in effectively organizing and having their voices heard by elected leaders. Ohio-based organizations that mobilize voters and encourage civic engagement around issues of racial, religious, economic, and environmental justice are hampered in effectively advocating to their legislators and engaging their communities in collective action. Statewide, the plan's dramatic pro-Republican skew creates a disconnect between the preferences of Ohio voters and electoral outcomes, leading to a government that is less representative, responsive, and accountable to the people.

7. This action before the Supreme Court of Ohio is necessary to give effect to the will of Ohio voters and to the unambiguous commands of Article XI of the Ohio Constitution. Because the Ohio Redistricting Commission's General Assembly district plan does not comply with and violates the Ohio Constitution, this Court should declare the plan invalid and order the Ohio Redistricting Commission to adopt a new General Assembly district plan that complies with the Constitution in accordance with Section 9 of Article XI of the Ohio Constitution.

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<sup>1</sup> Ohio Redistricting Commission, Hearing on September 15, 2021, at timestamp 35:30 – 36:06, <https://ohiochannel.org/video/ohio-redistricting-commission-9-15-2021>.

## JURISDICTION

8. This is an apportionment case. *See* S.Ct.Prac.R. 5.08(A)(3), 14.03(A).<sup>2</sup> This Court has original and exclusive jurisdiction over this apportionment case under Section 9 of Article XI of the Ohio Constitution and Supreme Court Practice Rule 14.03 because relators allege that the Ohio Redistricting Commission adopted a General Assembly district plan that violates Article XI of the Ohio Constitution. They seek judicial remedies as set forth in Section 9 of Article XI.

## PARTIES

### A. Relators in this Apportionment Case

9. The Ohio Organizing Collaborative (OOC) is a nonprofit organization incorporated in Ohio with a multi-pronged mission of organizing everyday Ohioans to build transformative power for racial, social, and economic justice. It is organized and existing under Ohio law, with its principal place of business at 25 E Boardman Street, Youngstown, OH 44503. The OOC is made up of four grassroots organizing membership projects and dozens of campaigns that span a broad range of leaders, communities, and intersecting issues, including college students, people of faith, people directly impacted by mass incarceration, unemployed workers, care providers and the families they serve, and people working in the care economy. The OOC has five current members on its Board of Directors, all of whom, on information and

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<sup>2</sup> This is not an “original action” under this Court’s rules, which define that phrase to mean “a case that invokes the original jurisdiction of the Supreme Court pursuant to Article IV, Section 2(B)(1)(a) through (e) of the Ohio Constitution.” S.Ct.Prac.R. 5.06(A); *see also* S.Ct.Prac.R. 12.01 (prescribing rules for “original actions” under Article IV, Section 2). The parties here invoke Article XI as the basis for this Court’s original jurisdiction, not Article IV. Unlike Rule 12.03, Rule 14.03 does not specify how to refer to the parties. Because Rule 14.03 is silent on that question, the challengers will refer to themselves as “relators” and refer to their opponents as “respondents.” This terminology is for convenient reference and is not meant to suggest that this is a mandamus action or other type of original action.

belief, are registered Ohio voters. It also has hundreds of members concentrated in Columbus, Cleveland, Dayton, and Cincinnati and thousands of supporters and volunteers in almost every metropolitan area across the State.

10. One of the OOC's state and local priorities is structural democracy reform, which it pursues through grassroots community organizing, large scale civic engagement, and strategic communication. Its non-partisan voter engagement program, for example, has registered hundreds of thousands of Ohioans to vote. The OOC is especially focused on engaging young voters and voters of color in the democratic process. And, over the past few years, the OOC helped to drive community organizing and public engagement strategies during the redistricting process to ensure that Ohio would get a fair map outcome. The OOC convened a nonpartisan citizens commission which modeled a thorough and robust community engagement process to produce constitutional, fair, and proportional maps within deadlines set out in Ohio's constitution. During the community information gathering process, the Ohio Citizens' Redistricting Commission engaged thousands of people, with a particular focus on uplifting the voices of Black, brown, and immigrant Ohioans. Members, officers, and volunteers of the OOC regularly engage with state lawmakers to advance their agenda of economic and racial justice and structural democracy reform.

11. The gerrymandered General Assembly district plan directly impairs the OOC's mission of encouraging civic engagement and fair districts. The plan also deters and discourages its members and partners, along with other Ohio voters, from engaging in the political process, which, in turn, makes it more difficult for the OOC to engage voters through its registration and outreach efforts. The plan likewise hampers the OOC's ability to advance a legislative agenda focused on policies that help improve economic, social, educational, and health outcomes for its



members. These burdens will require the OOC to dedicate additional staff and resources to advance its goals. In addition, the OOC's concerns about the prospect of a gerrymandered General Assembly district plan has forced it during 2021 to divert time and resources to an advocacy campaign for fair districts. The OOC hired two dedicated employees and spent additional staff time to focus on redistricting in 2021, in order to ensure fair maps and a fair opportunity to advance its legislative agenda in the decade to come. The enacted plan will require OOC to continue to divert time and resources to advocacy for fair districts and fair redistricting going forward.

12. The OOC is suing on its own behalf and on behalf of its members who are registered voters in Ohio.

13. The Council on American Islamic Relations, Ohio (CAIR-Ohio) is the largest advocacy and civil rights organization for Muslims in the Midwest. Founded in 1998 in Columbus, Ohio, CAIR-Ohio is an affiliate of the Council on American-Islamic Relations, a nonprofit, grassroots national civil rights organization. CAIR-Ohio has three offices in Ohio: one in Columbus, one in Cincinnati, and one in Cleveland. It is a nonpartisan not-for-profit corporation organized and existing under Ohio law, with its principal place of business at 4985 Cemetery Road, Hilliard, OH 43026.

14. CAIR-Ohio's mission is to protect civil liberties, empower American Muslims, and build coalitions that promote justice and mutual understanding. It advances its mission through civic engagement, legislative advocacy at the local, state, and federal level, education, media relations, and legal advocacy. CAIR-Ohio's civic engagement and advocacy efforts include programs throughout the year to facilitate opportunities for Ohio Muslims to engage with

elected officials and advocate for legislation that aims to preserve and expand voting rights, strengthen the political system for marginalized communities, protect civil liberties, and promote social justice. CAIR-Ohio also has a robust non-partisan voter mobilization program including voter registration drives, voter guides, candidate forums, phone banks, and get-out-the-vote events. As part of this program, CAIR-Ohio provides education on voter ID laws, early voting opportunities, and changes to the voting process.

15. The gerrymandered General Assembly district plan hinders CAIR-Ohio's work, making its civic engagement and advocacy efforts more labor-intensive and depleting its resources and ability to build relationships and influence lawmakers. Ohio Muslims are primarily concentrated in metropolitan areas of Ohio, and for that reason, CAIR-Ohio's advocacy work largely stems from the centers of these communities. Because the gerrymandered plan segments areas with a high concentration of Ohio Muslims, a single community will have to advocate to multiple state representatives, diluting the power of collective action and increasing administrative costs for CAIR-Ohio. For example, CAIR-Ohio regularly undertakes letter writing campaigns. Because the partisan gerrymander divides the Muslim communities across the state into a multitude of districts, the impact of these action alerts on legislators will be greatly reduced. While CAIR-Ohio may be able to coordinate 100 letters from a single mosque, those letters will then have to be divided among multiple legislators, and what is in reality a significant community outcry will be far reduced in impact. This will also increase the organizational burden on CAIR-Ohio, as multiple petitions and templates will need to be created for each mosque or event as opposed to simply one or two. CAIR-Ohio will incur similar administrative costs in organizing advocacy days that have to be coordinated among over 30 legislators. These advocacy days require CAIR-Ohio staff members to organize and facilitate meetings between up

to one hundred Ohio constituents and their respective representatives. With communities being split into different districts, such events will be difficult to execute with limited staff capacity.

16. The partisan gerrymandered plan also limits CAIR-Ohio's ability to build meaningful and ongoing relationships with the legislators that represent the Muslim community. Because CAIR-Ohio's constituents are divided, it is hampered in building inroads with legislators. As a result, CAIR-Ohio is less able to accomplish its legislative and policy goals as its limited staff resources are spread thin across multiple offices.

17. CAIR-Ohio seeks to empower Ohio Muslims through voter registration drives, candidate forums, and civic engagement education. As a minority group, Ohio Muslims are sorely underrepresented in the political sphere, and this obstacle is compounded through gerrymandering. With representatives who do not reflect the values of their respective communities, Muslim voters become apathetic towards policy advocacy and civic engagement efforts. Individual elected officials in safe non-competitive districts will feel no obligation to be responsive to the needs of their Muslim constituents, creating dissonance between communities and those who are meant to serve them. This negatively impacts the willingness of the community to be civically engaged as their efforts are often dismissed. Furthermore, these sentiments make it increasingly difficult for CAIR-Ohio to carry out its mission.

18. The Ohio Environmental Council (OEC) is a nonpartisan, not-for-profit corporation organized and existing under Ohio law, with its principal place of business at 1145 Chesapeake Avenue, Suite I, Columbus, OH 43212. The OEC is an environmental justice organization whose mission is to secure healthy air, land, and water for all who call Ohio home. The OEC works for pragmatic solutions to keep Ohio clean and beautiful, and its communities

safe. It fights for clean air and water, clean energy, and protected public lands. It holds polluters accountable in court while working with communities and companies that want to invest in a clean, more sustainable direction. For more than 50 years, the OEC has led many of the major environmental policy wins in Ohio.

19. One of the four pillars of the OEC's work is safeguarding the integrity and accessibility of Ohio's democracy, recognizing that civic engagement is critical in securing long-term environmental protections. The OEC advocates on behalf of a healthy democracy, because without a healthy democracy, it cannot create policies that benefit the people of Ohio and ensure clean water, vibrant public lands, renewable energy, and a stable climate. In support of this mission, the OEC advocates for fair representation and fair maps in Ohio, which help to amplify the voices of Ohioans and secure a healthy environment for the State.

20. The OEC has over 100 environmental and conservation member organizations and over 3,100 individual members, who live in 84 of Ohio's 88 counties. In the past two years, more than 5,352 individuals across the state have voluntarily taken action in furtherance of the OEC's work through calling and writing decision-makers, volunteering to support an OEC event, and assisting with organizing community members. The OEC regularly activates its members and volunteers to participate in political processes, including submitting testimony and comments to government agencies, contacting decision-makers about environmental and democracy-related issues, and attending hearings. The OEC also regularly holds educational events to inform its memberships about environmental issues impacting Ohio, the United States, and the planet. The OEC's headquarters is in Columbus, but it has regional coordinators in Cleveland, Cincinnati, Toledo, and Youngstown. Upon information and belief, the vast majority

of the OEC's members are registered voters in Ohio, and include Democrats, Republicans, and Independents.

21. Since its founding in 1969, the OEC has relied on the Ohio and the federal Constitutions' freedoms of assembly and association to organize and advocate for the interests of its members to secure protections for environmental and human health. The gerrymandered General Assembly plan harms OEC's members and hinders its work by dividing many of Ohio's communities and also diluting the votes of Democratic voters for the purpose of maintaining a Republican advantage in the Ohio General Assembly. The gerrymander results in a government that is not representative or responsive to OEC's members or the public, including on issues of environmental justice.

22. Because of the gerrymandered General Assembly district plan, the OEC has and will continue to expend additional time and resources in order to organize voters to defend Ohio's environment and ensure a free and fair democratic process. For example, the gerrymandered plan cracks communities, particularly communities of color, that share common health and environmental challenges, which requires the OEC and its members to expend additional resources in order to target multiple members of the General Assembly with respect to local health issues. In particular, the Environmental Protection Agency's Environmental Justice Screening and Mapping Tool (EJSCREEN), which generates scores combining demographic factors and environmental hazard indicators, indicates that the area west of Interstate 75 extending to Trotwood and Drexel, and within the communities of Northview and West Carrollton, has the highest Environmental Justice (EJ) Index percentile scores in the state. This score is highest in areas with large numbers of low-income and/or minority residents and higher environmental hazard values. This region of Dayton is not only made up of predominantly low-

income and minority communities, but it contains areas that lie in the 95th-100th percentile EJ Index score for National Air Toxics Assessment cancer risk, lead paint, and superfund proximity indicators. Under the district plan, this area with high environmental hazard concerns is split into three House districts: districts 36, 38, and 39. Communities in this area are represented by three different House districts, cracking apart those affected by the same environmental hazards and injustices. Additionally, district 39 scoops into this affected area yet extends far west and southwest to the Indiana border. It dilutes minority voices with those from rural communities who do not experience high cancer, lead paint, and superfund proximity hazards.

23. The gerrymandered General Assembly district plan also directly affects the OEC's ability to educate its membership and activate them to improve Ohio's environment. Starting in 2019 and continuing through the present, the OEC has advocated for a stronger, more responsive democracy because a healthy environment is not possible without a healthy democracy, and when Ohio's districts are gerrymandered, it does not have a healthy democracy. Thus, the OEC is spending significant resources to educate its membership on the importance of voting rights and fair districts in response to gerrymandered districts. Since 2019, the OEC has funded voter registration efforts, held educational sessions on fair maps and redistricting, and educated membership and supporters directly about voting procedures for state legislative elections. The plan adopted on September 16, 2021, by the Ohio Redistricting Commission perpetuates the need for continued investment in educational efforts regarding Ohio's democratic institutions. Because the gerrymandered plan encourages apathy and discourages voters from engaging in the democratic process, the OEC will need to expend additional resources over the next decade to continue encouraging its membership and supporters to engage in elections and other political activities and advocate for environmental issues.

24. The OEC is suing on its own behalf and on behalf of its members who are registered voters in Ohio.

25. Pierrette “Petee” Talley lives at 935 Parkside Boulevard, Toledo, OH 43607, which is in House district 42 and Senate district 11 in the enacted plan. Ms. Talley is an Ohio voter who is registered with the Democratic Party and who regularly supports Democratic candidates for office. Ms. Talley is the Chief Executive Officer of the Ohio Coalition on Black Civic Participation/Ohio Unity Coalition, the state affiliate of the national Unity Voter Empowerment Campaign convened by the National Coalition on Black Civic Participation. Ms. Talley is a former member of the executive committee of the Ohio AFL-CIO. Ms. Talley is also active in her community, including engaging with voters and in other civic activities.

26. Samuel Gresham Jr. lives at 255 Old Trail Drive, Columbus, OH 43213, which is in House district 2 and Senate district 15 in the enacted plan. Mr. Gresham is an Ohio voter who is not registered with either major party and who regularly supports the best candidates for office, including Democrats. Mr. Gresham is a member of the Ohio Citizens’ Redistricting Commission, the Chair of Common Cause Ohio, and the former President and Chief Executive Officer of Columbus Urban League. Mr. Gresham is active in his community, including engaging with voters and in other civic activities.

27. Ahmad Aboukar lives at 5019 Noor Park Circle, Dublin, OH 43016, which is in House district 11 and Senate district 16 in the enacted plan. Mr. Aboukar is an Ohio voter who is registered with the Democratic Party and who regularly supports the best candidates for office, including Democrats. Mr. Aboukar is a small business owner and a student at the Ohio State University School of Law. Mr. Aboukar is active in the Muslim and broader community that

lives in the area around the Noor Islamic Cultural Center in Dublin, Ohio, including engaging with voters and in other civic activities.

28. Mikayla Lee lives at 383 Oak Street, Columbus, OH 43215, which is in House district 1 and Senate district 15 in the enacted plan. Ms. Lee is an Ohio voter who is registered with the Democratic Party and who regularly supports Democratic candidates for office. Ms. Lee works for a nonpartisan and not-for-profit organization that helps young people run for office and serves as the Vice President of the Ohio Young Black Democrats. Ms. Lee is also active in her community, including engaging with voters and in other civic activities.

29. Prentiss Haney lives at 918 Windsor Street, Cincinnati, OH 45206, which is in House district 24 and Senate district 9 in the enacted plan. Mr. Haney is an Ohio voter who is registered with the Democratic Party and who regularly supports Democratic candidates for office. Mr. Haney is the co-executive director of the Ohio Organizing Collaborative and is currently on sabbatical from his official duties. Mr. Haney is also active in his community, including engaging with voters and in other civic activities.

30. Crystal Bryant lives at 2210 East 97th Street, Cleveland, OH 44106, which is in House district 18 and Senate district 23 in the enacted plan. Ms. Bryant is an Ohio voter who is registered with the Democratic Party and who regularly supports Democratic candidates for office. Ms. Bryant is the executive director of the N.A.A.C.P. Cleveland Branch. She is also the co-founder of Cleveland Votes, a non-partisan voter engagement organization that focuses on building civic muscle for the most underserved. Ms. Bryant is also active in her community, including engaging with voters and in other civic activities.



**B. Respondents in this Apportionment Case**

31. The Ohio Redistricting Commission (Commission) is a seven-member body charged under Ohio law with responsibility for the redistricting of this State for the General Assembly.

32. Robert R. Cupp is a Co-Chair of the Commission and Speaker of the Ohio House of Representatives, with his principal place of business at 77 South High Street, 14th Floor, Columbus, OH 43215.

33. Vernon Sykes is a Co-Chair of the Commission and an Ohio Senator, with his principal place of business at 1 Capitol Square, Ground Floor, Columbus, OH 43215.

34. Matt Huffman is a member of the Commission and the Ohio Senate President, with his principal place of business at 1 Capitol Square, 2nd Floor, Columbus, OH 43215.

35. Emilia Sykes is a member of the Commission and the Ohio House of Representative House Minority Leader, with her principal place of business at 77 South High Street, 14th Floor, Columbus, OH 43215.

36. Mike DeWine is a member of the Commission and the Governor of Ohio, with his principal place of business at 77 South High Street, 30th Floor, Columbus, OH 43215.

37. Keith Faber is a member of the Commission and the Ohio Auditor of State, with his principal place of business at 88 East Broad Street, 5th Floor, Columbus, OH 43215.

38. Frank LaRose is a member of the Commission and the Ohio Secretary of State, with his principal place of business at 22 North Fourth Street, 16th Floor, Columbus, OH 43215. Secretary LaRose is the chief elections officer of the State.

## FACTS

### A. The General Assembly Proposes and Voters Approve Amendments to Article XI of the Ohio Constitution to Curb Partisan Gerrymandering

39. Partisan gerrymandering has a long and unfortunate history in the State of Ohio. The State has at numerous points in its history adopted reforms to limit redistricting abuses, but partisan forces have consistently sought to circumvent these reforms in pursuit of undue advantage. At the State's inception, legislative districts were drawn by the General Assembly and "oftentimes political advantage was sought to be gained by the party in power." *State ex. rel. Herbert v. Bricker*, 139 Ohio St. 499, 508, 41 N.E.2d 377 (1942). The Constitution of 1851 incorporated Article XI "for the purpose of correcting the evils of former days," by creating an apportionment board that did not need the General Assembly's approval to adopt maps. *Id.* "The objective sought by the constitutional provisions was the prevention of gerrymandering." *Id.* at 509. Unfortunately, these provisions, without more, did not stop partisan abuses, *see* Ex. 1 (Latner Aff. ¶ 13), or racially discriminatory districts, *see, e.g., Armour v. State of Ohio*, 775 F. Supp. 1044, 1058-1060 (N.D. Ohio 1990).

40. Partisan gerrymandering reared its head during last decade's redistricting cycle. But when Ohio voters sought to challenge the extreme gerrymander under Article XI, this Court ruled that Article XI, as it then existed, was of no help. "The words used in Article XI [of the Ohio Constitution]," this Court explained, "do not explicitly require political neutrality, or for that matter, politically competitive districts or representational fairness, in the apportionment board's creation of state legislative districts." *Wilson v. Kasich*, 134 Ohio St.3d 221, 2012-Ohio-5367, 981 N.E.2d 814, ¶ 14.

41. Unwilling to allow another partisan gerrymander, Ohioans acted swiftly to pressure the General Assembly to amend Article XI. In 2014, the 130th General Assembly adopted a joint resolution to propose an amendment to Article XI of the Ohio Constitution. Ex. 2. As described in the official ballot language, the proposed amendment would, among other things, “[e]nd the partisan process for drawing Ohio 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.” Ex. 3.

42. Under Ohio law, the Ohio Ballot Board published arguments for and against Ballot Issue 1 in a newspaper of general circulation. The official arguments for and against Ballot Issue 1 also appeared on the Ohio Secretary of State’s website.

43. The official arguments in favor of Ballot Issue 1 stated in part, “Voting **YES on Issue 1**, will make sure state legislative districts are drawn to be **more competitive** and compact, and ensure that no district plan should be drawn to favor or disfavor a political party.” Ex. 4 (bolding and underlining in original). The arguments in favor of Ballot Issue 1 emphasized, “Voting YES on Issue 1 will establish fair and balanced standards for drawing state legislative districts, including that no district plan should favor a political party.” *Id.* The arguments in favor of Ballot Issue 1 were prepared by Senators Keith Faber and Joe Schiavoni and Representatives Kirk Schuring and Mike Curtin. *Id.* Mr. Faber is currently the Ohio Auditor of State, a member of the Commission, and a respondent in this apportionment case.

44. The official arguments against Ballot Issue 1 did not dispute the premise that Ballot Issue 1, if approved by the voters, would ensure no district plan should be drawn to favor or disfavor a political party. Rather, the arguments against Ballot Issue 1 asserted, among other

things, that the “gerrymandering that results from partisan control is not a bad process, because it leads to one-party control of government and voters can know who to hold responsible.” Ex. 5. The arguments against Ballot Issue 1 stated, “The current process can be trusted to maintain fair district lines; a ‘no’ vote maintains the status quo.” *Id.*

45. The people of Ohio voted resoundingly to reject the redistricting regime that existed as of 2015, in favor of a new one that would ensure that no district plan should be drawn to favor or disfavor a political party. In November 2015, Ohio voters approved Ballot Issue 1 with more than 71 percent of the vote, thereby amending Article XI of the Ohio Constitution as proposed in the joint resolution. The amended Article XI took effect on January 1, 2021. *See* Ex. 2, at page 9.

46. Under Article XI, as thus amended, the Commission is required to “attempt to draw a general assembly district plan that meets all of the following standards: (A) No general assembly district plan shall be drawn primarily to favor or disfavor a political party. (B) The statewide proportion of districts whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party shall correspond closely to the statewide preferences of the voters of Ohio.” Ohio Constitution, Article XI, Section 6(A), (B). The Commission also violates Article XI if its General Assembly district plan does not comply with the Ohio Constitution. Ohio Constitution, Article XI, Section 3(B)(2). This Court must remedy such violations pursuant to Article XI, Section 9.

**B. The Ohio Redistricting Commission Uses a Partisan Process to Propose and Adopt a General Assembly District Plan**

47. The Commission was convened on August 6, 2021. The Commission consisted of five Republican members and two Democratic members.

48. Soon after convening, the Commission held hearings across the State to hear from members of the public. In these hearings, held between August 23 and August 27, Ohio citizens uniformly demanded that the Commission respect the will of the people as expressed in the 2015 amendments of the Ohio Constitution, and put an end to partisan gerrymandering. Dozens of witnesses testified in Cleveland, Youngstown, Dayton, Cincinnati, Zanesville, Rio Grande, Lima, Toledo, Akron, and Mansfield that no district plan should be drawn to favor or disfavor a political party. The following testimony is representative of the hearing testimony before the Commission:

- a. “I would like to see the end of gerrymandering, and I think that was the intent of the constitutional amendment, and hopefully we can have fair representation, which is called for by the constitutional amendment.” – Robert Clyde.<sup>3</sup>
- b. “Every person in this room knows that we, the Ohio voters, were voting to end gerrymandering and to thus provide fair representation to all Ohioans. As our elected officials, you must draw districts using the process defined in the Ohio Constitution by those amendments.” – Wendy Dyer.<sup>4</sup>
- c. “The strong support of voters on the redistricting issue is clear. It resulted in a change to the state constitution. This body is a product of that change. Now it is up to this body to live up to the letter and the spirit of the law. We need a

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<sup>3</sup> Ohio Redistricting Commission, Hearing on August 23, 2021 - Youngstown, at timestamp 50:11 – 50:28, <https://ohiochannel.org/video/ohio-redistricting-commission-8-23-2021-youngstown>.

<sup>4</sup> Ohio Redistricting Commission, Hearing on August 24, 2021 - Dayton, at timestamp 1:35:45 – 1:36:09, <https://ohiochannel.org/video/ohio-redistricting-commission-8-24-2021-dayton>.

transparent process that results in fair districts. Through this redistricting process, Ohio has the chance to serve as an example to the country about how to do this the right way. I call on you to put partisanship aside and listen to the will of the people.” – Scott DiMauro.<sup>5</sup>

- d. “Gerrymandering has happened under the control of both parties, both major political parties in the past, and it is not a practice that should be revisited under any circumstances. That is why Ohioans in all 88 counties voted twice to amend the state constitution, as you are certainly aware, to improve the process of drawing district lines, both for Ohio legislative districts and for U.S. Congress.” – Dr. LaPearl Winfrey.<sup>6</sup>
- e. “The voters of Ohio spoke in 2015 and 2018 asking for an end to gerrymandering. It is my hope that you listen to the majority of Ohio voters.” – Jolynne Henning.<sup>7</sup>
- f. “The Commission and the general legislature must honor the voters who voted twice to end gerrymandering. Elections should be determined by the voters and not by gerrymandered boundaries.” – Sandy Sommer.<sup>8</sup>

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<sup>5</sup> *Id.* at 31:35 – 32:09.

<sup>6</sup> *Id.* at 2:01:09 – 2:01:37.

<sup>7</sup> Ohio Redistricting Commission, Hearing on August 24, 2021 - Cincinnati, at timestamp 1:28:40 – 1:28:53, <https://ohiochannel.org/video/ohio-redistricting-commission-8-24-2021-cincinnati>.

<sup>8</sup> *Id.* at 1:34:43 – 1:34:55.

- g. “The majority of Ohio voters—71%—clearly demand an end to gerrymandering and increased transparency in the once every ten year process of drawing the maps. The citizens of Ohio are counting on you to draw fair maps, to avoid cracking and packing along party lines[.]” – Caroline Cook.<sup>9</sup>
- h. “The redistricting rules you follow today were incorporated into the Ohio Constitution through the votes of over 70% of Ohio voters. The reforms are designed specifically to temper the political party influence in the redistricting process. Use these tools that the voters have given to you to draw fair districts this cycle.” – Michael Ahern.<sup>10</sup>
- i. “I do want to urge you guys that the voters gave you guys a charge, you folks a charge. The voters said, we want fair districts, we want to take the political, the partisan gerrymandering, out of this equation[.]” – Ted Linscott.<sup>11</sup>
- j. “I just think that the voters who did this deserve to have the gerrymandering end. Please stand up for Ohio. Do the right thing. Give the people a fair vote.” – Kay Chapman.<sup>12</sup>

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<sup>9</sup> Ohio Redistricting Commission, Hearing on August 25, 2021 - Zanesville, at timestamp 49:45 – 50:06, <https://ohiochannel.org/video/ohio-redistricting-commission-8-25-2021-zanesville>.

<sup>10</sup> Ohio Redistricting Commission, Hearing on August 25, 2021 – Rio Grande, at timestamp 17:04 – 17:29, <https://ohiochannel.org/video/ohio-redistricting-commission-8-25-2021-rio-grande>.

<sup>11</sup> *Id.* at 30:48 – 31:08.

<sup>12</sup> Ohio Redistricting Commission, Hearing on August 26, 2021 – Toledo, at timestamp 30:28 – 30:40, <https://ohiochannel.org/video/ohio-redistricting-commission-8-26-2021-toledo>.

- k. “Ohio voters passed redistricting reform to get rid of gerrymandering. The resounding cry is, we won’t accept gerrymandered maps. The maps that will be drawn should reflect to the spirit of redistricting forms in 2015 and 2018. Ohio deserves fair maps that keep communities together. In conclusion, I just want to remind everyone that redistricting reform received over 70% of the vote statewide and passed in all 88 counties. The people have spoken. We want our voices heard.” – Cazzell Smith.<sup>13</sup>
49. The Ohio Constitution sets forth the following initial steps for adopting a General Assembly district plan.
- a. First, the Commission “shall draft the proposed plan in the manner prescribed in [Article XI].” Ohio Constitution, Article XI, Section 1(C).
  - b. Second, the Commission shall release the proposed General Assembly district plan to the public. *See id.*
  - c. Third, the Commission shall conduct a minimum of three public hearings to present the proposed plan and seek public input. *See id.*
  - d. Fourth, the Commission “shall adopt a final general assembly district plan” not later than September 1, 2021. *Id.* Any such plan must be adopted by a bipartisan vote, including votes from at least two members who represent each of the two

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<sup>13</sup> Ohio Redistricting Commission, Hearing on August 27, 2021 – Akron, at timestamp 1:04:26 – 1:05:01, <https://ohiochannel.org/video/ohio-redistricting-commission-8-27-2021-akron>.



largest political parties represented in the General Assembly. Ohio Constitution, Article XI, Section 1(B)(3).

50. The Commission met on August 31, 2021—the day before the deadline to adopt a final plan under Section 1(C) of Article XI. By that date, the Commission had failed to introduce a proposed plan to the public, let alone conduct any public hearings to present such a proposed plan and receive comments from the public.

51. At the August 31 hearing, House Leader Emilia Sykes asked her colleagues on the Commission “when the Commission will put forth a map that people, and members of the public, can comment on.” Co-Chair Cupp replied that “a map is being developed, carefully, with regard to the data and the constitutional requirements . . .” but was unlikely to be available by September 1.<sup>14</sup> House Leader Sykes stated that she had not been consulted about the map that was being developed and asked who on the Commission was participating in developing the map and considering data.<sup>15</sup> Co-Chair Cupp replied that “the Commission itself is not drawing a map . . . .”<sup>16</sup> Senate President Huffman elaborated that in his view, each political party caucus could and would submit a proposed plan for the Commission’s consideration, and that the Commission would select one of those submitted plans (or one submitted by a member of the public), to release to the public as the Commission’s proposed plan.<sup>17</sup>

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<sup>14</sup> Ohio Redistricting Commission, Hearing on August 31, 2021, at timestamp 16:00-16:36, <https://www.ohiochannel.org/video/ohio-redistricting-commission-8-31-2021>; *see also id.* at 26:58-27:45, 30:54-31:19.

<sup>15</sup> *Id.* at 17:50-18:42.

<sup>16</sup> *Id.* at 19:00-19:10.

<sup>17</sup> *Id.* at 21:42-25:21.

52. The comments that the Republican Commissioners made on the record in response to House Leader Emilia Sykes’ repeated questions about when she would have an opportunity to participate in drafting the plan that “the commission shall draft,” Ohio Constitution, Art. XI, Section 1(C), underscored that the Republican legislative caucus, and not the Commission, was drafting the plan in private. As Co-Chair Cupp explained, “Obviously, when a map is presented, members of the Commission have an opportunity to weigh in.”<sup>18</sup>

53. At that August 31 hearing, however, no Commissioner shared a plan from the Republican legislative caucus in the House or Senate. By contrast, Co-Chair Vernon Sykes introduced a plan from the members of the Ohio Senate Democratic caucus, as a starting point for the other members of the Commission to provide feedback and suggestions.<sup>19</sup>

54. September 1 came and passed without a proposed plan. The Commission’s failure to adopt a final plan by September 1 triggered an “impasse” procedure under Section 8 of Article XI of the Ohio Constitution. That procedure permitted the Commission to introduce a plan by a partisan majority vote of the Commission. Ohio Constitution, Article XI, Section 8(A)(1). It also required the Commission to propose the plan to the public, “hold a public hearing concerning the proposed plan,” and pass a final plan by September 15, 2021. Ohio Constitution, Article XI, Section 8(A)(2), (3).

55. The Commission met again at 10:00 a.m. on September 9, 2021. At that meeting, Senate President Huffman introduced a plan. Ray DiRossi, caucus staff to the Senate Majority Caucus, presented the plan to the Commission. In his presentation, Mr. DiRossi indicated that he

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<sup>18</sup> *Id.* at 31:20-31:29.

<sup>19</sup> *Id.* at 6:33-8:18.

had not yet determined whether that plan complied with Section 6's partisan fairness requirements, stating: "we are conducting an analysis of the election data contemplated by the constitution. That analysis is ongoing. It is not complete as of today, and it is ongoing."<sup>20</sup> Nevertheless, at a second meeting held just a few hours later, the Republican members of the Commission voted to introduce the Republican caucus plan as the Commission's proposed plan. Both hearings were announced with only one day's notice and the plan itself was only introduced at the 10:00 a.m. hearing, depriving witnesses of the time needed to review the plan and provide feedback.

56. Following the introduction of the proposed plan, the Commission held three public hearings: one on September 12, another on September 13, and a third on September 14, 2021. Despite the short time to review the plan, the public's verdict on the proposed plan was virtually, if not entirely, unanimous: the plan was a partisan gerrymander and therefore failed to comply with the Ohio Constitution. The following testimony is representative of the hearing testimony concerning the Commission's proposed plan:

- a. "This redistricting process is a slap in the face to the over 70 percent of Ohioans who voted for the redistricting reforms. The Republican engineered maps give even more power to the Republican candidates. They are even more politically biased than the ones we currently have." Deborah Dalke.<sup>21</sup>

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<sup>20</sup> Ohio Redistricting Commission, Hearing at 10:00 a.m. on September 9, 2021, at timestamp 21:00-21:54, <https://www.ohiochannel.org/video/ohio-redistricting-commission-9-9-2021-1000am>.

<sup>21</sup> Ohio Redistricting Commission, Hearing on September 13, 2021, at timestamp 22:23 – 22:39, <https://ohiochannel.org/video/ohio-redistricting-commission-9-13-2021>

- b. “[T]he Ohio Constitution was amended in 2015 and 2018 to prevent partisan gerrymandering of voting districts. Ohio voters of all parties demanded this, as demonstrated by the overwhelming support of more than 70 percent of these issues. While I am not a voting rights lawyer or expert, it is clear at a minimum that the following requirements have not been met by the proposed maps: . . . ‘no plan shall be drawn primarily to favor or disfavor a political party.’ Given the supermajority of the proposed maps, that doesn’t seem to be met.” Barbara Friedman Yaksic.<sup>22</sup>
- c. “Voters of Ohio voted for change. We want an end to partisan gerrymandering and business as usual. We demand fair maps. As you know, time is running out.” Scott DiMauro.<sup>23</sup>

57. The Committee convened at 10:30 a.m. on the morning of September 15, 2021, and immediately recessed at the request of Senate President Huffman. Although the Commission was supposed to reconvene at 3:00 p.m., it did not reconvene until 11:15 p.m.—leaving less than an hour to pass a final map under the constitutional deadline. Upon reconvening, Senate President Huffman introduced an amendment to the proposed plan, revising several district boundaries. Within 10 minutes of its introduction, the Commission passed the amendment along party lines.

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<sup>22</sup> *Id.* at 30:34 – 31:27.

<sup>23</sup> Ohio Redistricting Commission, Hearing on September 14, 2021, at timestamp 1:13:24 – 1:13:35, <https://ohiochannel.org/video/ohio-redistricting-commission-9-14-2021>.

58. Just after midnight, on September 16, 2021, the Commission adopted—again along party lines—that amended plan as the final General Assembly district plan. The two Democratic members of the Commission voted against the final plan, stating that it “egregiously violates the anti-gerrymandering provisions of the Ohio Constitution.” Minority Report of Senator Vernon Sykes, Co-Chair, and House Minority Leader Emilia Strong Sykes, Commissioner (Sept. 15, 2021). Two other members of the Commission—who cast deciding votes to adopt the final plan—also cast doubt on the constitutionality of the plan and asked *this Court* to decide whether the plan is constitutional. To wit:

- a. Secretary of State Frank LaRose stated, “I’m casting my Yes vote with great unease. I fear, I fear, we’re going to be back in this room very soon. This map has many shortcomings, but they pale in comparison to the shortcomings of this process. Didn’t have to be this way. It didn’t have to be this way.”<sup>24</sup>
- b. Governor Mike DeWine stated, “I will vote to send this matter forward, but it will not be the end of it. We know that this matter will be in court. I’m not judging the bill one way or another—that’s up for a court to do. What I do, what I am sure in my heart is that this Committee could have come up with a bill that was much more clearly, clearly constitutional, and I’m sorry we did not do that.”<sup>25</sup>

59. Because the plan was passed along party lines, Section 8(C)(2) of Article XI required the Commission to “include a statement explaining what the commission determined to

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<sup>24</sup> Ohio Redistricting Commission, Hearing on September 15, 2021, at timestamp 31:14 – 31:35, <https://ohiochannel.org/video/ohio-redistricting-commission-9-15-2021>

<sup>25</sup> *Id.* at 35:30 – 36:06.

be the statewide preferences of the voters of Ohio and the manner in which the statewide proportion of districts in the plan whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party corresponds closely to those preferences, as described in division (B) of Section 6 of this article.”

60. At the final meeting held overnight from September 15-16, 2021, Senate President Huffman introduced a statement to comply with Section 8(C)(2). That statement was approved along party lines.

61. In that statement, the Commission found that the statewide proportion of voters favoring statewide Republican candidates was 54 percent and the statewide proportion of voters favoring statewide Democratic candidates was 46 percent. Ex. 6. The Commission also found that 64.4 percent of districts in the Commission’s plan favored Republicans, while 35.6 percent of districts favored Democrats. *Id.*

62. Despite this 10-point gap between Republican vote share and the proportion of districts expected to favor Republicans, the Commission concluded that “the statewide proportion of districts whose voters favor each political party corresponds closely to the statewide preferences of the voters of Ohio.” Ex. 6. It justified this conclusion by counting the number of statewide state and federal partisan general elections during the last ten years. The Commission found that Republican candidates won 13 of 16 such elections, or 81 percent, during that period. *Id.*

63. Under the Commission’s logic, if the Republican Party won five statewide elections with 50.1 percent of the vote and the Democrats won zero elections over the same

period of time, that would mean that the statewide preference of the voters of Ohio is to elect Republicans to 100 percent of the districts in the state. Ex. 1 (Latner Aff. ¶ 19).

64. The Commission also stated that its attempt to meet what it described as the “aspirational” standards of Article XI, Section 6 of the Ohio Constitution did not result in any violation of the “mandatory” requirements of Article XI, Sections 2, 3, 4, 5, and 7 of the Ohio Constitution. Ex. 6.

**C. The Enacted Plan is a Severe Partisan Gerrymander**

65. Contrary to the Commission’s Section 8(C)(2) statement quoted above, the enacted General Assembly district plan violates Section 6(B) of Article XI because it does *not* remotely correspond—much less “closely correspond”—with the statewide preferences of Ohio voters. To the contrary, the statewide proportion of districts whose voters favor the Republican Party is grossly disproportionate to statewide preferences, as reflected by voters’ actual votes. According to the Commission’s own Section 8(C)(2) statement, it drew the districts such that 64.4 percent of *districts* favor Republicans, even though a significantly smaller percentage of *voters*—54 percent, on average, during the last ten years—favor Republicans. As made clear by other plans submitted to the Commission, the Commission could have drawn districts that more closely correspond with the statewide preferences of voters, but deliberately refused to do so, based on a patently erroneous assertion that the percentage of statewide elections won by a political party reflects the statewide preferences of voters for that party. Ex. 1 (Latner Aff. ¶ 17).

66. The Commission drew the General Assembly district plan primarily to favor the Republican Party and to disfavor the Democratic Party, in violation of Section 6(A) of Article XI. The plan treats voters differently based on their political party preferences or, in other words,

it exhibits partisan asymmetry. A district plan exhibits partisan bias or partisan asymmetry when one party wins a larger number of legislative seats with a vote share than the other party would win with an equivalent vote share. For example, if one party would receive 65 percent of legislative seats with only 55 percent of the statewide vote share, while another party would receive only 45 percent of the seats with the same statewide vote share, that difference is the product of partisan asymmetry. Such a plan would plainly favor one party over the other.

67. The Commission’s adopted plan exhibits severe and durable partisan bias, or asymmetry. Ex. 1 (Latner Aff. ¶ 26). For example, under the plan, Republicans win 64 of 99 House seats (65 percent—a veto-proof majority) with only 54 percent statewide support from voters. By contrast, if there is a uniform statewide vote swing in favor of Democrats so that they have 54 percent statewide support, they would win only 49 seats (less than 50 percent—short of even a bare majority). *Id.*

68. The Commission created a highly asymmetrical General Assembly district plan through “cracking” and “packing” throughout the State, *i.e.*, by splitting up or “cracking” Democratic voters in some geographies to dilute their voting strength and moving as many Democratic voters as possible into a small number of “packed” Democratic districts in others.

69. For example, in Hamilton County, House districts 24 and 25 are estimated to be 71 percent and 78 percent Democratic, respectively, with high proportions (41 percent and 52 percent, respectively) of voting age Black residents, while adjacent districts 27, 29, and 30 are safely Republican. Similarly, district 38 in Montgomery County is estimated to be 67 percent Democratic, creating safe Republican seats in adjoining districts 35 and 39, and a toss-up district 36. Ex. 1 (Latner Aff. ¶ 33). By concentrating Democratic support in a few districts, the



Commission created more opportunities for Republicans to win more seats with fewer votes, relative to the number of votes Democrats would need to receive to win the same number of seats.

70. Many district boundaries in the final General Assembly district plan, in addition to those discussed in the paragraph above, conform to partisan precincts in a precise manner, which indicates that the Commission relied on the partisan makeup of the districts when drawing district boundaries and attempted to draw districts primarily to favor or disfavor a political party. The partisan asymmetry of the resulting plan shows that the Commission succeeded in drawing districts to favor or disfavor a political party, *i.e.*, that it engaged in partisan gerrymandering. Both the House and Senate plans are biased in favor of the Republican Party.

### **FIRST CAUSE OF ACTION**

(violation of Article XI, Section 3)

71. Relators restate and incorporate by reference the allegations of paragraphs 1 through 70 above as though fully set forth in this Paragraph.

72. Section 3 of Article XI of the Ohio Constitution provides that “[a]ny general assembly district plan adopted by the commission shall comply with all applicable provisions of the constitutions of Ohio and the United States and of federal law.” Ohio Constitution, Article XI, Section 3(B)(2). Thus, a General Assembly district plan that violates any other provision of the Ohio Constitution also violates Article XI, Section 3.

73. The Ohio Constitution prohibits drawing districts to deprive citizens of their right to alter or reform government for the equal protection and benefit. In particular, the Ohio Constitution provides:

All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform, or abolish the same, whenever they may deem it necessary; and no special privileges or immunities shall ever be granted that may not be altered, revoked, or repealed by the general assembly.

Ohio Constitution, Article I, Section 2.

74. The General Assembly district plan adopted by the Ohio Redistricting Commission institutes government by drawing electoral districts, but it does not institute government or draw districts for the equal protection and benefit of the people. Rather, the plan adopted by the Commission draws districts for the benefit of Republican voters, at the expense of the relators and organizational members who are likely Democratic voters. In particular, the plan classifies voters by political affiliation and draws district boundaries on the basis of their political affiliation, leaving Democratic voters in cracked and packed election districts and thereby substantially diluting their voting power.

75. As a result, the plan systematically makes it more difficult for Democratic voters to elect a candidate of their choice in House and Senate districts. And on a statewide basis, candidates supported by Democratic voters win far fewer seats in the Ohio House and Senate than they would absent the gerrymander.

76. The Commission intended to draw districts to favor Republican voters and disfavor Democratic voters, and their adopted plan has that effect. And the Commission's justification for disfavoring Democratic voters—that Republicans won 13 out of 16 statewide races over a selected period of time—has no basis in the Ohio Constitution or common sense. Thus, the Commission's plan violates Article I, Section 2 of the Ohio Constitution, and thereby violates Article XI, Section 3.

## **SECOND CAUSE OF ACTION**

(violation of Article XI, Section 3)

77. Relators restate and incorporate by reference the allegations of paragraphs 1 through 76 above as though fully set forth in this Paragraph.

78. The Ohio Constitution prohibits drawing districts to deprive citizens of their right to associate together to express their views on government, instruct their representatives, and petition for redress of grievances. In particular, the Ohio Constitution provides that “[t]he people have the right to assemble together, in a peaceable manner, to consult for their common good; to instruct their Representatives; and to petition the general assembly for the redress of grievances.” Ohio Constitution, Article I, Section 3. And it provides that “[e]very citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of the right; and no law shall be passed to restrain or abridge the liberty of speech, or of the press.” Ohio Constitution, Article I, Section 11.

79. The General Assembly district plan adopted by the Ohio Redistricting Commission subjects relators and organizational members who tend to vote for Democratic candidates to disfavored treatment because of their expression of political views and voting history. The gerrymandering interferes with these individuals’ ability to exercise political influence by joining with like-minded others, and the right of expressive associations, including political parties, to be free from discrimination based on the political viewpoint of the group. Thus, the plan infringes upon their liberty of speech and of assembly under the Ohio Constitution.

80. The Commission intended to draw districts to favor Republican voters and disfavor Democratic voters based on their political associations, which are necessary to advance

their political speech, and their adopted plan has that effect. The Commission has no justification for deliberately disfavoring relators and burdening their rights of speech and assembly. Thus, the Commission's plan violates Article I, Sections 3 and 11 of the Ohio Constitution, and thereby violates Article XI, Section 3.

### **THIRD CAUSE OF ACTION**

(violation of Article XI, Section 6)

81. Relators restate and incorporate by reference the allegations of paragraphs 1 through 80 above as though fully set forth in this Paragraph.

82. As mentioned, Section 6 of Article XI of the Ohio Constitution provides:

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

- (A) No general assembly district plan shall be drawn primarily to favor or disfavor a political party.
- (B) The statewide proportion of districts whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party shall correspond closely to the statewide preferences of the voters of Ohio.
- (C) General assembly districts shall be compact.

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

Ohio Constitution, Article XI, Section 6.

83. The Commission did not attempt to draw a General Assembly district plan that comported with Section 6(A)—to the contrary, the Commission deliberately adopted a General Assembly district plan that was drawn primarily to favor the Republican Party.

84. Nor did the Commission attempt to draw a General Assembly district plan that comported with Section 6(B). To the contrary, the Commission deliberately adopted a plan with a statewide proportion of districts whose voters favor each political party that does *not* correspond closely to the statewide preferences of the voters of Ohio.

### **PRAYER FOR RELIEF**

Relators respectfully pray that this Court:

1. Declare that the General Assembly district plan approved by the Ohio Redistricting Commission in September 2021 is invalid;
2. Order the Commission to adopt a new General Assembly district plan in accordance with Article XI, Section 9 of the Ohio Constitution;
3. Issue a permanent injunction and judgment barring respondents from calling, holding, supervising, administering, or certifying any elections under the General Assembly district plan adopted by the Commission;
4. Retain jurisdiction over this apportionment case to enforce and compel compliance with this Court's orders and/or judgment and to render any and all further orders that the Court may deem appropriate, including, but not limited to, determining the validity of any new General Assembly district plan adopted by the Commission pursuant to the Ohio Constitution;

5. Grant such other or further relief as the Court deems appropriate, including, but not limited to, an award of relators' attorney fees and reasonable costs.

September 27, 2021

REED SMITH LLP

By: /s/ Peter M. Ellis

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# EXHIBIT 1

## Affidavit and Curriculum Vitae of Michael S. Latner





causes and consequences of redistricting across state legislatures, and have conducted numerous analyses of the ways that electoral rules have shaped electoral outcomes in state and local elections in the United States. A copy of my curriculum vitae is attached as Exhibit A.

2. I teach courses in Voting Rights and Representation; Campaigns and Elections; Political Participation; Democracy, Design and Public Policy; and Quantitative Methods in political analysis. In the last ten years I have given dozens of speeches, interviews, and presentations on quantitative political analysis of electoral districts and how to analyze partisan advantage. I have also written and contributed to peer reviewed papers and books on the topic of electoral district maps, including:

- *Gerrymandering the States: Partisanship, Race, and the Transformation of American Federalism*, with Alex Keena, Anthony J. McGann, and Charles Anthony Smith, 2021. Cambridge University Press.
- “Common Forms of Gerrymandering in the United States” *Decisions*, with Alex Keena, Anthony J. McGann, and Charles Anthony Smith, (vol 32, Dec. 2019).
- “Diagnosing Electoral Integrity” in *Electoral Integrity in America: Securing Democracy*, (eds. Pippa Norris, Sarah Cameron, Thomas Wynter), 2018. Oxford University Press.
- *Gerrymandering in America: The House of Representatives, The Supreme Court, and the Future of Political Sovereignty*, with Alex Keena, Anthony J. McGann, and Charles Anthony Smith, 2016. Cambridge University Press.

- “A Discernable and Manageable Standard for Partisan Gerrymandering” with Alex Keena, Anthony J. McGann, and Charles Anthony Smith, *Election Law Journal*, 14, 4, 2015.
- “The Calculus of Consensus Democracy: Rethinking Patterns of Democracy without Veto Players,” with Anthony J. McGann, *Comparative Political Studies*, 46, 7, 2013.
- “Mapping the Consequences of Electoral Reform” with Kyle Roach, *California Journal of Politics and Policy*, 3, 1, 2011.
- “Geographical Representation under Proportional Representation: The Cases of Israel and The Netherlands” with Anthony J. McGann, *Electoral Studies*, 24, 4, 2005.

3. I have been invited as an expert to speak at several universities on the topic of redistricting and gerrymandering, including the University of California Hastings School of Law and Emory University School of Law. My first co-authored book on the topic, *Gerrymandering in America*, which has received over 100 academic citations, was also cited for our measures of the magnitude of partisan bias produced in the 2011 redistricting cycle in an amicus brief by political science professors submitted to the Supreme Court of the United States in *Gill v. Whitford*, 138 S. Ct. 1916 (2018). *See* Brief for Political Science Professors as Amici Curiae 3. This portion of the amicus brief was cited by Justice Elena Kagan in her concurrence. *See* 138 S. Ct. at 1941.

4. I am familiar with and have studied Article XI of the Ohio Constitution.

5. I have been asked by the relators to analyze the General Assembly district plan adopted on September 16, 2021 (the “Enacted Plan”) by the Ohio Redistricting Commission (the

“Commission”), and to analyze whether it complies with Article XI of the Ohio Constitution. To conduct this analysis, I rely on total population data from the 2010 and 2020 Decennial Census, data on citizen voting age population (CVAP) from the 2018 and 2019 American Community Survey 5-year estimates, and election data from the Voting and Election Science Team (VEST) datahub<sup>1</sup>, unless otherwise noted. These data, including shapefile data, are publicly available through several repositories and mapping projects.<sup>2</sup>

### **ANALYSIS UNDER ARTICLE XI, SECTION 6(A) & (B)**

6. Section 6(A) of Article XI requires the Commission to attempt to draw districts meeting the standard that: “No general assembly district plan shall be drawn primarily to favor or disfavor a political party.” Section 6(B) requires the Commission to attempt to draw districts meeting the standard that “The statewide proportion of districts whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party shall correspond closely to the statewide preferences of the voters of Ohio.”<sup>3</sup>

### **Section 6(B) – Proportionality**

7. The Ohio Constitution imposes a *proportionality* requirement. There are several statistical measures<sup>4</sup> to estimate proportionality, which is a principal scientifically accepted definition of the degree to which an electoral system reflects the statewide preferences of voters.<sup>5</sup>

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<sup>1</sup> <https://dataverse.harvard.edu/dataverse/electionscience>

<sup>2</sup> I obtained data from the following:  
Redistricting Data Hub: <https://redistrictingdatahub.org/data/about-our-data/#pl>  
Dave’s Redistricting App: <https://davesredistricting.org/>

<sup>3</sup> Section 6(C) requires that General assembly districts be compact.

<sup>4</sup> Taagepera, R. *Predicting party sizes: the logic of simple electoral systems*. (2007) Oxford University Press.

<sup>5</sup> Indeed, interest in the relationship between votes cast and seats won can be traced back to the origins of election science. See, for example, John Stuart Mill, “Of True and False Democracy: Representation of All and Representation of the Majority Only” in *Considerations on Representative Government* (1861). For a more recent treatment, see Matthew Shugart and Rein Taagepera, “The Number of Parties and Proportionality: Two Key Tools for Analysis” in *Votes from Seats: Logical Models of Electoral Systems*. (2017, Cambridge University Press).

In democratic electoral systems, the number of seats won by political parties in a parliament or assembly should correspond with or be broadly proportionate to the number of votes cast in support of those parties.<sup>6</sup>

8. A simple illustration demonstrates the principle of proportionality and how disproportionality can emerge in an election. Imagine a 5-seat assembly, with 100 voters in each district and two parties (A and B) competing for seats. In districts 1-3, Party B narrowly squeaks out 51 percent/49 percent victories, but loses badly to Party A in districts 4 and 5, where Party A voters are heavily concentrated. Looking at the state as a whole, more residents actually support Party A (59 percent to 41 percent), but because Party B has more efficiently distributed voters it wins 60 percent of the assembly seats, violating the principle of majority rule. The difference between the percentage of votes (41 percent) and the percentage of seats (60 percent) won by Party B is the level of disproportionality in this election: 19 points.

District	Party A votes	Party B votes	Party A seats	Party B seats
1	49	51	0	1
2	49	51	0	1
3	49	51	0	1
4	75	25	1	0
5	75	25	1	0
Statewide	59%	41%	40%	60%

9. Although there are various ways to measure proportionality, Section 6(B) specifies a particular one. Under Section 6(B), the Commission must attempt to draw a map where “[t]he statewide proportion of districts whose voters, based on statewide state and federal

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<sup>6</sup> David Farrell (2001) *Electoral Systems. A Comparative Introduction*. London: Palgrave; G. Bingham Powell *Elections as Instruments of Democracy: Majoritarian and Proportional Visions*. Yale University Press, 2000. Arend Lijphart (1994) *Electoral Systems and Party Systems. A Study of Twenty-Seven Democracies 1945–1990*. Oxford University Press; Michael Gallagher, “Proportionality, Disproportionality, and Electoral Systems” *Electoral Studies*, (1991), 10, 1; Douglas Rae (1967) *The Political Consequences of Electoral Laws*. New Haven, CT/London: Yale University Press.

partisan general election results during the last ten years, favor each political party correspond[s] closely to the statewide preferences of the voters of Ohio.” Accordingly, I tailored my analysis to determine whether the Enacted Plan comports with Section 6(B).

10. I obtained Voting and Election Science Team (VEST) data, which provides the most comprehensive, composite precinct-level data and is regularly used by many other social scientists and public mapping projects, to project seats won for each party under the Enacted Plan and compared them with statewide composite voter preferences. While data on statewide voter preferences is available for the 2012, 2014, 2016, 2018, and 2020 elections, precinct-level VEST data is available only for the elections in 2016, 2018, and 2020. I am not aware of any other source for precinct-level data for the 2012 and 2014 elections. Due to these data limitations, I projected seats won based on data from 2016, 2018, and 2020, and I compared these seats won with statewide composite voter preferences drawn from the 2012, 2014, 2016, 2018, and 2020 elections.

11. The average results of statewide Democratic and Republican vote shares from 2012 through 2020 are 45.9 percent and 54.1 percent, respectively. *See* Table 2. Therefore, under Section 6(B), the statewide proportion of districts whose voters favor each political party should “correspond closely” to 45.9 percent for Democrats and 54.1 percent for Republicans. Since there are 99 seats in the Ohio House of Representatives and 33 seats in the Ohio Senate, this corresponds with 45 Democratic seats and 54 Republican seats in the House and 15 Democratic seats and 18 Republican seats in the Senate.

Table 2. Estimating Statewide Vote Share

<b>Race</b>	<b>D votes</b>	<b>R votes</b>	<b>D share</b>	<b>R share</b>
2012 Pres	2,827,709	2,661,439	51.5%	48.5%
2012 Sen	2,762,766	2,435,744	53.1%	46.9%
2014 Gov	1,009,359	1,944,848	34.2%	65.8%
2014 AG	1,178,426	1,882,048	38.5%	61.5%
2014 Audit	1,149,305	1,711,927	40.2%	59.8%
2014 SOS	1,074,475	1,811,020	37.2%	62.8%
2014 Treas	1,323,325	1,724,060	43.4%	56.6%
2016 Pres	2,394,164	2,841,005	45.7%	54.3%
2016 Sen	1,996,908	3,118,567	39.0%	61.0%
2018 Gov	2,070,046	2,235,825	48.1%	51.9%
2018 Sen	2,358,508	2,057,559	53.4%	46.6%
2018 AG	2,086,715	2,276,414	47.8%	52.2%
2018 Audit	2,008,295	2,156,663	48.2%	52.2%
2018 SOS	2,052,098	2,214,173	48.1%	51.9%
2018 Treas	2,024,194	2,308,425	46.7%	52.2%
<u>2020 Pres</u>	<u>2,679,165</u>	<u>3,154,834</u>	<u>45.9%</u>	<u>54.1%</u>
Composite (2016-2020)	2,261,349	2,614,419	46.4%	53.6%
Composite (2012-2020)	1,937,216	2,283,416	45.9%	54.1%

12. I conclude that the Enacted Plan violates Section 6(B) because it violates the proportionality requirement. According to the composite data, 64 of 99 House seats (that is, 64.6 percent) and 24 of 33 Senate seats (that is, 72.2 percent) favor Republicans (I do not leave out any “toss-up” districts). In other words, the plan is expected to give the Republican Party approximately 67 percent of the seats in both houses of the General Assembly—a veto-proof majority—even though only 54 percent of votes cast in statewide elections over the past decade favored Republican candidates. The average disproportionality for the Enacted Plan is estimated to be 11 points for the House and 19 points for the Senate.

13. This is higher than the levels of disproportionality observed in 2014, 2016, and 2020 in the House under the prior decade’s legislative plan. It is also higher than the levels of disproportionality observed in 2012, 2014 and 2018 in the Senate. *See* Figure 1. Figure 1 displays the difference between vote and seat shares for the Republican Party over the last decade of House and Senate elections. There is a clear history of disproportionality in Ohio elections, and actually two occurrences (2012 House, 2018 Senate) where a minority of voters produced victories in a majority of seats. Further, in 2012, 2016, and 2020, in mostly Republican-favored districts, the Senate elections exhibited massive disproportionality.

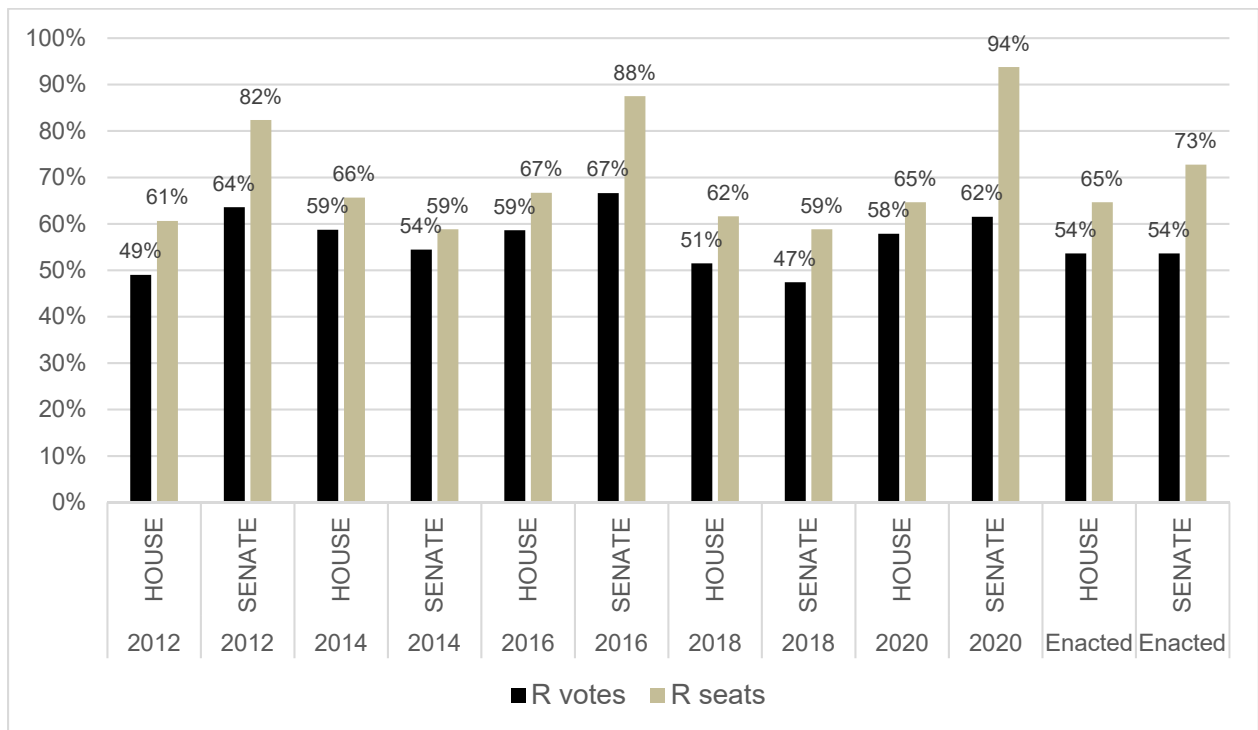


Figure 1. Differences in Republican vote and seat shares, 2012-2020, and estimated differences in the House and Senate enacted plans. Historical data retrieved from the Ohio Secretary of State Election Results repository.

14. I have been asked to review the Article XI, Section 8(C)(2) Statement issued by the Commission (the “Statement”). Section 8(C)(2) required the Commission to “include a statement explaining [1] what the commission determined to be the statewide preferences of the

voters of Ohio and [2] the manner in which the statewide proportion of districts in the plan whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party corresponds closely to those preferences,” as described in Section 6(B).

15. The Statement indicates that the Commission calculated the statewide preferences of the voters in Ohio in two ways: by calculating (1) the number of statewide state and federal partisan elections won by Republican and Democratic candidates, respectively, over the last ten years; and (2) the number of votes cast for Republican and Democratic candidates, respectively, in statewide state and federal partisan elections over the last ten years. According to the Commission’s calculation, Republican candidates won 13 out of 16 statewide state and federal partisan elections, or 81 percent of such elections, while Democratic candidates won 3 out of 16 such elections, or 19 percent. As for votes cast by voters, the Commission found, as I did above, that the average statewide proportion of voters favoring Republican candidates during that period was 54 percent and the statewide proportion of voters favoring Democratic candidates was 46 percent. On this basis, the Commission concluded that “the statewide proportion of voters favoring statewide Republican candidates is between 54% and 81% and the statewide proportion of voters favoring statewide Democratic candidates is between 19% and 46%.”

16. The Commission stated that it adopted a plan that contains 85 House and Senate districts (64.4 percent) favoring Republican candidates and 47 House and Senate districts (35.6 percent) favoring Democratic candidates out of a total of 132 General Assembly districts.<sup>7</sup> Because 64.4 percent is between 54 percent and 81 percent, the Commission concluded that “the

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<sup>7</sup> The aggregate results from the composite data I use project 89 seats favoring Republicans and 44 favoring Democrats. Four House districts (15, 23, 36, 72) are within 0.005 of the majority two-party vote share. My seat allocation estimates are functions of whichever party receives the most votes in those districts according to the composite data.



statewide proportion of districts whose voters favor each political party corresponds closely to the statewide preferences of the voters of Ohio.”

17. Neither election science nor any reasonable definition of the phrase “statewide preferences of the voters of Ohio” supports the Commission’s conclusion or its determination of the statewide preferences of the voters of Ohio.

18. As noted, Section 6(B) indicates that the benchmark for proportionality should be the “statewide preferences of the *voters* in Ohio.” The Commission’s approach—which looks not to votes cast but statewide offices won—lacks a basis in Section 6(B)’s text.

19. Moreover, although there are several accepted statistical measures to estimate proportionality, not a single such measure of which I am aware leaves votes cast out of the equation. For good reason: to say that the ultimate outcome of a statewide election reflects statewide preferences of the voters is to disregard all the voters who cast a vote for the candidates who did not win. It fails to account for any factors that shape the conversion of votes to seats from election to election, which is the question we are asked to evaluate. Under the Commission’s logic, if the Republican Party won five statewide elections with 50.1 percent of the vote and the Democrats won zero elections over the same time period, that would mean that the statewide preference of the voters of Ohio is to elect Republicans to 100 percent of the districts in the State. Thus, under the Commission’s logic, the election margins are irrelevant and the 49.9 percent of votes not cast for Republican candidates are literally discounted.

20. The scientific evaluation of proportionality in elections is a function of how closely the statewide proportion of votes cast for parties corresponds to the proportion of assembly seats that those parties receive. The vote tallies from statewide races are an appropriate source for determining proportionality in newly enacted plans because these elections are not

impacted by districting choices, have been consistently contested by candidates from the two major parties, provide voters the same candidate choice across the entirety of the state, and generally feature higher voter turnout. In other words, they allow for a consistent, statewide measure of voter preference. To understand the proportion of General Assembly seats won under an adopted district plan, the statewide votes cast for the two major party candidates are tallied within each adopted district, which allows for a consistent determination of the proportion of assembly seats that each party receives under the Enacted Plan.

21. Accordingly, I conclude that the Enacted Plan violates proportionality as defined in Section 6(B) and that the Commission's 8(C)(2) statement indicating the statewide preferences of voters in Ohio was mistaken.

**Section 6(A): Favor or Disfavor of a Political Party**

22. I have also analyzed the Enacted Plan to determine if it comports with Section 6(A), which requires that the Commission attempt to adopt a map that is not primarily drawn to favor or disfavor a political party. The metric I adopt for this analysis is partisan symmetry, the most broadly accepted metric used by political scientists to measure partisan bias. The principle of partisan symmetry requires that a districting system award the same number of seats to each party's candidates for the same share of statewide votes they receive. Originally developed by Andrew Gelman and Gary King, the measure has a long history of peer-reviewed scientific application.<sup>8</sup>

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<sup>8</sup> Andrew Gelman and Gary King, "Estimating Incumbency Advantage Without Bias" *American Journal of Political Science*, Vol. 34, No. 4, pp. 1142-1164, November 1990, Available at SSRN: <https://ssrn.com/abstract=1084180>; Bernard Grofman and Gary King, "The Future of Partisan Symmetry as a Judicial Test for Partisan Gerrymandering after *LULAC v Perry*" *Election Law Journal*, 6,1,2007. Available at <https://gking.harvard.edu/files/jp.pdf>

23. Partisan symmetry differs from proportionality, which I discussed above, in fundamental ways. In a two-party system, the principle of partisan symmetry requires that the number of seats won by a party when it receives a certain percentage of the vote will be the same for each party, while proportionality, as discussed, requires a close correlation of seats won to proportion of ballots cast. The question posed by a partisan symmetry analysis is how many more (or less) seats does Party A get for, say, 54 percent of the statewide vote, compared to what Party B gets for 54 percent of the vote. So, whereas proportionality focuses purely on the aggregation effects of voters' preferences, symmetry estimates the effect on party seats when voters change partisan support.

24. Scientifically accepted measures of partisan symmetry follow logically from the principle that an electoral system should treat voters from both parties equally regardless of which party they choose, and that the party that wins the most votes should win the most seats.<sup>9</sup>

25. Figure 2 below assesses the partisan symmetry of the Enacted Plan. It charts the more competitive House districts (*i.e.*, the 45th to 75th most competitive House Districts) from most to least Republican in support. The top of the transparent portion of the bars reflects the estimate of support for Republicans in each district with the statewide average estimate of 54 percent support.

26. With that estimated statewide level of support, Republicans would win nearly two-thirds of House seats, *i.e.*, 64 seats. But if there is an eight-point uniform swing in support toward Democrats across the districts, so that they have 54 percent support statewide, represented by the black portion of each bar *only* (*i.e.*, subtract the transparent portion), you can see that Democrats are likely to win fewer seats (15 fewer seats, to be precise) with the same

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<sup>9</sup> Anthony J McGann, Charles Anthony Smith, Michael Latner, Alex Keena, "A Discernable and Manageable Standard for Partisan Gerrymandering" *Election Law Journal*, 14, 4, 2015

level of support that won Republicans 64 seats. In other words, if the Republicans receive 54 percent of the vote, they would enjoy a supermajority, but if the Democrats receive 54 percent of the vote, they would not even win a majority of seats. This means the plan is asymmetric within a range of foreseeable statewide election outcomes.

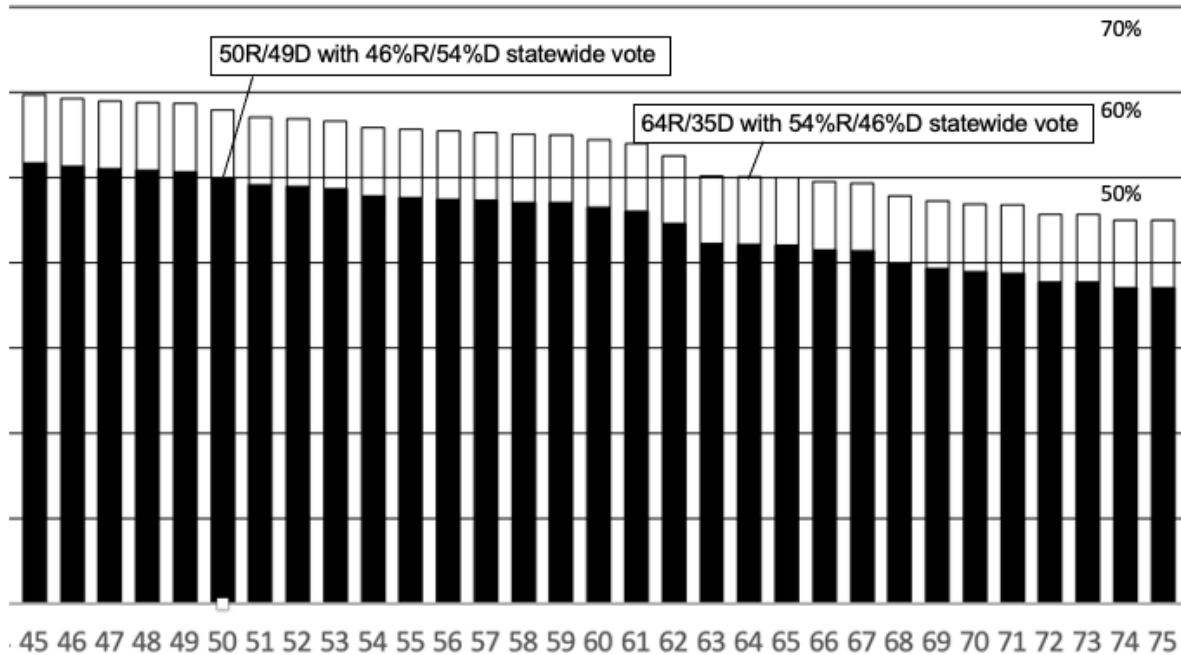


Figure 2. The distribution of party support across districts in the enacted House map demonstrates asymmetry: Republicans receive 64 seats with 54 percent statewide support, while Democrats receive 49 seats with 54 percent statewide support.

27. To test the robustness of these findings, I calculate partisan symmetry and responsiveness for the Enacted Plan, which, instead of assuming uniform vote swing across districts, imputes random “noise” (up to 5 points) to reflect the idiosyncrasies and perturbations that occur in actual elections over time. *See* Table 3. The procedure also allows me to calculate confidence intervals to provide estimates of statistical significance:

Table 3: Symmetry and Responsiveness of the Enacted Plan

Enacted Plan	Asymmetry	95% Conf.		Responsiveness	95% Conf.
House Plan	-15.39	+/-5.87		2.13	+/-0.62
Senate Plan	-17.34	+/-10.48		2.5	+/-1.12

28. These calculations show that the Enacted House Plan substantially and significantly discriminates against Democratic voters (negative numbers indicate Republican advantage). For statewide vote shares ranging from 45 percent to 55 percent, within the swing of actual Ohio voting patterns, the Republican Party picks up an average 15 percent more seats than Democrats for the same vote share, under the enacted House map. Similarly, the enacted Senate map substantially and significantly discriminates against Democratic voters. For statewide vote shares ranging from 45 percent to 55 percent, within the swing of actual Ohio voting patterns, the Republican Party picks up an average 17 percent more seats than Democrats for the same vote share, under the enacted Senate map.

29. Responsiveness scores represent the estimated increase in seat share that follows from a one percent increase in party vote share. If the responsiveness scores are less than one it indicates little change as state support shifts from one party to another; a classic incumbent protection gerrymander. By comparison, districts in states like South Dakota (3.8, 4.4) and Hawaii (4.1, 5.4)<sup>10</sup> were quite responsive over the last decade, reflecting more of a “winner take all” aspect in their plans. Hyper-responsive plans are less likely to be durable gerrymanders, because the map-drawing party spreads its advantage too thin across too many districts, making it vulnerable to a statewide shift in party support (scholars refer to such plans as

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<sup>10</sup> *Gerrymandering the States*, pp.198-201

“dummymanders”).<sup>11</sup> The observed responsiveness estimates for the enacted Ohio maps reflect a durable, “seat maximizing” gerrymander.

30. One final question that I explore concerns the origins of and the discretionary choices that contributed to the bias in the Enacted Plan. In order to identify the sources of asymmetry in partisan support in these maps, I compared the level of partisan support in adjacent districts to look for evidence of partisan “packing” or “cracking” of voters. A comprehensive analysis of racially polarized voting at the precinct level, along with estimates of alternative districting options, would be necessary to ensure Voting Rights Act compliance of the Enacted Plan and is beyond the scope of this affidavit. But a simple comparison of district partisan and racial composition reveals important patterns about how district-level allocations of populations into districts yields bias in the statewide maps.

31. It appears that the selection of counties for splitting and joining together territories in a district, especially when splitting more populated counties into multiple districts contributes to bias in the Enacted Plan. Indeed, there is evidence that these discretionary choices have been used for packing and cracking throughout the state. For example, Democratic voters are packed into House districts 1-3 (Senate district 15), including what will now be a 53 percent voting age Black population in district 2. House districts 10 and 11 select municipalities in a manner to create two safe seats, one for each party. These district boundary configurations create the opportunity for a fairly safe Republican seat to be put together in Senate district 16.

32. In Cuyahoga County, packing Democratic and African-American voters into House districts 18, 20, and 21 yields a safe Republican district 17. Similarly, the configuration of House districts 41 and 42 in Lucas County opens up a safer district 43 for Republicans, and the

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<sup>11</sup> Bernard Grofman and Thomas Brunell, “The Art of the Dummymander” in *Redistricting in the New Millennium* (2005). Lexington Books. Lanham, MD.

choice of aggregation of these House seats into Senate seats also packs Democrats into Senate districts 21 and 23. In Summit County, Democratic voters are similarly concentrated into House district 33, and by splitting two regions of Akron into a district, Democratic voters are wrapped up in House districts 34 and 32 in a manner that leaves district 31 a safer Republican seat.

33. In Hamilton County, I observe that House districts 24 and 25 are packed with 71 percent and 78 percent Democratic voters, respectively, with high proportions (41 percent and 52 percent, respectively) of voting age African-Americans, while adjacent House districts 27, 29 and 30 are safely Republican. Senate aggregation also creates a packed Senate district 9. Similarly, in Montgomery County I observe that House district 38 is packed with 67 percent Democratic voters, which creates safe Republican seats in adjoining House districts 35 and 39, and a toss-up district 36. Below I display the partisan lean underlying these Montgomery area districts for the Enacted House Plan (Figure 3) and a Citizens' Redistricting Commission "Unity Map" submission (Figure 4). Whereas Republicans could expect to win 3 of 7 seats in and around Hamilton County and could win 4 of 5 in Montgomery County under the Enacted Plan, a comparison plan indicates that Republicans could expect to win one seat in Hamilton County and two Montgomery County seats.

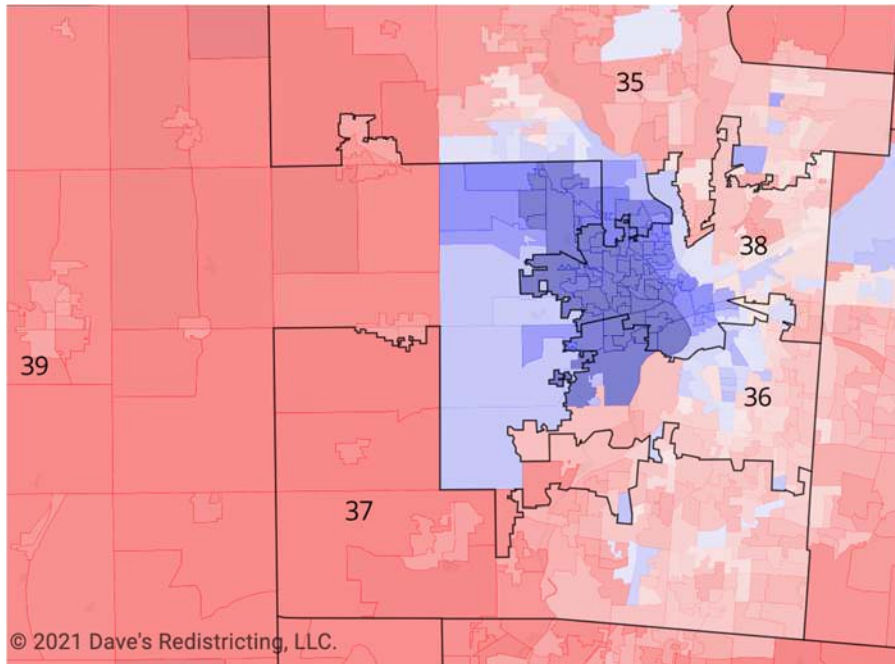


Figure 3. Enacted Plan, Montgomery County area.

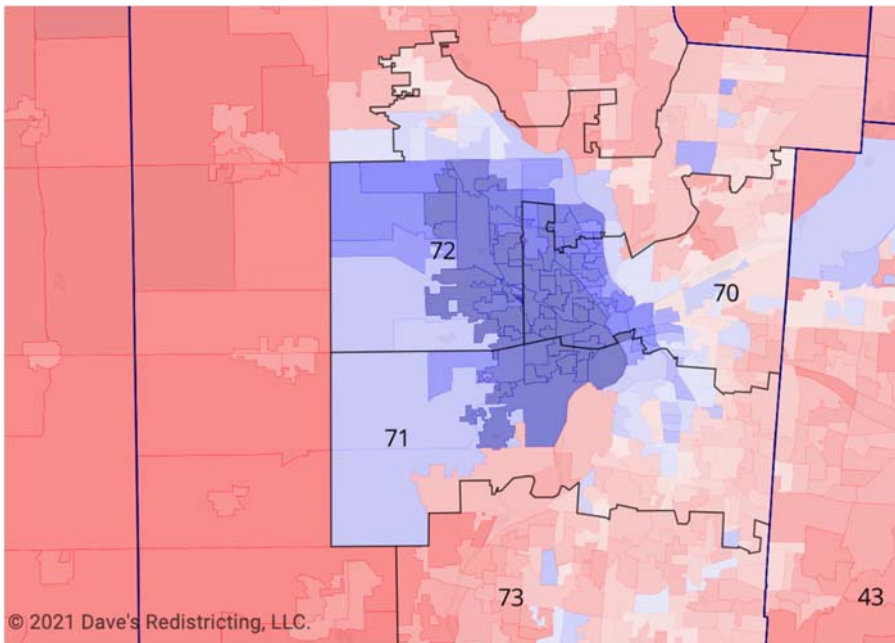


Figure 4. Comparison House Plan (submitted by Geoff Wise) of Montgomery area districts

34. Many district boundaries in the Enacted Plan conform to partisan precincts in a precise manner, which indicates that the Commission relied on the partisan makeup of the



districts when drawing district boundaries and attempted to draw districts to favor one political party over the other. My analysis indicates that the Commission succeeded.

35. Both the House and Senate maps are biased in favor of the Republican Party, and asymmetries in partisan support across districts establish this bias. My analysis demonstrated that the 15-seat asymmetrical advantage that Republican voters enjoy over Democrats as a result of this plan would allow a minority of Republican voters to elect a majority of seats in the General Assembly. Similarly, it would enable a narrow majority of Republican voters to elect a supermajority of seats in the General Assembly. By the same token, the Enacted Plan greatly disadvantages and burdens citizens who vote for Democratic candidates, as they must band together and persuade more citizens to join their cause to obtain a level of political power comparable to that enjoyed by Republicans under the same plan. In short, the Commission's plan treats Ohio citizens differently based on their political party preference or political associations and does not give their votes equal weight, thereby violating the core principle of political equality. Accordingly, I conclude that the Enacted Plan is in clear violation of the anti-partisan gerrymandering provisions of the Ohio Constitution.

*Michael S. Latner*

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Michael S. Latner

# ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of Virginia  
County of Hanover )

On 09/27/2021 before me, Andrew Ray Yon

appeared Michael S. Latner, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Virginia that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature 

(Seal)



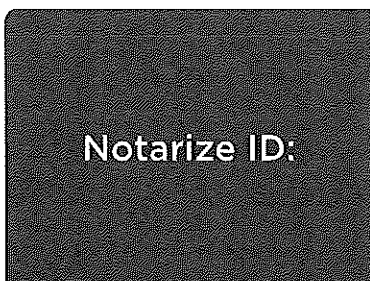
My commission expires 08/31/2022

Notarized online using audio-video communication  
Executed in Hanover County, VA

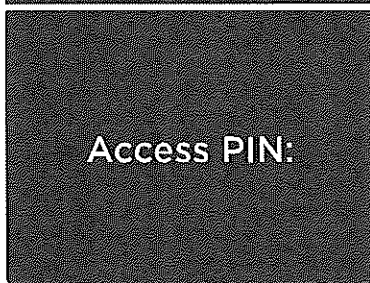
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# Exhibit A

to Affidavit of Michael S. Latner

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**Michael Steven Latner**  
[mlatner@calpoly.edu](mailto:mlatner@calpoly.edu), [@mlatner](https://twitter.com/mlatner), [mikelatner.com](http://mikelatner.com)

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### **Appointments**

Union of Concerned Scientists

2019- Senior Fellow

2018-2019 Kendall Science Fellow

California Polytechnic State University, San Luis Obispo

2019-Professor of Political Science

2014-2018 Associate Professor of Political Science

2008-2014 Assistant Professor of Political Science

2007-2008 Lecturer in Political Science

University of Southern California

2006-2007 Teaching Fellow

University of California, Irvine

2005-2007 Lecturer

Field Research Corporation

1996-2000 Project Manager, Senior Survey Supervisor

### **Education**

Ph.D., Political Science, University of California at Irvine, 2008

M.A., Political Science, University of California at Irvine, 2004

B.A., Political Science, California State University Chico, 1995

A.A., Butte Community College, Oroville, CA, 1993

### **Books**

*Gerrymandering the States: Partisanship, Race, and the Transformation of American Federalism* with Anthony J. McGann, Charles Anthony Smith, and Alex Keena., Cambridge University Press, 2021. <https://www.cambridge.org/core/books/gerrymandering-the-states/27FBE0280F339E739758A29DF7CD74A2#fndtn-information>

*Gerrymandering in America: The House of Representatives, The Supreme Court, and the Future of Popular Sovereignty* with Anthony J. McGann, Charles Anthony Smith, and Alex Keena., Cambridge University Press, 2016.

<https://www.cambridge.org/core/books/gerrymandering-in-america/C2A9A40879A353AC7484B49834CB54E4>

### **Peer-Reviewed Publications**

"Common Forms of Gerrymandering in the United States" *Decisions*, (32) with Alex Keena, Anthony J. McGann, and Charles Anthony Smith. (2019)

<https://journals.kozminski.edu.pl/pub/5797>

*Our Unhealthy Democracy: How Voting Restrictions Harm Public Health—and What We Can Do about It*, policy paper published by Union of Concerned Scientists, Center for Science and Democracy, October 2019, <https://www.ucsusa.org/resources/our-unhealthy-democracy>

“Diagnosing Electoral Integrity” chapter in *Electoral Integrity in America: Securing Democracy*, Pippa Norris, Sarah Cameron and Thomas Wynter (eds.), Oxford University Press, 2018. <https://www.electoralintegrityproject.com/electoral-integrity-in-america/>

*Building a Healthier Democracy: The Link Between Voting Rights and Environmental Justice*, Union of Concerned Scientists research report, September 2018

<https://www.ucsusa.org/sites/default/files/attach/2018/09/building-a-healthier-democracy-report.pdf>

“Measuring Legislative Behavior: An Exploration of Digitaldemocracy.org” with Alexander M., Dekhtyar, Foaad Khosmood, Nicole Angelini, and Andrew Voorhees, *California Journal of Politics and Policy*, vol 9, issue 3, 2017. <https://doi.org/10.5070/P2cjpp9336921>

“Darwinian Democracy? How evolutionary theory informs constitutional design” chapter in *Handbook of Biology and Politics*, Steven Peterson and Albert Somit (eds.), Edward Elgar Publishing, 2017.

<https://www.elgaronline.com/view/9781783476268.00037.xml>

“A Discernable and Manageable Standard for Partisan Gerrymandering” with Anthony J. McGann, Charles Anthony Smith, and Alex Keena. December, 2015., *Election Law Journal: Rules, Politics, and Policy*. 14(4): 295-311.

<https://doi.org/10.1089/elj.2015.0312>

“The Calculus of Consensus Democracy: Rethinking *Patterns of Democracy* without veto players” with Anthony J. McGann, *Comparative Political Studies*, 2013, Vol 46, pp. 823-850, <http://dx.doi.org/10.1177/0010414012463883>

“Mapping the Consequences of Electoral Reform” with Kyle Roach, in *California Journal of Politics and Policy*, 2011, vol 3, issue 1. <https://escholarship.org/uc/item/9mv9b480>

“Geographical Representation Under Proportional Representation: The Cases of Israel and The Netherlands,” with Anthony McGann, *Electoral Studies*, 2005, vol 24, issue 4.

<https://www.sciencedirect.com/science/article/pii/S0261379405000247>

### **Recent Technical/Research Consultation Papers**

The 2020 Randolph W. Thrower Symposium, Emory School of Law, Panel III: Violations and Enforcement: Identifying and Rectifying Campaign and Election Violations:

<https://law.emory.edu/academics/journals/emory-law-journal-symposium.html>

*Securing Fair Elections: Challenges to Voting in Georgia and the United States* (2019), co-author, Scholars Strategy Network,

[https://scholars.org/sites/scholars/files/12.10.19\\_Securing\\_Fair\\_Elections\\_Report\\_FINAL.pdf](https://scholars.org/sites/scholars/files/12.10.19_Securing_Fair_Elections_Report_FINAL.pdf)

“Possible Results of Proportional-voting Systems for Seattle Port Commission Elections” with Jack Santucci, June 30<sup>th</sup> 2018, prepared for More Equitable Democracy

City of Pismo Beach Digital Engagement Strategy, 2015, prepared for the City of Pismo Beach

“Building a Healthier Democracy” presentation at National Advisory Board meeting, Union of Concerned Scientists, New York, New York, September 2018

Guest, Data-Driven Strategies to Promote Youth Turnout, Massachusetts Institute of

Technology, August 28-29, 2018

Census Counts 2020 Taskforce <https://censuscounts.org>

Presenter, Redistricting and Election Law Panel, American Political Science Association annual meeting, Boston, Massachusetts, August 2018

“Feminist Messaging in the 2018 Congressional Elections” presented at the Cal Poly Alumni retreat, Lair of the Golden Bear, June 2018

Presenter and Discussant, Midwestern Political Science Association annual meeting, Chicago, Illinois, April 2018

Presenter and Discussant, Voting in 2018 and Beyond: Ensuring Access and Accountability of the Ballot in America, Hastings Constitutional Law Quarterly 2018 Symposium

“Diagnosing Electoral Integrity” Electoral Integrity Project pre-APSA workshop, San Francisco, California, August 2017

Presenter, American Political Science Association annual meeting, San Francisco, California, August 2017

“Will the Revolution be Digitized?” presented at the Cal Poly Alumni retreat, Lair of the Golden Bear, June 2017

Discussant and Chair, Western Political Science Association annual meeting, San Diego, California, April 2017

Chair, Discussant, and Presenter, American Political Science Association annual meeting, San Francisco, California, August 2015

### **Fellowships, Awards, and Professional Recognition**

Kendall Science Fellow (Voting Rights), Union of Concerned Scientists, 2018-2019

Faculty Scholar, Institute for Advanced Technology and Public Policy, 2015-present

Research Scholarship and Creative Activity Grant for California Redistricting Project, 2016

Common Cause Redistricting Research Competition, 3<sup>rd</sup> Place, 2015

Gold Medal, California Mid-State Fair Home Brewing Competition, Milk Stout, 2014

Wilma Rule Award, Californians for Electoral Reform, 2013

CA State Faculty Support Grant, 2009-10

(pre-doctoral)

2003 U.C. Regents Pre-Dissertation Fellowship

2003 Summer research award, School of Social Sciences

2001 Summer research fellowship for ICPSR, University of Michigan

2000-01 William Podlich Fellow, Center for the Study of Democracy, U.C. Irvine

1995 Charles McCall Award, California State University Social Science Research Council

### **Election Consulting/Management**

Susan Funk for Atascadero City Council 2018

Jimmy Paulding for SLO County Supervisor 2018

Aaron Gomez for San Luis Obispo City Council 2016

Dawn Ortiz-Legg for State Assembly 2016

Eric Michielssen for SLO County Supervisor 2016

Len Colamarino for Atascadero City Council 2014

Jim Patterson for SLO County Supervisor 2012

Brian Sturtevant for Atascadero City Council 2010

John Graham for Congress, 2004

John McCain for President, 2000

### **Recent Non-peer reviewed professional publications/news articles/blogs**

A compilation of my media publications can be found at [mikelatner.com](http://mikelatner.com)

### **Current Teaching Rotation**

POLS 590 MPP Graduate Writing Seminar (Fall section)

POLS 568 Democracy, Design and Public Policy

POLS 560 Quantitative Methods

POLS 445 Voting Rights and Representation

POLS 375 California Politics

POLS 317 Campaigns and Elections

POLS 316 Political Participation

POLS 112 American and California Government

### **Other Courses Taught**

POLS 470 Evolutionary Perspectives in Political Science

Metropolitan Inequality (USC)

California Politics (UCI)

The American Political System (UCI)

### **University service**

Quantitative Reasoning assessment committee, 2016-

Academic Senate Instruction Committee, 2014-2017

CLA Assessment Committee 2018

CLA Commencement, College Marshall, 2013-2016, 2018

POLS Phi Beta Kappa Supervisor, 2018

POLS Curriculum Committee, 2011-2016

POLS MPP Committee, 2007-

POLS Assessment Committee, 2008, 2009, 2011-2016, 2018

POLS Alumni Advisory Board, 2007-



Political Science Club, 2009

POLS Paper Awards Committee, 2009, 2011, 2012

POLS Guest Speaker Committee 2007-2009

# EXHIBIT 2

130th General Assembly  
Amended Substitute House  
Joint Resolution Number 12

# JOINT RESOLUTION

Proposing to enact new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of Article XI and to repeal Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of Article XI of the Constitution of the State of Ohio to revise the redistricting process for General Assembly districts.

Be it resolved by the General Assembly of the State of Ohio, three-fifths of the members elected to each house concurring herein, that there shall be submitted to the electors of the state, in the manner prescribed by law at the general election to be held on November 3, 2015, a proposal to enact new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of Article XI of the Constitution of the State of Ohio to read as follows:

## ARTICLE XI

Section 1. (A) The Ohio redistricting commission shall be responsible for the redistricting of this state for the general assembly. The commission shall consist of the following seven members:

- (1) The governor;
- (2) The auditor of state;
- (3) The secretary of state;
- (4) One person appointed by the speaker of the house of representatives;
- (5) One person appointed by the legislative leader of the largest political party in the house of representatives of which the speaker of the house of representatives is not a member;
- (6) One person appointed by the president of the senate; and
- (7) One person appointed by the legislative leader of the largest political party in the senate of which the president of the senate is not a member.

The legislative leaders in the senate and the house of representatives of each of the two largest political parties represented in the general assembly, acting jointly by political party, shall appoint a member of the commission to serve as a co-chairperson of the commission.

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

(2)(a) Except as otherwise provided in division (B)(2)(b) of this section,

a majority vote of the members of the commission, including at least one member of the commission who is a member of each of the two largest political parties represented in the general assembly, shall be required to do any of the following:

- (i) Adopt rules of the commission;
- (ii) Hire staff for the commission;
- (iii) Expend funds.

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

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

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

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

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

Four weeks after the adoption of a general assembly district plan, the commission shall be automatically dissolved.

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

Section 2. Each house of representatives district shall be entitled to a single representative in each general assembly. Each senate district shall be entitled to a single senator in each general assembly.

Section 3. (A) The whole population of the state, as determined by the federal decennial census or, if such is unavailable, such other basis as the general assembly may direct, shall be divided by the number "ninety-nine" and by the number "thirty-three" and the quotients shall be the ratio of representation in the house of representatives and in the senate, respectively, for ten years next succeeding such redistricting.

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

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

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

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

(C) House of representatives districts shall be created and numbered in the following order of priority, to the extent that such order is consistent with the foregoing standards:

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

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

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

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

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

(c) If a municipal corporation or township that is located in a county that contains a municipal corporation or township that has a population of more than one ratio of representation is split for the purpose of complying with division (E)(1)(a) or (b) of this section, each portion of that municipal corporation or township shall be considered to be a separate municipal corporation or township for the purposes of this section.

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

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

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

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

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

(c) Notwithstanding division (C)(2) of this section, the commission shall create the district by splitting, once, a single county that contains a

population of not less than ninety-five per cent of the ratio of representation, but not more than one hundred five per cent of the ratio of representation.

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

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

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

Section 4. (A) Senate districts shall be composed of three contiguous house of representatives districts.

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

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

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

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

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

Section 5. At any time the boundaries of senate districts are changed in any general assembly district plan made pursuant to any provision of this article, a senator whose term will not expire within two years of the time the plan becomes effective shall represent, for the remainder of the term for which the senator was elected, the senate district that contains the largest portion of the population of the district from which the senator was elected, and the district shall be given the number of the district from which the senator was elected. If more than one senator whose term will not so expire would represent the same district by following the provisions of this section, the plan shall designate which senator shall represent the district and shall designate which district the other senator or senators shall represent for the balance of their term or terms.

Section 6. The Ohio redistricting commission shall attempt to draw a general assembly district plan that meets all of the following standards:

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

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

(C) General assembly districts shall be compact.

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

Section 7. Notwithstanding the fact that boundaries of counties, municipal corporations, and townships within a district may be changed, district boundaries shall be created by using the boundaries of counties, municipal corporations, and townships as they exist at the time of the federal decennial census on which the redistricting is based, or, if unavailable, on such other basis as the general assembly has directed.

Section 8. (A)(1) If the Ohio redistricting commission fails to adopt a final general assembly district plan not later than the first day of September of a year ending in the numeral one, in accordance with Section 1 of this article, the commission shall introduce a proposed general assembly district plan by a simple majority vote of the commission.

(2) After introducing a proposed general assembly district plan under division (A)(1) of this section, the commission shall hold a public hearing concerning the proposed plan, at which the public may offer testimony and at which the commission may adopt amendments to the proposed plan.



Members of the commission should attend the hearing; however, only a quorum of the members of the commission is required to conduct the hearing.

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

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

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

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

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

(D) After a general assembly district plan adopted under division (C)(1)(a) of this section ceases to be effective, and not earlier than the first day of July of the year following the year in which the plan ceased to be effective, the commission shall be reconstituted as provided in Section 1 of this article, convene, and adopt a new general assembly district plan in accordance with this article, to be used until the next time for redistricting under this article. The commission shall draw the new general assembly district plan using the same population and county, municipal corporation, and township boundary data as were used to draw the previous plan adopted under division (C) of this section.

Section 9. (A) The supreme court of Ohio shall have exclusive, original jurisdiction in all cases arising under this article.

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

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

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

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

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

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

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

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


(i) The plan significantly violates those requirements in a manner that materially affects the ability of the plan to contain districts whose voters favor political parties in an overall proportion that corresponds closely to the statewide political party preferences of the voters of Ohio, as described in division (B) of Section 6 of this article.

(ii) The statewide proportion of districts in the plan whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party does not correspond closely to the statewide preferences of the voters of Ohio.

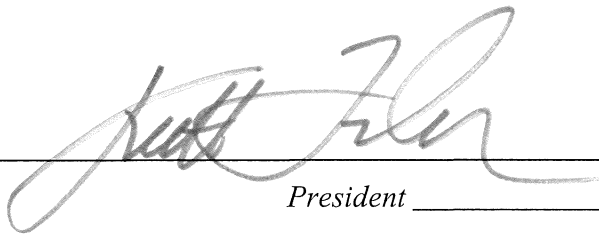
Section 10. The various provisions of this article are intended to be severable, and the invalidity of one or more of such provisions shall not affect the validity of the remaining provisions.

#### EFFECTIVE DATE AND REPEAL

If adopted by a majority of the electors voting on this proposal, new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of Article XI take effect January 1, 2021, and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of Article XI of the Constitution of the State of Ohio are repealed from that effective date.



\_\_\_\_\_  
*Speaker* \_\_\_\_\_ *of the House of Representatives.*



\_\_\_\_\_  
*President* \_\_\_\_\_ *of the Senate.*

Adopted December 17, 2014

(130th General Assembly)  
(Amended Substitute House Joint Resolution Number 12)

**JOINT RESOLUTION**

Proposing to enact new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of Article XI and to repeal Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of Article XI of the Constitution of the State of Ohio to revise the redistricting process for General Assembly districts.

*Introduced by*

Representatives Huffman, Sykes

Cosponsors: Representatives Amstutz, Anielski, Ashford, Baker, Brown, Burkley, Clyde, Duffey, Grossman, Hackett, Hagan, C., Hayes, Kunze, Letson, McClain, McGregor, Patmon, Scherer, Schuring, Stebelton, Wachtmann  
Speaker Batchelder  
Senators Faber, Coley, Bacon, Balderson, Beagle, Burke, Eklund, Gardner, Gentile, Hite, LaRose, Lehner, Peterson, Sawyer, Schiavoni, Turner, Widener

*Adopted by the House of Representatives,*

December 4, 2014

*Adopted by the Senate,*

December 11, 2014

*Filed in the office of the Secretary of State at  
Columbus, Ohio, on the*

23 day of December, A. D. 2014

*Gov. Husted!*  
Secretary of State.

*Concurred in  
Senate amendments  
December 17, 2014.*

# EXHIBIT 3

## Official Ballot Language

**Issue 1**

**Creates a bipartisan, public process for drawing legislative districts**

**Proposed Constitutional Amendment**

**Proposed by Joint Resolution of the General Assembly**

**To enact new Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of Article XI and to repeal Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of Article XI of the Constitution of the State of Ohio.**

A majority yes vote is necessary for the amendment to pass.

The proposed amendment would:

- End the partisan process for drawing Ohio 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.
- Ensure a transparent process by requiring public meetings, public display of maps, and a public letter explaining any plan the Commission adopts by a simple majority vote.
- Establish the bipartisan Ohio Redistricting Commission, composed of 7 members including the Governor, the Auditor of State, the Secretary of State, and 4 members appointed by the majority and minority leaders of the General Assembly.
- Require a bipartisan majority vote of 4 members in order to adopt any final district plan, and prevent deadlock by limiting the length of time any plan adopted without bipartisan support is effective.

If passed, the amendment will become effective immediately.

	<b>YES</b>	<b>SHALL THE AMENDMENT BE APPROVED?</b>
	<b>NO</b>	

# EXHIBIT 4

## Official Arguments for Ballot Issue 1



## Vote **YES** on Issue 1

### **A FAIR, BIPARTISAN, and TRANSPARENT PROCESS**

**VOTE YES on Issue 1.** A **YES** vote will send a message that voters are tired of politics as usual and create a **fair, bipartisan, and transparent** redistricting process that will **make politicians accountable** to the voters.

Currently, it is far too easy for politicians to gerrymander their way into safe seats. Voting **YES on Issue 1**, will make sure state legislative districts are drawn to be **more competitive** and compact, and ensure that **no district plan should be drawn to favor or disfavor a political party.**

#### **Fair**

Voting YES on Issue 1 will establish fair and balanced standards for drawing state legislative districts, including that no district plan should favor a political party.

Voting YES on Issue 1 will help keep our communities together by requiring that a district plan split as few counties, municipalities, and townships as possible.

#### **Bipartisan**

Voting YES on Issue 1 will require bipartisan support of a seven-member commission to adopt new state legislative districts for 10 years.

#### **Transparent**

Voting YES on Issue 1 will create the bipartisan commission that is required to broadcast and conduct all of its meetings in public.

Voting YES on Issue 1 will require the bipartisan commission to share a plan for state legislative districts with the public and seek public input before adopting a new plan.

Make your vote count, **vote YES for ISSUE 1**

# EXHIBIT 5

## Official Arguments Against Ballot Issue 1

## **Argument Against State Issue 1**

The current process for drawing new legislative districts is adequate and has served Ohio well for many years. The gerrymandering that results from partisan control is not a bad process, because it leads to one-party control of government and voters can know who to hold responsible. Competitive districts are not a virtue, because politicians have to spend so much time campaigning for reelection and are not able to do as much legislative work.

Even when the apportionment board is controlled by a single party, it is still representative of the people's will since the members of the board, most of whom are statewide officials, were elected by popular vote. The board has been controlled exclusively by both of the major parties, so neither side of the political spectrum can be seen as having a long-term hold on redistricting. Historically, their control doesn't last forever.

The current process can be trusted to maintain fair district lines; a "no" vote maintains the status quo.

# EXHIBIT 6

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

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

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

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

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

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

# EXHIBIT 7

Affidavit of Molly Shack





The OOC is made up of four grassroots organizing membership projects and dozens of campaigns that span a broad range of leaders, communities, and intersecting issues, including college students, people of faith, people directly impacted by mass incarceration, unemployed workers, care providers and the families they serve, and people working in the care economy. The OOC has five current members on its Board of Directors, all of whom, on information and belief, are registered Ohio voters. It also has hundreds of members concentrated in Columbus, Cleveland, Dayton and Cincinnati and thousands of supporters and volunteers in almost every metropolitan area across the state.

3. One of the OOC's state and local priorities is structural democracy reform, which it pursues through grassroots community organizing, large scale civic engagement, and strategic communication. Its non-partisan voter engagement program, for example, has registered hundreds of thousands of Ohioans to vote. The OOC is especially focused on engaging young voters and voters of color in the democratic process. And, over the last year, the OOC helped to drive community organizing and public engagement strategies during the redistricting process to ensure that Ohio would get a fair map outcome. The OOC convened a nonpartisan citizens commission which modeled a thorough and robust community engagement process to produce constitutional, fair, and proportional maps within deadlines set out in Ohio's constitution. During the community information gathering process, the Ohio Citizens' Redistricting Commission engaged thousands of people, with a particular focus on uplifting the voices of Black, brown, and immigrant Ohioans. Members, officers, and volunteers of the OOC regularly engage with state lawmakers to advance their agenda of economic and racial justice and structural democracy reform.

4. The gerrymandered General Assembly district plan directly impairs the OOC's mission of encouraging civic engagement and fair districts. The plan also deters and discourages its members and partners, along with other Ohio voters, from engaging in the political process, which, in turn, makes it more difficult for the OOC to engage voters through its registration and outreach efforts. The plan likewise hampers the OOC's ability to advance a legislative agenda focused on policies that help improve economic, social, educational and health outcomes for its members. These burdens will require the OOC to dedicate additional staff and resources to advance its goals. In addition, the OOC's concerns about the prospect of a gerrymandered General Assembly district plan has forced it during 2021 to divert time and resources to an advocacy campaign for fair districts. The OOC hired two dedicated employees and spent additional staff time to focus on redistricting in 2021, in order to ensure fair maps and a fair opportunity to advance its legislative agenda in the decade to come. The enacted plan will require OOC to continue to divert time and resources to advocacy for fair districts and fair redistricting going forward.

  
\_\_\_\_\_  
Molly Shack

# ACKNOWLEDGMENT

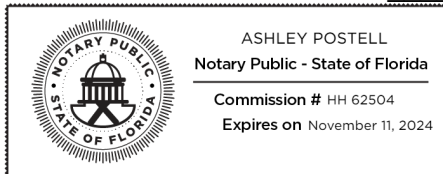
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of Florida  
County of Duval )

On 09/27/2021 before me, Ashley Postell

appeared Molly Shack, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Florida that the foregoing paragraph is true and correct.



WITNESS my hand and official seal.

Notarized online using audio-video communication

Signature 

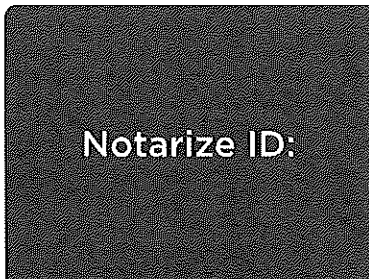
(Seal)

Ashley Postell HH 62504

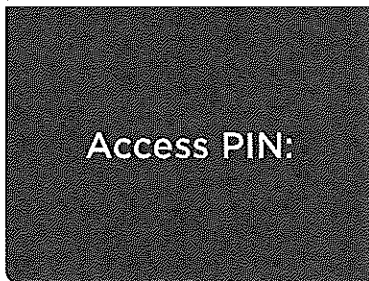
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# EXHIBIT 8

Affidavit of Tala Dahbour



It is a nonpartisan not-for-profit corporation organized and existing under Ohio law, with its principal place of business at 4985 Cemetery Road, Hilliard, Ohio 43026.

3. CAIR-Ohio's mission is to protect civil liberties, empower American Muslims, and build coalitions that promote justice and mutual understanding. It advances its mission through civic engagement, legislative advocacy at the local, state, and federal level, education, media relations, and legal advocacy. CAIR-Ohio's civic engagement and advocacy efforts include programs throughout the year to facilitate opportunities for Ohio Muslims to engage with elected officials and advocate for legislation that aims to preserve and expand voting rights, strengthen the political system for marginalized communities, protect civil liberties, and promote social justice. CAIR-Ohio also has a robust non-partisan voter mobilization program including voter registration drives, voter guides, candidate forums, phone banks, and Get Out The Vote events. As part of this program, CAIR-Ohio provides education on voter ID laws, early voting opportunities, and changes to the voting process.

4. The gerrymandered general assembly district plan hinders CAIR-Ohio's work, making its civic engagement and advocacy efforts more labor-intensive and depleting its resources and ability to build relationships and influence lawmakers. Ohio Muslims are primarily concentrated in metropolitan areas of Ohio, and for that reason, CAIR-Ohio's advocacy work largely stems from the centers of these communities. Because the gerrymandered plan segments areas with a high concentration of Ohio Muslims, a single community has to advocate to multiple state representatives, diluting the power of collective action and increasing administrative costs for CAIR-Ohio. For example, CAIR-Ohio regularly undertakes letter writing campaigns. Because the partisan gerrymander divides the Muslim communities across the state into a multitude of districts, the impact of these action alerts on legislators will be greatly reduced.

While CAIR-Ohio may be able to coordinate 100 letters from a single mosque, those letters will then have to be divided among multiple legislators, and what is in reality a significant community outcry will be far reduced in impact. This will also increase the organizational burden on CAIR-Ohio, as multiple petitions and templates will need to be created for each mosque or event as opposed to simply one or two. CAIR-Ohio incurs similar administrative costs in organizing advocacy days that have to be coordinated among over 30 legislators. These advocacy days require CAIR-Ohio staff members to organize and facilitate meetings between up to one hundred Ohio constituents and their respective representatives. With congruous communities being split into different districts, such events will be extremely difficult to execute with limited staff capacity.

5. The partisan gerrymandered plan also limits CAIR-Ohio's ability to build meaningful and ongoing relationships with the legislators that represent the Muslim community. Because CAIR-Ohio's constituents are divided, it is hampered in building inroads with legislators. As a result, CAIR-Ohio is less able to accomplish its legislative and policy goals as its limited staff resources are spread thin across multiple offices.

6. CAIR-Ohio seeks to empower Ohio Muslims through voter registration drives, candidate forums, and civic engagement education. As a minority group, Ohio Muslims are sorely underrepresented in the political sphere, and this obstacle is compounded through gerrymandering. With representatives who do not reflect the values of their respective communities, Muslim voters become apathetic towards policy advocacy and civic engagement efforts. Individual elected officials in safe non-competitive districts will feel no obligation to be responsive to the needs of their Muslim constituents who are a small voter base. This creates dissonance between communities and those who are meant to serve them and negatively affects



the willingness of the community to be civically engaged as their efforts are often dismissed. Furthermore, these sentiments make it increasingly difficult for CAIR-Ohio to carry out its mission.

  
Tala Dahbour  
Tala Dahbour

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of Florida  
County of Lee )

On 09/27/2021 before me, Isa Antepara

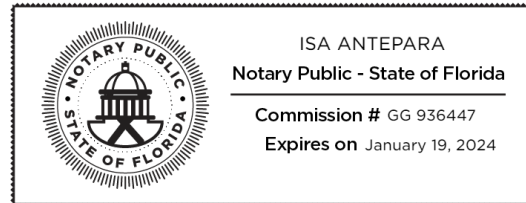
appeared Tala Dahbour via Online notarization, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Type of ID presented: OH driver license.

I certify under PENALTY OF PERJURY under the laws of the State of Florida that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature 



(Seal)

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# EXHIBIT 9

Affidavit of Trent Dougherty



Ohio clean and beautiful, and its communities safe. It fights for clean air and water, clean energy, and protected public lands. It holds polluters accountable in court while working with communities and companies that want to invest in a clean, more sustainable direction. For more than 50 years, the OEC has led many of the major environmental policy wins in Ohio.

3. One of the four pillars of the OEC's work is safeguarding the integrity and accessibility of Ohio's democracy, recognizing that civic engagement is critical in securing long-term environmental protections. The OEC advocates on behalf of a healthy democracy, because without a healthy democracy, it cannot create policies that benefit the people of Ohio and ensure clean water, vibrant public lands, renewable energy, and a stable climate. In support of this mission, the OEC advocates for fair representation and fair maps in Ohio, which help to amplify the voices of Ohioans and secure a healthy environment for the State.

4. The OEC has over 100 environmental and conservation member organizations and over 3,100 individual members, who live in 84 of Ohio's 88 counties. In the past two years, more than 5,352 individuals across the state have voluntarily taken action in furtherance of the OEC's work through calling and writing decision-makers, volunteering to support an OEC event, and assisting with organizing community members. The OEC regularly activates its members and volunteers to participate in political processes, including submitting testimony and comments to government agencies, contacting decision-makers about environmental and democracy-related issues, and attending hearings. The OEC also regularly holds educational events to inform its memberships about environmental issues impacting Ohio, the United States, and the planet. The OEC's headquarters is in Columbus, but it has regional coordinators in Cleveland, Cincinnati, Toledo, and Youngstown. Upon information and belief, the vast majority

of the OEC's members are registered voters in Ohio, and include Democrats, Republicans, and Independents.

5. The gerrymandered General Assembly plan harms OEC's members and hinders its work by dividing many of Ohio's communities and also diluting the votes of Democratic voters for the purpose of maintaining a Republican advantage in the Ohio General Assembly. The gerrymander results in a government that is not representative or responsive to OEC's members or the public, including on issues of environmental justice.

6. Because of the gerrymandered General Assembly district plan, the OEC has and will continue to expend additional time and resources in order to organize voters to defend Ohio's environment and ensure a free and fair democratic process. For example, the gerrymandered plan cracks communities, particularly communities of color, that share common health and environmental challenges, which requires the OEC and its members to expend additional resources in order to target multiple members of the General Assembly with respect to local health issues. In particular, the Environmental Protection Agency's Environmental Justice Screening and Mapping Tool (EJSCREEN), which generates scores combining demographic factors and environmental hazard indicators, indicates that the area west of Interstate 75 extending to Trotwood and Drexel, and within the communities of Northview and West Carrollton, has the highest Environmental Justice (EJ) Index percentile scores in the state. This score is highest in areas with large numbers of low-income and/or minority residents and higher environmental hazard values. This region of Dayton is not only made up of predominantly low-income and minority communities, but it contains areas that lie in the 95th-100th percentile EJ Index score for National Air Toxics Assessment cancer risk, lead paint, and superfund proximity indicators. Under the district plan, this area with high environmental hazard concerns is split into

three House districts: districts 36, 38, and 39. Communities in this area are represented by three different House districts, cracking apart those affected by the same environmental hazards and injustices. Additionally, District 39 scoops into this affected area yet extends far west and southwest to the Indiana border. It dilutes minority voices with those from rural communities who do not experience high cancer, lead paint, and superfund proximity hazards.

7. The gerrymandered General Assembly district plan also directly affects the OEC's ability to educate its membership and activate them to improve Ohio's environment. Starting in 2019 and continuing through the present, the OEC has advocated for a stronger, more responsive democracy because a healthy environment is not possible without a healthy democracy, and when Ohio's districts are gerrymandered, it does not have a healthy democracy. Thus, the OEC is spending significant resources to educate its membership on the importance of voting rights and fair districts in response to gerrymandered districts. Since 2019, the OEC has funded voter registration efforts, held educational sessions on fair maps and redistricting, and educated membership and supporters directly about voting procedures for state legislative elections. The plan adopted on September 16, 2021 by the Ohio Redistricting Commission perpetuates the need for continued investment in educational efforts regarding Ohio's democratic institutions. Because the gerrymandered plan encourages apathy and discourages voters from engaging in the democratic process, the OEC will need to expend additional resources over the next decade to continue encouraging its membership and supporters to engage in elections and other political activities and advocate for environmental issues.

*Trent Dougherty*

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Trent Dougherty



# ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of Florida  
County of Broward )

On 09/27/2021 before me, Kerrian C Robertson  
(insert name and title of the officer)

appeared Trent Dougherty DRIVER LICENSE, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

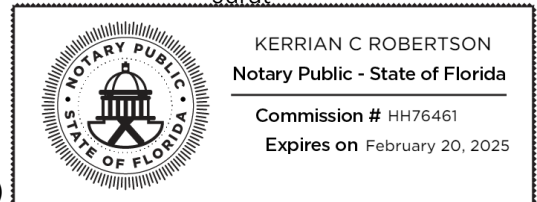
I certify under PENALTY OF PERJURY under the laws of the State of Florida that the foregoing paragraph is true and correct.

Jurat

WITNESS my hand and official seal.

Signature 

(Seal)

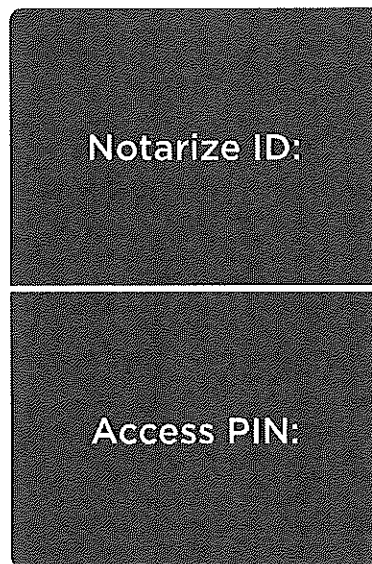


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