

IN THE SUPREME COURT OF OHIO

**Bria Bennett, et al.,**

**Relators,**

**v.**

**Ohio Redistricting Commission, et al.,**

**Respondents.**

**Case No. 2021-1198**

Original Action Filed Pursuant to Ohio  
Constitution, Article XI, Section 9(A)

*[Apportionment Case Pursuant to S. Ct.  
Prac. R. 14.03]*

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**SUPPLEMENT TO RELATORS' MERITS BRIEF - VOLUME II (Pages 202-403)**

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## CERTIFICATE OF SERVICE

I hereby certify that Relators' Supplement, Volume II was sent via email this 29<sup>th</sup> day of October, 2021 to the following:

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/s/ Derek S. Clinger  
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1                   IN THE SUPREME COURT OF OHIO

2

3       - - - - -x

4       LEAGUE OF WOMEN VOTERS       :

5       OF OHIO, et al.,               :

6               Relators,               :

7               v.                       :   Case NOS. 2021-1193

8       OHIO REDISTRICTING           :               2021-1198

9       COMMISSION, et al.,           :               2021-1210

10               Respondents.        :

11       - - - - -x

12

13               Remote Videotaped Deposition of

14               SECRETARY OF STATE FRANK LAROSE

15               Thursday, October 14, 2021

16                       9:40 a.m.

17

18

19

20

21       Job No.: 405254

22       Pages: 1 - 105

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

24               CA CSR NO. 11648

25

1 certainly didn't have any authority over the 09:51:34  
2 people that were drawing the maps. That were 09:51:39  
3 adopted, that is. 09:51:41

4 Q. And are you aware of any criteria that 09:51:43  
5 those commission members provided to the 09:51:47  
6 persons drafting the General Assembly plan? 09:51:51

7 A. None whatsoever. 09:51:53

8 Q. Okay. Other than the public hearings, 09:51:55  
9 how often did you communicate with Senator 09:52:00  
10 Huffman, Speaker Cupp, or their staff members 09:52:03  
11 about the map that was introduced on 09:52:07  
12 September 9th prior to its introduction? 09:52:10

13 A. I'd ask for clarification on the 09:52:11  
14 question. So you're asking how often did I 09:52:19  
15 communicate with commission members Cupp and 09:52:21  
16 Huffman about the September 9th map prior to 09:52:23  
17 its introduction? 09:52:27

18 Q. That's correct. 09:52:32

19 A. I did not communicate with them about 09:52:33  
20 the September 9th map prior to its 09:52:34  
21 introduction. 09:52:36

22 Q. Did you communicate with any staff 09:52:41  
23 members working with Senator Huffman or Speaker 09:52:43  
24 Cupp about the map prior to its introduction on 09:52:48  
25 September 9th? 09:52:51

1 A. No, I did not.

09:52:51

2 Q. Did you personally review any draft maps  
3 prior to September 9th?

09:52:53

09:52:57

4 A. Yeah, to my recollection, one day before  
5 that, I was shown a copy of the map. But it  
6 was not a particularly detailed copy. It was  
7 sort of a printout of it, and it was just kind  
8 of a briefing of, here's the map we've  
9 developed.

09:52:58

09:53:05

09:53:11

09:53:13

09:53:16

09:53:19

10 Q. And when you say you were provided a  
11 copy of the map, do you mean a visual map?

09:53:20

09:53:23

12 A. Yeah, again, this is, to the best of my  
13 recollection, prior to the introduction of that  
14 map, I was invited to come over to the offices  
15 of the Ohio Senate where I was shown -- it was  
16 actually the Majority conference room  
17 specifically, where they showed me a printed  
18 version of the map and just sort of gave a  
19 briefing of what they had drawn.

09:53:30

09:53:35

09:53:39

09:53:41

09:53:45

09:53:47

09:53:50

09:53:52

20 I think that was before the 9th. I know  
21 that happened before the introduction of one of  
22 the maps.

09:53:55

09:53:57

09:53:59

23 Q. Were you provided with any data or  
24 related documents regarding the printout of the  
25 map during that briefing?

09:54:04

09:54:06

09:54:08

Transcript of Secretary of State Frank LaRose  
Conducted on October 14, 2021

19

1	A. None.	09:54:09
2	Q. And who was present during that	09:54:13
3	briefing?	09:54:14
4	A. Again, to the best of my recollection,	09:54:14
5	President Huffman was there; Senate staff	09:54:24
6	member Ray DiRossi was there; Mike Grodhaus, my	09:54:28
7	chief legal counsel, was there in the Senate	09:54:33
8	majority conference room. There may have been	09:54:37
9	a house staffer, but I don't recall	09:54:41
10	specifically.	09:54:43
11	Q. Were any other commission members there?	09:54:45
12	A. At the conclusion of that meeting,	09:54:49
13	Speaker Cupp came in at the conclusion of that	09:54:54
14	meeting. And then, of course, at that point	09:55:00
15	that meant there were three commission members	09:55:02
16	in there, so there couldn't be any more.	09:55:04
17	Q. I'm sorry, what do you mean "there	09:55:09
18	couldn't be any more"?	09:55:12
19	A. Well, of course, we couldn't have more	09:55:13
20	than three commission members in a room without	09:55:17
21	having a public meeting.	09:55:20
22	Q. Do you have any knowledge of whether	09:55:22
23	briefings were provided to other commission	09:55:31
24	members, beyond yourself, before the	09:55:33
25	introduction of the September 9th map?	09:55:36

Transcript of Secretary of State Frank LaRose  
Conducted on October 14, 2021

24

1 staffers who were primarily collaborating on  
2 doing the mapmaking, the actual sort of  
3 cartography, if you will, of drawing the maps,  
4 were a House staff member named Blake  
5 Springhetti, and a Senate staff member named,  
6 Ray DiRossi.

7 One would assume, then, that the Speaker  
8 and the President were working as partners in  
9 the drafting process.

10 Q. Other than the briefing that you  
11 described or any public hearings, did you ever  
12 communicate with Mr. DiRossi about the  
13 redistricting process in 2021?

14 A. You mean prior to the beginning of the  
15 process? Or I guess clarify when you asked did  
16 I communicate with DiRossi.

17 Q. Prior to the briefing that we were just  
18 talking about, did you ever communicate with  
19 Mr. DiRossi about the process of redistricting  
20 in 2021?

21 A. In 2021, I did not communicate with  
22 Mr. DiRossi prior to the introduction of the  
23 map.

24 To be clear, Mr. DiRossi is a known  
25 expert on redistricting. We had served -- when

10:01:04

10:01:07

10:01:12

10:01:15

10:01:18

10:01:21

10:01:22

10:01:24

10:01:28

10:01:30

10:01:35

10:01:40

10:01:43

10:01:45

10:01:52

10:01:57

10:02:00

10:02:03

10:02:05

10:02:09

10:02:10

10:02:15

10:02:17

10:02:18

10:02:22

1 I was a member of the Senate and he was a  
2 Senate staffer, we had had conversations about  
3 redistricting reform and that kind of thing.

4 But in the year 2021, and certainly once  
5 the work of map drawing had begun, I did not  
6 have any communication with Mr. DiRossi as he  
7 was working on the maps, no.

8 Q. And then how about after the briefing  
9 that you talked about, which occurred on or  
10 about September 8th, as I understand? Did you  
11 speak with Mr. DiRossi about the 2021  
12 redistricting process other than at public  
13 hearings?

14 A. In the briefing, I expressed some  
15 concern that that map needed a lot of work.

16 I also stated that publicly in that  
17 first briefing, in fact -- or in the first  
18 commission meeting -- or not the first  
19 commission meeting, rather the commission  
20 meeting on the 9th, when that map was accepted  
21 as the work product of the commission, I stated  
22 publicly that this is, in my mind, a first  
23 draft and needs substantial work.

24 Other than that, I did not communicate  
25 with Mr. DiRossi.



1 Q. Did you have anyone communicate with  
2 Mr. DiRossi on your behalf?

3 A. I know that there were a few times that  
4 my chief legal counsel sent emails, but mostly  
5 about commission meeting schedules, my desire  
6 to -- my desire to get the opportunity to  
7 collaborate on amendments to the map.

8 I expressed through my staff that I  
9 wanted to work with those that were working on  
10 the map to make amendments to it, but that was  
11 the extent of our communication.

12 Q. What concerns about the map did you  
13 express to Mr. DiRossi during the briefing on  
14 September 8th?

15 A. My prime concern was that -- I mean,  
16 again, the objective I had from the very  
17 beginning was a sincere desire to work with the  
18 other six members of the commission to reach a  
19 ten-year consensus, bipartisan consensus map.

20 And my concerns that I expressed to  
21 Mr. DiRossi were that the first draft of the  
22 map that he had drawn I didn't think moved us  
23 in the direction of finding that middle-ground  
24 consensus significantly.

25 Q. What about the map you reviewed on

10:03:34

10:03:39

10:03:41

10:03:51

10:03:54

10:03:59

10:04:03

10:04:07

10:04:09

10:04:15

10:04:18

10:04:20

10:04:24

10:04:28

10:04:29

10:04:34

10:04:37

10:04:42

10:04:44

10:04:50

10:04:52

10:04:54

10:05:02

10:05:04

10:05:06

1 makes maps, I suppose I don't know of any other  
2 meaning.

3 Q. To your knowledge, who were the mappers  
4 for the Huffman plan, for the sake of clarity?

5 A. I guess I've never used the term  
6 "mapper." I've used the term "mapmaker" or  
7 "cartographers." But the people drawing the  
8 map, doing the actual technical work of sitting  
9 at a computer and GIS shapefile building, my  
10 understanding is that those individuals were  
11 Blake Springhetti and Ray DiRossi.

12 Q. Did you work with any mappers yourself?

13 A. Throughout the process, I had wanted to  
14 be part of collaborating with those that were  
15 making the maps. I was not given the  
16 opportunity to do so. That is, with the two  
17 mapmakers working on behalf of the Speaker and  
18 the President.

19 Although repeatedly I had asked to be  
20 part of that process and asked to collaborate  
21 with them, I was not given the ability to do  
22 so.

23 In the later days of the process, once  
24 it became clear that they were going to exclude  
25 me from the mapmaking, and because at that time

1 contained therein.

10:36:50

2 Q. And specifically to accept into the  
3 record the commission statement and the  
4 dissenting members' statement?

10:36:52

10:36:54

10:36:57

5 A. Correct.

10:37:01

6 Q. We've talked a bit about proportionality  
7 under the Ohio Constitution. Was the  
8 commission provided any guidance about the  
9 standard of proportionality to be used?

10:37:02

10:37:10

10:37:14

10:37:20

10 A. We were not.

10:37:22

11 Q. Okay. You talked about some of the  
12 principles that you tried to build consensus  
13 around, including an understanding of  
14 proportionality.

10:37:23

10:37:30

10:37:33

10:37:35

15 Did Senator Huffman or Speaker Cupp  
16 provide any information to you about a standard  
17 proportionality that they were using prior to  
18 the final statement that you saw?

10:37:37

10:37:40

10:37:44

10:37:47

19 A. No, they did not. And I had asked for  
20 that, candidly, and had not received it.

10:37:48

10:37:57

21 Q. When did you ask for that statement?

10:38:01

22 A. If I recall correctly, initially on -- I  
23 believe it was the day before the map was  
24 adopted on the 9th. So when that briefing had  
25 occurred on the 8th.

10:38:03

10:38:09

10:38:11

10:38:15

1 MS. PFEIFFER: I'm going to object to  
2 that question to the extent that it assumes  
3 some kind of a proportionality requirement.

4 BY MR. STAFFORD:

5 Q. You can go ahead and answer.

6 A. My counsel has objected as to whether  
7 there is a proportionality requirement, so I'm  
8 not going to answer to the existence of a  
9 proportionality requirement.

10 I'll answer the component of your  
11 question about whether I received an  
12 opportunity to collaborate on the mapmaking and  
13 the statement making, and I had no opportunity  
14 to collaborate on that, and that was something  
15 that was disappointing to me.

16 Q. And you said that one of the principles  
17 that you were trying to build consensus around  
18 was a common understanding of proportionality.

19 And so do you think in the circumstances  
20 that you were provided a fair opportunity to  
21 assess whether the plan, as adopted, met your  
22 understanding of a proportionality standard?

23 A. My work to try to define common  
24 principles of proportionality were under the  
25 assumption that that's something that both

To: Merle Madrid



Wed, Sep 15, 23:36



I wanted more time to do this. I believed we were close. But I think all four legislative members of this committee had already decided where this would end tonight. We will be back in this room to do this again, and I can assure you the process will be different than what we've seen here.



You're going to be asked by the press for clarity on who wasn't operating in good faith.  
"This was a seven member committee, not just four legislators"

We received a proposed statement prior to receiving the map. Yet another failure of the process.



You're going to be asked by the press for clarity on who wasn't operating in good faith.  
"This was a seven member committee, not just four legislators"

I think when both the legislative D's and R's already had their statements written, it was pathetically clear that this ended where they all wanted it to.

It will be cited in the court against the GOP

Probably not worth it

This rationale is asinine

I should vote no

That was my intention

But yes. It's a temper tantrum vote for no reason

None the less it's asinine.

Second asinine thing I'm voting for tonight

DEPO.09158  
Supp. 212

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1 A. Well, the rationale in regard to -- the 08:23:21  
2 rationale that was given -- again, I don't have it in 08:23:30  
3 front of me. But one of the rationales, as I recall, 08:23:33  
4 had to do with the percentage of statewide elections 08:23:38  
5 that were won by republicans versus democrats over a 08:23:45  
6 certain period of time. And I think it represented 08:23:54  
7 82 percent. Again, I'm going from memory. And that 08:23:55  
8 was given as a rationale. I think it -- 82 percent 08:24:00  
9 would not have been a rationale for me. 08:24:12  
10 Q. What exactly do you mean by that; that it would 08:24:15  
11 not have been a rationale? 08:24:21  
12 A. I've got to look at the document. 08:24:22  
13 Q. Sure. And I think -- 08:24:24  
14 A. I don't want to misquote it. 08:24:25  
15 MR. KLEIN: You actually have it ready now -- 08:24:29  
16 pull it up. 08:24:33  
17 (Brief pause.)  
18 THE WITNESS: All right. So let me look at it, 08:24:39  
19 Counsel.  
20 "The commission considered" -- 08:24:58  
21 (Reporter clarification.) 08:25:09  
22 (Reporter admonition.)  
23 THE WITNESS: "The commission considered 08:25:11  
24 statewide state and federal partisan general election 08:25:12  
25 results during the last ten years." 08:25:19



1	But what I tried to do is to clarify what I didn't	08:27:21
2	agree with.	08:27:25
3	Q. Yeah. And just --	08:27:26
4	A. And that would be -- the 81 percent is the	08:27:27
5	only -- is the part that jumps out at me that I would	08:27:31
6	-- I agree with. Who won statewide office does make	08:27:34
7	sense to me in trying to figure out what is the	08:27:40
8	general feeling of the population. It's just tying	08:27:42
9	it to 81 percent, I had a hard time -- I could not	08:27:47
10	accept that part of it.	08:27:49
11	MR. KLEIN: Okay. All right. So I think on	08:27:51
12	that note -- first, I would like to have this exhibit	08:27:57
13	marked. And then I think with that, I will close and	08:28:00
14	turn it over to my co-counsel. Thank you.	08:28:05
15	(Exhibit 5 was marked for identification.)	
16	EXAMINATION	08:28:17
17	MS. BENDER:	08:28:17
18	Q. Good morning, Governor. This is Brady Bender.	08:28:18
19	I am representing the League of Women Voters in this	08:28:20
20	case. And thank you for being here today.	08:28:23
21	Can you hear me?	08:28:29
22	A. I can, indeed. Thank you.	08:28:30
23	Q. Just making sure. Great. Thank you.	08:28:31
24	A. Sorry. Mumbling. Sorry.	08:28:33
25	Q. That's okay. That's all right.	08:28:35

1 IN THE SUPREME COURT OF OHIO

2  
3 - - - - - x  
4 LEAGUE OF WOMEN VOTERS :  
5 OF OHIO, et al., :  
6 Relators, :  
7 v. : Case Nos. 2021-1193  
8 OHIO REDISTRICTING : 2021-1198  
9 COMMISSION, et al., : 2021-1210  
10 Respondents. :  
11 - - - - - x  
12

13 Remote Videotaped Deposition of  
14 HOUSE MINORITY LEADER EMILIA SYKES

15 Monday, October 18, 2021

16 1:03 P.M.  
17  
18  
19  
20  
21

22 Job No.: 406207

23 Pages: 1 - 101

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

25 CA CSR NO. 11648

Transcript of House Minority Leader Emilia Sykes  
Conducted on October 18, 2021

46

1	would have been HaystaqDNA, right?	01:53:59
2	A. Correct.	01:54:01
3	Q. I believe the next plan that was	01:54:08
4	introduced by the commission was the	01:54:09
5	September 9th plan that was adopted for	01:54:12
6	consideration. So when was the first time you	01:54:14
7	saw the September 9th plan that was adopted as	01:54:20
8	the commission-proposed plan?	01:54:24
9	A. September 8th.	01:54:28
10	Q. When did you see it on September 8th?	01:54:29
11	A. In the evening, on September 8th.	01:54:31
12	Q. Where were you in the evening on	01:54:39
13	September 8th when you saw it?	01:54:41
14	A. Could you say that again?	01:54:42
15	Q. Where were you on the evening of	01:54:46
16	September 8th where you saw the map -- the	01:54:49
17	September 9th map for the first time?	01:54:54
18	A. In the State House, Senate side.	01:54:55
19	Q. Okay. And who was with you?	01:55:01
20	A. Who was in the room? Is that the	01:55:02
21	question?	01:55:05
22	Q. Well, who was in your immediate vicinity	01:55:06
23	when you saw the commission-proposed plan for	01:55:09
24	the first time on September 8th?	01:55:14
25	A. In my immediate vicinity? What does	01:55:15

1	that mean to you?	01:55:20
2	Q. Who was close to you? Who were you	01:55:24
3	talking to?	01:55:31
4	A. I believe the person closest to me was	01:55:32
5	Senate President Huffman.	01:55:34
6	Q. Okay. And what happened in that	01:55:35
7	conversation with Senate President Huffman?	01:55:38
8	A. He pro- -- showed us a few poster-sized	01:55:40
9	maps and discussed some elements of what he	01:55:47
10	thought -- of what they were going to discuss	01:55:55
11	the next day in terms of a map from him or the	01:55:57
12	Republicans. I'm not exactly sure who he at	01:56:02
13	the time said the map was coming from.	01:56:05
14	Q. All right. And when you say "us," who	01:56:07
15	else was there besides you and Senate President	01:56:10
16	Huffman?	01:56:13
17	A. In the vicinity or just in the room?	01:56:13
18	Q. In the vicinity.	01:56:15
19	A. I recall sitting on a row by myself, so	01:56:18
20	I don't -- I don't know what -- I want to be	01:56:26
21	precise here.	01:56:30
22	Q. Well, you just said -- you just	01:56:31
23	testified that Senate President Huffman "showed	01:56:33
24	us" the maps. Who did you mean by "us"?	01:56:35
25	A. There was -- so you want not the	01:56:37

1 A. We exchanged pleasantries at the  
2 beginning.

3 Q. Was that it? I'm just trying to make  
4 sure I cover all my bases, ma'am.

5 A. I understand, and I want to answer you  
6 accurately. From what I can recall, that's all  
7 I can recall at the moment.

8 Q. Fair enough. Do you recall any other  
9 conversations with Senator Huffman about the  
10 commission-proposed plan?

11 A. No, I do not.

12 Q. All right. What about with Speaker  
13 Cupp, do you recall any conversations with  
14 Speaker Cupp about the commission-proposed  
15 plan?

16 A. Yes.

17 Q. Can you tell me about those?

18 A. What would you like to know?

19 Q. The same details: when, where, who was  
20 involved, and what was said?

21 A. Speaker Cupp and I had a phone call --  
22 two phone calls, actually, before and after the  
23 conversation I had with Senate President  
24 Huffman.

25 Q. All right. Do you -- can you tell me

1	about -- well, who was on the phone call?	02:09:51
2	A. As far as I know, Senator -- excuse me,	02:09:53
3	Speaker Cupp and myself.	02:09:56
4	Q. Okay. And what was said during the	02:09:57
5	call?	02:10:01
6	A. We exchanged pleasantries, as normal,	02:10:01
7	discussed the timeline of what was happening.	02:10:08
8	We discussed whether it was -- well, I'll put	02:10:14
9	it this way. I asked the Speaker if it was	02:10:19
10	feasible that he, as the Speaker of the House,	02:10:23
11	would support a plan that would follow the	02:10:27
12	proportional representational -- proportional	02:10:33
13	representational language that was in Article	02:10:38
14	XI, Section 6.	02:10:41
15	Q. All right. And what else do you recall	02:10:46
16	about the conversation?	02:10:49
17	A. I recall us talking about sharing a goal	02:10:50
18	of a ten-year map and to continue figuring out	02:10:57
19	how we can get there.	02:11:01
20	Q. And anything else that you recall about	02:11:03
21	the conversation with Speaker Cupp?	02:11:09
22	A. Yes. I expressed to him some concern	02:11:11
23	about whether it was feasible for him as a	02:11:17
24	Speaker of the House to agree to a plan that	02:11:21
25	would, essentially, eliminate ten House	02:11:27

1 Republican members.

02:11:31

2 Q. And why was -- why was the number ten --  
3 elimination of ten House Republican members  
4 necessary?

02:11:39

02:11:45

02:11:49

5 A. It was an approximate to comply with  
6 some of the testimony we had heard from some  
7 political scientists and other individuals who  
8 were using the 45/55 breakdown as what they  
9 deemed as fair.

02:11:49

02:11:57

02:12:01

02:12:06

02:12:14

10 Q. Gotcha. And did the -- did the  
11 requirement for the elimination of ten  
12 Republican seats come from anywhere else  
13 besides the places you just testified to?

02:12:16

02:12:25

02:12:28

02:12:31

14 A. No.

02:12:34

15 Q. Okay. Do you recall any other  
16 conversations with Speaker Cupp about the  
17 commission-proposed plan, other than the  
18 telephone conversation you've just related?

02:12:40

02:12:43

02:12:47

02:12:51

19 A. I believe there was some communication  
20 about it during the commission meetings.

02:12:54

02:13:06

21 Q. Okay. Other than during the meetings,  
22 do you recall any conversations with Speaker  
23 Cupp?

02:13:08

02:13:11

02:13:13

24 A. Not at this moment. No, I cannot  
25 recall.

02:13:13

02:13:17



1	Q. Same question for Governor DeWine.	02:13:19
2	A. Yes, I had a conversation with Governor	02:13:22
3	DeWine.	02:13:25
4	Q. Do you recall when that was?	02:13:25
5	A. September 15th.	02:13:27
6	Q. And do you -- what was the substance of	02:13:40
7	the conversation?	02:13:42
8	A. The substance of the conversation was	02:13:42
9	whether or not there was a way we could get to	02:13:46
10	voting for a -- voting for that map, the	02:13:54
11	proposed Republican map. Or, as you've been	02:14:00
12	saying, the September 9th map.	02:14:05
13	Q. All right. And what -- so how did he	02:14:07
14	make this ask of you?	02:14:14
15	A. The governor made the -- he framed the	02:14:16
16	conversation in terms of it didn't seem as	02:14:24
17	though there was agreement on interpreting	02:14:29
18	Article XI, Section 6. So he requested if	02:14:31
19	there was a number of seats that, as Democrats,	02:14:37
20	we would be willing to vote for.	02:14:42
21	Q. And how did you respond to that ask?	02:14:44
22	A. From what I can recall was the goal was	02:14:46
23	to comply with the Constitution in being	02:14:52
24	mindful of Article XI, Section 6, and also	02:14:58
25	shared with him that there had been two	02:15:01

1 additional amended maps that showed how we  
2 could compromise and get to a ten-year map that  
3 perhaps all -- maybe not all, but at least we  
4 could vote for a bipartisan map that we could  
5 vote for for ten years.

6 Q. And when you say the "two amended maps,"  
7 what are the two amended maps you just referred  
8 to?

9 A. There were maps submitted -- I don't  
10 remember the exact dates -- but they were  
11 amendments to the Republican maps that Senator  
12 Sykes and I discussed and worked on with  
13 members of the commission.

14 Q. And are these the plan -- the two Sykes  
15 plans that were introduced, I believe, on  
16 September 12th or 13th and then considered on  
17 the 15th?

18 MS. MENASHE: Objection as to the  
19 continued characterization of them as "Sykes  
20 plan." She's never testified that that's what  
21 they were called. And I guess it's best if you  
22 want to just say the maps that the Dem Caucus  
23 put forth.

24 MR. BRANCH: She just testified that she  
25 and Senator Sykes put forth the two amendments

1 Q. Do you recall what Auditor Faber said  
2 about how he interpreted Article XI, Section 6?

3 A. No, I don't recall.

4 Q. Do you recall what you told him?

5 A. I've generally stated that the 55/45  
6 split is approximately where we have seen it.  
7 Again, as I shared with you before, we have  
8 political science attest to that, and many  
9 people come before the commission meetings  
10 sharing and identifying how you can -- how that  
11 makes sense and how that number -- how those  
12 numbers, excuse me, correlate with that  
13 provision.

14 Q. All right. Do you remember anything  
15 else that occurred during that conversation  
16 with Auditor Faber?

17 A. Yes. I recall him expressing  
18 frustration with the fact that he had -- did  
19 not have access to map drawing software and  
20 that there wasn't an opportunity for him to  
21 work with Huffman and Cupp on their map drawing  
22 processes.

23 Q. Gotcha. In contrast to Auditor Faber,  
24 though, you did have access to map drawing  
25 software, right?

02:39:36

02:39:38

02:39:44

02:39:50

02:39:52

02:40:03

02:40:10

02:40:14

02:40:16

02:40:19

02:40:24

02:40:26

02:40:30

02:40:33

02:40:35

02:40:39

02:40:40

02:40:42

02:40:46

02:40:51

02:40:57

02:41:01

02:41:03

02:41:08

02:41:10

1       A. Yeah, I -- yes. I asked him if he had  
2       an answer to a previous question which was  
3       whether or not the Republican members of the  
4       commission were willing to break ranks and vote  
5       for a map that would be a ten-year map.

6       Q. What do you mean by -- what did you mean  
7       by "break ranks"?

8       A. There was a suggestion -- well, more  
9       than a suggestion -- from Auditor Faber and  
10      Secretary LaRose that the only way to pass a  
11      ten-year map was if it was seven -- was  
12      unanimous. And I expressed that it was  
13      possible to pass a bipartisan ten-year map  
14      without a unanimous 7-0 vote.

15       And my question to Governor DeWine as  
16      well as other members of the commission was  
17      whether any of them would be willing to support  
18      a map that all seven members didn't vote for if  
19      that meant we got a ten-year map.

20      Q. And how do you recall him responding to  
21      that?

22      A. I don't recall there being a response.

23      Q. All right.

24      A. But I think we saw what happened at the  
25      end.

1 the maps and asked if we would table the voting  
2 of the Huffman map to buy us more time.

3 Q. And other than a discussion of tabling  
4 the Huffman -- a vote on the Huffman map, did  
5 you talk about anything else with Secretary  
6 LaRose in this conversation?

7 A. Yes. We talked about just voting the  
8 map down altogether, since he and others on the  
9 commission had expressed some concerns about  
10 it, and that would effectively do the exact  
11 same thing.

12 Q. Gotcha. Anything -- any other aspects  
13 of that conversation that you haven't testified  
14 to?

15 A. Yes. He, as in Secretary LaRose,  
16 expressed concern about the process, how he had  
17 been shut out, starting with not being able to  
18 get access to the Republican map drawers or to  
19 the information that the Republicans were using  
20 to draw the maps, and was -- appeared to be  
21 frustrated that we were at this point.

22 Q. All right. Would you have voted for a  
23 General Assembly districting plan that included  
24 less than 42 Democrat-leaning house seats?

25 A. I would have voted for a plan that

1	complied with Article XI, Section 6; and if it	03:00:40
2	did that, I would have voted for a plan that	03:00:46
3	did that.	03:00:48
4	Q. And do you believe that a General	03:00:49
5	Assembly districting plan that had 42 -- excuse	03:00:52
6	me, that had 41 or less Democrat-leaning House	03:00:56
7	districts would comply with Article XI,	03:00:59
8	Section 6 of the Constitution?	03:01:03
9	A. I would have to look at some analysis	03:01:04
10	before I could answer that question.	03:01:10
11	Q. Okay. How was it determined there was	03:01:14
12	an impasse in the negotiations over the plan?	03:01:18
13	A. In my opinion, is that what you're	03:01:21
14	asking? Or did somebody else say it?	03:01:33
15	Q. Strike that question. Let me ask you	03:01:35
16	this. You voted against the map that was	03:01:38
17	ultimately adopted by the commission. Do you	03:01:42
18	believe that, instead of the map it adopted,	03:01:46
19	the commission should have passed the	03:01:49
20	September 15th plan circulated by you and	03:01:51
21	Senator Sykes?	03:01:53
22	A. I think the plan that Senator Sykes and	03:01:54
23	I submitted was more in line Article XI,	03:02:00
24	Section 6 than the plan that was ultimately	03:02:07
25	adopted.	03:02:11



SUPREME COURT OF OHIO

LEAGUE OF WOMEN VOTERS OF )  
OHIO, et al., )

Relators, )

Case No.: 2021-1193

vs. )

2021-1198

OHIO REDISTRICTING )  
COMMISSION, et al., )

2021-1210

Respondents. )  
\_\_\_\_\_ )

VIDEOTAPED DEPOSITION OF RAY DIROSSI

October 19, 2021

7:05 a.m.

Conducted Virtually

REPORTED BY:

Tammy Moon, CSR No. 13184, RMR, CRR



1 And I searched all of the available  
2 computers and other emails and so forth that I had  
3 at my -- that were in my possession and, you know,  
4 to turn over everything that I could that was  
5 responsive.

6 Q. Did that include -- was Maptitude -- the  
7 software Maptitude on one of the computers you  
8 looked at?

9 A. It was.

10 Q. And did you provide any files -- Maptitude  
11 files over to your counsel?

12 A. I -- I believe the -- the final maps that  
13 were adopted by the redistricting commission, I  
14 believe, were -- were provided.

15 Q. Did you have any other Maptitude files,  
16 other than the final maps, on your computer?

17 A. I -- sir, I gave to the attorneys  
18 everything that -- and turned over everything that  
19 they told me to turn over.

20 Q. But I asked did you recall whether you  
21 provided any Maptitude files, other than the final  
22 maps?

23 A. I think I had some questions about what was  
24 responsive. And so when I had questions about  
25 things like that, I consulted with my attorneys

1           A.    Yeah.  I'm getting caught up with your "how  
2 many people."  I don't -- I don't understand the  
3 data to be the number of people, but --

4           Q.    Okay.  The number of voters --

5           A.    -- that's why I'm getting caught up on your  
6 question.

7           Q.    Fair enough.

8                   Number of vote -- number -- did you have  
9 any information about the number of democrat votes  
10 and number of republican votes in the district?

11          A.    Again, the number of votes -- the number of  
12 votes, I don't think, was ever displayed.

13          Q.    How about the percentage of votes; the  
14 percentage republican votes and the percentage of  
15 democrat votes?

16          A.    I do think there was -- there was some  
17 percentages that showed republican leanings or  
18 democratic leanings.

19          Q.    Okay.  And that would appear in a display  
20 window or how would that appear?

21          A.    Yes.

22          Q.    Display window?

23          A.    Again, along with everything else I talked  
24 about, the district numbers, the populations, the  
25 deviations, the ideal population targets.

1 Everything else set is constitutionally required.

07:15:45

2 Q. So just so I got it. I appreciate all the  
3 other information is there also. There's more than  
4 one thing in the display window.

07:15:49

07:15:51

07:15:53

5 But I just want to focus on this percentage  
6 republican and percentage democrat votes in a  
7 district as you're drawing the district.

07:15:55

07:16:00

07:16:03

8 Now, if you change the district lines,  
9 would those percentages change?

07:16:05

07:16:07

10 A. Yes.

07:16:09

11 Q. Okay. And -- well, I appreciate your  
12 clarifying that.

07:16:10

07:16:17

13 Now, is that information some of the -- in  
14 any of the files you provided to counsel, were those  
15 displayed --

07:16:18

07:16:22

07:16:25

16 (Reporter clarification.)

07:16:31

17 Q. Were any of the districts, with display  
18 windows, that had the republican/democrat  
19 percentages, was any of that in the materials you  
20 provided to counsel?

07:16:31

07:16:34

07:16:38

07:16:42

21 A. I -- I don't think I can speak to that.

07:16:46

22 I -- I'm not an expert on Maptitude and its -- and  
23 how it exports files and what or what would not be  
24 included.

07:16:48

07:16:52

07:16:57

25 Q. So you -- did you provide the full file to

07:16:57

1 appointed by a former senate president to a

07:23:18

2 position -- a boarding commission position with the

07:23:25

3 Ohio Department of Transportation.

07:23:27

4 Q. Okay. Now, your business, did that involve  
5 fundraising for republicans?

07:23:30

07:23:37

6 A. Yes.

07:23:40

7 Q. And the board of transportation job, you  
8 were appointed that job by Bill Har- -- Senate  
9 President Bill Harris. Is that right?

07:23:48

07:23:53

07:23:58

10 A. That is correct.

07:24:00

11 Q. And Mr. Harris is a republican also. Is  
12 that right?

07:24:00

07:24:03

13 A. Yes.

07:24:03

14 Q. Now, what are your current responsibilities  
15 at your job today?

07:24:04

07:24:19

16 A. I am the finance director in the Ohio  
17 senate, so budget and finance and tax policy.

07:24:21

07:24:26

18 Q. When did you start on that job?

07:24:29

19 A. 2015.

07:24:31

20 Q. Okay. And who pays your salary?

07:24:34

21 A. The taxpayers.

07:24:40

22 Q. Okay. But any particular congressional  
23 unit organization office is responsible for  
24 authorizing that?

07:24:44

07:24:50

07:24:53

25 A. I believe the checks are issued by the

07:24:54

1 state treasurer's office.

07:25:06

2 (Reporter clarification.)

07:25:08

3 Q. And who do you report to?

07:25:09

4 A. The chief of staff of the Ohio senate.

07:25:11

5 Q. Okay. And is that -- what's that person's  
6 name, please?

07:25:14

07:25:20

7 A. John Barron.

07:25:21

8 Q. To whom does Mr. Barron report, please?

07:25:25

9 A. I -- the president of the senate.

07:25:31

10 Q. That would be Mr. Huffman. Is that right?

07:25:34

11 A. Yes.

07:25:37

12 Q. Okay. Now, one of your job duties over the  
13 past years was working on drawing the map --  
14 district map for the general assembly. Is that  
15 right?

07:25:37

07:25:48

07:25:51

07:25:56

16 A. Well, it certainly hasn't been over the  
17 past years because, as you know, we didn't get our  
18 census data until just a couple months ago. So it  
19 was --

07:25:56

07:25:58

07:26:05

07:26:07

20 Q. Okay. When did you start?

07:26:07

21 A. Start doing what?

07:26:09

22 Q. Working on the map for the general  
23 assembly.

07:26:10

07:26:12

24 A. That would have been sometime after the  
25 census data was received in August.

07:26:13

07:26:19

1 Q. So sometime -- do you recall -- was the 07:26:20  
2 census data received around August 12. Is that 07:26:22  
3 right? 07:26:26

4 A. That sounds about right. I think -- the 07:26:26  
5 number 134 days late is stuck in my head. 07:26:28

6 Q. Okay. So you started -- did you do any 07:26:32  
7 work on -- related to preparing to draw those maps 07:26:35  
8 before August 12? 07:26:38

9 A. What do you mean by "work"? I mean, we 07:26:39  
10 didn't have the census data, so -- 07:26:46

11 Q. Did you look at any information that would 07:26:48  
12 be useful for drawing the maps before August 12? 07:26:51

13 A. Well, obviously, if you know anything about 07:26:54  
14 our state budget, I was preoccupied with our binding 07:26:58  
15 operating budget until it was signed by the governor 07:27:02  
16 and put in place on June 30th. So I was -- that was 07:27:06  
17 my main focus as my job duties up and through 07:27:09  
18 June 30th. 07:27:12

19 Q. Appreciate that was your main focus. 07:27:12

20 Were you in touch with anyone, say, at Ohio 07:27:17  
21 University about information particularly useful for 07:27:20  
22 drawing the maps? 07:27:22

23 A. I mean, I don't recall specific 07:27:23  
24 interactions, but I'm sure I touched base with just 07:27:28  
25 trying to understand how they were preparing for the 07:27:31



1 recall where -- how it happened?

07:28:49

2 A. I -- I don't recall the specifics of it.

07:28:50

3 Our offices are all pretty close, so --

07:28:55

4 Q. Was anybody --

07:28:58

5 (Simultaneous colloquy.)

07:29:00

6 Q. Was anybody -- this is all senate side.

07:29:01

7 Was anybody from the house side in that  
8 conversation?

07:29:04

9 A. I -- I don't recall the specifics of that  
10 conversation.

07:29:06

11 Q. Okay. As you proceeded with your work on  
12 drawing the maps -- and we can talk about after  
13 August 12 -- did you -- to whom did you report about  
14 how the work was going?

07:29:11

07:29:23

07:29:26

07:29:29

15 A. I would report it to the president of the  
16 senate.

07:29:31

07:29:36

17 Q. Okay. And did you report with -- well, how  
18 did you report? Was it by phone, or was it by  
19 email, or give them a draft? Tell me how the  
20 reporting went.

07:29:36

07:29:44

07:29:47

07:29:50

21 A. Well, when I say "reporting," I just mean  
22 verbal updates of what was happening and what I was  
23 seeing. But there was no formal report.

07:29:52

07:29:55

07:29:58

24 Q. Okay. Did you ever send them an email  
25 about it?

07:30:03

07:30:05

1 A. I -- none that I recall specifically  
2 sitting here today.

3 Q. Did he ever come take a look at the maps or  
4 drawings as you were drawing them on your computer?

5 A. So are we still pre- -- I'm trying to  
6 understand your timeline. Are we still --

7 Q. After August 12.

8 (Simultaneous colloquy.)

9 A. I'm sorry.

10 Q. I apologize for jumping in.

11 After August 12, as you were drawing the  
12 maps, did Senate President Huffman ever come over  
13 and take a look at your computer to see how the  
14 districts were going?

15 A. Yeah. I -- after August 12th, I know the  
16 president was extremely busy with other legislative  
17 duties, so I would -- as I felt that I needed to  
18 interact with him, I would seek him out, either in  
19 person or in any other way, to give him updates on  
20 what I was seeing and working on.

21 Q. Okay. And would he take a look at your  
22 computer screen as part of your updates?

23 A. Yes.

24 Q. Okay.

25 A. As well as conversations and other -- other

1 ways.

07:31:19

2 Q. Right. I just -- the computer, as you sit  
3 right now --

07:31:20

07:31:26

4 (Reporter clarification.)

07:31:30

5 Q. You said you were over working -- the  
6 computer you said you looked at was in the office.  
7 When you were drawing the maps, were you drawing  
8 them at the office, or were you in a hotel room?

07:31:30

07:31:32

07:31:35

07:31:37

9 A. The computer was in my office. And I also  
10 had a number of meetings in the state house about  
11 redistricting in general. Never in a hotel room.

07:31:40

07:31:46

07:31:49

12 Q. So you didn't rent a room over at the  
13 Marriott -- Courtyard by Marriott?

07:31:53

07:31:56

14 A. So that I could sleep when I was about to  
15 fall asleep, yes.

07:31:59

07:32:02

16 Q. But you didn't set it up as a workroom?

07:32:04

17 A. Absolutely not.

07:32:07

18 Q. Okay. Now, you were working on that  
19 computer in the office.

07:32:08

07:32:23

20 Were you -- was anybody else working with  
21 you as you were drawing the maps?

07:32:26

07:32:28

22 A. There were -- there were two workstations  
23 that were set up. They were side by side. And  
24 there was a gentleman Blake from the house who was  
25 doing the same thing and, you know, working with the

07:32:30

07:32:36

07:32:38

07:32:42

1 speaker, reporting to the speaker.

07:32:44

2 Q. That would be Blake Springhetti. Is that  
3 right?

07:32:46

07:32:51

4 A. Yes.

07:32:51

5 Q. Okay. And did you work on -- did you both  
6 work on house district maps or -- how did you divide  
7 it up?

07:32:53

07:32:57

07:33:00

8 A. Well, there was no specific division, but  
9 we would both work on whatever needed work on. But  
10 obviously, at the end of the day, he was the one  
11 responsible for going back to the speaker and  
12 briefing him and getting his feedback, and I was the  
13 one responsible going to the senate president and  
14 briefing him and getting his feedback.

07:33:01

07:33:05

07:33:08

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07:33:13

07:33:16

07:33:18

15 Q. Right. But you had to work on some house  
16 districts, didn't you, because you created the  
17 senate districts combining of the house districts.  
18 Isn't that right?

07:33:20

07:33:22

07:33:25

07:33:30

19 A. We would both work on whatever needed to be  
20 worked on. So we both would have worked on house  
21 districts, and we both would have worked on senate  
22 districts.

07:33:30

07:33:33

07:33:36

07:33:39

23 Q. Okay. Now, you both had the -- the  
24 percentage of republican and democrat votes in the  
25 display window on your computer screens. Is that

07:33:39

07:33:48

07:33:52

1 right?

07:33:57

2 A. I can't speak to how his computer was set  
3 up. Mine was set up with, as I said, all the  
4 district numbers, the populations, the deviations,  
5 the target populations, and any other data, as we've  
6 talked about.

07:33:57

07:34:02

07:34:05

07:34:08

07:34:14

7 Q. And the other data that -- we talked about  
8 the other data did include the republican and  
9 democratic vote percentage in the district as you  
10 had drawn it, correct?

07:34:14

07:34:18

07:34:20

07:34:22

11 A. Yeah. I think there's a lot of information  
12 that led up to that moment.

07:34:24

07:34:28

13 So in answering your question, I know there  
14 were a lot of conversations that I wasn't  
15 specifically part of, but I was later told that  
16 members of the senate democratic caucus, the chiefs  
17 of staff for several of the caucuses -- at least  
18 three of the caucuses were working together to try  
19 to come up with some type of agreed-to publicly  
20 available data source that could be used for not  
21 only the computers that I had, but computers that  
22 the senate democrats or maybe the house democrats,  
23 if they chose to participate, would have access to.

07:34:29

07:34:32

07:34:34

07:34:38

07:34:43

07:34:47

07:34:49

07:34:52

07:34:55

07:34:59

07:35:03

24 Q. Thank you.

07:35:05

25 I want to --

07:35:06

1 Did you see separate lines for each 07:49:26  
2 election or was it any kind of composite average in 07:49:28  
3 the display window? 07:49:32

4 A. I -- I would have had it set up for -- 07:49:33  
5 those years that you just asked about, would have 07:49:37  
6 displayed as one number. 07:49:40

7 Q. One number. Okay. 07:49:41

8 And you create that number just by a simple 07:49:44  
9 average of the election -- of the data for each of 07:49:47  
10 the three years? Or do you recall how do you set 07:49:50  
11 that number up? 07:49:52

12 A. Well, that's getting into something that -- 07:49:53  
13 I didn't do those calculations. So I -- I can't 07:49:55  
14 speak to how that was done. I know it was done to 07:49:58  
15 try to mimic what the senate democrat map, when they 07:50:01  
16 put their map out and they used that same data set, 07:50:06  
17 they were displaying it as one number. And so we 07:50:10  
18 were trying to mimic that internally. Or at 07:50:13  
19 least -- at least I was. 07:50:16

20 Q. Got it. Do you know who did the -- who set 07:50:16  
21 up that data calculation in Maptitude? Was there a 07:50:19  
22 technical person who worked with you? 07:50:23

23 A. I had access to data consultants that I 07:50:26  
24 could ask when I was over my head on a technical or 07:50:31  
25 a data issue. 07:50:35



1 Q. Sure. Were those technical consultants -- 07:50:36  
2 do they work with the Ohio legislature, or were they 07:50:41  
3 outside consultants? Were they employees or outside 07:50:45  
4 consultants? 07:50:49

5 A. They did not work for the Ohio legislature. 07:50:51  
6 Well, let me -- let me say I don't know. Because I 07:50:55  
7 don't know how they were paid, and I don't know what 07:50:57  
8 -- there was a lot of money that was being approved 07:50:58  
9 on a bipartisan basis to fund the operations of both 07:51:00  
10 the majority and minority efforts. 07:51:04

11 And I guess I should retract that. 07:51:08

12 I don't know how they were paid, and I 07:51:10  
13 don't know if that money -- I don't know how that -- 07:51:13

14 Q. Sure. 07:51:18

15 A. I don't know how the composition for them 07:51:18  
16 would -- worked. 07:51:20

17 Q. Could you please just identify for us who 07:51:21  
18 those consultants were. 07:51:25

19 MR. STRACH: Rob, this is Phil. 07:51:26

20 I'm going to object. I'm going to allow 07:51:29  
21 Ray to identify who they were, but I'm going to 07:51:31  
22 instruct him not to answer any questions about any 07:51:34  
23 specific tasks they were given because they are 07:51:39  
24 consulting experts. So I just want to note that for 07:51:43  
25 the record. 07:51:47

1 data for 2012 and 2014, correct?

07:54:43

2 MR. STRACH: Objection as to "election  
3 data."

07:54:48

07:54:50

4 MR. FRAM: Okay. Fair enough.

07:54:50

5 Q. At some point, somebody gave you nonpublic  
6 information about the democrat and republican vote  
7 percentage in the 2012 and 2014 elections, correct?

07:54:53

07:54:58

07:55:01

8 A. I think after the '16 and '18 data had been  
9 secured with the conversations with the minority  
10 caucus, there was still an ongoing effort to try to  
11 find publicly available data for '12 and '14. And I  
12 -- I think at some point, there was some nonpublic  
13 available data from '12 and '14 that was found.

07:55:09

07:55:12

07:55:15

07:55:19

07:55:23

07:55:28

14 It would have been provided to me through  
15 this -- my consultants, and -- but it was ultimately  
16 not used because it wasn't the agreed to or the --  
17 it wasn't the apples to apples that we had with '16,  
18 '18, and '20 data.

07:55:36

07:55:38

07:55:44

07:55:47

07:55:50

19 Q. So if I understand correctly, data's  
20 provided to you by Mr. Benson and Mr. Morgan  
21 regarding democrat and republican vote percentage  
22 for 2012 and 2014. Is that right?

07:55:51

07:55:57

07:56:00

07:56:05

23 A. Eventually, yes. Late in the process.

07:56:06

24 Q. Okay. And later in the process -- within  
25 the first week of September or so? Do you recall

07:56:13

07:56:19

1 when?

07:56:22

2 A. Give or take. It was -- it was probably no  
3 more than a few days before -- my recollection  
4 sitting here today is that it was probably no more  
5 than a few days before the -- the initial map was  
6 offered on September 9th.

07:56:22

07:56:27

07:56:31

07:56:33

07:56:37

7 Q. Okay. And you said it wasn't used; it was  
8 not loaded into Maptitude.

07:56:39

07:56:43

9 What do you mean, it wasn't used? If you  
10 could please explain.

07:56:46

07:56:48

11 A. Well, at that point -- when we had offered  
12 a map on September 9th -- or President Huffman had  
13 offered a map before the redistricting commission  
14 and the senate democrats had offered a map, you  
15 know, five or six days before that, we got into a  
16 lot of comparisons, and the negotiations were  
17 happening. And while we had access to that data,  
18 the common data between those plans was the '16,  
19 '18, and '20 data.

07:56:49

07:56:53

07:56:57

07:57:00

07:57:05

07:57:09

07:57:12

07:57:16

07:57:22

20 Q. All right. But did you have --

07:57:23

21 (Reporter clarification.)

07:57:36

22 Q. Did you have put into Maptitude at any time  
23 the 2012 and 2014 election data showing republican  
24 and democrat vote percentages?

07:57:36

07:57:45

07:57:52

25 A. And by -- again, the '12 and '14 data was

07:57:56

1	(Exhibit 1 was marked for identification.)	08:42:38
2	MR. FRAM:	08:42:38
3	Q. Mr. DiRossi, is that -- can you see	08:42:40
4	Exhibit 1 up on your screen there?	08:42:42
5	A. I see it, yes.	08:42:44
6	Q. Have you ever seen this document before?	08:42:45
7	A. Yes.	08:42:50
8	Q. Okay. Did you have anything to do with	08:42:50
9	creating this document?	08:42:53
10	A. Yes.	08:42:54
11	Q. Okay. Do you recall about when you created	08:42:55
12	it?	08:42:59
13	A. I don't.	08:43:01
14	Q. Was it in August or September or before?	08:43:03
15	A. I -- I don't recall. I think it probably	08:43:07
16	was earlier. Much earlier than that.	08:43:13
17	Q. Okay. So before -- before August, you	08:43:15
18	think?	08:43:20
19	A. I don't recall specifically, but that's --	08:43:20
20	that sounds about right.	08:43:26
21	Q. Okay. Do you recall if it was, like, back	08:43:26
22	in the spring?	08:43:29
23	A. No. It -- this would have been something	08:43:33
24	that I think I created shortly after the budget was	08:43:35
25	put in place, June 30th.	08:43:38

1           It is your understanding that it was not  
2           your responsibility to focus on Article XI,  
3           Section 6; that was for Senate President Huffman and  
4           the other commissioners, correct?

11:22:57

11:23:01

11:23:05

11:23:09

5           A.    It was not my responsibility.

11:23:13

6           Q.    Okay. Thank you. Just a moment.

11:23:15

7           Did you ever have conversations with any of  
8           the commissioners concerning Article XI, Section 6?

11:23:19

11:23:34

9           A.    I am thinking through.

11:23:38

10          (Brief pause.)

11:23:57

11          A.    The only one I generally recall was  
12          Senator Huffman, and him saying that that was not my  
13          responsi- -- that was not my focus; that I should  
14          focus on following the construction rules of the  
15          constitution for producing a fair and neutral map  
16          that complied with all those construction  
17          requirements.

11:23:57

11:24:02

11:24:07

11:24:09

11:24:11

11:24:16

11:24:19

18          Q.    And Mr. DiRossi, do you recall when that  
19          conversation occurred?

11:24:19

11:24:24

20          A.    I don't. I do not.

11:24:26

21          Q.    Was it prior to September 9th?

11:24:30

22          A.    I can't recall. Those six days were a  
23          whirlwind of everything.

11:24:36

11:24:43

24          Q.    Okay.

11:24:46

25          A.    And even before that time was amazingly

11:24:46

1     chaotic.

11:24:54

2           Q.     Was this at some point in September that  
3     you had this conversation?

11:24:54

11:24:57

4           A.     I hesitate to say yes. And then sometime  
5     later, remember, it was August 30th. I don't recall  
6     when the conversation was.

11:24:57

11:25:04

11:25:07

7           Q.     Was it after the census data came out?

11:25:08

8           A.     I'm sorry. You kind of garbled there after  
9     you said "was it after."

11:25:13

11:25:17

10          Q.     Sorry. This may be an issue with my mic.  
11     Let me just make sure that Zoom has this all right.  
12     My apologies.

11:25:18

11:25:22

11:25:25

13          A.     No problem.

11:25:26

14          Q.     All right. Did this conversation occur  
15     following the release of the census data?

11:25:28

11:25:33

16          A.     I don't recall specifically. That -- that  
17     sounds a little more realistic, but I cannot recall.

11:25:36

11:25:49

18          Q.     Okay. Do you recall anything about the  
19     context for this conversation?

11:25:54

11:25:57

20          A.     I don't. Yeah, the only thing I remember  
21     is that President Huffman said he had his own -- his  
22     ideas, and he was -- he was the one negotiating with  
23     the other members of the commission, and keep  
24     drawing maps that were compliant with the other  
25     provisions of the constitution.

11:26:00

11:26:12

11:26:15

11:26:19

11:26:23

11:26:25



2021 10-year look back	Candidate	Democrat	Republican	Candidate	%	%
2020 Presidential	Biden	2,679,165	3,154,874	Trump	45.9%	54.1%
2016 Presidential	Clinton	2,394,164	2,811,605	Trump	45.7%	54.3%
2012 Presidential	Romney	2,827,709	2,661,439	Obama	51.5%	48.5%
2018 US Senate	Brown	2,355,923	2,053,963	Renacci	53.4%	46.6%
2016 US Senate	Strickland	1,996,908	3,118,567	Portman	39.0%	61.0%
2012 US Senate	Brown	2,762,766	2,435,744	Mandel	53.1%	46.9%
2010 US Senate	Fisher			Portman		
2018 Governor	Cordray	2,067,847	2,711,917	DeWine	48.1%	51.9%
2018 Auditor	Space	2,006,204	2,152,769	Faber	48.2%	51.8%
2018 SOS	Clyde	2,049,944	2,210,356	LaRose	48.1%	51.9%
2018 Treasurer	Richardson	2,022,016	2,304,444	Sprague	46.7%	53.3%
2018 Attorney General	Dettelbach	2,084,593	2,272,440	Yost	47.8%	52.2%
2014 Governor	Fitzgerald	1,009,359	1,544,848	Kasich	34.2%	65.8%
2014 Auditor	Carney	1,149,305	1,713,927	Yost	40.2%	59.8%
2014 SOS	Turner	1,074,475	1,811,010	Husted	37.2%	62.8%
2014 Treasurer	Pillich	1,323,325	1,724,060	Mandel	43.4%	56.6%
2014 Attorney General	Pepper	1,178,426	1,892,048	DeWine	38.5%	61.5%
2010 Governor	Strickland			Kasich		
2010 Auditor	Pepper			Yost		
2010 SOS	O'Shaughnessy			Husted		
2010 Treasurer	Boyce			Mandel		
2010 Attorney General	Cordray			Dewine		
Total Votes		30,982,129	36,511,381		721%	879%
		45.90%	54.10%		45.08%	54.92%

Exhibit #

DiRossi 01

10/19/21 - MP

1 IN THE SUPREME COURT OF OHIO

2  
3 LEAGUE OF WOMEN VOTERS

4 OF OHIO, et al.,

5 Relators,

6 vs.

Case No. 2021-1193

7 2021-1198

8 2021-1210

9 OHIO REDISTRICTING COMMISSION, et al.,

10 Respondents.  
11  
12  
13

14 Remote Videotaped Deposition of

15 SENATOR VERNON SYKES

16 Tuesday, October 19, 2021

17 6:02 p.m.  
18

19 Job No. 406563

20 Pages 1 - 110

21 Before Renee J. Ogden, CSR-3455, RPR.  
22  
23  
24  
25

1 staff. Staff for -- all of our staffs met together 07:13:45  
2 and then reported back to you. And I'm just asking 07:13:50  
3 what the substance of the reports back to you were, 07:13:55  
4 with the caveat that I'm not asking you to tell me 07:13:59  
5 anything that your lawyers told you. 07:14:03

6 A. One of the problems we're dealing with in trying to 07:14:10  
7 come up with a collaboration under agreement, a 07:14:17  
8 bipartisan agreement, of the seven members of the 07:14:22  
9 commission, two of them are legislative leaders in 07:14:25  
10 the majority. And their colleagues, the other 07:14:36  
11 Republican members, statewide officeholders, 07:14:42  
12 basically, seemingly had some type of an agreement 07:14:49  
13 that the three statewide would not take a position 07:14:52  
14 contrary to the other two majority legislative 07:15:05  
15 members. 07:15:08

16 And do the whole process was really led 07:15:13  
17 by the Republican leaders, which became fairly 07:15:15  
18 problematic because they would have to agree to 07:15:22  
19 plans that, if they were fair, then the ones that 07:15:30  
20 were -- that are in current existence would 07:15:34  
21 possibly cause them to lose some members of their 07:15:38  
22 caucus. 07:15:43

23 And so they were reluctant to 07:15:46  
24 participate, comply, or draft plans in a 07:15:51  
25 collaborative way, and their staffs represented 07:15:57

1 Q. Okay. And then after -- after it was reported to 07:17:46  
2 you that they weren't able to make progress -- 07:17:54  
3 well, strike that. 07:17:58

4 Do you recall whether there were any 07:18:00  
5 specific issues that the staff identified that they 07:18:06  
6 weren't able to make progress on? 07:18:09

7 A. Representational fairness issues. 07:18:11

8 Q. And -- 07:18:17

9 A. The proportion of districts that were Democrats or 07:18:24  
10 Republicans. The proportions. 07:18:32

11 Q. Gotcha. 07:18:33

12 And was that the primary issue that you 07:18:34  
13 believe was holding up a compromise that might have 07:18:36  
14 resulted in a ten-year redistricting plan for Ohio? 07:18:40

15 A. That is the issue. That's what fair districts is 07:18:44  
16 all about. That's what we campaigned on. That's 07:18:55  
17 what the whole change in the Constitution was 07:18:57  
18 about, to have fair districts. 07:18:59

19 And the litmus test and the evaluation 07:19:01  
20 of fair districts happens to be that 07:19:03  
21 representational fairness concept. 07:19:08

22 Q. Gotcha. 07:19:12

23 And my question was just: Is it your 07:19:12  
24 belief that the primary or perhaps only impediment 07:19:14  
25 to the members of the commission reaching a 07:19:20

1           compromise on a ten-year map was agreement on the           07:19:25  
2           partisan makeup of the redistricting map?           07:19:33  
3       A. That was the major concern, yes.           07:19:36  
4       Q. Okay. So after the -- after that weekend, when           07:19:45  
5           staff reported back to you that they were unable to           07:19:50  
6           put together a compromise, do you recall what the           07:19:54  
7           next step you took was in the redistricting           07:20:01  
8           process?           07:20:06  
9       A. No, I don't.           07:20:07  
10      Q. All right. Do you recall any negotiations with any           07:20:08  
11           Republican members of the commission after the           07:20:16  
12           staff negotiations that occurred during the           07:20:19  
13           weekend?           07:20:22  
14                   MS. MENASHE: You could clarify the           07:20:26  
15           question. That the Senator participated in? Is           07:20:27  
16           that the question?           07:20:33  
17                   MR. BRANCH: Yes, ma'am.           07:20:35  
18   BY MR. BRANCH:           07:20:37  
19      Q. Do you recall any negotiations in which you           07:20:37  
20           participated with the other Republican members of           07:20:39  
21           the commission that took place after the staff           07:20:41  
22           discussion's impasse, as you previously testified?           07:20:44  
23      A. We reached out to all of the members to get -- to           07:20:52  
24           try to come to an agreement, and we didn't get any           07:20:58  
25           responses from, again, the speaker of the House or           07:21:04



1	on your final map?	07:26:37
2	A. Any changes --	07:26:40
3	Q. Any changes.	07:26:41
4	A. -- that we wanted him to consider, yes.	07:26:42
5	Q. And your response to him was, we're just going to	07:26:47
6	upload our final map, and you can see the changes	07:26:51
7	there?	07:26:54
8	A. No. We -- we were working -- our map drawers --	07:26:54
9	with any changes, when any changes are made, we are	07:27:03
10	trying to be careful to comply with all of the	07:27:06
11	requirements. And so when a suggestion is made,	07:27:08
12	they go through a process to evaluate everything to	07:27:11
13	make sure that it's -- so it took time before we	07:27:22
14	could commit to sharing any of that information	07:27:24
15	with anyone else, to make sure that it was pretty	07:27:30
16	much accurate.	07:27:34
17	Q. Gotcha.	07:27:34
18	And do you recall when you posted -- or	07:27:35
19	your staff posted the final map to the	07:27:41
20	redistricting website?	07:27:47
21	A. I don't recall exactly when that final map was.	07:27:49
22	Q. Was it -- do you think it was late on the final	07:28:02
23	day?	07:28:05
24	A. Yeah. I think it may have been.	07:28:06
25	Q. All right. Do you recall what the differences were	07:28:10



1	between the final map that you uploaded to the	07:28:16
2	redistricting website and the September 13th map	07:28:28
3	that you had proposed?	07:28:30
4	A. We made changes that were suggested by the	07:28:32
5	secretary of state and the state auditor.	07:28:37
6	Q. All right.	07:28:42
7	A. We -- it was an amendment also to their previous	07:28:46
8	map. So we tried to incorporate as much -- we	07:28:51
9	started from their map and made changes so that we	07:28:57
10	could incorporate as much of what they had designed	07:29:00
11	as possible.	07:29:06
12	Q. But with regard to the differences between the	07:29:06
13	September 13th map and the September 15th map, both	07:29:14
14	of which you proposed, other than making changes	07:29:17
15	that were suggested by the secretary of state and	07:29:20
16	the state auditor, did you make any additional	07:29:22
17	changes?	07:29:29
18	A. I don't believe so. None that would affect the	07:29:33
19	representational fairness proportions.	07:29:39
20	Q. Gotcha.	07:29:42
21	So the representational fairness	07:29:43
22	proportions stayed the same from the map you	07:29:46
23	proposed on September 13th through the map that you	07:29:50
24	proposed on the 15th, right?	07:29:54
25	A. Yes.	07:30:00

1 Q. And that was that -- both the September 13th and  
2 the September 15th maps had partisan-leaning  
3 districts of 13 Democratic districts in the Senate  
4 and 42 Democratic districts in the House; is that  
5 right?

6 A. Yes.

7 Q. Why didn't -- if the September 15th map was an  
8 effort to compromise, why didn't the September 15th  
9 map change the number of Democrat-leaning seats  
10 from the number of Democrat-leaning seats in the  
11 September 13th map?

12 A. It wouldn't have been Constitutional.

13 Q. Why is that?

14 A. Because you have to attempt to comply with the  
15 Constitution. You have to attempt to come up with  
16 that proportion of the preferences of the voters  
17 that's been expressed over the last ten years.

18 And so we could -- the way that you show  
19 you attempt to do it is you try to do it; but if  
20 something prevents you from it, you were not able  
21 to. But we were able to present maps -- produce  
22 maps that complied as close as we could get to the  
23 preferences of the voters and still comply with all  
24 of the other restrictions and requirements.

25 Q. Gotcha.

1	Faber?	08:08:42
2	First Frank LaRose. He was in the Ohio	08:08:42
3	Senate at the time. Did he support the bill?	08:08:47
4	A. I'm not sure, but I would bet he did.	08:08:49
5	Q. What about Keith Faber?	08:08:52
6	A. Yes.	08:08:59
7	Q. "Yes," you are sure; or "yes," he did?	08:09:00
8	A. Yes, he did.	08:09:02
9	Q. Thank you.	08:09:03
10	Turning to the campaign that followed,	08:09:07
11	to pass that legislatively-referred Constitutional	08:09:12
12	amendment as Ballot Issue 1 in the November 2015	08:09:17
13	election, what role did you have in that campaign?	08:09:22
14	A. I was co-chair of the campaign.	08:09:24
15	Q. Who was the other co-chair?	08:09:26
16	A. Matt Huffman.	08:09:29
17	Q. What was Fair Districts for Ohio?	08:09:32
18	A. It was a campaign committee for the ballot	08:09:40
19	initiative; and that's the committee that we	08:09:46
20	co-chaired the campaign.	08:09:52
21	Q. You and Senator Huffman co-chaired Fair Districts	08:09:53
22	for Ohio.	08:10:00
23	A. Yes.	08:10:02
24	Q. How did the name of that campaign committee, Fair	08:10:02
25	Districts for Ohio, come about?	08:10:05

1                   IN THE SUPREME COURT OF OHIO

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4       LEAGUE OF WOMEN VOTERS       :

5       OF OHIO, et al.,               :

6               Relators,               :

7               v.                       : Case Nos. 2021-1193

8       OHIO REDISTRICTING           :               2021-1198

9       COMMISSION, et al.,           :               2021-1210

10              Respondents.         :

11       - - - - - x

12

13               Remote Videotaped Deposition of

14                       AUDITOR KEITH FABER

15               Wednesday, October 20, 2021

16                       3:04 p.m.

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19

20

21

22       Job No.: 406207

23       Pages: 1 - 140

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

25               CA CSR NO. 11648

1           So starting with President Huffman, do  
2           you recall any conversations you had between  
3           September 9th and September 15th?

4           A. Well, let me back up and tell you this  
5           generically, because I don't know that I could  
6           tell you specific conversations as to what was  
7           said in each meeting and every date.

8           But right after we had this meeting, I  
9           strongly suggested that our staffs get  
10          together -- because we have the Sunshine rule  
11          issue, we couldn't all be in the room and talk  
12          about it -- that our staffs get together to  
13          identify where the issues were between each one  
14          of the respective parties to identify whether  
15          we were going to be able to land at a 7-0 map  
16          and to get bipartisan support.

17          Because, candidly, I think the  
18          Constitution incentivizes us and encourages us  
19          to try and get bipartisan maps.

20          And so I suggested originally that we  
21          all get together and start this process  
22          immediately.

23          I recall that there was some issue with  
24          the Sykes, with Vern and Emilia, that led them  
25          to be unavailable for a period of time.

1 Mr. Springhetti being at these meetings between  
2 staff?

3 A. I do not recall that.

4 Q. And do you recall Ms. Kaylor -- that's  
5 her name, correct?

6 A. Yes, it is.

7 Q. Thank you. Do you recall Ms. Kaylor  
8 reporting about any discussions of the expected  
9 partisan outcomes of the maps?

10 A. No. Again, to some extent that would be  
11 positional, not interests. And, I mean,  
12 obviously Republicans wanted more seats. At  
13 the time our instructions, I think Secretary  
14 LaRose and my instructions to our staff, was to  
15 figure out where the safe seats have to be  
16 based on the geography and where people live,  
17 and draw as many competitive seats as possible.

18 Again, I don't think they were actually  
19 drawing maps. I think they were talking about  
20 hypotheticals.

21 So I think there were certainly numbers  
22 bandied back, you know, whether it was 57/43 --  
23 or what's -- no, 57/42 -- the numbers have to  
24 balance -- in the House and 20-something in the  
25 Senate.



1 And the Senate guys were talking about 03:29:56  
2 different numbers that were on the maps that 03:29:59  
3 they produced. 03:30:00

4 I'm sure there were numbers and ratios 03:30:02  
5 being talked about, but I don't know -- I 03:30:03  
6 didn't get into that nuance because, candidly, 03:30:07  
7 that wasn't our focus. Our focus was figuring 03:30:10  
8 out how we could get agreement. 03:30:13

9 Q. Okay. So you also said that between the 03:30:14  
10 9th and 15th, in addition to these meetings 03:30:21  
11 between staff, you also had meetings or 03:30:25  
12 conversations with commission members 03:30:28  
13 themselves; is that correct? 03:30:30

14 A. That is correct. 03:30:32

15 Q. And just to clarify for the record, you 03:30:33  
16 don't -- do you remember the particulars of any 03:30:37  
17 of those conversations? 03:30:40

18 A. That's a pretty general question. The 03:30:40  
19 short answer is yes. I remember from each one 03:30:46  
20 of the conversations over time some of the 03:30:49  
21 specifics. If you want to ask me about 03:30:53  
22 different conversations. 03:30:55

23 After the weekend, when the members were 03:30:58  
24 all back, the members switched from staff 03:31:00  
25 meetings -- there might have been some staff 03:31:02

1 Huffman and Cupp and was told that wasn't going  
2 to happen.

3 So then we started having conversations  
4 in different ways with certainly the Speaker  
5 and the President. And, again, this was early  
6 on, up to the last day or two before the final  
7 vote.

8 We also had meetings with Leader Sykes  
9 and her dad, a number of times the majority --  
10 I'm sorry, the minority conference room with  
11 their map drawers, and drew maps and talked  
12 about those maps. And I had input as to what  
13 they were trying to achieve and gave them some  
14 of our input.

15 So those were the natures of the  
16 conversations we had.

17 Q. Okay. And I just want to clarify. You  
18 said: "I asked to do the same thing with  
19 Huffman and Cupp and was told that wasn't going  
20 to happen."

21 Do you recall stating that just now?

22 A. I do.

23 Q. Just to clarify for the record, what is  
24 "the same thing" that you were referring to?  
25 What were you asking of President Huffman?

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1 A. We wanted to sit down with their map  
2 drawers at their computers and go through the  
3 maps.

4 Q. Okay.

5 A. We were never given access.

6 Q. Access to the map drawers?

7 A. Correct.

8 Q. And to the best of your knowledge, those  
9 map drawers were Mr. Ray DiRossi and  
10 Mr. Springhetti?

11 A. Correct.

12 And I want to make sure we're clear on  
13 what I mean by not given access. I would see  
14 Ray, and I could talk to him, but I couldn't  
15 talk to him at a computer and go through. To  
16 this day I'm not exactly sure -- Secretary  
17 LaRose was running, and I think he thought that  
18 where the Republicans were drawing their maps.

19 But the Democrats leaders welcomed us  
20 into their map drawing sanction -- or sanctum  
21 and let us go through the programs. Because,  
22 remember, we didn't have any of that.

23 The Republicans never gave us that  
24 access.

25 Q. And to clarify there, you're not exactly

1 sure where they were actually drawing these  
2 maps?

3 A. And by "Republicans," I mean Republican  
4 leaders.

5 Q. Okay.

6 A. Look, the only thing I know is Secretary  
7 LaRose was out for a jog, and he came -- he  
8 thought he saw them all come out of the BWC  
9 building. So he presumed that they were  
10 drawing maps at the BWC building.

11 Q. And I think you've been talking about  
12 map drawing software. Could you just clarify  
13 what you mean by that?

14 A. Certainly everybody had Dave's  
15 Redistricting, which we were told was not a  
16 very good product to do the kind of detail we  
17 needed to do because it lacked some of the  
18 proper data.

19 There are other map drawing programs.  
20 If you told me the names, I could probably say,  
21 Yeah, I think that's it, or not. But I'm not  
22 an expert in this.

23 We never had the software that would  
24 allow us to draw maps or verify that maps met  
25 the constitutional tests.

1 called Columbia Tusculum, and we heard a lot of  
2 testimony that Columbia Tusculum had been  
3 represented by somebody who didn't share  
4 apparently the community's values, and they  
5 wanted to be drawn in with the city of  
6 Cincinnati.

7 So we tried to do that. I don't  
8 remember whether we were successful, but that  
9 was one of the things we tried to do.

10 Q. And you said that you tried to sit down  
11 to identify things to resolve. And just to  
12 clarify, by "you" you mean you, Secretary  
13 LaRose, and Senator Sykes and Minority Leader  
14 Sykes?

15 A. At different times. Never all in the  
16 room together.

17 Q. Right. And that's because of the  
18 Sunshine law, correct?

19 A. We never wanted to have a majority of  
20 the commission in one place.

21 And, again, I don't want to say this  
22 was -- I hate to use this term "fact-finding,"  
23 but it was issue identification, to try to  
24 identify where -- in order for us to have a  
25 ten-year map, we were going to need both Sykes'

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1 drew a decent -- we had a start at what I  
2 thought could have been a compromise map.

3 At the end -- you asked about numbers.  
4 At the end, when negotiations broke down and it  
5 was clear that we weren't going to get a  
6 bipartisan map, I believe it was Leader Sykes  
7 that made a comment that there was never going  
8 to be a map that her and Bob Cupp could both  
9 vote for. I was shocked by that.

10 And so, you know, I think that probably  
11 came down to more about representational  
12 numbers than it did about, you know, moving  
13 minority communities together and not keeping  
14 counties split.

15 Q. And so we've discussed a lot about  
16 conversations you've had with Senator Sykes and  
17 Leader Sykes. Do you recall the specifics of  
18 any conversations with President Huffman that  
19 we haven't already discussed between  
20 September 9th and September 15th?

21 A. As I mentioned, I'm sure I had a number  
22 of conversations with Matt Huffman and with Bob  
23 Cupp. I recall in one with President Huffman,  
24 a discussion that he was willing to make  
25 compromise.



1           Somebody made a conversation, and I  
2           don't remember who it was, that -- I don't  
3           remember whether it was Matt or a staff member  
4           or even maybe one of the Sykes -- that they  
5           thought Matt Huffman was more eager to get a  
6           map than Bob Cupp.

7           But, again, I don't remember the nuances  
8           of that conversation. I know when we talked  
9           about -- I've mediated cases with Matt Huffman  
10          as one of the participants on a number of  
11          occasions. As lawyers, I kind of know Matt's  
12          style.

13          And at one point I kind of said, "Matt,  
14          where are the consensus points here?"

15          And he indicated that he had compromises  
16          to give.

17          And I said, "Matt, let's put them on the  
18          table. Let's get to where you need to be."

19          At one point with the Sykeses, on the  
20          last day, I remember this specifically, that  
21          the leaders on the Republican side had put in  
22          their map, which ultimately became -- if it  
23          wasn't the final map, it was darn final --  
24          close to being the final map. They had sent  
25          that out to everybody as their position, their

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

1 and I was pretty disappointed by that.

03:44:16

2 Q. Okay. To clarify, you were disappointed  
3 by his statement that this was his last, best,  
4 final map?

03:44:18

03:44:26

03:44:30

5 A. Yes. And I was disappointed that Leader  
6 Sykes and Vern Sykes weren't going to give a  
7 response to that map so that we had someplace  
8 to continue to negotiate.

03:44:31

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9 Q. Do you recall that Leader Sykes and  
10 Senator Sykes had earlier offered a  
11 counterproposal to President Huffman's map?

03:44:43

03:44:50

03:44:53

12 A. They offered a counterproposal right  
13 after we stopped negotiating, or some point in  
14 there. I might be off by a day. Again, this  
15 all blends together, and you're asking me to go  
16 back in time.

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17 And their counterproposal was  
18 essentially -- yes, I recall that they had a  
19 counterproposal. I think it was a  
20 counterproposal before the final Huffman map.

03:45:13

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03:45:21

21 Q. Okay.

03:45:24

22 A. Okay.

03:45:24

23 Q. And earlier you stated that you recalled  
24 that President Huffman had discussed potential  
25 consensus points or compromise points; is that

03:45:25

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03:45:42

1 conversations with both Cupp and Huffman, but I  
2 think those were after the fact.

3 I think I requested to meet with Cupp  
4 after our discussion with Emilia Sykes the  
5 night before, where she said there was never  
6 going to be a map that her and Bob Cupp would  
7 ever both agree with.

8 And I think I wanted to ask him whether  
9 he thought that was the same thing and/or to  
10 figure out whether or not we could reach  
11 compromise.

12 Q. Okay. And I believe you said that  
13 conversations with both Cupp and Huffman were  
14 after the fact. What did you mean by "after  
15 the fact"?

16 A. I don't know. You're going to have to  
17 refresh my recollection: I mean, look, I had  
18 ongoing conversations with Matt and Bob at  
19 various times. But probably after we recessed,  
20 if that's the timeframe.

21 If you want to talk about the things  
22 that happened on the day of, we went down,  
23 again, to my ceremonial office, and I may be a  
24 little off on the timeframe. But at some point  
25 we had a meeting with the Governor, and because

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1 Frank and I were together, I think maybe  
2 Secretary LaRose had met with Speaker Cupp  
3 privately, and he came in and gave me an update  
4 of what they talked about.

5 Again, I can't tell you what that was,  
6 because it was -- we were all talking in  
7 generalities at this point. Are we going to  
8 get a deal? Can we get a deal?

9 Some point Secretary LaRose was inclined  
10 to try to work through the deadline, thinking  
11 that if we got compromise on a map, the  
12 deadline wasn't as important as having a 7-0  
13 map or a bipartisan map. I didn't necessarily  
14 share his view. I wanted to land the planes  
15 that day. We had conversations with the  
16 Governor. The Governor was more close to  
17 Secretary LaRose's view at that point.

18 I know I suggested to the Governor that  
19 he take over the mediator's role, and he sit  
20 down because he had -- I'm using my term, not  
21 his -- more gravitas to sit down with the  
22 speaker and/or Emilia, and Vern and Matt  
23 separately to hear where their interests were  
24 and see how we could get to a 7-0 bipartisan  
25 map.

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1 wrong -- but I know he had a meeting, and maybe  
2 it was over lunchtime, with Matt and his chief  
3 of staff. And I don't think any of my staff  
4 were there, where we talked about, again, Matt  
5 saying I've got some room to compromise, but  
6 we're going to have to, you know, figure out  
7 where we're at.

8 Matt thought that he had more room to  
9 compromise than Speaker Cupp had to compromise.  
10 And I thought it was pretty clear that Matt and  
11 Bob were working together. And I said we need  
12 to get best -- everything on the table. Let's  
13 stop the posturing, let's get this done. Let's  
14 get bipartisan compromise.

15 I'm pretty sure that was on the 15th  
16 that we had that conversation. It may have  
17 been another day, but I'm pretty sure it was on  
18 the 15th. And I had a similar meeting with Bob  
19 Cupp and his chief of staff later that day at  
20 some point. And I had encouraged the Governor  
21 to work behind the scenes, and I know he had  
22 meetings as well to try to figure out whether  
23 or not he thought there was a deal to be had.

24 Q. Okay. And did Speaker Cupp make any  
25 similar representations about compromise?

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1           So after this my staff kind of looked at  
2     me, you had us do a useless deed going through  
3     this. I said, well, it's still helpful to us  
4     because we at least got a chance to look at all  
5     the submissions and figure if there was  
6     something we could work with.

7           Q. Okay. Thank you.

8           And Daniel, you can take that exhibit  
9     off the screen.

10          So along those notes, Auditor, earlier  
11     you stated that Democratic leaders welcomed us  
12     into their map drawing sanctum and let us go  
13     through the programs.

14          Do you recall stating that?

15          A. Yes.

16          Q. And by "Democratic leaders," do you mean  
17     the Sykes?

18          A. Correct.

19          Q. Do you recall when it was that you went  
20     to their map drawing sanctum?

21          A. The very first time we went there was  
22     actually in Kenny Yuko's office, not long after  
23     Vern's maps have been introduced, in the  
24     beginning of the process.

25          I had asked to do the same thing and go

Transcript of Auditor Keith Faber  
Conducted on October 20, 2021

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

1 a bipartisan map with fewer than seven votes?

04:38:56

2 A. There was a mention at one point, again,  
3 I think where Leader Sykes mentioned that she  
4 didn't think Bob -- I'm sorry -- Speaker Cupp  
5 and her were ever get on the same page. There  
6 would never be a map they could both compromise  
7 and work on. That she wanted to suggest that a  
8 5-0 map would work.

04:39:00

04:39:05

04:39:08

04:39:11

04:39:14

04:39:17

04:39:19

9 Again, that would have required us to  
10 pick a map that we liked to get a ten-year map.  
11 And, ultimately, without having access to test  
12 the various maps, I mentioned to her that the  
13 only way I thought we could get compromise was  
14 having the ability to put the two parties  
15 through each other's vetting process with the  
16 maps, to find compromise between the two  
17 legislative chambers. Because I thought that  
18 that would be a better process to verify, and  
19 basically share responsibility for compromise.

04:39:21

04:39:24

04:39:28

04:39:31

04:39:34

04:39:38

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04:39:44

04:39:47

04:39:50

04:39:53

20 And so that was the only time I recall  
21 ever discussing a 5-0 map.

04:39:56

04:39:59

22 Q. And just to clarify, that was the --  
23 when was that comment made about potentially  
24 seeking a 5-2 map?

04:40:02

04:40:08

04:40:12

25 A. Again, dates and specifics, you're

04:40:14

1 IN THE SUPREME COURT OF OHIO

2 - - - - -x  
3 LEAGUE OF WOMEN VOTERS OF : Case Nos. 2021-1193;  
4 OHIO, et al., : 2021-1198; 2021-1210  
5 Relators, :  
6 v. :  
7 OHIO REDISTRICTING :  
8 COMMISSION, et al. :  
9 Respondents. ;

10 - - - - -x  
11  
12 VIDEOTAPED DEPOSITION OF BLAKE SPRINGHETTI

13 CONDUCTED VIRTUALLY

14 Wednesday, October 20, 2021

15 11:02 a.m. PST  
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17  
18  
19  
20  
21  
22

23 Job No.: 407176

24 Pages: 1 - 76

25 Reported By: Charlotte Lacey, RPR, CSR No. 14224

Transcript of Blake Springhetti  
Conducted on October 20, 2021

9

1	MR. FU: Thank you, Charlotte.	11:04:57
2	EXAMINATION	11:04:59
3	BY MR. FU:	11:04:59
4	Q Good afternoon, Mr. Springhetti.	11:05:00
5	A Hello.	11:05:03
6	Q We -- we met off the record, but I'll	11:05:04
7	introduce myself on the record. Again, I'm Yale Fu. I	11:05:07
8	represent the League of Women Voters Relators.	11:05:10
9	Mr. Springhetti, would you please state your	11:05:15
10	full name for the record.	11:05:21
11	A Blake Victor Springhetti.	11:05:21
12	Q Thank you.	11:05:25
13	And would you prefer to go by Blake or	11:05:25
14	Mr. Springhetti for this deposition?	11:05:29
15	A Blake is fine.	11:05:36
16	Q All right. Thank you, Blake.	11:05:36
17	And could you please state your current	11:05:36
18	address for the record.	11:05:37
19	A 52 East Columbus Street, Canal Winchester,	11:05:39
20	Ohio 43110.	11:05:47
21	Q And where are you currently employed?	11:05:47
22	A The Ohio House of Representatives.	11:05:50
23	Q And what is your current title?	11:05:54
24	A Director of Finance.	11:05:57
25	Q Blake, have you ever been deposed before?	11:06:00

1	A	Yes.	11:35:04
2	Q	Could you describe your responsibilities for	11:35:06
3		that project, please?	11:35:10
4	A	Sure. My -- my responsibility was mostly	11:35:14
5		the -- the drawing of -- of maps, legislative maps and	11:35:23
6		plans.	11:35:34
7	Q	And you were involved in -- in drawing, you	11:35:34
8		know, the maps and redistricting plans that were	11:35:38
9		proposed to the Ohio Redistricting Commission by the	11:35:43
10		legislative leaders, correct?	11:35:49
11	A	Yes.	11:35:50
12	Q	And you were involved in drawing the map that	11:35:54
13		was initially proposed to the Commission on	11:35:57
14		September 9th?	11:36:03
15	A	Yes.	11:36:03
16	Q	And you were also involved in drawing the --	11:36:04
17		the final map that was enacted by the Commission on	11:36:07
18		September 16th?	11:36:14
19	A	On September 15th, yeah, it was proposed.	11:36:14
20	Q	Right. So you were involved in drawing the	11:36:20
21		final map that was proposed on September 15th, correct?	11:36:23
22	A	Yes.	11:36:27
23	Q	Okay. Thank you for the clarification.	11:36:27
24		So how did you become involved, you know, in	11:36:33
25		the drawing of maps and redistricting plans?	11:36:35



1	A	I was asked to take on that role.	11:36:43
2	Q	And who asked you to take on that role?	11:36:47
3	A	Our Chief of Staff and the Speaker.	11:36:56
4	Q	So both Christine Morrison and Speaker Cupp	11:36:58
5		asked you to -- to take on these responsibilities	11:37:02
6		relating to redistricting that we've just discussed,	11:37:06
7		correct?	11:37:10
8	A	Yes.	11:37:10
9	Q	And then when were you asked -- when were you	11:37:13
10		first asked to take on these roles?	11:37:18
11	A	Could you clarify if you are asking when I was	11:37:24
12		first asked to consider this or asked "Will you do it;	11:37:27
13		yes or no?"	11:37:34
14	Q	Let's go with the first one. When were you	11:37:35
15		first asked to consider whether you would take on --	11:37:37
16		when were you first asked whether you would consider	11:37:41
17		taking on these responsibilities?	11:37:44
18	A	Earlier -- I would say in March or April of --	11:37:51
19		of this year.	11:37:54
20	Q	So March or April of 2021?	11:37:58
21	A	Yes.	11:38:03
22	Q	And what was your answer when you were first	11:38:06
23		asked to consider in March or April of this year?	11:38:09
24	A	That I would consider it.	11:38:17
25	Q	Okay. And when were you asked more formally	11:38:18

1	A	I took a self-course with ten-year-old	11:43:46
2		redistricting and census data. Specifically population	11:43:54
3		data.	11:44:04
4	Q	Did you receive any other training other than	11:44:04
5		the self-course?	11:44:06
6	A	Other than reviewing map -- publicly available	11:44:14
7		Maptitude tutorials and written guidance of Maptitude,	11:44:17
8		no.	11:44:24
9	Q	So you didn't receive any -- you didn't attend	11:44:26
10		any training courses or receive any training other than	11:44:29
11		the -- the self-course that you took, correct?	11:44:33
12	A	That's correct.	11:44:39
13	Q	And did you provide updates -- sorry. Let	11:44:45
14		me -- let me actually take one step back as well.	11:44:52
15		After you became familiar with the use of	11:44:55
16		Maptitude, did you indeed begin drawing maps using	11:44:58
17		Maptitude?	11:45:03
18	A	No. I worked to understand the layers, worked	11:45:06
19		to understand the technicalities of the software. I did	11:45:15
20		not start drawing plans with ten-year-old data. I more	11:45:21
21		so, you know, click -- clicked on the various layers and	11:45:28
22		got acquainted that way.	11:45:34
23	Q	When did you first start drawing maps on -- in	11:45:38
24		Maptitude?	11:45:42
25	A	Could you clarify your question? Are you	11:45:47

1 asking about complete maps?

11:45:50

2 Q When did you start the map drawing process?

11:45:54

3 So not -- not complete. When did you start drawing maps  
4 more generally in Maptitude?

11:45:57

11:46:01

5 A I would say sometime in August after we  
6 received the necessary data.

11:46:07

11:46:13

7 Q And do you mean sometime in August when you  
8 received the national census data?

11:46:18

11:46:21

9 A Correct.

11:46:25

10 Q Were you given directions about how to draw  
11 maps after you had the census data?

11:46:29

11:46:33

12 A I was -- as it relates to drawing maps, I was  
13 instructed to comply with the mandatory sections of  
14 Article XI.

11:46:44

11:46:48

11:46:52

15 Q And who -- who instructed you to comply with  
16 the mandatory sections of Article XI?

11:47:00

11:47:04

17 A The Speaker of the Ohio House.

11:47:08

18 Q Okay. So when you began to -- when you  
19 began -- when you first began to draw maps, Speaker Cupp  
20 instructed you to comply with the mandatory sections of  
21 Article XI; is that correct?

11:47:15

11:47:17

11:47:23

11:47:27

22 A Yes.

11:47:29

23 Q And by Article XI, just to clarify for the  
24 record, we mean Article XI of the Ohio State  
25 Constitution, correct?

11:47:35

11:47:35

11:47:40

1	A	Yes.	11:47:41
2	Q	Did Speaker Cupp specify what those mandatory	11:47:43
3		sections were?	11:47:49
4	A	I don't recall him specifically listing the	11:47:50
5		sections, no.	11:47:53
6	Q	So he generally just instructed you to comply	11:47:57
7		with the mandatory sections of the Ohio State -- of	11:48:02
8		Article XI of the Ohio State Constitution without	11:48:05
9		specifying specific sections of Article XI, correct?	11:48:10
10	A	Initially, yes.	11:48:16
11	Q	Did he specify which sections they were later	11:48:17
12		on?	11:48:21
13	A	Yes.	11:48:21
14	Q	And what did he specify -- which sections did	11:48:22
15		he specify later on?	11:48:25
16	A	Article XI, Sections 2, 3, 4, 5 and 7.	11:48:28
17	Q	And when did Speaker Cupp specify those	11:48:41
18		sections for you?	11:48:45
19	A	I don't recall the exact date.	11:48:49
20	Q	Was it sometime in August?	11:48:55
21	A	Yes.	11:48:59
22	Q	So it was before you presented -- or it was	11:49:01
23		before a map had been proposed to the Commission on	11:49:05
24		September 9th, correct?	11:49:10
25	A	Yes.	11:49:11

1 progress to the Speaker. In some scenarios, our Chief  
2 of Staff was physically there as I was delivering the  
3 message to the Speaker of the Ohio House.

4 Q Was anyone else present at these times when  
5 you were delivering updates to the -- to the Speaker?

6 A There were occasions when there were others  
7 physically there as I was delivering that message.

8 Q And who were these others that were physically  
9 present?

10 A In some cases, it was Paul Disantis, Phil  
11 Strach, Tom Farr, Ray DiRossi, president of the Ohio  
12 Senate, John Barron, and Frank Strigari.

13 Q Thank you for listing those out.

14 Do you recall anyone else being present?

15 A No.

16 Q And when you were providing updates on your  
17 progress, what were the different methods that you used  
18 to -- to update the Speaker?

19 A I'm sorry. Could you restate that? There was  
20 a lag at the end.

21 Q Sure. When you were providing updates on your  
22 progress, what were the different methods that you used  
23 to update the Speaker?

24 A Well, we were physically -- in most cases,  
25 physically in the same room, and I would oftentimes show

1 him things directly on Maptitude. 11:55:18

2 Q So you gave updates in person. Were there -- 11:55:23  
3 were there any updates that you gave over e-mail? 11:55:30

4 A Not that I recall, no. 11:55:35

5 Q Were there any updates that you gave the 11:55:38  
6 Speaker over text message? 11:55:41

7 A Not that I recall. 11:55:43

8 Q And you mentioned sometimes you would give 11:55:47  
9 updates, you know, as he could see your Maptitude 11:55:49  
10 computer screen, correct? 11:55:55

11 A Yes. 11:55:57

12 Q So would that be in the office space in the 11:56:01  
13 Green Building that we mentioned earlier? 11:56:05

14 A Yes. 11:56:08

15 Q So just regarding the -- the 9/9 map, when -- 11:56:22  
16 when did you provide updates to Speaker Cupp about the 11:56:27  
17 map that would end up being proposed on September 9th? 11:56:31

18 A Generally, you know, probably -- the first 11:56:39  
19 in -- the first week of September into the second week 11:56:46  
20 of September. 11:56:51

21 Q So throughout the -- the entire period from 11:56:53  
22 September 1st to September 9th? 11:56:57

23 A I wouldn't say the entire period. You know, 11:57:00  
24 we were working around the clock to try to -- to get 11:57:05  
25 something prepared. I wouldn't say that we had 11:57:11



1 Q As you were drawing maps that would end up 12:04:52  
2 being proposed on September 9th, what data was available 12:04:56  
3 in Dataview on Maptitude? 12:05:02

4 A Population data, district numbers, deviation 12:05:06  
5 percentages, and certain political data. 12:05:16

6 Q What was the certain political data that was 12:05:26  
7 available? 12:05:29

8 A We used, in our pursuit -- well, in the 12:05:32  
9 Commission's pursuit for a ten-year map, we used, 12:05:38  
10 particularly, in negotiations, 2016, 2018, and 2020 12:05:42  
11 political data. 12:05:49

12 Q And by 2016, 2018, 2020 political data, are 12:05:50  
13 you referring to election results data from 2016, 2018, 12:05:54  
14 and 2020? 12:05:59

15 A Yes. 12:06:03

16 Q And how was that data presented in the -- the 12:06:05  
17 Dataview? Was it in the form of a political scoring? 12:06:10  
18 Was it in the form of percentage Democrat, percentage 12:06:13  
19 Republican? You know, let me know what you -- you know, 12:06:17  
20 just help me understand what you see on -- on the 12:06:20  
21 Dataview. 12:06:23

22 A Sure. It's a -- it's a percentage of 12:06:25  
23 Republican and a percentage Democrat. 12:06:28

24 Q Okay. So as you were drawing the map that 12:06:35  
25 would be proposed to the Commission on September 9th, 12:06:39

1	you know, for each district, you could see, in the	12:06:43
2	Dataview, the percentage of Republican and a percentage	12:06:46
3	for Democrat, correct?	12:06:49
4	A Yes.	12:06:55
5	Q And if you change the boundaries of a	12:06:57
6	district, would those percentages change?	12:07:00
7	A That's speculation. I -- not -- not always	12:07:08
8	does it change. I -- it doesn't always change.	12:07:11
9	Q But it could -- it could change if you changed	12:07:22
10	the boundaries of the district, correct?	12:07:24
11	A It could, yes.	12:07:27
12	Q Other than this percentage value that's given	12:07:31
13	in the Dataview, was the politic -- was there any other	12:07:36
14	political data that was provided by Maptitude in the	12:07:40
15	Dataview?	12:07:44
16	A So to clarify, the -- the data that was	12:07:45
17	provided by Maptitude was -- was not -- did not include	12:07:53
18	'16, '18, and '20.	12:08:01
19	Q Understood.	12:08:06
20	So for the data that was displayed in the	12:08:07
21	Dataview in Maptitude, you know, was there any other	12:08:12
22	political data displayed other than this percentage of	12:08:15
23	Republicans, percentage Democrats that you just	12:08:18
24	mentioned?	12:08:21
25	A No. The display was -- was percentage	12:08:22

1 Q Sure. You know, more generally -- let's start 12:26:46  
2 with the more general question. Did you have a division 12:26:49  
3 of responsibilities between you and Mr. DiRossi for 12:26:53  
4 drawing maps? 12:26:56

5 A No, I wouldn't -- I wouldn't say we had a 12:27:00  
6 division of responsibilities. 12:27:04

7 Q So both of you drew both House maps and Senate 12:27:07  
8 maps then, correct? 12:27:11

9 A Generally, yes. 12:27:14

10 Q And did you coordinate your work -- sorry. 12:27:22  
11 Strike that question. 12:27:27

12 What was the -- what was the setup that you 12:27:28  
13 had in the office with computers and maps? Were you in 12:27:32  
14 a workstation in the same room as Mr. DiRossi? 12:27:36

15 A Yes. 12:27:42

16 Q So you could just communicate with Dr. DiRossi 12:27:45  
17 directly by speaking as you were working on drawing 12:27:48  
18 maps, correct? 12:27:52

19 A Yes. 12:27:53

20 Q When you were working with Mr. DiRossi on 12:27:54  
21 these maps, did you discuss the political data that was 12:27:58  
22 available on the Dataview? 12:28:03

23 A I -- I don't recall to -- yes, I would say we 12:28:07  
24 did. But I would say most of our conversations were 12:28:14  
25 about geography. 12:28:17

## SUPREME COURT OF OHIO

Case No. 2021-1193

-----x  
LEAGUE OF WOMEN VOTERS OF OHIO, et al.,

Petitioners,

v.

OHIO REDISTRICTING COMMISSION, et al.,

Respondents.  
-----x

REMOTE DEPOSITION OF CHRISTOPHER GLASSBURN

Wednesday, October 20, 2021

Reported by:

Amy A. Rivera, CSR, RPR, CLR

JOB NO. 201342

CHRISTOPHER GLASSBURN

example, the Ross Township question that all three maps made an issue of, I have not had a conversation with Senator Yuko or Sykes about that, but the -- but the vast majority of issues with any of the maps are -- were known by all -- all parties.

Q. How would -- how did you communicate the issues with the maps to the Republican members of the Commission?

A. We literally sat down with Secretary LaRose and Auditor Faber and drew the maps with them on a television screen making changes as they asked.

Q. That -- you're referring to changes made from your September 13th map, right?

A. I'm talking about the 13th and the 15th maps.

So, for example, after the 13th map, because I had diagnosed a lesser splitting way of counties in west -- northern and western Ohio, I implemented that in the September 13th map.

We followed up with Auditor Faber, who asked us to do it a different way, which caused more splits, and even though that was more splits,

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IN THE SUPREME COURT OF OHIO

- - - - - x  
LEAGUE OF WOMEN VOTERS :  
OF OHIO, ET AL., :  
Relators, :  
v. : Case Nos. 2021-1193  
OHIO REDISTRICTING : 2021-1198  
COMMISSION, et al., : 2021-1210  
Respondents. :  
- - - - - x

Remote Videotaped Deposition of  
REPRESENTATIVE ROBERT R. CUPP  
Thursday, October 21, 2021  
9:40 a.m.

Job No.: 405261  
Pages: 1 - 110  
Reporter: DEBRA BOLLMAN FARFAN, RDR-RMR-CRR  
CA CSR NO. 11648



1 speak or work with Mr. Benson?

2 A. No, not on my behalf.

3 Q. Okay. What geographic data did  
4 Mr. Benson have?

5 A. My understanding was to align the  
6 precincts in political subdivisions with -- I  
7 think it was voting data from the early years,  
8 like in the decade. That was part of looking  
9 at the statewide partisan vote as precinct  
10 lines and political things had shifted over  
11 time.

12 Q. Is Mr. Benson a legislative staffer?

13 A. No.

14 Q. Do you know who Mr. Benson works for,  
15 then?

16 A. I do not.

17 Q. Okay. How did you come to understand  
18 that Mr. Benson was sharing some geographic and  
19 partisan data that was used in the map drawing  
20 process?

21 A. Well, I don't know about partisan data.  
22 But the geographic data, trying to put together  
23 the ten-year, you know, voting data, things  
24 weren't publicly available, I guess, for the  
25 early years, '12 and '14, so it was just an

1 attempt to try to put all that together.

2 Q. And who told you that Mr. Benson was  
3 providing that data?

4 A. Mr. DiRossi, I believe.

5 Q. And when you say "voting data" that I  
6 believe was mapping onto precincts, what voting  
7 data do you mean?

8 A. I really don't know. We didn't get into  
9 that level of detail.

10 Q. Do you know why Mr. DiRossi was getting  
11 data from Mr. Benson if you hadn't directed him  
12 to do so?

13 A. I think I had indicated that they were  
14 trying to figure out how to match up, you know,  
15 the legal subdivision lines from early on. And  
16 maybe precinct lines.

17 Q. And just so that I'm clear, and this was  
18 something that Mr. DiRossi had done without  
19 your direction?

20 A. No. Well, we're looking for the data so  
21 that they could be able to complete what the --  
22 the ten-year lookback.

23 And the question was, "Is that  
24 geographical data available publicly?"

25 And the answer was, "No."

1 A. Am I familiar with it?

2 Q. Yes.

3 A. Generally speaking, yes. I had seen the  
4 map before it was introduced, yeah.

5 Q. When did you first see the map that was  
6 ultimately introduced on September 9th?

7 A. Maybe the day before. I had seen parts  
8 of it before that.

9 Q. When did you first see any part of the  
10 map that was being drawn that was ultimately  
11 released on September 9th?

12 A. Probably not until early September, and  
13 that's kind of a -- kind of a guess. I don't  
14 know specifically.

15 Q. Do you know when the final version, at  
16 least final as of September 9th version, of the  
17 map was completed?

18 A. I think it was fairly late on  
19 September 14th.

20 Q. I'm sorry. Let me clarify my question.  
21 There was a map that was released on  
22 September 9th. I'm asking when that version of  
23 the map --

24 A. Okay.

25 Q. -- was completed finally.

1 index of the district, were a question had come  
2 up, what that was?

3 A. No. Since I indicated most of the  
4 districts that we see were printed on paper  
5 copy, and it would come up in the sense of  
6 looking at those districts and how they -- how  
7 they were -- how they appear on the map.

8 Q. And Mr. Springhetti would tell you what  
9 the political index of a given district was in  
10 the context of those sorts of conversations?

11 A. Not as a uniform matter. But, you know,  
12 if it was a change in the way the district  
13 looked, it would -- that did obviously come up.

14 Q. And I'm asking maybe an even more simple  
15 question, which was on the occasions that this  
16 came up, in those occasions would  
17 Mr. Springhetti tell you, for example, the  
18 political index of this district is Republican  
19 plus three?

20 A. Sometimes it was specific like that, but  
21 more likely it was -- it was a lean Republican  
22 or lean Democrat.

23 Q. And on the occasions that this came up,  
24 was this something that Mr. Springhetti was  
25 answering off the top of his head?

1       A. Well, I don't know off the top of his  
2 head, but he didn't consult, you know, a  
3 directory or anything.

4       Q. So he answered the question without  
5 looking at any source of information?

6       A. Yeah, to me, he did, yeah.

7       Q. Prior to the release of the  
8 September 9th map, did you discuss the overall  
9 partisan makeup of the House map?

10      A. No, I did not, actually.

11      Q. Okay. Did you have any discussion about  
12 the overall political index of the House map?

13      A. No, we did not.

14      Q. Did you have any discussion about how  
15 many overall Republicans you expected that the  
16 map would elect and how many Democrats you  
17 would expect the map would elect?

18      A. I'm trying to recall, because that was  
19 not really the -- generally any part of any  
20 discussion. It was more focused on kind of  
21 individual ones where the lines had changed.

22           And I don't recall -- honestly, I do not  
23 recall whether it was ever advised as to what  
24 the overall final map had in terms of total  
25 districts leaning one way or the other.

1           After the map was introduced, I was  
2       advised of that. I remember being a bit  
3       surprised by it.

4           Q. After the -- when was that, after the  
5       map was released, that someone advised you,  
6       that you specifically recall, of the overall  
7       expected partisan performance of the map?

8           A. I assume on this -- I believe on the  
9       same day. It may have been part of the  
10      discussion before the commission when the map  
11      was introduced. Or presented, I guess.

12          Q. You said that you were surprised. What  
13      do you mean by that?

14          A. That the number of Republican leaning  
15      districts was more than I had anticipated it  
16      was going to be.

17          Q. Were you concerned by the number of  
18      Republican leaning districts?

19          A. I'd just say I was surprised by it.

20          Q. And I asked: Were you concerned by that  
21      data?

22          A. Well, our goal was to draw a  
23      constitutional map, and we also wanted a  
24      ten-year map.

25                And my concern was, and I was a bit



1 concerned, that that would be something that  
2 would not be acceptable to the Democrat members  
3 of the commission and that we would, obviously,  
4 have to try to figure out some way of getting  
5 to a compromise.

6 Q. As the Speaker of the House, before a  
7 map was introduced on behalf of the Republican  
8 caucus, were you interested in what the overall  
9 partisan performance of that plan would be?

10 A. Was I interested? Well, obviously, I  
11 anticipated that it would be a Republican  
12 leaning overall map, because I believe we are a  
13 Republican state. So in that sense, you know,  
14 certainly.

15 Q. When you and Mr. Springhetti discussed  
16 the partisan performance or expected partisan  
17 performance of the political index, I believe  
18 this is how you put it, of particular districts  
19 before the release of the September 9th map,  
20 did you ever tell Mr. Springhetti to make a  
21 district less Republican leaning?

22 A. I can't recall specifically before the  
23 map was presented.

24 Q. Before the map was presented on  
25 September 9th, did you ever tell

1 reached out after September 9th, the way that  
2 was handled was that Senator Huffman met with  
3 them. Did you authorize Senator Huffman to  
4 discuss and make changes to the plan on your  
5 behalf?

6 A. No, it was to meet with them, discuss,  
7 and see what their concerns were and to  
8 basically have a discussion about, you know,  
9 where to go from there.

10 Again, our goal was to try to get a  
11 ten-year map and recognize, you know, after our  
12 map was developed, that we were going to have  
13 to work through some sort of a compromise on  
14 that.

15 So he met with them to determine where  
16 their concerns were and to have some  
17 discussions, I believe -- this is my  
18 understanding -- as to where we could go in  
19 order to get closer to be able to have their  
20 support for a ten-year map.

21 Q. Your concern after the map was released  
22 or a concern that you had was the expected  
23 number of Republicans that map would elect, as  
24 I understood your testimony.

25 So then would a compromise be a plan

1 that would be likely to elect more Democrats  
2 than the initial version?

3 A. It was to have more -- to reduce the  
4 number of Republican leaning districts and to  
5 have more Democrat leaning districts.

6 Q. Okay. And ultimately a compromise was  
7 not reached, and so why was that?

8 A. Well, I think it takes, you know, two to  
9 get to a compromise. We -- as a result of  
10 those discussions, the Republican map changed.

11 We went from what my understanding was  
12 about 67 Republican leaning districts down to  
13 62 Republican leaning districts.

14 And after that was presented, we were  
15 looking forward for the Democrats to come back  
16 with probably a counteroffer to see whether  
17 there was any other movement that we could  
18 make, and I believe that really never came.

19 Q. And so the discussion was is there a  
20 compromise where a map is going to elect an  
21 anticipated number of Democrats, an anticipated  
22 number of Republicans, and can we all agree on  
23 what those numbers are? Everyone did not agree  
24 on what those numbers were, and there was no  
25 compromise as a result?

1 I'm sorry, would you rephrase -- or  
2 restate that.

3 Q. My question was did you tell  
4 Mr. Springhetti that he needed to comply with  
5 Article XI, Section 6 of the Ohio Constitution?

6 A. I told him to -- no, not specifically.  
7 Anticipated that we would attempt to get a  
8 ten-year map, and we would negotiate over it,  
9 and that would get us, hopefully, you know,  
10 somewhere in that range that Article VI is  
11 talking about.

12 So, no, he was not given instructions to  
13 specifically follow section or look at  
14 Section 6.

15 Q. Did you tell Mr. Springhetti that he  
16 needed to attempt to comply with Section 6?

17 A. We did that in terms of our  
18 negotiations, our attempted negotiations with  
19 the Democrats.

20 Once the map was drawn, according to the  
21 mandatory line drawing, the geography  
22 requirements, then that's when we set about to  
23 work with the Democrats to try to get to  
24 somewhere close, as close as we could to that.

25 So that's when we changed from what were

1     stated as 67 Republican leaning districts, we  
2     went down to 62, and we were prepared to move  
3     additionally if the Democrats were willing to  
4     move as well.

5             So in terms of changing those districts  
6     from Republican leaning to Democrat leaning,  
7     certainly instructed Blake to find a way of  
8     doing that.

9             Q. Find a way to do that, see if the  
10     Republican side could cut a deal with the  
11     Democratic side to get to a ten-year map?

12            A. No, we didn't ask Blake to cut a deal.  
13     We asked Blake to be able to redraw the  
14     district so they would be more Democrat leaning  
15     so that we could get closer to what the  
16     Democrats were asking for.

17            Q. And thanks for the correction. My  
18     question there was imprecise.

19            So you asked Mr. Springhetti to make  
20     those changes to the map in the hopes that  
21     the -- that yourself and Speaker [sic] Huffman  
22     could cut a deal with the Democratic  
23     commissioners to have the option of a ten-year  
24     map?

25            A. No, this came out of the discussion that

1           And, I'm sorry, I'm seeing now you said,  
2       "Yes, that was the goal." Just for the sake of  
3       the record. Sorry. I'm coming back online  
4       here now.

5           A. I'll say it again. Yes, that was the  
6       goal.

7           Q. Thank you, sir.

8           Okay. So then I am correct that, during  
9       the map drawing process, you did not provide  
10      any direction to Mr. Springhetti about what it  
11      would mean to comply with Section 6, Article XI  
12      of the Ohio Constitution?

13          A. That is correct. I don't recall  
14      providing any direction to him in that regard.

15          Q. Is it your understanding that the  
16      standards set forth in Section 6 are mandatory?

17          A. Well, it says "shall attempt." And I do  
18      believe that's something that we were required  
19      to do. So we did attempt to do that.

20          Q. Okay.

21          A. Excuse me.

22          Q. Through the negotiation with the  
23      Democratic commissioners that you talked about  
24      earlier?

25          A. Yes.



1 Q. Okay. And you did not -- again, just  
2 for the sake of clarity, you did not tell  
3 Mr. Springhetti to do something in particular  
4 to the map to comply with Section 6?

5 A. Not aside from, when the negotiations  
6 started, to redraw some districts so they would  
7 move from Republican leaning to Democrat  
8 leaning.

9 Q. You've talked about what a Republican  
10 proposal was: In the House, 62 Republican  
11 leaning seats.

12 What was the Democratic offer?

13 A. Okay. My device says it just ran into a  
14 problem and it needs to restart, so...

15 MR. STAFFORD: Can we go off the record  
16 here?

17 THE VIDEOGRAPHER: We are going off the  
18 record. The time is 11:09.

19 (Recess ensued from 11:09 a.m.  
20 to 11:20 a.m.)

21 THE VIDEOGRAPHER: We are back on the  
22 record. The time is 11:21.

23 MR. STAFFORD: Could you put the  
24 realtime back in the chat, please.

25 /////

1 Republican leaning seats in that plan, was any  
2 analysis conducted of that plan under  
3 Section 6?

4 MR. STRACH: Objection.

5 THE WITNESS: No, I don't believe so.

6 BY MR. STAFFORD:

7 Q. Okay. You mentioned a statement. This  
8 is a statement that the commission approved  
9 into the record under Section 8(C)(2) of the  
10 Ohio Constitution, Article XI; is that right?

11 A. I don't have that specific  
12 constitutional provision before me, but it's  
13 the one that has the statement as to why -- how  
14 it meets the requirements of Section 6.

15 Q. Okay.

16 A. Yes.

17 Q. What was your role in drafting that  
18 statement?

19 A. I looked at a draft, and looked at it.  
20 And that was basically my role in drafting it.  
21 Reviewed a draft, it seemed correct.

22 Q. When did you look at that draft?

23 A. I think it was either on the 14th or the  
24 15th of September.

25 Q. Was that draft the same as what was

1 ultimately approved?

2 A. The draft I looked at had some blanks in  
3 it. I don't recall whether it was related to  
4 section numbers or what. But that was  
5 essentially the only change that I'm aware of.

6 Q. Who drafted that statement that you  
7 reviewed?

8 A. I am not really sure who -- who drafted  
9 it.

10 Q. Who gave you the statement to review?

11 A. I'm not sure whether it was -- I'm not  
12 sure whether it was Blake or Ray or Senator  
13 Huffman or who it was, but...

14 Q. But one of those individuals gave you?

15 A. Or Paul Disantis, our legal counsel, or  
16 Frank, the Senate counsel.

17 Q. Were you provided with a hard-copy  
18 statement to review?

19 A. Yes.

20 Q. Okay. Could we go ahead and mark as  
21 Exhibit 1 the document titled "Section 8(c)(2)  
22 Statement."

23 (Deposition Exhibit No. 1 was marked for  
24 identification.)

25 MR. STRACH: You'll want to blow that

1       Q. And did you believe that the  
2       proportionality section, which you describe as  
3       ambiguous, was important to have some  
4       agreement, if possible, by the commission  
5       members on the meaning of that term?

6       A. I think every member of the commission  
7       was developing their own understanding of what  
8       that term meant, and applied that when the  
9       commission voted.

10      Q. So your testimony is that the map  
11      drawers for the Republican caucuses were told  
12      to draw maps that complied with the provisions  
13      of Article XI, except for Section 6. They were  
14      not to pay attention to Section 6. Is that  
15      correct?

16      A. They were not instructed not to pay  
17      attention to Section 6. They were instructed  
18      to comply with the -- the requirements of not  
19      splitting political subdivisions and all of  
20      those other -- I'm not sure "mechanical" is the  
21      right term, but those requirements. To draw  
22      districts that complied with those  
23      requirements.

24      Q. How is it that you expected the map  
25      drawers for the Republican caucus to comply

1 with the provisions of 6(B), to attempt to meet  
2 the proportionality standard, if they were not  
3 provided with the commission's understanding of  
4 what that proportionality clause means?

5 MR. STRACH: Objection.

6 THE WITNESS: They were directed to draw  
7 maps that met the constitutional requirements  
8 on the line drawing and division splitting and  
9 the population requirements, and then we  
10 attempted to negotiate with the Democrats to  
11 reach some consensus on what would meet those  
12 requirements.

13 And that was the process that we used,  
14 which is, I believe, I testified to before.

15 BY MR. GILLIGAN:

16 Q. So do you understand that Section 6  
17 required you as a commissioner to attempt to  
18 compromise with the Democrats or to attempt to  
19 draw a map that met the proportional provisions  
20 of Section 6(B)?

21 MR. STRACH: Objection. Calls for a  
22 legal conclusion.

23 THE WITNESS: We attempted to get to an  
24 under- -- to a status of districts that would  
25 proximate the political -- let me back up.

1                   IN THE SUPREME COURT OF OHIO

2

3       - - - - - x

4       LEAGUE OF WOMEN VOTERS       :

5       OF OHIO, ET AL.,               :

6               Relators,               :

7               v.                       : Case Nos. 2021-1193

8       OHIO REDISTRICTING           :               2021-1198

9       COMMISSION, et al.,           :               2021-1210

10               Respondents.        :

11       - - - - - x

12

13               Remote Videotaped Deposition of

14                       SENATOR MATT HUFFMAN

15               Thursday, October 21, 2021

16                       1:32 p.m.

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19

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22       Job No.: 405261

23       Pages: 1 - 134

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

25               CA CSR NO. 11648



Transcript of Senator Matt Huffman  
Conducted on October 21, 2021

13

1	slow down, and I'll get my question out.	01:35:22
2	A. I'll do that.	01:35:26
3	Q. Okay, great.	01:35:26
4	Are you familiar with a gentleman named	01:35:31
5	Ray DiRossi?	01:35:34
6	A. Oh, Ray DiRossi, sure.	01:35:35
7	Q. And does he work for the Ohio Senate	01:35:37
8	Republican caucus?	01:35:40
9	A. He's an employee of the Ohio Senate	01:35:41
10	President, to be specific, yes.	01:35:47
11	Q. Okay. And that's -- that's your office.	01:35:49
12	He's one of your employees?	01:35:52
13	A. That's correct.	01:35:53
14	Q. And is Mr. DiRossi the individual whom	01:35:55
15	you asked to draw the state legislative map	01:36:01
16	this year?	01:36:06
17	A. Yes.	01:36:07
18	Q. Did anyone else work with Mr. DiRossi in	01:36:11
19	drafting what we'll call as the Senate	01:36:16
20	legislative Republican map?	01:36:19
21	A. Well, I think he would have received	01:36:24
22	advice from counsel, and I don't think -- other	01:36:27
23	than just some logistical support, I don't	01:36:30
24	think there would have been any other Senate	01:36:34
25	employees working on this project.	01:36:36

Transcript of Senator Matt Huffman  
Conducted on October 21, 2021

14

1 Q. In terms of chain of command and  
2 supervision, is it correct that Mr. DiRossi  
3 would have reported directly to you during this  
4 redistricting process?

5 A. For the most part, that is true. Again,  
6 there were other staffers, including legal  
7 counsel who he would have had conversations  
8 with. I wouldn't necessarily be privy to  
9 those. They're all full-time folks, and I'm  
10 not in the Senate President's office every day.

11 So there are other people he would have  
12 using the word "report" to, but -- or had  
13 conversations with.

14 Q. But ultimately he was a member of your  
15 staff, I guess is what I'm getting at?

16 A. That's correct. That's correct.

17 Q. Did he report to any other commissioners  
18 of the Ohio Redistricting Commission?

19 A. Factually, I guess I can't say whether  
20 that's true or not. But that wasn't the way it  
21 was set up, unless from time to time, you know,  
22 there would have been some communication  
23 because he saw him someplace.

24 But in terms of reporting, he was my  
25 employee and nobody else's.

Transcript of Senator Matt Huffman  
Conducted on October 21, 2021

15

1 Q. So at no time he -- at no time during  
2 the process did he become employed by the Ohio  
3 Redistricting Commission, correct?

4 A. That is correct, yeah.

5 Q. Did the Ohio Redistricting Commission  
6 have any employees?

7 A. No. I think in terms of the work that  
8 needed to be done, we call it "staffing it,"  
9 those things were done by the individual  
10 offices.

11 And specifically Speaker Cupp, who was  
12 one co-chair, and Senator Sykes, who was the  
13 other co-chair, if I have this right, their  
14 staff were, in effect, staffing or running the  
15 commission.

16 So there wasn't a separate commission  
17 office some place or anything like that. But  
18 for the hearings, communications, notices,  
19 things like that, their two offices and their  
20 staff in those offices were responsible for  
21 that.

22 Q. Understood. Did Mr. DiRossi regularly  
23 update you on his progress as he was drafting  
24 the Republican legislative map?

25 A. Well, with, I guess, the caveat of what

01:37:52

01:37:55

01:37:59

01:37:59

01:38:01

01:38:04

01:38:09

01:38:12

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01:38:55

01:39:00

01:39:04

Transcript of Senator Matt Huffman  
Conducted on October 21, 2021

18

1 President's Office.

01:41:44

2 Q. Did you understand that Blake  
3 Springhetti was the map drawer appointed by  
4 Speaker Cupp to work on the House version of  
5 the Republican map?

01:41:49

01:41:52

01:41:54

01:41:57

6 A. Yes.

01:41:58

7 Q. Did the commission itself at any point  
8 in time hire a map drawer?

01:42:02

01:42:07

9 A. No.

01:42:09

10 Q. So I want to go back to your interaction  
11 with Mr. DiRossi. I believe you testified that  
12 you would meet with him as needed. Can you  
13 recall when you first met with him specifically  
14 for the purpose of drawing the map?

01:42:11

01:42:17

01:42:24

01:42:26

01:42:33

15 So not necessarily those conversations  
16 we talked about with Mr. DiRossi in the early  
17 part of the year, but specific to drawing the  
18 map.

01:42:36

01:42:39

01:42:42

01:42:45

19 A. The brief answer to your question is,  
20 no, I don't remember an initial meeting.

01:42:49

01:42:51

21 You know, again, we didn't have the data  
22 until the end of August in a useable form. So  
23 it would have been sometime in the month of  
24 August. I think that's when a lot of the  
25 organizational things were being done.

01:42:54

01:42:57

01:43:03

01:43:06

01:43:09

Transcript of Senator Matt Huffman  
Conducted on October 21, 2021

19

1 Q. So if I -- I will offer the date of  
2 August 6th as the date that the Governor  
3 convened the first meeting of the Redistricting  
4 Commission.

5 Using that date, August 6th, as a point  
6 of reference, do you believe that you met with  
7 Mr. DiRossi for the purposes to start drafting  
8 the maps before or after that meeting?

9 A. Yeah, I guess the phrase "to start  
10 drawing the maps," to me, means other things  
11 than, you know, putting pencil to paper. It's  
12 what are the constitutional requirements? How  
13 do we do that? And those were conversations  
14 that are ongoing through the year.

15 If you're talking about simply, and I'm  
16 using it metaphorically, pencil to paper, it  
17 probably would have been at the end of the last  
18 week in August because there wasn't much that  
19 we could do until we had the data to be used.  
20 So probably the last week in August.

21 Q. Do you know what, if any, information or  
22 data from the Census Bureau ultimately made its  
23 way into the map that was enacted by the  
24 commission on September 15th? Or adopted by  
25 the commission on September 15th?

01:43:10  
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01:44:05  
01:44:12  
01:44:20  
01:44:23  
01:44:26  
01:44:32  
01:44:35

1 with you, or you'd look over his shoulder, and  
2 show you parts of the work that he was working  
3 on.

4 Do you recall any instances where  
5 something like that may have happened?

6 A. Yeah, that did happen. I don't know  
7 that I was looking over his shoulder, but I --  
8 but, yes.

9 Q. Okay. Well, he was sharing the screen,  
10 he was showing you his monitor?

11 A. Right, right.

12 Q. Was the information that he was showing  
13 you displayed through the software application  
14 known as Maptitude?

15 A. I don't know the -- I don't know the  
16 answer to that. I'm not -- I try not to learn  
17 about things that I don't have to, and I'm not  
18 really sure what the software was and all of  
19 that. But that very well may be true.

20 Q. Well, what do you recall seeing on his  
21 screen when you would meet with him from time  
22 to time?

23 A. Yeah, just maps with, you know,  
24 different districts and different political  
25 subdivisions, all sorts of, you know, maps of



1	identification.)	01:58:46
2	THE VIDEOTECH: So it's Ohio	01:58:46
3	Constitution Article XI?	01:58:48
4	MR. FUNARI: Yes.	01:58:49
5	(Discussion with Videotech held off the	01:58:49
6	written record.)	01:58:49
7	Q. Okay. My question is with respect to	02:01:00
8	Section 6(B), Mr. President. I'll give you an	02:01:04
9	opportunity to read it.	02:01:08
10	A. Oh, read it right now? You want me to	02:01:11
11	read it right now?	02:01:13
12	Q. Yeah, to refresh your memory in terms of	02:01:14
13	what it says.	02:01:16
14	A. Okay. I've read page one of two.	02:01:32
15	Q. Okay. So just so the record's clear,	02:01:36
16	you gave no direction to Mr. DiRossi with	02:01:40
17	respect to this constitutional requirement,	02:01:43
18	Section 6(B); is that correct?	02:01:47
19	A. Well, yeah, I guess to be specific, I	02:01:49
20	told Ray we need to follow the constitutional	02:01:55
21	requirements. And if this -- to the extent	02:01:58
22	that, you know, this is not a mandated portion,	02:02:02
23	I didn't have a specific conversation with Ray	02:02:06
24	about this.	02:02:11
25	What I told him was that it was -- the	02:02:12

1 significant thing is we needed to follow the 02:02:15  
2 mandated portions of the Constitution. 02:02:18

3 So I didn't give any specific 02:02:20  
4 instructions about Number 6, if that's what 02:02:23  
5 your question is. 02:02:27

6 Q. That's what I was asking, yes. 02:02:28

7 A. Okay. 02:02:30

8 Q. Did you personally, as a commissioner, 02:02:35  
9 conduct any analysis of whether the map that 02:02:37  
10 was introduced on September 9th complied with 02:02:41  
11 this Section 6(B) of the Ohio Constitution, 02:02:47  
12 Article XI? 02:02:51

13 MR. STRACH: Objection. Calls for a 02:02:52  
14 legal conclusion. 02:02:56

15 Mr. President, you can answer that to 02:02:56  
16 the extent that you don't reveal any legal 02:02:58  
17 advice. 02:03:00

18 MR. FUNARI: Just so you're clear, Phil, 02:03:01  
19 and maybe you misheard my question, my question 02:03:04  
20 is: Did you, in your role as a commissioner, 02:03:07  
21 conduct any analysis of the map that was 02:03:10  
22 introduced on September 9th as to whether or 02:03:15  
23 not the map complied with Section 6(B) of the 02:03:18  
24 Ohio -- Article XI of the Ohio Constitution. 02:03:25

25 MR. STRACH: Correct. And my objection 02:03:28

1     itself.

2             But if you want to assume that's what he  
3     said, then you can answer the question.

4             THE WITNESS: Yeah, I have no doubt that  
5     Ray would testify truthfully and accurately.

6     BY MR. FUNARI:

7             Q. So that leaves Mr. Frank Strigari as the  
8     only other staffer you mentioned who you  
9     believe drafted this statement. Do you believe  
10    Mr. Strigari alone drafted this statement?

11            MR. STRACH: Objection.

12            You can answer that question to the  
13    extent you do not reveal or discuss discussions  
14    or activities with outside counsel.

15            THE WITNESS: Okay, I don't -- I don't  
16    know who all was part of the drafting of this  
17    statement. I would have talked to Frank about  
18    it.

19            And, frankly, I don't remember. You  
20    know, this was, I think, in the last day or so  
21    when this statement was being prepared. But  
22    certainly I would have talked to Frank about  
23    it. But who else was involved in -- who Frank  
24    talked to or ran ideas by or anything like  
25    that, I don't know the answer to that.

1 A. Well, it's not up on my screen here at  
2 the moment, but I think I heard you read it  
3 correctly, or I think you read it correctly,  
4 so -- somebody would have to scroll on my  
5 screen.

6 Q. You're not seeing the screen?

7 A. I'm seeing the screen, but the bottom  
8 portion that you just read from is not on my  
9 screen.

10 Q. Oh, I'm sorry. It's on ours.

11 Can Planet Depos move that up?

12 A. I apologize. I thought you were reading  
13 the last page. It is on my screen. I have  
14 that in front of me. I apologize.

15 Q. I'll give you a minute to read it.

16 A. No, it's okay. I've got it. I read it  
17 before.

18 Q. All right. So these numbers that the  
19 commission adopted for the General Assembly  
20 plan of 64.4 percent favoring Republican  
21 candidates and 35.6 favoring Democratic  
22 candidates, when did you first learn that those  
23 were the numbers that were going to be put  
24 forth in this statement?

25 A. When I saw the statement, which was

1 probably sometime late afternoon on  
2 September 15th.

3 Q. Were you, to your knowledge, the first  
4 member of the commission to see this statement?

5 A. I do not know the answer to that.

6 Q. Do you know if other commissioners were  
7 provided a copy of this Section 8(C) (2)  
8 statement prior to their being asked to vote  
9 for it or against it at the September 15th  
10 meeting?

11 A. Yes, they were.

12 Q. When were they provided with a copy of  
13 it?

14 A. I can't tell you that specifically, but  
15 I think it's in the 7:00 to 8:00 range. Those  
16 things were sent to their emails by -- I think  
17 by my staff, and I think they all acknowledged  
18 receipt of it.

19 Q. Why didn't your staff or you send a  
20 draft of this statement to the other  
21 commissioners prior to commencing the  
22 September 15th meeting?

23 A. Well, to be clear, the meeting commenced  
24 at 10:30 in the morning and recessed.

25 This was worked on by my staff and

1 don't know what his name was.

02:41:02

2 If there was a second person who was  
3 providing data to Ray, then I don't have any  
4 reason to doubt his testimony about that. I  
5 just -- wasn't necessary for me to vet any of  
6 that. That was up to Ray. And, of course, you  
7 give -- you give folks the tools they need to  
8 accomplish their task.

02:41:03

02:41:05

02:41:08

02:41:10

02:41:16

02:41:19

02:41:23

9 So the answer really is, no, I don't  
10 know who those folks are.

02:41:24

02:41:26

11 Q. But do you remember authorizing  
12 Mr. DiRossi to hire such consultants?

02:41:27

02:41:29

13 A. I don't specifically remember that, but  
14 that probably happened.

02:41:32

02:41:34

15 Q. Does the name Clark Benson ring a bell  
16 to you?

02:41:36

02:41:39

17 A. Rings a bell. I guess I can't tell you  
18 anything else about him or who he is.

02:41:40

02:41:43

19 Q. What about the context in which you know  
20 that name? You recognize that name from  
21 Mr. DiRossi's work on the maps?

02:41:47

02:41:49

02:41:51

22 A. No, I really don't.

02:41:53

23 Q. What about John Morgan? Are you  
24 familiar with that name?

02:41:57

02:42:00

25 A. I don't think I know who John Morgan is,

02:42:01



1 no.

02:42:04

2 Q. Have you ever worked with Mr. Benson, to  
3 the best of your recollection?

02:42:10

02:42:12

4 A. I don't think so, no.

02:42:13

5 Q. Do you know whether Mr. DiRossi was  
6 provided access to non-public 2012 and 2014  
7 election data?

02:42:21

02:42:39

02:42:48

8 A. No, I don't know the answer to that.

02:42:49

9 Q. Did the commission ever consider hiring  
10 a nonpartisan mapmaker to draw the maps to your  
11 knowledge?

02:42:54

02:43:02

02:43:09

12 A. Well, I guess the way the commission  
13 would consider that would be jointly at a  
14 public meeting. Those meetings, of course, I  
15 think are all recorded and there's minutes of  
16 it, et cetera.

02:43:09

02:43:16

02:43:20

02:43:23

02:43:25

17 So I don't recall at any of our meetings  
18 that we discussed that topic.

02:43:26

02:43:28

19 Q. What about before the commission was  
20 convened on August 6th? Was there any  
21 discussion among the members, or the  
22 individuals who would become the members of the  
23 commission, whether or not --

02:43:30

02:43:34

02:43:37

02:43:41

02:43:44

24 A. Yeah, I -- at the meeting I mentioned,  
25 the end of July, beginning of August meeting in

02:43:47

02:43:49

1 8(C) (2) statement as a basis for the 02:55:05  
2 determination of the commission until you saw 02:55:10  
3 that statement sometime during the recess on 02:55:12  
4 the 15th. 02:55:16

5 A. Yeah, and your timing is correct. 02:55:17

6 I would just say as this was a "fact" 02:55:20  
7 for consideration. I don't know that I would 02:55:24  
8 say "basis." That means something a little bit 02:55:26  
9 different to me. 02:55:28

10 But that is correct. I didn't know it 02:55:29  
11 was going to go into the statement until the 02:55:31  
12 afternoon of the 15th because, to be very 02:55:32  
13 honest with you, if I ever knew that the 02:55:35  
14 statement was necessary, nobody really 02:55:37  
15 explained that to me until: Oh, yeah, we 02:55:39  
16 actually have to do this, don't we? Let's 02:55:43  
17 start preparing a statement in case we don't 02:55:45  
18 get a four-year map. 02:55:47

19 Q. So who was the actual decision-maker 02:55:49  
20 that made the decision to put that metric, 02:55:53  
21 statewide elections won, into the 8(C) (2) 02:55:56  
22 statement? 02:56:01

23 A. All seven members of the commission. 02:56:02

24 Q. All seven of the commission voted for 02:56:05  
25 it. 02:56:07

1 your legal conclusion about what all of that  
2 means.

3 As I mentioned in my testimony here in  
4 the deposition, it's impossible to draw  
5 districts and follow the other mandatory  
6 aspects of the constitution that don't favor or  
7 disfavor a political party.

8 The regiment that you are suggesting is  
9 even more onerous than what the Democratic --  
10 some Democratic members have suggested. If we  
11 were to draw each district 50/50 in the state  
12 of Ohio, that's impossible, mathematically.  
13 And it's impossible mathematically to draw them  
14 all 55/45 or 54/46. It's impossible to draw  
15 81 percent Republican because of the mandatory  
16 provisions.

17 So, again, I would return to the fact  
18 that the mandatory provisions must be followed.  
19 These other provisions regarding compactness  
20 are things that certainly can be considered,  
21 but there is no formula of any kind. These are  
22 facts that we consider for purposes of  
23 ultimately exercising discretion. And also for  
24 purposes of negotiation.

25 Q. So I appreciate your explanation,

1 that way. That's impossible to get.

04:00:52

2 It's not impossible for the commission  
3 to consider those aspirational attributes in  
4 that, in attempting a negotiation and  
5 attempting to get a ten-year map, and that's  
6 what we're doing.

04:00:56

04:00:57

04:01:01

04:01:04

04:01:06

7 But if you read that, I think, the way  
8 that you're reading it, that every district  
9 must be 50/50, I think that's mathematically  
10 impossible without violating the mandatory  
11 provisions of the constitution.

04:01:07

04:01:09

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04:01:18

12 Q. So what is your interpretation, then, of  
13 the provision 6(A)? What, if anything, does it  
14 require you to do?

04:01:22

04:01:26

04:01:31

15 MR. STRACH: Objection.

04:01:32

16 THE WITNESS: Yeah, I think mandatory  
17 means you have to do it. Aspirational in this  
18 context means you do not. So when you use the  
19 word "require," I think that's not applicable  
20 to this portion of the Constitution.

04:01:34

04:01:38

04:01:41

04:01:43

04:01:49

21 So I think what it suggests is that the  
22 parties should consider these things. They  
23 should consider compactness, they should  
24 consider the other things that were described  
25 in there, and those are things that you should

04:01:50

04:01:58

04:02:00

04:02:02

04:02:04

1 consider.

04:02:06

2 But, again, we're trying to get to a  
3 ten-year map when we're doing that. And I  
4 think we came fairly close, frankly. What the  
5 Democrat Senate map was was fairly close to  
6 ultimately what was adopted.

04:02:07

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04:02:11

04:02:14

04:02:17

7 I'm not sure, frankly, whether the House  
8 Democrats agreed to that or not. I really  
9 don't know the answer to that. So, you know,  
10 again, this is sort of a ongoing negotiation.  
11 I think I learned a lot in this process that  
12 may help us if I'm ever involved again.

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13 BY MR. FUNARI:

04:02:40

14 Q. So when you directed, as you said,  
15 Mr. DiRossi, to comply with the constitution,  
16 you didn't expect him to comply with any of the  
17 provisions of Section 6?

04:02:40

04:02:43

04:02:47

04:02:50

18 A. Yeah, to be clear, I directed Ray  
19 DiRossi to comply with the mandatory provisions  
20 of the constitution, and he did.

04:02:51

04:02:59

04:03:01

21 In fact, it was the only map submitted,  
22 as far as I know, to the commission that did  
23 that. We know the Senate Democrat map did not.  
24 There were some other maps that we've analyzed  
25 that did not. So that's what I told him we

04:03:03

04:03:05

04:03:07

04:03:11

04:03:13

1 would do.

04:03:16

2 Now, certainly we're going to consider  
3 those things. We didn't have all of that data  
4 fully analyzed on September 9th, but ultimately  
5 we did. And we did that for part of our -- as  
6 part of our negotiations.

04:03:17

04:03:19

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04:03:24

04:03:27

7 And, of course, the Senate Democrats --  
8 and, again, I'm going to say Senate Democrats.  
9 I'm not sure where the Senate House members --  
10 or, excuse me, Democrat House members were.

04:03:28

04:03:31

04:03:34

04:03:36

11 But that was analyzed by them, and  
12 that's where we got to this ultimately 57-62,  
13 kind of where we were about, you know, a few  
14 days before the 15th, where I thought we were  
15 close, and we were still negotiating, but  
16 ultimately didn't come to an agreement.

04:03:38

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04:03:55

17 Q. Did you direct Mr. DiRossi to comply  
18 with the divisions of 6(B) and draw a map that  
19 met the proportional provisions of that  
20 section?

04:03:59

04:04:08

04:04:11

04:04:15

21 A. Yeah, I directed Mr. DiRossi to comply  
22 with the mandatory provisions. And when we do  
23 that, we would have an analysis of how the  
24 partisan breakdown might ultimately be.

04:04:16

04:04:20

04:04:24

04:04:32

25 And the reason we did that is we were

04:04:34



1 trying to negotiate to get a ten-year map. 04:04:37

2 Now, if ultimately there was a violation 04:04:38  
3 of the mandatory provisions, then that would be 04:04:40  
4 relevant as it related to Section 6. But 04:04:43  
5 really those things sort of fell into place, 04:04:50  
6 not because of -- necessarily because of 04:04:53  
7 Section 6, which was not mandatory or is not 04:04:54  
8 mandatory, but it's significant because that's 04:04:56  
9 how -- what we were negotiating about in trying 04:04:59  
10 to come to an agreement. 04:05:01

11 Q. So you never directed Mr. DiRossi to put 04:05:07  
12 together a map for the General Assembly 04:05:10  
13 districts which would show 54 percent of the 04:05:19  
14 districts leaning Republican and 46 percent of 04:05:21  
15 the districts leaning Democrat? 04:05:24

16 A. I did not. Nor did I direct him to draw 04:05:26  
17 a map that was 81 percent Republican and 04:05:29  
18 19 percent Democrat. 04:05:33

19 Q. And is it your understanding of 04:05:34  
20 Section 6(B) that a map that was 81 percent 04:05:42  
21 favoring Republicans and 19 percent favoring 04:05:47  
22 Democrats would satisfy the provisions of 6(B) 04:05:51  
23 in terms of proportional fairness? 04:05:56

24 A. No, no. In fact, that's not really the 04:05:59  
25 concept at all. That particular item was 04:06:02

1 And I'm sitting here, I'm pretty 04:22:58  
2 incredulous when I start to think about it, 04:23:00  
3 that all these folks who wanted additional 04:23:02  
4 hearings, et cetera, et cetera, I don't know 04:23:04  
5 why you wouldn't want additional time. 04:23:07

6 So, you know, it is what it is at this 04:23:09  
7 point. 04:23:12

8 Q. Let me ask you about -- you talked about 04:23:14  
9 money that was appropriated and used by the 04:23:16  
10 caucuses in the House and Senate on both 04:23:20  
11 Democrats and Republicans. Was there any money 04:23:23  
12 appropriated for the statewide commissioners 04:23:26  
13 for them to have staff and mapping software? 04:23:28

14 A. Yeah, so, specifically the way this 04:23:33  
15 works, there is something called the Ohio 04:23:40  
16 Redistricting Commission. There is a statute. 04:23:43  
17 It's a specific body. Rob McColley was the 04:23:45  
18 Senate Republican appointee to that. 04:23:50

19 That body, one of their jobs is to 04:23:53  
20 allocate the money at the beginning of this 04:23:56  
21 process, which we did, \$150,000 to each party. 04:23:59

22 And typically the way that goes is 04:24:04  
23 each -- sometimes they work together. 04:24:07  
24 Sometimes -- we, of course, don't know what the 04:24:10  
25 Democrat folks did. I think they bought 04:24:12

1 computers and things like that. And that's  
2 typically the way this has worked through the  
3 years.

4 As far as the statewides are concerned,  
5 that \$150,000 did not go to them. It went to  
6 set up the House and Republican and -- the  
7 Republican House and Senate and the Senate and  
8 House Democrats. Of course, we gave the House  
9 Democrats this additional quarter of a million  
10 dollars.

11 I don't know whether they used money to  
12 do redistricting. That is within their purview  
13 to do that.

14 So if they did, yeah, that was money  
15 that was legally appropriated to them. But I  
16 didn't ask them to detail to me what they were  
17 doing regarding any of the redistricting  
18 matters.

19 Q. Mr. President, I think I understood the  
20 focus of your answer to be on what the  
21 different caucuses did with their money.

22 I was really trying to ask you about the  
23 money that was appropriated for the  
24 Redistricting Commission, was that also  
25 available to the statewide officeholders who

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04:24:35  
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04:24:42  
04:24:46  
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04:24:53  
04:24:56  
04:24:59  
04:25:03  
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04:25:22

**IN THE SUPREME COURT OF OHIO**

**Bria Bennett, et al.,**

**Relators,**

**v.**

**Ohio Redistricting Commission, et al.,**

**Respondents.**

**Case No. 2021-1198**

Original Action Filed Pursuant to Ohio  
Constitution, Article XI, Section 9(A)

*[Apportionment Case Pursuant to S. Ct.  
Prac. R. 14.03]*

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**EXPERT AFFIDAVIT OF DR. JONATHAN RODDEN**

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I, Jonathan Rodden, having been duly sworn and cautioned according to law, hereby state that I am over the age of eighteen years and am competent to testify to the facts set forth below based on my personal knowledge and having personally examined all records referenced in this affidavit, and further state as follows:

**I. INTRODUCTION AND SUMMARY**

1. For the purpose of this report, I have been asked to examine whether and how the redistricting plan for the Ohio State House of Representatives and Ohio Senate, adopted by the Ohio Redistricting Commission on September 16, 2021, and attached as Exhibit A (“2021 Commission Plan”), addresses the standard set forth in Article XI, Section 6(B), namely, that “[t]he 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.”
2. I demonstrate that this “partisan proportionality” standard was clearly not met by the map adopted by the Ohio Redistricting Commission.
3. Furthermore, I have been asked to examine whether the partisan composition of the Commission’s maps may have been a result of the Commission’s need to satisfy other requirements of the Ohio Constitution: specifically, the requirements to avoid county and municipal splits, laid out in Article XI, Sections 3 and 4, and to attempt to draw compact districts, as set forth in Article XI, Section 6(C).
4. In order to answer this question, I do two things. First, I examine several additional maps that were available to the Commission, and to the public, prior to September 15. Second, I create my own alternative redistricting maps for the Ohio House and Senate, abiding by the rules set forth in the Ohio Constitution. I demonstrate that my alternative redistricting maps, like each of the alternative plans available to the Commission, were able to abide by the “partisan proportionality” requirement more closely while also abiding by the strict rules of

the Ohio Constitution regarding county and municipality splits, and while creating districts with similar or better compactness scores than those drawn by the Commission.

5. I was also asked to conduct a careful examination of the key geographic regions where the likely partisan outcomes associated with the 2021 Commission Plan were notably different from those of the alternative maps. In most instances, the alternative plans are more respectful of traditional redistricting criteria than the 2021 Commission Plan. Moreover, in some metro areas, the Commission's plan clearly achieves a lower anticipated Democratic seat share than the alternative plans by breaking up urban and suburban Democratic communities, including Black communities, and embedding them in districts where exurban and rural whites make up majorities. Moreover, some of the Commission's specific splits of urban counties are especially well-crafted to reduce the overall Democratic seat share in a region. And relative to the alternative plans, the Commission's plan often packs Democratic voters into overwhelmingly Democratic urban districts, which allows the Commission to carve out additional suburban and exurban districts with comfortable Republican majorities.

## II. QUALIFICATIONS

6. I am currently a tenured Professor of Political Science at Stanford University and the founder and director of the Stanford Spatial Social Science Lab—a center for research and teaching with a focus on the analysis of geo-spatial data in the social sciences. I am engaged in a variety of research projects involving large, fine-grained geo-spatial data sets including ballots and election results at the level of polling places, individual records of registered voters, census data, and survey responses. I am also a senior fellow at the Stanford Institute for Economic Policy Research and the Hoover Institution. Prior to my employment at Stanford, I was the Ford Professor of Political Science at the Massachusetts Institute of Technology. I received my Ph.D. from Yale University and my B.A. from the University of Michigan, Ann Arbor, both in political science. A copy of my current C.V. is included as Exhibit G.
7. In my current academic work, I conduct research on the relationship between the patterns of political representation, geographic location of demographic and partisan groups, and the drawing of electoral districts. I have published papers using statistical methods to assess political geography, balloting, and representation in a variety of academic journals including *Statistics and Public Policy*, *Proceedings of the National Academy of Science*, *American Economic Review Papers and Proceedings*, the *Journal of Economic Perspectives*, the *Virginia Law Review*, the *American Journal of Political Science*, the *British Journal of Political Science*, the *Annual Review of Political Science*, and the *Journal of Politics*. One of these papers was selected by the American Political Science Association as the winner of the Michael Wallerstein Award for the best paper on political economy published in the last year, and another received an award from the American Political Science Association section on social networks. In 2021, I received a John Simon Guggenheim Memorial Foundation Fellowship, and received the Martha Derthick Award of the American Political Science Association for “the best book published at least ten years ago that has made a lasting contribution to the study of federalism and intergovernmental relations.”



8. I have recently written a series of papers, along with my co-authors, using automated redistricting algorithms to assess partisan gerrymandering. This work has been published in the *Quarterly Journal of Political Science*, *Election Law Journal*, and *Political Analysis*, and it has been featured in more popular publications like the *Wall Street Journal*, the *New York Times*, and *Boston Review*. I have recently completed a book, published by *Basic Books* in June of 2019, on the relationship between political districts, the residential geography of social groups, and their political representation in the United States and other countries that use winner-take-all electoral districts. The book was reviewed in *The New York Times*, *The New York Review of Books*, *Wall Street Journal*, *The Economist*, and *The Atlantic*, among others.
9. I have expertise in the use of large data sets and geographic information systems (GIS), and I conduct research and teaching in the area of applied statistics related to elections. My PhD students frequently take academic and private sector jobs as statisticians and data scientists. I frequently work with geo-coded voter files and other large administrative data sets, including in recent papers published in the *Annals of Internal Medicine* and *The New England Journal of Medicine*. I have developed a national data set of geo-coded precinct-level election results that has been used extensively in policy-oriented research related to redistricting and representation.
10. I have been accepted and testified as an expert witness in several election law and redistricting cases: *Romo v. Detzner*, No. 2012-CA-000412 (Fla. Cir. Ct. 2012); *Mo. State Conference of the NAACP v. Ferguson-Florissant Sch. Dist.*, No. 4:2014-CV-02077 (E.D. Mo. 2014); *Lee v. Va. State Bd. of Elections*, No. 3:15-CV-00357 (E.D. Va. 2015); *Democratic Nat'l Committee et al. v. Hobbs et al.*, No. 16-1065-PHX-DLR (D. Ariz. 2016); *Bethune-Hill v. Virginia State Board of Elections*, No. 3:14-cv-00852-REP-AWA-BMK (E.D. Va. 2014); and *Jacobson et al. v. Lee*, No. 4:18-cv-00262 (N.D. Fla. 2018). I also worked with a coalition of academics to file Amicus Briefs in the Supreme Court in *Gill v. Whitford*, No. 16-1161, and *Rucho v. Common Cause*, No. 18-422. Much of the testimony in these cases had to do with geography, electoral districts, voting, ballots, and election administration. I recently worked as a consultant for the Maryland Redistricting Commission. I am being compensated at the rate of \$550/hour for my work in this case. My compensation is not dependent upon my conclusions in any way.

### III. DATA SOURCES

11. I have collected statewide election data for 2012 to 2020 from the Ohio Secretary of State. I also accessed precinct-level election results from the Ohio Secretary of State for statewide elections from 2016 to 2020 that were matched to 2020 Ohio vote tabulation districts by a team at Harvard University called the Algorithm-Assisted Redistricting Methodology Project.<sup>1</sup> Additionally, I accessed the proposed and adopted Ohio redistricting plans uploaded to the web page of the Ohio Redistricting Commission, true copies of which are attached as Exhibits A, C, D, and E.<sup>2</sup> For the analysis conducted in this report, I use three software packages: Stata, Maptitude for Redistricting, and ArcGIS Pro. In creating my maps,

<sup>1</sup> <https://alarm-redist.github.io/posts/2021-08-10-census-2020/>

<sup>2</sup> <https://redistricting.ohio.gov/maps>



I used the same U.S. Census redistricting data used by the Ohio Redistricting Commission, as archived in the “Ohio University Common and Unified Redistricting Database.”<sup>3</sup>

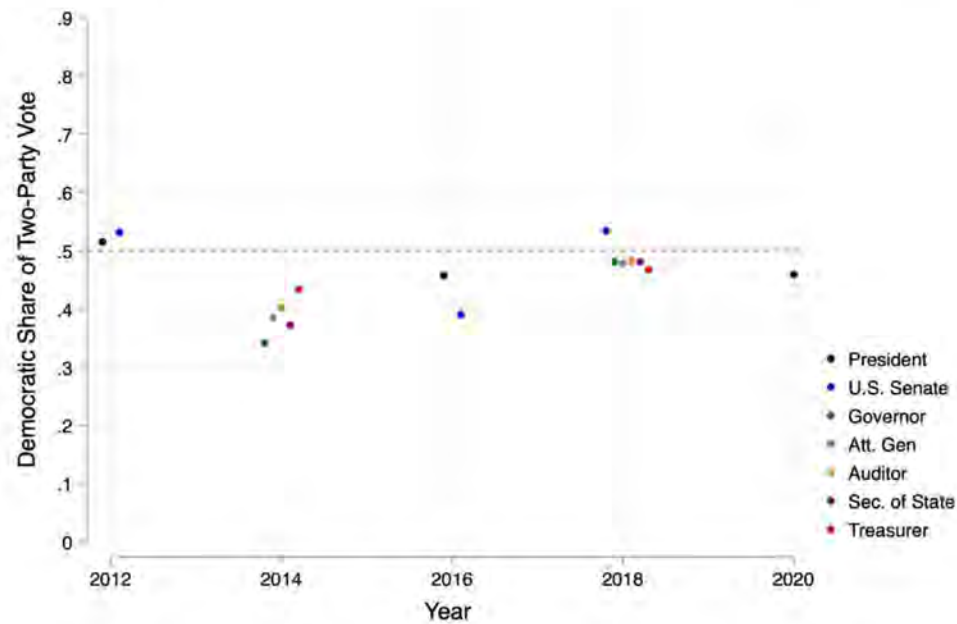
#### IV. MEASURING PARTISAN PROPORTIONALITY

12. The Ohio Constitution instructs the Commission to use “statewide state and federal partisan general election results during the last ten years” to ascertain the “statewide preferences of the voters of Ohio” and attempt to draw a map in which the “statewide proportion of districts whose voters favor each party shall correspond closely” to those “statewide preferences.”
13. As further discussed below, the only reasonable way to implement this notion of “statewide preferences,” as ascertained from past elections to anticipated future seat shares, is via the proportion of votes received by the candidates for the two parties. That is to say, if a party won 50 percent of the average statewide vote in the relevant elections, a proposed map should favor that party—aggregating the results of those same elections—in somewhere very close to 50 percent of the seats.
14. The first task, then, is to establish this target from the last decade of statewide partisan election results. Figure 1 provides a visualization of Ohio statewide general election results from 2012 to 2020. Ohio is a hotly contested state with a tradition of split-ticket voting and significant swings from one year to another. The Democratic candidate won the presidential contest in 2012, but the Republican candidate won in 2016 and 2020. Ohio’s U.S. Senate delegation is typically split between the parties, and other statewide elections are often very competitive, although 2014 was an exception, as was the 2016 U.S. Senate race.
15. Figure 1 reveals that while Ohio statewide elections have been mostly quite close over the last decade, Republican candidates have held a narrow advantage. To quantify this, Table 1 provides the raw data. Including all of the statewide general elections from 2012 to 2020, the Democratic share of the two-party vote (ignoring small parties and write-in candidates) was around 46 percent.

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<sup>3</sup> <https://www.redistricting.ohio.gov/resources>

**Figure 1: Statewide General Election Outcomes, Ohio, 2012-2020**



**Table 1: Statewide General Election Outcomes, Ohio, 2012-2020**

	Democratic Votes	Republican Votes	Other	Two-party Democratic Vote Share
2012 President	2,827,709	2,661,439	91,791	51.5%
2012 U.S. Senate	2,762,766	2,435,744	250,618	53.1%
2014 Governor	1,009,359	1,944,848	101,706	34.2%
2014 Att. Gen.	1,178,426	1,882,048		38.5%
2014 Auditor	1,149,305	1,711,927	143,363	40.2%
2014 Sec. of State	1,074,475	1,811,020	141,292	37.2%
2014 Treasurer	1,323,325	1,724,060		43.4%

2016 President	2,394,164	2,841,005	261,318	45.7%
2016 Senate	1,996,908	3,118,567	258,689	39.0%
2018 Senate	2,358,508	2,057,559	1,017	53.4%
2018 Governor	2,070,046	2,235,825	129,949	48.1%
2018 Att. Gen.	2,086,715	2,276,414		47.8%
2018 Auditor	2,008,295	2,156,663	175,962	48.2%
2018 Sec. of State	2,052,098	2,214,273	103,585	48.1%
2018 Treasurer	2,024,194	2,308,425		46.7%
2020 President	2,679,165	3,154,834	88,203	45.9%
Sum, all elections	30,995,458	36,534,651	1,747,493	<b>45.9%</b>
Sum, 2016-2020	19,670,093	22,363,565	1,018,723	<b>46.8%</b>

16. Determining the proportion of districts that favor each party, based on consideration of the relevant elections identified in Article XI, Section 6, requires an aggregation of the precinct-level results of these past elections to the boundaries of a map's proposed districts. However, precinct-level election results linked with geo-spatial boundaries were not available for the 2012 and 2014 elections, as the Commission itself acknowledged in its Article XI, Section 8(C)(2) Statement, attached as Exhibit F. Thus, Table 1 also sets forth that the two-party Democratic vote share in the 2016, 2018, and 2020 general elections was around 47 percent.
17. Accordingly, using the full statewide election results from 2012 to 2020, the statewide preferences of Ohio voters must be translated into state legislative maps in which 45.9 percent of seats favor Democrats and 54.1 percent of seats favor Republicans. Since there are 99 seats in the Ohio House of Representatives, a statewide vote share of 45.9 percent would be associated with 45.44 Democratic seats, which rounds down to 45 seats. Similarly, a 45.9 percent vote share would be associated with about 15.15 Democratic seats in the 33-member Ohio Senate, which rounds down to 15 seats.
18. I have aggregated the precinct-level results of each election from 2016 to 2020 included in Table 1 to the level of the districts in the 2021 Commission Plan. For each district, I calculate the average Democratic share of the votes received by the candidates of the two major parties across each of these elections. I then ascertain the number of districts in which this quantity is greater than 50 percent. Using this technique, I determine that the 2021 Commission Plan

produced 37 majority-Democratic House seats and 62 majority-Republican House seats, as shown in Table 2 below. In the Senate, the 2021 Commission Plan produced 10 majority-Democratic Senate seats and 23 majority-Republican seats. This is a gap of 8 House seats and 5 Senate seats between the Democratic-leaning seats produced by the 2021 Commission Plan and the seat share that would be proportionate to the statewide Democratic vote share.

19. Notably, the partisanship of the Commission's maps is not very different from that of the current maps, adopted in 2011 and attached as Exhibit B. The current breakdown of the General Assembly under the 2011 maps is as follows: 35 Democrats and 64 Republicans in the House; 8 Democrats and 25 Republicans in the Senate.
20. In addition to this examination of seats above and below the 50 percent cut-point, it is also useful to examine how many of the Democratic- and Republican-leaning seats are razor-thin majorities, and how many are more comfortable majorities. I count the number of seats where the average Democratic share of the vote for the two major parties was less than 48 percent—let us call these expected Republican seats. And I count the number of seats where the average Democratic share of the vote for the two major parties was greater than 52 percent—let us call these expected Democratic seats. Finally, I count the number of seats that we might call “toss-ups,” where the average Democratic vote share was between 48 percent and 52 percent.
21. As set forth in Table 2 below, in the 2021 Commission Plan, all of the majority-Republican House seats are greater than 52 percent Republican. Of the 37 majority-Democratic seats, only 32 are greater than 52 percent Democratic. All 5 of the toss-up seats are slim Democratic majorities. As set forth in Table 3, in the Commission's Senate plan, there are 21 expected Republican seats, 9 expected Democratic seats, and 3 toss-ups, of which 1 is a slim Democratic majority and 2 are slim Republican majorities. As explained further below, by generating a large number of seats with comfortable Republican majorities, the Commission has generated plans that would provide the Republican Party with a majority of seats even in the event of a comfortable Democratic statewide victory.
22. In its Article XI, Section 8(C)(2) Statement, the Commission explained its ostensible attempt to comply with the “partisan proportionality” requirement in the Ohio Constitution. In this statement, the Ohio Redistricting Commission offers an unsound implementation of the constitutional requirement, suggesting that in addition to the vote share, an equally reasonable way to measure “statewide preferences” is by calculating the share of all elections in the last decade in which each party received more votes than the other party. This is a flawed way of characterizing voter preferences in general, but especially when the purpose is to evaluate seat shares. With this interpretation, a party that always wins 50.01 percent of the vote in general elections would be viewed as having 100 percent of the “statewide preference,” entitling it to draw a map that gave itself all the seats, a patently absurd outcome.
23. Consider, for example, a situation in which the United States adopted Ohio's constitutional amendment for U.S. House of Representatives districts. The only nationwide elections are presidential elections, for which Democratic candidates have won a majority of the popular vote in each election since 2004, although many of these elections were extremely close. By the Commission's logic, voters preferred Democratic candidates 100 percent of the time, and



would therefore be entitled to 100 percent of the seats in Congress. Similarly, the Commission's measurement would suggest that Minnesota voters prefer 100 percent of their elected officials to be Democrats, simply because Democrats have won 100 percent of the statewide partisan races in the past decade—even though those elections were relatively close, and control of the state legislature in Minnesota has been closely divided throughout that period. The same would be true in California, even though more than 6 million people in that state voted for former President Donald Trump in the 2020 presidential election. This is simply not a tenable methodology for determining voter preferences.

24. In the vast academic literature on voter preferences and seats, I have never encountered the notion that the seat share should correspond to the share of past elections in which a party “won,” or received a plurality of votes. Perhaps the foundational work in this literature is a paper published in 1950 by Kendall and Stuart,<sup>4</sup> exploring the vote share in each election as a measure of voter preferences and examining the transformation of those votes to seats in the British Parliament. Then, Gudgin and Taylor published a book in 1979 that explored the geography of voter preferences, as ultimately expressed through vote shares in specific elections, and the transformation of those votes to seats.<sup>5</sup> Next, a variety of books and articles by Ronald Johnston and collaborators, and more recently, Gary King and collaborators, further developed these insights about preferences, votes, and seats.<sup>6</sup> A recent analytical review of the resulting literature is provided in a 2020 article by Katz, King, and Rosenblatt.<sup>7</sup>
25. In this entire literature, the basic starting point is to conceptualize vote shares in specific elections as indicators of voter preferences. These works explore how the geography of preferences, combined with the specific electoral districting plan, combine to translate votes into seats in the legislature. All of this literature shares a basic normative notion that 50 percent of the votes should translate into 50 percent of the seats, and that in a two-party system, there should be symmetry in the way a redistricting plan treats the two parties.
26. Partisan symmetry means that if the two parties' vote shares were reversed, their seat shares would be similarly reversed. For instance, imagine a redistricting plan in which Party A, if it received 52 percent of the votes, could anticipate 55 percent of the seats, due the fact that it was victorious in several of the most competitive seats. Partisan symmetry means that an electoral wave in favor of Party B, such that Party B now received 52 percent of the votes, would also provide Party B with a similar 55 percent seat share. However, if Party A can manipulate the redistricting process to produce partisan asymmetry, it might produce an unusually large number of seats with comfortable, but not overwhelming, majorities for Party

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<sup>4</sup> M. Kendall and A. Stuart, 1950, “The Law of Cubic Proportion in Election Results,” *British Journal of Sociology* 1,3:183,96.

<sup>5</sup> Gudgin G, PJ Taylor PJ. 1979, *Seats, Votes, and the Spatial Organisation of Elections*. London: Pion.

<sup>6</sup> See PJ Taylor Ronald Johnston, 1979, *Geography of Elections*. London: Croom Helm; and Robert Browning and Gary King, 1987, “Seats, Votes, and Gerrymandering: Estimating Representation and Bias in State Legislative Redistricting,” *Law and Policy* 9,3:305-322.

<sup>7</sup> J. Katz, G. King, and E. Rosenblatt, 2020, “Theoretical Foundations and Empirical Evaluations of Partisan Fairness in District-Based Democracies,” *American Political Science Review* 114,1: 164-178.

A, thus building a levy to withstand a wave in favor of Party B. In the asymmetric scenario, then, 52 percent of the vote for Party B would be insufficient to provide it with a legislative majority.

27. This literature on partisan proportionality and, relatedly, partisan symmetry, does sometimes examine multiple elections in order to examine the impact of different vote shares and different geographies of support over time on the transformation of votes to seats, but the starting point remains that vote share is the means to determine partisan preference. At no point in this literature do scholars conceptualize the notion of partisan proportionality or symmetry as pertaining to the relationship between the seat share and the number of overall pluralities achieved over a period of time.
28. In short, the notion of proportionality employed by academics is no different from that employed by pundits, politicians, and the mass public: it pertains to the relationship between the vote share and the seat share. Surely this is also the notion invoked by the Ohio Constitution.
29. Thus, the Commission was tasked with attempting to draw a map in which around 54 percent of the seats are anticipated to produce Republican majorities. Instead, they have drawn a House map where Republicans can expect comfortable majorities in 63 percent of the seats. And they have drawn a Senate map in which Republicans can expect majorities in a stunning 70 percent of seats.
30. Neither the academic literature nor common usage in political discourse could suggest that this result “closely corresponds” to the “statewide preferences” of voters. In fact, the lack of correspondence between votes and seats is even more profound than suggested by the simple statewide averages discussed thus far. As mentioned above, an important focus of the academic literature on votes and seats is the notion of “symmetry.” In a two-party system, what would happen to the seat shares if the vote shares of the two parties reversed?
31. Fortunately, recent Ohio electoral history gives us an opportunity to examine just that scenario. In 2018, the Republican candidate for Treasurer, Robert Sprague, won 53.3 percent of the two-party vote. If we aggregate the precinct-level votes in the 2018 Treasurer election to match the 2021 Commission’s Ohio House of Representatives districts, Mr. Sprague would win majorities in 64 percent of the districts. That is to say, based on the 2018 votes for Treasurer, the Republican seat share is more than 10 percentage points higher than the Republican vote share.
32. On the same day, November 6, 2018, on the same ballot, the Democratic candidate for U.S. Senate, Sherrod Brown, received slightly more votes than Mr. Sprague, ending up with 53.4 percent of the two-party vote. Yet if we aggregate these U.S. Senate votes up to match the 2021 Commission’s House districts, Senator Brown would receive majorities in only 49.5 percent of the seats. With relatively similar statewide victories of just over 53 percent, these two candidates’ vote shares translate to dramatically different outcomes in terms of seats in the 2021 Commission House map. The Republican candidate’s 53.3 percent win translates to a supermajority of seats, while the Democratic candidate’s slightly *higher* 53.4 percent win translates to a *minority* of seats.



33. This example reveals the troubling extent to which the 2021 Commission Plan falls short of any notion of correspondence between voters' preferences and legislative seats. Because so many of the Republican majorities in districts drawn by the Commission are comfortable, even if the Democrats win a comfortable majority of votes—on the order of 53.4 percent—they still cannot expect to serve in the legislative majority.

## **V. COMPARING THE COMMISSION'S MAPS TO ALTERNATIVE MAPS**

34. It is clearly the case that the 2021 Commission did not adopt maps in which the party seat share closely corresponds with the vote share in relevant statewide elections under any reasonable interpretation of the Ohio Constitution's partisan fairness requirement. But one might imagine that the partisan composition of the Commission's maps was a function of constraints imposed by other constitutional requirements related to traditional redistricting principles that the Commission understood to be more important. Perhaps the Commission *attempted* to abide by Article XI, Section 6(B), but the job was simply too difficult.
35. In fact, the next line after the "partisan proportionality" clause dictates that the Commission "shall attempt" to draw compact districts. One might wonder whether the Commission found it difficult to achieve partisan proportionality because of a tension between that goal and the additional goal of drawing compact districts. Moreover, the Constitution requires that the Commission use entire counties, municipal corporations, and townships as the building blocks of districts to the extent possible. Counties with population greater than that which is sufficient for a single district must spill over into only a single additional district. The Commission must also endeavor not to split counties more than once, and not to split more than one municipality per district. Conceivably, efforts to abide by requirements like these could make it difficult for a map-drawer to achieve partisan proportionality despite a concerted effort to do so.
36. A simple and effective way to examine such assumptions is to analyze other maps that were made available to the Commission before it finalized its own maps. Did those maps come closer to achieving partisan proportionality while abiding by the same rules and achieving similar benchmarks with respect to the traditional redistricting principles emphasized in the Constitution? If so, one cannot accept the claim that the Commission was forced by restrictive rules into drawing maps with a large advantage for one party.
37. Specifically, I examined a map introduced by Senator Sykes on September 2, attached as Exhibit C, and another map introduced by Senator Sykes on September 15, attached as Exhibit H. An additional map was proposed by a group called the "Ohio Citizens Redistricting Commission" and is attached as Exhibit E. Based on my review and to the best of my knowledge, with the possible exception of the Sykes September 2 map, discussed further below, these maps are materially compliant with the line-drawing rules explained above, as set forth in Article XI, Sections 3 and 4 of the Ohio Constitution.
38. In addition to examining maps produced by others, I have produced my own redistricting plan for the Ohio House and Senate. By drawing my own maps, I was able to gain a full appreciation for the challenges and trade-offs associated with the Ohio Constitution's

redistricting rules, and can explain how I resolved them, and with what implications for partisanship and respect for traditional redistricting criteria.

39. My approach was to begin by creating a complete plan for the House of Representatives and then assemble groups of three House districts in order to produce a Senate plan. However, this approach ran into a roadblock since most reasonable configurations of House districts cannot produce a valid Senate plan. Article XI, Section 4(B)(2) of the Ohio Constitution states that “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.” In Northeast Ohio, it is extremely difficult to comply with Section 4(B)(2) in conjunction with the immediately preceding 4(B)(1), which states that “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.”
40. This is complex in Northeast Ohio because both Cuyahoga and Summit Counties have well beyond the population of a single extra house district that must find a home in an adjoining district, and many surrounding House districts are unavailable as partners because of the prohibition on splits of medium-sized counties and the position of all relevant counties in the corner of the state. A rather unsatisfactory way to solve this problem is to severely under-represent the people of Northeast Ohio, over-populating virtually every district in this part of the state as close as possible to the 5 percent constraint, and under-populating many districts throughout the rest of the state. I came to the conclusion that this is the only way to configure districts in the House of Representatives in a way that allows for Senate districts that *strictly* comply with Article XI, Section 4 in Northeast Ohio. I thus configured House districts in Northeast Ohio with a sole focus on finding an arrangement that would yield valid Senate districts.
41. This same basic approach, with dramatic over-population of Cuyahoga and other Northeast Ohio districts, was also taken in the 2021 Commission Plan, the Citizens’ Commission Plan, and the Sykes 9/15 Plan. It is not entirely clear, however, that the Ohio Constitution *requires* this unusual type of harm to the voters of Northeast Ohio, since Article XI, Section 4(B)(3) instructs the commission to “commit the fewest possible violations” in the event that “it is not possible to draw representative districts that comply with all of the requirements of this article.” The Sykes map of September 2, 2021 does not strictly comply with Article XI, Section 4, because it splits Trumbull County (between districts 1 and 18), even though it is in the population range of counties for which splits should usually be avoided. The Sykes 9/2 map is, thus, a useful reference point as a map that takes a slightly different approach to interpreting Article XI, Section 4: one that purchases fair representation for Northeast Ohio at the rather minute cost of a single county split. In contrast, the Sykes 9/15 plan removes the offending county split and reconfigures both the House and Senate maps to under-represent Northeast Ohio.
42. After resolving the dilemma of Northeast Ohio, my approach was to follow the rules laid out by the Ohio Constitution, beginning with House districts, and, within the strict constraints regarding municipal and county splits, also attempt to maximize compactness and minimize county splits. These goals are sometimes in conflict. In some regions of Ohio, the population

sizes and geographic arrangement of counties mean that in order to keep counties together, one must tolerate some non-compact districts. In general, since the Constitution calls for the use of entire counties as building blocks for districts whenever possible, my approach was to prioritize the minimization of county splits when drawing (and refining) first my House and then my Senate plan, while also trying to make decisions that facilitated a relatively compact set of districts for any given region.

43. After achieving these things, I considered an additional factor in metro areas. I attempted to avoid drawing districts that excessively packed members of one of the parties in a way that would undermine their representation. Moreover, when drawing district lines, I attempted to avoid splitting groups of geographically proximate co-partisans in a way that would prevent them from forming a majority.
44. I did not deviate from the application of traditional redistricting principles in order to help or harm one of the political parties. For instance, in Toledo, it is possible to further “unpack” urban Democrats and produce an additional majority-Democratic district, but this would have created a rather non-compact district that would have also intentionally split geographically proximate Republican communities. Elsewhere, in a couple of places it is possible within the rules of the Ohio Constitution to string together far-flung Democratic industrial and college towns. I avoided drawing districts in this manner. Rather, within the confines of the constitutional rules and the application of traditional redistricting criteria, I simply made a conscious effort to avoid drawing districts that would have the effect of clearly packing or cracking geographically proximate co-partisans.
45. I paid no attention to racial data when drawing my maps. However, after completing my redistricting plans, I checked for compliance with the Voting Rights Act as follows. First, I used precinct-level data on race and partisanship, using the same statewide general election races detailed in Table 1 above and, using ecological inference, ascertained whether racially polarized voting was present within each of Ohio’s major metropolitan counties. Next, in counties where racially polarized voting was present, I made sure that, under my alternative Senate and House plans, candidates of choice for Black voters in statewide elections had indeed been victorious in the relevant districts in my redistricting plan. In each metro area with a large Black community and clear evidence of racially polarized voting—specifically Akron, Cincinnati, Dayton, and Toledo—this was clearly the case. I thus did not make any changes to my alternative plans to ensure compliance with the Voting Rights Act.
46. For my maps, attached as Exhibit I, for each of the alternative maps presented to the Commission, and for the Commission’s proposed maps (attached as Exhibit D), I have produced compactness scores for the districts to assess the maps’ compliance with Article XI, Section 6(C). I have included Reock, Polsby-Popper, and Convex Hull compactness measures, each of which takes a somewhat different approach to the notion of district compactness.
47. Although the Ohio Constitution does not specify the optimal number of county splits, I have also calculated the number of county splits generated by each plan. I define a county split in the same way as the Ohio Constitution. For example, Franklin County is not considered to be split in a House of Representatives plan if 11 districts are formed that fit completely within

the county, and no fragment of any district spills over the county boundary. Moreover, a county that is kept intact but joined together with other “split” counties is not considered a split county. A county is only considered to be split if some part—but not all—of its territory is joined with territory from another county in the formation of a district.

**Table 2: Summary Information, Ohio House of Representative Plans Submitted to Ohio Redistricting Commission**

	Commission 9/15	Commission 9/9	Sykes 9/2	Sykes 9/15	Citizens 9/10	Rodden
<b>Average compactness scores</b>						
(Higher scores = more compact)						
Reock	0.40	0.40	0.40	0.39	0.40	0.41
Polsby-Popper	0.30	0.30	0.31	0.29	0.34	0.36
Area/Convex Hull	0.74	0.73	0.74	0.72	0.76	0.79
<b>Number of split counties</b>	33	33	30	33	43	32
<b># of seats with average two-party Democratic vote share &gt;.5</b>	37	32	44	42	43	43
Expressed as percentage of seats	37.4%	32.3%	44.4%	42.4%	43.4%	43.4%
<b># of seats with average two-party Republican vote share &gt;.5</b>	62	67	55	57	56	56
Expressed as percentage of seats	62.6%	67.7%	55.6%	57.6%	56.6%	56.6%
<b>Distance from proportional seat allocation (seats)</b>	8	13	1	3	2	2
Expressed as percentage of seats	8.1%	13.1%	1.0%	3.0%	2.0%	2.0%



<b># of seats with average two-party Democratic vote share &gt;.52</b>	32	31	41	38	42	40
Expressed as a percentage of seats	32.3%	31.3%	41.4%	38.4%	42.4%	40.4%
<b># of seats with average two-party Democratic vote share &lt;.48</b>	62	63	54	54	54	56
Expressed as percentage of seats	62.6%	63.6%	54.5%	54.5%	54.5%	56.6%
<b># of seats with average two-party Democratic vote share between .48 and .52</b>	5	5	4	6	3	3
Expressed as percentage of seats	5.1%	5.1%	4.0%	6.1%	3.0%	3.0%

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48. In Table 2, I provide compactness scores and information on county splits for each of the Ohio House of Representatives plans I analyzed. Next, using the same technique described above, I include the number of majority-Democratic districts, majority-Republican districts, expected Democratic districts, expected Republican districts, and toss-up districts that would be produced by each plan.
49. First, in terms of compactness, Senator Sykes' initial plan was slightly more compact than the Commission's final September 15 plan, but his revised plan, after reconfiguring Northeast Ohio, was slightly less compact. The plan produced by the Citizens' Commission was on average more compact according to both the Polsby-Popper and Convex Hull scores. The House map I produced was more compact by every measure than those produced by the Commission, Senator Sykes, and the Citizens' Commission.
50. The Commission's House of Representatives Plan splits 33 counties. The Citizens' Commission splits a greater number of counties (43) than does the Ohio Redistricting Commission's, while Senator Sykes' original plan splits fewer counties (only 30), and his revised plan is similar to the Commission's on this dimension. Likewise, my alternative plan splits 32 counties.
51. Next, let us examine the partisan outcomes associated with these alternative plans. The relevant information is also contained in Table 2. The initial plan submitted by Senator Sykes came very close to achieving partisan proportionality. It produced 44 majority-Democratic seats and 55 majority-Republican seats—a difference from proportionality of only 1 seat. My alternative plan, as well as the plan produced by the Citizens' Commission, produced 43 Democratic seats and 56 Republican seats—a difference from proportionality of only 2 seats. Senator Sykes's revised plan produced 42 majority-Democratic seats—a difference from proportionality of 3 seats. Again, in contrast to my alternative plan and these other plans, which came very close to achieving partisan proportionality, the Ohio Redistricting Commission's final plan deviated 8 seats from true proportionality.

52. In short, the plans introduced by Senator Sykes and the Citizens' Redistricting Commission are relatively similar to the Commission's Plan in their deference to traditional redistricting criteria emphasized in the Ohio Constitution—and my alternative plan is more compact on average—but each of these plans also comes much closer to achieving the required partisan proportionality. This indicates that the failure of the 2021 Commission Plan to achieve partisan proportionality and its overall favorability to Republicans were intentional choices, rather than natural outgrowths of other constraints.
53. Next, let us undertake a similar comparison of the Ohio Redistricting Commission's Senate maps with these alternative maps. The key information is contained in Table 3. Once again, the plans presented by Senator Sykes demonstrated a similar level of average compactness to the Commission's plan on each of the three metrics I considered. And again, my alternative plan, along with the plan produced by the Citizens' Commission, were clearly more compact than the Commission plan. Relative to the Commission's Senate map, my alternative map split 2 additional counties, the Sykes maps split 3 additional counties, and the Citizens' map split 5 additional counties.
54. The Commission's Senate map produced only 10 majority-Democratic seats, and 23 majority-Republican seats. In contrast, both the original Sykes Senate map and the Citizens' Commission Senate map produced 14 Democratic seats and 19 Republican seats. The revised Sykes map produced 13 Democratic seats and 20 Republican seats. My alternative map produced 15 Democratic seats and 18 Republican seats. Recall that the target set forth by the Constitution was 15 Democratic seats, meaning that 2 of these plans came within a single seat of the target, and 1 achieved proportionality. Again, as with the House of Representatives, these alternative maps demonstrate that, for the Senate as well, it is possible to abide both by the Ohio Constitution's traditional redistricting requirements as well as its partisan proportionality requirement. The fact that the Commission's map so strongly favors the Republican Party is the result of discretionary choices made by the Commission and reflects that the Commission did not attempt to achieve partisan proportionality.

**Table 3: Summary Information, Ohio Senate Plans Submitted to Ohio Redistricting Commission**

	Commission 9/15	Commission 9/9	Sykes 9/2	Sykes 9/15	Citizens 9/10	Rodden
<b>Average compactness scores</b>						
(Higher scores = more compact)						
Reock	0.39	0.39	0.39	0.38	0.43	0.44
Polsby-Popper	0.31	0.31	0.31	0.31	0.37	0.37
Area/Convex Hull	0.73	0.72	0.73	0.74	0.78	0.78
<b>Number of split counties</b>	13	13	16	16	18	15



<b># of seats with average two-party Democratic vote share &gt;.5</b>	10	9	14	13	14	15
Expressed as percentage of seats	30.3%	27.3%	42.4%	42.4%	42.4%	45.5%
<b># of seats with average two-party Republican vote share &gt;.5</b>	23	24	19	20	19	18
Expressed as percentage of seats	69.7%	72.7%	57.6%	60.6%	57.6%	54.5%
<b>Distance from proportional seat allocation (seats)</b>	5	6	1	2	1	0
Expressed as percentage of seats	15.2%	18.2%	3.0%	6.1%	3.0%	0
<b># of seats with average two-party Democratic vote share &gt;.52</b>	9	8	13	12	12	12
Expressed as a percentage of seats	9.1%	8.1%	13.1%	12.1%	12.1%	12.1%
<b># of seats with average two-party Democratic vote share &lt;.48</b>	21	21	18	19	18	18
Expressed as percentage of seats	63.6%	63.6%	54.5%	57.6%	54.5%	54.5%
<b># of seats with average two-party Democratic vote share between .48 and .52</b>	3	4	2	2	3	3
Expressed as percentage of seats	3.0%	4.0%	2.0%	2.0%	3.0%	3.0%

## VI. WHY DID THE OHIO REDISTRICTING COMMISSION FALL SO FAR SHORT OF PROPORTIONALITY?

55. It is clear that the 2021 Commission Plan produces outcomes that are at odds with the partisan fairness required by the Ohio Constitution, while alternative plans achieve near-proportional outcomes. Next, it is useful to gain a better understanding of how this happened by examining the specific choices that led to such striking differences in the partisanship of the Commission's maps relative to the alternative maps. This section examines the differences between the maps in more detail, focusing first on aggregate data, and then drilling down into the individual regions where different outcomes are notable.

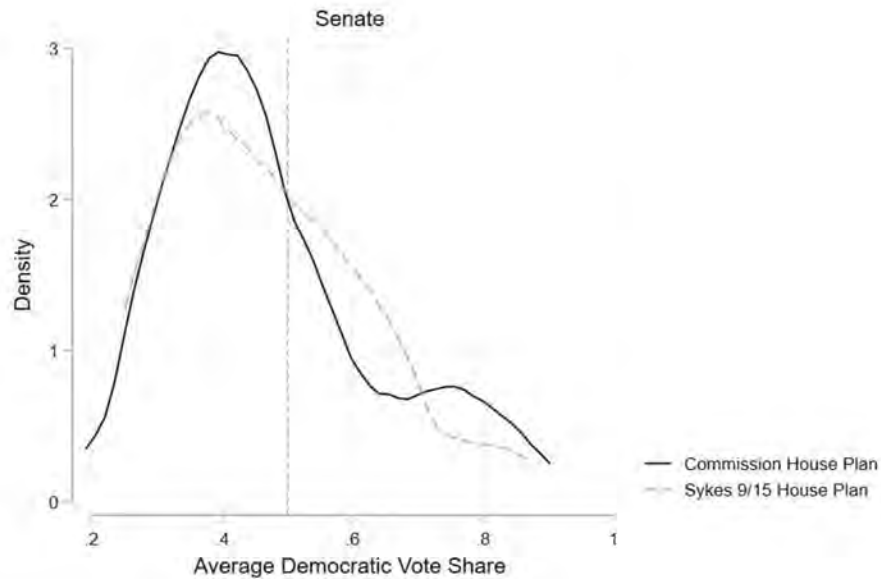
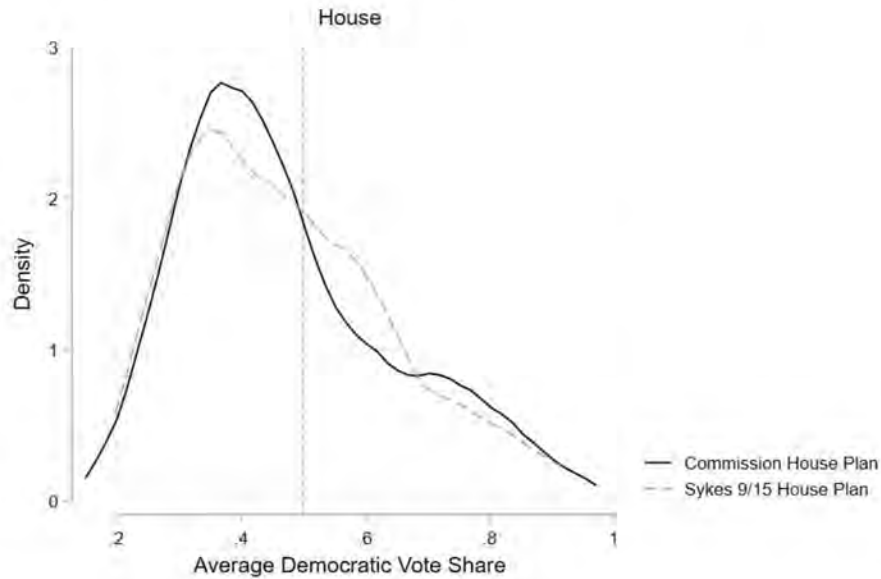
### *The Geographic Distribution of Partisanship Across Districts*

56. In order to gain a better appreciation for the way in which the maps drawn by the Commission differ from the more proportional alternative maps presented by Senator Sykes and the Citizens' Commission, and in this report, it is useful to look at how the different maps diverged in addressing the geographic distribution of partisanship across districts.
57. To do this, I present a kernel density—which is simply a smoothed histogram—that displays the distribution of the Democratic vote share across districts for each proposed redistricting plan. Figure 2 does this first for the House plans (in the top panel), and then for Senate plans (in the bottom panel). The bold line captures the distribution of Democratic vote share across the districts in the Commission's maps, and the dashed gray line captures the same thing for the Sykes 9/15 maps. The distributions for the Sykes 9/2 maps as well as the Citizens' Commission maps, as well as my own maps, look very similar to the gray dashed lines, so, for ease of exposition, I do not include them.
58. The basic shape of the kernel density in Figure 2 is one that I have written about elsewhere.<sup>8</sup> Democratic voters tend to be highly concentrated in the urban core of large cities, while Republican voters are concentrated in sprawling rural areas, and suburban areas are heterogeneous and competitive. Inner-ring suburban areas usually lean toward Democrats, and as one moves to the outer-ring suburbs, the Republican vote share increases. In recent years, Democratic majorities have been spilling further out into the suburbs, and in cities like Columbus, now reach to the distant outer suburbs and even some exurbs.

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<sup>8</sup> See Jonathan Rodden, 2010 "The Geographic Distribution of Political Preferences," *Annual Review of Political Science* 13:297-340; Jonathan Rodden, 2019, *Why Cities Lose: The Deep Roots of the Urban-Rural Political Divide*. New York: Basic Books.

**Figure 2: Distribution of Average Democratic Vote Shares Across Proposed Districts**



59. The concentration of some Democratic voters in some very urban areas means that it is often impossible to avoid drawing electoral districts that are extremely Democratic. As a result, both the Commission's map and the alternative maps produce distributions with a long right tail. All of the districts in the right tail of the distributions in Figure 2 are in very urban areas.

60. It should also be noted that in Ohio, many rural areas are also now extremely Republican, and it can be difficult to avoid drawing rural districts that are not overwhelmingly Republican. This phenomenon is only occasionally tempered by the presence of an isolated college town like Oxford or Yellow Springs, which might, for example, turn an otherwise 80 percent Republican area into a 70 percent Republican area. While the left tail of the distribution is not quite as long as the right tail, it also includes a large number of landslide Republican districts.
61. The *overall shape* of the distribution—driven by Ohio’s political geography—is similar for both the Commission’s plan and the alternative plans. That is to say, both have long right tails composed of urban, Democratic districts, and both produce similar numbers of rural, highly Republican districts, as demonstrated by the fact that, on the left side of the graph, the dashed line and solid line are right on top of one another.
62. It is clear that Ohio’s political geography necessitates some solidly Democratic and solidly Republican districts, but map-drawers have considerable flexibility in the middle of the distribution, and with the extent of packing of Democrats in cities. In Figure 2, we can see that the shape of the distribution of partisanship across districts in the Commission’s plan is distinctive in the districts that are neither solidly Republican nor solidly Democratic. This is apparent as we move to the right on the graph and enter the territory of comfortable, but not landslide, Republican victories. The Commission’s maps produce a far larger number of such districts. And then, once we cross the 50 percent threshold, there is a dramatic reversal. The Commission’s maps produce far *fewer* districts with Democratic majorities. Finally, the maps are also different when we move further to the right, where the black line is above the gray dashed line, indicating that the Commission’s maps produce a larger number of landslide Democratic districts—what is known in the literature as “packing.”
63. How did the Commission and these alternative groups of map-drawers produce maps with such starkly different partisan outcomes, given that they were working within the constraints of the same political geography and the same rather restrictive rules? To find the answer, we must examine Ohio’s cities and their surroundings. The differences between the black and gray lines in Figure 2 is driven by choices made in and around cities. In particular, the Commission’s maps produced notably fewer majority-Democratic districts in the regions around Akron, Cincinnati, Cleveland, Columbus, and Dayton.

#### *Franklin County Area*

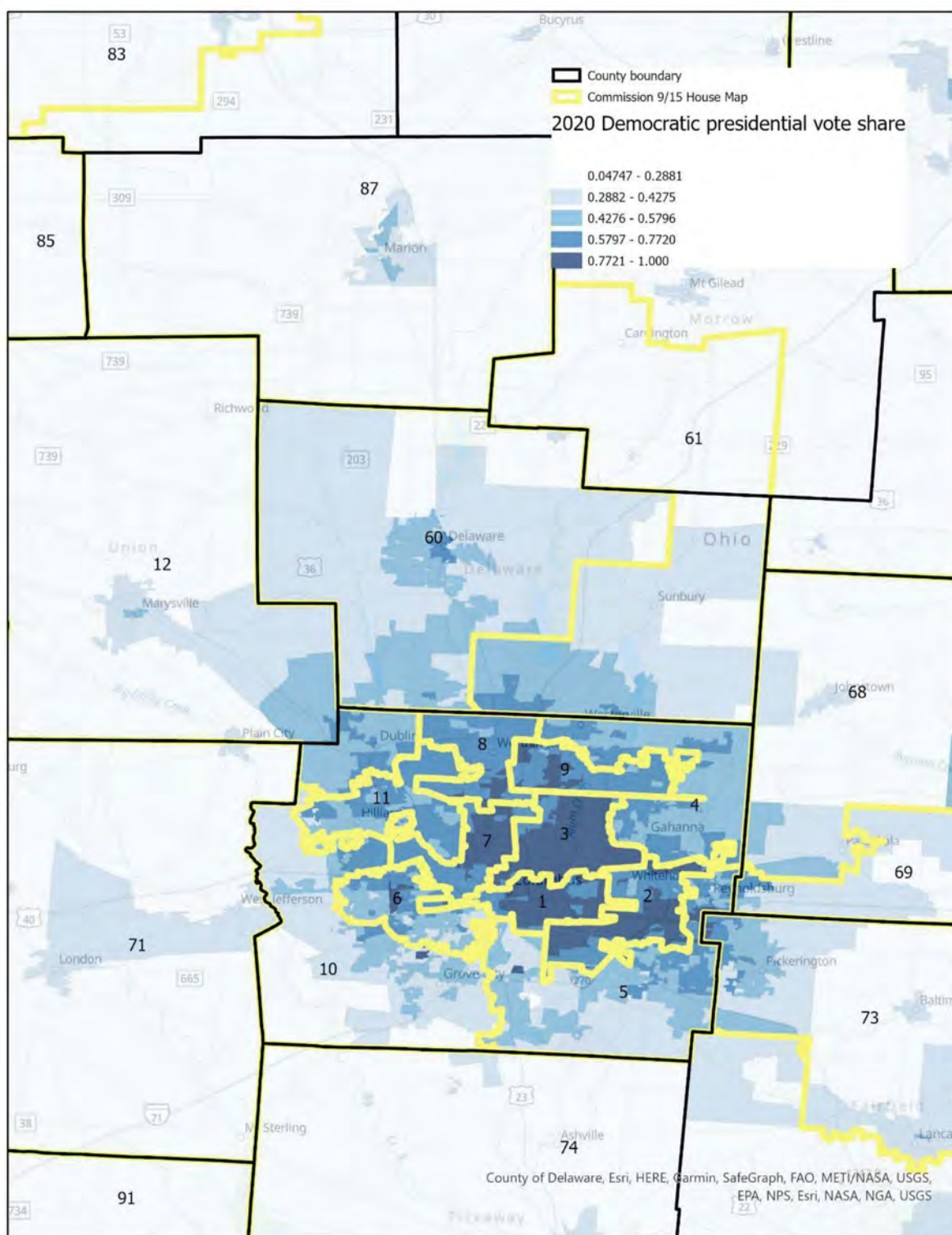
64. Consider Franklin County and its surroundings. Figure 3 displays this region, with yellow lines corresponding to the districts drawn in the 2021 Commission House map. Colors go from light blue to dark blue as the precinct-level 2020 presidential Democratic vote share increases. From Figure 3, one can see how the Commission’s district boundaries correspond to partisanship.
65. Several things are noteworthy about the Commission’s map. First, as Franklin County has become more Democratic over time, and as Democratic dominance has spilled over from the urban core to suburban areas, there is now only one possible area for the construction of a comfortable majority-Republican district—in the southwest corner. District 10 in the

Commission's map pulls together all of the most Republican exurban parts of Franklin County in order to carve out such a district. This district runs almost the entire length of Franklin County, from the southern border almost to the northern border, stopping just short of the more Democratic-leaning suburban areas in the northwest corner of the county.

66. Second, in the northwest corner of the county, Dublin—especially the part in Franklin County closest to Ohio State University—is an educated suburban community that has been drifting toward the Democratic Party in recent years. It is one of the most Democratic border-adjacent communities in Franklin County. However, instead of connecting it with surrounding Democratic-leaning communities, the Commission map splits Franklin County in the northwest corner to extract Dublin from the rest of Franklin County, combining Dublin with relatively rural Union County. In doing so, the Commission map thus extracts a growing Democratic community and embeds it in a district with numerically greater rural Republicans. Given its population of 1,323,807, Franklin County could easily accommodate 11 districts without a split. Instead, the Commission chose to create 9 under-populated districts and extract a relatively large chunk of Democratic voters from the county, preventing those voters from contributing to an additional Democratic district.
67. Finally, there is a group of growing, increasingly Democratic-leaning Columbus suburbs hugging the southern border of Delaware County, and a corridor of Democratic-leaning precincts connecting to the relatively Democratic town of Delaware. If we use decade averages, these suburbs appear to be Republican leaning. However, they have moved sharply toward the Democratic Party in recent years, and in the 2020 Presidential Election, a majority of voters in these suburbs voted for the Democratic candidate. Using the most recent election results, these areas would easily correspond to a compact majority-Democratic district. Instead, the Commission's districts split those increasingly Democratic voters in half with a north-south dividing line, thus preventing a majority-Democratic district from emerging in that area, instead producing 2 very comfortable Republican districts. This is a classic example of what is known in the literature on gerrymandering as “cracking.”



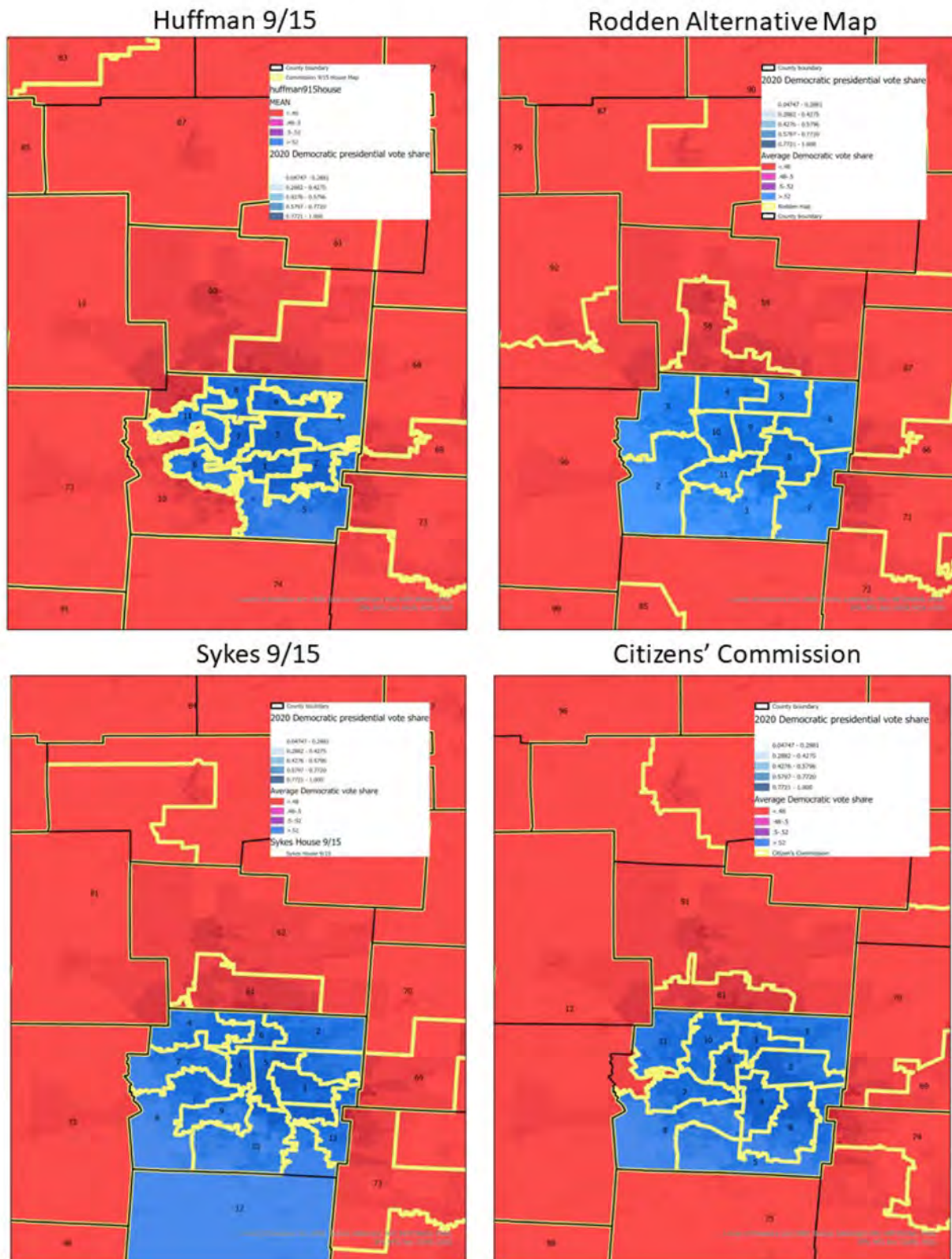
**Figure 3: Franklin County and Surroundings; Partisanship and the Commission's House Boundaries**





68. It is useful to contrast the Commission's plan with the alternative plans that exhibited greater statewide proportionality. Beginning with the Commission's plan, followed by my own alternative plan (referred to as the "my plan" or the "Rodden plan"), the Sykes 9/15 plan, and the Citizens' Commission plan, Figure 4 simply displays the districts with Democratic majorities in blue and Republican majorities in red, using averages over all statewide elections from 2012 to 2020. Similar maps will be presented below for other regions, where highly competitive districts, with average Democratic vote share between 48 percent and 52 percent will be displayed with separate colors, but none of the districts displayed in Figure 4 are in that range.
69. In Franklin County and the surrounding area, the Commission's plan produces 10 majority-Democratic House districts. In Figure 4, we can see that the Rodden plan, along with the Citizens' Commission plan, produces 11 majority-Democratic districts, while the Sykes plan produces 12.
70. Let us now examine the choices made in the alternative maps that produced additional Democratic-leaning Franklin-County districts. First, those drawing alternative maps simply avoided making a special effort to carve out a Republican district in the southwest. For instance, my plan included a relatively compact district in the southwest corner of the county, but I made no effort to keep Democratic-leaning Columbus districts out in order to craft a Republican-leaning district.
71. Second, since they did not attempt to carve out a Republican district, the alternative plans engaged in less packing of Democrats into highly non-competitive districts. While the Commission's plan produced 4 Franklin-County districts where the Democratic vote share was above 75 percent, each of the alternative plans each produced only 2 such districts.
72. Third, the alternative plans took different approaches to splitting the county. As described above, my approach was to keep counties whole whenever possible. Since it was possible to avoid splitting Franklin County, I did not introduce a split. Like the Commission's plan, the Sykes plan did include a split, and it generated a district that combined some Franklin County precincts that favor Democrats with some rural Republican precincts in a surrounding county (Pickaway). But Pickaway is a smaller county than Union, such that while the Commission's split produced a comfortable Republican district in the northwest, the Sykes plan's split produced a competitive but Democratic-leaning district in the south. The Citizens' Commission did not produce systematically underpopulated districts in Franklin County and, as a result, required a much smaller split fragment of Franklin County.
73. Fourth, note that each of the alternative plans produced a compact district in southern Delaware County by keeping the growing Columbus suburbs together rather than splitting them in half. These districts are colored red in Figure 4, which is based on average vote shares over the last decade. However, if one focuses on the 2020 presidential election, these districts are majority-Democratic. Joseph Biden received around 51 percent of the vote in district 61 in both configurations.

**Figure 4: Franklin County and Surroundings; Party Majorities Associated with House Boundaries of Four Redistricting Plans**



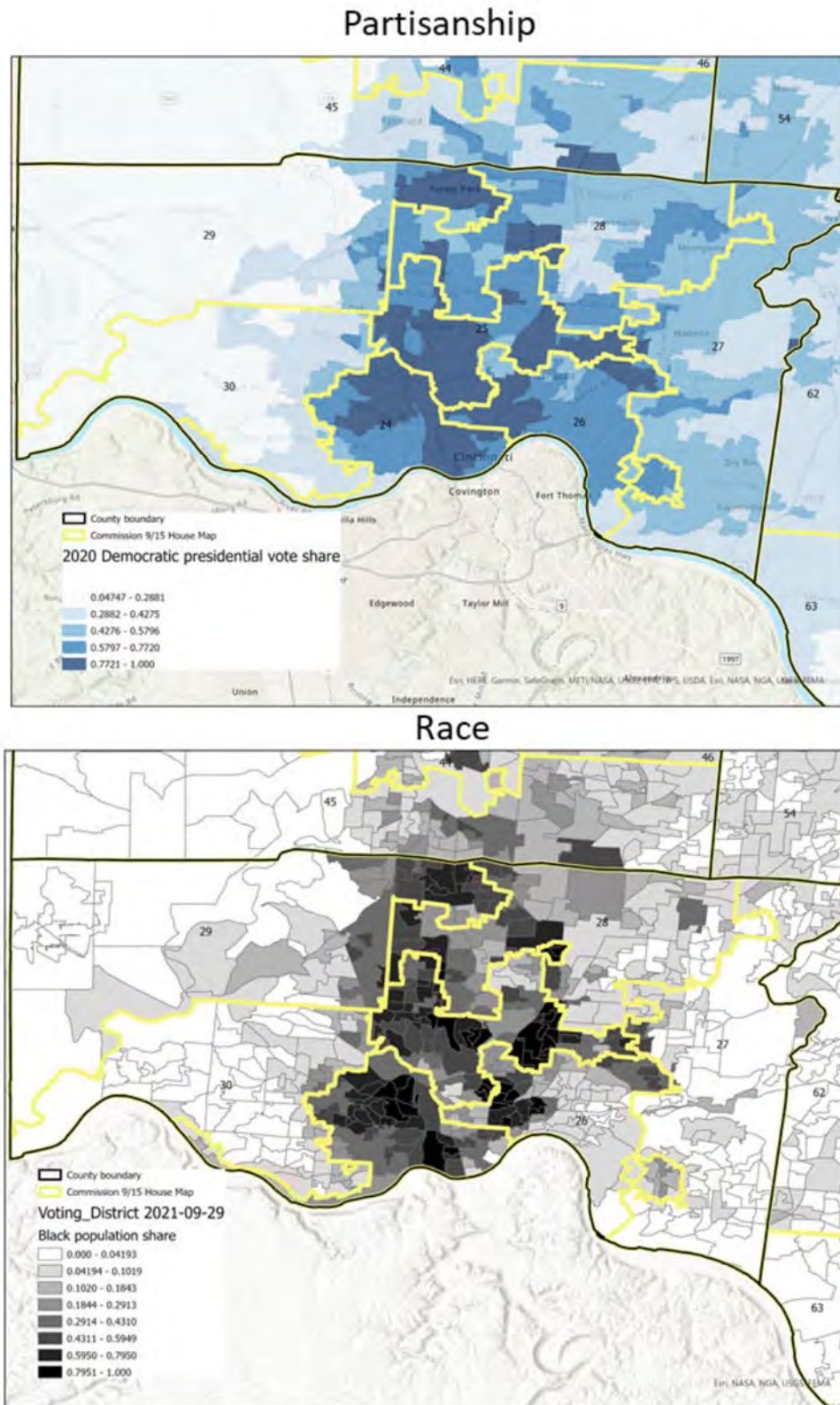
74. Finally, it is worth noting that the districts in my plan are more compact than those created by the Commission. If we leave aside Delaware County and focus only on the districts of Franklin County, the average compactness of my districts, according to the Polsby-Popper score, was .39, while the score for the Commission's plan was .19. The score for the Sykes plan was .25, and that for the Citizens' plan was .30. The average Reock score for my plan was .47, while the score for the Commission's plan was .37. The scores for the Sykes and Citizens' plans were .40 and .37 respectively.

#### *Hamilton County Area*

75. Next, let us examine the Cincinnati area. Again, it is useful to get the lay of the land by viewing a precinct-level map of partisanship, superimposing the Commission's districts. It is also useful to understand the arrangement of race, which is highly correlated with voting behavior in metro Cincinnati. Figure 5 demonstrates that there is a north-south swath of Black voters in the middle of Hamilton County. These communities vote in large numbers for Democratic candidates. However, there are also Democratic-leaning suburban communities on the east side of Cincinnati that are not predominantly Black.
76. On the west side of Hamilton County, a majority-white, Republican-leaning district will emerge in the outer-ring suburbs and exurbs of Cincinnati in almost any configuration. However, the Commission has crafted a *second* majority-Republican district by keeping both districts as small as possible (within the 5 percent population deviation constraint) and reaching into Forest Park City—a majority-Black and overwhelmingly Democratic area, and surrounding precincts, in order to assemble sufficient population to produce an additional majority-Republican district. As discussed further below, this maneuver led to the creation of a relatively non-compact set of Hamilton County districts.
77. Moreover, by carefully avoiding Democratic neighborhoods, the Commission's plan also extracted a Republican-leaning district in Cincinnati's eastern suburbs (District 27). In addition, in the northern suburbs, District 28 in the Commission's plan, while Democratic leaning, is within reach for Republican candidates, with an average Democratic vote share of around 52 percent.

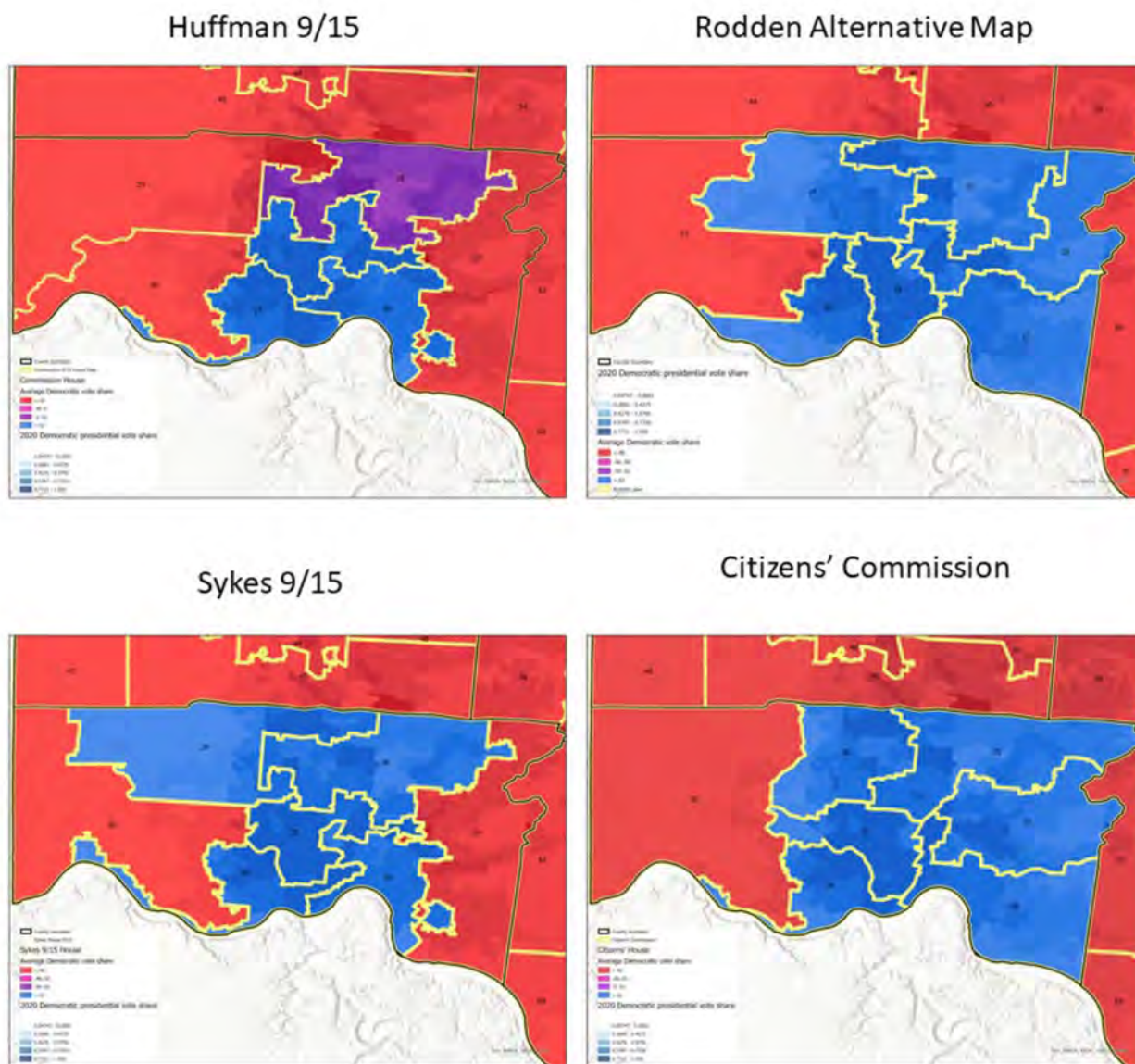


**Figure 5: Hamilton County and Surroundings; Partisanship, Race, and the Commission's House Boundaries**



78. Next, let us examine the alternative plans. Like the Commission's map, each of the alternative maps avoided splitting Hamilton County, which wholly contains 7 districts in each map. The Commission's map produced 3 Republican districts and 4 Democratic districts, 1 of which was relatively competitive. My plan, along with the Citizens' plan, produced a 6-1 breakdown, and the Sykes plan produced a 5-2 breakdown, both in favor of the Democrats.

**Figure 6: Hamilton County and Surroundings; Party Majorities Associated with House Boundaries of Four Redistricting Plans**





79. What accounts for these differences? Above all, these alternative plans made no efforts to craft a second Republican district in the suburbs by cracking Black neighborhoods in the northern part of the county, leaving them with only a single exurban Republican-leaning district. Second, by adopting an east-west rather than north-south orientation for the boundaries on the east side of the county, my plan, along with the Citizens' plan, did not craft an eastern Republican-leaning district.
80. Finally, as with Franklin County, the plans that exhibited greater statewide partisan proportionality were also the most compact in Hamilton County. My plan and the Citizens' Commission plan, both with 6-1 Democratic margins, were the most compact plans in Hamilton County. The average Polsby-Popper score for the Citizens' plan was .31, and for my plan it was .26. The Commission's plan and the Sykes plan each had scores of .17. The story is similar for the Reock score. The average for my plan was .43, and for the Citizens' plan it was .41, while for the two more Republican-leaning plans (the Commission's plan and the Sykes plan), the scores were .32 and .34 respectively.

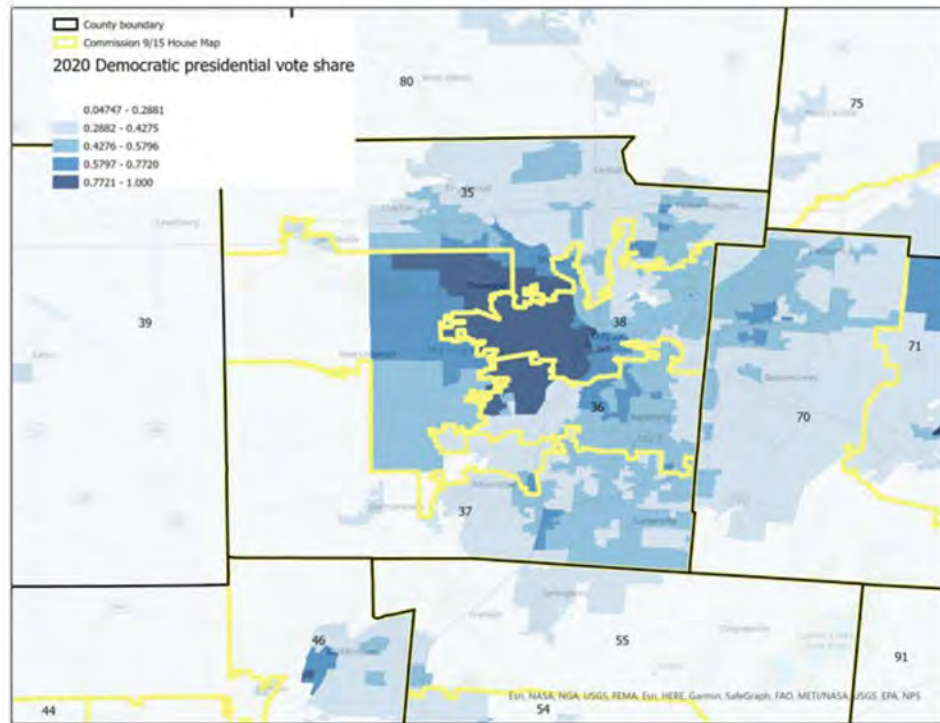
#### *Montgomery County Area*

81. Next, let us move a few miles to the north and examine the Dayton area. In the Commission's House plan, only 1 of 5 Montgomery-based seats (number 38) has a clear Democratic majority, while an additional seat (number 36) was essentially a tie, with an average Democratic vote share of 50.03 percent. The other 3 seats had comfortable Republican majorities.
82. In my plan, there were 3 majority-Democratic seats, although 1 of them was a marginal seat, with an average Democratic vote share of 51.5 percent. Likewise, both the Sykes and Citizens' Commission plans produced 3 majority-Democratic seats. In order to see how the Commission's plan produced such a surprisingly pro-Republican outcome, let us once again examine how the Commission's districts interact with the partisan and racial geography of the county.
83. In Figure 7, the Commission's House district boundaries are superimposed on maps of partisanship and race in the Montgomery County area. The Commission's plan takes the relatively compact Black community of metropolitan Dayton, which votes overwhelmingly for Democratic candidates, and scatters it across 4 separate districts. The district with the largest Black community—number 38—is a majority-Democratic district. In fact, it is a super-majority Democratic district, where on average, Democrats win 69 percent of the vote. However, all of the other fragments of Dayton's Black community are combined with sufficient numbers of surrounding white, suburban populations in the 4 other Montgomery districts to generate 1 true toss-up (District 36) and 3 districts with comfortable Republican majorities.
84. A key part of this approach was to extract the Black community of Trotwood and other areas on the west side of Dayton and combine them with far-flung, rural Preble County to the west. Considerable care and craft seem to have gone into this effort to break up Black areas of metropolitan Dayton in a way that prevents the emergence of majority-Democratic districts.

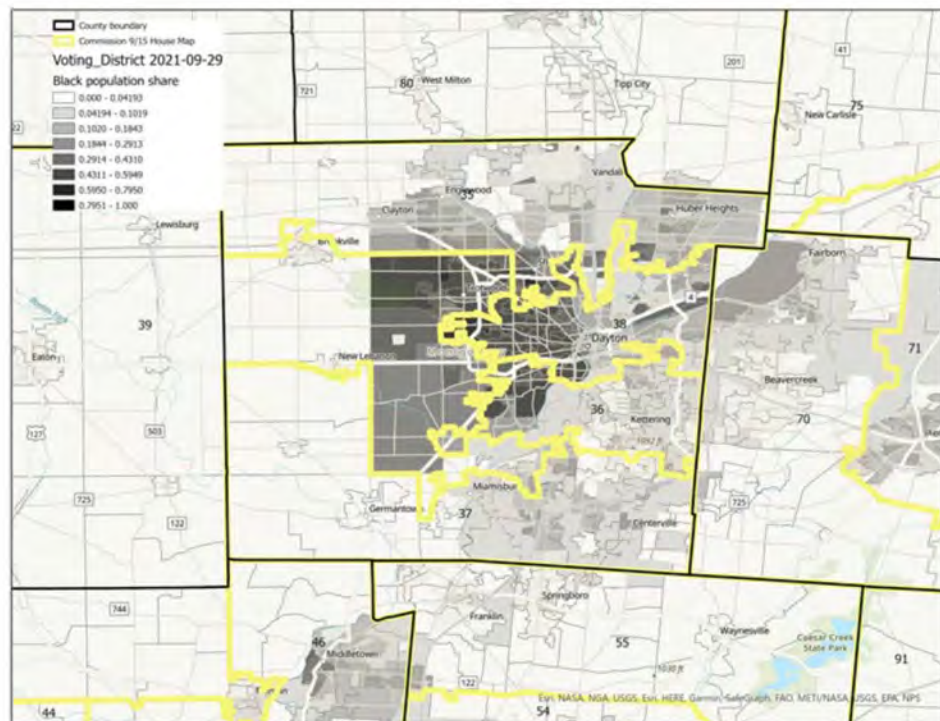


**Figure 7: Montgomery County and Surroundings; Partisanship, Race, and the Commission's House Boundaries**

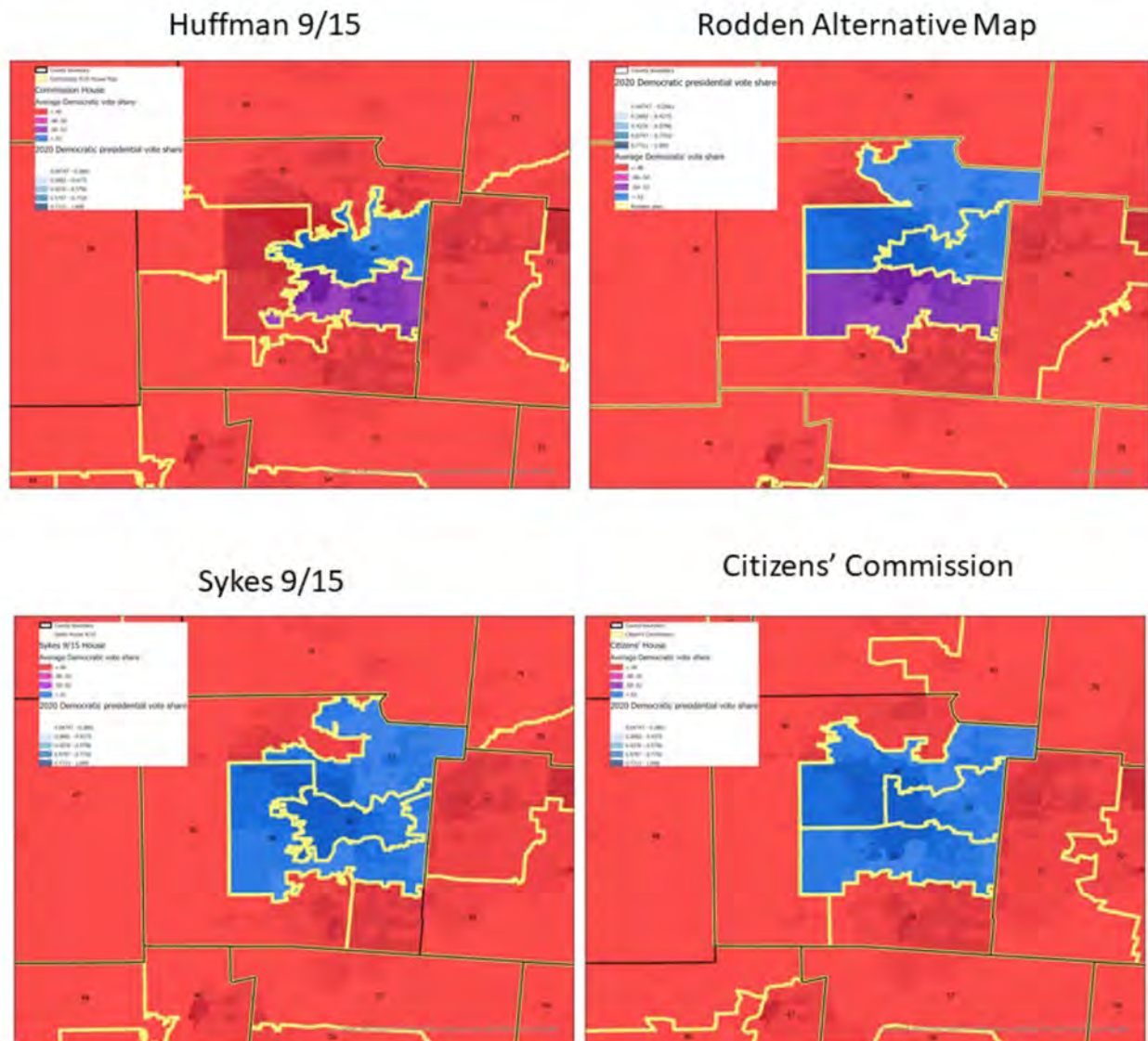
### Partisanship



### Race



**Figure 8: Montgomery County and Surroundings; Party Majorities Associated with House Boundaries of Four Redistricting Plans**



85. Again, in order to appreciate the partisan impact of the Commission's approach to scattering the Dayton Black community across multiple districts, it is useful to examine the alternative maps. Following the same format as above, Figure 8 provides maps that facilitate comparison of the Commission's plan with the alternative plans.

86. Simply by keeping Dayton-area communities together, my map produced a relatively compact, very Democratic central Dayton district, as well as a Democratic-leaning northern suburban district, and a competitive but Democratic-leaning suburban district to the south. My plan also includes a Republican-leaning exurban district to the South, and a western exurban district that, like the Commission's district, combines with Preble County. A notable difference, however, is that my plan does not extract western Dayton-area Black communities in order to place them in a predominantly rural district. The configuration is different, but the same overall structure is present in the Citizens' plan. The Sykes plan has some similarities, but it is less compact, and combines parts of the Southern and western suburbs.
87. Once again, my plan and the plan produced by the Citizens' Commission, were substantially more compact according to the Polsby-Popper score, with average scores of .27 and .29 respectively for the Montgomery districts. The average score of the Commission's plan was .15, and the Sykes plan was .13. The four plans were less distinctive, however, according to the Reock score—all were bunched together with scores ranging from .37 to .39.

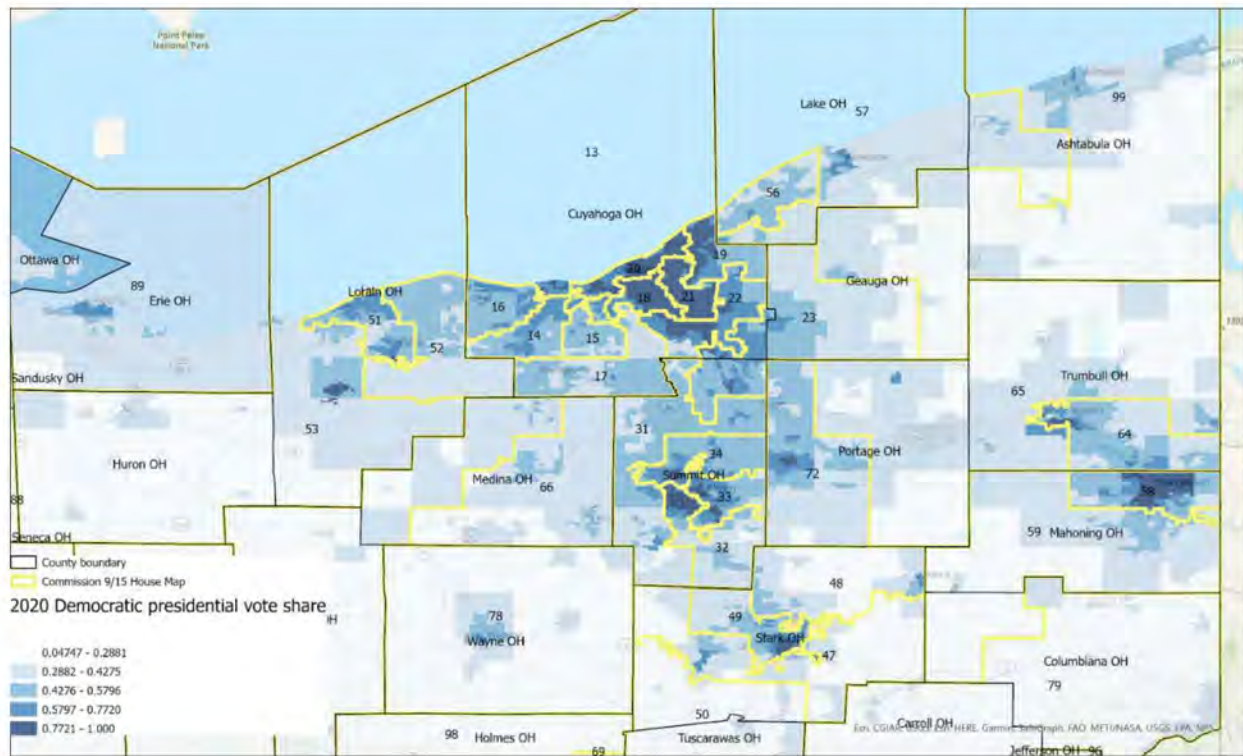
#### *Northeast Ohio*

88. Next, let us examine Northeast Ohio. As described above, all of the mapmakers faced difficult constraints associated with the strict rules for the construction of Senate districts, and these rules had implications for House districts as well. Each of the redistricting plans considered here ended up with the same basic solution: they drew consistently underpopulated districts in Cuyahoga County, and indeed throughout the northeastern part of the state, and included a district that combines parts of several counties. Also, in each plan, it was necessary to create a district that kept Canton, Ohio whole.
89. In spite of these constraints, the Commission's plan ended up with a very different partisan outcome than the alternative plans. If we consider Northeast Ohio to be the area contained in Figure 9, the Commission's House plan includes 14 districts with average Democratic vote shares above 52 percent, and an additional 4 districts with very slim Democratic majorities, for a total of 18 majority-Democratic districts. As mentioned above, the Commission's House plan does not include any bare-majority Republican districts, in Northeast Ohio or anywhere else. Under the Commission's plan, 18 is perhaps the upper limit of districts that might be competitive for Democratic candidates.
90. In my plan, there are 17 districts with an average Democratic vote share above 52 percent, and 2 additional districts with Democratic vote shares between 50 and 52 percent, so that overall, there are 19 Democratic-leaning districts. The Sykes plan includes 17 districts with average Democratic majorities greater than 52 percent, 2 districts with slim Democratic majorities, and 2 districts with slim Republican majorities, for a total of 19 Democratic-leaning districts, and 21 districts that could be at least competitive for Democratic candidates. The House plan produced by the Citizens' Commission produced 19 districts with average Democratic vote shares greater than 52 percent, and 2 additional districts with slim Republican majorities, again producing 21 districts that could be competitive for Democratic candidates.



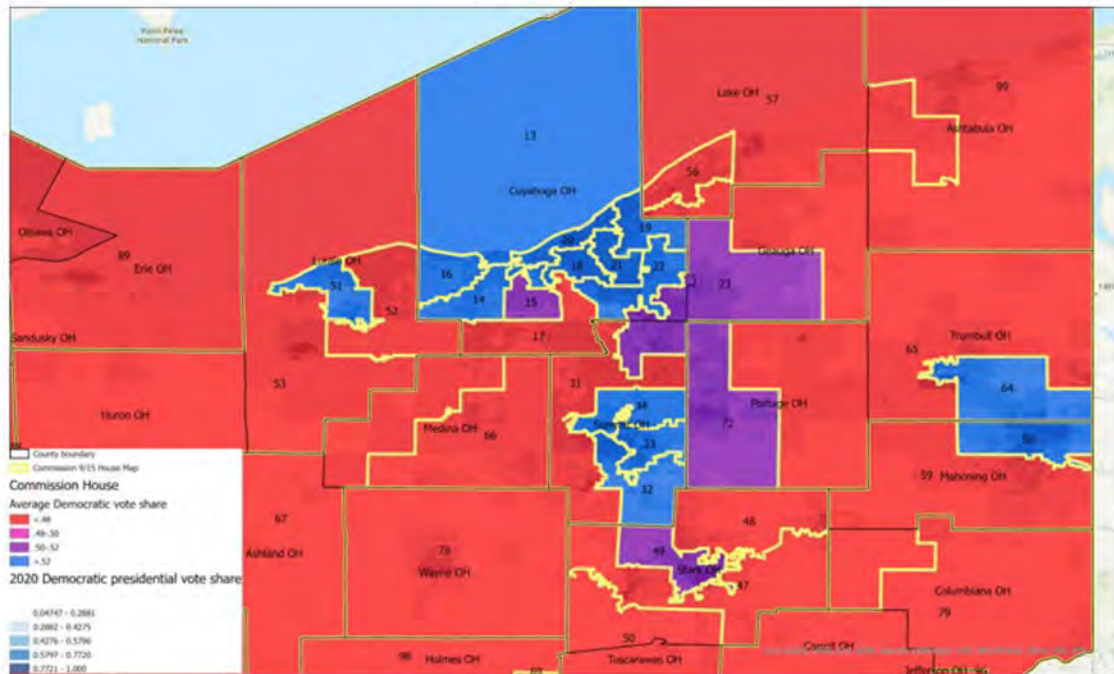
91. To understand the sources of these differences, let us proceed through the region, guided by the image of the Commission's district boundaries superimposed on precinct-level election results (Figure 9), and images capturing the partisan outcomes produced by the Commission's maps and the alternative maps (Figure 10).

**Figure 9: Northeast Ohio; Partisanship and the Commission's House Boundaries**

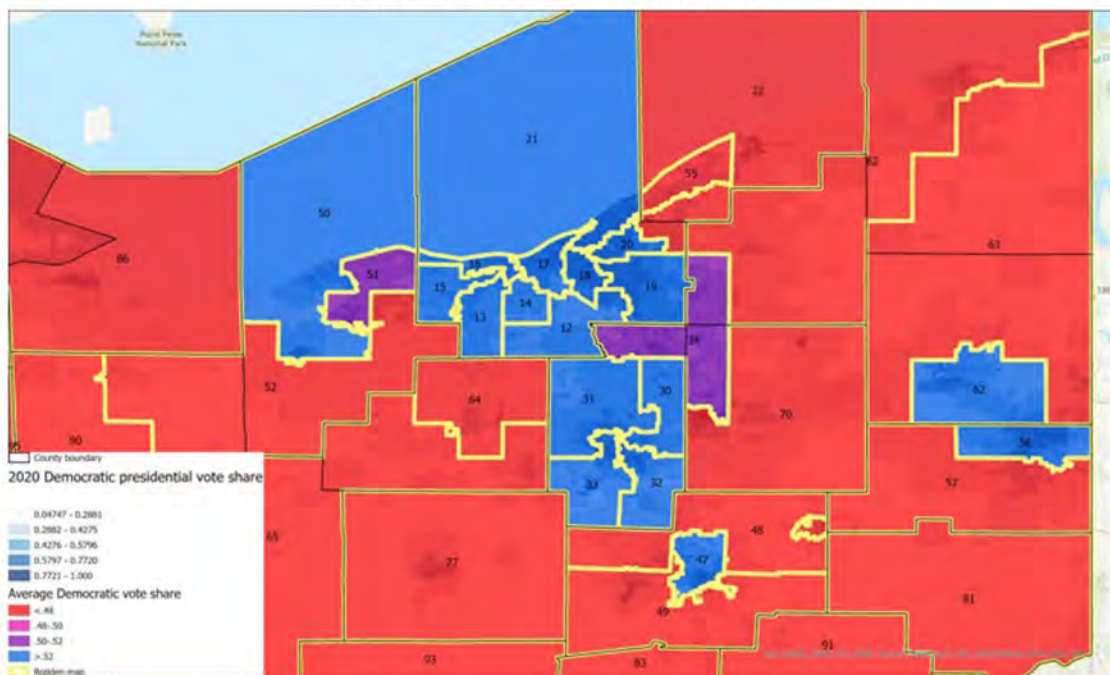


**Figure 10a: Northeast Ohio; Party Majorities Associated with House Boundaries of the Commission's Plan and the Rodden Alternative Plan**

Huffman 9/15



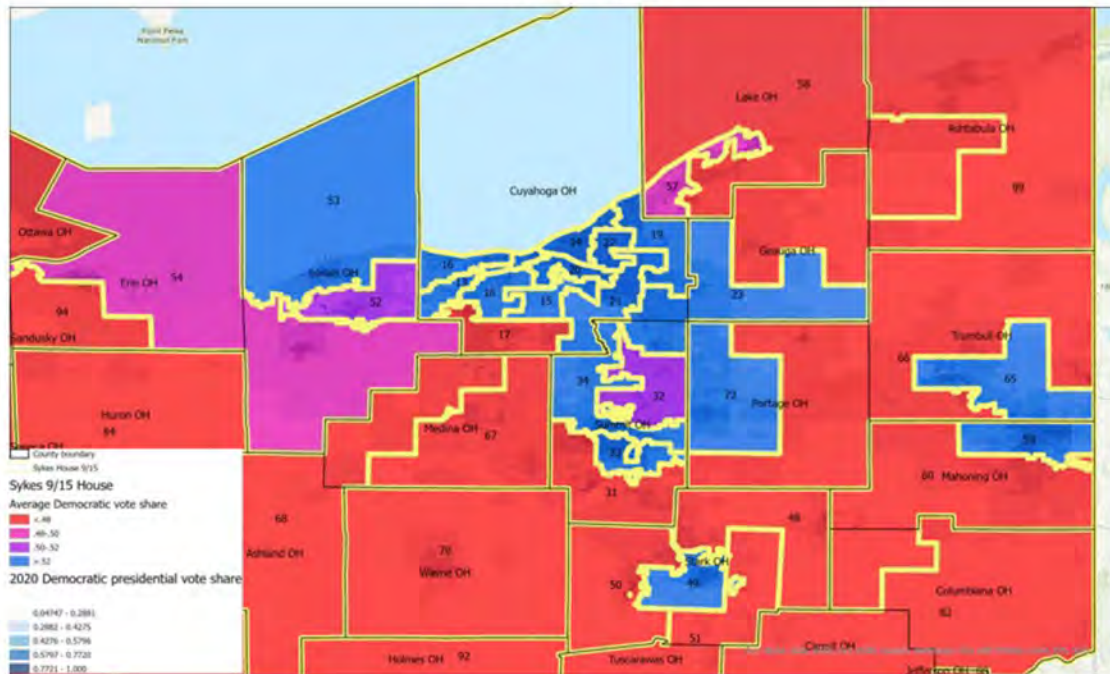
Rodden Alternative Map



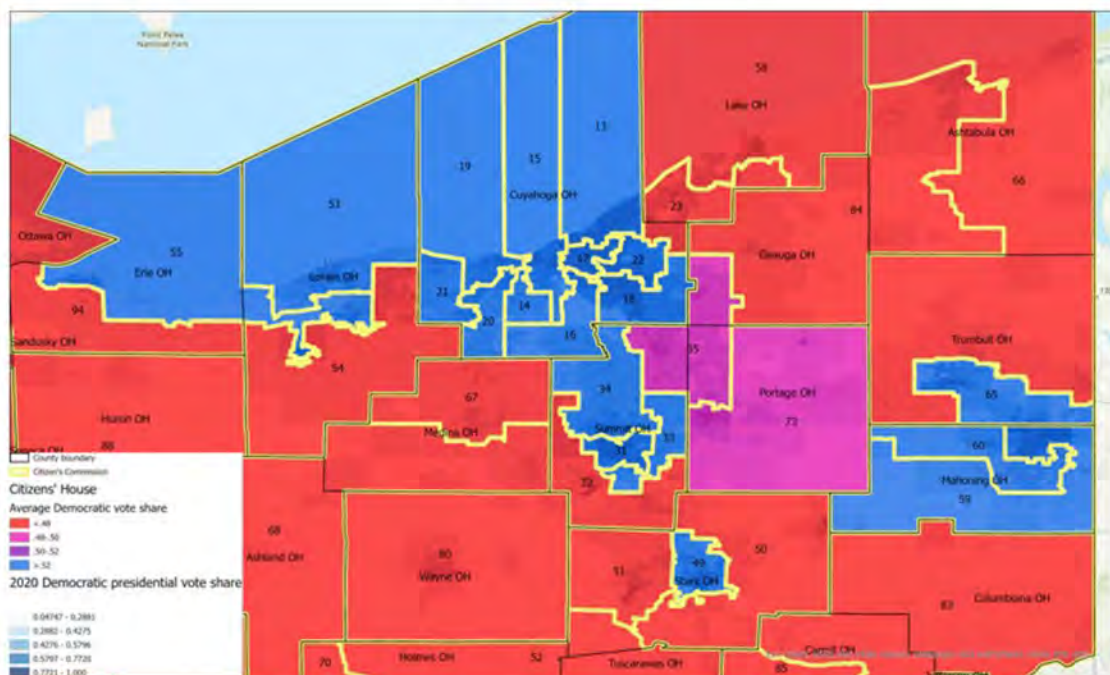


**Figure 10b: Northeast Ohio; Party Majorities Associated with House Boundaries of the Sykes 9/15 and Citizens' Commission Plans**

### Sykes 9/15



### Citizens' Commission





92. I begin with the county of Lorain. There are long-standing Democratic strongholds in each of the old industrial towns along the lake between the Sandusky Bay and Cleveland, including Lorain and Elyria, both of which are in Lorain County. Slightly to the southwest of Elyria is the small Democratic stronghold of Oberlin. Combined with their Republican suburban and rural surroundings, these towns make Erie and Lorain extremely competitive. Democrat Richard Cordray won Lorain County in the 2018 gubernatorial election by 6,578 votes, and all other statewide Democrats also won Lorain County that year, but Donald Trump won Lorain County by 3,853 votes in the 2020 presidential election. In Erie County, while Trump won by over 4,000 votes in 2020, Republican Governor DeWine received only 83 more votes than Cordray.
93. In this region, the Commission's plan produced only a single, very Democratic seat, with an average Democratic vote share of 63 percent, surrounded by comfortably Republican seats. This was achieved by combining the cities of Lorain and Elyria into a single district, numbered 51. When drawing districts in Lorain County, I avoided this packing strategy. Rather, I drew separate Lorain (50) and Elyria (51) districts. The Sykes map also created separate Lorain (53) and Elyria-based (52) districts. In both my map and the Sykes map, the Lorain-based district ends up comfortably Democratic, while the Elyria seat is Democratic-leaning but quite competitive. The Sykes approach also creates a competitive Republican-leaning district that includes Sandusky and Oberlin. In general, the Sykes plan makes this section of the Lake Erie coastline quite competitive relative to the Commission's plan. The Citizens' Commission plan produces 2 comfortably Democratic seats, by creating a Lorain-centric district, numbered 53, as well as an elongated coastal district that pulls together Elyria, Oberlin, and Sandusky.
94. Next, in Cuyahoga County, the Commission's plan carved out a comfortable Republican district along the southern border of the county, numbered 17, as well as a competitive Parma-based district, numbered 15. Looking at Figure 9, one can see that district 17 was drawn so as to pull together Republican-leaning communities in the outer suburbs. Using all of the elections since 2016, District 15 has an average Democratic vote share of 51.7 percent, but it should be noted that Donald Trump won majorities in this district in both 2016 and 2020. In addition, the district that combines Cuyahoga, Geauga, and Summit counties is essentially a toss-up, with an average Democratic vote share of 50.1 percent. In short, this plan creates 3 districts that are either comfortable or quite competitive for Republican candidates.
95. As described above, my approach to Cuyahoga County was to pay no attention to partisanship, but rather, to focus on generating a House plan that would enable a valid Senate plan. This required careful efforts to avoid splitting municipalities, while creating districts that were as close as possible to the 5 percent population deviation threshold. Those efforts did not yield a majority-Republican district in southern Cuyahoga County. The same was true of the Citizens' plan, but the Sykes 9/15 plan did produce one such district.
96. As in other metro areas examined above, an important part of the reason for the difference between the Commission's plan and the alternative plans in Cuyahoga County is that the Commission produces 6 districts with Democratic majorities higher than 70 percent, while each of the alternative plans produces only 4 such highly packed districts.

97. Next, let us turn to Summit County. The Commission's plan produces 3 comfortable Democratic districts and 1 comfortable Republican district. My plan divided most of the county into 4 relatively compact quadrants, which generated 4 Democratic-leaning districts. The Sykes plan and Citizens' Commission plans also produced 3 majority-Democratic districts and 1 majority-Republican district, but 1 of the majority-Democratic districts in the Sykes plan—number 32—is extremely competitive, with an average Democratic vote share of only 50.7 percent.
98. Next, each redistricting plan had a different approach to the city of Canton. In the Commission's plan, the Canton district, number 49, is quite competitive for Republican candidates, with an average Democratic vote share of 51 percent. In my plan, and in both the Sykes and Citizens' Commission plans, a more compact Canton-based district (numbered 47 in the Rodden plan and 49 in the others), produced more comfortable Democratic majorities (53.9 percent in the Rodden plan, 54.5 in the Sykes plan, and 54.1 percent in the Citizens' plan).
99. Finally, Mahoning County is evenly divided, with 1 majority-Democratic districts and 1 majority-Republican district in the Commission's plan, in the Rodden plan, and in the Sykes plan. The population of Mahoning County makes it possible to draw 2 House districts that fall completely within Mahoning County. My plan, as well as the Citizens' Commission plan, were able to achieve this. Note that the configuration adopted by the Citizens' Commission plan led to the creation of 2 majority-Democratic districts rather than only 1.
100. As with the other metro areas examined above, in Northeast Ohio, my alternative plan, as well as the plans introduced by Senator Sykes and the Citizens' Commission produced a larger number of majority-Democratic districts than did the Commission's plan—thus pushing the overall plan in the direction of statewide partisan proportionality. This was not achieved by abandoning the application of traditional redistricting principles. By avoiding a split of Mahoning County, my plan and the Citizens' Commission plan contained 1 fewer county split in Northeast Ohio than did the Commission's plan. There is no evidence that the specific county splits and mergers selected in the Sykes or Citizens' Commission plans did greater violence to specific communities of interest than did the Commission's plan. As in the other parts of Ohio explored above, my alternative map was more compact on average than the Commission's map. The average Polsby-Popper score for my map, as well as the Citizens' map, in the districts of Northeast Ohio was .35. The score for the Commission's plan was .30, and that for the Sykes plan was .27. The average Reock scores were closer together. The average score for my plan was .41, the Citizens' Commission and the Ohio Redistricting Commission were both .39, and Sykes plan was .37.

#### *Summary of Case Studies*

101. This tour around Ohio's metropolitan areas helps explain how the Commission managed to produce so many Republican-majority districts relative to the statewide vote share. For the most part, they followed the strategy of packing and cracking the supporters of their opponents. In each metropolitan area discussed above, the Commission generated a set of extremely Democratic districts in urban core areas, leaving fewer Democrats to contribute to potential Democratic majorities in other districts. As demonstrated by the alternative maps,

it was always possible to abide by traditional redistricting principles and draw compact districts that did not produce nearly as many extremely Democratic districts. Packing occurred not just in dense neighborhoods in large cities. Another example of packing is in Lorain County, where two Democratic cities were stuffed into the same district.

102. Second, when possible, the Commission's maps attempted to prevent geographically proximate groups of Democrats from joining together to form a district. In the Cincinnati and Dayton metro areas, for instance, this involved splitting proximate suburban Black communities and scattering them across majority-Republican districts that were largely exurban and even rural. As demonstrated by the alternative plans, these choices were not driven by constitutional rules, traditional redistricting principles, or geographic constraints. Rather, they were driven by discretionary choices.
103. Third, while keeping proximate groups of Democrats apart, when possible, the Commission's plans always attempted to string together groups of proximate Republicans to carve out majority-Republican districts within urban counties. Often, this involved a configuration based on long, narrow strips hugging the county boundary in sparsely populated exurban areas. Examples include District 10 in southwest Franklin County, District 27 in eastern Hamilton County, District 39 outside of Dayton, and District 17 in southern Cuyahoga County. District 31 in Summit County follows the Republican-leaning exurbs almost all the way around Akron.
104. Additionally, the Commission was careful in its use of county splits near cities. In Franklin County, for example, the Commission created a series of under-populated but extremely Democratic districts, freeing up voters to combine with a neighboring rural, Republican county, thus minimizing the Democratic seats produced in the Columbus area.
105. These case studies demonstrated that it is not always necessary to draw bizarre-shaped districts in order to pursue the cracking and packing maneuvers that produce surprisingly pro-Republican outcomes. However, it is telling that in each metro area my maps were, on average, more compact than those produced by the Commission according to the Polsby-Popper measure, and in most cases, according to the Reock measure as well. The same was true of the maps produced by the Citizens' Commission. Recall from Tables 2 and 3 above that when considered as a whole, my maps and those produced by the Citizens' Commission were more compact by every measure than those produced by the Ohio Redistricting Commission.
106. Overall, the contrast between the Commission's map and the alternative maps allows us to rule out the claim that the surprisingly large number of anticipated Republican seats associated with the Commission's plan were somehow driven by the confluence of Ohio's political geography, the requirements of the Ohio Constitution, and a focus on traditional redistricting principles. Indeed, we have seen that three very different alternative plans came very close to overall partisan proportionality, while abiding by the rules of the Ohio Constitution and often hewing more closely to traditional redistricting principles.



## VII. CONCLUSION

107. Under no reasonable statistical method or definition do the Ohio State House of Representatives and Senate maps adopted by the Ohio Redistricting Commission achieve partisan proportionality.
108. The Commission's plan favors Republicans for reasons other than compliance with traditional redistricting principles and the Ohio Constitution's other requirements, as demonstrated by maps that I have prepared myself, as well as alternative maps presented to the Commission. These alternative maps achieve far greater partisan proportionality and are relatively similar, indeed in many cases better, according to traditional redistricting principles.

*Jonathan Andrew Rodden*

Jonathan Rodden

STATE OF FLORIDA COUNTY OF Duval

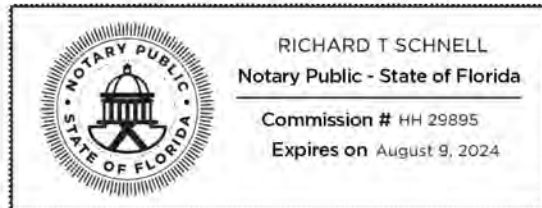
Sworn to before me this 22nd day of October 2021. by Jonathan Andrew Rodden

Provided Identification: Passport

*Richard T Schnell*

Notary Public Richard T Schnell

Notarized online using audio-video communication



My commission expires 08/09/2024

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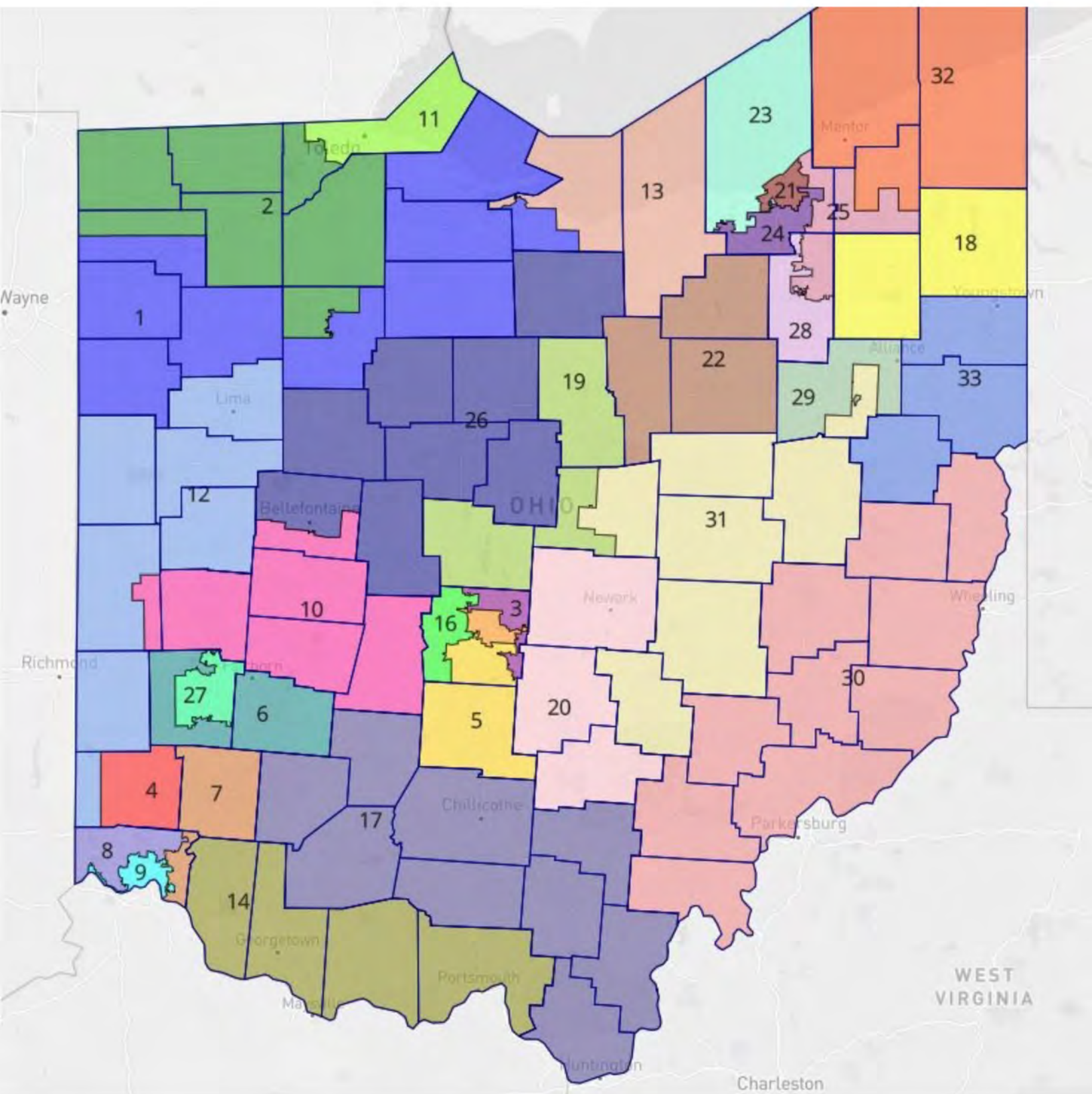
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# Exhibit H







IN THE SUPREME COURT OF OHIO

LEAGUE OF WOMEN VOTERS OF  
OHIO, et al.,

Relators

v.

OHIO REDISTRICTING COMMISSION,  
et al.,

Respondents.

Case No.

Original Action Pursuant to  
Ohio Const., Art. XI

AFFIDAVIT OF CHRISTOPHER WARSHAW

Franklin County

/ss

State of Ohio

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

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

FURTHER AFFIANT SAYETH NAUGHT.

Executed on 09/23/2021, 2021.

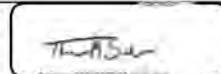


Christopher Warshaw

Sworn and subscribed before me this 09/23/2021 day of , 2021.



Notary Public



EXPERT\_0002

districting process has a large effect on partisan advantage in subsequent elections carried out under a given plan. Cox and Katz (2002) show that Democratic control of the redistricting process in many states during the 1960s led to a lasting partisan advantage for Democrats in House elections. More generally, Gelman and King (1994b) find that the party in control of redistricting shifts outcomes in its favor, and that “the effect is substantial and fades only very gradually over the following 10 years” (543). This result has been confirmed in numerous recent articles. McGhee (2014) finds that “parties seek to use redistricting to shift bias in their favor and that they are successful in these efforts” (74).<sup>22</sup> Finally, Stephanopoulos (2018) shows that partisan control of the districting process has a substantial effect on the efficiency gap.<sup>23</sup>

## 5 Historical Analysis of Partisan Bias in Ohio’s Legislative Districts

In this section, I provide an historical overview of the partisan bias in Ohio’s state legislative districts over the past 50 years. Figure 3 shows trends in the proportionality bias in Ohio’s state legislative districts between 1972 and 2020.<sup>24</sup> It indicates that the 2011 redistricting plan led to a large Republican advantage in Ohio state legislative elections.

In the state house elections in 2012, Democratic candidates won 50.2% of the statewide vote, but they won only 39.4% of Ohio’s state house seats. This led to a pro-Republican proportionality bias, for instance, of approximately -11%. The results in the next few state house elections were fairly similar to those in 2012. Democrats won 45.1% of the votes, but only 35.4% of the seats in the 2020 state house elections. Thus, Ohio’s state house had a pro-Republican proportionality bias approximately 10% in 2020.

The state senate is similar. Over the 2015-2022 period when the previous map was fully in place, Democrats controlled about 27% of the seats and the state senate had a pro-Republican proportionality bias of about -16%.<sup>25</sup> Democrats only controlled 24% of the seats after the state senate election in 2020, despite winning nearly 45% of the

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lines to accomplish goals other than maximizing partisan seat share, such as ensuring the representation of racial minorities (e.g., Brace, Grofman, and Handley 1987).

22. McGhee (2014) finds that partisan control affects the districting process using both the Gelman and King (1994b) measure of partisan symmetry and the efficiency gap as outcome variables.

23. He shows that states with unified Republican control have about 5 percentage points more pro-Republican efficiency gaps than states with split control, and states with unified Democratic control have about 3 percentage points more pro-Democratic efficiency gaps than states with split control.

24. Note that detailed nationwide data on state legislative elections in 2020 is not yet available.

25. If we also include 2012 when only half the seats were elected under the 2012-2020 map, Democrats controlled about 28% of the seats over the course of the decade.



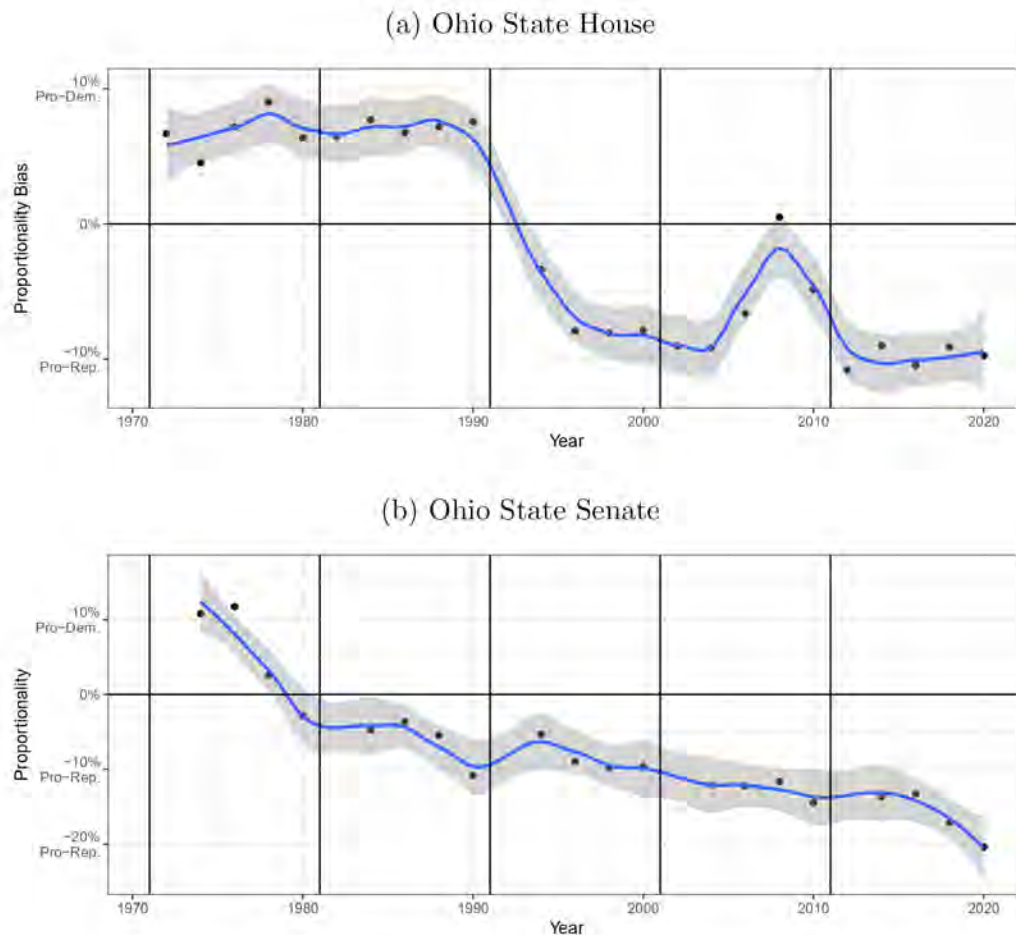


Figure 3: Historical Trajectory of the Proportionality in Ohio. Each vertical line shows the demarcation between decennial redistricting plans. The blue line shows the moving average and the grey bar is a confidence interval. The dots represent the proportionality bias in each year in Ohio.

statewide vote.

We see similar levels of pro-Republican bias using other metrics of partisan bias. Figures 5 and 6 compare Ohio to other states using a variety of different metrics. Each dot in the charts represents a particular state's partisan advantage for state house and state senate elections in that state that year. Overall, Ohio's state house election in 2012 (when the last districting plan went into place) had a larger pro-Republican bias in its Efficiency Gap than 95.9% of the state house elections over the past five decades, and it had a larger absolute bias than 87% of previous plans. Figures 5 and 6 also show that the pro-Republican bias in Ohio's state legislative plans was very durable and stable across the 2012-2020 period.

Turning to other metrics of partisan bias in districting plans, Ohio's 2012 elections

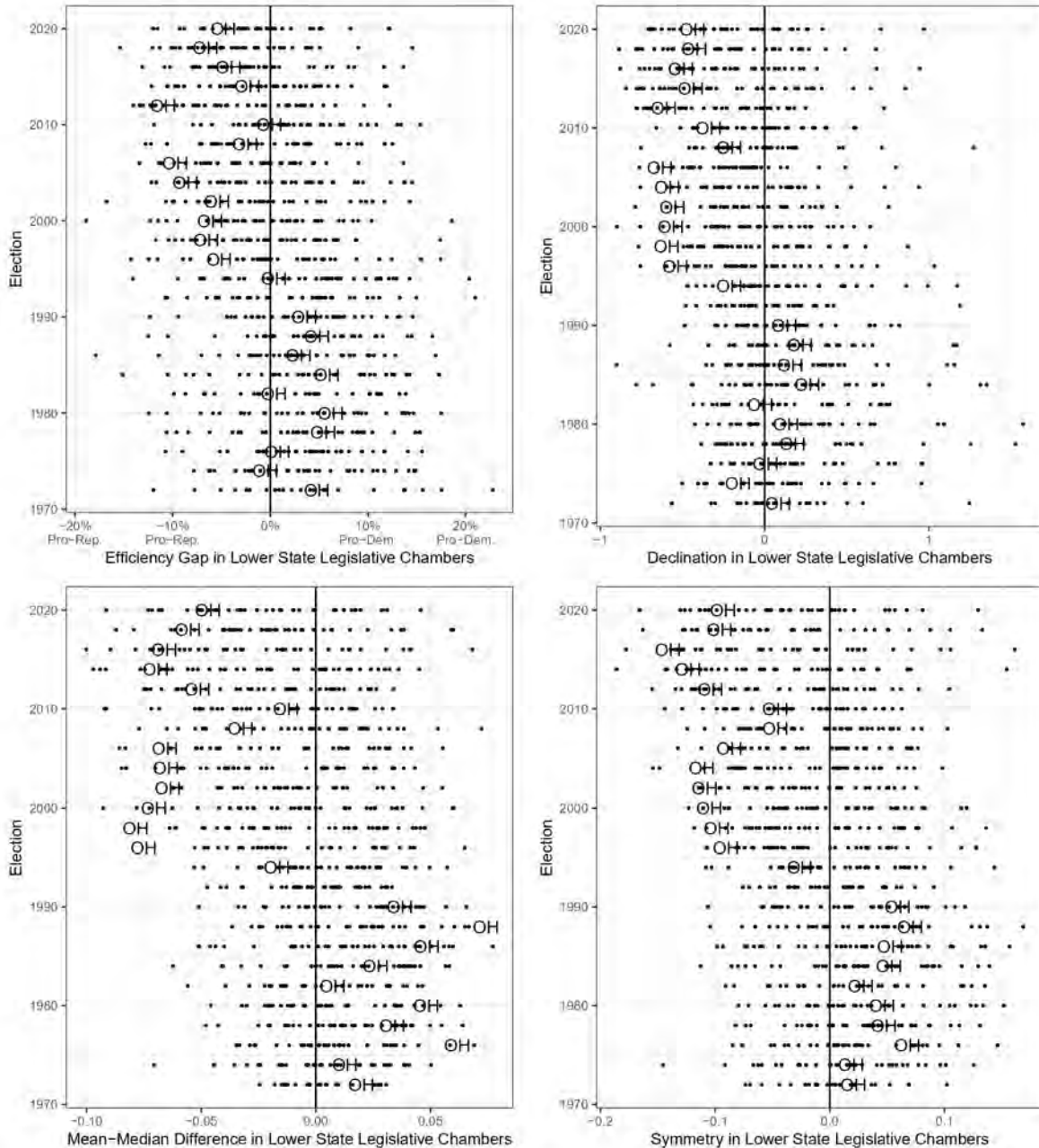


Figure 5: Partisan Advantage in Ohio's State House Relative to Other States. The dots represent the metrics in individual states. The metrics in Ohio are labelled to distinguish them from other states. Negative values are pro-Republican and positive values are pro-Democratic.

Overall, this evidence indicates that Ohio's state legislative plans during the 2012-2020 period has a historically extreme level of pro-Republican bias. The next section will examine whether the state Commission's enacted plans reduce this bias and are likely to yield legislative results that are proportional to the statewide vote and not designed to

## 6 Partisan Bias in Ohio's Enacted State Legislative Districting Plans

In this section, I will provide a comprehensive evaluation of the partisan fairness of Ohio's enacted state legislative districting plan (see Figure 7 for maps of the enacted plans).



Figure 7: Map of Enacted State House and Senate Districts from PlanScore.org

The analysis in the previous section used actual, historical legislative election results to estimate the partisan fairness of Ohio's past state legislative district plans. In order to evaluate the enacted plans, however, we need to predict future election results on this map. Unfortunately, there is no way to know, with certainty, the results of future elections. I use two complementary methodologies to predict future legislative elections in Ohio and generate the various metrics I discussed earlier.

First, I use a composite of previous statewide election results between 2012-2020.<sup>26</sup> This approach is based on the approach discussed in Article XI, Section 6 of Ohio's Constitution, which states that the "statewide state and federal partisan general election results during the last ten years" shall be used to determine the proportion of voters supporting each party. I aggregate these election results to estimate the Democratic and Republican vote shares in each district of the enacted state legislative plans.<sup>27</sup> This

26. These elections include the 2012 Presidential election, the 2012 Senate election, the 2014 gubernatorial election, the 2014 Secretary of State election, the 2016 Presidential election, the 2016 Senate election, the 2018 Senate election, the 2018 gubernatorial election, the 2018 attorney's general election, the 2018 Secretary of State election, the 2018 Auditor election, the 2018 Treasurer, and the 2020 Presidential election. Geographic data on the other three statewide elections in 2014 is not readily available. But this probably doesn't affect my results much since these elections were similar to the average of the 2014 gubernatorial and Secretary of State elections.

27. I weight the composite scores to give each election cycle equal weight in the index.



approach implicitly assumes that future election results will look like the average of these recent statewide elections.

Second, I evaluate the enacted plans using a more sophisticated, predictive model from the PlanScore.org website. PlanScore uses a statistical model of the relationship between districts' latent partisanship and election outcomes. This enables it to estimate district-level vote shares for a new map and the corresponding partisan gerrymandering metrics.<sup>28</sup> Based on these two approaches, I characterize the bias in Ohio's plan using each of the metrics discussed above. I also place the bias in Ohio's plan into historical perspective.

Both of these approaches indicate that the enacted plan is just as biased, if not even more biased, than the 2012-2020 plan. Moreover, the enacted plan has an extreme level of partisan bias compared to other plans over the past 50 years. Overall, the enacted plan appears to violate both Article XI, Section 6(A) and (B) of Ohio's Constitution. It violates Section 6(A) by appearing to being drawn to favor on political party based on a variety of metrics. It violates Section 6(B) because the two-parties' seat shares do not correspond closely to their vote shares.

## 6.1 Analysis based on Proportionality Metric

First, I evaluate the enacted plans based on the proportionality metric embedded in the State's Constitution. Table 4 shows the proportionality of the enacted state Senate plans using both the composite of recent statewide elections and the PlanScore predictive model. The top two rows show the results for the current 2012-2020 plan. They indicate that this plan is estimated to lead Democrats to get 13-14% fewer seats than votes. Thus, this plan clearly fails the proportionality test established by Ohio's Constitution. The next two rows show the proportionality of the Commission's enacted map for 2022-2030. This map too is predicted to lead Democrats to get 14-15% fewer seats than votes. Thus, it too fails the proportionality test established by the Constitution.

Plan	Modeling Approach	Dem. Voteshare	Dem. Seatshare	Proportionality Bias	More Biased than % of Plans	More Pro-Rep. than % of Plans
2012-2020 Plan	2012-20 Composite	45%	32%	-13%	68%	86%
2012-2020 Plan	PlanScore	44%	30%	-14%	70%	87%
Commission's Plan	2012-20 Composite	45%	31%	-14%	69%	87%
Commission's Plan	PlanScore	44%	29%	-15%	73%	89%

Table 4: Proportionality metrics for State Senate plan

28. See <https://planscore.campaignlegal.org/models/data/2021B/> for more details.

Figure 5 shows the proportionality for the enacted state House plans. Once again, the top two rows show the results for the current 2012-2020 plan. They indicate that this plan is estimated to lead Democrats to get 12-13% fewer seats than votes. Thus, this plan violates the proportionality requirements set forth in Ohio's Constitution. The next two rows show the proportionality of the Commission's enacted map for 2022-2030. This map too is predicted to lead Democrats to get about 12% fewer seats than votes. As a result, it too fails the proportionality test established by the Constitution.

Plan	Modeling Approach	Dem. Voteshare	Dem. Seatshare	Proportionality Bias	More Biased than % of Plans	More Pro-Rep. than % of Plans
2012-2020 Plan	2012-20 Composite	45%	33%	-12%	68%	88%
2012-2020 Plan	PlanScore	44%	31%	-13%	72%	89%
Commission's Plan	2012-20 Composite	45%	33%	-12%	66%	86%
Commission's Plan	PlanScore	44%	32%	-12%	68%	88%

Table 5: Proportionality metrics for State House plan

## 6.2 Evaluation using Additional Partisan Bias Metrics

In this section, I evaluate the Commission's enacted plans using the other metrics I discussed earlier (Tables 6 and 7). These metrics further support the conclusion that Ohio's enacted plan violates Article XI, Section 6(A) of Ohio's Constitution because they are drawn to favor a particular political party.

First, I use the composite of previous statewide election results to estimate the various metrics. For the state Senate, the average efficiency gap of the enacted plan based on these previous election results is -9%. This is more extreme than 73% of previous plans and more pro-Republican than 86% of previous plans. The other metrics also show that Ohio's enacted plan has a substantial pro-Republican bias. When we average across all four metrics, the plan is more extreme than 77% of previous plans and more pro-Republican than 86% of previous plans.

For the state House, average efficiency gap of the enacted plan based on these previous election results is -7%. This is more extreme than 65% of previous plans and more pro-Republican than 85% of previous plans. The other metrics also show that Ohio's enacted plan has a large pro-Republican bias. When we average across all four metrics, the plan is more extreme than 75% of previous plans and more pro-Republican than 87% of previous plans.

Next, I use the PlanScore website to evaluate the enacted state legislative plan. PlanScore uses a statistical model to predict the results of each district in the enacted



Metric	Value	More Biased than this % Historical Plans	More Pro-Republican than this % Historical Plans
<b>2012-2020 Plan</b>			
Efficiency Gap	-8%	70%	85%
Mean-Median Diff	-3%	68%	76%
Declination	-.40	72%	84%
Symmetry	-12%	92%	94%
Average		76%	85%
<b>Commission's Enacted Plan</b>			
Efficiency Gap	-9%	73%	86%
Mean-Median Diff	-4%	71%	78%
Declination	-.44	75%	86%
Symmetry	-11%	88%	92%
Average		77%	86%

Table 6: Additional partisan bias metrics for State Senate plan based on composite election results

Metric	Value	More Biased than this % Historical Plans	More Pro-Republican than this % Historical Plans
<b>2012-2020 Plan</b>			
Efficiency Gap	-7%	70%	88%
Mean-Median Diff	-4%	75%	83%
Declination	-0.58	86%	93%
Symmetry	-9%	82%	88%
Average		78%	88%
<b>Commission's Enacted Plan</b>			
Efficiency Gap	-7%	65%	85%
Mean-Median Diff	-3%	61%	77%
Declination	-.50	82%	91%
Symmetry	-11%	91%	94%
Average		75%	87%

Table 7: Composite partisan bias metrics for State House plan

plan based on relationship between past legislative elections over the past decade and recent presidential election results.<sup>29</sup> It then calculates various partisan bias metrics. In this case, PlanScore provides estimates of the efficiency gap and declination.<sup>30</sup>

The efficiency gap and declination metrics estimated by PlanScore are very similar to my estimates based on a composite of recent election results. Across these two metrics, the enacted state Senate plan favors Republicans in 99% of PlanScore's scenarios (Table

29. The model is described in more detail on this web page: <https://planscore.campaignlegal.org/models/data/2021B/>.

30. The partisan symmetry and mean-median difference scores are only shown when the parties' statewide vote shares fall between 45% and 55% because outside this range the metrics' assumptions are less plausible (McGhee 2017, 9). In the PlanScore model, the Democrats' two-party vote share is just below 45%.

8).<sup>31</sup> It is more extreme than 80% of previous plans and more pro-Republican than 91% of previous plans.

Metric	Value	Favors Rep's in this % of Scenarios	More Biased than this % Historical Plans	More Pro-Republican than this % Historical Plans
<b>2012-2020 Plan</b>				
Efficiency Gap	-8%	97%	72%	85%
Declination	-.38	99%	75%	87%
Average		98%	74%	86%
<b>Commission's Enacted Plan</b>				
Efficiency Gap	-9%	98%	80%	92%
Declination	-.46	99%	80%	90%
Average		99%	80%	91%

Table 8: PlanScore partisan bias metrics for state senate plan

PlanScore indicates that the enacted state House plan also has a substantial pro-Republican bias. The state House plan favors Republicans in 98% of the scenarios estimated by PlanScore (Table 9).<sup>32</sup> Moreover, it is more extreme than 75% of previous plans and more pro-Republican than 90% of previous plans.

Metric	Value	Favors Rep's in this % of Scenarios	More Biased than this % Historical Plans	More Pro-Republican than this % Historical Plans
<b>2012-2020 Plan</b>				
Efficiency Gap	-8%	97%	75%	91%
Declination	-.54	99%	87%	95%
Average		98%	81%	93%
<b>Commission's Enacted Plan</b>				
Efficiency Gap	-6.5%	97%	68%	90%
Declination	-.47	99%	81%	90%
Average		98%	75%	90%

Table 9: PlanScore partisan bias metrics for state house plan

31. See <https://planscore.campaignlegal.org/plan.html?20210917T195933.527730209Z>

32. See <https://planscore.campaignlegal.org/plan.html?20210917T195948.683202507Z>

### 6.3 The Responsiveness of Ohio's Enacted State Legislative Plan to Changes in Voters' Preferences

As I discussed earlier, the responsiveness of a map indicates how many seats change hands as vote shares rise and fall. An unresponsive map ensures that the bias in a districting plan toward the advantaged party is insulated against changes in voters' preferences, and thus is durable across multiple election cycles. In addition to serving as an indicator of the durability of a gerrymander, some scholars have suggested that responsiveness is another metric to measure gerrymandering itself (Cox and Katz 1999). There are a couple of approaches we might use to measure the responsiveness of a districting plan.

I evaluate the responsiveness based on the number of competitive districts. I use slightly different approaches to define a competitive district in the composite election results and the PlanScore predictive model. In the composite election results, I define it based on whether the winning party received less than 55% of the two-party vote (Jacobson and Carson 2015, 91). In the PlanScore results, I define it based on whether there is at least a 50% probability that each party will win a district over a decade-long redistricting cycle.<sup>33</sup> I find that the Commission's enacted plans lead to a small number of competitive districts. In both plans, approximately 20% of the districts would be competitive.

	2012-20 Composite	PlanScore
2012-2020 Plan	18%	21%
Commission's Enacted Plan	16%	21%

Table 10: Competitiveness metrics for State Senate plan

	2012-20 Composite	PlanScore
2012-2020 Plan	17%	22%
Commission's Enacted Plan	18%	21%

Table 11: Competitiveness metrics for State House plan

33. In general, however, these definitions are similar. There is roughly a 50% probability that each party will win a district over a decade-long redistricting cycle when the expected two-party vote share is between 45-55%.

**IN THE SUPREME COURT OF OHIO**

League of Women Voters of Ohio, *et al.*,

*Relators,*

v.

Ohio Redistricting Commission, *et al.*,

*Respondents.*

Case No. 2021-1193

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**AFFIDAVIT OF RAYMOND E. DIROSSI**

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Now comes affiant Raymond E. DiRossi, having been first duly cautioned and sworn, deposes and states as follows:

1. My name is Raymond E. DiRossi. I am over the age of 18, competent to give this testimony, and have personal knowledge of the facts set forth herein.
2. I am the Director for Budget and Finance in the Ohio Senate.
3. I participated in drawing the final General Assembly district plan that was ultimately approved by the Ohio Redistricting Commission (the "Adopted Map"). In drawing the Adopted Map, I utilized geographic information system computer software by Caliper Corporation called Maptitude.
4. Among other things, once a user of Maptitude loads a block assignment file into Maptitude, the software allows a user to see how districts are configured, how they are numbered, whether districts are contiguous, and the population of districts.



5. The maps contained in this affidavit are all images that I captured from Maptitude while reviewing the below-referenced plans and districts in Maptitude, and are provided to illustrate the issues I uncovered with the plans. I marked up some screenshots with red circles, rectangles, or squares or black asterisks for demonstrative purposes; other than such red circles, rectangles, or squares or black asterisks, the maps contained in this affidavit are all true and accurate copies of what I viewed in Maptitude.
6. In addition to the redistricting cycle that is underway in 2021, I also actively participated in drawing Ohio's congressional and legislative maps that were ultimately approved in 2001 and 2011.

**I. Analysis of Sykes Sept. 15<sup>th</sup> Plan.**

7. During the final day of negotiations, Ohio Redistricting Commission members Senator Vernon Sykes and House Minority Leader Emilia Sykes offered a final proposed General Assembly district plan to the members of the Commission on September 15, 2021 ("Sykes Sept. 15<sup>th</sup> Plan"). The Sykes Sept. 15<sup>th</sup> Plan can be found here: <https://redistricting.ohio.gov/assets/district-maps/district-map-172.zip>.
8. While the Sykes Sept. 15<sup>th</sup> Plan was not adopted by the Commission, I was asked to analyze the Sykes Sept. 15<sup>th</sup> Plan, and have found that it appears to include a number of districts that were constructed in a manner that is inconsistent with the required rules set forth in Article XI of the Ohio Constitution.
9. To perform my analysis of the Sykes Sept. 15<sup>th</sup> Plan, I reviewed the block assignment files that Senator Sykes and Leader Sykes uploaded to the Ohio Redistricting Commission's website on September 15, 2021. I performed my review of the block assignment files by opening them in Maptitude. From there, I proceeded to review in Maptitude if every



county, township, or municipal corporation was assigned to districts properly, and if House districts and Senate districts were constructed properly.

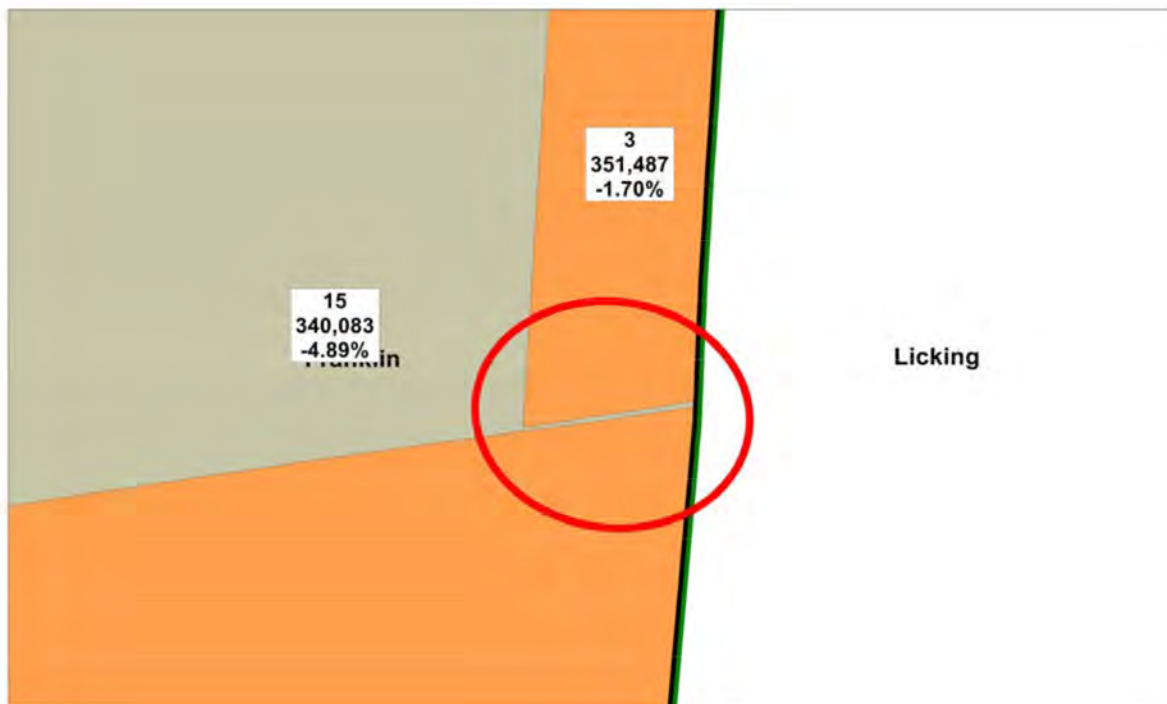
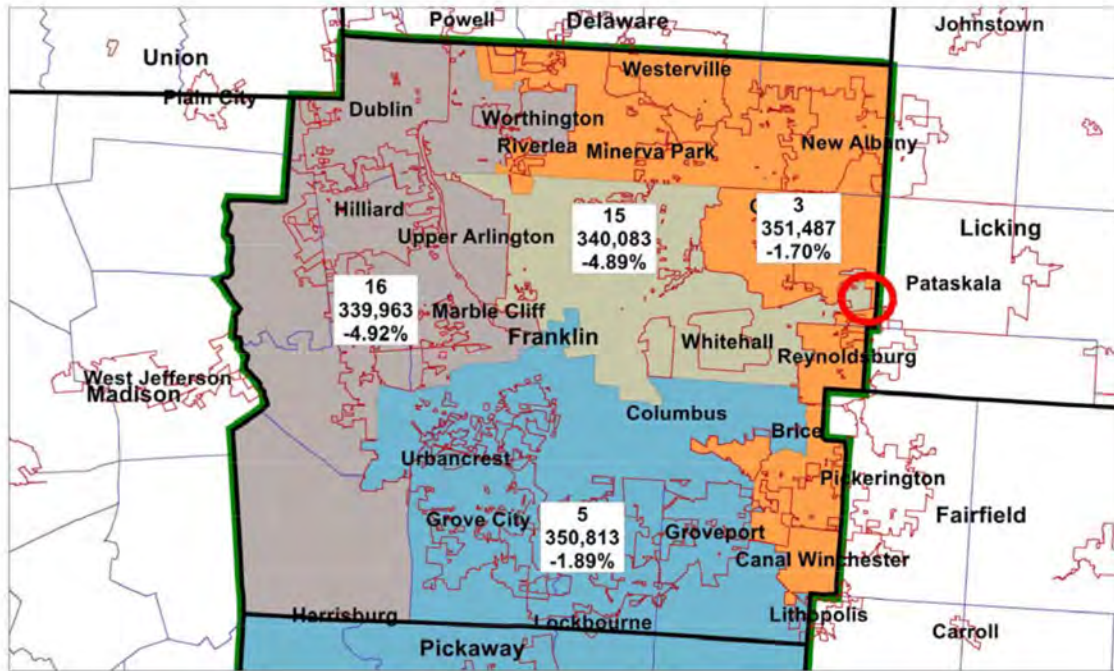
**A. Sykes Senate Map.**

10. The Sykes Sept. 15<sup>th</sup> Plan includes a separate House and Senate Map (“Sykes House Map” and “Sykes Senate Map”, respectively). The Sykes House Map and the Sykes Senate Map, offered by Senator Sykes and Leader Sykes, can be found here:

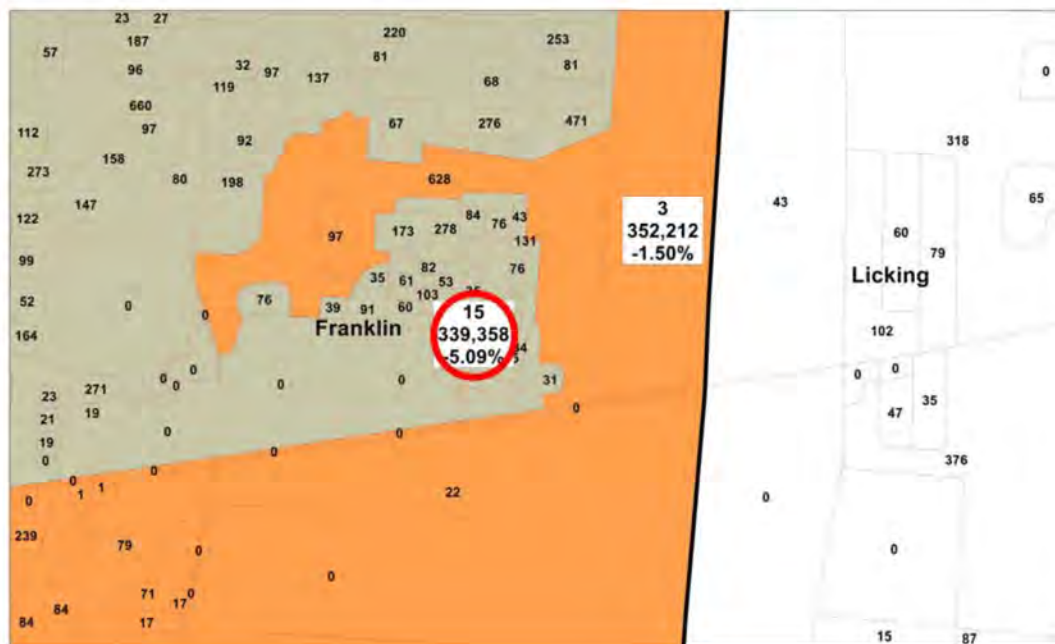
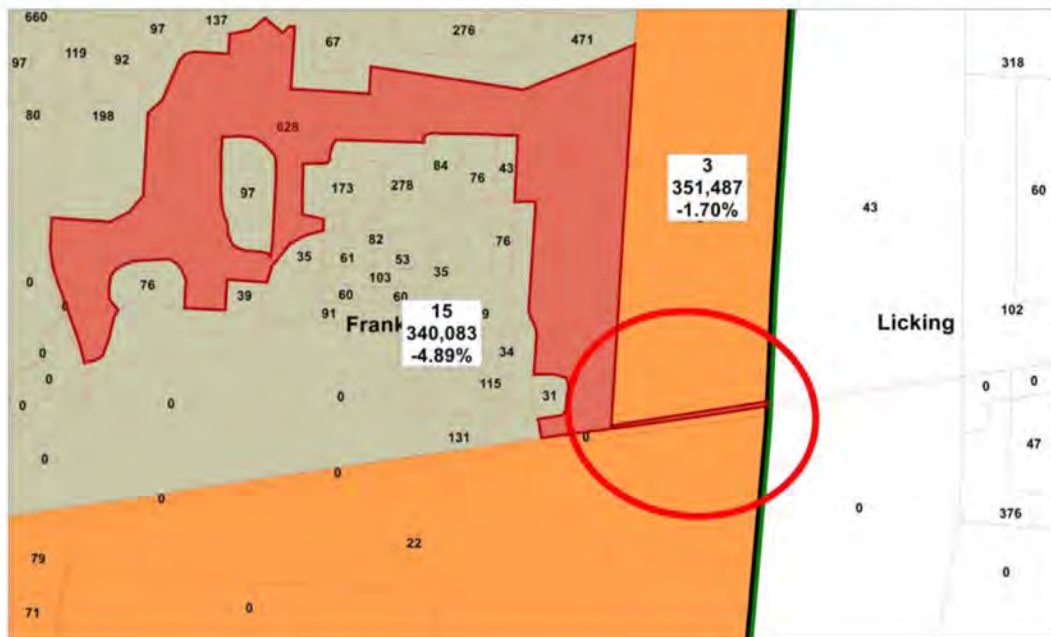
<https://www.redistricting.ohio.gov/assets/district-maps/district-map-172.zip>

1. Franklin County

11. Section 4(A) of Article XI of the Ohio Constitution states that “Senate districts shall be composed of three contiguous house of representatives districts.”
12. In addition, Section 3(B)(1) of Article XI of the Ohio Constitution states that “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.”
13. Senate District 3 in the Sykes Senate Map is located in Franklin County. The way that district is constructed appears to violate Section 4(A) in that it is not contiguous in that two census blocks currently assigned to Senate District 15, containing 725 people, bisect Senate District 3. Additionally, and as a result, the boundary of Senate District 3 in the Sykes Senate Map is not a single nonintersecting continuous line.

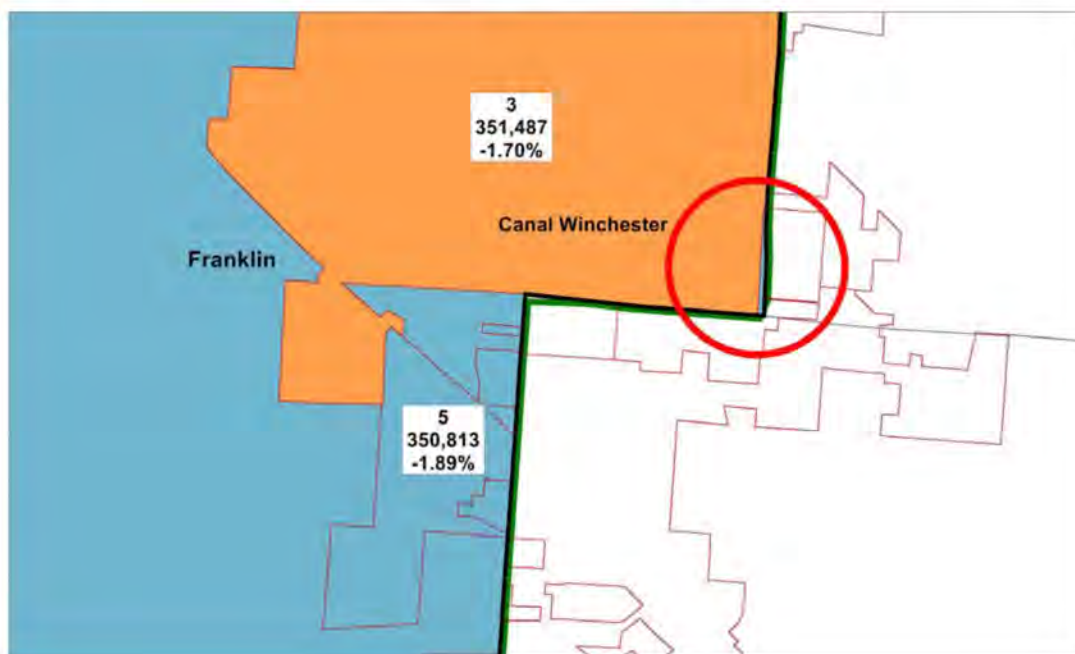
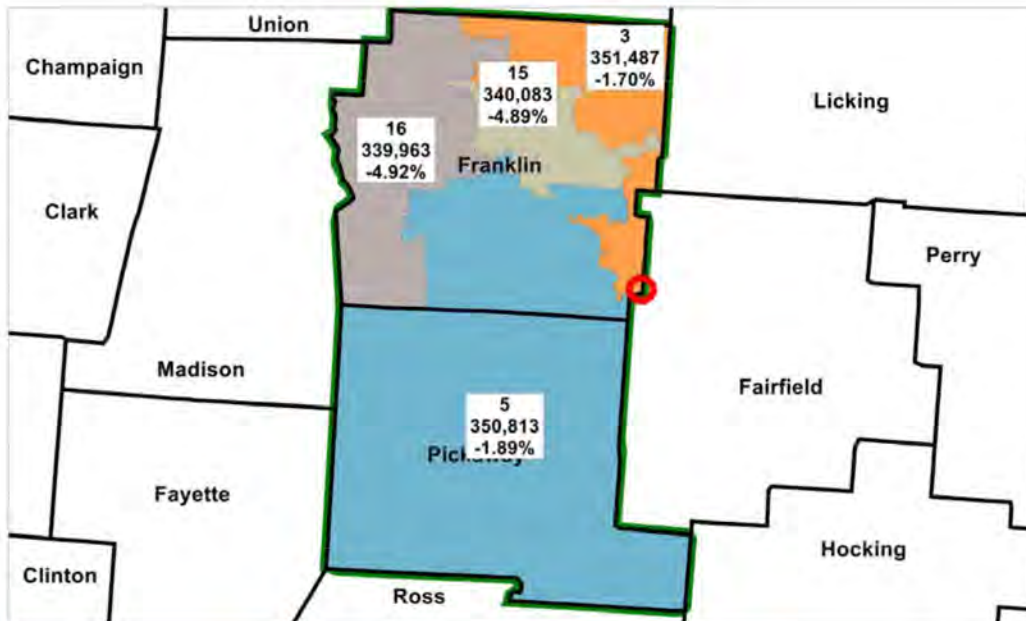


14. If the piece of Senate District 15, which bisects Senate District 3, is added into Senate District 3 to make it contiguous, it would appear to cause Senate District 15 to violate Section 3(B)(1) of Article XI of the Ohio Constitution, in that Senate District 15 would have less than ninety-five percent of the applicable ratio of representation.



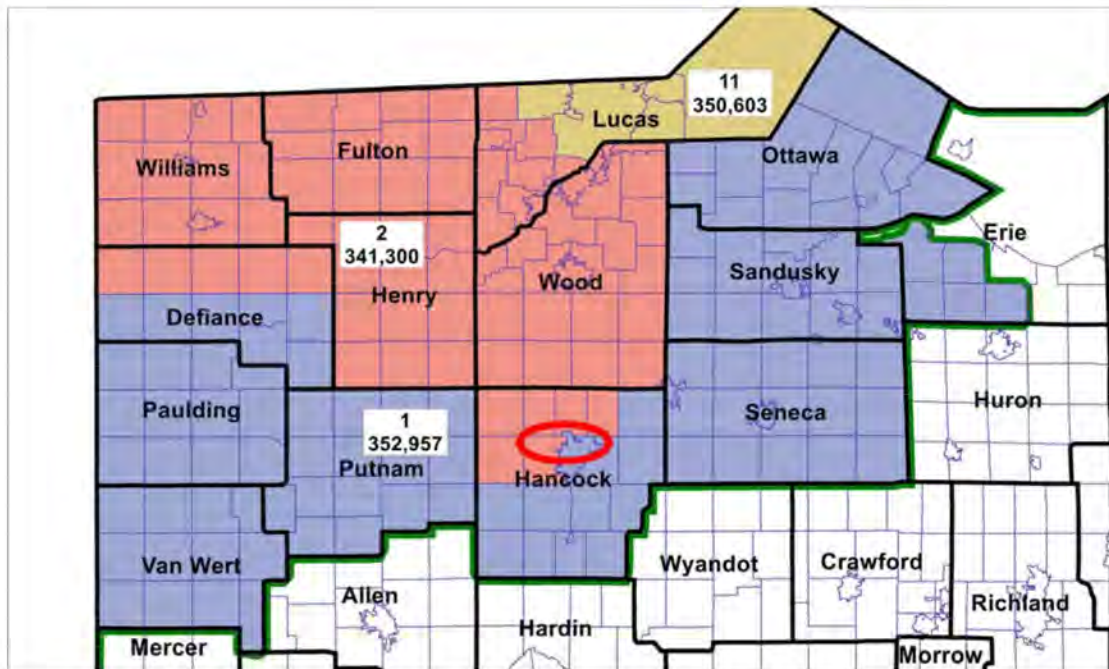


15. Senate District 5 located in Franklin County in the Sykes Senate Map is also not contiguous. Part of Senate District 5 is located nowhere near the main portion of Senate District 5, and is instead surrounded by Senate District 3 in Franklin County and Senate District 20 in Fairfield County. Accordingly, Senate District 5 in the Sykes Senate Map is not a single nonintersecting continuous line.

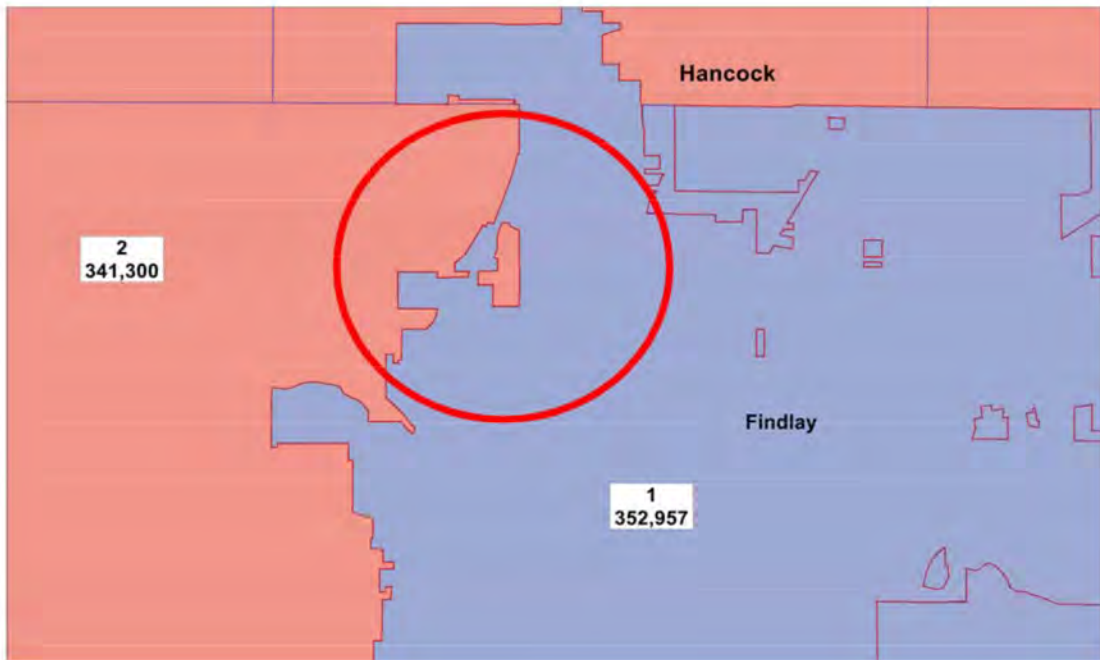


2. Hancock County.

16. Section 3(B)(3) of Article XI of the Ohio Constitution states that “Every general assembly district shall be composed of contiguous territory, and the boundary of each district shall be a single nonintersecting continuous line.”
17. Similarly, Section 4(A) of Article XI of the Ohio Constitution, provides that “Senate districts shall be composed of three contiguous house of representatives districts.”
18. Senate District 2 in the Sykes Senate Map appears to violate the contiguity requirement in Sections 3(B)(3) and 4(A), in that Senate District 2 is not contiguous. Specifically, Senate District 2 in the Sykes Senate Map would have 729 people completely surrounded by Senate District 1. This breaks contiguity, in that the boundary of Senate District 2 in the Sykes Senate Map is not a single nonintersecting continuous line.







3. Montgomery County.

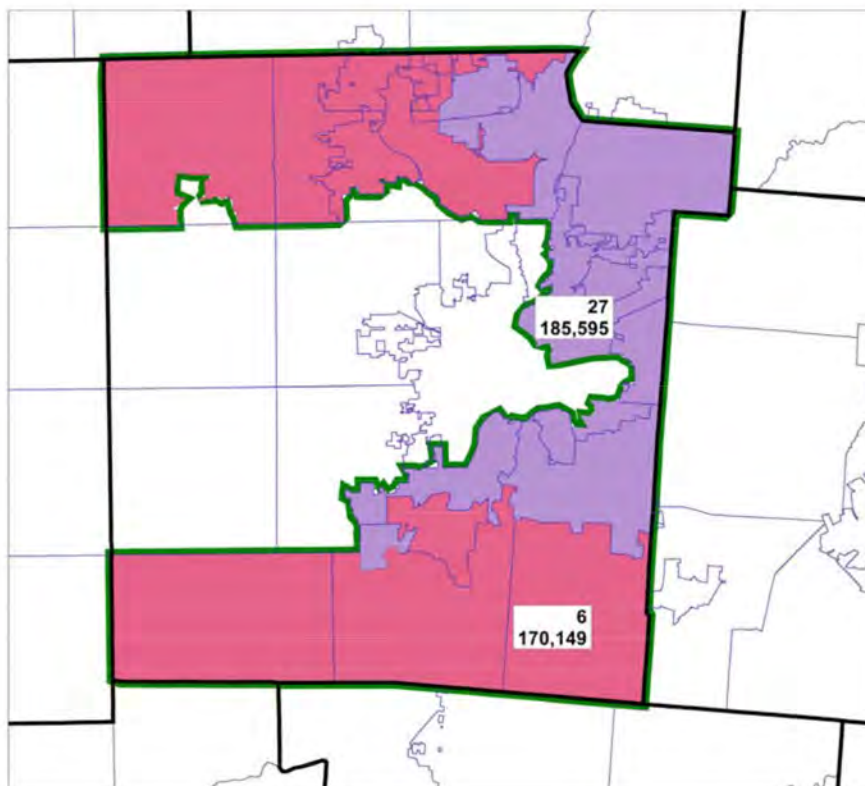
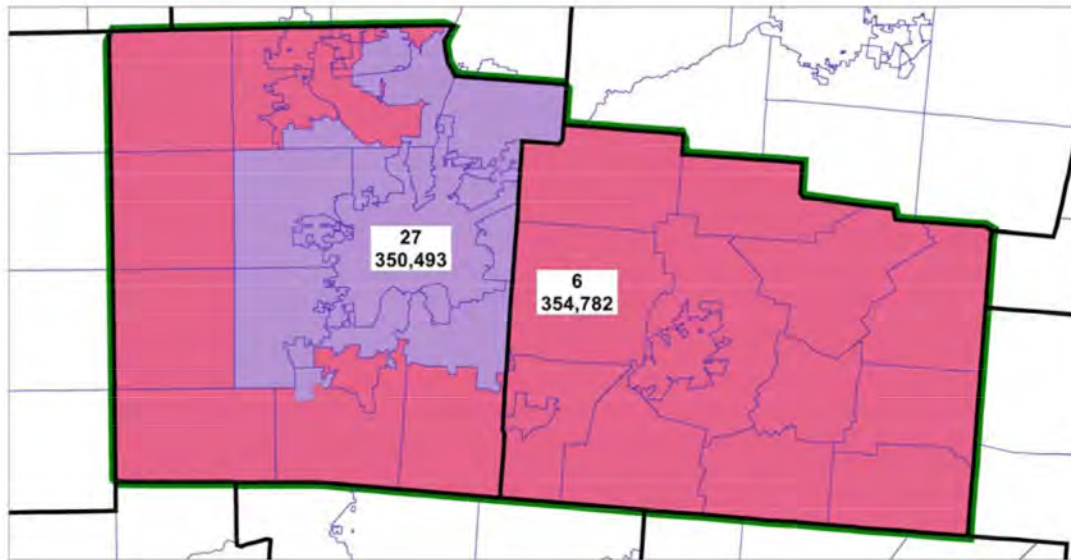
19. Section 5 of Article XI of the Ohio Constitution states, in pertinent part:

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.**

(emphasis added).

20. There are two Senate Districts currently located in Montgomery County: Senate District 5, representing a portion of Montgomery County, and Senate District 6, representing the remainder of Montgomery County. The current incumbent state senator was most recently elected to Senate District 6 in 2020, and will not run for re-election until 2024. As such, his term shall not expire within two years of the time that the Adopted Map became effective, and he retains the number of his current senate district (e.g. Senate District 6). In contrast, the next election for Ohio Senate District 27 is in 2022.
21. In the Sykes Senate Map, the current Senate District 6 is divided into two districts. The proposed Senate District 6 in the Sykes Senate Map contains 170,149 persons from the current Senate District 6. The proposed Senate District 27 in the Sykes Senate Map contains 185,595 persons from the current Senate District 6.
22. As such, the senate district that contains the largest portion of the population of current Senate District 6 was incorrectly assigned in the Sykes Senate Plan as Senate District 27, rather than Senate District 6. What this means is that the Sykes Senate Map would prevent the current duly elected senator from Senate District 6 from serving out the senator's full four-year term in the correct Senate district. Accordingly, the Sykes Senate Map's

numbering of Senate Districts 6 and 27 appears to violate Article XI, Sec. 5 of the Ohio Constitution.

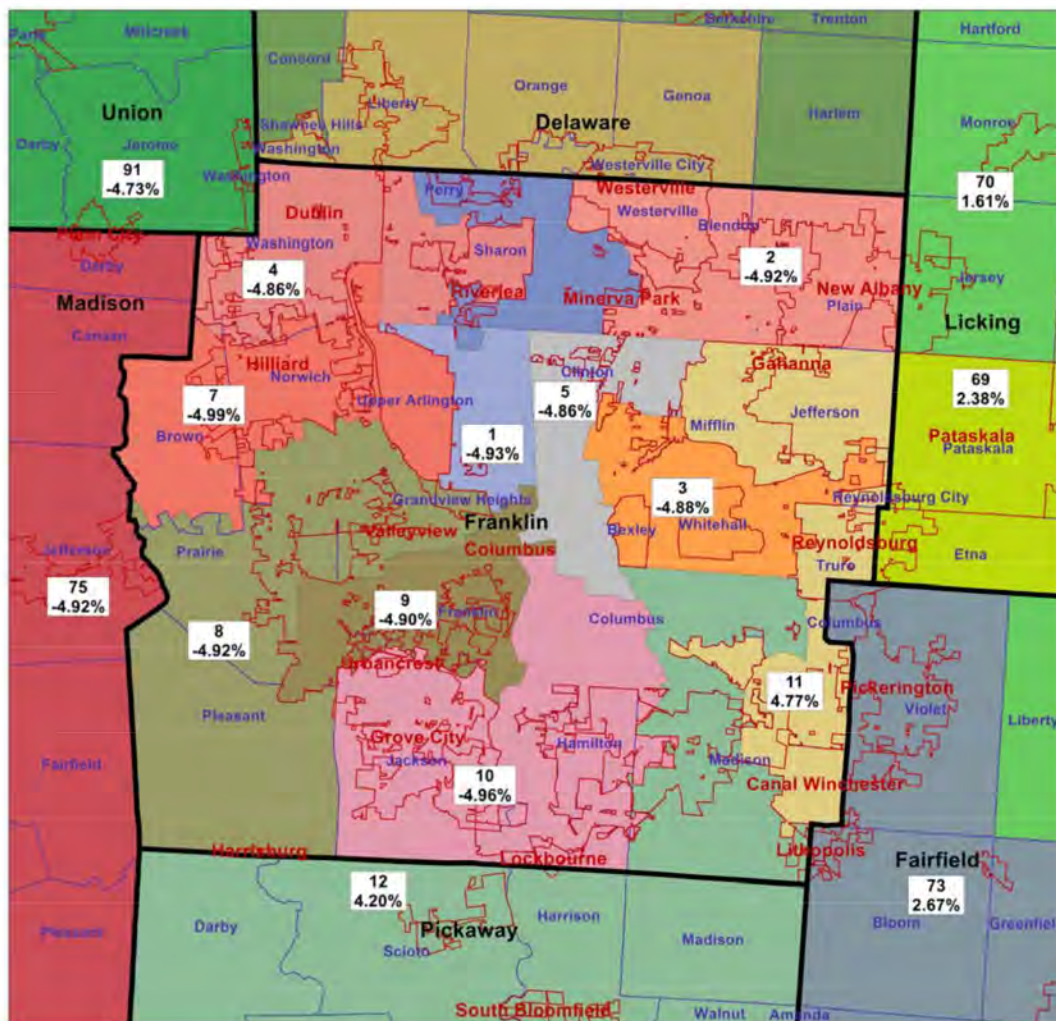


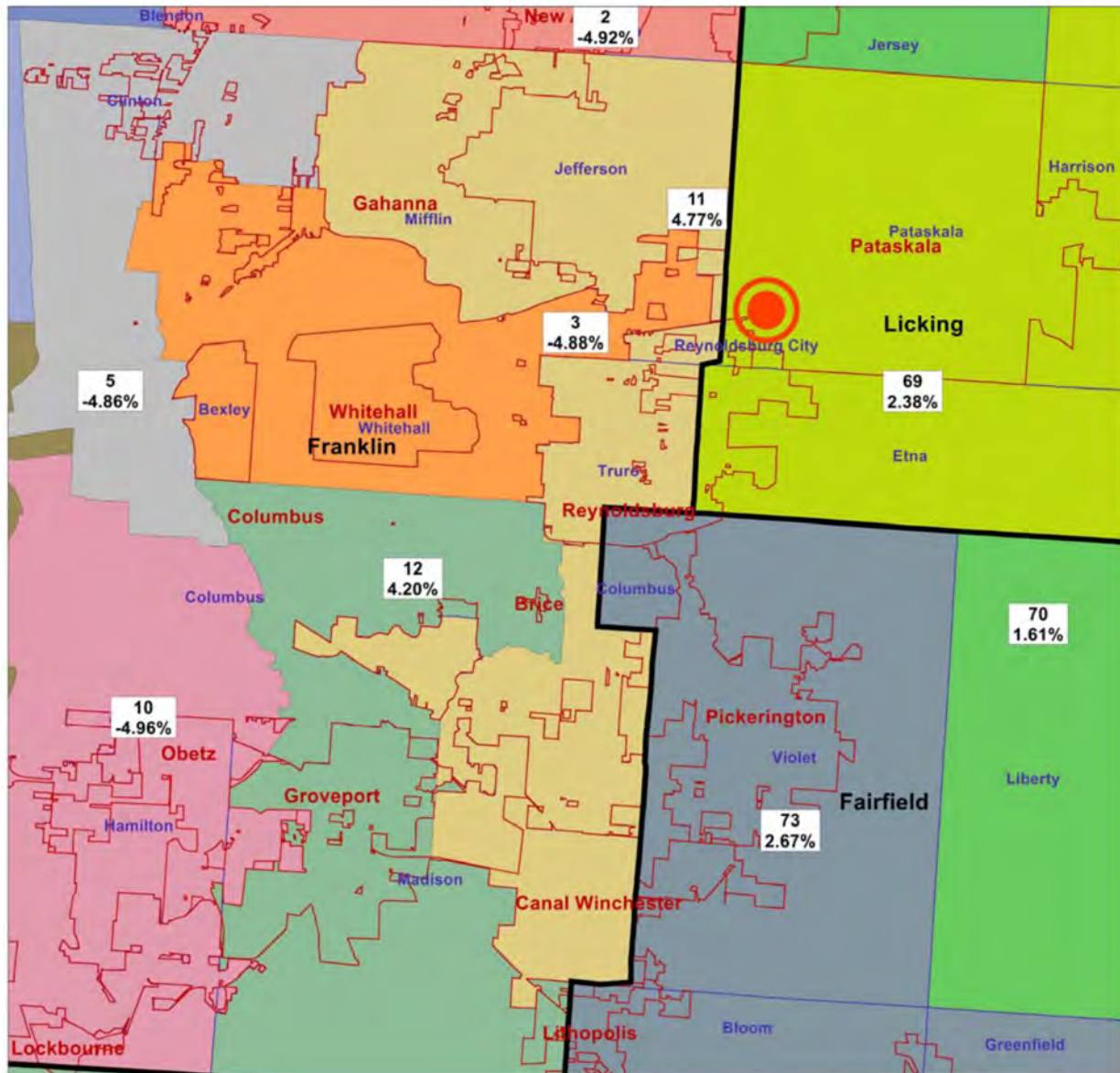


## B. Sykes House Map

### 1. Franklin County

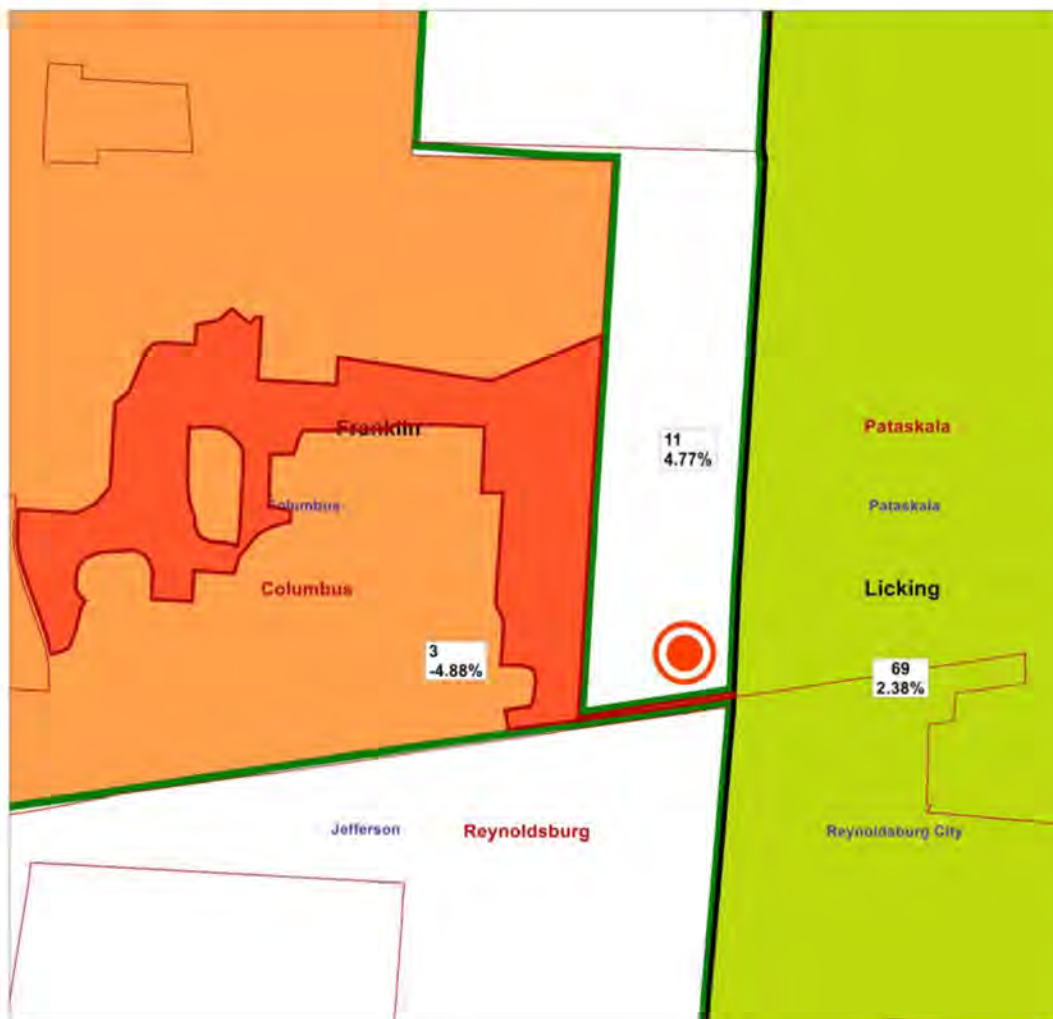
23. Section 3(B)(3) of Article XI of the Ohio Constitution provides that “Every general assembly district shall be composed of contiguous territory, and the boundary of each district shall be a single nonintersecting continuous line.”
24. In the Sykes House Map, House Districts 3 and 11 are fully located in Franklin County. House District 11, however, is not contiguous due to a part of House District 3, composed of 725 people, bisecting House District 11. This breaks contiguity, in that the boundary of House District 11 in the Sykes House Map is not a single nonintersecting continuous line.

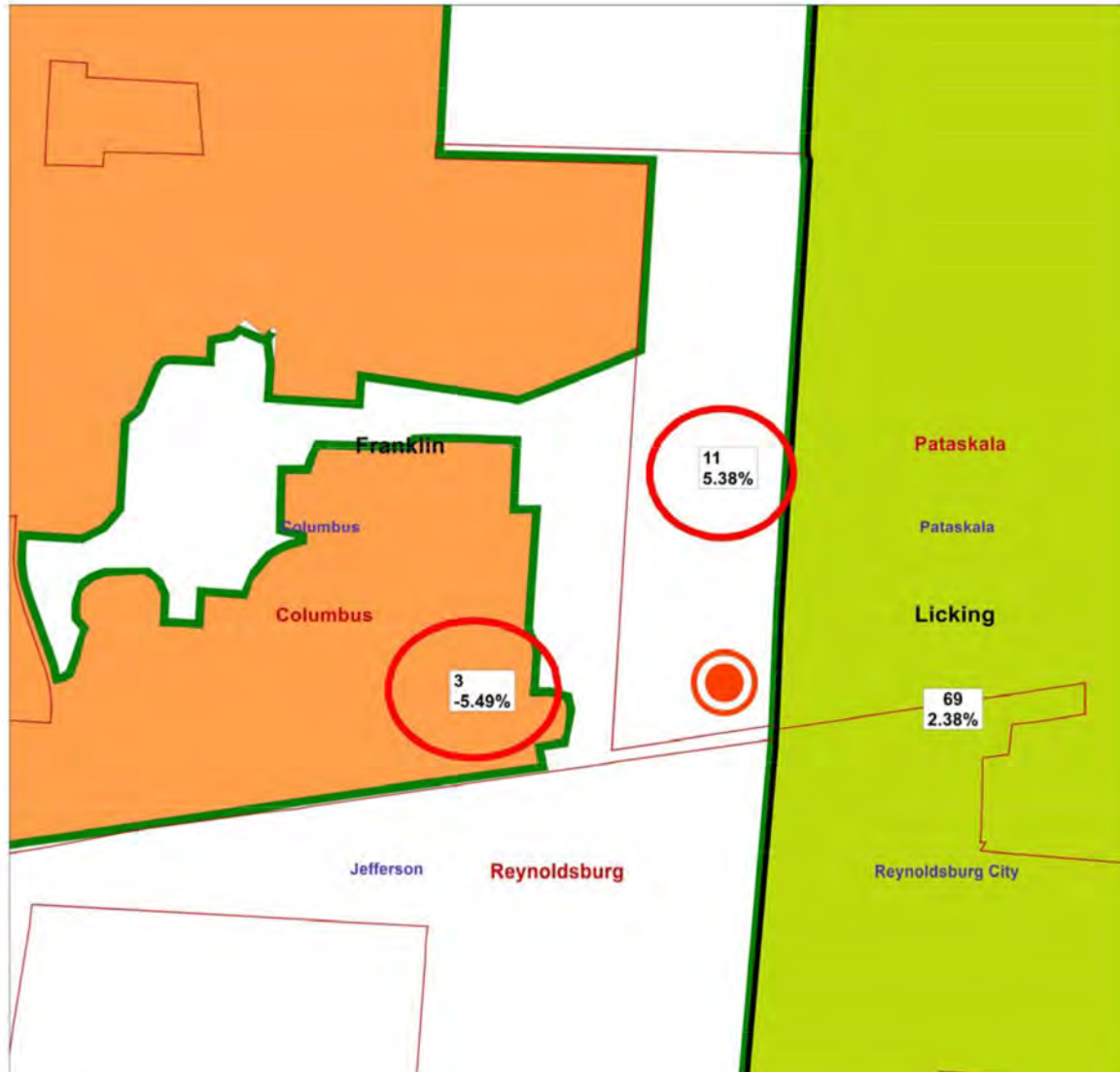




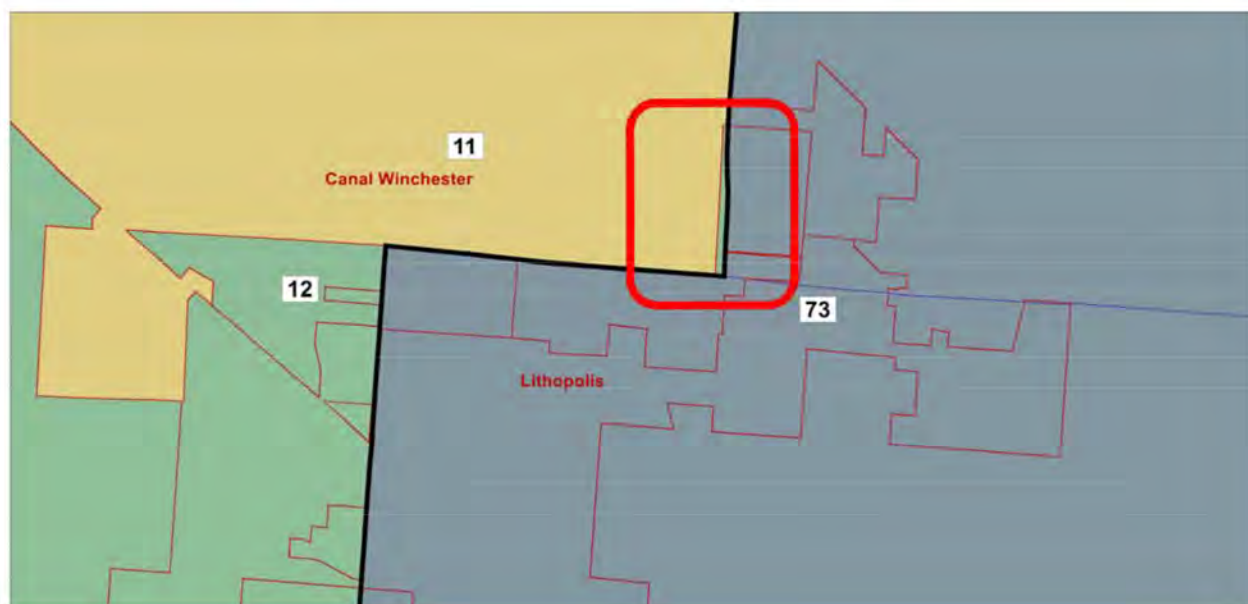
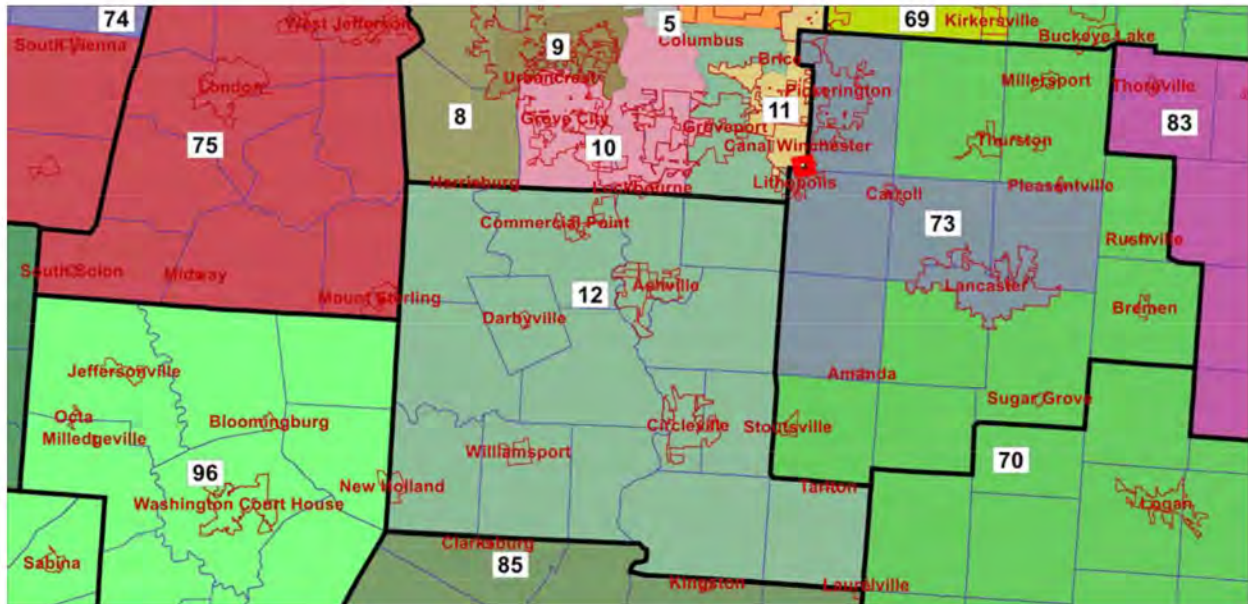


25. In addition, if the piece of House District 3, which bisects House District 11, is added into House District 11, that would appear to cause House District 3 and House District 11 to both violate Section 3(B)(1) of Article XI, of the Ohio Constitution. In this case, House District 11 would have greater than one hundred and five percent of the applicable ratio of representation, while House District 3 would have less than ninety-five percent of the applicable ratio of representation.





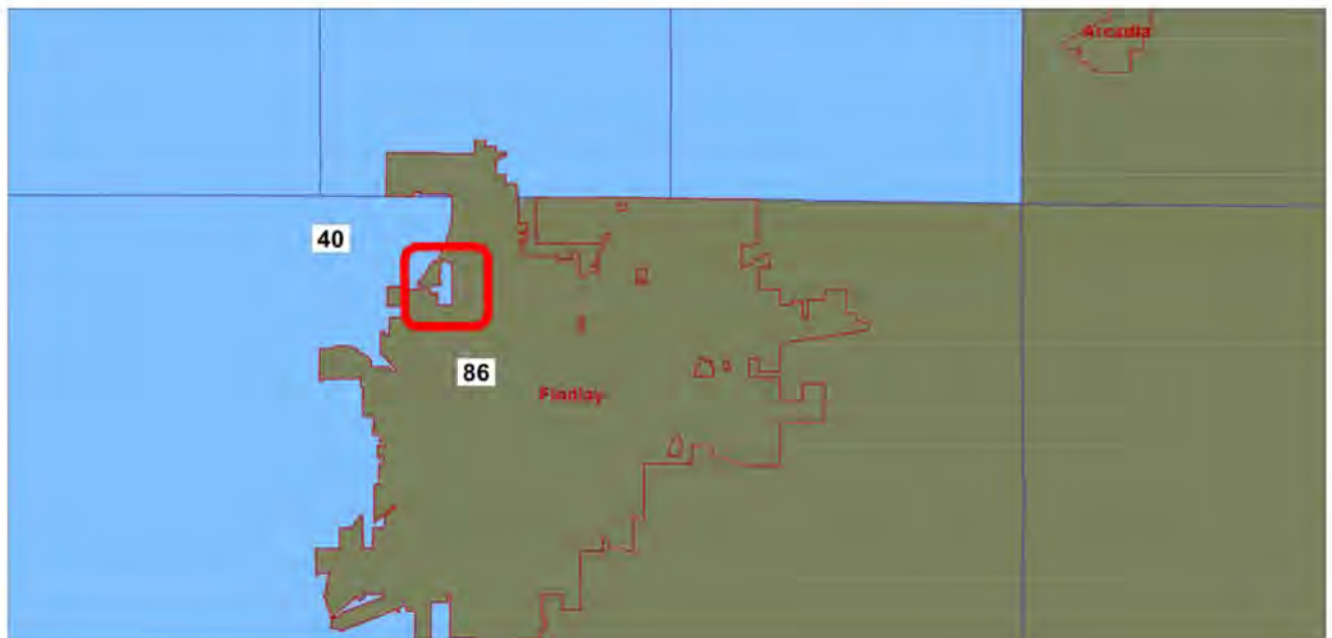
26. Also, part of House District 12 in the Sykes House Map is located in Franklin County. However, part of House District 12 is surrounded by House District 11 in Franklin County and House District 73 in Fairfield County, breaking contiguity. As such, the boundary of House District 12 in the Sykes House Map is not a single nonintersecting continuous line and likely in violation of Section 3(B)(3) of Article XI of the Ohio Constitution.





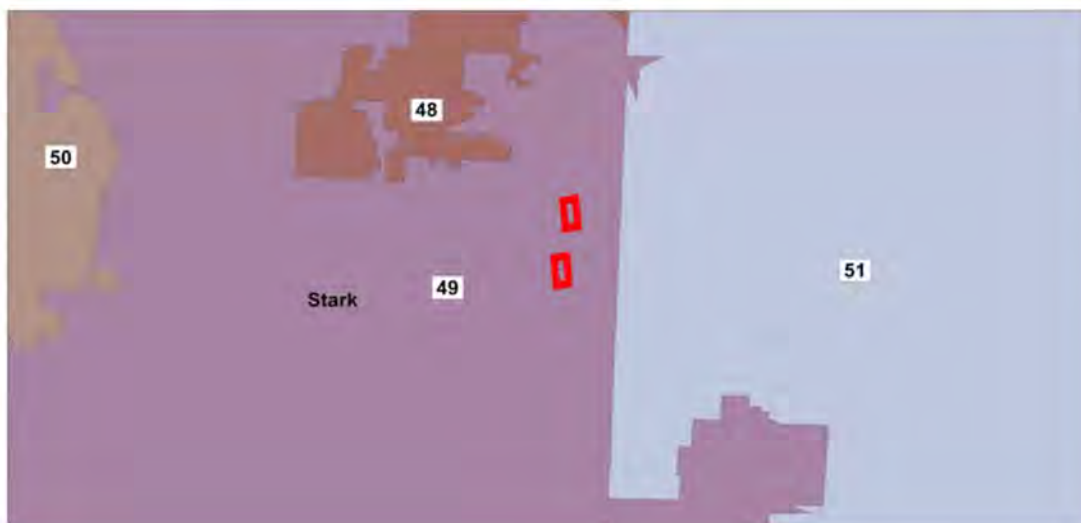
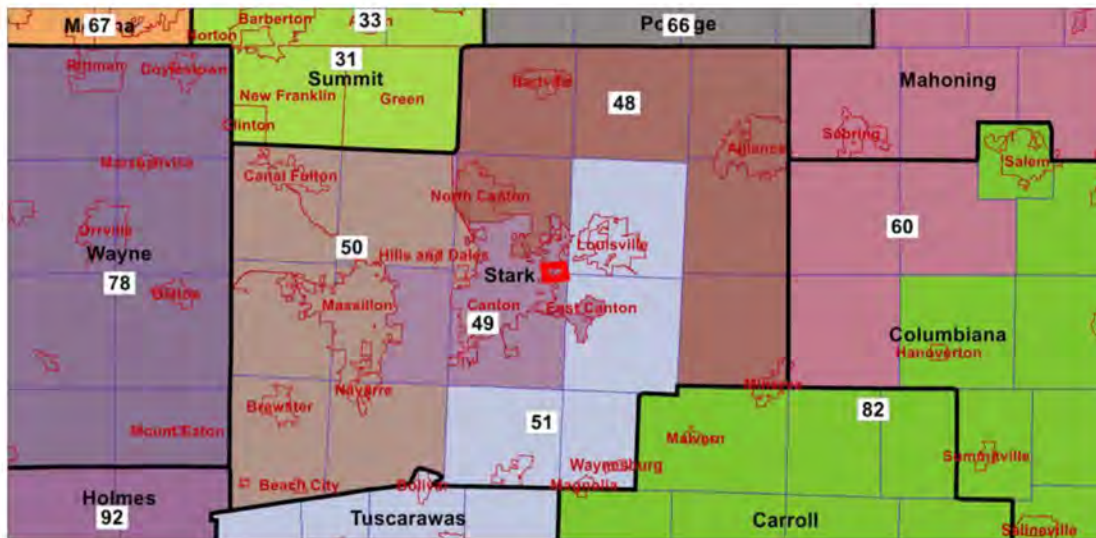
2. Hancock County.

27. In the Sykes House Map, Hancock County is split between House District 40 and House District 86. House District 40, however, appears to violate the contiguity requirement in Section 3(B)(3) of Article XI of the Ohio Constitution, in that House District 40 is not contiguous. Specifically, a portion of House District 40 is surrounded by House District 86; that portion contains 729 people. This breaks contiguity, in that the boundary of House District 40 in the Sykes House Map is not a single nonintersecting continuous line.

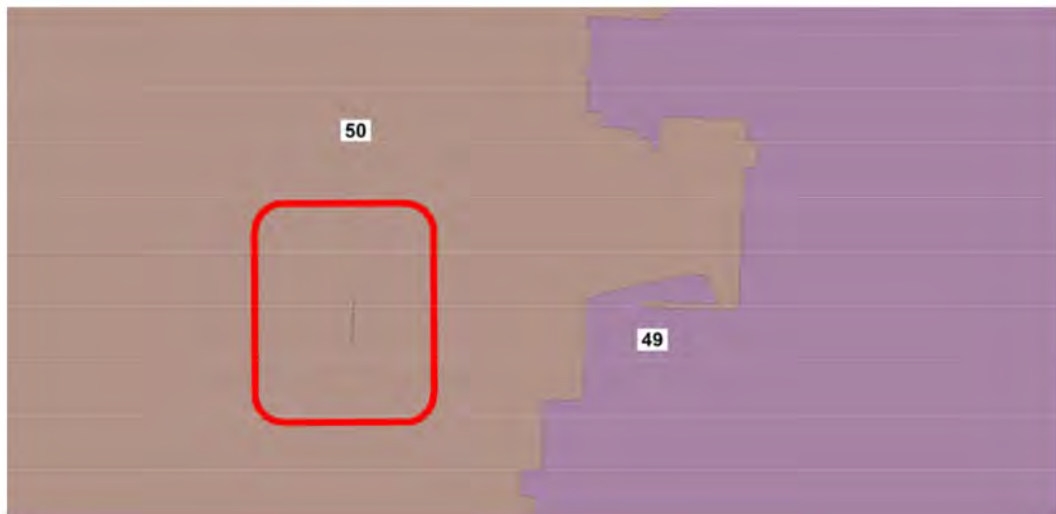
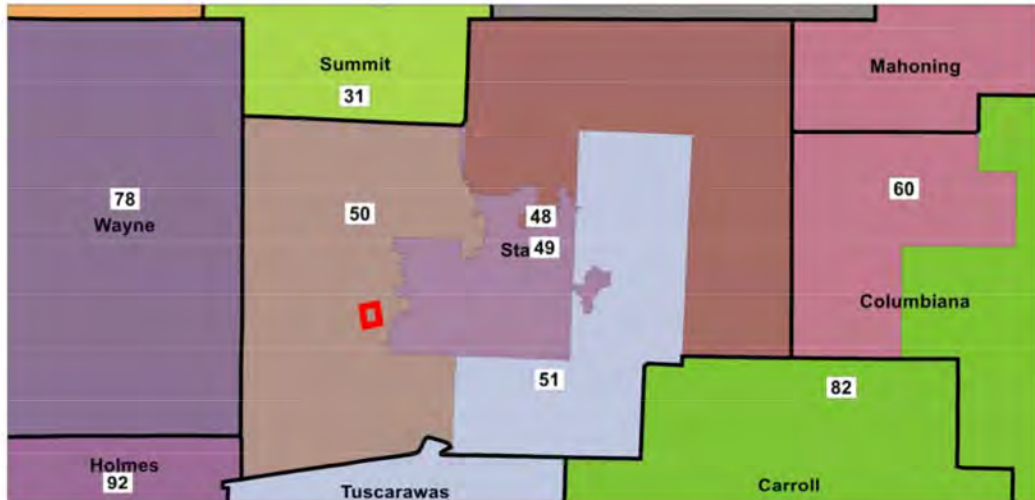


### 3. Stark County.

28. In the Sykes House Map, Stark County is composed of House Districts 48, 49, 50, and part of 51. House Districts 48 and 49 both appear to violate the contiguity requirements in Section 3(B)(3) of Article XI of the Ohio Constitution, in that neither district is contiguous. A portion of House District 49 is surrounded by House District 50. Additionally, portions of House District 48 are surrounded by House District 49.

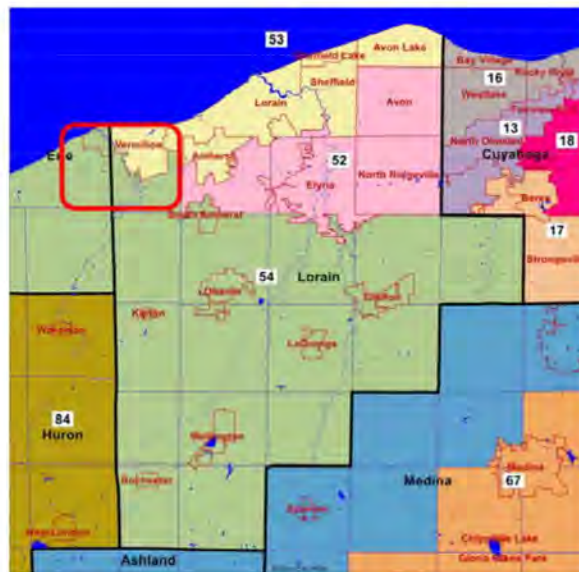






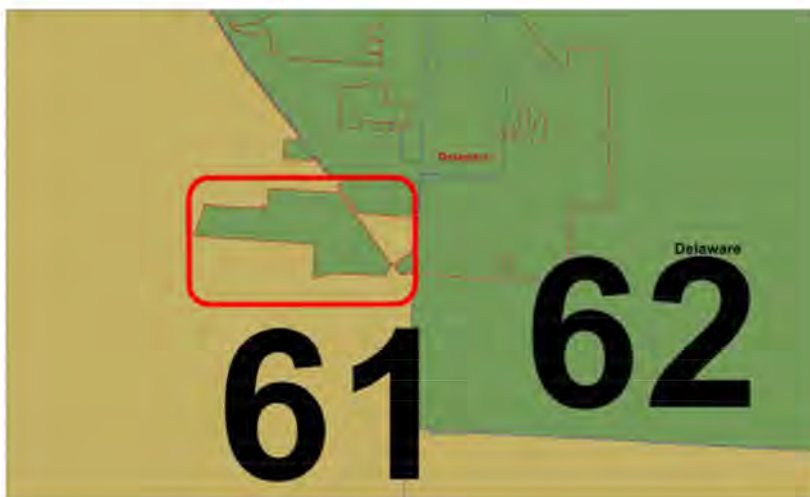
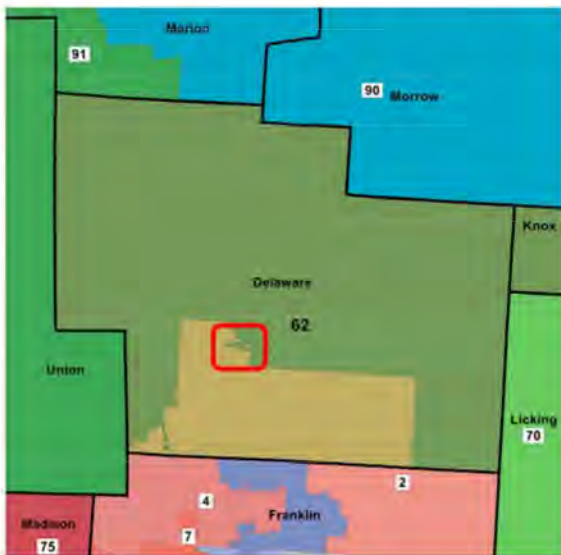
4. Lorain County

29. In the Sykes House Map, Lorain County is composed of House Districts 52, 53, and part of 54. House District 53 appear to violate the contiguity requirements in Section 3(B)(3) of Article XI of the Ohio Constitution, in that the district is not contiguous. Portions of House District 53 are surrounded by House District 54; those portions contain 61 people. This breaks contiguity, in that the boundary of House District 53 in the Sykes House Map is not a single nonintersecting continuous line.



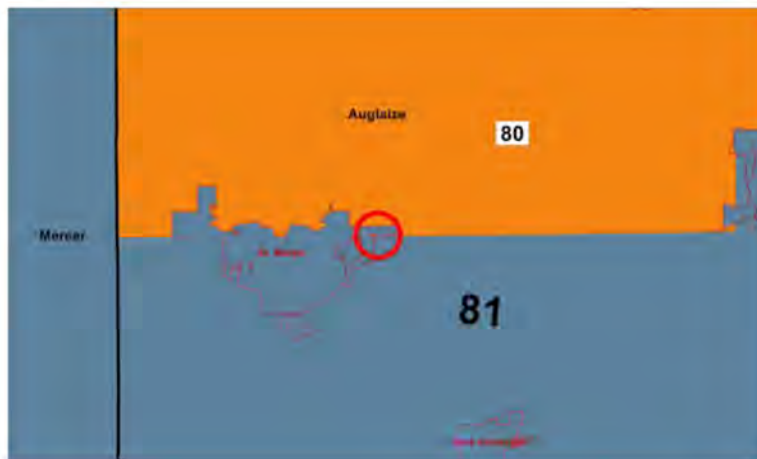
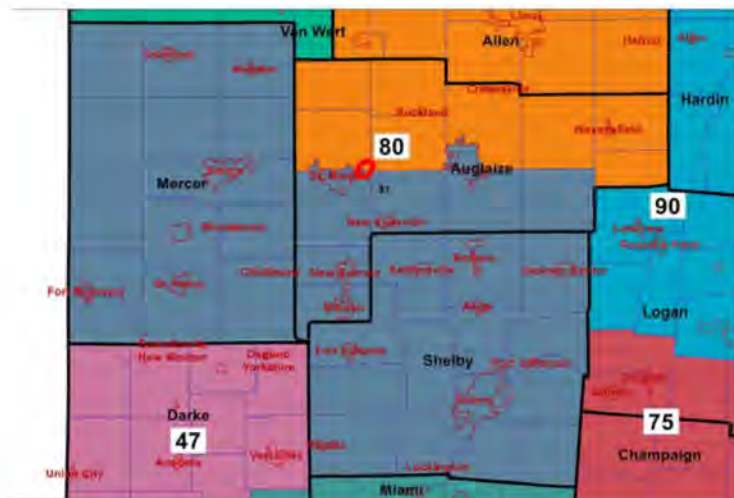
5. Delaware County

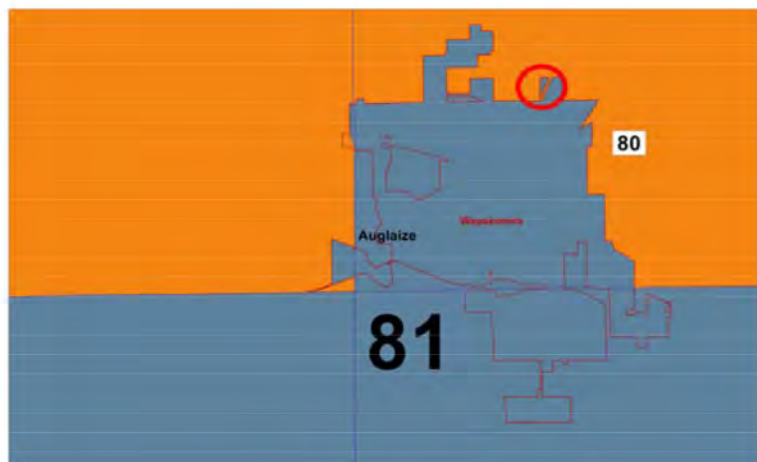
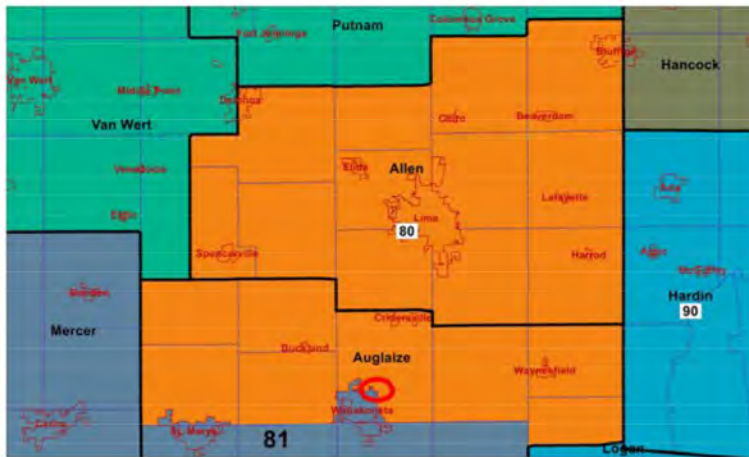
30. In the Sykes House Map, Delaware County is composed of House Districts 61 and part of 62. House District 62 appears to violate the contiguity requirements in Section 3(B)(3) of Article XI of the Ohio Constitution, in that the district is not contiguous. A portion of House District 62 is surrounded by House District 61; that portion contains 8 people. This breaks contiguity, in that the boundary of House District 62 in the Sykes House Map is not a single nonintersecting continuous line.



6. Auglaize County.

31. In the Sykes House Map, Auglaize County is split between House Districts 80 and 81. Both House Districts 80 and 81 appear to violate the contiguity requirements in Section 3(B)(3) of Article XI of the Ohio Constitution, in that neither district is contiguous. Portions of House District 80 are surrounded by House District 81. Additionally, a portion of House District 81 is surrounded by House District 80. This breaks contiguity, in that the boundaries of neither House District 80 nor 81 in the Sykes House Map are a single nonintersecting continuous line.







7. Lucas and Wood Counties.

32. Section 3(D)(3) of Article XI of the Ohio Constitution provides:

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.**

(emphasis added).

33. In the Sykes House Map, Lucas County is composed of House Districts 41, 42, 43, and part of 40, which continues into Wood County. House District 43 appears to violate Section 3(D)(3) by splitting both Toledo (municipal corporation) and Sylvania Township (township) in the same district. Likewise, House District 40 appears to violate Section 3(D)(3) by splitting Sylvania Township (township/Lucas County) and Jerry City (municipal corporation/Wood County). As such, both House District 40 and 43 split more than one municipal corporation or township in each respective district.

