

IN THE SUPREME COURT OF OHIO

Bria Bennett, et al.,

Petitioners,

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]*

EXHIBITS TO BENNETT PETITIONERS' OBJECTIONS – VOLUME 2
(Second Affidavit of Donald J. McTigue)

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Affidavit of Donald J. McTigue

Franklin County

/s

State of Ohio

I, Donald J. McTigue, 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 as 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:

1. In *League of Women Voters of Ohio v. Ohio Redistricting Comm.*, Slip Opinion No. 2022-Ohio-65, the Ohio Supreme Court ordered the Ohio Redistricting Commission to adopt a new General Assembly district plan within ten days of the judgment and retained jurisdiction to review the plan that the Commission adopts for compliance with the Court's order; the Court provided that the petitioners shall file any objections to the new plan within three days of the plan's adoption.
2. I am one of the counsel for Petitioners in the above-captioned matter, Case No. 2021-1198.
3. Document 1 is a true and correct copy of a statement issued by the Ohio Redistricting Commission on January 16, 2022.
4. Document 2 is a true and correct copy of an email sent to the counsel for the Ohio Redistricting Commission and its members on January 18, 2022 by Freda Levenson, one of the counsel for Petitioners in Case No. 2021-1193.
5. Document 3 is a true and correct copy of a letter sent via email to the counsel for the Ohio Redistricting Commission and its members on January 20, 2022 by Ben Stafford, one of the counsel for Petitioners in Case No. 2021-1198; notice of this correspondence was also filed with the Court on January 20, 2022.
6. Document 4 is a true and correct copy of the Republican Commission Members' proposal for Franklin and Union Counties placed on the Commission's website on January 20, 2022.
7. Document 5 is a true and correct copy of the Republican Commission Members' proposal for Hamilton and Warren Counties placed on the Commission's website on January 20, 2022.
8. Document 6 is a true and correct copy of the Republican Commission Members' proposal for Lorain and Surrounding Counties placed on the Commission's website on January 21, 2022.
9. Document 7 is a true and correct copy of the Republican Commission Members' proposal for Cuyahoga, Summit, and Geauga (part) Counties placed on the Commission's website on January 22, 2022.


10. Document 8 is a true and correct copy of the Republican Commission Members' proposal for West Central Ohio placed on the Commission's website on January 21, 2022.
11. Document 9 is a true and correct copy of the statewide map of the House District plan adopted by the Commission on January 22, 2022.
12. Document 10 is a true and correct copy of the statewide map of the Senate District plan adopted by the Commission on January 22, 2022.
13. Document 11 is a true and correct copy of the Section 8(C)(2) Statement adopted by a majority of the Commission on January 22, 2022.
14. Document 12 is a true and correct copy of the Section 8(C)(2) Statement of Commission Members Senator Vernon Sykes and House Minority Leader-Elect Allison Russo on January 22, 2022.
15. Document 13 is a true and correct copy of a January 21, 2022 tweet from journalist Karen Kasler, (@KarenKasler), Twitter (Jan. 21, 2022, 10:28 AM), <https://twitter.com/karenekasler/status/1484548455196356612>.
16. Document 14 is a true and correct copy of a January 21, 2022 tweet from Ohio Governor Mike DeWine (@GovMikeDeWine), Twitter (Jan. 21, 2022, 3:15 PM), <https://twitter.com/GovMikeDeWine/status/1484620564777951232/photo/1>.
17. Document 15 is a true and correct copy of a January 21, 2022 tweet from Ohio Secretary of State Frank LaRose (@FrankLaRose), Twitter (Jan. 21, 2022, 4:39 PM), <https://twitter.com/FrankLaRose/status/1484641759263137797?ext=HHwWioC5-Yz0wJopAAAA>.
18. Document 16 is a true and correct copy of a January 22, 2022 tweet from the Ohio Senate Republican Caucus (@OhioSenateGOP), Twitter (Jan. 22, 2022, 11:45 AM), <https://twitter.com/OhioSenateGOP/status/1484930133957828609/photo/2>.
19. Document 17 is a true and correct copy of a January 22, 2022 tweet from journalist Jessie Balmert (@jbalmert), Twitter (Jan. 22, 2022, 12:26 PM), <https://twitter.com/jbalmert/status/1484940639359881217>.
20. Document 18 is a true and correct copy of a transcript of the Ohio Redistricting Commission's January 18, 2022 meeting prepared by Planet Depos.
21. Document 19 is a true and correct copy of a transcript of the Ohio Redistricting Commission's January 20, 2022 meeting prepared by Planet Depos.
22. Document 20 is a true and correct copy of a transcript of the Ohio Redistricting Commission's January 22, 2022 meeting prepared by Planet Depos.
23. The Index at the beginning of the Appendix, copied below, gives a description of each document and states where it appears in the Appendix:

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>BATES RANGE</u>
1	Ohio Redistricting Commission's Jan. 16, 2022 Statement	BENNETT_001
2	Freda Levenson's Jan. 18, 2022 Email to Ohio Redistricting Commission's Counsel	BENNETT_002- BENNETT_003
3	Ben Stafford's Jan. 20, 2022 Letter to Ohio Redistricting Commission's Counsel	BENNETT_004
4	Republican Commission Members' proposal for Franklin and Union Counties	BENNETT_005- BENNETT_009
5	Republican Commission Members' proposal for Hamilton and Warren Counties	BENNETT_010- BENNETT_014
6	Republican Commission Members' proposal for Lorain and Surrounding Counties	BENNETT_015- BENNETT_018
7	Republican Commission Members' proposal for Cuyahoga, Summit, and Geauga (part) Counties	BENNETT_019- BENNETT_023
8	Republican Commission Members' proposal for West Central Ohio	BENNETT_024- BENNETT_026
9	Statewide map for adopted House District Plan	BENNETT_027
10	Statewide map for adopted Senate District Plan	BENNETT_028
11	Adopted Section 8(C)(2) statement	BENNETT_029- BENNETT_031
12	Section 8(C)(2) statement of Sykes-Russo	BENNETT_032- BENNETT_035
13	Karen Kasler, Jan. 21, 2022 Tweet	BENNETT_036
14	Mike DeWine, Jan. 21, 2022 Tweet	BENNETT_037
15	Frank LaRose, Jan. 21, 2022 Tweet	BENNETT_038
16	Ohio Senate Republican Caucus, Jan. 22, 2022 Tweet	BENNETT_039
17	Jessie Balmert, Jan. 21, 2022 Tweet	BENNETT_040
18	Transcript of Jan. 18, 2022 Commission Meeting	BENNETT_041- BENNETT_069
19	Transcript of Jan. 20, 2022 Commission Meeting	BENNETT_070- BENNETT_143
20	Transcript of Jan. 22, 2022 Commission Meeting	BENNETT_144- BENNETT_299

FURTHER SAYETH AFFIANT NAUGHT.


Donald J. McTigue

Sworn to and subscribed before me this 25th day of January, 2022.


Notary Public

Ben F.C. Wallace
Attorney At Law
Notary Public, State of Ohio
My Commission has no expiration date
Sec. 147.03 R.C.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was sent via email this 25th day of January, 2022 to the following:

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/s/ Derek S. Clinger
Derek S. Clinger (0092075)



OHIO REDISTRICTING COMMISSION

Ohio Redistricting Commission Members Issue Statement Announcing Meeting

Members of the Ohio Redistricting Commission today issued the following joint statement announcing Tuesday's meeting of the commission. The members of the commission are: Governor Mike DeWine, Speaker Robert Cupp (co-chair), Auditor Keith Faber, Senate President Matt Huffman, Secretary of State Frank LaRose, House Minority Leader-elect Allison Russo, and Senator Vernon Sykes (co-chair).

"This week, the Ohio Supreme Court, in a 4-3 decision, invalidated General Assembly district maps adopted by the Ohio Redistricting Commission. In light of this ruling and the short timeframe to produce a revised map, the Ohio Redistricting Commission will reconvene on Tuesday, January 18, at 10:00am in the House Finance Room, Statehouse Room 313. To help facilitate the commission's deliberations, individual commission members are instructing respective staff members to abide by the court's ruling and begin identifying possible areas to address the court's ruling regarding Section 6 of the Ohio Constitution. Consistent with the court's ruling, individual commission members will have access to other commission members' relevant staff and contractors. Additionally, the Ohio Redistricting Commission website – www.redistricting.ohio.gov – will be available soon for public comment. Commission meetings will be live streamed on OhioChannel.org. An agenda for Tuesday's meeting will be forthcoming."

###

Senate Contact: Giulia Cambieri, (614) 644-5533

House Contact: Aaron Mulvey, (614) 466-8759

Subject: League of Women Voters et al v. Ohio Redistricting Commission

From: Freda Levenson <flevenson@acluohio.org>

Date: 1/18/2022, 8:25 PM

To: "Sutherland, Brian A." <BSutherland@ReedSmith.com>, Phil Strach <phil.strach@nelsonmullins.com>, Tom Farr <tom.farr@nelsonmullins.com>, John Branch <john.branch@nelsonmullins.com>, Alyssa Riggins <alyssa.riggins@nelsonmullins.com>, "Erik J. Clark" <ejclark@organlegal.com>, Ashley Merino <amerino@organlegal.com>, 'Bridget Coontz' <Bridget.Coontz@OhioAGO.gov>, 'Julie Pfeiffer' <Julie.Pfeiffer@OhioAGO.gov>, "michael.hendershot@ohioago.gov" <michael.hendershot@ohioago.gov>, 'Michael Walton' <Michael.Walton@OhioAGO.gov>, "John.Gilligan@icemiller.com" <John.Gilligan@icemiller.com>, "Diane.Menashe@icemiller.com" <Diane.Menashe@icemiller.com>, "'dornette@taftlaw.com'" <dornette@taftlaw.com>, "'bryan@taftlaw.com'" <bryan@taftlaw.com>, "'pwilliamson@taftlaw.com'" <pwilliamson@taftlaw.com>

CC: "Yingling, M. Patrick" <MPYingling@ReedSmith.com>, Alicia Bannon <bannona@brennan.law.nyu.edu>, Yuriy Rudensky <rudenskyy@brennan.law.nyu.edu>, Ben Stafford <bstafford@elias.law>, Don McTigue <dmctigue@electionlawgroup.com>, "Fram, Robert" <rfram@cov.com>, Jyoti Jasrasaria <jjasrasaria@elias.law>

To counsel for all respondents:

I write on behalf of the League of Women Voters petitioners in this case. With regard to the work undertaken by the newly reconvened Ohio Redistricting Commission, we request prompt information with regard to any map(s) currently under consideration, as well as any map(s) that become introduced, distributed, or considered, by the Ohio Redistricting Commission. For each map, we request the block equivalency files in a flat file format such as csv or xlsx, associating every 2020 census block to its General Assembly district assignments for both the state house and the state senate. In addition, we request any shapefiles of the proposed district plan, in a commonly accepted geographic data format such as .shp, .geojson, or .gpkg.

In addition, we request information (the specific files and formats described above) as to the final plan adopted by the Commission immediately upon its adoption.

As you and your clients are aware, the Ohio Supreme Court has ordered that the Commission produce a map that is compliant with Section 6 of Article XI of the Ohio Constitution, as well as Sections 2, 3, 4, 5 and 7. To that end, please be advised that the LWV Petitioners have drafted several plans for consideration that meet all of those requirements* including Section 6(b)'s proportionality requirement. We are ready and willing to submit them for Commission consideration. Please let us know how to submit them, and whether there is any schedule or deadline for this.

Thank you,

Freda Levenson

*Maps submitted by LWV petitioners will not assign numbers or incumbents to districts but will instead leave this assignment to the discretion of the Commission. But LWV petitioners note that the assignment of district numbers and incumbents in no way restricts the drawing of district boundaries under Article XI, and therefore cannot provide a basis for the Commission to reject compliant plans submitted by petitioners.

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Pronouns: she, her



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BENNETT_003

January 20, 2022

Dear Counsel,

I write on behalf of the Bennett petitioners in Case No. 2021-1198 to provide information to the Commission as it implements the Ohio Supreme Court's opinion and adopts a new General Assembly plan. As you know, in addition to referencing other of Dr. Rodden's critiques of the enacted plan, Petitioners submitted a plan from Dr. Rodden. In the course of a further review of that plan for purposes of determining whether to submit it or another to the Commission for consideration during the redraw process, we now believe that the plan contained some technical issues that may result in municipal corporation and township splits beyond those permitted by the strict language of Article XI, Section 3.

These issues were easily remedied, and we are providing for the Commission's consideration a revised version of Dr. Rodden's plan. Concurrently with sending you this letter, we are submitting the data files for the revised plan via the Commission's website portal for map submission.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Stafford", written in a cursive style.

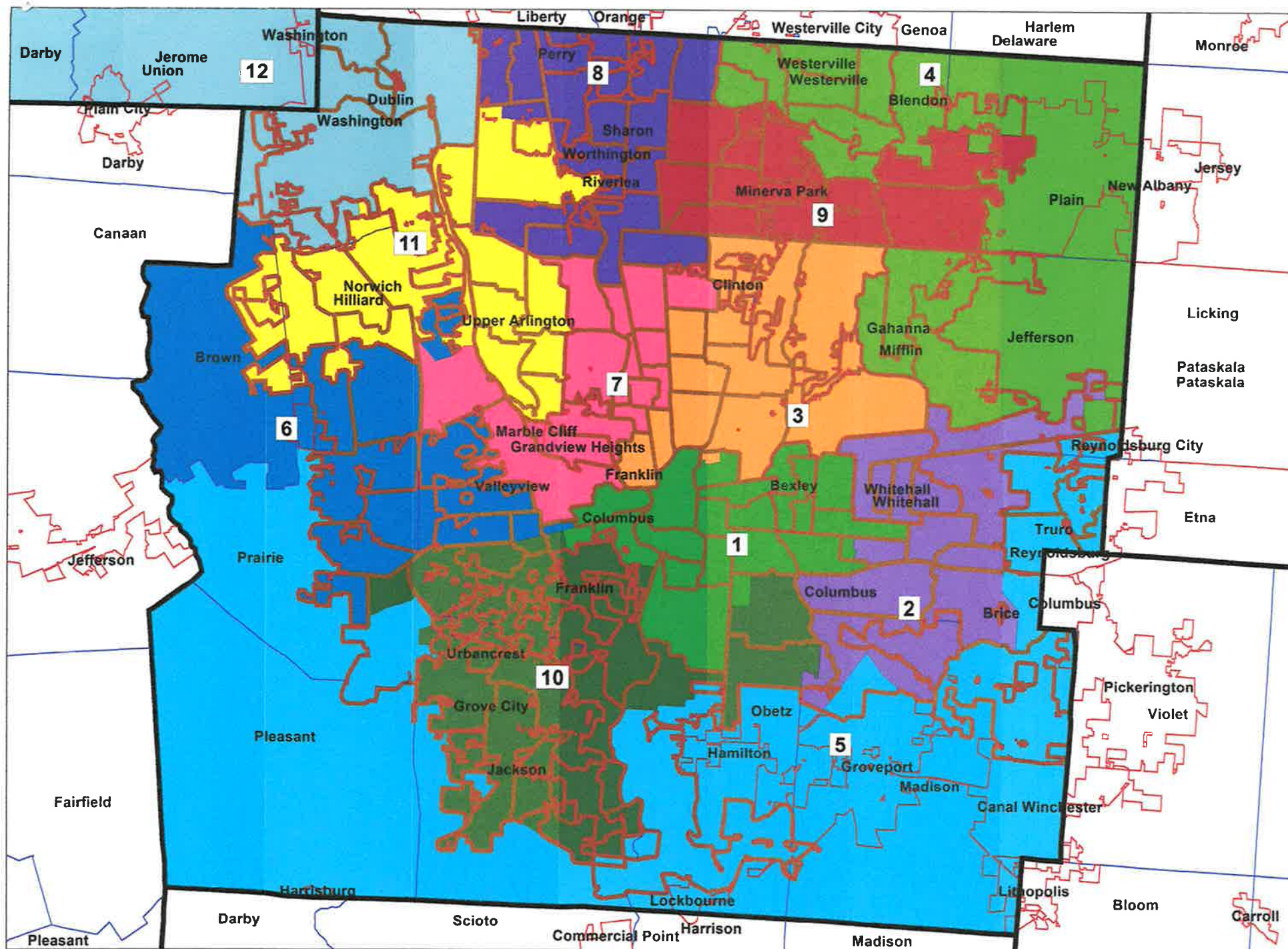
BEN STAFFORD
ELIAS LAW GROUP LLP

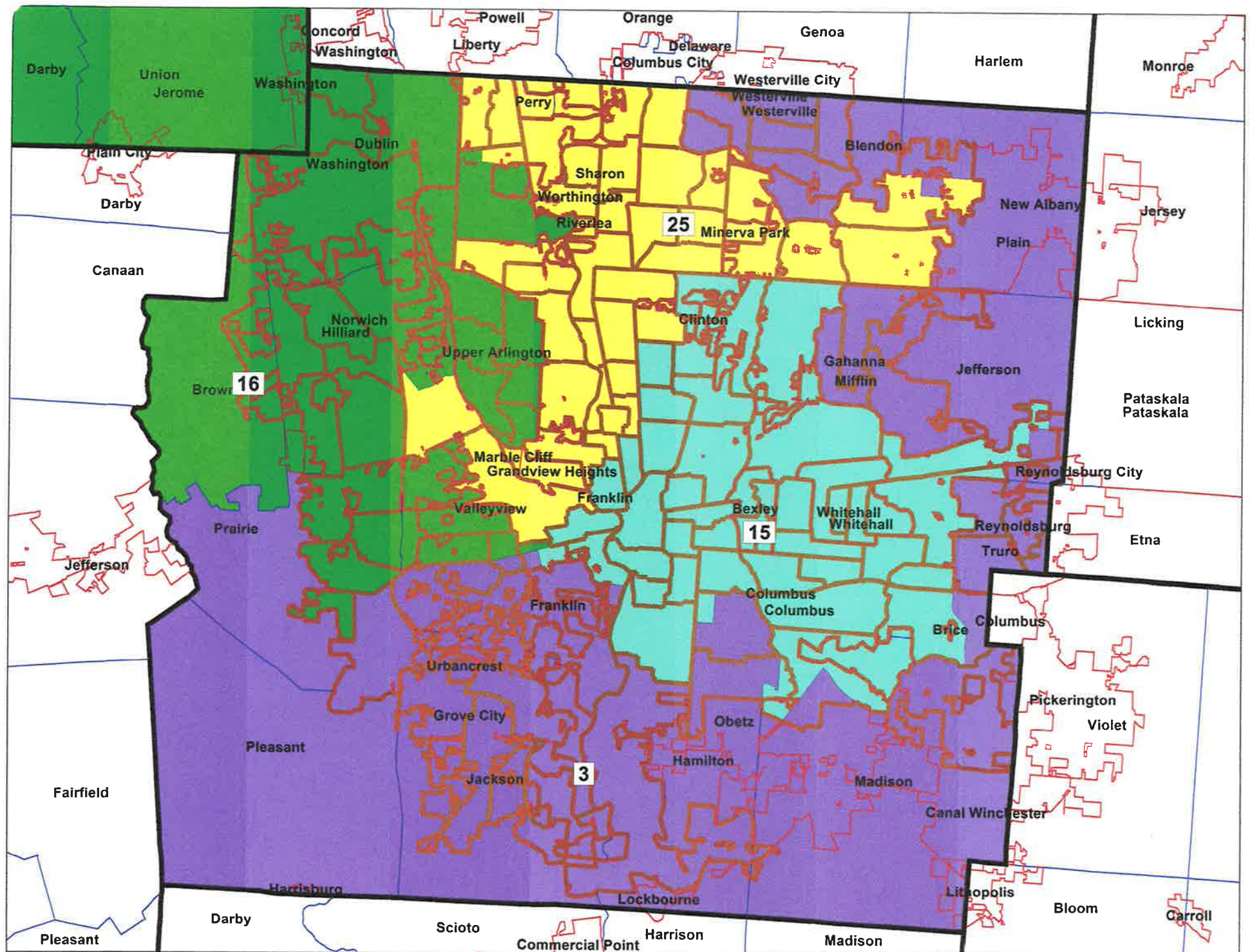
Ohio Redistricting Commission
January 20, 2022

Proposal for Franklin and Union County
Ohio House and Ohio Senate districts

House: Franklin / Union 11 Democrat Leaning districts
1 Republican Leaning district

Senate: (both counties) 4 Democrat Leaning districts
0 Republican Leaning districts





Counties Franklin & Union
District Type House

ID	Population	Deviation %	Deviation #	16-18-20 Data	16-18-20 Data
				DEM Index	REP Index
1	113,428	-4.83%	(5,758)	80.12	19.88
2	114,294	-4.10%	(4,892)	74.11	25.89
3	114,104	-4.26%	(5,082)	85.35	14.65
4	114,500	-3.93%	(4,686)	53.23	46.77
5	114,607	-3.84%	(4,579)	51.84	48.16
6	113,459	-4.81%	(5,727)	56.00	44.00
7	115,170	-3.37%	(4,016)	75.69	24.31
8	115,189	-3.35%	(3,997)	62.87	37.13
9	120,997	1.52%	1,811	67.95	32.05
10	122,847	3.07%	3,661	50.14	49.86
11	114,236	-4.15%	(4,950)	54.91	45.09
12	113,760	-4.55%	(5,426)	40.13	59.87

Counties Franklin & Union
District Type Senate

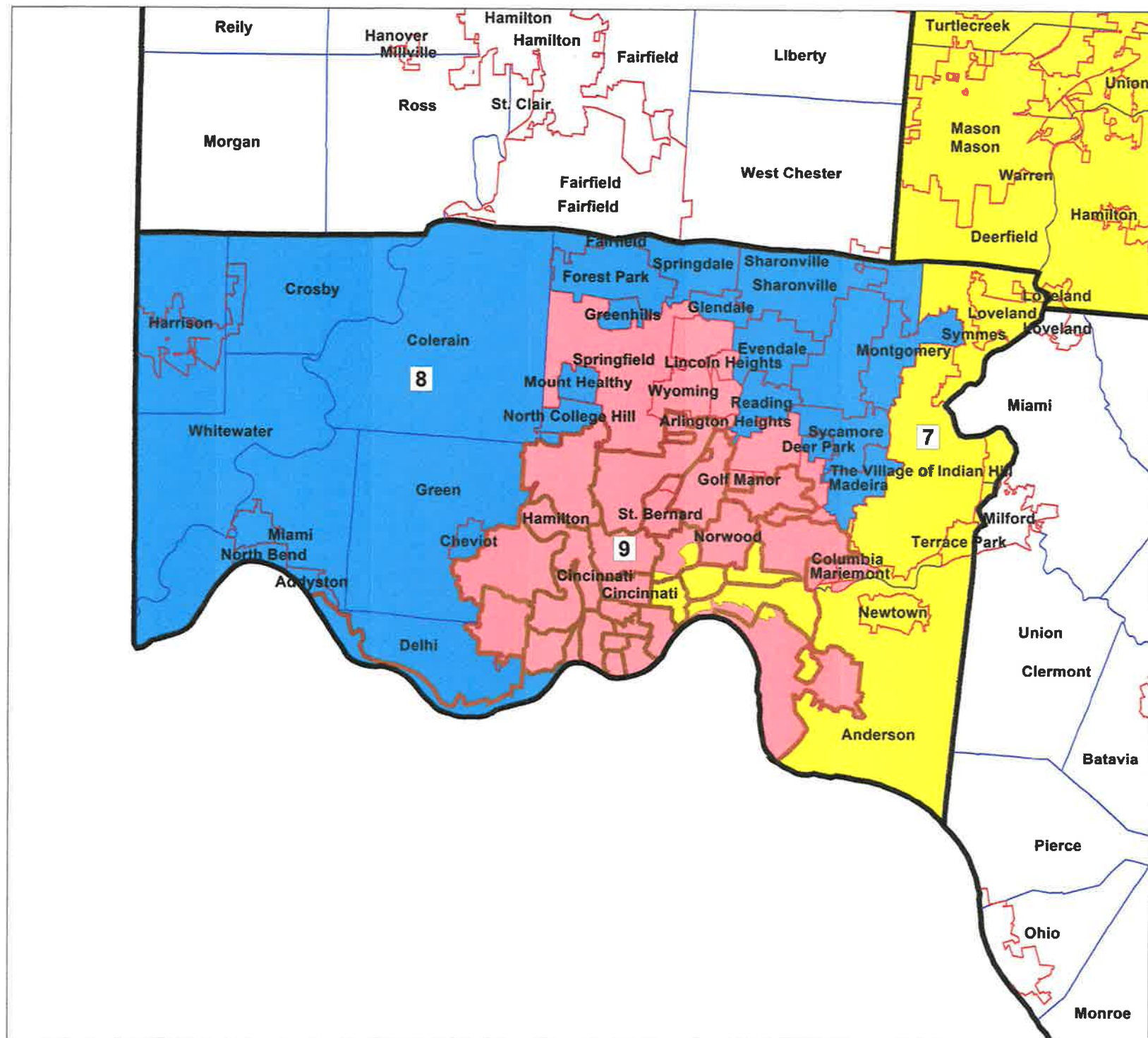
ID	Population	Deviation %	Deviation #	16-18-20 Data	16-18-20 Data
				DEM Index	REP Index
3	351,954	-1.57%	(5,605)	51.90	48.10
15	341,826	-4.40%	(15,733)	79.77	20.23
16	341,455	-4.50%	(16,104)	50.08	49.92
25	351,356	-1.73%	(6,203)	68.52	31.48

Ohio Redistricting Commission
January 20, 2022

Proposal for Hamilton and Warren County
Ohio House and Ohio Senate districts

House: Hamilton	5 Democrat Leaning districts 2 Republican Leaning districts
House: Warren	0 Democrat Leaning districts 2 Republican Leaning districts
Senate: (both counties)	1 Democrat Leaning district 2 Republican Leaning districts





Counties Hamilton
District Type House

ID	Population	Deviation %	Deviation #	16-18-20 Data	16-18-20 Data
				DEM Index	REP Index
24	122,543	2.82%	3,357	70.31	29.69
25	120,544	1.14%	1,358	77.17	22.83
26	115,016	-3.50%	(4,170)	71.62	28.38
27	123,894	3.95%	4,708	50.14	49.86
28	120,869	1.41%	1,683	51.28	48.72
29	113,611	-4.68%	(5,575)	40.86	59.14
30	114,162	-4.22%	(5,024)	28.97	71.03

Counties Hamilton & Warren
District Type Senate

ID	Population	Deviation %	Deviation #	16-18-20 Data	16-18-20 Data
				DEM Index	REP Index
7	366,231	2.43%	8,672	38.19	61.81
8	348,642	-2.49%	(8,917)	40.49	59.51
9	358,103	0.15%	544	72.94	27.06

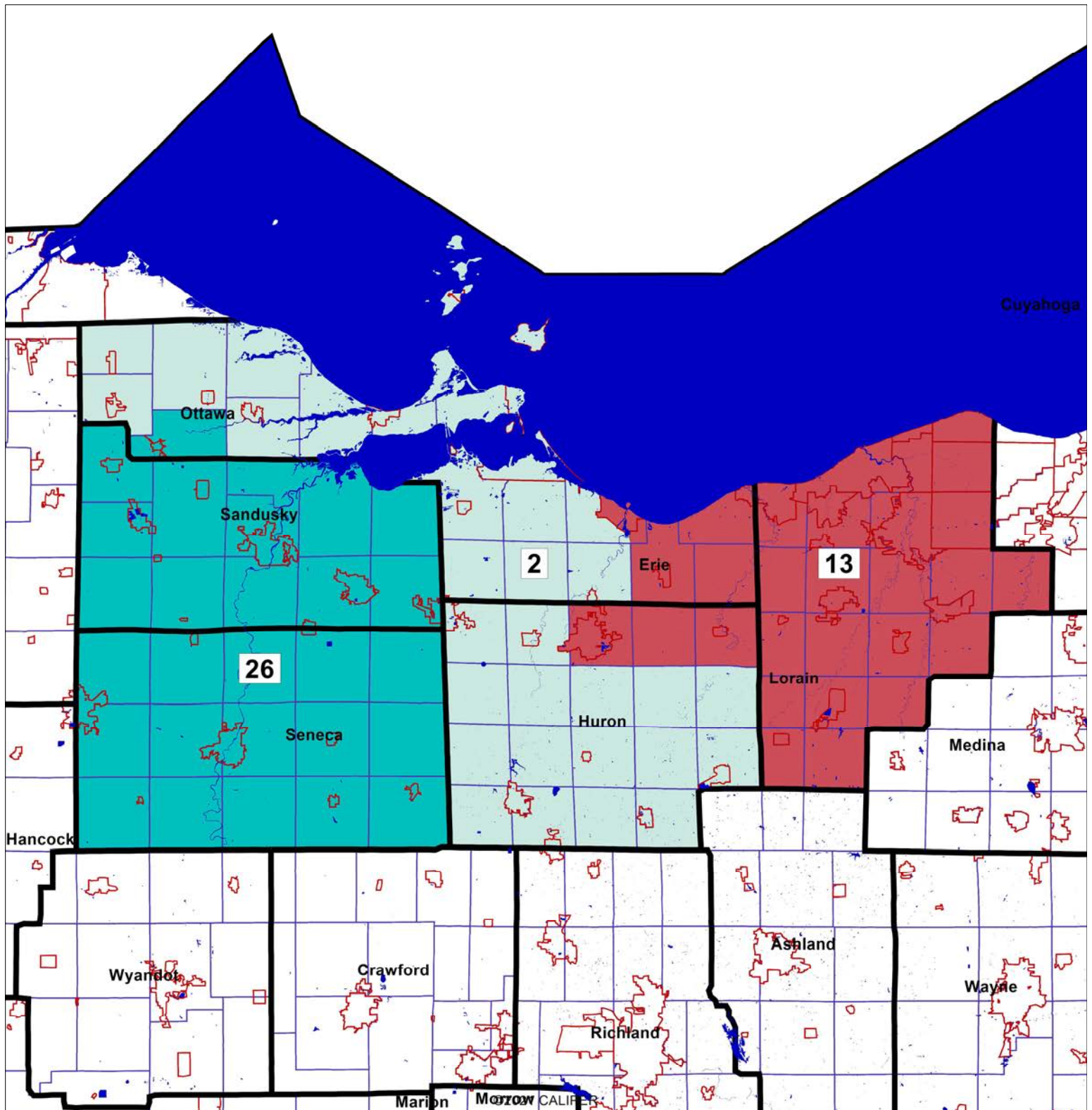
Ohio Redistricting Commission

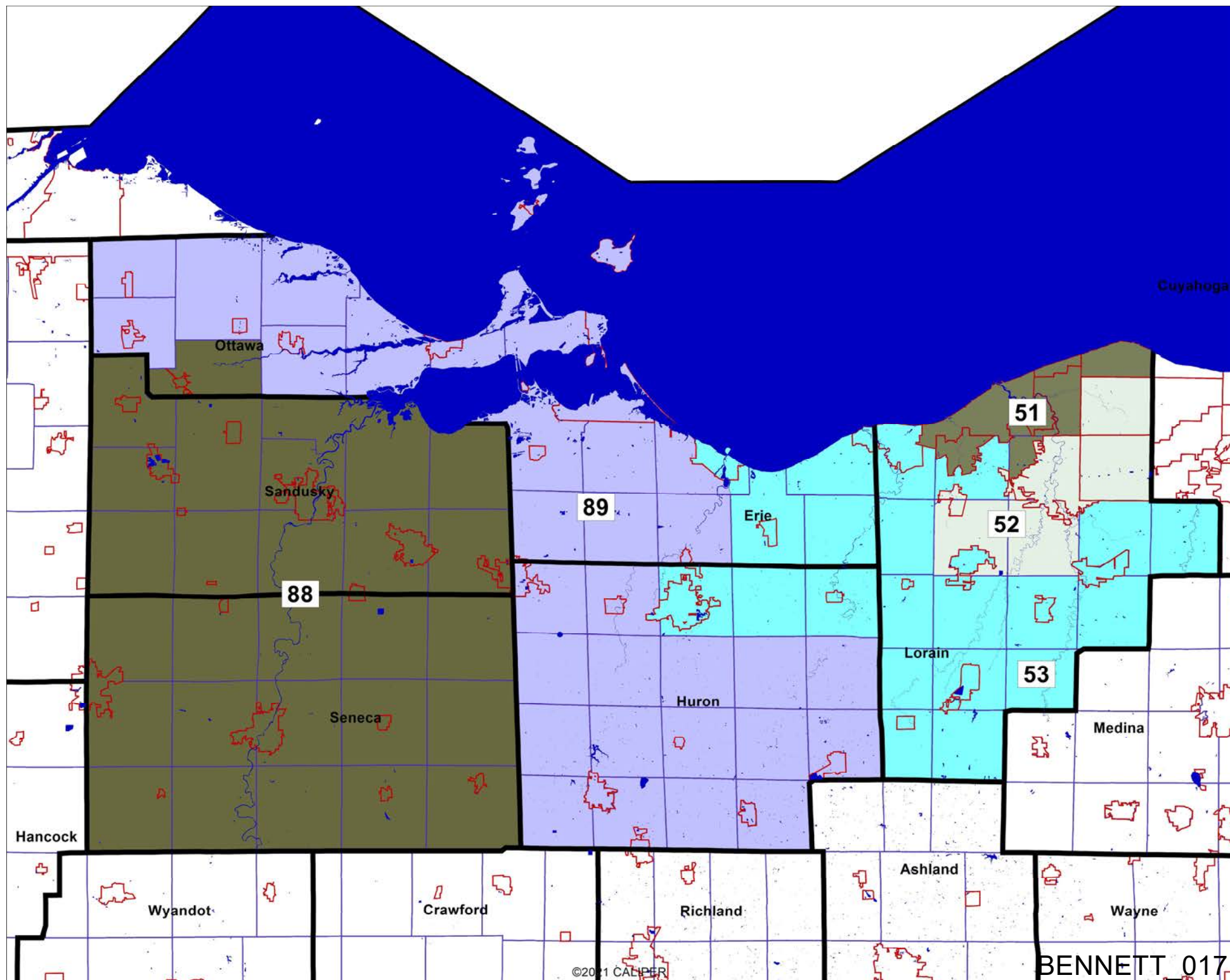
January 21, 2022

Proposal for Lorain and surrounding counties (to the west) Ohio House and Ohio Senate districts

House:	2 Democrat Leaning districts
	1 Republican Leaning districts

Senate:	1 Democrat Leaning district
	0 Republican Leaning districts





Counties Lorain and surrounding
District Type House

ID	Population	Deviation %	Deviation #	16-18-20 Data	16-18-20 Data
				DEM Index	REP Index
51	123,149	3.33%	3,963	55.887	44.113
52	123,593	3.70%	4,407	50.003	49.997
53	114,203	-4.18%	(4,983)	44.450	55.550

Counties Lorain and surrounding
District Type Senate

ID	Population	Deviation %	Deviation #	16-18-20 Data	16-18-20 Data
				DEM Index	REP Index
13	360,945	0.95%	3,386	50.030	49.970

Ohio Redistricting Commission

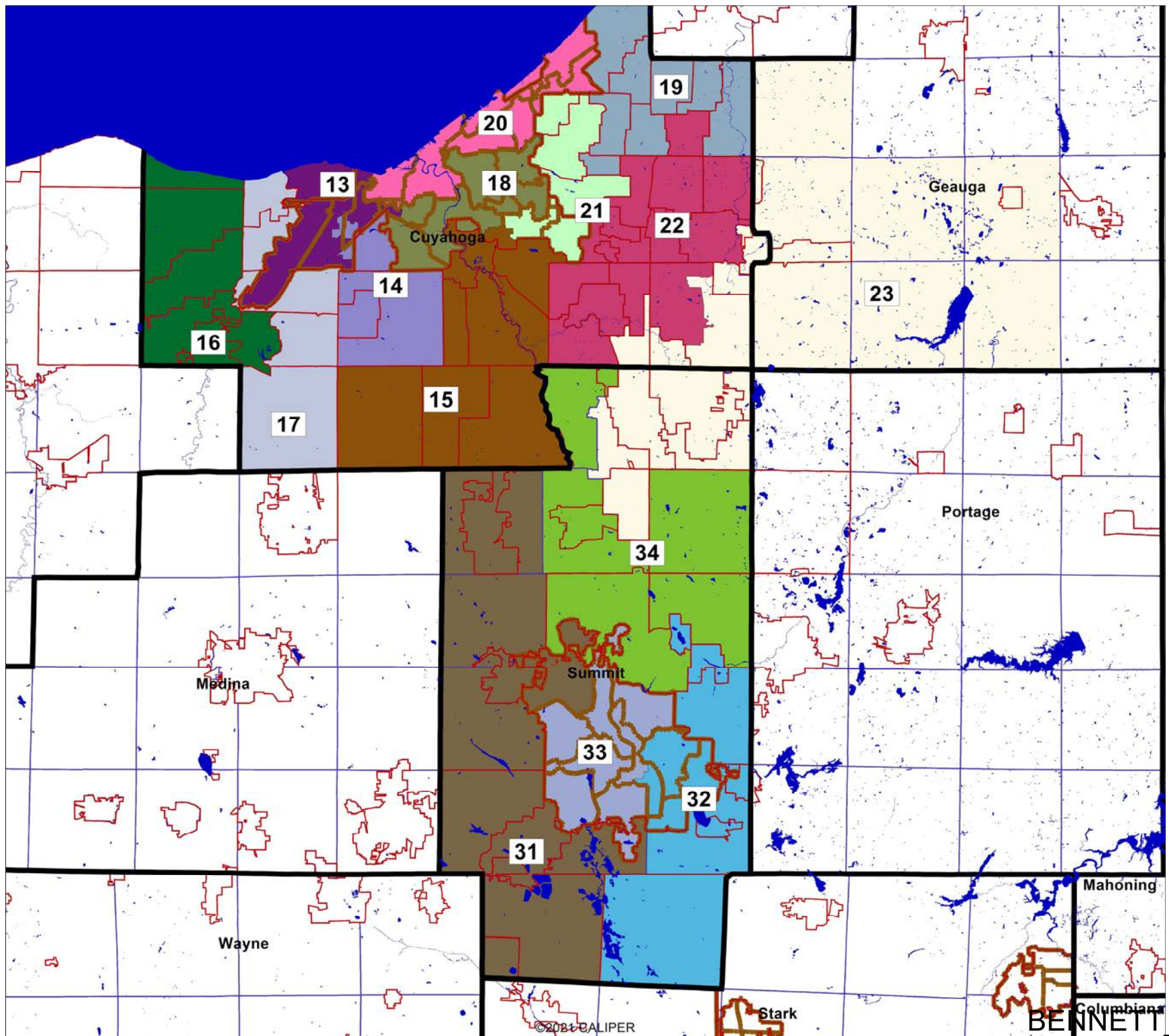
January 22, 2022

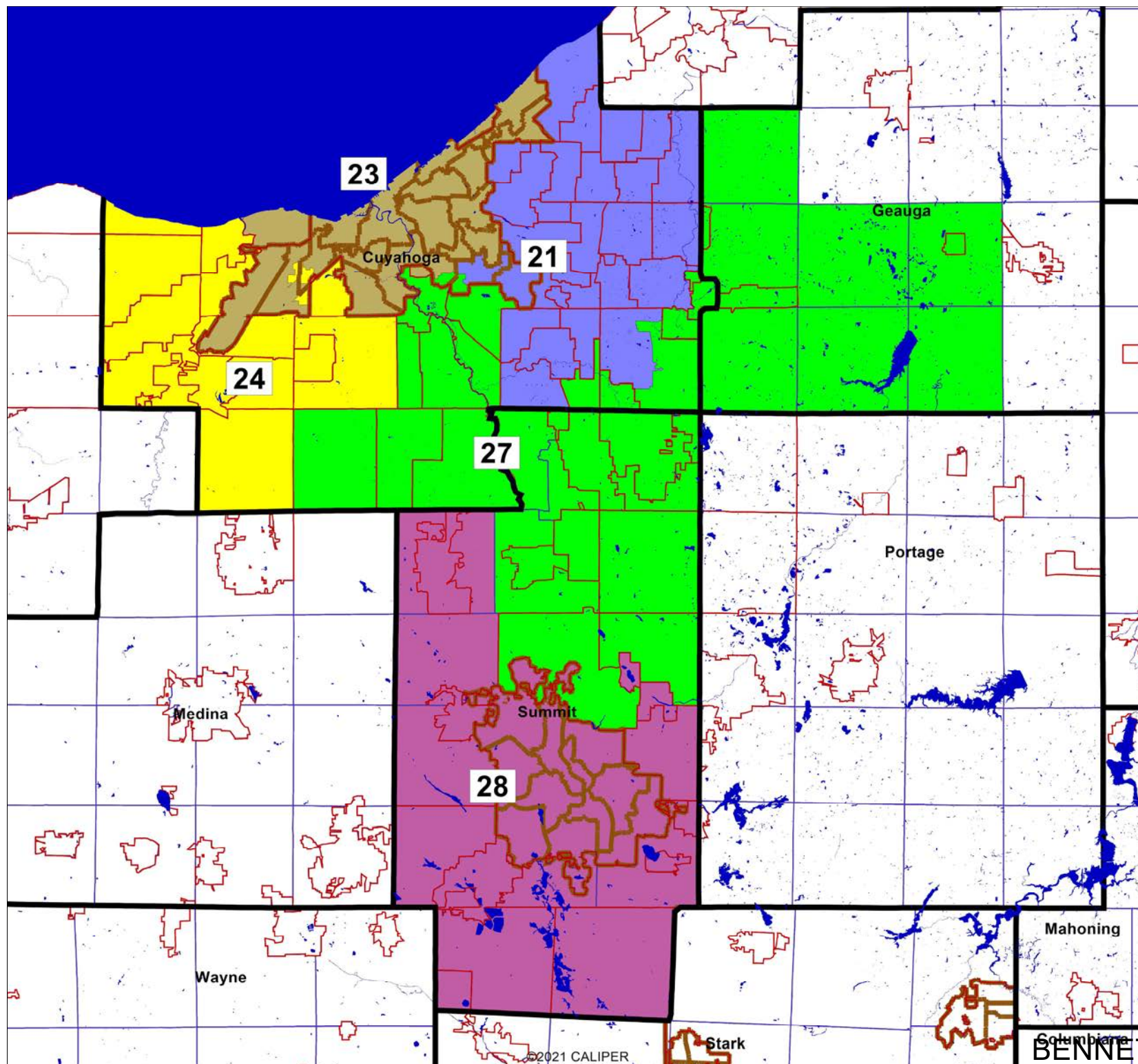
Proposal for Cuyahoga, Summit, Geauga (part)

Ohio House and Ohio Senate districts

House:	15 Democrat Leaning districts
	0 Republican Leaning districts

Senate:	5 Democrat Leaning district
	0 Republican Leaning districts





Counties Cuyahoga, Summit and Geauga (part)
 District Type House

ID	Population	Deviation %	Deviation #	16-18-20 Data	16-18-20 Data
				DEM Index	REP Index
13	125,080	4.95%	5,894	72.092	27.908
14	123,343	3.49%	4,157	53.498	46.502
15	124,886	4.78%	5,700	50.202	49.798
16	124,466	4.43%	5,280	52.890	47.110
17	120,136	0.80%	950	50.359	49.641
18	124,926	4.82%	5,740	81.787	18.213
19	124,679	4.61%	5,493	72.563	27.437
20	124,935	4.82%	5,749	88.282	11.718
21	123,674	3.77%	4,488	89.751	10.249
22	124,471	4.43%	5,285	75.344	24.656
23	123,242	3.40%	4,056	50.011	49.989
31	124,384	4.36%	5,198	50.388	49.612
32	119,235	0.04%	49	50.579	49.421
33	124,651	4.59%	5,465	75.810	24.190
34	124,474	4.44%	5,288	50.487	49.513

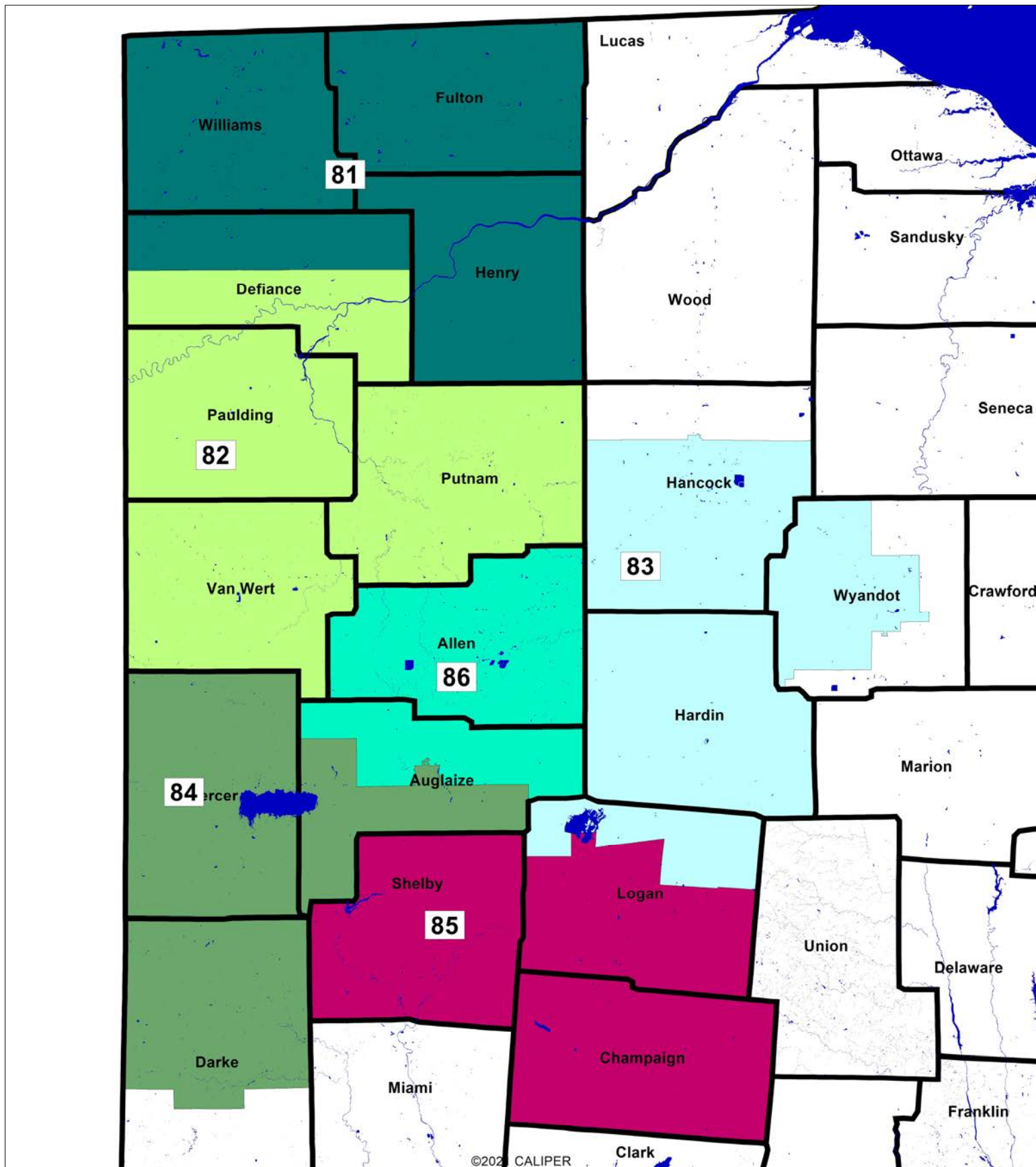
Counties Cuyahoga, Summit and Geauga (part)
District Type Senate

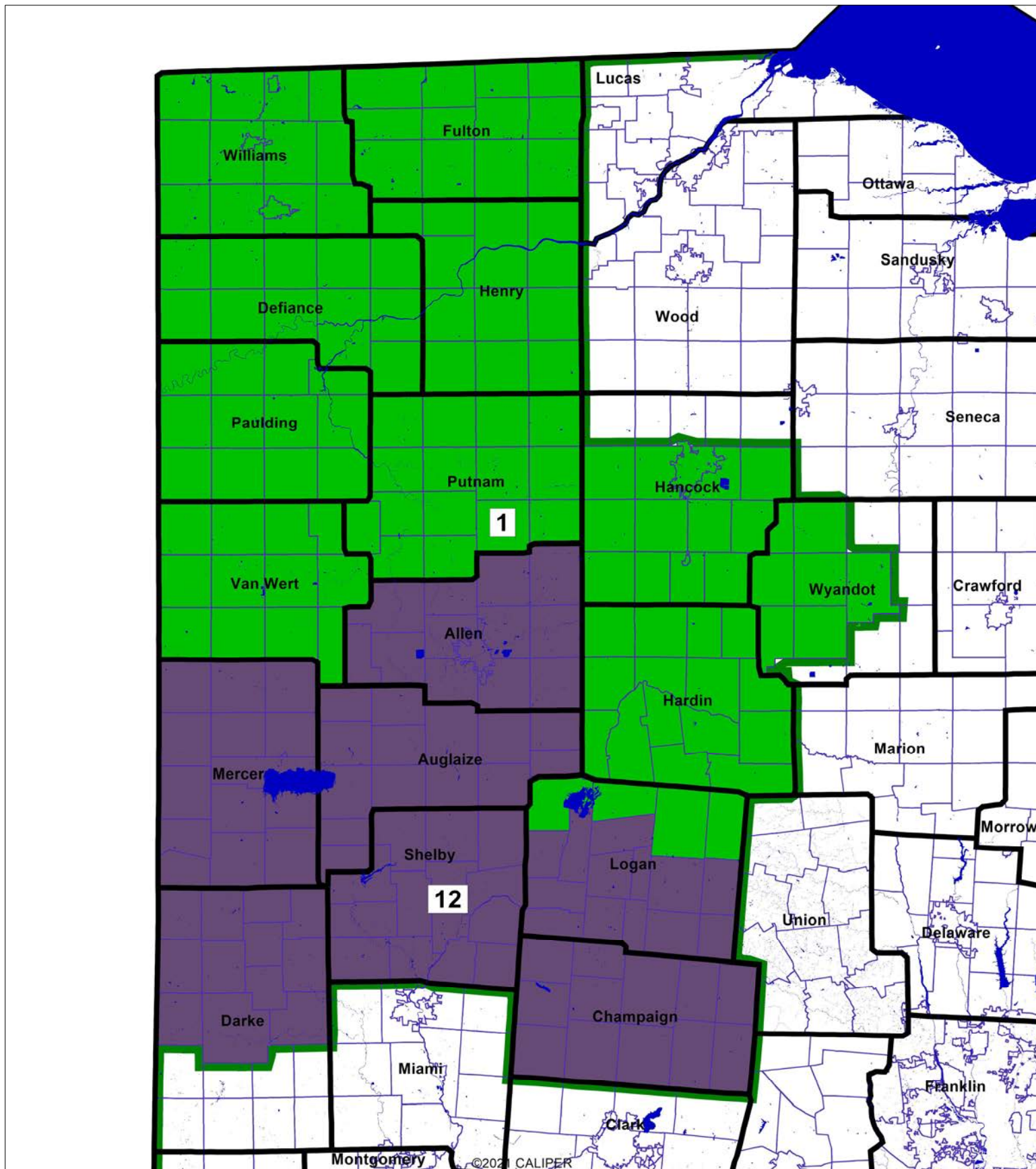
ID	Population	Deviation %	Deviation #	16-18-20 Data	16-18-20 Data
				DEM Index	REP Index
21	372,824	4.27%	15,265	79.354	20.646
23	374,941	4.86%	17,382	80.344	19.656
24	367,945	2.90%	10,386	52.169	47.831
27	372,602	4.21%	15,043	50.230	49.770
28	368,270	3.00%	10,711	57.520	42.480

Ohio Redistricting Commission
January 22, 2022

Proposal for West Central Ohio
Ohio House and Ohio Senate districts

Geography adjustments
Within 2 SDs (6 HDs) – No change in seats leaning in either direction







Section 8(C)(2) Statement

In *LWV v. DeWine*, Slip Opinion No. 2022-Ohio-65, the Ohio Supreme Court addressed the method by which the Ohio Redistricting Commission determines whether it is in compliance with Section 6(B), Article XI of the Ohio Constitution. According to the Court, this determination requires two calculations. The first is the statewide proportion of districts whose voters favor each political party. “In making this determination, the Commission must determine how voters in the proposed districts are likely to vote in future elections by examining the statewide federal and state partisan election results from the previous ten years.” Op. at para. 105. The second calculation is the “statewide preferences of the voters of Ohio.” Id. at para. 106. The methodology to make this calculation is to “total[] the votes cast in statewide partisan elections and calculate[e] the percentages of votes received by candidates of each political party.” Id. at para. 107. As to this second calculation, the Court concluded that the “commission is required to attempt to draw a plan in which the statewide proportion of Republican-leaning to Democratic-leaning districts closely corresponds to” 54% Republican-leaning and 46% Democratic-leaning. The Commission refers to the 54%/46% calculation as strict proportionality. Neither the Constitution nor the decision of the Supreme Court requires adoption of a plan meeting strict proportionality, only that it closely correspond with it.

The Commission attempted to draw a plan in which the statewide proportion of Republican-leaning to Democratic-leaning districts closely corresponds to 54% Republican-leaning and 46% Democratic-leaning districts. In doing so, the Commission was mindful that all of Section 6, Article XI of the Ohio Constitution was to be complied with, not just certain sections. Plus, no one division of Section 6 is subordinate to another. The Commission was also mindful that compliance with Section 6 shall not result in violations of Section 2, 3, 4, 5, or 7 of Article XI of the Ohio Constitution.

During the process of drawing the final adopted plan, all Commission members and their staff participated in the map-drawing process. All members of the Commission, through their respective staff, met or communicated nearly each day of the process and exchanged proposals. The Commission met several times to discuss specific proposals that had been shared with all members of the Commission and the public. The final adopted plan contains input from all members of the Commission, directly or through their staff.

The final adopted House district plan contains 57 Republican-leaning districts. This corresponds to approximately 57% of the total number of house districts. The final adopted Senate district plan contains 20 Republican-leaning districts. This corresponds to approximately 60% of the total number of senate districts. In total, the final adopted general assembly district plan contains a total of 77 Republican-leaning districts and 55 Democratic-leaning districts. This corresponds to approximately 58% Republican-leaning districts and approximately 42% Democratic-leaning districts. These percentages differ from strict proportionality by only 4%. The Commission achieved this result by changing eight (8) general assembly districts from Republican-leaning to Democratic-leaning.

These percentages are a result of the Commission's attempt to comply with Article XI, Section 6. The Commission has had dozens of maps submitted to it. However, the Commission's map was the only map that closely corresponds to the Section 6 requirements, while remaining constitutional in all other elements.

The Commission believes that the number of Republican-leaning districts and Democratic-leaning districts closely corresponds to strict proportionality, particularly in light of the distribution of voters and geography of Ohio. Moreover, the final adopted general

assembly plan does not contain any violations of Sections 2, 3, 4, 5, or 7 of Article XI of the Ohio Constitution and complies with Section 6 of Article XI of the Ohio Constitution.



OHIO REDISTRICTING COMMISSION

Minority Report

Senator Vernon Sykes, Co-Chair

House Minority Leader-Elect Allison Russo, Commissioner

“Attempt” is not a meaningless word and the proportionality requirement is not “superficial.” The Ohio Supreme Court told us as much. This Commission has a clear order from the Ohio Supreme Court that we must adopt state legislative districts that reflect the preferences of Ohio voters. However, the map presented and adopted by the Commission today falls far short of that mark and therefore cannot earn our support.

Unequivocally, the Ohio Supreme Court has directed us to draw a map that closely matches statewide voter preferences. As the Court stated, “about 54 percent of Ohio voters preferred Republican candidates and about 46 percent of Ohio voters preferred Democratic candidates. Accordingly, under Section 6(B), the Commission *is required to attempt to draw a plan in which the statewide proportion of Republican-leaning districts to Democratic-leaning districts closely corresponds to those percentages.*” (emphasis added). *League of Women Voters of Ohio v. Ohio Redistricting Comm.*, Slip Opinion No. 2022-Ohio-65, P 108 (2022). This translates to 45 House Democratic seats and 54 House Republican seats, and 15 Senate Democratic seats and 18 Senate Republican seats. Despite this clear order, the Commission has failed to meet those requirements. The result is another gerrymandered map by the majority Commissioners that does not meet the requirements of Article XI, Section 6 of the Ohio Constitution.

While the majority may claim it is impossible to draw a proportional map that is compliant with line-drawing requirements, that is simply not the case. In fact, the minority party Commissioners presented various options, including regional county maps and a statewide map, that demonstrate how to draw districts that meet the constitution's proportionality and line-drawing requirements. The minority presented a statewide plan to the Commission that meets all requirements of the Constitution including Article XI, Section 6. The minority Commissioners' staff also testified to the ability to create many variations of compliant maps that would achieve 45 Democratic House seats and 15 Democratic Senate districts if only the majority Commissioners would collaborate and give appropriate guidance. This guidance was withheld. The public has also submitted maps for the Commission's consideration. All of those options have been rebuffed by the majority who also characterized minor issues as unfixable, rejecting offers to work together on a Commission-drawn map. The Court in its order directed that "[i]f it is possible for a district plan to comply with Section 6 and Sections 2, 3, 4, 5, and 7, the commission *must adopt a plan that does so.*" Id. at P 88 (emphasis added). As we have seen through this process, it is possible, and the Commission has other plans before it that meet Article XI. It is possible to meet the Court's order; it just appears that the majority of Commissioners do not want to. In fact, the Court in its decision stated that attempt was not an empty act: "The phrase "shall attempt" in Article XI, Section 6 also has a plain meaning: it directs the commission to take affirmative steps to comply with the standards stated in divisions (A) through (C)." Id. P 86. The majority Commissioners have not made an attempt to comply with Article XI, Section 6 and majority map drawers were unable to identify any affirmative steps that they made to draw a more proportional map nor any obstacles preventing them from doing so.

Instead, the majority Commissioners have crafted a plan that does not meet Section 6 requirements and fails to reflect partisan symmetry. The plan adopted today does not have the requisite amount of Democratic-leaning districts the Court directed this Commission to achieve. Further, many of the Democratic-leaning districts it does include are Democratic by razor-thin margins demonstrating a clear intention to favor and disfavor political parties in violation of Article XI, Section 6. Conversely, the Republican-leaning districts in the plan adopted today are overall more safely Republican. Given that there are alternative plans that do not skew districts as the adopted plan does, these appear to be discretionary choices to give further unwarranted advantage to the majority.

From the process to its adoption today, the majority's plan is a clear failure by the Commission to follow the order of the Ohio Supreme Court and the will of Ohio's voters. For instance, no hearing of the Commission since the Court's ruling has allowed for in-person or virtual public testimony to members of the general public. While the Commission has a public comment page on its website, testimony was needlessly limited. The Commission failed to allow public input on a proposed plan – a critical piece of the 2015 constitutional reforms that guaranteed that the public would be able to participate in the map-drawing process, as well as a part of the Commission's own procedural rules. Majority members of the Commission also delayed the release of funding for Commission members to hire a consultant until four days had already passed in the Commission's timeline to adopt a new plan. Staff negotiations were similarly significantly delayed because Majority staff of the Commission members would not commit to meeting the Court's order pertaining to the proportionality required by Article XI, Section 6.

Republican Commissioners did not instruct their staff to comply with the proportionality requirement in the Constitution and the Court order. Instead, districting decisions were declared

unconstitutional without explanation seemingly in order to avoid having to comply with the proportionality requirement in the Constitution. Majority staff said that they needed guidance from the Commission on what they called “subjective” areas of Article XI suggesting that they had not been given such guidance. Staff repeatedly declined to commit to working toward the 54%-46% proportionality requirement as dictated by the Court.

It is shameful that we are here again, adopting yet another unconstitutional map in direct contradiction to the Ohio Supreme Court. Ultimately, this is not an issue of geography or technical inability to draw fair maps; it is a lack of political courage and a blatant disregard for the Court’s order and the will of Ohio voters.



Karen Kasler
@karenkasler



For those waiting for the Ohio Redistricting Commission to start - it's been delayed and we'll get 90 minutes notice.

The big Intel announcement is a factor. Members Gov. DeWine and President Huffman will be in Newark for it (and perhaps Speaker Cupp - checking on that).

10:28 AM · Jan 21, 2022 · Twitter Web App

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- Governor Mike DeWine
@GovMikeDeWine
- Ohioans are makers, inventors, and creators. Ohioans have always been dreamers and doers. @intel's announcement today just confirms that once again, this is Ohio's time in history. #BuiltForThis #IntelOhio intelohio.com
- 3:15 PM · Jan 21, 2022 · Twitter Web App
- 26 Retweets 7 Quote Tweets 154 Likes
- Diana Hankins @... · Jan 21
Replying to @GovMikeDeWine and @intel
Hope you thanked President Biden!!!
- GoBigBlue2455 @... · Jan 21
For high gas prices, unsecured borders, a weakened military, and record inflation. Yeah, no thanks.
- Keith Pomeroy @... · Jan 21
Replying to @GovMikeDeWine and @intel
Does this mean Ohio will finally believe in science?
- Capt. Willard @C... · Jan 21
Replying to @GovMikeDeWine and @intel



Frank LaRose
@FrankLaRose



Intel chose Ohio! What a huge win!

- ➔ \$20 billion in capital investment
- ➔ 3,000 initial new @intel jobs
- ➔ \$135K average salary + benefits
- ➔ 7,000 construction jobs

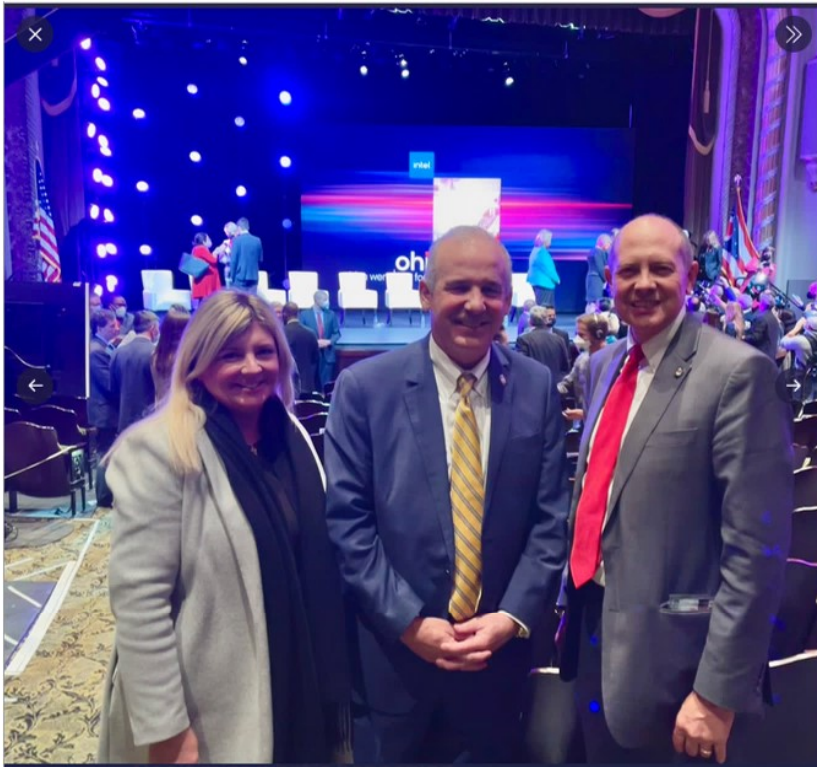
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Ohio Senate GOP
@OhioSenateGOP

The 'Silicon Heartland' has a heartbeat that starts in Licking County, OH. Learn more about the [@intel](#) announcement and how [@OhioSenateGOP](#) helped set the stage for this historic development. → bit.ly/3tUbdYv

[@matthuffman1](#)
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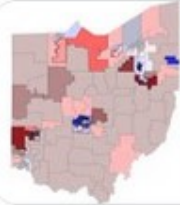
Jessie Balmert ✓
@jbalmert

...

Dave's links for GOP map drafts:

House: davesredistricting.org/join/61e158a7-...

Senate: davesredistricting.org/join/e98c8034-...



davesredistricting.org
Jan 22 Proposed Full HDs BAF - Republican Proposal
Redistricting Map

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OHIO REDISTRICTING COMMISSION

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JANUARY 18, 2022

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20 Job No.: 427653

21 Pages: 1 - 20

22 Transcribed by: Molly Bugher

Transcript of Meeting
Conducted on January 18, 2022

2

1 MEMBERS PRESENT:

2 CO-CHAIR SPEAKER ROBERT R. CUPP

3 CO-CHAIR SENATOR VERNON SYKES

4 GOVERNOR MIKE DEWINE

5 AUDITOR KEITH FABER

6 STATE SENATE PRESIDENT MIKE HUFFMAN

7 SECRETARY OF STATE FRANK LAROSE

8 LEADER ELECT ALLISON RUSSO

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1 P R O C E E D I N G S

2 SPEAKER CUPP: I will now call to order
3 this meeting of the Ohio Redistricting Commission.
4 We are joined here today by our new member of the
5 Commission who is House Minority Leader Elect,
6 Allison Russo. Let the record reflect that the
7 existing Commission members were previously sworn
8 in on August the 6th, 2021 and I'll now ask
9 Governor DeWine to administer the oath to our
10 newest member.

11 GOV. DEWINE: Mr. Chairman, thank you
12 very much. Representative Allison Russo, House
13 Minority Leader Elect is the appointee to this
14 Commission by Acting Minority Leader Kristin Boggs
15 of the House of Representatives. And let the
16 record reflect this appointment. And I will now
17 ask her to stand.

18 Please raise your right hand.

19 I, Allison Russo.

20 REP. RUSSO: I Allison Russo.

21 GOV. DEWINE: Do solemnly swear.

22 REP. RUSSO: Do solemnly swear

1 GOVERNOR DEWINE: To support the
2 Constitution of the United States.

3 REP. RUSSO: To support the Constitution
4 of the United States.

5 GOVERNOR DEWINE: And the Constitution
6 of the State of Ohio.

7 REP. RUSSO: And the Constitution of the
8 State of Ohio.

9 GOV. DEWINE: And to faithfully
10 discharge the duties of the office.

11 REP. RUSSO: And to faithfully discharge
12 the duties of the office.

13 GOV. DEWINE: As a member of the Ohio
14 Redistricting Commission.

15 REP. RUSSO: As a member of the Ohio
16 Redistricting Commission.

17 GOV. DEWINE: On which I serve.

18 REP. RUSSO: On which I serve.

19 GOV. DEWINE: Pursuant to Article 11.

20 REP. RUSSO: Pursuant to Article 11.

21 GOV. DEWINE: Section 1.

22 REP. RUSSO: Section 1.

1 GOV. DEWINE: Of the Ohio Constitution.

2 REP. RUSSO: Of the Ohio Constitution.

3 GOV. DEWINE: This I shall do as I shall
4 answer unto God.

5 REP. RUSSO: This I shall do as I shall
6 answer unto God.

7 GOV. DEWINE: Congratulations. Thank
8 you.

9 REP. RUSSO: Thank you.

10 SPEAKER CUPP: Congratulations.

11 And at this time we'll have staff call
12 the roll.

13 STAFF: Co-Chair Speaker Cupp.

14 SPEAKER CUPP: Present.

15 STAFF: Co-Chair Senator Sykes.

16 SENATOR SYKES: Present.

17 STAFF: Governor DeWine?

18 GOVERNOR DEWINE: Here.

19 STAFF: Auditor Faber?

20 MR. FABER: Yes.

21 STAFF: President Huffman?

22 PRESIDENT HUFFMAN: Here.

1 STAFF: Secretary LaRose?

2 SEC. LAROSE: Here.

3 STAFF: Leader Elect Russo?

4 REP. RUSSO: Here.

5 STAFF: We have a quorum.

6 SPEAKER CUPP: A quorum is present and
7 we are meeting as a full Commission.

8 In your folders members, are the minutes
9 of the last meeting on October 28, 2021. Is there
10 a motion to accept the minutes?

11 SENATOR SYKES: So moved.

12 SPEAKER CUPP: There is a motion to
13 accept the minutes and I will second that. Are
14 there any objection to the motion or the minutes?
15 Seeing none, the minutes are accepted without
16 objection.

17 At this time I would like to recognize
18 Governor DeWine.

19 GOVERNOR DEWINE: Mr. Chairman, thank
20 you very much. I think it's important, Mr.
21 Chairman, as we start to start with a brief
22 discussion in regard to what our understanding is

1 of the court decision, the Ohio Supreme Court
2 majority opinion. And I want to go through what I
3 understand it to be and we'll maybe go from there
4 on any kind of discussion.

5 But I think it is important to take a
6 moment to discuss the holding of the Ohio Supreme
7 Court. We know a lot of that holding was centered
8 on Section 6. Section 6 has three parts with
9 which the Commission must attempt to comply; they
10 are: A, no plan shall be drawn primarily to favor
11 or disfavor a political party.

12 B, the statewide proportion of districts
13 whose voters, based on statewide state and federal
14 parts in general election results during the last
15 10 years favor each political party must
16 correspond closely to the statewide preferences of
17 the voters of Ohio.

18 And C, the district must be compact.

19 The Supreme Court spells out in the
20 opinion, you know, what that means. The Ohio
21 Supreme Court has told us that paragraph 86 of
22 that majority opinion that, and I quote:

1 "Article 11, Section 6, also has a plain
2 meaning. It directs the commission to
3 take affirmative steps to comply with
4 the standards stated in division A
5 through C. Thus, when drawing a
6 district plan the commission must
7 attempt to meet the standards set forth
8 in Section 6."

9 The Supreme court tells us in paragraph
10 90 that, and I quote:

11 "Section 6 speaks not of desire but a
12 direction. The commission shall attempt
13 to achieve the standards of that
14 section. While Section 6 contemplates
15 that the standards set forth in it may
16 not come to fruition, it nevertheless
17 requires the Commission to try to
18 achieve them."

19 So going back to the term attempt, the
20 Supreme Court goes on to tell us in paragraph 88
21 that, and I quote:
22 Read together, the first and last
sentences of Section 6 clearly" --

1 Excuse me.

2 "Clarify that the standards of Section 6
3 are subordinate to the map drawing
4 requirements in Section 2, 3, 4, 5, and
5 7. If it is possible for a district
6 plan to comply with Section 6 and
7 Sections 2, 3, 4, 5, and 7 the
8 Commission must adopt a plan that does
9 so."

10 So my understanding is they are giving
11 us instructions in regard to Section 6, what we
12 need to try to obtain, and laid out a percentage
13 in the opinion. But they also say that Sections
14 2, 3, 4, 5, and 7 must be met. That we have to
15 check those boxes as well, and that we have to do
16 all we can to then also under Section 6, get to
17 the percentages that are laid out in the Supreme
18 Court -- the Court decision.

19 Let me also add that the Court makes
20 comments in the ruling in regard to our procedure.
21 And this is -- I'm going to read how, at least I
22 understand it, then I'll stop and let anybody

1 comment on either the procedure or the end result.

2 I would interpret what the Court is
3 saying is that each individual commission member
4 should instruct their respective staff members to
5 abide by the Court's ruling, and address the
6 Court's ruling regarding Section 6 of the Ohio
7 Constitution.

8 So anybody who is drawing a map, anybody
9 who works with any members of this Commission
10 should be instructed by the individual commission
11 members to do that. I would also think that an
12 individual commission member is free to set up a
13 meeting, or call any of the commission members
14 relevant staff, and/or contractors to ask any
15 questions, or discuss any issues the member may
16 have.

17 Obviously, members should be mindful
18 that no more than three members may be present at
19 any one time when discussing Commission matters.
20 It is my understanding, Mr. Chairman, that these
21 discussions have actually been going on, that
22 those who are actually looking at the maps and

1 have that data in front of them have been talking
2 among themselves, so I think all of this is being
3 done, and I would like the record to reflect that.

4 Thank you, Mr. Chairman.

5 SPEAKER CUPP: Thank you, Governor
6 DeWine. Any other member wish to be recognized at
7 this time?

8 The Chair recognizes Secretary of State
9 LaRose.

10 SEC. LAROSE: Thank you, Mr. Chairman,
11 and colleagues on the Commission. Obviously the
12 work that we have in front of us right now as the
13 commission is vitally important. There is one
14 other thing that is inextricably linked to that
15 though that I want to just comment on for a
16 moment. And that is the administration of an
17 election in a timely and an orderly manner.

18 And so I think I have a duty to share
19 with all of you the hard facts about administering
20 an election, and just to make sure that we're
21 operating with that in mind. Of course Ohioans
22 deserve an accurate and accessible primary

1 election, and as this process continues we are
2 starting to become perilously close to reaching
3 that point where that may become logistically
4 impossible.

5 Let me be clear, the General Assembly
6 has ordered me to conduct an election on May 3rd,
7 and I am committed to making sure that that
8 happens. But without finality on maps, that
9 starts to become mechanically impossible very
10 soon. And so we need to reach that finality as
11 quickly as possible.

12 Of course, the process of preparing for
13 that election takes weeks, many weeks, not days,
14 and we're already facing statutory deadlines that
15 likely cannot be met. For example, there is a
16 deadline this weekend that by necessity will not
17 be met, whereby we have a responsibility to report
18 to the federal government a thing called the
19 federal write-in absentee ballot, and that's not
20 going to be met because we're not going to be
21 ready to do that this weekend.

22 There's a reason why historically this

1 has been a 90 day window between filing and
2 election. If you go visit your county boards of
3 elections, most of them have a 90 day calendar
4 where every single one of those days has with it a
5 checklist of responsibilities that they need to
6 accomplish throughout those 90 days.

7 I'm confident that our 88 county boards
8 of elections can conduct a successful primary
9 election on May 3rd, but they, these bipartisan
10 hard-working men and women that actually run these
11 selections, they are going to need a little bit of
12 assistance from the General Assembly.

13 I've asked our legislative leaders for
14 the temporary authority to adjust the
15 administrative deadlines required in state and
16 federal law. Over the weekend my staff has been
17 meeting with their staff, I've delivered a letter
18 to the legislative leaders today and what we're
19 talking about is those administrative deadlines
20 between filing deadline and election day, and
21 there are many of them.

22 Here are just a few examples.

1 Programming of districts and voter data. That
2 takes weeks to do once we have the shape files,
3 the actual maps, it takes about three weeks for
4 those programming processes to be carried out. We
5 have to accommodate overseas and military voters.
6 We have to proof and print ballots, notification
7 of the elect doors, testing of election tabulation
8 and reporting systems. This is just a very short
9 list of the many things that have to happen
10 between filing deadline and an election date.

11 So this is the exact same temporary
12 authority that was granted to my office under
13 Senate Bill 258 which moved the congressional
14 filing deadline to March 4th and so I'm asking for
15 that authority to apply that to the State House
16 and Senate elections as well. Of course, without
17 that, I cannot guarantee that things are going to
18 happen in the way that we expect, and Ohioans have
19 a long history of elections that that are orderly
20 and fair and accessible, and honest, and that's
21 exactly what we're going to deliver once again.

22 Anything short of that benefits no one

1 and so I want to make sure that we can do our jobs
2 and do them well. And so I thank you for the
3 time, and I appreciate your consideration.

4 SPEAKER CUPP: Any further discussion or
5 comments?

6 Senator Sykes?

7 SENATOR SYKES: Thank you Mr. Co-Chair.
8 I would like to also thank the Governor for kind
9 of setting the stage. I think it is important for
10 us as a Commission to make sure it is clear that
11 the public knows that it's clear to us that we
12 know what our marching orders are. And the
13 percentage, the 54/46 percentage goal and
14 objective to try to attempt to achieve is clear
15 that that's the direction we're headed in.

16 We've got just a few days to make these
17 decisions. I wanted to assure the public that we,
18 at least in our caucus and in conjunction with the
19 other members of the Commission, directed our
20 staffs to start those conversations already. The
21 website is a being re-activated. At this point we
22 have an agreement on the data that we are going to

1 be using, the 2016 to 2020 statewide elections
2 data.

3 Funding is being provided so that all
4 operatives will have the proper consultation to
5 get started with and it's important for us to move
6 post haste to make sure that we comply with the
7 court order in a timely fashion.

8 SPEAKER CUPP: Thank you, Senator Sykes.
9 Representative Russo?

10 REP. RUSSO: Thank you, Chair. First of
11 all it is an honor to be a part of this
12 Commission, and I look forward to the hard work
13 that we will be doing in the next several days now
14 because we are at a matter of days to achieve this
15 task, which I think is fully achievable it is
16 hard, but we are smart, we are talented, we are
17 experienced people on this Commission. I know
18 that we can get this work done.

19 Thank you to the Governor for addressing
20 the Court's decision, and I would like to respond
21 by saying, and reemphasizing that the Court was
22 clear that this Commission is required to attempt

1 to draw maps with the numbers of districts that
2 closely correspond with the 54/46 breakdown of
3 Ohio voter preferences.

4 The Court was also clear that attempt is
5 not a meaningless word. The language of Section 6
6 means that we must do it, unless we cannot do it.
7 And specifically, paragraph 88 says that the term
8 attempt means if it is possible for a district
9 plan to comply with Section 6, and Sections 2, 3,
10 4, 5, and 7, the Commission must adopt a plan that
11 does so.

12 We know from the prior work of this
13 Commission that there are many maps that have been
14 proposed that meet all of those requirements. And
15 so let's not move forward assuming that attempt is
16 unachievable because it has been proven in prior
17 attempts to actually do this. The language of
18 Section 6 means that we must do it unless we
19 cannot do it. And I know that we all come here
20 today ready to follow the Court's order.
21 This is our second chance to do what is
22 right by Ohioans and deliver bipartisan tenure

1 maps that followed the Constitution and reflect
2 the preferences of Ohio voters. And we stand
3 ready to conduct open and transparent process that
4 will produce fair maps.

5 This decision, I just want to point out,
6 we have many members of the public here, would not
7 have been possible without the hundreds of Ohioans
8 who have testified for fair maps and have spent
9 literally years advocating for this. And I just
10 want you to know that when you speak up your
11 voices do make a difference.

12 So I hope, again, that we are all
13 committed as commission members to uphold the will
14 of the people by drawing maps that gives all
15 communities the equal representation that they
16 deserve and by following what the Court has been
17 very clear in what our mission is.

18 Thank you.

19 SPEAKER CUPP: Any further comments? I
20 not, I would just say that we have already begun
21 the work to work cooperatively to implement and
22 conform to the decision of the Court, as we

1 understand it. And that we'll continue, well
2 aware of the time constraints, which makes this
3 process difficult but not impossible, and so we
4 will all be working diligently to achieve those
5 ends.

6 Is there any further business to come
7 before this meeting of the Redistricting
8 Commission? Being none, we will --

9 I will just say that we will -- Senator
10 Sykes and I will be meeting to discuss a schedule
11 for further meetings of this Commission as the
12 business would warrant us to reconvene in a
13 meeting. And so we will be working that out.
14 Obviously this is a little uncertain process, it's
15 new, as we would say on the court, this is a
16 matter of first impression and so we are kind of
17 feeling our way as we go. But we will be working
18 on a schedule and provide proper notice.

19 If there is no further business to come
20 before the Commission we will stand adjourned.

21 (Meeting adjourned.)

22 CERTIFICATE OF TRANSCRIBER

1 I, Molly Bugher, do hereby certify that the
2 foregoing transcript is a true and correct record
3 of the recorded proceedings; that said proceedings
4 were transcribed to the best of my ability from
5 the audio recording and supporting information;
6 and that I am neither counsel for, related to, nor
7 employed by any of the parties to this case and
8 have no interest, financial or otherwise, in its
9 outcome.

10
11 
12 _____

13 Molly Bugher, CDLT-161

14 DATE: January 24, 2022
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BENNETT 062

Transcript of Meeting
Conducted on January 18, 2022

22

19:19	close	congratulations	16:20, 17:20
C	12:2	5:7, 5:10	cupp
calendar	closely	congressional	2:2, 3:2, 5:10,
13:3	7:16, 17:2	14:13	5:13, 5:14, 6:6,
call	co-chair	conjunction	6:12, 11:5,
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10:13	5:15, 15:7	consideration	18:19
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TRANSCRIPT OF VIDEO-RECORDED
SESSION OF THE
STATE OF OHIO
REDISTRICTING COMMITTEE
JANUARY 20, 2022

Job No.: 427653
Pages: 1 - 53
Transcribed by: Christian Naaden

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Conducted on January 20, 2022

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P R O C E E D I N G S

SEN. SYKES: With the secretary, please call
the roll.

SECRETARY: Speaker Co-Chair Cupp.

REP. CUPP: Present.

SECRETARY: Senator Co-Chair Sykes.

SEN. SYKES: Here.

SECRETARY: Governor DeWine?

GOV. DEWINE: Here.

SECRETARY: Auditor Faber?

SEN. FABER: Here.

SECRETARY: President Huffman.

SEN. HUFFMAN: Here.

SECRETARY: Secretary LeRose.

MR. LEROSE: Here.

SECRETARY: And Leader-Elect Russo.

MR. RUSSO: Here.

SECRETARY: A quorum is present, Mr. Co-Chair.

SEN. SYKES: We have minutes from the previous
meeting included in the packet. Are there any
objections to the minutes? Hearing and seeing none, we
will accept the minutes as presented.

1 At this point we'd like to make a few
2 statements and ask for a recess until 3:30. Start with
3 Speaker Cupp.

4 REP. CUPP: Thank you, Mr. Chairman. We 00 our
5 staffs have been working not only between the caucuses,
6 but also with the statewide officeholders, beginning to
7 look at various parts of Ohio and see where we can make
8 some modifications so that we can comply with the order
9 of the Supreme Court.

10 We have produced some proposal -- draft
11 proposal for a Franklin County and Hamilton County, and
12 we have them and are prepared to discuss those at this
13 time what progress we've made; understanding that there
14 has not been an agreement.

15 There have been collaboration and discussion,
16 but not in agreement between the the various parts of
17 the commission and -- but we understand that -- that
18 maybe you have a different motion at this time,
19 Senator.

20 SEN. SYKES: Mr. Co-Chair, I move that we take
21 recess until 3:30 for the purpose of reviewing the
22 proposals presented by both the majority and the

1 minority to see if we can come a little closer for our
2 update today. Is there any objections?

3 SEN. HUFFMAN: Mr. Co-Chair, I don't have an
4 objection to the recess. I guess I just want to
5 understand if I could kind of just have the floor for
6 one minute.

7 SEN. SYKES: Yes.

8 SEN. HUFFMAN: Okay. Yeah. So I understood
9 that -- and I also want to commend, I think the last
10 two evenings at least, all -- representatives of all
11 seven commission members have been meeting in the, I
12 think, the Senate minority caucus room having input to
13 various changes and trying to do that, of course, in
14 conformity with the court's order and all with the idea
15 of producing -- complying with the court's order that
16 this be done by Saturday.

17 And I understood the -- there has been a
18 presentation of suggested changes by members of the, I
19 guess I would say, different folks from the majority in
20 Franklin and Hamilton County. Our folks just received,
21 I guess, kind of a response.

22 And so it's my understanding that the purpose

1 of the recess is to examine those proposed changes and
2 proposed response to changes in just those two areas in
3 the next hour. And then we can come back and review
4 them all publicly. Is that what -- where we're at here?

5 SEN. SYKES: Basically, yes.

6 SEN. HUFFMAN: Okay. Great. We understand that
7 you've indicated that states have been working in both
8 sides, the majority and the minority participation with
9 statewise as well.

10 And there are just -- what's before the
11 committee right now is not comprehensive, and that does
12 not include all of the considerations; that we just
13 want to make sure either we narrow it down or we, you
14 know, make public all of the considerations.

15 SEN. HUFFMAN: In what time would we reconvene
16 then?

17 REP. CUPP: It's. 2:30 now; 4:00? Would 4:00
18 o'clock be okay with the members?

19 SEN. HUFFMAN: Whatever the co-chairs tell me,
20 I'll be here.

21 SEN. SYKES: Okay, well, I'll keep that, I
22 keep a rain check. I'll keep a rain check on that well.

1 SEN. HUFFMAN: But I would like to know
2 because there are --

3 SEN. SYKES: 4:00.

4 SEN. HUFFMAN: 4:00, perfect. All right.

5 SEN. SYKES: We are now in recess until four
6 o'clock.

7 [recess]

8 SEN. SYKES: We're going to call to order the
9 Ohio redistricting commission. Extend apologies to the
10 public. We were not aware that the majority was going
11 to actually have maps available.

12 We had to take a research recess to make sure
13 the maps from the minority was also distributed, placed
14 on the website and made available for your consumption.
15 At this time we're going to move post-haste to present
16 just brief presentations of these maps.

17 We have decided to take a regional approach to
18 address this issue. We've had some tentative
19 understandings, but we have not made any final
20 decisions on the -- on the maps. But we wanted to
21 provide an opportunity to give a progress report on
22 where we stand because we're getting closer and closer

1 to the deadline.

2 So with that, Speaker, would you want to make
3 the presentation?

4 REP. CUPP: Thank you, Mr. Chairman. I do. And
5 again, this is a summary presentation.

6 As Senator Sykes has indicated, there is
7 continuing to work on these and we can consider these
8 drafts and still training input and ideas and comments
9 back and forth.

10 So I would refer to the one that as a proposal
11 for Franklin and Union Counties, Ohio House and Ohio
12 Senate districts. I will talk mostly about the the
13 House district, of course.

14 These were drawn with the idea of trying to
15 have compact districts, districts that have some
16 competitive nature to them where possible, and ones
17 that take a step towards the proportionality
18 requirement of the Constitution, as explained by the
19 Ohio Supreme Court.

20 So in Franklin County, and we had Union
21 County on this because a part of Dublin -- actually all
22 of Dublin in Franklin County and Union County are

1 together. So we call it the Franklin-Union County one.
2 So the result of that is that there are 11 Democrat-
3 leaning districts and one Republican-leaning district.

4 In the -- in the Senate there would be four
5 Democrat-leaning districts in this proposal, and I
6 think the maps have been passed out and you can see
7 what -- what those are. I would then move, Mr.
8 Chairman, to the proposal for Hamilton and Warren
9 County.

10 And in the House for Hamilton County there
11 would be five Democrat-leaning districts and two
12 Republican-leaning districts. And then in Warren
13 County, which is paired and there's a bit of a -- there
14 would be two -- two Republican-leaning districts in
15 Warren County. It's a little difficult to find
16 significant Democrat population in Warren County.

17 So in the Senate, in both counting both
18 counties, there's one Democrat-leaning district and two
19 Republican-leaning districts. So these are the
20 proposals that have been exchanged among staff.

21 And so there is ongoing discussion about that.
22 In fact, there was discussion during our recess here.

1 And as I understand it, that you have -- and these have
2 been uploaded to the website and as I understand it
3 now, the maps that you're proposing to been uploaded as
4 well. So that's my presentation.

5 SEN. SYKES: Thank you, Speaker. At this time,
6 we'll call on Chris Glassburn our map drawer on
7 Democratic side to present our counter.

8 MR. GLASSBURN: Thank you, Co-Chair Sykes and
9 Co-Chair Cupp and members of the commission.

10 The document you have in front of you with
11 images, the site I'd like to begin with is Hamilton
12 County and has House districts with labels. You'll see
13 numbers more prominently, 29, 25, 24, et cetera.

14 So the House and Senate Democrats received a
15 proposal concerning Hamilton County yesterday and then
16 discussed that proposal -- from the Republican members
17 and then discussed that proposal last night. The
18 response you have before you again is designed to
19 incorporate that feedback, as well as to maintain a
20 statewide map that is on a trajectory to reach the
21 proportionality specified by the Ohio Supreme Court, 54
22 percent Republican, 46 percent Democratic.

1 For the House, Hamilton County features seven
2 House seats in the map that was presented to the -- by
3 the Republican caucus. There were five Democratic and
4 two Republican seats. The Democrats have done the same
5 thing with five Democratic seats and two Republican
6 seats.

7 We consider that a significant movement on our
8 behalf to the majority in that there are, quite
9 frankly, a limited number of places in which Democratic
10 seats may occur; and this takes one of those House
11 districts off the table to go on this path.

12 The districts in many ways resemble the
13 districts that were put forward by the Republicans'
14 proposal; some, I believe entirely so. But our our
15 endeavor was to make both the districts more compact
16 and to allow for reasonable compact and representative
17 pairings for Senate districts.

18 On the next page of your packet, you'll have
19 the Senate pairings. In the Senate map pairings, you
20 will see that there for Hamilton County are two
21 districts within the county, each of which have
22 Democratic indexes in our proposal.

1 This is a difference from the Republican
2 proposal that had only one. The light blue district to
3 the far east end of the county is a single House
4 district that would connect to Warren County for the
5 purposes of being in the Senate.

6 In the proposals that have consistently come
7 from the Democratic caucus dating back to prior to the
8 court's decision, it was our view that the most
9 consistent way to represent the communities of Hamilton
10 County was to have a district on the western end that
11 connected through Butler, not through Warren County.
12 However, we have taken the suggestion from the majority
13 and done that by having a district, the light blue
14 district 27, available to Warren County.

15 Moving on next to the Franklin Union pairings.
16 Once again, the minority sought to make significant
17 concessions to the desires expressed by a majority
18 similar to Hamilton County, it is possible to draw maps
19 that are one seat in the House more Democratic than
20 this map will tally.

21 And again, we have chosen to accept or to go
22 on the path of what the Republicans have suggested; but

1 again, that will continue to narrow the options as we
2 proceed through the rest of the state.

3 The northwest corner attachment of the city of
4 Dublin to Union County with parts of Washington
5 Township, I believe, is identical. The pairings of the
6 Upper Arlington, Hilliard and district, which is
7 District 11, as well as a district to the south of
8 Hilliard for the purposes of a Senate district again
9 are very consistent with what was proposed by the
10 Republican caucus.

11 However, in the proposals from the majority,
12 there were House dis- -- House district that extended
13 from the from the top of Prairie Township, which is
14 halfway up the western side of the county, went
15 entirely across the southern part of the county, and
16 then went again halfway up Franklin County on the other
17 side. That district concerned us significantly on the
18 compactness and the likelihood of acceptability of
19 that.

20 As with the majority proposal, there is a
21 district centered on the city -- Grove City that is a
22 extremely close more or less 50 percent plus one vote

1 type-district, leaning Democratic. However, the
2 majority proposals have continued to seek to draw
3 districts of that nature.

4 There is undoubtedly going to be competitive
5 districts and should be competitive districts through
6 this state. But if we have repeated 50 percent plus one
7 over and over and over, there will become a point where
8 the court's concerns regarding asymmetry of districts,
9 whereas one party has a disproportionate number of
10 seats that are close to 50 percent versus the other
11 party, will come into play. And so I just throw that
12 out as a word of caution.

13 Additionally, as you will see in the Senate
14 pairings for these House districts, the minor tweaks
15 that we have made allowed for in the House districts
16 have allowed for significantly more compact Senate
17 districts. There is now the nearly identical
18 northwestern union northwestern Franklin Union County
19 pairing, there is a southern half of Franklin County,
20 and then there are much more compact and similar
21 districts in the north, central, and northwest.

22 Co-Chair Sykes, if there's anything further

1 than I have omitted, I would be happy to address any
2 error at this point.

3 SEN. SYKES: At this time, are there any
4 questions to either either of the presenters, Speaker
5 Cupp, Co-Chair Cupp or Chris Glassburn about the maps?
6 Again, this is to provide a status report and update of
7 where we stand. The staffs have been working together.

8 This is the first time I believe in the
9 history of the state that Republican and Democrat staff
10 have been working together on maps. It's a herculean
11 task, but I think we're up to trying to make sure we
12 comply with the court order or the questions to the
13 presenters.

14 SEN. FABER: Yes. Thank you, Mr. Chairman. Mr.
15 Glassburn, thank you for your work on this. The one
16 thing that I'm missing is your indexes for
17 competitiveness and for other factors on your map that
18 we did get from the -- the Cupp-introduced proposals.
19 Do you have those that we could take a look at those?
20 Apparently you had them because you made reference to
21 them a couple of times.

22 MR. GLASSBURN: Mr. Auditor, we, in the

1 interest of having greater ability to share and discuss
2 these maps, constructed them through the popular Dave's
3 Redistricting app. That data set is close but not exact
4 upon a match of the Oakerd [ph] file.

5 We have not made the conversions to the Oakerd
6 file, but my compatriot on the staff side, Randall
7 Route [ph], is working on that as we speak and we'll be
8 happy to share that with you. The links to these maps
9 on Dave's Redistricting app are, I believe, available
10 and being circulated. So that will also

11 SEN. FABER: Saving -- Mr. Chairman, saving me
12 from having to go to Dave's and do the math and do the
13 calculations you'll submit to us --

14 MR. GLASSBURN: Yes, we will.

15 SEN. FABER: -- copies of those indexes for
16 each one of these proposed districts House and Senate?

17 MR. GLASSBURN: Yes. Yes, Mr. Auditor. We
18 certainly intend to do that again in the interest of
19 complying with the time deadlines we are putting
20 together as much as we can as we iteratively go here.

21 SEN. FABER: Then a follow-up, Mr. Chairman,
22 and I appreciate you doing this. I appreciate again. In

1 the past, we've worked together and I appreciated that.
2 Then I appreciate it now.

3 Can you tell me what the big difference is?
4 Let's just start with Franklin County. What is the big
5 difference? You kind of went through some summaries,
6 but in the districts it looks like -- and maybe I'm at
7 a loss, but the Cupp version just seems to be easier to
8 read because I think he got rid of some precincts or
9 did different colors.

10 But it looks like the maps are very similar in
11 most of the areas. Is it that you guys just made
12 adjustments here and there or -- or did you make
13 wholesale changes that should be of note that are going
14 to raise community issues?

15 MR. GLASSBURN: To the co-chairs and Mr.
16 Auditor, the largest changes that occurred in Franklin
17 County occurred in the southern portion of the county,
18 primarily concerning what we have labeled districts 10
19 and 5; that being the city, the district centered on
20 Grove City and then the district that has in the corner
21 Canal, Winchester Grove Port, Reynoldsburg, and other
22 communities.

1 Historically, that eastern-southeastern
2 district has had some odd shapes moving north. However,
3 we were not looking to maximize that historical
4 precedence of seeing how far we could take it. We try
5 to, again, maintain the majority's desire for a
6 district of the nature of that Grove City there is.

7 At the same time combining more like
8 communities than dissimilar communities, and we believe
9 this is both more compact and it does a better job of
10 uniting communities that are more similar than the
11 previous map, which we again appreciate. But it stood
12 out to us as something that needed to be corrected.

13 SEN. FABER: So the big thing then, if I
14 translate it in the Cupp version of -- the Republican
15 version, House District five on their labeling would
16 encompass a U-shape around southern Franklin County.

17 MR. GLASSBURN: Yes.

18 SEN. FABER: And you guys divided that up into
19 two different districts. I assume going more into City
20 of Columbus to pick up votes, pick up people?

21 MR. GLASSBURN: The districts as drawn by that
22 -- that were presented by the Republican commission did

1 go into Columbus in that manner. However, the nature of
2 the, if you will, of the voters that are picked up,
3 there are more from the German Village neighborhood,
4 which we thought was a more appropriate pairing.

5 SEN. FABER: German Village with rural
6 southern Franklin County?

7 MR. GLASSBURN: Relative to the choice that
8 was made in choosing predominantly urban neighborhoods
9 in Columbus, German Village was a closer fit.

10 SEN. FABER: Okay. So Mr. Chairman, just
11 looking through the rest, it looks like on the northern
12 parts -- and again, I'm only doing an eyeball
13 comparison; you guys have the data neighborhood by
14 neighborhood -- but it looks like the northern maps are
15 essentially the same. Am I right on that?

16 It looks like the northern -- northern
17 districts, your eight, your eight, looks to be about --
18 I mean, they're very similar. Maybe a little bit
19 different here and there; nine, four, three -- seven is
20 significantly different; 11 is somewhat different; six
21 looks to be a little different.

22 MR. GLASSBURN: The southern half of the

1 county, Mr. Auditor, has differences of varying
2 significance. The northern part of the county, the
3 differences are very minimal, as a general statement.

4 The map that you have is -- was modified. We
5 took the proposal that the Republican commissioners
6 sent us and took that as the working document and
7 modified that proposal to be this.

8 SEN. FABER: Okay. So we'll look at the data
9 when you submit over the --

10 MR. GLASSBURN: Yes.

11 SEN. FABER: -- to see the comparisons. Thank
12 you.

13 MR. GLASSBURN: Thank you.

14 SEN. SYKES: Leader Russo?

15 REP. RUSSO: Thank you, Mr. Co-Chair.

16 Following along that same point of discussion, I just
17 want to narrow in again on the District 7 district --
18 differences. Is it correct that in the Democratic
19 proposal that we have put back, we have tried to
20 maintain the community of Clintonville together in a
21 compact district and then it swings around and I
22 believe it picks up Grandview Heights, correct?

1 MR. GLASSBURN: That's correct.

2 REP. RUSSO: Okay. And then one other question
3 again, going back to this, this the changes that we
4 made in the southern part of the county. And I will
5 note I happen to currently represent one portion of
6 this district.

7 What we attempted to do, particularly in
8 District 10, which is the district centered on Grove
9 City, was to incorporate Prairie and Pleasant
10 Townships, which are very similar communities,
11 integrated into that Grove City community. They share a
12 school district.

13 They share many of the community resources
14 together to put those communities together because they
15 are like communities, both functionally but also in
16 terms of how they they currently operate and are also
17 currently represented; correct?

18 MR. GLASSBURN: Leader Russo, and this to the
19 co-chairs -- that's how I view this district. One
20 person's opinion is that, again, the southwest corner
21 of the county is now more or less in one seat, and that
22 -- that clearly is an area that shares values and

1 community.

2 It's not always possible to have 100 percent
3 of a district be identical in its nature, but to the
4 extent that we can both make districts more compact and
5 more communities or limit the number of diverse from
6 each other communities, that is a potentially
7 worthwhile goal.

8 REP. RUSSO: And as a reminder, while we do
9 have 11 quote-unquote Democratic seats in our map, we
10 have also made District 10, which is that Grove City
11 Center district. It is very close to the 50 percent, so
12 very competitive; correct?

13 MR. GLASSBURN: To Leader Russo and the co-
14 chairs, yes, that is an accurate assessment. Again, the
15 Sykes -- Sykes 15 map by comparison, instead of
16 choosing Union County, chose Pickaway and had 12 out of
17 12 House seats being Democratic, and none of those 12
18 were particularly close to 50-50.

19 This is a significant departure in that there
20 are there is one Republican index seat and there is an
21 additional seat that is a razor-thin margin.

22 SEN. SYKES: Mr. Glassburn, in your initial

1 presentation, you used the word "compromise" several
2 times. Was that on both sides in the negotiations with
3 that on both sides?

4 MR. GLASSBURN: So to the co-chairs, Senator
5 Sykes, on a staff level, that is what we have
6 endeavored to do.

7 As I have alluded to multiple times, there is
8 a legal pathway to -- to matching the proportionality
9 described by the Supreme Court of 54-46. That is
10 something that we do not view as something that can be
11 ignored or dismissed. As we go along, we are trying to
12 find ways to work together.

13 But by taking a regional approach, you also
14 subject the process to limiting your choices as you
15 make concessions along the way and compromise for both
16 -- for -- for any party, any kind of negotiation. And
17 so this is a starting point that we are comfortable.
18 That's why we proposed it.

19 But there are choices that and compromises
20 that have been made that are in this and it is still on
21 a trajectory to reach that 45-15 proportionality. But
22 that path has narrowed considerably in the process of

1 making these choices.

2 SEN. SYKES: Mr. Glassburn, to -- correct me
3 if I'm wrong, but to illustrate four decisions are made
4 in trying to make sure we comply with the court order,
5 in Hamilton County, there was a compromise that you end
6 up with 5-2 -- five Democratic House seats and two
7 Senate -- two Republican seats.

8 But the pairing of the Senate districts was
9 different in the two -- different in the two proposals
10 and in the Republican proposal, the pairing would lead
11 to just one Democratic seat and then with the
12 Democratic proposal, it would mean two.

13 And so this is an example, I believe, of what
14 the court means that you should -- you should comply
15 with the proportionality if you can comply. And this
16 would be an easy way to comply, not changing the
17 configuration of the overall districts, the House
18 districts, but just dealing with the pairing itself.

19 And that's why we're recommending this
20 particular change.

21 MR. GLASSBURN: To Senator Sykes and the co-
22 chairs and the commission, the Senate pairings that we

1 have recommended in Hamilton County again are
2 consistent with being on a pathway to 45 House seats
3 that are Democratic and 15 Senate seats that are
4 Democratic statewide.

5 We are very concerned that failing to do that
6 will not put the final product on a trajectory to meet
7 that -- that prerogative or that goal that has been set
8 forward by the Supreme Court.

9 And so that is certainly an issue that will
10 have to be further discussed to ensure compliance with
11 the decision.

12 SEN. SYKES: Are there any additional
13 questions? President Huffman.

14 SEN. HUFFMAN: Thank you, Senator Sykes.
15 Thanks for your work on this issue. A couple of issues
16 I want to ask about. So first on the if we can go to
17 Franklin County, which I know includes about 60,000 in
18 these maps, 60,000 people in Union County, but I'll
19 call the Franklin County map if that's all right. On
20 the map that I have, which is this what I'm holding up
21 here for, I guess, for lack of a better term.

22 And then I have the the proposal that majority

1 caucus has proposed -- now, these changes from the map
2 previously adopted by the commission. The first
3 question I have is there's a -- on the majority map,
4 there's a District 25 there. Well, there's 25, 16, 3
5 and 15 -- 6, 3 and 15.

6 Well, I can't quite follow where the numbers
7 are on on your map. Can you tell me --I'm not -- I'm
8 not sure if we have one because we've got a 7 up there
9 someplace and I want to make sure we have the same
10 numbers we're working on.

11 MR. GLASSBURN: Yes. So as to the Co-Chairs,
12 Senator Huffman, the maps we have in front of you,
13 again, our caucuses were not expecting it to be -- we
14 were not made -- we were not aware that there was going
15 to be a presentation at this meeting in advance.

16 So in the interest of making sure we had a
17 document available, we recreated Senate districts by
18 combining House districts on a house district map. The
19 numbers are not meant to be and do not conform with the
20 numbering patterns for the state; and quite honestly,
21 in the absence of knowing the other districts of the
22 state, it's a little bit of a meaningless exercise. But

1 yes, we will endeavor to be more consistent.

2 But we have, again, in these proposals taking
3 the map files that are presented to us. We draw from
4 those files and try to reuse the numbering scheme that
5 is within the files that have been sent to us.

6 In this case, though, to try to have something
7 here in rapid fashion, we combined the House district
8 map quickly to create recreate the Senate seats.

9 SEN. HUFFMAN: Okay. So Mr. Chairman, so the 7
10 that's in the upper right hand corner, that's not in
11 reference to a Senate district; that's left over from
12 my House seat.

13 MR. GLASSBURN: Correct. So if you have 12
14 House seats since Franklin County will go first, if you
15 combine in our house map, I believe it's District 7, 8
16 and 4. We use the number from District 7 and just
17 combined the -- literally combined the House districts
18 into district -- House district 7.

19 SEN. HUFFMAN: Okay, so I --

20 MR. GLASSBURN: Again, I apologize for the
21 confusion.

22 SEN. HUFFMAN: We're -- no, that's fine. And

1 this is helping me understand what I'm -- what I'm
2 looking at. So the 7 that is in the northeast corner of
3 this, even though it's what's on District 4, that was
4 just a 7 that you took from the House district down
5 here.

6 MR. GLASSBURN: Yes.

7 SEN. HUFFMAN: Okay. So these don't correspond
8 to actual Senate district numbers; correct?

9 MR. GLASSBURN: Correct. We are not --

10 SEN. HUFFMAN: And if I may, Mr. President or
11 Mr. Senator, maybe a future Mr. President, the -- we
12 are -- you are mindful. I think all the commission is
13 mindful that the actual numbers of the Senate districts
14 are also in in some respects are dictated by the
15 Constitution, in other words; and that has to do with
16 senators that are within a four-year term, are entitled
17 to have the same number assigned to them because I
18 think we had an issue with that back in September.

19 Does that make sense what I'm saying

20 MR. GLASSBURN: To the co-chairs, yes, Senate
21 President Huffman. We are -- we are aware. I believe
22 none of the Franklin County Senate members are going to

1 be assigned a district within carrying their number, so
2 I wasn't as particularly concerned, but maybe I'm
3 omitting one of them in my mind at this time.

4 SEN. HUFFMAN: Well, I know that Senators
5 Kunze, Craig and Maharath are all -- well, Senator
6 Kunze, excuse me, would be the only one that's in mid.
7 So I'm not sure whether her district is 16 or not. At
8 least that's what the House or the -- the majority map
9 had. But let's set that issue aside.

10 MR. GLASSBURN: We are generally aware of this
11 issue, yes.

12 SEN. HUFFMAN: Okay.

13 MR. GLASSBURN: And again, with proper time
14 and vetting and not submitting draft proposals between
15 each of the caucuses --

16 SEN. HUFFMAN: Fair enough.

17 MR. GLASSBURN: -- products before the
18 commission will be a more finished product.

19 SEN. HUFFMAN: I guess speaking of that, I
20 guess I'm I'm a little confused about the Dave's
21 Redistricting in this. There's -- there's a animal, by
22 the way, called -- I think it's called the Legislative

1 Redistricting Committee -- legislative task force on
2 redistricting, which has been in place for several
3 decades.

4 Each caucus is given a certain amount of
5 resources and then they can hire staff and get
6 equipment, things like that. I think the Democrat
7 caucus was given about a half a million dollars,
8 including recently at the request of the House minority
9 leader, an additional \$120,000 to hire outside counsel
10 or outside consultants. I think it's Haystacks [ph] out
11 of Washington, D.C.

12 Shouldn't they be able to produce maps that
13 you don't have to go to redistricting -- Dave's
14 Redistricting to do? Are they not being used to do
15 that?

16 MR. GLASSBURN: So Senator Huffman into the
17 co-chairs -- both the House and Senate caucuses hired
18 me in this round to assist them with the production of
19 maps. Again, we use both tools of Maptitude and Dave's
20 for different tasks.

21 Dave's is useful for showing in quick fashion
22 folks maps and letting them be able to view it on

1 multiple devices in a way that Maptitude doesn't
2 naturally facilitate. But for final products, yes, and
3 for determining actual indexes for compliance or for
4 the Oakerd actual files that we use Maptitude for that
5 purpose.

6 But today has -- today has unfolded in a
7 fashion that has been unplanned.

8 SEN. HUFFMAN: I get that, for all of us, I
9 think. But the Haystacks group in Washington is able to
10 provide expertise about the indexes and things like
11 that. That's that's who you're using for that?

12 MR. GLASSBURN: Haystack is not under
13 contract, to my knowledge, with any party for the
14 Democratic members of the commission.

15 SEN. HUFFMAN: Okay, well, then I was
16 misinformed.

17 So the indexes that, in reference to Auditor
18 Faber's questions that you are working on, these are --
19 these would comply or be the same kind of data that's
20 attached to the majority proposal, which was earlier
21 submitted; is that right?

22 MR. GLASSBURN: Yes.

1 SEN. HUFFMAN: Okay. And you've had a chance
2 to look at the majority proposal for Franklin County?

3 MR. GLASSBURN: Yes.

4 SEN. HUFFMAN: Okay. And do you agree that the
5 majority proposal gives in Franklin County out of 12
6 seats, 11 Democrat and one Republican in the House?

7 MR. GLASSBURN: Yes,

8 SEN. HUFFMAN: And that -- that is one less
9 Republican-leaning seat than what the map was at the
10 commission passed; is that correct?

11 MR. GLASSBURN: Yes.

12 SEN. HUFFMAN: And then as it relates to the
13 Senate, the four Franklin County Senate seats, all four
14 of those would be Democrat-leaning seats and zero would
15 be Republican-leaning seats.

16 MR. GLASSBURN: Yes.

17 SEN. HUFFMAN: That's under the majority
18 proposal?

19 MR. GLASSBURN: Yes.

20 SEN. HUFFMAN: Okay. And that's also one less
21 Republican Senate seat than the previously passed map;
22 is that correct?

1 MR. GLASSBURN: Yes. That is my understanding.

2 SEN. HUFFMAN: Okay. And then in the -- in the
3 -- in the Hamilton-Warren County area -- I guess for
4 purposes of this discussion, we're treating these as
5 kind of one county; e obviously know Hamilton and
6 Warren are two different counties -- the Hamilton
7 County map out of seven seats -- well, we're going to
8 we're going to combine Hamilton and Warren -- or the
9 Hamilton County portion of it has five Democrat-leaning
10 districts and two Republican in the House; is that
11 correct?

12 MR. GLASSBURN: Yes.

13 SEN. HUFFMAN: And from the previous map, the
14 Republicans lose one seat in Hamilton County also?

15 MR. GLASSBURN: Yes.

16 SEN. HUFFMAN: Okay. And then no change to the
17 -- to the Senate map in terms of partisan; correct?

18 MR. GLASSBURN: Correct.

19 SEN. HUFFMAN: All right. So that that adds up
20 to a loss of three Republican seats from the previous
21 map; correct.

22 MR. GLASSBURN: Two House and one Senate,

1 right.

2 SEN. SYKES: Yes, yeah, okay. Just a couple
3 other brief questions, Mr. Chairman, I'll -- real
4 quick.

5 I guess I was intrigued a little bit and we've
6 had these kinds of questions from members of the -- or
7 suggestions from members of the public when we they
8 talk about their neighborhoods and what who they have
9 things in common with.

10 But maybe it wasn't as stark, especially now
11 that we're actually drawing districts. But I was
12 intrigued by Auditor's Faber's questions about areas
13 that were the same.

14 Are you telling me that lack of demographic --
15 demographic diversity is actually a quality that you
16 striving for and drawing these districts?

17 MR. GLASSBURN: To the co-chairs and President
18 Huffman. We are striving to have similar communities.
19 Community is defined by all kinds of metrics, such as
20 Leader Russo alluding to the school district in
21 southwest Franklin County. Racial, if that's your
22 question, of racial, it's not my assignment.

1 SEN. HUFFMAN: It's not my question.

2 MR. GLASSBURN: We are not seeking to have no
3 diversity of -- of communities in any district. We are
4 seeking to not have districts that go in narrow strands
5 going halfway around the edge of a county. We are
6 concerned that that will not meet compactness.

7 We are concerned about going great distances
8 to bring communities that are not neighboring together
9 purely to reach an index point.

10 SEN. HUFFMAN: If I could follow up, Mr.
11 Chairman. So, yeah. We understand 6(C) of Section VI of
12 the Constitution requires that the districts be
13 compact, so I'm not talking about compactness. It
14 certainly isn't strictly a racial question.

15 But it seems to me in your answer to question
16 to Senator Faber that you wanted to make sure that
17 communities that were alike in whatever way it is, that
18 you try to keep those communities together in drawing
19 the district.

20 So that seems to me -- and that's why I tried
21 to use a very general term demographic diversity versus
22 anything in particular. But am I -- am I wrong about

1 that? That that quality, in fact, is what you try to
2 use when you were drawing these districts?

3 MR. GLASSBURN: I think the -- to the co-
4 chairs and to President Huffman, I think there is a
5 natural assumption that communities that are
6 geographically closer together are more likely to share
7 common interests, whether they be different in other
8 manners or not.

9 Again, having a house district go from
10 Reynoldsburg to Brown Township on the other side of the
11 county in a narrow line is hard to understand as a
12 community of interests, or that it would be easy or
13 possible for representative to represent that much of a
14 -- of a line around the county.

15 So we sought, again, to take that to honor the
16 majority's interests and requests about the district
17 concerning Grove City and create a more coherent
18 southwestern seat and a more coherent southeastern
19 seat.

20 It's not that much more complex or deeper than
21 that level of analysis, to be honest.

22 SEN. HUFFMAN: Okay. Just a couple more

1 follow-ups, Mr. Chairman. I understand last night or
2 last two nights that representatives of all seven
3 commission members have been meeting in the Senate
4 minority caucus room, discussing all of the issues that
5 are relevant regarding our project here, the issue
6 before us. Is that correct?

7 MR. GLASSBURN: Co-chairs, Senate President,
8 yes.

9 SEN. SYKES: Okay. Have any of the commission
10 members been in the room to discuss that with any of
11 the -- as part of this?

12 MR. GLASSBURN: There were not -- co-chairs
13 and to the Senate president -- there were not members
14 of the commission present for any discussions between
15 staff, I believe, until this afternoon when we had the
16 briefest of times together, maybe 15 combined minutes
17 in which I don't believe any of the members of the
18 commission were there for more than 60 seconds.

19 SEN. SYKES: Okay. Was there any time when any
20 of the commission members were in there together there?

21 MR. GLASSBURN: Not -- certainly not more than
22 three, and I don't believe more than two at once.

1 SEN. SYKES: Okay. Did Representative Russo
2 and Senator Sykes come in and visit with them, with the
3 folks, the seven member representatives of the
4 commission members?

5 MR. GLASSBURN: Leader Russo -- to the co-
6 chairs and Senate president -- Leader Russo, Co-Chair
7 Sykes and Co-Chair Cupp each were present for brief
8 periods of time this afternoon. Again, the purpose of
9 that or the contents of that meeting was to try to
10 discuss the map that is -- the Democratic reply map.
11 And then we came back to this public session.

12 SEN. HUFFMAN: I don't have any other
13 questions. Thank you.

14 SEN. SYKES: Auditor Faber?

15 SEN. FABER: I don't know that it's my
16 questions, specifically regarding these two sets of
17 maps, but they are generally applicable because they
18 apply to how these are drawn. And because I know you've
19 been a good resource, as I said last time, you were
20 helpful to us.

21 One of the things that I'm struggling with is
22 trying to understand the rules. Okay, we all believe,

1 and I think the Supreme Court was very clear that you
2 can't violate Section 2, 3, 4, 5, or 7 to comply with
3 6(B).

4 MR. GLASSBURN?: Yes.

5 SEN. FABER: So we're all in agreement on
6 that.

7 MR. GLASSBURN: Yes.

8 SEN. FABER: And so when we talk about splits
9 and all of those things, do you guys have a master list
10 of things you can and can't do?

11 For example, you can't split a county more
12 than once. You can't split certain cities. You can't --
13 is there a master list that you could prepare and give
14 to all seven of us so that we know when you're going
15 through this why, when we suggest if you just did this,
16 it's a bad idea.

17 I know we've had this conversation. There were
18 discussions before. I just think that would be helpful
19 -- as a collective group of our seven brains here in a
20 room.

21 MR. GLASSBURN: To the co-chairs and to the
22 auditor, I do not have any written list of that nature.

1 You know, the Supreme Court did weigh in on
2 this topic as to what it felt was acceptable or not
3 acceptable without giving, in terms of community
4 preservation, in compliance with, say, Section 3 and 4.

5 I -- I don't have an inventory of those
6 items. If we had such an inventory, I will tell you it
7 would be in the hundreds, if not thousands of, and so

8 SEN. FABER: Ok. Well, at some point we're
9 going to have to make sure whatever we draft doesn't
10 violate Section 2, 3, 4, 5, and 7. The Supreme Court is
11 very clear on that in paragraph 88 of its opinion.

12 And so then I must also then bounce back to
13 Section 6 because Article 6 isn't just about this
14 representational attempt to try and closely compare, I
15 think Rep- -- sorry, Senator -- Senate President
16 Huffman mentioned that you have Sections A, B and C.

17 A says that you're not supposed to draw a
18 district primarily to favor or disfavor a political
19 party.

20 B says that's the -- you've got to try and
21 closely compare the whole map -- sorry about that --
22 and then the next is, the next is -- the next is

1 Section B, and then you've got -- that we've talked
2 about this is the ratio, and then C, it's got to be
3 compact.

4 And so when we come up with a final map, we're
5 going to have to comply with all those things, right?

6 MR. GLASSBURN: Correct.

7 SEN. FABER: We don't just get to pick and
8 choose.

9 MR. GLASSBURN: To the co-chairs, to the
10 auditor, I firmly agree.

11 As I've alluded to or stated outright, we on
12 the Democratic -- the Democratic Commission members, my
13 advice to them continues to be that it is more than
14 possible to follow 2, 3, 4, 5 and 7 to meet the ratio
15 established by the court and to do it in a manner that
16 is consistent with compactness and the values that are
17 expressed throughout the the Constitution on this
18 matter.

19 But as I've stated before, there are a limited
20 number of ways to do it. And as you forsake those
21 options as you go through the state, you will
22 increasingly have less options in other -- as we

1 approach other counties or however we further this
2 process.

3 SEN. FABER: I agree. Final comment --

4 SEN. SYKES: I want to remind the members that
5 the main reason Mr. Glassburn is here is to answer
6 questions about the map.

7 SEN. FABER: I appreciate that, Mr. Chairman.
8 I'm not trying to believe he is one of the most helpful
9 people I've had in this entire process. And so I
10 consider his expertise something that I -- I respect.
11 So that's why I'm asking these questions.

12 And so when we go to the next level of trying
13 to do this -- and certainly you're right. It's -- you
14 make a decision here, it's like a big balloon, you push
15 here, it's going to pop out someplace else.

16 And as we go through this process, I'll be
17 candid. We've had concerns about maps that have been
18 submitted by the public in maps that have been
19 submitted by any place. Even I believe the map that was
20 -- the map maker that was cited in the Supreme Court
21 opinion, as I looked at his proposed map, it was not a
22 54 -- Mr. Reardon or I might be saying his name -- it

1 was not a 54 or 55 map. It was a 57 or 58 map.

2 And so I think that enhances the difficulty of
3 complying with all of those things. And certainly, I
4 believe there was testimony -- very clear testimony in
5 front of this body from various experts during the
6 first round and certainly testimony in front of the
7 Supreme Court by the general from Brigham Young that
8 talks about where Ohioans live and the difficulty in
9 drawing maps not to gerrymander to draw a preferred map
10 for the purposes of of disenfranchising people based on
11 their choice of where they live.

12 Democrats tend to cluster in urban core
13 areas. Republicans tend to be more diverse around the
14 state. That's just the reality of where -- where people
15 are in Ohio.

16 And so it's going to make meeting 2, 3, 4, 5,
17 and 7 much more difficult without avoiding splits
18 unnecessarily of counties or cities or townships or
19 those kind of things.

20 And so I know that's the challenge you have,
21 and they call them our seven-brain trust is trying to
22 work through. And so I thank you for your efforts.

1 MR. GLASSBURN: To the co-chairs and to the
2 auditor briefly, thank you for the comments.

3 As we have proceeded in this from -- from our
4 side, we have talked about in broad terms how we
5 believe meeting the proportionality while complying
6 with the other sections of the Constitution as
7 possible.

8 We've talked about the options. Again in the
9 presentations that we have made today regarding
10 Franklin County and Hamilton County, we believe that
11 our replies are consistent with still meeting those
12 goals without taking egregious and -- egregious steps
13 or community splits to to to reach that goal.

14 But if the -- if these counties, as we're
15 talking about them, are prioritized the way they are,
16 you are forsaking some of your options by making these
17 choices.

18 SEN. SYKES: Any additional questions? And
19 just want to make note that we want to make sure, Mr.
20 Co-Chair, that we both in agreement with the agenda and
21 what's in the package was posted on the website. We
22 want to make sure that so that we can continue with

1 good collaboration.

2 REP. CUPP: Yes, I concur.

3 SEN. SYKES: Any additional questions?

4 SEN. FABER: This isn't for Mr. Glassburn;
5 this is a question for us as a body. We've now heard
6 proposals on from two of the major -- I don't want to
7 say friction areas or conflict areas; I assume the
8 committee is going to work again tonight and hopefully
9 we will have presentations for the remainder.

10 We still have, I assume, Summit County,
11 Cuyahoga County, Northwest Ohio, Dayton. I know I'm
12 forgetting some place -- Northeast Ohio, Southwest
13 Ohio. At some point we need to get this train on the --
14 on the rails to get ready to land. I'm now combining
15 trains and airplanes [sic], but we want to land this
16 plane on Saturday or thereafter.

17 Which brings me to a follow-up question for
18 the committee, and maybe we don't need to answer it.
19 There has been a lot of dispute as to what the date
20 that we need to comply with. Reading the Supreme Court
21 rules of superintendence, it basically says complying
22 with this court's order, if it happens on a Saturday,

1 you get to Monday.

2 I don't know whether our date -- we've had
3 this discussion -- is Saturday or Monday. I would
4 prefer we shoot for Saturday. But having said that, I
5 think that's an area that certainly our crack people
6 are out there having conversations on.

7 SEN. SYKES: Mr. Auditor, we have made that
8 request. We have taken the position and announced to
9 the public that we anticipate completing our work on
10 Saturday; and until or unless we hear something
11 different, then that is the timetable that we've
12 accepted and adopted.

13 SEN. FABER: Mr. Chairman, on that issue, I
14 guess I'm consulting with my legal counsel. We
15 understand that this is a Saturday deadline and if --
16 if we all agree, usually deadlines motivate people to
17 make decisions, but I would -- I'm going to request
18 that that be made public or there be some analysis in
19 the next.

20 Maybe by tomorrow so all seven commission
21 members can make the same conclusion. So we'll -- I'll
22 ask my legal counsel to flesh that out a little bit.

1 SEN. SYKES: Governor DeWine?

2 GOV. DEWINE: Thank you, Mr. Chairman. Mr.
3 Glassburn, thank you for your work. I know everybody is
4 working on these maps and is putting in a lot of time.
5 So we're we're grateful for that.

6 I wonder if you could give us a -- based on
7 the work that you all have done so far any kind of
8 timeframe -- just kind of follows up the last two
9 questions -- but you know how long going through the
10 state region by region and then coming up with a final
11 product; you have any clue about how long just
12 mechanically that takes.

13 I'm not talking about any anything that we do
14 to slow it out, but just mechanically, you're going
15 through and covering each area like you've done today
16 with these two major areas

17 MR. GLASSBURN: To the co-chairs. Governor,
18 again, thank you for the kind remarks. The timeline is
19 concerning. I can assure you from a staff perspective
20 there is not a lack of motivation to get this done.

21 You know, speaking for myself, I took a quick
22 two hour nap between 4:00 a.m. and 6:00 a.m. today.

1 That's my sleep. So there's there's no lack of
2 commitment to get this done.

3 I wish I could give you a more concrete
4 answer. The way that we came to this endeavor here was
5 the majority sent a proposal and we responded to it.

6 It would be -- we have tried in those
7 conversations again to get greater understandings about
8 what we're trying to achieve, not just statewide but
9 within each region, so that when we do do map drawing,
10 that those efforts are not wasted or going to goals
11 that aren't going to be sought.

12 But we have not always gotten to that metric
13 and that would be helpful to expediting this process,
14 but right now, that's how it's unfolded so far.

15 GOV. DEWINE: So if I could just follow up
16 with that. So what you're saying is that there's --
17 there's not disagreement about the overall goal. What
18 you're saying is that when you get to region by region,
19 then obviously there becomes becomes nuances and maybe
20 even more of a nuance difference. Is that right?

21 MR. GLASSBURN: To the co-chairs and to the
22 governor, we are -- we are on our side doing our best

1 to work in good faith and negotiate cooperatively. From
2 our view, the goal has not been explicitly agreed to.
3 And that has slowed the process at times.

4 GOV. DEWINE: So I don't mean to interrupt
5 you, but -- so what do you need from these seven
6 members?

7 MR. GLASSBURN: Again, we believe it is
8 possible, following the rules and following the
9 compactness and the values that are in this amendment
10 to comply with the proportionality.

11 We believe we can demonstrate that and have
12 demonstrated that to your staff. Not having certainty
13 about that goal, whether we are going to achieve that
14 proportionality or not, causes a lot of consternation
15 and unnecessary levels of back and forth that preclude
16 us from talking to the next region because we're still
17 arguing about the current region as if it's a life and
18 death matter.

19 GOV. DEWINE: But we all know that when you
20 get done with each region, they all have to add up
21 right.

22 MR. GLASSBURN: That is not an explicit

1 statement that any of the negotiators have offered us.

2 SEN. FABER: Okay. I understand. I'll go back,
3 though, to what I said in this meeting when we started,
4 that my understanding of the court decision is the same
5 as I think was just expressed ten minutes or so ago by
6 Auditor Faber, which is simply these numbers.

7 The goal is to get close to these numbers we
8 can to get those numbers if we can. But we also know
9 that we cannot violate the other sections. I haven't
10 heard anybody on this panel disagree with that, and I'm
11 not -- I'm not arguing with you.

12 I'm just trying to help this process forward
13 and see what we need to do to help you and your
14 Republican counterparts to move this ball down -- down
15 the field, because I don't think we disagree. I haven't
16 heard any disagreement about from this seven people
17 about what the goal should be

18 MR. GLASSBURN: To the co-chairs. Governor,
19 again, we believe -- on our side, we have demonstrated
20 that that is in fact doable, possible to meet the
21 proportionality and be consistent with the other
22 provisions in the Constitution; again, and that if that

1 is possible, we should endeavor to do so.

2 That has not been the instruction that has
3 been expressed by the other map drawers and folks we
4 are working with and that has consistently been an
5 obstacle. So if that --

6 GOV. DEWINE: Well, that would -- that would
7 be my instructions. I -- I don't -- I haven't heard
8 anybody say it shouldn't be the instructions.

9 SEN. SYKES: Leader Russo.

10 REP. RUSSO: Thank you, Mr. Co-Chair. So, Mr.
11 Glassburn, to be clear, when we were talking about the
12 54 or 46 proportionality, in addition to meeting the
13 other sections of the Constitution and technical
14 requirements, that translates -- in your opinion, all
15 of those things can be met to translate to 45 House
16 seats and 15 Senate seats. Is that correct?

17 MR. GLASSBURN: For to the co-chairs, Leader
18 Russo, 45 Democratic-leaning House seats, 54
19 Republican-leaning House seats; 18 Republican-leaning
20 Senate seats, 15 Democratic Senate seats. Yes, we
21 believe that is possible.

22 REP. RUSSO: And as a follow-up, has there

1 been discussion or agreement or you feel direction from
2 the commission and the members here explicit to getting
3 to those goals and those being the numbers that we
4 should be striving to achieve as we go through this map
5 regionally?

6 MR. GLASSBURN: To co-chairs, and again Leader
7 Russo, again, I was very aware of and appreciated and
8 heard the governor's comments previously.

9 But in the negotiations up until this point,
10 that is not been what has been expressed by the other
11 side and has been a a direct obstacle in progress.

12 REP. RUSSO: Thank you.

13 SEN. SYKES: And again, I would reiterate the
14 example I used, before just a pairing of the Senate
15 districts, pairing of the House districts to create
16 Senate districts in Hamilton County, which is a simple
17 thing to do.

18 There's reluctance to accept that when we can
19 do it and meet all of the other requirements as just an
20 example of the challenges that we have so far in this
21 process. Are there any additional questions?

22 We would like to note that instead of

1 adjourning today, we were going to recess because our
2 time is short and we want to make sure we provide
3 adequate notice and we will as soon as we can. But the
4 meeting is recessed until 9:30 tomorrow morning at the
5 call of the chair.

6 Any additional questions? Any additional
7 questions? If not, the meeting is now adjourned.

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CERTIFICATE OF TRANSCRIBER

I, Chris Naaden, a transcriber, hereby declare under penalty of perjury that to the best of my ability from the audio recordings and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome, the above 18 pages contain a full, true and correct transcription of the tape-recording that I received regarding the event listed on the caption on page 1.

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



January 24, 2022

Chris Naaden

(427563, Ohio Redistricting Committee, 1-20-22)

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OHIO REDISTRICTING COMMISSION

RE: 10-YEAR MAPS OF STATE LEGISLATIVE DISTRICTS
BASED ON 2020 CENSUS TOTALS.

HEARING

Columbus, Ohio

Saturday, January 22, 2022

2:30 p.m.

Job No.: 427653

Pages: 1 - 117

Transcribed by: Jerome E. Harris, CDLT-204

1 Hearing, before the Ohio Redistricting
2 Commission, held at:

3 Ohio Statehouse
4 1 Capitol Square
5 Columbus, Ohio 43215

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A P P E A R A N C E S

ON BEHALF OF THE COMMISSION:

SPEAKER ROBERT R. CUPP, Co-Chair

SENATOR VERNON SYKES, Co-Chair

HOUSE MINORITY LEADER-ELECT ALLISON RUSSO

GOVERNOR MIKE DEWINE

SECRETARY OF STATE FRANK LAROSE

STATE AUDITOR KEITH FABER

SENATE PRESIDENT MATT HUFFMAN

MAPMAKERS:

RAY DIROSSI

BLAKE SPRINGHETTI

CHRIS GLASSBURN

1 P R O C E E D I N G S

2 SPEAKER CUPP: Good afternoon. Being past the
3 hour of 9:30 a.m. on this date, the Ohio Redistricting
4 Commission will come to order.

5 We have essentially the order of proceedings
6 this afternoon will be a presentation of District --
7 General Assembly District Plans, the ones drawn by the
8 Republicans will go first, and then -- the ones by the
9 Democrats will go first, and when each is up, questions
10 will be in order. We ask those questions be confined to
11 understanding the maps, clarity and knowledge about the
12 facts of the maps. And then, once both presentations
13 are concluded, I would ask that if members have any
14 questions of either of any of the map drawers about any
15 of the maps so that we have a clear opportunity to have
16 a discussion about -- about the maps. And this is what
17 we -- Senator Sykes and I agreed to.

18 And after that, we will recess for 15 minutes
19 more or less. Hopefully hold it to that amount of time.
20 And then, we will reconvene for further action of the in
21 discussion of the Commission.

22 So with that, do you have anything you want to

1 add to that?

2 SENATOR SYKES: No, Mr. Chairman, I think we're
3 ready to rock and roll.

4 SPEAKER CUPP: All right. Let's do it.

5 So I ask Ray DiRossi and Blake Springhetti if
6 you would come forward and explain the --

7 (Pause.)

8 SPEAKER CUPP: Yes, I am reminded I forgot to
9 call -- have -- to have the rollcall, so at this time,
10 will Staff please call the roll.

11 STAFF: Co-Chair Speaker Cupp.

12 SPEAKER CUPP: Present.

13 STAFF: Co-Chair Senator Sykes.

14 SENATOR SYKES: Present.

15 STAFF: Governor DeWine.

16 GOVERNOR DEWINE: Here.

17 STAFF: Auditor Faber.

18 AUDITOR FABER: Yes.

19 STAFF: President Huffman.

20 PRESIDENT HUFFMAN: Here.

21 STAFF: Secretary LaRose.

22 SECRETARY LAROSE: Here.

1 STAFF: Leader-Elect Russo.

2 LEADER-ELECT RUSSO: Here.

3 STAFF: Speaker, you have a quorum.

4 SPEAKER CUPP: Thank you.

5 At this time, we'll be in ease for a few
6 moments.

7 (Pause.)

8 SPEAKER CUPP: At this time, we'll ask Mr.
9 Springhetti and Mr. DiRossi to come forward and explain
10 the map that they have drawn to present to the
11 Committee. You want to come up and use the podium if
12 that's convenient.

13 MR. DIROSSI: Good morning or good afternoon,
14 whichever is applicable.

15 So I think you have a lot of information and
16 packets before you, so I'll be referencing some of that
17 information, and I'll also be talking a little bit about
18 some of the other information that we have provided to
19 the staff of the seven members of the Commission as well
20 as to the public.

21 Maybe just kind of talk a about little bit
22 about our process. We have been actively engaged daily

1 and around the clock with the staff of all seven members
2 of the Commission, including Blake and myself. We have
3 been hosted in the Senate Minority conference room for
4 the last three days on -- well, Tuesday, Wednesday, and
5 Thursday, and we have also been providing information or
6 proposals that have then come before the Commission on
7 three or four of those days. I want to talk a little
8 bit about that. Some of the handouts that we gave in
9 the map that now is going to be before you or is before
10 you.

11 On Wednesday, at our staff meeting, we provided
12 an information and comprehensive proposal for Frank --
13 Franklin and Hamilton County. And those proposals which
14 were put together with the statistical information,
15 index information, graphical representations, as well as
16 I believe block assignment files for the public and for
17 all the members were provided to our counterparts, and
18 we had a very good discussion on those. Those two
19 counties would move two Democrat leaning or two
20 Republican leaning seats to two Democrat leaning seats
21 in the House, and one Republican leaning Senate district
22 to a Democratic leaning Senate district in the Senate.

1 So that is a very substantive step, and that
2 came from early on in our staff conversations. We
3 systemically talked about the regions of the State and
4 individual counties, and what configurations of
5 districts could be agreed to, or what could be put
6 forward for the Commission's consideration. So that was
7 our Tuesday Franklin and Hamilton County information.
8 Moving a total of three districts.

9 On Thursday, we were able to meet the next day
10 on and deal with Lorain County. And that same type of
11 information was provided to the Commission members. In
12 this instance, the collective staff for all of the
13 members identified one House district that could be
14 moved at to a Democrat leaning House district, and one
15 Senate district that could be moved to a Democrat
16 leaning Senate district. And so that was also provided,
17 and also made public through some statistical
18 information, graphical information, and block assignment
19 files.

20 The next day, we submitted a comprehensive
21 proposal for Cuyahoga and Summit County, and another
22 very substantive step towards -- towards our goals. Two

1 additional House Districts that were in the inactive map
2 Democrat leaning were moved to be -- I'm sorry,
3 Republican leaning were moved to be Democrat leaning,
4 and one additional Senate district which was Republican
5 leaning was moved to be Democrat leaning.

6 Now, I think it's worth noting, and I don't
7 know if -- if you could very easily flip to the
8 information that you have in -- in front of you. But if
9 you look at the Districts in Cuyahoga and Summit County,
10 I think it's notable to point out, and I will be
11 flipping here as well, there are a total of five Senate
12 Districts that have footprints in those two counties
13 with a little bit in Geauga left over. And we talked a
14 lot about that in September about why that was.

15 Under the proposal that was put forward, all 15
16 House Districts would be Democratic leaning, and all
17 five Senate Districts would be Democrat leaning. So we
18 will have a total of 30 Districts in that footprint, and
19 all -- all of them will be Democratic leaning.

20 Similarly, if you look at the proposals in
21 Franklin County, I think you will see similar
22 statistical information. There is one House district

1 that is paired with Union County in the inactive map. A
2 number of the Districts were modified by -- by the staff
3 and proposed, and those were pending for your approval.
4 But I think we will have in the House will have 11
5 Democrat leaning House Districts and four Democrat
6 leaning Senate Districts out of that entire footprint.
7 So there's only one Republican leaning House district
8 remaining, and it is primarily based outside of Franklin
9 County. It is in Union County.

10 The last piece of information which was
11 probably sent by us this morning was a geography change
12 in West Central Ohio, and this -- this should not come
13 to any shock to the Commission members because I know it
14 was worked on in September by my counterparts in the
15 Senate Democratic Caucus, the House Democratic Caucus,
16 and some of the other members of the Redistricting
17 Commission.

18 These changes in West Central Ohio do not move
19 any Districts between the Republican or Democrat leaning
20 Districts tallies, they have no impact on that. It is
21 just better to align the geography to a more historic
22 nature of the House and Senate Districts in West Central

1 Ohio.

2 These are the four key days, the four key
3 proposals that were put forward that addressed and made
4 very substantive changes towards compliance of the
5 court. And in total, are compliant. And they will move
6 again a total of five House Districts from the
7 Republican leaning to Democratic leaning column, and
8 three Senate Districts from the Republican leaning
9 column to the Democrat leaning column for a total of
10 eight.

11 I -- I -- there might be questions. I want to
12 let -- give Blake a chance to articulate and go through
13 anything he would like to say to the Commission, and
14 we'll be happy to answer questions.

15 MR. SPRINGHETTI: Yeah, I would just say that a
16 key -- a key piece of this was there is a lot of
17 collaboration and a of back-and-forth, and I think in
18 the final map that is before you that we are presenting,
19 we were able to take some recommendations from several
20 members of the Commission, including the Democrat side,
21 particularly in Franklin County. So with that, I concur
22 in Ray's statements, and I think there will be a time

1 for Q and A shortly hereafter.

2 SPEAKER CUPP: Are there questions for these
3 two witnesses at this time on this map?

4 Senator Sykes?

5 SENATOR SYKES: Thank you, Mr. Co-Chair. Thank
6 you all for your work as well as for your presentation
7 here today.

8 The Ohio Supreme Court has clearly directed us
9 to meet Article XI, Section 6 of the Constitution,
10 unless there is some technical requirements that would
11 get in the way. And so given that your map does not
12 meet that proportionality, can you let us know what
13 technical requirements prevented you from meeting that
14 proportionality.

15 MR. SPRINGHETTI: Co-Chair Sykes, and members
16 of the Commission, I would say that the map that we're
17 presenting to you does comply with the court order, and
18 I would say that given the time frame, we did the best
19 we could, and we haven't seen a map yet that gets down
20 to 54 in the House that is compliant with the
21 Constitution. And so I would say we -- we did comply
22 with court order.

1 SPEAKER CUPP: Follow-up, please?

2 SENATOR SYKES: Yes. Well, if we could offer a
3 change that could help you get closer to that
4 proportionality, would you be open to it?

5 MR. SPRINGHETTI: Co-Chair Sykes, and members
6 of the Commission, I -- I think I would defer to the
7 members of the Commission on -- on whether they would be
8 open to such proposal.

9 SENATOR SYKES: Okay.

10 SPEAKER CUPP: Okay. The Chair recognizes
11 Senator Huffman.

12 PRESIDENT HUFFMAN: Oh, no, I'm sorry.

13 SPEAKER CUPP: Oh, okay.

14 The Chair recognizes Representative Russo.

15 REPRESENTATIVE RUSSO: Thank you, Mr. Chair.

16 Thank you to both of you. I know this has been
17 a very long, gruelling several days with very little
18 sleep. So to all of our staff that have been working on
19 this map -- on these maps, I'd like to say thank you for
20 that because this has not been an easy task.

21 I am curious, specifically did you start with
22 the map that was thrown out as unconstitutional as your

1 template to make these changes, and you know,
2 specifically what steps did you take to test whether or
3 not those Districts within that map that was thrown out
4 by the court could actually move to the 54 percent
5 Republican, 46 percent Democratic ratio?

6 MR. DIROSSI: Co-Chairs and Leader Russo, I
7 would say the first day that the staff met was very
8 productive because we talked a lot about logistical
9 things, we talked about data, we talked about how to
10 share files, we talked about meeting schedules. And
11 specifically to data sharing, we came to an
12 understanding of what data each was using, which was
13 very similar already, and we talked about how we were
14 going to measure the Districts using the '16, '18 and
15 '20 election data. And so that as one side was sharing
16 the proposal and was saying that the district was 50.5
17 percent Republican, because we are dealing with slim
18 margins in many of these cases, that the other side
19 would see that and would correspond.

20 So I think we came to an understanding of that
21 very quickly, and I think that was able to facilitate a
22 little bit of back-and-forth especially in Franklin

1 County where, as Blake said, a number of the
2 counterproposal geography changes were incorporated into
3 the proposal before you.

4 REPRESENTATIVE RUSSO: A follow-up, please,
5 through the Chair.

6 That hasn't answered my questions, but I do
7 appreciate that you did come to an agreement about which
8 data file to use regarding the '16, '18, '20 data. Did
9 you start with the template of the map that was thrown
10 out as the starting point to make the changes to get to
11 the court's order of the 54-46 proportionality?

12 MR. DIROSSI: Again, to the Co-Chairs and to
13 Leader Russo, at that first meeting, we also talked --
14 went through most of the State and talked about the
15 regions where the September 15th map that was put
16 forward by Senator Sykes and Leader Sykes differed from
17 the inactive map that was before the court, and we
18 identified all of these counties where we thought there
19 were Republican leaning seats that could be moved to
20 Democrat leaning seats. We worked on those as time
21 permitted, and brought many of them forward, if not most
22 of them forward, that we thought were viable, or that

1 were or there was agreement with the other side. So I
2 don't know if I'd say we started with any specific map.
3 Those -- those agreements and those proposals then were
4 put into a map that was the inactive map, but all of
5 these major urban areas that we're changing are the
6 product of those conversations.

7 MR. DIROSSI: Follow-up, please.

8 So to get -- and attempt to the get to the
9 54-46 proportionality, were there specific tests or
10 steps that you took? Because it sounds like you didn't
11 start from scratch; that you started from the basic
12 premise of the adopted map, and making adjustments
13 there. You know what -- what were some of the tests or
14 what prevented you from getting to the 54-46
15 proportionality?

16 MR. SPRINGHETTI: So to the Co-Chairs,
17 Leader-Elect Russo, I would just say that we were
18 instructed to use the base map because -- to the first
19 point of your question, we were instructed to use the
20 base map as a starting point because it was what was
21 most familiar, and it was something that we -- was clear
22 that complied with Sections 2, 3, 4, 5 and 7. So just

1 to answer the first piece of that.

2 You want to take the second piece?

3 Is that responsive enough or is there a
4 follow-up?

5 REPRESENTATIVE RUSSO: It doesn't really answer
6 my question. But I do have one more follow-up question.
7 I'm going to shift gears a little bit because you talked
8 a lot about the previous --

9 SPEAKER CUPP: Representative Russo.

10 REPRESENTATIVE RUSSO: -- thank you through the
11 Chair.

12 You talked a lot, about you know, some of the
13 collaboration, and to me, collaboration is two-way, not
14 one-way. And we did have some discussions about
15 Franklin County specifically. And one of the biggest
16 concerns that we had in Franklin County was the
17 district, which I believe in your map is Districts 5,
18 which runs all the way from Reynoldsburg, and sweeps
19 around to Perry Township, and then, it has district 10,
20 which is centered on Grove City. And so you drew that
21 so that it had a proportion Democratic index of 5 -- for
22 the district 5 that is sweeps all the way across

1 Franklin County of 51.76. And then, the Grove City
2 centered district has a Democratic index of 50.12. And
3 specifically in the conversations that we had, we were
4 trying to understand why you had not created instead a
5 Grove City Centric district that included Perry and
6 Pleasant Township which share interests in those
7 communities including school Districts and some other
8 resources. And you had connected those all the way to
9 the eastern side of the county.

10 Can you tell me, you know, why in drawing those
11 two Districts in that way, why that was necessary,
12 because in doing so, you actually decreased the
13 Democratic index. Why was that necessary?

14 MR. DIROSSI: To the Co-Chairs and Leader
15 Russo, so thank you for that explanation.

16 I mean, I think the main goal of the
17 conversations were to move the one district in Franklin
18 County from a Republican leaning district to a Democrat
19 leaning district. That seemed very obvious and very
20 agreed to by all the staff that were talking on behalf
21 of all of you. So we have achieved that goal.

22 Grove City and Jackson Township are very

1 well-integrated, and we -- we kept them together in a
2 district.

3 I also would point out that in Franklin County,
4 and I know you're very familiar with it as well, if you
5 look at the 12 districts that -- House districts that
6 make up that footprint and ignore Union County, Columbus
7 is a dominant entity in Central Ohio, and many of these
8 districts in the county are made up almost entirely of,
9 or significant portions of the City of Columbus.

10 If you took away Columbus out of Franklin
11 County, and you looked at what is left, you will see
12 that some districts only have 10 or 11,000 people, only
13 10 percent of the population.

14 The district that you're referring to is made
15 up primarily of non-Columbus areas. It is specifically
16 Canal Winchester, Grove City, Prairie Township, things
17 that are not Columbus. So we thought that was
18 important, and I think that's the rationale.

19 REPRESENTATIVE RUSSO: I'll come back. I want
20 to give other Commission members opportunity to ask
21 questions.

22 SPEAKER CUPP: All right. Other --

1 GOVERNOR DEWINE: Chairman --

2 SPEAKER CUPP: Other questions?

3 Governor DeWine.

4 GOVERNOR DEWINE: Chairman.

5 First of all, thank you all for your work. I
6 know you've labored hard the last few days. We
7 appreciate it very much, both Democrat and Republican
8 side.

9 When we started these sessions after the
10 Supreme Court decision, I think we went through this,
11 and everyone agreed that the goal should be the 54
12 percent, 46 percent split that the Supreme Court talked
13 about. But I think we also, under Section 6, but I
14 think we also all agreed, according to the Supreme Court
15 decision, that we could not violate any of the other
16 provisions, and that the Section 6 was subordinate to
17 those others, but that there had to be certainly very
18 serious attempt made to try to get to the 40 -- 54-46.

19 So am I to assume by your -- your testimony
20 that you could not get a higher number than you did in
21 regard to the 42, or lower number than the 57, because
22 to do that would have violated some of the other

1 sections?

2 MR. DIROSSI: To the Co-Chairs, and the
3 Governor, yes, there are a number of provisions in the
4 Constitution other than Section 6 that are very obvious
5 whether or not you're violating them. And then, there
6 are a number of subjective ones that you, the
7 Redistricting Commission, and ultimately the Supreme
8 Court, need to opine on and give direction on.

9 We -- it is very easy for us to make sure when
10 we can see in a map a violation of something that is
11 night and day. An easy thing to know. Like a
12 population. But there are a number of subjective
13 things. And the districts that were put forward we
14 think meets all of the tests, both subjective and
15 specific, and that is what we had, and that is what the
16 Republican and Democratic staff worked on for these last
17 five days so far. So I think that's where we are, and I
18 would say yes.

19 GOVERNOR DEWINE: Okay. The answer to my
20 question is yes then?

21 MR. DIROSSI: Yes.

22 GOVERNOR DEWINE: Okay. Thank you.

1 SPEAKER CUPP: Any questions? All right.
2 Representative Russo.

3 REPRESENTATIVE RUSSO: Thank you, Mr. Chair.

4 One additional question. Were you ever advised
5 that Section 6, the proportionality piece, was not
6 possible?

7 MR. SPRINGHETTI: To the Co-Chairs, to
8 Leader-Elect Russo, I was not instructed that it was
9 impossible.

10 REPRESENTATIVE RUSSO: Okay. Thank you.

11 SPEAKER CUPP: All right. If there are no
12 further questions, we thank you. And you may be -- may
13 be seated here for a while till we get done with the
14 next presentation, and then, there may be some
15 questions.

16 At this time, we'd call Chris Glassburn to
17 present the map that you were working on.

18 MR. GLASSBURN: Co-Chairs Cupp and Sykes, and
19 members of the Commission, my name is Chris Glassburn.
20 I am here to present the Democratic proposal.

21 The Democratic House plan provides for the
22 ratio outlined in Section 6 of 45 Democratic seats and

1 54 Republican seats, as well as the Senate ratio of 18
2 Republican seats, and 15 Democratic seats. As has been
3 noted, we have over the past week had significantly more
4 extensive conversations about Franklin and Hamilton
5 Counties than other parts of the State. And so the
6 counties in those footprints are more similar between
7 the two proposals than other parts of the State that we
8 have not discussed as much.

9 As last time I was before you, we have
10 maintained to -- to walk through the State here a little
11 bit. The preferences as we understood them of the
12 majority in Franklin County and Union -- the Union
13 County footprint, in that there was a desire for a --
14 one of the 12 seats in that footprint to be Republican,
15 and one of those to be very competitive centered on
16 Grove City. We worked on the Grove City seat to ensure
17 greater compactness, and to create a district that is
18 more centered solidly on the southwest part of the
19 county than going across the border of the entire county
20 from side-to-side. But there are still 11 out of 12
21 Democratic House seats, and four out of four Democratic
22 Senate seats in this proposal.

1 One of the things I would note here is that it
2 is possible with Franklin County if it's paired in a
3 different footprint to have 12 out of 12 seats in the
4 House be Democratic. And we have chosen not to do that
5 again to be consistent with the Majority's wishes. But
6 that is eight seat outside of the 45 which we have
7 identified for you that is possible in the House that is
8 not drawn.

9 Similar story, I'll move to Hamilton County
10 again because we've talked about that before. We have
11 presented a five Democratic, two Republican House seat
12 configuration. It was possible to draw six Democratic
13 and one Republican. Again, we have chosen in
14 cooperation with the Majority to try to have one less
15 seat in that county. Again, outside of the 45, we've
16 identified for you.

17 In that proposal, we have made -- we have a
18 handful of differences that are primarily centered on in
19 our map Districts 26 and 28 in the north central part of
20 Hamilton County, but otherwise, the districts are almost
21 -- almost identical. And the Senate pairing of the far
22 eastern district, House district with Warren County is

1 the same.

2 There is a difference in our proposal in the
3 Senate districts in that the Republican proposal has
4 only one Republican state -- has a Republican and a
5 Democratic one and one in Hamilton County. In the
6 Democratic proposal, we have two Democratic Senate
7 seats. We have not seen -- we understand the Majority's
8 wishes to have one and one, but we have not seen an
9 alternative Senate district to be presented in another
10 part of the State to compensate to allow for that to
11 happen. And so we have maintained two Senate seats in
12 Hamilton County that are Democratic to sustain the
13 15-seat ratio as the Court has instructed.

14 Moving in between to Montgomery County. The
15 footprints of the House and Senate districts are
16 different between the two caucuses. The Majority
17 proposal has a very Democratic seat and a 50 plus 1
18 Republican -- I'm sorry, Democratic seat. Whereas, the
19 Democratic proposal has three House seats that are
20 Democratic within Montgomery County.

21 So that is one of the places in the State where
22 there is a -- an additional Democratic seat that is not

1 reflected in the Republican proposal that contributes to
2 our proposal having 45 as opposed to a lower number.
3 Both proposals have a Democratic to varying degrees
4 leaning Senate district centered on Dayton inside of
5 Montgomery County.

6 Moving to Southeast Ohio, we have in the
7 Democratic proposal a Democratic House seat centered on
8 Athens, which contains Athens County, Hocking County,
9 and a partial of Ross County, which concludes the City
10 of Chillicothe. This again is a additional House
11 Democratic seat does not exist and is part of the
12 difference between the two maps. The similar seat in
13 the Republican proposal shares a similar construction in
14 that there are three whole counties instead of two whole
15 counties and one partial county. So the -- the
16 splitting of community threshold is the same in both of
17 those seats.

18 Stark County, Mahoning County and Trumbull
19 Counties all have one Democratic House seat and zero o
20 Democratic State Senate seats in those areas, and the
21 difference is primarily between the two proposals lie in
22 the nature of the one House seat in Stark County

1 centered on Canton as to whether that is more of a 50
2 percent plus 1 seat or whether it's a slightly more
3 Democratic seat.

4 Moving north to Summit, Cuyahoga, Portage and
5 Lake, I'm going to talk about these in two groupings.
6 There are different Senate pairings. So in the Majority
7 map, Summit and Cuyahoga Counties are paired together
8 for Senate purposes, and so -- and in the Democratic
9 proposal, Cuyahoga and Lake, and then, Cuyahoga and
10 Portage are chosen.

11 With the Democratic proposal by virtue of
12 choosing Summit with Portage, there are two Democratic
13 Senate seats out of two in that footprint, and with the
14 Cuyahoga and Lake, there are four out of four Democratic
15 Senate seats in that footprint. That leads to a
16 difference between the two proposals of the Democrats
17 having six proposed Democratic Senate seats in the
18 northeast corner, versus five for the Republicans, and
19 that is another source of the differences between the
20 numbers in this map.

21 While those regions of those four counties
22 share 15 House seats that are Democratic, between those

1 counties, the configuration of those are very different.
2 In the Cuyahoga, Summit alone of the Republican
3 proposal, there are seven Democratic House seats that
4 are within one -- that are between 50 and 51 percent
5 Democratic. In the Democratic map for the entire state,
6 there are only five, and two of those are located in
7 Hamilton and Franklin County, and reflect previous
8 discussions we've had with the Majority. So the nature
9 of the competitiveness as to whether all of the seats
10 are on one side or another is different categorically.

11 Moving to -- excuse me, to the west, Lorain
12 County here, we have two -- between in that Senate
13 district involving Lorain, there is one Democratic
14 Senate seat and two House districts -- excuse me -- for
15 each proposal, but again, the nature of those districts
16 are different. The Republican proposal makes one of the
17 Democratic seats 50 percent plus 1, and the Democratic
18 proposal does not do that. The Democratic proposal in
19 this case also only includes one county with Lorain;
20 whereas, the Republican proposal includes two.

21 Finally, I will get to Lucas County. Again,
22 there are different Senate pairings, so it's not quite

1 apples to apples. However, in the Senate and House
2 districts that start -- that involve Lucas County, the
3 Republican map has one Senate seat and three Democratic
4 House seats. In the Democratic map, there are four. So
5 that's another one of the counts that is different.
6 Four seats that are Democratic in the House in Lucas
7 County.

8 So as I've gone through the State, you may have
9 noticed that I've primarily referred to the urban
10 counties in this discussion. The maps that we have
11 before you from the House reflect some of the
12 conversations that we had with some members of the
13 Commission from prior to the Supreme Court decision.
14 Our maps would benefit greatly from additional feedback
15 from Republican Commission members or their staffs on
16 the Republican districts. Because of the focus of this
17 Commission on the modification of these seats,
18 naturally, the attention has been more on whether there
19 are Democratic seats or creation of Democratic seats and
20 less on these other areas of the State. But every area
21 of the State has importance and deserves consideration.
22 We would very much welcome additional feedback on the

1 other parts the State primarily that I've not discussed
2 in this presentation.

3 SPEAKER CUPP: Are there questions from the
4 Commission from Mr. Glassburn -- or Mr. Glassburn?

5 President Huffman.

6 PRESIDENT HUFFMAN: Thanks, Speaker Cupp.

7 Thanks for your presentation and your
8 explanation of the work that you've done here.

9 A few questions. And the first is I want to
10 talk about some of the districts regarding their
11 compactness. And you understood that not only does the
12 Constitution say, but the Court, in its decision,
13 instructed that Section C of the Article XI, 6(C),
14 excuse me, was to be followed in drawing these maps. Is
15 that correct?

16 MR. GLASSBURN: Yes.

17 PRESIDENT HUFFMAN: Okay. And I want to draw
18 your attention first to your proposed Senate District 6,
19 and I think we have a map of that. And while he's --
20 while Adam is setting that map up --and why don't you
21 -- why don't you put it over in this area so the
22 Commission can see, and if Mr. Glassburn wants to see

1 also.

2 And as I -- if I have this right, and this --
3 this was the map I had beforehand. I think the colors
4 kind of blend in, but I think I got it right. But this
5 proposed Senate District 6 starts at the northern border
6 of Hamilton County, goes north three counties through
7 Butler, Preble, Darke, and then, east through Miami and
8 Champaign, and then, further north through Logan and
9 Hardin to the southern border of Hancock County. And I
10 -- my first question is did you consider the mandate in
11 6(C) when -- when drawing this district?

12 MR. GLASSBURN: To the Co-Chairs and to
13 President Huffman, the nature of this district --

14 PRESIDENT HUFFMAN: Well, if just you -- if you
15 would --

16 MR. GLASSBURN: Yes, yes, yes.

17 PRESIDENT HUFFMAN: Okay.

18 MR. GLASSBURN: The answer is yes, we
19 considered it --

20 PRESIDENT HUFFMAN: Okay. And what did your
21 analysis show?

22 MR. GLASSBURN: Well, in this Senate district

1 in particular, we have whole counties with one county
2 fragment. And so preservation applicable subdivision
3 certainly is one way to look at compactness. But I'm
4 going to come back to, quite frankly, the -- the
5 straightforward explanation as to the nature of that
6 seat. We have not gotten prior to on our side your
7 State-wide map and the limited proposal concerning a
8 handful of seats and in West Central -- Northern West
9 Central Ohio. We have not received any feedback from
10 the Majority as to how they would like to go about this
11 region.

12 There is a House district that is part of --
13 that is Butler County, Preble in our map, and Darke,
14 that is a legacy of our previous proposals of having a
15 Senate district, instead of going from Warren County, go
16 through Butler and those area. This is precisely the
17 kind of thing where if we work together and had
18 additional conversations about the area, I'm sure we
19 could improve upon this.

20 PRESIDENT HUFFMAN: As -- as it sits, though,
21 do you consider this to meet the Constitutional mandate
22 of compactness?

1 MR. GLASSBURN: To the Co-Chairs and to Senate
2 President, we have as -- as Ray and -- sorry, Mr.
3 DiRossi mentioned before, we have measures that are
4 explicitly clear. Did you divide this county or not?
5 Then, we have measures of compactness. We have, as the
6 Majority has expressed interest in competitiveness; that
7 we require the Commissions' feedback to tell us what
8 your assessment are of those. If you're asking my
9 personal opinion, is that district consistent with rural
10 districts we have seen previously and in other maps?
11 Just by virtue of those are primarily counties that have
12 40 to 50,000 folks in them? Yes, that is a -- that is a
13 -- in the realm -- that is in the range of compactness
14 you will sometimes see in rural counties.

15 But as I've stated before, we want a product
16 that works for all Ohioans. If we can improve upon
17 this, we want the Majority's feedback as to how to go
18 about this. We simply in our negotiations haven't
19 talked about this region of the State at all, and we're
20 looking -- we would welcome that feedback.

21 PRESIDENT HUFFMAN: Follow-up, Mr. Chair.

22 SPEAKER CUPP: Senator.

1 PRESIDENT HUFFMAN: Yes. So -- so the -- I --
2 just to be clear, though, Butler County is a county that
3 has I think 380,000 people, and Miami County is 110,000.
4 So these aren't all small rural counties like you might
5 find in Southeastern Ohio. But as I understand it,
6 you're the map drawer, you're the expert. And are you
7 concluding that this district meets the standard of
8 compactness?

9 MR. GLASSBURN: To the Co-Chairs and to
10 President Huffman, Butler County has to have a Senate
11 district within it, so there is a remnant portion that
12 has to go somewhere. That remnant portion is less than
13 20,000 folks. So you're right that Miami County is
14 larger than the rest at in the 80 to 100,000 range. I
15 forget the exact number off the top of my head. We are
16 -- we are dealing with less compact, less dense
17 communities when we're talking about Western Ohio. So
18 again, I come back to is this sufficiently compact for a
19 rural district with preserving whole counties, and only
20 one county split? Yes. Can we improve upon it? Yes.
21 And we would like to do that with you.

22 PRESIDENT HUFFMAN: Okay. Great. May I

1 continue, Mr. Chairman?

2 SPEAKER CUPP: Yes, Senator.

3 PRESIDENT HUFFMAN: Thank you.

4 So just sticking with this district for a
5 second. District 6 is the current holder of that
6 district is Senator Antani. Senator Antani was elected
7 in 2020, and as you know, under Section 5 of the
8 Constitution is entitled to stay in the Senate at least
9 another two years, and is also entitled to have the same
10 district number, number 6, and also is entitled to
11 represent the district that has the largest portion of
12 his population that elected him. And District 6, as is
13 assigned here, doesn't have anybody who elected Senator
14 Antani to the Senate. And/or if I have that wrong, the
15 largest portion certainly isn't in the Section 6 that
16 you have. Isn't that an unconstitutional violation
17 under Section 5?

18 MR. GLASSBURN: To the Co-Chairs, and to
19 Senator President Huffman, my understanding is that
20 Senator Antani's current district has one House seat
21 inside of Montgomery County, and a portion, and then,
22 goes out Preble, Darke and Miami. And my -- I -- if I

1 made a mistake as to that, then we will gladly correct
2 it.

3 PRESIDENT HUFFMAN: Okay.

4 MR. GLASSBURN: The district that that held has
5 about 168,000 folks in it --

6 PRESIDENT HUFFMAN: Yes

7 MR. GLASSBURN: -- Whereas, the district inside
8 of Montgomery County that we have drawn has 163 or so
9 thousand. So if we need to address the numbering scheme
10 there, we would gladly fix that.

11 PRESIDENT HUFFMAN: Mr. Chair, could I follow
12 up then?

13 SPEAKER CUPP: You may proceed.

14 PRESIDENT HUFFMAN: Yeah, just for the
15 Commission's edification, this is a Senate district map
16 for 2002 to 2012. Senator Antani's District 6 is wholly
17 within Montgomery County. And if -- if you take that as
18 a given, you can look at the map if you want, or check
19 the Secretary of State website. Given that, isn't this
20 drawing that you're submitting here tonight for District
21 6, that's unconstitutional, isn't it?

22 MR. GLASSBURN: To the Co-Chairs, to Senate

1 President Huffman, we are here seeking to work in good
2 faith with the Majority.

3 PRESIDENT HUFFMAN: I appreciate that. This is
4 simple yes, no question, I think.

5 MR. GLASSBURN: If we go back-and-forth
6 pointing at each other on numbering errors or a census
7 block being wrong, we're not going to get to a product
8 together. So we need to keep working interactively to
9 ensure that we get to a constitutional product, not just
10 based on Section 5, but on all the sections of the
11 Article. So yes, this is something that needs to be
12 corrected prior to adoption.

13 PRESIDENT HUFFMAN: Fair enough. Okay. And
14 similarly, the section, or Senate District 10 currently
15 occupied by Senator Hackett. He also was elected in
16 2020. And Senate district 10 is under your map, so I
17 understand it includes Greene County, which he
18 represents. He lives -- he lives in Madison County, and
19 his current district is Madison, Clark and Greene. Your
20 map, your District 10 has him representing much of
21 Montgomery County and Greene County. He wouldn't live
22 there, but he'd still be entitled to represent that, but

1 his -- the majority of people he elected, again under
2 Section 5 of the Constitution, live in another district.
3 In fact, they live on -- in your map, they live under in
4 District 27.

5 So isn't it true -- and without regard to we
6 want to work together and come up with a mutual product,
7 and all that, isn't it true that that portion of your
8 map, Section 10, as drawn is unconstitutional?

9 MR. GLASSBURN: To the Co-Chairs, to Senate
10 President, again, in the counts that we attempted to do
11 of the incumbent members that have two years remaining,
12 we counted Greene County as having a larger portion of
13 his seats. If we have made a mistake, we will reassign
14 the number to the district that has the majority of
15 District 10 as it exists today.

16 PRESIDENT HUFFMAN: Okay. I wanted to have a
17 couple more questions about compactness. And Adam, if
18 you could just put up the next map. You can pick
19 whichever one you want there.

20 So I'm going to show you a couple of the
21 individual House maps that were drawn by you. This one
22 is -- I can't see it from this far away -- 55, which is

1 in Lorain County. And as you can see, that stretches
2 across the Lake from Lorain County all the way through
3 Erie, and has a substantial amount of the -- the
4 shoreline similar to a much maligned congressional
5 district from ten years ago, actually.

6 In your analysis of Section 6(C) of the
7 Constitution, Article XI, do you consider this a compact
8 district?

9 MR. GLASSBURN: To the Co-Chairs and to the
10 Senate President Huffman, with Lorain County having
11 two-and-a-half House seats, a district must leave and go
12 to another county. The Majority proposal goes not to
13 one but to two different counties partially. We chose
14 to do one because we believed that that was more
15 consistent with the Constitution. The nature of that
16 means that more population will be in whichever county
17 you pick, whether that be Huron -- or Erie in this case.
18 So the communities in Erie County, you cannot move
19 further west without including them until you get to the
20 third township block. So yes, we have in Erie County a
21 relatively compact seat.

22 As you look at the Lorain County portion of

1 this, there are the City of Vermilion, which is in both
2 counties. Again, with Vermilion being in both counties,
3 they are treated as separate cities, we understand. But
4 again, when you're looking at what might be similar
5 communities, Vermilion being with Vermilion makes some
6 sense.

7 And then, we connected the City of Lorain,
8 which happens to be a very dense population area. So
9 about -- depending on how much you weight or underweight
10 districts, you're looking at at least 50,000 people in
11 both of these counties. So by the nature, whichever
12 district. If you went from the south, you would still
13 have a district that is not a whole county for either,
14 and it would be even more elongated if you went in a --
15 went along the southern border through the less
16 populated rural parts of Lorain County.

17 So yes, actually, we do think this is the most
18 compact, if you were going to go from Lorain to Erie,
19 this is the most compact way to do it.

20 PRESIDENT HUFFMAN: Okay. Well, I'd ask you to
21 compare as we're working collaboratively --

22 MR. GLASSBURN: Sure.

1 PRESIDENT HUFFMAN: -- ask you to compare that
2 to the Republican version of that that does not stretch
3 this same district over the lake.

4 Could you put up the Delaware County district,
5 please.

6 Now, this is a district in Delaware County
7 where it appears that there's several jurisdictions that
8 have been left out and lots of bites taken out of it.
9 And again, I'll ask you the primary question. First, in
10 -- in analyzing Section 6(C) of Article XI of the
11 Constitution, do you consider this to be a compact
12 district?

13 MR. GLASSBURN: To the Co-Chairs and to
14 President Huffman, to answer your question about Lorain
15 County comparing the two plans, I believe the district
16 that the Majority drew with Lorain County that goes out
17 to Erie and Huron is wider geographically than the
18 district we have proposed.

19 PRESIDENT HUFFMAN: Right.

20 MR. GLASSBURN: With that said, to answer your
21 question about Delaware, what you see here is a similar
22 situation in terms of the development of this county as

1 to what we see in Franklin County. West -- moving from
2 the east side to the west, we have the northern part of
3 Westerville, we have Columbus, the name of the township
4 north of Columbus escapes me at the moment, we have
5 Liberty Township, we do not have the City of Jerome
6 inside of that, but we have the contiguous portion of
7 Liberty, and we have the contiguous portion of the City
8 of Delaware with the provision that noncontiguous
9 fragments of communities are treated as separate
10 communities. No community is actually split. But I
11 grant you this looks a lot like Franklin County
12 districts we're used to seeing, but that is the nature
13 of the development of this county. So yes, we do
14 between the preservation of political subdivisions, and
15 this is about 12 miles tall and about 12 miles wide.
16 This is a relatively compact district as well.

17 PRESIDENT HUFFMAN: And could you -- would you
18 compare that to the Majority Republican version of
19 Delaware County essentially has six townships to the
20 east and southeast, and the remaining townships that
21 appears -- that appears to, at least in terms of
22 compactness, the Majority version in Delaware County

1 would be better, don't you think?

2 MR. GLASSBURN: To the Co-Chairs, to President
3 Huffman, we had very brief conversations about Delaware
4 County with the Majority. Ultimately, we decided on
5 both fronts that we did not see the way to draw a
6 Democratic index seat based on the three years that
7 we've talked about; '16, '18, '20. So aside from that
8 concept we've had no back-and-forth on this. If there
9 are better ways to draw Delaware County, or any county
10 for that matter, we want to have that discussion, but we
11 want to do so in a way that gets to the constitutional
12 results.

13 PRESIDENT HUFFMAN: Fair enough. Could you put
14 the next one up.

15 I think this is House District 23, which
16 appears to start off there -- I think that's in Lake
17 County and ends up in Eastern Cuyahoga County. Am I
18 right?

19 MR. GLASSBURN: That is correct.

20 PRESIDENT HUFFMAN: Do you think this district
21 complies with Article XI, 6(C) mandate -- in the Court's
22 mandate to us to ensure that all districts are compact?

1 MR. GLASSBURN: To the Co-Chairs and to
2 President Huffman, for the Democratic proposal, in order
3 to achieve the 15 Democratic seats in the Senate, we saw
4 -- and to reach 45 in the House consistent with the
5 Majority's wishes in Hamilton and Franklin, we saw that
6 we needed to create a footprint of Cuyahoga and Lake to
7 create four Senate districts in that footprint, and 11
8 House seats out of 12 that were Democratic. If we'd
9 like to reduce that to 10, we can offset that in another
10 place. Again, there is an additional one in -- in
11 Hamilton County, for example. Let's talk about this in
12 specific to answer your question.

13 PRESIDENT HUFFMAN: Yes.

14 MR. GLASSBURN: Representative Dan Troy
15 represents the district that this is most based on
16 currently in Lake County. Lake County for a few decades
17 is has had two House seats in it. The House seat that
18 Mr. Troy currently represents has the -- in terms of
19 western portion of Lake County, the communities you see
20 there, and then, it goes across the top of the City of
21 Mentor using that little community which is Mentor on
22 the Lake, and then Mentor is divided, and can connect to

1 Painesville. To make the populations balance for
2 because all of the districts, the House districts inside
3 of that footprint have to be very close to the maximum
4 for those two counties to pair, we were looking to
5 decrease the amount of the City of Mentor so that the
6 numbers could work for everywhere. But fundamentally,
7 you have whole communities inside of Cuyahoga County,
8 and you have the City of Mentor split as it is in the
9 current map from 2010 with the same communities from the
10 current map in 2010. So that was how we sought to do
11 this. If there was again a better way to reach the
12 threshold in the footprint of Cuyahoga and Lake, we
13 would love to work with you on that.

14 PRESIDENT HUFFMAN: A follow-up, can I
15 continue, Mr. Chairman?

16 SPEAKER CUPP: Senator Huffman.

17 PRESIDENT HUFFMAN: Thank you.

18 I'm trying to understand, and I don't want to
19 misstate what you said, but when you started your
20 answer, I think what you said is, We were trying to draw
21 a Democratic Senate seat, and it was necessary to draw a
22 district like this in order to draw that Democratic

1 seat. Is that right?

2 MR. GLASSBURN: To the Co-Chairs, to President
3 Huffman. It is necessary in Northeast Ohio if you're
4 trying to reach the proportionality to have six out of
5 six Democratic Senate seats between the four counties
6 I've described. Not five out of five. It is not
7 necessary and specific to draw this seat as it is drawn
8 to achieve that outcome. However, we were seeking to
9 preserve within Lake County the existing boundaries that
10 had been in the district together, and do so in a manner
11 that was consistent with Lake County having both of its
12 House seats joining with Cuyahoga County. So the least
13 disruptive within Cuyahoga County way to do this and to
14 preserve the Lake County portion as the seat that
15 currently exist was this. But as I've stated before, we
16 would love to work with you on ways to improve this.

17 PRESIDENT HUFFMAN: You mentioned
18 Representative Troy --

19 MR. GLASSBURN: Yes.

20 PRESIDENT HUFFMAN: I mean, we're -- you're not
21 drawing any House districts based on what current
22 members there may be or not be; is that correct?

1 MR. GLASSBURN: To the Co-Chairs and to
2 President Huffman. Our understanding of the mandate is
3 to reach 15 Democratic Senate seats and 45 House. I
4 referred to Representative Troy in the range that that
5 is where he currently represents to give folks an idea
6 of what we're talking about, and why these communities
7 -- that district as it exists today, why these
8 communities are chosen.

9 It is not necessary to reach 45 House seats
10 across the State, to draw 11 out of 12 Democratic in the
11 footprint of Cuyahoga and Lake County. It is necessary,
12 though, that we have chosen that as one of the 45 we
13 have presented to you. There are other options that you
14 could choose aside from this, and we would welcome that
15 discussion.

16 PRESIDENT HUFFMAN: Thank you. May I continue?

17 SPEAKER CUPP: Senator Huffman.

18 PRESIDENT HUFFMAN: Thank you.

19 I want to look at some -- a few other things
20 that I think are specific constitutional violations, and
21 these are items that had been presented to me, and I'll
22 just ask the Commission to review Article XI, Section

1 3(D)(3). And first in Franklin County, my understanding
2 that House District 6 splits Columbus and Prairie
3 Township C, and under that provision, that is a
4 violation of the Constitution. Do you have any response
5 to that?

6 MR. GLASSBURN: To the Co-Chairs to Senate
7 President Huffman. In Franklin County, we have talked
8 to prior to the Supreme Court's ruling, but we have also
9 talked with your staff. The layers on the maps do not
10 perfectly match when you do minor civil divisions,
11 precincts, et cetera. If we have made an error in
12 splitting Prairie or any other of those townships
13 contiguous portions, we would love to correct that error
14 with you, but we did not see any error of that nature,
15 but we would love to correct it.

16 PRESIDENT HUFFMAN: Okay. Let me -- if I could
17 I'm going to just for a minute, I -- one of the things
18 I'm concerned about is whether your efforts which have
19 been Herculean certainly over the last several days,
20 whether they may be fraught with problems regarding
21 data. You mentioned in your testimony recently that you
22 were using a dataset from Dave's Redistricting, which

1 was close but not exact. Is -- is that something -- did
2 I get that right; that was your testimony here Thursday?

3 MR. GLASSBURN: To the Co-Chairs, to Senate
4 President Huffman. For the purposes of quickly sharing
5 documents, we have used Dave's Redistricting app. We
6 are on our side, our members, the Commission members,
7 our staff, and our members at this point are fully
8 educated and aware that Dave's is not a substitute for
9 the 16 to 20 Acord (phonetic) file. What we've
10 presented here today, when we say there are 45, and 15,
11 45 House and 15, that is based off an Acord data, not
12 based off of Dave's Redistricting or any other source.

13 PRESIDENT HUFFMAN: Okay. Good. So -- so
14 without regard to whether a mistake was made, and
15 whether the mistake is easily fixable, isn't it true
16 that the splitting of Columbus and Prairie Township C
17 within a representative district is forbidden by Article
18 XI, section 3(D)(3) of the Constitution? Isn't that
19 true?

20 MR. GLASSBURN: To the Co-Chairs and Senate
21 President. Ohio precincts vary in size from -- and
22 Secretary LaRose would know better than I, 500 people do

1 as many as 2,500 people. We're talking about very large
2 100,00 plus House seats and 300,000 plus Senate seats.
3 If there is a precinct that is out of place, we would
4 gladly fix that. And it is highly unlikely that a
5 single precinct will derail the ability to move a seat
6 to whatever column it needs to be. So yes, if there are
7 errors, those need to be resolved.

8 PRESIDENT HUFFMAN: Okay.

9 MR. GLASSBURN: We are not aware of that error,
10 but we will be happy to look at Prairie C, I believe you
11 said, and --

12 PRESIDENT HUFFMAN: Columbus and Prairie
13 Township C.

14 MR. GLASSBURN: Yes.

15 PRESIDENT HUFFMAN: All right.

16 MR. GLASSBURN: We would love to look at that,
17 make sure both sides agree on the borders of those
18 communities, and make that --

19 PRESIDENT HUFFMAN: Yeah, and the same issue --

20 MR. GLASSBURN: -- perfectly right.

21 PRESIDENT HUFFMAN: -- in House District 10
22 also. So that's another issue.

1 Turning to Cuyahoga County --

2 SPEAKER CUPP: If I -- if I might. I think
3 Representative Russo has been trying to get the floor
4 here for a moment --

5 PRESIDENT HUFFMAN: Okay.

6 SPEAKER CUPP: -- then we'll come back.

7 PRESIDENT HUFFMAN: All right.

8 SPEAKER CUPP: Representative Russo.

9 REPRESENTATIVE RUSSO: Thank you, Mr. Chair.

10 Thank you Mr. Glassburn. I again commend the work and
11 the long hours that you have given to this Commission.

12 I want to follow up. So it sounds, you know,
13 in listening to the questions from my colleague here on
14 the Commission, that you believe this map does contain
15 districts that are compact and meet that requirement of
16 the Constitution, correct?

17 MR. GLASSBURN: To the Co-Chairs and to Leader
18 Russo, yes. Again, we have a -- we have explicit
19 mandates on certain ways to go about this. A
20 mathematical definition of compactness isn't one of
21 them. We want to make districts as compact as possible,
22 but we do feel we have met that threshold.

1 REPRESENTATIVE RUSSO: Okay. Follow-up through
2 the Chair.

3 SPEAKER CUPP: Representative Russo.

4 REPRESENTATIVE RUSSO: Noting some of the
5 technical issues, for example, the labeling issue in the
6 Senate districts that were pointed out by my colleague,
7 the Senate President, if those were technical -- were
8 corrected, would this still be a proportional-- meet
9 the proportional requirements of the Constitution?

10 MR. GLASSBURN: To the Co-Chairs and to Leader
11 Russo, to the best of my knowledge, nothing that has
12 been stated or questioned so far is a threshold question
13 as to whether 45 House seats or 15 Senate seats can be
14 achieved. If we are -- if we are at the point that we
15 are fine tuning precincts and census blocks, we're in a
16 great spot, but -- but we are not at that proportionally
17 in terms of agreeing on a unified map. If we could get
18 to that point, and then, get these other issues worked
19 out, I don't see any reason why as I said not only can
20 we reach this threshold, but we have some choices in the
21 House about how we do that. So yes, I do believe we
22 have done so, and nothing so far that we have discussed

1 prevents us from getting to there.

2 REPRESENTATIVE RUSSO: Through the Chair. To
3 Mr. Glassburn, so do you believe that if we fail to be
4 given or you be given the opportunity to attempt to do
5 that, would we have achieved what the goal of this
6 committee was, which was to follow the decision of the
7 court and to reach proportional representation with the
8 maps that this Commission eventually will get to voting
9 on?

10 MR. GLASSBURN: To the Co-Chairs and to Leader
11 Russo. As I am -- I am sorry if I'm belaboring a point
12 here. As I mentioned in our last meeting, we has prior
13 not had an explicit goal of getting as close to
14 proportionality as possible amongst the map drawers. We
15 feel that we have not only demonstrated in this proposal
16 that 45 House seats and 15 Senate seats are possible,
17 but that there are multiple ways to go about it. And so
18 if -- if it was not possible to draw 45 House seats, or
19 15 Senate seats, I think we would be in a different
20 place, but it is. So no, I'm not sure we are at that
21 point where we have because we're not -- we're not
22 attempting collectively to reach 45. We have some of us

1 are and some of us aren't.

2 REPRESENTATIVE RUSSO: Thank you.

3 SPEAKER CUPP: Senator Faber. Or used to be
4 Senator Faber. Auditor Faber.

5 AUDITOR FABER: I have a couple of what I would
6 call 30,000 foot questions before I get to some specific
7 in your map, if you'll bear with me. If you don't feel
8 comfortable answering those, please demur.

9 First, when I look at this process, I recall
10 you testifying on Thursday indicating that you guys had
11 a map. We asked for it. Friday came and went, I sat in
12 my office twiddling my thumbs. Didn't get a map.
13 Thought we were going to get a map Friday to take a look
14 at. Then, Saturday came. We got the first map from you
15 guys around 10:00-ish, give or take, and we got an
16 amended map because there were some errors in some of
17 the Senate issues in your original map, give or take at
18 noon. And I may be a little off. My people may not get
19 it quite as promptly as some others.

20 I'm a little concerned that we are now at 4:26
21 before our midnight tonight deadline, and we're talking
22 about taking about making amendments. I have instructed

1 my staff, and I know my staff has played in good faith,
2 and I'm not commenting anybody else's staff, about
3 trying to make some of these changes and these
4 adjustments throughout the process. It appeared to many
5 of us that because we wouldn't say that we absolutely
6 were going to do a 45-54 map, that somebody took their
7 ball and went home.

8 But I digress from that for a second. Talking
9 in general looking at your map and the Republicans'
10 proposed map, I noticed something that was at least in
11 my initial suggestion as to how we get to this solution.
12 An approach that we looked at designating a certain
13 number of solid R and sold D seats, and then, look at
14 the competitive seats. It appears that's what you've
15 done to some extent. Would you agree with me on that?

16 MR. GLASSBURN: To the Co-Chairs, to Auditor
17 Faber. To the first portion of your comments, I very
18 much share your frustration. Our goal as this process
19 is to move along was not to any point put forth
20 proposals that didn't have significant feedback, if not
21 agreement. And so in that process, I think all of us
22 have waited longer than we wanted to wait on different

1 timelines in this.

2 To the latter part about competitive seats,
3 again, in our House proposal, in our Senate proposal, to
4 the extent that we have talked in-depth about regions,
5 we have sought to have seats that both parties have
6 generally agreed upon, and we have work towards
7 competitive seats.

8 AUDITOR FABER: Well, and I appreciate that,
9 but I'm just looking at the Republican proposal and the
10 Democratic proposal, and I don't think they are that far
11 apart when I look at the numbers. I have a Republican
12 proposal that was 28, 56, 15, and you guys were 36, 10,
13 53 on the competitive versus the solid Rs and Ds. So
14 those two numbers are relatively close. Then, the
15 question I have as I go through the maps, and I call
16 this the Montgomery Burns District, because it looks to
17 me like Montgomery Burns from the Simpsons.

18 MR. GLASSBURN: We can change the color yellow
19 Mr. Faber if you prefer it something else.

20 AUDITOR FABER: I just looked at that and it's
21 certainly a cartoon character.

22 And I look at that district, and that appears

1 to me to be drawn as you said for the purposes of
2 drawing a Democrat Senate district. I think that's what
3 you said. And if I heard that wrong, correct me. But
4 my concern with that is Section 6(A) of the Constitution
5 says we're not going to draw districts primarily to
6 benefit one party or another, and what you're doing is
7 taking Lake County, and certainly, representative of
8 Troy proves that people can win districts even if the
9 index is against them, because I think you tried to draw
10 it as a Democrat seat. I know I was told our map drawer
11 tried to draw that as a Democrat seat to keep him in a
12 Democrat seat, and it was just simply not able to do
13 that within the boundary of Lake County.

14 And you're shaking your head yes for the
15 record.

16 So apart -- apparently, what we did was go in
17 and pick and choose communities to try and up the
18 Democratic index to dump that into a state Senate
19 district that now tells me that Lake County Republicans
20 are going to, by the very nature, be represented by a
21 Democrat. So how do you say to those people in that
22 area that we're not drawing a district to

1 disenfranchise, as Justice Brunner made very clear she
2 had equal protection concerns about how you drew maps
3 too; that you are not violating the Constitution's equal
4 protection clause by intentionally drawing a district to
5 disenfranchise all those fine Republicans in Lake
6 County.

7 MR. GLASSBURN: To the Co-Chairs, to Auditor
8 Faber. Let's -- let's address Lake County in this --
9 this part first, and then, I'll get to your I think
10 larger question.

11 To have 15 Democratic Senate seats, I am saying
12 yes, there must be four of those at least to our -- to
13 what we have identified. And if there's a better way to
14 do it, again, we're very open. Four seats between Lake
15 County and Cuyahoga. What I am not saying and is not
16 fundamentally true is this seat in particular does not
17 need to be the one first off that goes to Cuyahoga
18 County. It can be entirely in Lake County. And this
19 House seat in of itself does not need to be Democratic
20 to ensure that that Senate ratio still happens. This is
21 Democratic because we have made choices in other parts
22 of the State to honor what the Majority has asked to not

1 draw Democratic seats elsewhere.

2 AUDITOR FABER: So again, I'm going back to
3 what you're saying, and I'm extrapolating that across
4 the State because I know we had the same conversation if
5 I went to the Hamilton County districts. In your map,
6 you take two Hamilton County districts, and the one I'm
7 concerned about is the western side of Hamilton County,
8 which is a very strong Republican township, and you dump
9 it into inner city dip -- inner city -- two inner city
10 Cincinnati districts. They don't have a whole lot in
11 common if you know anything about those divides out in
12 Hamilton County. And basically tell those Republicans
13 that you're going to be in a Democratic district because
14 we needed to hit more Democratic district to hit some
15 superficial ratio. That's effectively what -- when I
16 look at the decisions that are being made all over the
17 map, we keep making decisions to hit some number. Not
18 to link redistricting. So why would you not respond to
19 that question that effectively what you're doing, and by
20 the nature what we're doing, because frankly in many
21 areas, I think we've got agreement, like in Hamilton --
22 I mean Franklin County and other areas, we're

1 effectively taking districts and gerrymandering them to
2 hit some Democratic ratio because it's very difficult to
3 do that with where Ohioans live around Ohio naturally.
4 So we're having to draw spaghetti districts or out --
5 out districts out to move things outside the area to
6 pick people up. And I need look no further than what
7 you guys have proposed with regard to the Athens
8 district, where you go in and try and cobble together
9 Democrat areas in subsections of county and lump those
10 all together with what I call the spaghetti methodology
11 without drawing competitive districts, just to hit
12 another Democrat number.

13 Am I missing something? I know -- I know
14 that's what we all kind of -- I don't want to say nudge,
15 nudge, wink, wink, or trying to figure out how to do,
16 but isn't that to be honest what we're really doing
17 here?

18 MR. GLASSBURN: To the Co-Chairs, to Auditor
19 Faber. There are somewhere on the order of 47, 48, 49
20 places that you could draw Democratic House seats
21 throughout the State of Ohio. There are 15 out of 15
22 locations you can draw Democratic Senate seats.

1 As to in specific do I agree with your
2 assessment of Athens County and Hocking County being
3 dissimilar or fundamentally dissimilar from the City of
4 Chillicothe? That may be one where the two of us agree
5 to disagree. However, it is not necessary, or -- and I
6 believe we have in our proposal gone a long way to
7 demonstrate it's -- it simply is not necessary to
8 gerrymander or do dramatically strange things to achieve
9 the proportionality as outlined in the Supreme Court.
10 Quite frankly, in the districts, one of the districts
11 that's Democratic in both proposals, but if you want to
12 talk about long, strange lines, it's the Eastern
13 Hamilton County seat that registers as one of those 50
14 percent plus 1 Democratic seat. That was drawn by the
15 Republican staff. Not us. And so if we want to again
16 get to the most coherent, most representative way to get
17 as close to this ratio as possible, we can do that. And
18 we have choices about how we do that.

19 AUDITOR FABER: I have -- Mr. Glassburn,
20 because I do not want to take up all of your time
21 because --

22 MR. GLASSBURN: Sure.

1 AUDITOR FABER: -- I'm optimistic and hopeful
2 that maybe you'll have some comments that you'd like to
3 see improved on the Republican maps since that's the
4 template that we seem to have no Constitutional
5 variations at this point with, other than the ratio.

6 I would -- I would -- I don't want to take up
7 all my time as to where we go, but I do want to make one
8 other point. I don't know if I'm the only one who
9 caught this because I like ratios and I like competitive
10 seats. I went through and looked at all your
11 competitive seats and all their -- all the Republicans
12 submitted map competitive -- I guess they're us and
13 everybody now because we're all working together. But I
14 found it odd -- I assume it was an accidental, but if
15 it's not accidental, certainly, it could be argued that
16 it was done to influence the map for political purpose.

17 On the Senate map that you presented, almost
18 all of the competitive seats happen to be even numbered
19 seats. I assume you're not doing that to influence
20 elections for political purpose by putting all of the
21 competitive seats in that area that are Democrat seats
22 up in presidential elections because of different

1 turnout models, or different hopes as to who the
2 presidential candidates should be versus randomly
3 letting those apply. I assume that was an accidental
4 oversight and not an intent, because if it was an
5 intent, it's clearly done in violation of 6(A). But I
6 digress. I don't know if I'm the only one who made that
7 observation, but it seems to me to be unusual enough
8 that I thought I would point it out.

9 MR. GLASSBURN: To the Co-Chairs, to Auditor
10 Faber. I think there were three things in there. As to
11 the numbering issue, again, we're striving to make sure
12 that we produce maps that are in accordance with all
13 sections. The numbering is the last part of the
14 process, and quite frankly continues to occur in the 2
15 a.m. to 4 a.m. range as we go through this process. So
16 the -- the only nefarious intent in there is between the
17 sixth bottle and the seventh bottle of coffee from the
18 downstairs vending machine.

19 As to the question of competitiveness, I think
20 I'm speaking accurately for our sign, and that we don't
21 inherently have, and we embrace competitiveness. The
22 House districts, though, are tremendously, in terms of

1 the two plans, are very far apart on that issue. In the
2 Republican proposal, 12 of the 42 Democratic seats are
3 drawn between 50 and 51 percent. There are only five
4 again in the Democratic proposal, and only -- and two of
5 those five were at the Majority's request. It's not
6 necessary to even do five. Again, we're not looking to
7 have none, but the Republican proposal has zero
8 Republican seats in that narrow range. Our proposal
9 also has zero. And part of that is because this
10 geography is State, but it is not the geography of the
11 State that we have 12, or 15, or 14 Democratic seats
12 that are at 50 percent plus 1. So they're -- they're a
13 little bit different things.

14 The last thing I would ask or respond to is we
15 want to work back-and-forth. You mentioned the topic of
16 how do we do that in the remaining hours we have this
17 evening. If -- my recommendation or response would be
18 that because of the Senate question, we need to resolve
19 the Senate ratio question because that determines the
20 footprint of what counties are paired. And so whichever
21 maps, I believe there will be the Democratic maps, are
22 consistent with those pairings, may be the furthest

1 along towards -- but whether it's the Democratic or
2 Republican maps, we just need to get this -- get
3 feedback to each other and keep moving. So I -- I
4 appreciate your sentiment.

5 AUDITOR FABER: Thank you. And again, I want
6 to be done because I want to get us moved on to where we
7 can do what we need to do. But I -- I have a different
8 count on competitive. Using your -- your map I have
9 one, two, three, four, five, six, seven -- nine lean Dem
10 and one lean Republican on your map. And again, it
11 depends on what numbers you use as competitiveness. I'm
12 using roughly five points. And so again, I don't think
13 that's too far off where the Republican map numbers are.
14 I agree, it's probably easier to draw competitive
15 districts with what we're doing by concentrating
16 Democrat seats in all of our metropolitan counties
17 because that's where we're picking up the Democrat
18 seats. But that's by its very nature going to be more
19 of those competitive seats are going to have a slight D
20 lean versus a strong D lean when you spread it out. But
21 that's kind of the nature of those communities too, by
22 the way, based on how they vote. And that tends to tell

1 you where people are and how they get there.

2 And so I digress, and I have other things, but
3 for the purposes of trying to move us along.

4 SPEAKER CUPP: And in trying to move us along,
5 I think we're going to go to our third step here.
6 You've been up at the podium for quite a while, so we'll
7 ask Mr. DiRossi and Mr. Springhetti --

8 PRESIDENT HUFFMAN: I -- I was interrupted in
9 my -- I have two I think of my most significant issues
10 --

11 SPEAKER CUPP: All right --

12 PRESIDENT HUFFMAN: -- I guess I'd like to ask
13 --

14 SPEAKER CUPP: -- Senator, you may go ahead.

15 PRESIDENT HUFFMAN: -- this witness about.
16 I'll try to be very quick.

17 Again, under Section 3(D)(3), there is a
18 prohibition about splitting more than one municipal
19 corporation or township. And we talked a little bit
20 about the Columbus and Prairie Township, and you
21 indicated well, we can fix that. But in House district
22 14, you -- your map splits both Cleveland and Brook

1 Park, and assuming you're not going to take Cleveland
2 out if -- if Brook Park is wholly contained in House
3 District 14, that district would be substantially
4 overpopulated, probably up to 5 percent. And that
5 population has to go somewhere right in the middle of
6 Cuyahoga County, which has a balloon effect throughout
7 several districts.

8 And I'll also point out you have the same
9 problem in House District 17 in Cuyahoga County where
10 you split both Cleveland and Warrensville Heights.
11 Warrensville Heights, if that was wholly contained
12 inside the district, in other words, to achieve
13 constitutionality, that would be heavily overpopulated.
14 And that's not simply well, let's just reassign a number
15 or move a line. That's redrawing Cuyahoga County, and
16 probably the ripple effect out to much of Northeast
17 Ohio.

18 Did you realize you have those constitutional
19 defects when you submitted this map?

20 MR. GLASSBURN: To the Co-Chairs, to Senate
21 President Huffman. The maps put forward in the Supreme
22 Court's decision and that we have put forward we believe

1 are consistent in how the Court has approached this. We
2 believe it's consistent with how constitutions spell
3 things out. We also believe it is consistent with the
4 way the Majority has drawn their maps. Metropolitan
5 cities have more fragments in them, significantly more
6 fragments in them in all of the maps than the minimum.
7 So if the Commission wishes to discuss that, I think
8 that's more of a discussion of the rules in terms of
9 between you among yourselves as between what I had to
10 offer on this.

11 PRESIDENT HUFFMAN: Well, Mr. -- Mr. Glassburn,
12 to be fair, the Constitution says and this Supreme Court
13 decision said, These requirements also must be met that
14 not more than one municipal corporation or township may
15 be split per representative district. So that's not an
16 aspirational goal. It's not if we want to do it. We
17 have to do that. And there's clear violations in here
18 that are not easily fixed.

19 Now, you may not. My question was did you
20 realize that there were these constitutional violations
21 in House District 14 and 17 when you submitted this map?

22 MR. GLASSBURN: To the Co-Chairs, to Senate

1 President. Again, our assessment of how Cuyahoga County
2 is drawn is consistent with the Court's decision, and we
3 believe that that is constitutional.

4 PRESIDENT HUFFMAN: You think these are
5 constitutional?

6 MR. GLASSBURN: As drawn, that is our response.

7 PRESIDENT HUFFMAN: Very good.

8 SPEAKER CUPP: All right. I think -- Senator
9 Sykes?

10 SENATOR SYKES: Yeah, I'm --

11 SPEAKER CUPP: Okay. I think we should move on
12 now because time is escaping. So if there are any
13 further questions for Mr. Springhetti and Mr. DiRossi,
14 if you want to come back up and join Mr. Glassburn,
15 anybody has questions for any of them, we'll -- we'll do
16 it that way to make sure we get all the information out
17 that we -- we need before we take a recess.

18 Senator Sykes.

19 SENATOR SYKES: Thank you Mr. Co-Chair, and
20 thank you all for making your presentations.

21 I just want to make a comment for
22 clarification. You know, it was -- it was never our

1 intention, the Democrats on this Commission, it was
2 never our intention to produce a map because we were
3 directed by the Court for the Commission to reduce the
4 map. Not that have the Democratic map and a Republican
5 map. And that's why I recommended that we deal with the
6 regional concept, regional process, because we couldn't
7 come initially with -- up with an agreement on what map
8 to start from. Not between the two parties.

9 And so the regional process that started with
10 the Hamilton County and Franklin County as have been
11 divulged here today has a lot of similarities between
12 the two plans. Not until just a day or so ago was I
13 told that it was a feeling that we could not meet the
14 proportionality requirements. When we had our last
15 meeting, we raised that issue, and the Governor himself
16 also wanted to make sure it was clear that that was the
17 direction given to the staff to, in fact, fulfill that
18 requirement unless there were some technical requirement
19 violations.

20 And so our objective all along has been to
21 demonstrate that that could be achieved, the
22 proportionality goals or objectives in Section 6 could

1 be achieved, and meet all of the other requirements as
2 well.

3 So not until just a day or so ago were we
4 looking at trying to have to put a map together
5 ourselves, but still, our goal was not to produce
6 necessarily a map that would not have any -- would be
7 free from any errors. Our objective here in this
8 hearing today, and in this process, has always been to
9 prove and identify that we could produce a map that met
10 all of the technical requirements, as well as
11 proportionality goals and objectives.

12 And so an example of every decision that's made
13 has an impact on the rest of the map. And an example
14 was the pairing in Hamilton County of the House
15 districts to create Senate districts. Your pairing came
16 up with, in fact, producing one Republican and one
17 Democrat a district. And our pairing, just by changing
18 the order of those districts, to the House district, you
19 would end up with one additional Senate district, two
20 Senate districts. So it demonstrates that you could, in
21 fact, increase the number of Senate districts using the
22 basic framework and the building blocks, the House

1 building blocks that existed in the plan. So our
2 objective has always been to simply demonstrate that you
3 could -- that we can, in fact, come to the
4 proportionality requirement to meet all of the other
5 guidelines. And so all over our map, all over the State
6 of Ohio we have demonstrated in the example of our map
7 of how that can be done.

8 So again, our objective is not to produce an
9 error-free example for you, but to demonstrate that by
10 using a different strategy, a different combination of
11 districts, different proportional parts of districts, we
12 can meet that requirement.

13 I just want to make sure that that was clear.

14 PRESIDENT HUFFMAN: Mr. Co-Chair, could I --
15 could I respond to that in brief because, and I
16 appreciate --

17 SPEAKER CUPP: Senator Huffman.

18 PRESIDENT HUFFMAN: Thank you.

19 Senator Sykes' explanation of their
20 expectations and intent especially in the last week or
21 so. But for those who don't know, there's an animal
22 called the Legislative Committee on Redistricting and

1 Reapportionment, which has existed in Ohio law for
2 longer than I've been around. That's for sure.

3 And this entity at the -- is formed, members
4 are appointed, and amounts of money are given to each of
5 the two caucuses. The Republican and Democratic Caucus,
6 in this case. And that money is to be used by those
7 caucuses for the purposes of drawing maps, doing
8 analysis, whatever it is that they want that to be done,
9 that's within the guidelines of the statute. And in
10 fact, both sides initially were allocated, I think,
11 \$200,000. The Democratic Caucus asked for additional
12 dollars, and on two occasions, and we agreed. In fact,
13 the Democratic Caucus was allocated \$500,000. The
14 Republican Caucus 200, of which we spent 120, mostly
15 because we used in-staff people and were able to save
16 money, and the Democratic folks decided not to do that.
17 We didn't have to agree to give them additional money to
18 hire outside consultants, but we did.

19 Now, whatever the current intent is of the
20 leaders of the Democratic party, or the Democratic
21 caucuses, which I don't doubt a bit because I -- I know
22 Senator Sykes, and I -- he would state that clearly.

1 The system in place is for both sides to have
2 the assets they need to analyze these issues and put
3 them forward. And to draw maps if they -- if they so
4 choose. So I don't -- I want to make clear here that
5 both sides had equal opportunity to put ideas forward,
6 put constitutional maps forward. And in -- in fact,
7 allocation-wise, the Democratic party had more than
8 twice as much as the Republican party.

9 So and I also want to say, Mr. Co-Chair, that
10 these other things, as I was explaining to Mr.
11 Glassburn, these other requirements, for example, about
12 not having two more, two municipal corporation and
13 townships split in one place, that was a central purpose
14 of the criticism of how maps were drawn in the past.
15 And I sat in a room till very late in the evening in
16 December of 2014 with Leader Schiavoni, and Leader
17 Budish, and President Faber, while we negotiated all
18 this.

19 And what they wanted to do is make sure that as
20 an example, that we couldn't split more than one
21 township and one municipal corporation in each state rep
22 district, and that was very important.

1 Now, I have a different opinion than the
2 Supreme Court about the applicability of Section 6, but
3 my opinion doesn't count, and there's thus. So we're
4 dealing with what the opinion of the court is, but the
5 rest of this isn't just, Well, we're going to cast it
6 aside, because it was a central part of making this
7 issue in 2014.

8 So I guess that's my speech if -- if we get to
9 make speeches.

10 SPEAKER CUPP: Senator Sykes.

11 SENATOR SYKES: Just to reply. And I'm not
12 saying that we should not meet those requirements.
13 Those requirements are important. And I'm not saying
14 that -- I'm saying that we don't have to demonstrate
15 that. What we need to demonstrate is how we can meet
16 the requirements of the proportionality along with the
17 other technical requirement. If that's possible. To
18 see if that's possible. And that believe in the map
19 that we've presented demonstrate in all over the State
20 of Ohio how you can make different decisions in
21 combining in redistricting apparatus that you can end up
22 with satisfying the proportionality as well as meeting

1 the -- the requirements.

2 SPEAKER CUPP: Representative Russo.

3 REPRESENTATIVE RUSSO: Thank you, Mr. Chair.
4 Thank you. I want to go back to I think something Mr.
5 DiRossi, through the Chair, something Mr. DiRossi said
6 earlier.

7 You said that you needed guidance from the
8 Commission on what you would call more subjective parts
9 of the Constitution that were contained in sections
10 other than Section 6. Are you indicating that you did
11 not get the direction that you needed from this
12 Commission on how to follow what you consider those more
13 subjective decisions in other parts outside of Section
14 6?

15 MR. DIROSSI: To the Co-Chairs and Leader-Elect
16 Russo.

17 The staff brought to the Commission a number of
18 proposals around the State and major urban areas and
19 other areas of the State. It is for the Commission
20 members to make the decisions on whether they meet
21 objective and subjective criteria, whether they should
22 be adopted, amended or discarded. So that's what I was

1 referring to when I said that we were provided that, and
2 you had to make the guidance, you had to make the
3 decision. It's not -- not for the staff of you to make
4 the decision for you.

5 REPRESENTATIVE RUSSO: Okay. So to be clear,
6 through the -- the Chair, through Mr. DiRossi, you don't
7 feel that you got that guidance clearly from this
8 Commission, correct?

9 MR. DIROSSI: I think -- through the Co-Chairs,
10 and again to the Leader. I think you're doing it now.
11 You're making the decisions and you're weighing the
12 option and you're making those decisions now, and you
13 will make the decisions.

14 REPRESENTATIVE RUSSO: So after the maps that
15 have been submitted before us.

16 One follow-up question as well. I'm going to
17 go back to this issue of partisan symmetry. And in the
18 decision, specifically in paragraphs 121 and 122, the
19 Court has this lengthy discussion and recognition that
20 partisan asymmetry of the overturned map, that they go
21 back and they talk about this issue. And they point out
22 that when you have massive asymmetry, it is a huge

1 warning sign that you are favoring one political party
2 over another. So I would like to go back, and I would
3 direct the Commission members to the two spreadsheets
4 that we have provided, our staff have provided to us,
5 but really look at -- and I'm just going to use the
6 House maps as an example here. Look at the partisan
7 index, the Dem partisan index for the districts that
8 have been drawn for both the Dem proposal as well as the
9 Republican House proposal. And as been previously
10 pointed out in the Dem proposal, we submit a 45 House
11 seats, eight of those House seats have a Dem index that
12 is between 50 and 52, zero of the Republicans between
13 the 50 and 52. And in the Republican proposal, they
14 have only indicated 42 Democratic leaning districts.
15 14, however, of those fall between 50 and 52 for the
16 Democratic index. And again zero on the Republican
17 side. So that is a significant difference. We've 45
18 total seats versus 42, and of the ones between 50 and
19 52, eight in the Democratic proposal versus 14.

20 So effectively, you know, you are creating
21 districts with less opportunity for clearly perhaps
22 Democrats to sit into those seats.

1 And so my question is why were those -- you
2 know, and I'll -- I'll ask each of the mapmakers why
3 were some of those decisions made, and what explains
4 that huge difference, and you know, does this create --
5 again, go back to that issue of partisan symmetry where
6 if we've got huge discrepancy, it is an indicator and a
7 flag that some districts were drawn to favor one party
8 over the other.

9 MR. SPRINGHETTI: To the Co-Chairs, to
10 Leader-Elect Russo, the decisions were centered around
11 complying with the court order and closely -- closely
12 corresponding with Section 6. And we did that. We
13 moved five seats closer that are Democratic leaning in
14 the House map, three Senate seats Democrat -- Democrat
15 leaning. So that was the fundamental reason in my
16 drawing of -- of the decisions in the -- in the results
17 of the map that we are putting forward.

18 REPRESENTATIVE RUSSO: All right. Mr. -- go
19 ahead.

20 MR. DIROSSI: To the Co-Chairs and to
21 Leader-Elect Russo. I mean, part of looking at the
22 State as a whole, there were -- if you're asking if we

1 were identifying collectively as a staff a district that
2 might favor Republican by 53 percent and trying to make
3 it a Democratic leaning seat, yes, it is moving to the
4 other side of the ledger, so I think that's why there is
5 an absence of those seats on the Republican side because
6 they are identified by the staff, they were -- they were
7 modified to make Democratic leaning, so that's why they
8 are not there anymore.

9 So I'm not sure that a -- if you're asking if a
10 53 percent Republican leaning seat that becomes a 48
11 percent Republican leaning seat is makes it easier for a
12 Republican to win, I mean, it just doesn't -- wouldn't
13 make sense to me.

14 REPRESENTATIVE RUSSO: Mr. Glassburn, you have
15 a response?

16 MR. GLASSBURN: So I'm trying to do something
17 to answer questions on the fly.

18 So to the Co-Chairs and Leader Russo, I believe
19 I stated before, but I'll make clear if I didn't, the
20 nature -- as stated a number of times -- The nature of
21 Ohio is that we do have Democrats in certain areas, and
22 we have Republicans in other areas. And sometimes that

1 political geography bumps up. And so it is clear that
2 there will be some more Democratic seats closer to that
3 competitive mark than Republican seats. But there is a
4 substantial difference between there being a dozen on
5 one side and zero on the other, versus having five, or
6 again, it could be as low as two or three on the
7 Democratic side. The notion that when you do that
8 aggregate completely across a dozen seats, that that has
9 no impact on the State-wide is -- is hard to reconcile
10 with the Court's decision.

11 REPRESENTATIVE RUSSO: A quick follow-up.

12 And you know, I ask this question because it
13 appears to me in the Democratic districts that you have
14 put -- the Democratic leaning districts that you have
15 put forth that there has been an intentional approach to
16 drive as many of those close to 50 to technically say
17 that you have created a Democratic leaning district
18 without actually in good faith creating as many
19 Democratic leaning districts that are possible due to
20 the proportional requirement in the Constitution. And I
21 will use as an example, again, going back to Franklin
22 County, we have two seats in the southern part of

1 Franklin County. One centered on Grove City, one that
2 is in more of the southeastern corner of Grove City.
3 Those two districts could have been drawn. There's no
4 technical reason that I can understand that they should
5 have not have been drawn to not create the issue that
6 forces both of them to be close to 50.

7 And so I'm wondering, you know, did -- did you
8 take steps to in both meeting the overall proportional
9 requirements of -- the Constitutional proportional
10 representation requirements of the Constitution, did you
11 take steps to also ensure that you were not getting too
12 far in the -- in the partisan asymmetry bias that
13 naturally exists here in the State of Ohio?

14 MR. DIROSSI: We said directly that --

15 REPRESENTATIVE RUSSO: Yes. Yes, I heard you.

16 MR. DIROSSI: Well, I think as we all just
17 answered the question, I mean there are geography issues
18 and there are -- I would use Senate District 13 in
19 Northern Ohio. A district that as was adopted by the
20 committee was 50.87 percent Republican with two whole
21 counties, not nearly an overwhelming Republican
22 district. The geography is challenging there with

1 populations in the county and the surrounding counties.
2 And to make that a Democratic leaning district, which we
3 were able to do, required splitting an additional
4 county. But it was very -- I mean, the hours of work
5 just to make that sounds very simple, but it is not.
6 And so when we -- whether we ended at 49.2, or 49.8, or
7 49.9, or 48.2, when you finally get over the hurdle to
8 go under 50, and everything else balances, and
9 everything else matches, I would move on to another
10 district.

11 SPEAKER CUPP: Let me -- I in a minute if I
12 might, I want to ask a follow-up question to something
13 that was raised earlier in trying to get away from this
14 question of how partisan is partisan enough, I guess. I
15 want to go back to House District 14 and House District
16 17, in Cleveland and Brook Park that were split in the
17 -- in the map that we've seen that Mr. Glassburn talked
18 about. He indicated, if I got it correctly, that that
19 is not -- those -- those splits are not violations of
20 the Ohio Constitution requirements on line drawing and
21 split limitations. What is -- what is your take on
22 that?

1 MR. SPRINGHETTI: Co-Chair Cupp, to the members
2 of the Commission, I disagree with -- with Mr.
3 Glassburn's assumption in view of the Constitution.

4 MR. DIROSSI: I would have the same conclusion
5 that it is not permissible under the Ohio Constitution.

6 SPEAKER CUPP: In other words, it would be
7 fatal errors if all the line drawing and antisplitting
8 requirements were to be met before the proportionality
9 issue is reached?

10 MR. DIROSSI: To the Co-Chairs and the members,
11 those are direct violations of explicit -- of explicit
12 do not dos. And so yes, those would be fatal.

13 SPEAKER CUPP: Okay. Thank you.

14 Auditor Faber.

15 AUDITOR FABER: Just two things. Following up
16 on Leader Russo's comments, and I -- I had some of the
17 same concerns until I actually went back and compared
18 both maps. And as Mr. DiRossi or one of -- one of you,
19 I don't remember which one said it, indicated
20 effectively this process started with the presumption
21 that we were going to draw more, as I said, wink, wink
22 nudge, nudge, more Democratic seats. And in doing that

1 in Mr. Glassburn and the Democrats' proposed map, my
2 count has ten competitive seats. One Republican, nine
3 Democrat. And that's within my very tight range. The
4 Republicans had 14 Democrat competitive seats and one
5 Republican seat. There is a wide difference of five on
6 the competitive nature. Could other things have been
7 done? Yeah, but the problem is when you start going the
8 other route, and try and draw safe seats, now you're
9 drawing for political advantage. And frankly, we heard
10 literally weeks of testimony about how competitive seats
11 are better than noncompetitive seats. And I can't
12 believe we're actually having an argument that if you
13 draw too many competitive seats, it somehow adverse to
14 one side.

15 We have Dan Troy's district that represents a
16 district that's held by a Republican index seat that's
17 held by Democrat. Candidates matter, campaigns matter,
18 elections matter, and frankly, the election environment
19 matters. As I look back over the 20 years that I've
20 been looking at districts, as a legislator and somebody
21 who's talked about this process, I remember areas,
22 entire areas of the State where people used to say you

1 could never elect a -- fill in the blank, Republican or
2 Democrat. They have now switched to now you can never
3 elect the opposite party. That changes. Elections
4 matter. Demographics matter. Changes in policy and
5 politics matter. In four years or ten years, my guess
6 is we're going to look at some of these same districts
7 that we think are very competitive, and we're going to
8 look and say well, that's not a competitive district
9 anymore because things changed. And that's why this
10 arbitrary percentage to me is a little bit suspect.

11 Having said that, I'll ask all the line
12 drawers' question. Paragraph 126, the Supreme Court's
13 opinion, they cite Professor Rodden. Specifically they
14 cite and indicate That professor Rodden's map that he
15 had presented was constitutional or would have been
16 constitutional as an example of what could have been
17 done. Specifically, have you looked at Professor
18 Rodden's map? Not the new one that was just filed by
19 the plaintiffs, but Professor Rodden's map in the
20 Supreme Court?

21 MR. SPRINGHETTI: To the Co-Chairs, to Auditor
22 Faber, yes, I've looked at both Rodden 1 and Rodden 2.

1 AUDITOR FABER: Well, my understanding is that
2 Rodden 1 was essentially 57 Republican index. Am I
3 correct on that?

4 MR. SPRINGHETTI: To the Co-Chairs, Auditor
5 Faber, yes.

6 AUDITOR FABER: So the court has indicated thus
7 that at least in that context, the 57 would have been
8 constitutional on the House side. Now, I think he did
9 have an 18 on the Senate side? Am I right on that?

10 MR. SPRINGHETTI: To the Co-Chairs, Auditor
11 Faber. Yes.

12 AUDITOR FABER: Thank you.

13 MR. DIROSSI: If I could just add one thing to
14 that. There were also constitutional violations in that
15 map that were found as well.

16 PRESIDENT HUFFMAN: Co-Chair --

17 SPEAKER CUPP: Senator Huffman.

18 PRESIDENT HUFFMAN: I guess to clarify, and you
19 tell me if I'm wrong. This is a professor I think from
20 Stanford University submitted this map, the Supreme
21 Court said, Hey, look at this so you could do this. And
22 then, just a few days ago, the professor decided, yeah,

1 actually, what I submitted wasn't constitutional, and
2 sent in a new one; is that right? Is that Rodden 2?

3 MR. SPRINGHETTI: To the Co-Chairs, to
4 President Huffman. That's correct.

5 PRESIDENT HUFFMAN: And in fact, Rodden 2 also
6 has constitutional problems, correct?

7 MR. SPRINGHETTI: To the Co-Chairs, to
8 President Huffman. Rodden 2 actually has more
9 constitutional violations than the map proposed by the
10 Democrats today.

11 MR. SPRINGHETTI: And you're not even a
12 professor, are you?

13 MR. SPRINGHETTI: I'm not.

14 PRESIDENT HUFFMAN: Okay.

15 SPEAKER CUPP: He may be after this experience.
16 Any further -- Representative Russo.

17 REPRESENTATIVE RUSSO: Thank you, through the
18 Chair.

19 I want to go back -- you know, there -- there
20 has been discussion about this issue of splitting, and
21 again, I acknowledge in both the Rodden maps that there
22 are community splits there, and the -- the court upheld

1 it also as constitutional. So again, one of those
2 things that the Commission probably should have
3 discussed and provided some clear directions since it
4 seems to be somewhat gray based off what was upheld in
5 the courts and what has been written in the
6 Constitution. But you know, we had pointed out, or I
7 just am curious. In House District 36, which I believe
8 is in Montgomery County, and I think it's 36 on the map
9 that you have submitted, there are two noncontiguous
10 pieces of Dayton. Can you explain why that was done and
11 does that meet the requirements of the Constitution?

12 MR. SPRINGHETTI: To the leader. Are you
13 referring to the -- I believe it's Ward 2 which is the
14 northern part of Dayton which is the mostly the airport
15 area in the -- in Vandalia and the surrounding area that
16 is noncontiguous to the main body of Dayton?

17 REPRESENTATIVE RUSSO: Sorry, I'm trying to
18 pull up my map. Just started to refresh.

19 MR. SPRINGHETTI: If that's what you're
20 referring to, obviously those are noncontiguous pieces
21 of the city, so under the Constitution, they -- they are
22 separate political subdivisions and can be divided into

1 different districts without violating any provision of
2 the Constitution.

3 REPRESENTATIVE RUSSO: I'm not sure that that's
4 the area that we're referring to, sorry. I want to go
5 back.

6 Actually, I'll move on. If some -- if
7 Commissioner has another medium, I'll pull up
8 specifically which piece we're referring to.

9 SPEAKER CUPP: I'm not seeing any hands, so go
10 ahead and check.

11 REPRESENTATIVE RUSSO: Well, unfortunately, I
12 cannot pull up my map to bring it up more clearly, so I
13 will follow up and make sure that we get that map.

14 I'm sorry, Chris, Mr. Glassburn, did you have
15 it?

16 MR. GLASSBURN: To the Co-Chairs, Leader Russo,
17 I believe there are few examples of these, but I'm -- I
18 am aware off the top my head of two. There's one in the
19 Dayton area on the southern side of Dayton; that there's
20 one chunk, of a considerably large chunk of Dayton that
21 is part of that district that is South Dayton, that the
22 the two portions of Dayton do not touch each other in

1 that House seat.

2 There's a much smaller example of this being
3 Cuyahoga County where the district that has Parma and
4 Brooklyn has little fragments of Cleveland attached to
5 it. Those fragments don't touch each other inside of
6 Cleveland.

7 SPEAKER CUPP: Senator Sykes.

8 SENATOR SYKES: Thank you. Thank you,
9 Co-Chair.

10 MR. DIROSSI: I apologize, could I just --

11 SPEAKER CUPP: I'm sorry --

12 MR. DIROSSI: -- briefly respond. No, that's
13 --

14 SPEAKER CUPP: Mr. DiRossi.

15 MR. DIROSSI: -- slow on the draw.

16 To the Co-Chairs. Just to point out in the
17 Cleveland seat that those fragments are to keep Democrat
18 House members in separate districts and not pair them.
19 That's the reason. And it is permissible under the
20 Constitution.

21 SPEAKER CUPP: Senator Sykes.

22 SENATOR SYKES: Mr. Co-Chair, the question I

1 have has to do with the strategy for trying to come up
2 with a map for the State of Ohio. The Democrats used
3 kind of different strategy and different approach. You
4 became somewhat familiar with it because of your
5 meetings together. Do you feel if you had adopted some
6 of the strategy of putting districts together, Senate
7 districts, based on the building blocks of House -- of
8 the House districts, or certain counties putting pairing
9 certain counties together, similar to the strategy that
10 was used by Democrats, do you think you could have
11 reached the goal, that goal of proportionality, come
12 closer to that goal of proportionality?

13 MR. SPRINGHETTI: Co-Chair Sykes, members of
14 the Commission, I would just say that that would be pure
15 speculation, so I don't know that I would be able to
16 give you a yes or no answer there. And that the -- to
17 this point, I've not seen a map that is constitutional
18 that moves down to the numbers that were referenced
19 earlier today.

20 SENATOR SYKES: Follow-up, please.

21 SPEAKER CUPP: Senator Sykes.

22 SENATOR SYKES: I'm not speaking necessarily of

1 a total map that's constitutional. I'm thinking of
2 maybe just sections, counties, the way you put counties
3 together forming districts, the way you put districts
4 together, House districts to pair, city districts. Do
5 you think if you had used the strategies by the
6 Democrats, you could have obtained, become that closer
7 to the proportionality goals and objectives?

8 MR. DIROSSI: To the Co-Chairs and members of
9 the Committee. I think working around the clock all the
10 staffs for the last nine-and-a-half days, we have come
11 very far, and I think we would be -- we have come as far
12 as we can to the best of your ability, and we have had
13 substantial benefits to reach compliance with the court
14 order. I cannot speculate if we had done anything
15 different at any point in the process. I think we did
16 very well considering the circumstances.

17 SENATOR SYKES: Okay.

18 SPEAKER CUPP: Representative Russo.

19 REPRESENTATIVE RUSSO: Thank you, Mr. Chair.

20 You know, going back to that point to what Mr.
21 DiRossi said, I will use the district that we presented
22 in our Democratic map for Athens, that Athens Centric

1 Democratic District. We demonstrated that that district
2 can be drawn, meet constitutional requirements, and can
3 add an additional Democratic seat to reach closer to the
4 proportional goals the 54-46.

5 Is there reason that you did not draw that
6 district, or attempt to draw it?

7 MR. DIROSSI: So not -- to the Co-Chairs and to
8 the members, and to the leader. I don't want to repeat
9 myself, but we walked around the State and focused on
10 major urban areas and major places for advancement
11 towards the court order, and incrementally over a number
12 of days made substantial progress to do that. I don't
13 recall specifically when Athens or if Athens came up in
14 that instance. And so we focused on the ones that we
15 focused on and brought them to you and to the other
16 members. And I'm not sure. I think now I'm repeating
17 myself. So that's the best I can answer you.

18 REPRESENTATIVE RUSSO: So through the Chair.

19 Mr. DiRossi, so I'm to be clear, you did not
20 attempt to add an additional Democratic seat where one
21 was possible and constitutional? That is what you're
22 saying; you just didn't attempt it?

1 MR. DIROSSI: I -- I don't recall. I remember
2 working on a number of areas. I don't recall if we
3 worked on Athens County. But I wasn't the only one
4 working on it. There were several different people
5 working on maps.

6 SPEAKER CUPP: Okay. Are there any further
7 questions?

8 GOVERNOR DEWINE: Yes.

9 SPEAKER CUPP: Governor DeWine.

10 GOVERNOR DEWINE: Mr. Chairman, question for
11 Republican counsel, but let me -- let me first state
12 what I -- my understanding of where we are in this -- in
13 this discussion.

14 Looking at the House, Democrat map is 45
15 Democrats district favoring them. Republican has 42.
16 Correct so far? Three apart where we are now.
17 Republican counsel says we can't get to 45 without
18 violating the other provision of the Constitution. Is
19 that correct --

20 MR. DIROSSI: Yes.

21 GOVERNOR DEWINE: -- statement, correct
22 statement?

1 MR. DIROSSI: Yes, sir.

2 GOVERNOR DEWINE: Democrat say that we can get
3 to 45, and that we've done so, and that we don't violate
4 what we -- in doing that, we didn't violate the other
5 provisions. Democrat counsel, is that correct? If not
6 jut tell me what is.

7 MR. GLASSBURN: Governor DeWine, that is
8 correct. The only addition I would offer is again we
9 believe on the House count that there are at least two
10 other options available of additional seats to choose
11 from.

12 GOVERNOR DEWINE: I am not sure I understood
13 what you said. Say that again. I didn't understand.

14 MR. GLASSBURN: From our perspective of the 45
15 seats in the House, the House Democrat seats, we believe
16 there are at least two other seats that could have been
17 drawn Democratic so that if there is an issue, and we
18 wished to substitute one seat that we find more
19 palatable, then we can do that. We have some
20 optionality on the House. And yes, Governor.

21 GOVERNOR DEWINE: And counsel -- if I could
22 just continue, Mr. Chairman.

1 You've heard what Republican counsel say about
2 what they believe is the violation of the other
3 provisions, or at least one of the other provisions in
4 what you have done. Well, why do you think that they
5 were wrong? Why do you think yours is constitutional?

6 MR. GLASSBURN: To the Co-Chair and to the
7 Governor, we believe ours is constitutional because we
8 are we are attempting and achieving that
9 proportionality, but we believe individually the
10 districts are sufficient. But let's for sake --

11 GOVERNOR DEWINE: Hold on. I'm sorry --

12 MR. GLASSBURN: Yes, sir.

13 GOVERNOR DEWINE: Because you're hitting the
14 proportionality, and what else did you say was the rest
15 of that, I'm sorry?

16 MR. GLASSBURN: We have sufficiently and we
17 have constitutionally followed the other requirements
18 for each of the districts individually in the plan as a
19 whole. But for sake of argument, if your question is,
20 for example, if we had the Cuyahoga, Summit
21 configuration that the Majority plan has, that doesn't
22 change in that that doesn't change the number of seats

1 in the House side of the plan. It changes whether there
2 are 14 or 15 Democratic Senate seats, but it doesn't
3 change it. There are options within the House plans to
4 get to that 45 number different ways.

5 GOVERNOR DEWINE: But what we have in front of
6 us is basically two different proposals, is the point.

7 MR. SPRINGHETTI: Yes.

8 GOVERNOR DEWINE: And I think the real
9 disagreement seems to me is over whether the Democrat
10 proposal violate the -- violates other provisions other
11 than Section 6.

12 So I want to go back to Republican counsel. I
13 want you to summarize for us why you think their
14 proposal violates some of those sections. And I -- I'd
15 just like to hear it back-and-forth one more time
16 because I'm --

17 MR. SPRINGHETTI: To the Co-Chairs, to
18 Governor DeWine. I would say there are at least four
19 very clear constitutional violations of Article XI,
20 Section 3(D)(3) in the House map, and at least four
21 violations in the Senate map of Article XI, Section 5.
22 And those are very clearcut violations. And I think

1 what we just heard from Mr. Glassburn is that
2 essentially, that from their point of view, those
3 violations do not matter in their goal to a specific
4 number, which I'm -- I think is contrary to what the
5 court ordered us to do.

6 GOVERNOR DEWINE: Mr. Glassburn, do you want to
7 respond to that?

8 MR. GLASSBURN: To the Co-Chairs and Mr. -- to
9 the Governor. Absolutely not. We are very clear that
10 Section 6 is subordinate to the 2, 3, 4, 5 and 7. I am
11 saying we disagree on the specifics of individual
12 districts. I will tell you we think the configuration
13 of the third Lorain County House seat in your map does
14 not follow the rules. But putting that specifics aside,
15 what I'm trying to also say is that we may have some
16 disagreements on these -- this here about here, but
17 there are many ways to achieve the 45, and I believe we
18 can work amongst ourselves to have -- if there is a
19 concern about Cuyahoga County, we can draw Cuyahoga
20 County, we can in a theory use the same proportionality
21 as the map proposed by the Majority in that region, and
22 would still arrive at the same outcome of 45 House

1 seats. So what I'm saying is that there are multiple
2 ways to achieve this. You have some choices. We can
3 better put together documents to show those choices in
4 relatively short order. But you have choices about
5 that.

6 GOVERNOR DEWINE: Mr. Chairman, if I could ask
7 one additional question.

8 Counsel, so you say you can -- what -- what I'm
9 hearing you say is you can -- you can fix this problem
10 -- these problems? Is that what you're saying?

11 MR. GLASSBURN: To the Co-Chairs and Governor
12 --

13 GOVERNOR DEWINE: Are you don't really think
14 they're problems?

15 MR. GLASSBURN: We don't agree on the
16 identification of the problems, but I'm saying for the
17 sake of moving forward, there are alternative ways to
18 achieve the outcome so that if there is a way to go
19 about it where we agree that there are no violations, I
20 believe there are multiple ways to do that. So I do
21 think it is possible even with us not agreeing on that
22 set of the rules.

1 GOVERNOR DEWINE: Thank you.

2 Thank you, Mr. Chairman.

3 SPEAKER CUPP: Senator Sykes.

4 SENATOR SYKES: Thank you, Mr. Co-Chair.

5 Again, thank you all. It's been a long time.

6 Really appreciate it.

7 I just want to just revisit the ruling and that
8 you -- we've got to attempt, at least attempt, to meet
9 the proportionality requirements. And so I'm just
10 wondering trying to -- what evidence do you have that
11 you attempted to do it? What restrictions were there
12 that prevented you from doing it, particularly in the
13 Hamilton County which is pairing it the House district
14 would give you another Senate Democratic district, how
15 -- what stopped you, what prevented you from doing that?

16 MR. DIROSSI: To the Co-Chairs and Senator
17 Sykes, we have done nothing but attempt for the nine --
18 the last nine-and-a-half days every -- every ounce of
19 our effort collectively and individually, and all of the
20 other staff have been towards complying with the court
21 rulings. Everything we've done has done that. So
22 that's just my life for the last nine-and-a-half days

1 would be my evidence that we complied.

2 Not trying to be flip, but I don't know how
3 better to answer the question.

4 SENATOR SYKES: I think one of the ways to
5 prove that you attempt to do it is to identify what
6 prevented you from doing it. And so that's what the
7 question is. What prevented you from doing it?

8 MR. DIROSSI: To the Co-Chairs, again, I've
9 asked repeatedly to see a map that has no constitutional
10 defects that I can identify. I have not -- I have not
11 seen that map. I have worked on our own proposals with
12 the Democratic staff and with the Republican staff and
13 the Commission members, and those have been put forward,
14 and I don't know how to answer the negative of -- of the
15 question, but that's what we've done.

16 SENATOR SYKES: Whether you see it or not does
17 not prevent you from having to comply with the
18 requirement. So again, just asking you to be clear,
19 what prevented you from actually accomplishing the goal?

20 MR. SPRINGHETTI: To the Co-Chair, to the
21 members of the Commission, maybe I can take a stab at
22 that.

1 I would say to this point, what prevented us is
2 that we've seen one map that is supposedly this -- this
3 number, and it has constitutional defects. Several.
4 And we've seen other maps that get to the same number
5 we're at, and the House map in particular, and those
6 maps have even more constitutional defects. And you
7 have one before you that is very close to the numbers
8 that partisan line that I think you're seeking. And the
9 map that we're putting forth is very close to that,
10 without constitutional defects. So I think we are
11 complying with the court order.

12 SENATOR SYKES: If I could just one last
13 follow-up.

14 SPEAKER CUPP: All right.

15 SENATOR SYKES: Auditor Faber, I think,
16 indicated that maybe we should start with the map that
17 you're presenting because it doesn't have any
18 constitutional violations, and see if we can change it,
19 if we can improve it upon it. Okay. So again, I just
20 go back to the same example. By pairing -- using your
21 own map as an example, a recommendation, for an
22 amendment to change the pairing in Hamilton County to

1 produce an additional Democratic Senate district. What
2 prevents you from doing that?

3 SPEAKER CUPP: I think you've given the answer
4 that you can give and one -- and are able to in
5 responding to the question.

6 SENATOR SYKES: Thank you --

7 SPEAKER CUPP: So Senator, I think they've --
8 I think they responded the best they can.

9 SENATOR SYKES: Thank you. I appreciate that.

10 SPEAKER CUPP: All right. Seeing no -- no
11 other questions, at this time, the Commission will
12 recess for about 15 minutes, and then, we'll reassemble.

13 (A brief recess was taken.)

14 SPEAKER CUPP: The Redistricting Commission
15 will come back to order.

16 The Chair recognized Senator Huffman for a
17 motion.

18 PRESIDENT HUFFMAN: Thank you, Mr. Chairman.

19 Mr. Chairman, I move that the Commission adopt
20 the plan identified as January 22nd Statewide House
21 Districts and Senate Districts as reflected in the
22 documents Statewide House Districts and Statewide Senate

1 Districts in the meetings tab of the Redistricting
2 Commission website.

3 SPEAKER CUPP: Is there a second to the motion?
4 I will second the motion.

5 Discussion.

6 PRESIDENT HUFFMAN: I'll just say briefly,
7 without belaboring it, this is the plan that was -- has
8 been described by Messrs. DiRossi and Spring --

9 MR. SPRINGHETTI: Springhetti.

10 PRESIDENT HUFFMAN: -- hetti. I apologize.

11 And of course, these are the various changes
12 that were submitted over the past four, five days to all
13 the members of the Commission. And they're, as I said,
14 reflected on the website.

15 SPEAKER CUPP: Further discussion.

16 If not, are we ready to vote?

17 Senator Sykes.

18 SENATOR SYKES: Thank you, Mr. Co-Chair.

19 And just two issues. For the record, we still
20 think that there is sometime to dispute, to collaborate,
21 between the two parties to try to come closer on the
22 map, to make some progress on our collective

1 collaboration.

2 And second, one simple fact is that just can't
3 be overlooked, and that's that the Constitution
4 provisions as interpreted by the court required the --
5 the Commission to attempt to comply with the
6 proportionality goals. This requirement -- this
7 requires evidence, and it requires more than just saying
8 I tried. And for that reason, I'm going to oppose this
9 plan.

10 SPEAKER CUPP: Further discussion?

11 If not, the staff will call the roll.

12 STAFF: Co-Chair Speaker Cupp?

13 SPEAKER CUPP: Yes.

14 STAFF: Co-Chair Senator Sykes.

15 SENATOR SYKES: No.

16 STAFF: Governor DeWine.

17 GOVERNOR DEWINE: Yes.

18 STAFF: Auditor Faber.

19 AUDITOR FABER: Yes.

20 STAFF: President Huffman.

21 PRESIDENT HUFFMAN: Yes.

22 STAFF: Secretary LaRose.

1 SECRETARY LAROSE: Yes.

2 STAFF: Leader-Elect Russo.

3 LEADER-ELECT RUSSO: No.

4 STAFF: Co-Chair Cupp, the vote is 5-2.

5 SPEAKER CUPP: The vote is 5-2. The motion has
6 been adopted by a simple majority, and therefore, the
7 district plan that has been adopted will be in effect
8 for four years rather than ten years.

9 And the Constitution requires that a statement
10 be issued in this case. Is there a motion? Senator
11 Huffman with the motion.

12 PRESIDENT HUFFMAN: Thank you, Mr. Chairman.

13 I move that the Section 8(C)(2) statement,
14 which I believe has been distributed to members of the
15 Commission, and without, of course, reading it, it's a
16 over two-page document, be adopted by the Commission.
17 And --

18 SPEAKER CUPP: And it's been -- it's been moved
19 and seconded. And I -- I'm not sure it has been
20 apologize.

21 PRESIDENT HUFFMAN: I apologize.

22 SPEAKER CUPP: We'll take -- we'll be at ease

1 for a few moments while members have a chance to read
2 it.

3 (A brief recess was taken.)

4 SPEAKER CUPP: The Board has had a chance to
5 read the statement. It's been moved and seconded, and
6 it'll be adopted.

7 Is there discussion?

8 Without seeing any request for discussion, the
9 staff will call the roll, please.

10 STAFF: Co-Chair Speaker Cupp.

11 SPEAKER CUPP: Yes.

12 STAFF: Co-Chair Senator Sykes.

13 SENATOR SYKES: No.

14 STAFF: Governor DeWine.

15 GOVERNOR DEWINE: Yes.

16 STAFF: Auditor Faber.

17 AUDITOR FABER: Yes.

18 STAFF: President Huffman.

19 PRESIDENT HUFFMAN: Yes.

20 STAFF: Secretary LaRose.

21 SECRETARY LAROSE: Yes.

22 STAFF: Leader-Elect Russo.

1 LEADER-ELECT RUSSO: No.

2 STAFF: A vote of 5-2, Mr. Co-Chair.

3 SPEAKER CUPP: There was a vote of 5-2. The
4 statement has been adopted.

5 Is there further business?

6 The Chair recognizes Representative Russo.

7 REPRESENTATIVE RUSSO: Mr. Co-Chair, I move to
8 submit a declaration on behalf of Co-Chair Senator Sykes
9 and myself.

10 SENATOR SYKES: Second.

11 SPEAKER CUPP: It's been moved and seconded.
12 Has it been distributed?

13 REPRESENTATIVE RUSSO: I --

14 SPEAKER CUPP: The Committee will be at ease
15 for a few moments while members have a chance to read
16 it.

17 (A brief recess was taken.)

18 SPEAKER CUPP: The statement has been
19 distributed and will be accepted as submitted.

20 REPRESENTATIVE RUSSO: Thank you, Mr. Chair. I
21 would like to read the statement into the record,
22 please.

1 SPEAKER CUPP: Representative Russo will
2 proceed.

3 REPRESENTATIVE RUSSO: Thank you.

4 Members of this Commission, as well as those of
5 us who have joined to watch these proceedings, I would
6 like to remind everyone that attempt is not a
7 meaningless word, and the proportionality requirement is
8 not superficial. The Ohio Supreme Court has told us as
9 much. And there have been many moments within the
10 course of this work that we have been doing where I felt
11 a little bit like I am a mom with my two teenagers when
12 I ask them to fold and put away the laundry, and they
13 simply have stuffed it into their drawers and called the
14 job done.

15 This Commission has had a clear order from the
16 Ohio Supreme Court that we must adopt state legislative
17 districts that reflect the preferences of Ohio voters.
18 However, the map presented and adopted by the Commission
19 today falls far short of that mark, and therefore,
20 cannot earn our support.

21 Unequivocally, the Ohio Supreme Court has
22 directed us to draw a map that closely matches statewide

1 voter preferences, and as the court stated, about 54
2 percent of Ohio voters preferred Republican candidates,
3 and about 46 percent of Ohio voters preferred Democratic
4 candidates. Accordingly, under Section 6(B), the
5 Commission is required to attempt to draw a plan in
6 which the statewide proportion of Republican leaning
7 districts to Democratic leaning districts closely
8 corresponds to those percentages. This translates to 45
9 House Democratic seats, and 54 House Republican seats,
10 and 15 Senate Democratic seats, and 18 Senate Republican
11 seats.

12 Despite this clear order, the Commission has
13 failed to meet those requirements. The result is
14 another gerrymandered map by the Majority commissioners
15 that does not meet the -- meet the requirements of
16 Article XI, Section 6 of the Ohio Constitution. And
17 while the Majority may claim it is impossible to draw a
18 proportional map that is compliant with line drawing
19 requirements, that is simply the case. In fact, when
20 they pointed out that the Rodden map, the second
21 submission was nonconstitutional, they did not point out
22 how it was nonconstitutional. In fact, the Minority

1 party commissioners presented various options, including
2 regional county maps and a statewide map that
3 demonstrate how to draw districts that meet the
4 Constitution's proportionality and law -- line drawing
5 requirements. The Minority presented a statewide plan
6 to the Commission that meets all requirements of the
7 Constitution, including Article XI, Section 6. The
8 Minority Commissioner staff also testified to the
9 ability to create many variations of compliant maps that
10 would achieve 45 Democratic House seats, and 15
11 Democratic Senate seats if only the Majority
12 Commissioners would collaborate and give appropriate
13 guidance. This guidance was withheld.

14 The public has also submitted maps for the
15 Commission's consideration. All of those options have
16 been rebuffed by Majority who also characterized minor
17 issues as unfixable, rejecting offers to work together
18 on a Commission drawn map.

19 The court in its order directed that if it is
20 possible for a district plan to comply with Sections 2,
21 3, 4, 5 and 7, the Commission must adopt a plan that
22 does so. And as we have seen throughout this process,

1 it is possible. And the Commission has other plans
2 before it that meet Article XI. It is possible to meet
3 the court's order. It just appears that the Majority of
4 the Commissioners do not want to do it.

5 In fact, the Court, in its decision, stated
6 that attempt was not an empty act. The phrase, shall
7 attempt in Article XI, Section 6 also has a plain
8 meaning. It directs the Commission to take affirmative
9 steps to comply with the standards stated in divisions A
10 through C. The Majority Commissioners have not made an
11 attempt to comply with Article XI, Section 6, and
12 Majority mapmakers were unable to identify any
13 affirmative steps that they made to draw a more
14 proportional map nor any obstacles preventing them from
15 doing so. Instead, the Majority Commissioners have
16 crafted a plan that does not meet Section 6
17 requirements, and fails to reflect partisan symmetry.

18 The plan adopted today does not have the
19 requisite amount of Democratic leaning districts the
20 court directed this Commission to achieve. Further,
21 many of the Democratic leaning district the Court
22 directed this Commission to achieve -- sorry, further,

1 many of the Democratic leaning districts it does include
2 are Democratic by razor-thin margins demonstrating a
3 clear intention to favor and disfavor political parties
4 and in violation of Article XI, Section 6.

5 Conversely, the Republican leaning districts in
6 the plan adopted today are overall more safely
7 Republican. And given that there were alternative plans
8 that do not skew districts, as the adopted plan does,
9 these appear to be discretionary choices to give further
10 unwarranted advantage to the Majority.

11 And from the process to its adoption today, the
12 Majority's plan is a clear failure by the Commission to
13 follow the order of the Ohio Supreme Court and the will
14 of Ohio's voters. For instance, no hearing of the
15 Commission since the court's ruling was allowed for
16 in-person or virtual public testimony to members of the
17 general public. And while the Commission has a public
18 comment page on its website, testimony was needlessly
19 limited. The Commission failed to allow public input on
20 a proposed plan, a critical piece of the 2015
21 Constitutional Reforms that guaranteed that the public
22 would be able to participate in the map drawing process,

1 as well as a part of the Commission's own procedural
2 rules.

3 Majority members of this Commission also
4 delayed the release of funding for Commission members to
5 hire consultant until four days had already past in the
6 Commission's time line to adopt a new plan. Staff
7 negotiations were similar -- similarly significantly
8 delayed because Majority staff of the Commission members
9 would not commit to meeting the court's order pertaining
10 to the proportionality requirement of Article XI,
11 Section 6.

12 Republican Commissioners did not instruct their
13 staff to comply with the proportionality requirement in
14 the Constitution and the court order. Instead,
15 districting decisions were declared unconstitutional
16 without explanation seemingly in order to avoid having
17 to comply with a proportionality requirement in the
18 Constitution. Majority staff said that they needed
19 guidance from the Commission on what they call
20 subjective areas of Article XI suggesting that they had
21 not been given such guidance. Staff repeatedly declined
22 to commit to working toward the 54 percent, 46 percent

1 proportionality requirement as dictated by the court.

2 It is shameful that we are here again adopting
3 yet another unconstitutional map in direct contradiction
4 to the Ohio Supreme Court. Ultimately, this is not an
5 issue of geography or technical inability to draw fair
6 maps. It is a lack of political courage, and a blatant
7 disregard for the court's order and the will of the Ohio
8 voters.

9 Thank you, Mr. Chairman.

10 SPEAKER CUPP: Thank you for your opinion.

11 Is there any further business to come before
12 the Commission?

13 If not, is there a motion to -- is there a
14 motion to adjourn?

15 Second?

16 I'll second the motion.

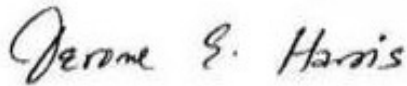
17 Is there any objection?

18 Without objection, the Commission is hereby
19 adjourned.

20 (Off the record.)
21
22

CERTIFICATE OF TRANSCRIBER

I, Jerome E. Harris, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.



Jerome E. Harris, CDLT-204

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