

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 PETITIONERS' OBJECTIONS TO GENERAL ASSEMBLY DISTRICT
PLAN ADOPTED ON FEBRUARY 24, 2022 – VOLUME 1
(Affidavit of Derek S. Clinger and Exhibits)**

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Affidavit of Derek S. Clinger

Franklin County

/s

State of Ohio

I, Derek S. Clinger, 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. I am one of the attorneys for Petitioners in the above-captioned matter, Case No. 2021-1198.
2. Document 1 is a true and correct copy of a tweet from John Fortney (@johnfortney) on February 7, 2022 at 6:08 PM, <https://twitter.com/johnfortney/status/1490824728193351681?ext=HHwWgoCqpaHMvLApAAAA>.
3. Document 2 is a true and correct copy of the Ohio Redistricting Commission's notice and agenda for its February 17, 2022 meeting.
4. Document 3 is a true and correct copy of the transcript of the Ohio Redistricting Commission's February 17, 2022 meeting (part 1) from the Ohio Redistricting Commission's website, <https://redistricting.ohio.gov/meetings>.
5. Document 4 is a true and correct copy of the transcript of the Ohio Redistricting Commission's February 17, 2022 meeting (part 2) from the Ohio Redistricting Commission's website, <https://redistricting.ohio.gov/meetings>.
6. Document 5 is a true and correct copy of the meeting minutes of the Ohio Redistricting Commission's February 17, 2022 meeting.
7. Document 6 is a true and correct copy of the Ohio Redistricting Commission's notice and agenda for its February 22, 2022 meeting.
8. Document 7 is a true and correct copy of the transcript of the Ohio Redistricting Commission's February 22, 2022 meeting from the Ohio Redistricting Commission's website, <https://redistricting.ohio.gov/meetings>.
9. Document 8 is a true and correct copy of the meeting minutes of the Ohio Redistricting Commission's February 22, 2022 meeting.
10. Document 09 is a true and correct copy of the Ohio Redistricting Commission's notice and agenda for its February 23, 2022 meeting.

11. Document 10 is a true and correct copy of the transcript of the Ohio Redistricting Commission's February 23, 2022 meeting from the Ohio Redistricting Commission's website, <https://redistricting.ohio.gov/meetings>.
12. Document 11 is a true and correct copy of the transcript of the Ohio Redistricting Commission's February 24, 2022 meeting from the Ohio Redistricting Commission's website, <https://redistricting.ohio.gov/meetings>.
13. Document 12 is a true and correct copy of a tweet from reporter Josh Rultenberg (@JoshRultNews) on February 9, 2022 at 3:39 PM, <https://twitter.com/joshrultnews/status/1491512059153899520?s=21>.
14. Document 13 is a true and correct copy of a tweet from reporter Josh Rultenberg (@JoshRultNews) on February 9, 2022 at 4:06 PM, <https://twitter.com/joshrultnews/status/1491518880761757704?s=21>.
15. Document 14 is a true and correct copy of the letter from Senator Vernon Sykes that was attached to the tweet in the preceding paragraph.
16. Document 15 is a true and correct copy of an article by reporter Jessie Balmert titled "After Ohio Supreme Court rejects maps, Senate GOP leaders pitches pricey solution: 2 primaries," first published on February 9, 2022 and available at <https://www.dispatch.com/story/news/politics/elections/2022/02/09/ohio-redistricting-proposal-2-primaries-could-cost-millions/6725422001/>.
17. Document 16 is a true and correct copy of a tweet from reporter Josh Rultenberg (@JoshRultNews) on February 9, 2022 at 4:32 PM, <https://twitter.com/JoshRultNews/status/1491525337880137733>.
18. Document 17 is a true and correct copy of the statement from Secretary of State Frank LaRose attached to the tweet in the preceding paragraph.
19. Document 18 is a true and correct copy of a tweet from Jessie Balmert (@jbalmert) on February 10, 2022 at 12:58 PM, <https://twitter.com/jbalmert/status/1491833951064760320>.
20. Document 19 is a true and correct copy of an image of a February 10, 2022 letter from the Ohio Association of Election Officials to Senate President Matt Huffman that was attached to the tweet in the preceding paragraph.
21. Document 20 is a true and correct copy of a tweet from reporter Josh Rultenberg (@JoshRultNews) on February 11, 2022 at 11:52 AM, <https://twitter.com/joshrultnews/status/1492179804799393794?s=21>.
22. Document 21 is a true and correct copy of a tweet from reporter Josh Rultenberg (@JoshRultNews) on February 11, 2022 at 4:39 PM, <https://twitter.com/JoshRultNews/status/1492251877471404036>.
23. Document 22 is a true and correct copy of a tweet from reporter Josh Rultenberg (@JoshRultNews) on February 11, 2022 at 2:24 PM, <https://twitter.com/JoshRultNews/status/1492217940174802946>.

24. Document 23 is a true and correct copy of a tweet from Minority Leader Allison Russo (@Russo4Ohio) on February 13, 2022 at 12:09 PM, <https://twitter.com/russo4ohio/status/1492908755788386310?s=21>.
25. Document 24 is a true and correct copy of a tweet from reporter Josh Rultenberg (@JoshRultNews) on February 14, 2022 at 10:17 AM, <https://twitter.com/JoshRultNews/status/1493243062746849281>.
26. Document 25 is a true and correct copy of a tweet from reporter Josh Rultenberg (@JoshRultNews) on February 14, 2022 at 3:24 PM, <https://twitter.com/JoshRultNews/status/1493320313354039311>.
27. Document 26 is a true and correct copy of the statement from Governor Mike DeWine's spokesperson that was attached to the tweet in the preceding paragraph.
28. Document 27 is a true and correct copy of a tweet from reporter Josh Rultenberg (@JoshRultNews) on February 14, 2022 at 3:46 PM, <https://twitter.com/JoshRultNews/status/1493325785926709249>.
29. Document 28 is a true and correct copy of the statement from Secretary of State Frank LaRose's spokesperson that was attached to the tweet in the preceding paragraph.
30. Document 29 is a true and correct copy of a tweet from reporter Josh Rultenberg (@JoshRultNews) on February 14, 2022 at 3:38 PM, <https://twitter.com/JoshRultNews/status/1493323765710831617>.
31. Document 30 is a true and correct copy of a tweet from reporter Josh Rultenberg (@JoshRultNews) on February 14, 2022 at 5:12 PM, <https://twitter.com/JoshRultNews/status/1493347468402216965>.
32. Document 31 is a true and correct copy of a tweet from reporter Josh Rultenberg (@JoshRultNews) on February 15, 2022 at 12:51 PM, <https://twitter.com/JoshRultNews/status/1493644178626015239>.
33. Document 32 is a true and correct copy of a tweet from reporter Josh Rultenberg (@JoshRultNews) on February 15, 2022 at 4:57 PM, <https://twitter.com/JoshRultNews/status/1493706043167326222>.
34. Document 33 is a true and correct copy of a tweet from reporter Jessie Balmert (@jbalmert) on February 15, 2022 at 5:15 PM, <https://twitter.com/jbalmert/status/1493710515855581191>.
35. Document 34 is a true and correct copy of a tweet from reporter Josh Rultenberg (@JoshRultNews) on February 15, 2022 at 7:38 PM, <https://twitter.com/JoshRultNews/status/1493746459396624391>.
36. Document 35 is a true and correct copy of a tweet from reporter Jessie Balmert (@jbalmert) on February 15, 2022 at 5:07 PM, <https://twitter.com/jbalmert/status/1493708461431042057>.

37. Document 36 is a true and correct copy of a tweet from reporter Josh Rultenberg (@JoshRultNews) on February 15, 2022 at 8:53 PM, <https://twitter.com/JoshRultNews/status/1493765566305239049>.
38. Document 37 is a true and correct copy of a tweet from reporter Josh Rultenberg (@JoshRultNews) on February 16, 2022 at 12:25 PM, <https://twitter.com/JoshRultNews/status/1494000045623894017>.
39. Document 38 is a true and correct copy of the letter from Secretary of State Frank LaRose to Senate President Matt Huffman that is attached to the tweet in the preceding paragraph.
40. Document 39 is a true and correct copy of a tweet from reporter Josh Rultenberg (@JoshRultNews) on February 16, 2022 at 1:28 PM, <https://twitter.com/JoshRultNews/status/1494015971823996929>.
41. Document 40 is a true and correct copy of a tweet from reporter Josh Rultenberg (@JoshRultNews) on February 16, 2022 at 2:50 PM, <https://twitter.com/JoshRultNews/status/1494036539994640385>.
42. Document 41 is a true and correct copy of a tweet from reporter Josh Rultenberg (@JoshRultNews) on February 16, 2022 at 5:22 PM, <https://twitter.com/JoshRultNews/status/1494074821323673602>.
43. Document 42 is a true and correct copy of a tweet from Matt Keyes (@mkeyes0) on February 16, 2022 at 6:34 PM, <https://twitter.com/mkeyes0/status/1494092800723492869>.
44. Document 43 is a true and correct copy of a tweet from reporter Josh Rultenberg (@JoshRultNews) on February 17, 2022 at 1:04 PM, <https://twitter.com/JoshRultNews/status/1494372113436000258>.
45. Document 44 is a true and correct copy of a tweet from reporter Josh Rultenberg (@JoshRultNews) on February 17, 2022 at 1:28 PM, <https://twitter.com/JoshRultNews/status/1494378255926845442>.
46. Document 45 is a true and correct copy of a tweet from reporter Josh Rultenberg (@JoshRultNews) on February 17, 2022 at 2:25 PM, <https://twitter.com/JoshRultNews/status/1494392489272393728>.
47. Document 46 is a true and correct copy of the Section 8(C)(2) statement adopted by the Ohio Redistricting Commission on February 24, 2022.
48. Document 47 is a true and correct copy of the February 24, 2022 minority report from Senator Vernon Sykes and House Minority Leader Allison Russo.
49. Document 48 is a true and correct copy of a motion from Secretary LaRose that was passed by the Ohio Redistricting Commission on February 24, 2022.
50. Document 49 is a true and correct copy of an article by reporter Jessie Balmert titled "Ohio Redistricting Commission approves 3rd set of 4-year legislative maps, see them here," first published on February 24, 2022 and available at <https://www.dispatch.com/story/news/politics/elections/2022/02/24/ohio-redistricting-commission-review-new-state-house-senate-maps/6911286001/>.

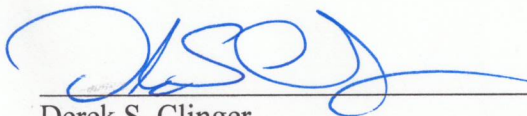
51. Document 50 is a true and correct copy of a tweet from Auditor Keith Faber (@KeithFaber) on February 25, 2022 at 11:25 AM, <https://twitter.com/KeithFaber/status/1497246351704432642>.
52. Document 51 is a true and correct copy of a tweet from Representative Bill Seitz (@CincySeitz) on February 26, 2022 at 6:06 PM, <https://twitter.com/cincyseitz/status/1497709564938096642?s=21>.
53. 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	2/7/22, 6:08 PM Tweet by John Fortney	BENNETT_001
2	Notice and agenda of Ohio Redistricting Commission's 2/17/22 Meeting	BENNETT_002
3	Transcript of Ohio Redistricting Commission's 2/17/22 Meeting, Part 1	BENNETT_003- BENNETT_027
4	Transcript of Ohio Redistricting Commission's 2/17/22 Meeting, Part 2	BENNETT_028- BENNETT_036
5	Minutes of Ohio Redistricting Commission's 2/17/22 Meeting	BENNETT_037- BENNETT_038
6	Notice and agenda of Ohio Redistricting Commission's 2/22/22 Meeting	BENNETT_039
7	Transcript of Ohio Redistricting Commission's 2/22/22 Meeting	BENNETT_040- BENNETT_042
8	Minutes of Ohio Redistricting Commission's 2/22/22 Meeting	BENNETT_043- BENNETT_044
9	Notice and agenda of Ohio Redistricting Commission's 2/23/22 Meeting	BENNETT_045
10	Transcript of Ohio Redistricting Commission's 2/23/22 Meeting	BENNETT_046- BENNETT_068
11	Transcript of Ohio Redistricting Commission's 2/24/22 Meeting	BENNETT_069- BENNETT_089
12	2/9/22, 3:39 PM Tweet by Josh Rultenberg	BENNETT_090
13	2/9/22, 4:06 PM Tweet by Josh Rultenberg	BENNETT_091
14	Attachment to 2/9/22, 4:06 PM Tweet by Josh Rultenberg (Letter from Senator Sykes)	BENNETT_092- BENNETT_093

15	News Article: Jessie Balmert, “After Ohio Supreme Court rejects maps, Senate GOP leaders pitches pricey solution: 2 primaries,” Columbus Dispatch (Feb. 9, 2022)	BENNETT_094-BENNETT_095
16	2/9/22, 4:32 PM Tweet by Josh Rultenberg	BENNETT_096
17	Attachment to 2/9/22, 4:32 PM Tweet by Josh Rultenberg (Statement from Secretary of State Frank LaRose)	BENNETT_097
18	2/10/22, 12:58 PM Tweet by Jessie Balmert	BENNETT_098
19	Attachment to 2/10/22, 12:58 PM Tweet by Jessie Balmert (Letter from Ohio Association of Election Officials)	BENNETT_099-BENNETT_100
20	2/11/22, 11:52 AM Tweet by Josh Rultenberg	BENNETT_101
21	2/11/22, 4:39 PM Tweet by Josh Rultenberg	BENNETT_102
22	2/11/22, 2:24 PM Tweet by Josh Rultenberg	BENNETT_103
23	2/13/22, 12:09 PM Tweet by Allison Russo	BENNETT_104
24	2/14/22, 10:17 AM Tweet by Josh Rultenberg	BENNETT_105
25	2/14/22, 3:24 PM Tweet by Josh Rultenberg	BENNETT_106
26	Attachment to 2/14/22, 3:24 PM Tweet by Josh Rultenberg (Statement from Governor DeWine’s spokesperson)	BENNETT_107
27	2/14/22, 3:46 PM Tweet by Josh Rultenberg	BENNETT_108
28	Attachment to 2/14/22, 3:46 PM Tweet by Josh Rultenberg (Statement from Secretary LaRose’s spokesperson)	BENNETT_109
29	2/14/22, 3:38 PM Tweet by Josh Rultenberg	BENNETT_110
30	2/14/22, 5:12 PM Tweet by Josh Rultenberg	BENNETT_111
31	2/15/22, 12:51 PM Tweet by Josh Rultenberg	BENNETT_112
32	2/15/22, 4:57 PM Tweet by Josh Rultenberg	BENNETT_113
33	2/15/22, 5:15 PM Tweet by Jessie Balmert	BENNETT_114
34	2/15/22, 7:38 PM Tweet by Josh Rultenberg	BENNETT_115-BENNETT_116
35	2/15/22, 5:07 PM Tweet by Jessie Balmert	BENNETT_117
36	2/15/22, 8:53 PM Tweet by Josh Rultenberg	BENNETT_118
37	2/16/22, 12:25 PM Tweet by Josh Rultenberg	BENNETT_119
38	Attachment to 2/16/22, 12:25 PM Tweet by Josh Rultenberg (Letter from Secretary LaRose to Senate President Huffman)	BENNETT_120-BENNETT_121
39	2/16/22, 1:28 PM Tweet by Josh Rultenberg	BENNETT_122

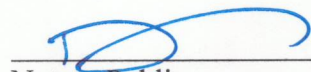
40	2/16/22, 2:50 PM Tweet by Josh Rultenberg	BENNETT_123
41	2/16/22, 5:22 PM Tweet by Josh Rultenberg	BENNETT_124
42	2/16/22, 6:34 PM Tweet by Matt Keyes	BENNETT_125
43	2/17/22, 1:04 PM Tweet by Josh Rultenberg	BENNETT_126
44	2/17/22, 1:28 PM Tweet by Josh Rultenberg	BENNETT_127
45	2/17/22, 2:25 PM Tweet by Josh Rultenberg	BENNETT_128
46	Ohio Redistricting Commission's Section 8(C)(2) statement for 2/24/22 General Assembly District Plan	BENNETT_129- BENNETT_130
47	2/24/22 Minority Report from Senator Sykes and House Minority Leader Russo	BENNETT_131- BENNETT_133
48	Secretary LaRose's 2/24/22 Motion	BENNETT_134
49	News Article: Jessie Balmert, "Ohio Redistricting Commission approves 3 rd set of 4-year legislative maps, see them here," Columbus Dispatch (Feb. 24, 2022)	BENNETT_135- BENNETT_137
50	2/25/22, 11:25 AM Tweet by Auditor Faber	BENNETT_138
51	2/26/22, 6:06 PM Tweet by Representative Seitz	BENNETT_139

FURTHER SAYETH AFFIANT NAUGHT.

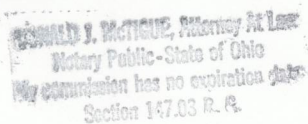


Derek S. Clinger

Sworn to and subscribed before me this 28th day of February, 2022.



Notary Public



CERTIFICATE OF SERVICE

I hereby certify that the foregoing was sent via email this 28th day of February, 2022 to the following:

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*Counsel for Respondents Senator Vernon Sykes
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/s/ Derek S. Clinger
Derek S. Clinger (0092075)



John Fortney
@johnfortney

Ohio's voters, candidates and election system now face a constitutional crisis and election system chaos. Candidates have no specific direction regarding the districts for their campaigns and voters face the uncertainty of additional court ordered gerrymandering.



Karen Kasler @karenkasler · Feb 7

Republicans Kennedy and DeWine write in dissent that “in disregard of constitutional standards, four members of this court have now commandeered the redistricting process and that they will continue to reject any General Assembly-district plan until they get the plan they want.”

[Show this thread](#)

KENNEDY and DEWINE, JJ., dissenting.

{¶ 72} We dissent from the majority’s pronouncement that the revised General Assembly-district plan violates Article XI, Sections 6(A) and 6(B) of the Ohio Constitution and is therefore invalid. And we disagree with the majority’s decision to retain jurisdiction over this case and to set arbitrary time limitations and new rules for the Ohio Redistricting Commission’s work that have no basis in the text of the Ohio Constitution.

{¶ 73} It is apparent that in disregard of constitutional standards, four members of this court have now commandeered the redistricting process and that they will continue to reject any General Assembly-district plan until they get the plan they want. It would simplify matters if the commission would just provide the majority with the map-drawing software, Maptitude, so that they can draw the map themselves. At this point, one must wonder which seven-member body is the true redistricting commission—the constitutionally named officers or this court?

6:08 PM · Feb 7, 2022 · Twitter Web App

10 Retweets 27 Quote Tweets 23 Likes





OHIO REDISTRICTING COMMISSION

ANNOUNCEMENT OF COMMISSION MEETING

TO: Members of the Ohio Redistricting Commission

FROM: Speaker Robert Cupp, Co-Chair
Senator Vernon Sykes, Co-Chair

DATE: Thursday, February 17, 2022

TIME: 1:30 P.M.

LOCATION: Ohio House Finance Hearing Room (Room 313)
Ohio Statehouse
1 Capitol Square
Columbus, Ohio 43215-4275

AGENDA

The Ohio Redistricting Commission will convene at 1:30 P.M. in the House Finance Room.

Senate Contact: Giulia Cambieri, (614) 644-5533
House Contact: Aaron Mulvey, (614) 466-8759

Ohio Redistricting Commission - 2-17-2022 - part 1

<http://ohiochannel.org/video/ohio-redistricting-commission-2-17-2022>

note: due to technical difficulty, audio is not available for the first 1 minute and 18 seconds of this meeting

House Minority Leader Allison Russo [00:01:18] With modifications made to the maps based on feedback that we received that day from the commissioners here in this room today, we filed this map with the court on January 28th and we have since done additional minor cleanup that moved 84 people into different districts. We asked for additional feedback from commissioners to be sent to us by 9:00 a.m. this morning and we did not receive any. We did receive an email from staff of the auditor's office, but it did not show any constitutional violations. The block assignment files for these maps are under consideration in this motion are on the commission website. The proportional breakdown of these maps is 45 Democratic leaning and 50 for a Republican leaning House districts and 15 Democratic leaning and 18 Republican leaning Senate districts. This closely corresponds to the statewide voter preferences of Ohio, as required by Section 6B, the court said. The 54 46 ratio is a foundational ratio created not by this court or by any particular political party, but instead etched by the voters of Ohio into our Constitution. All other requirements of the Constitution are met. No one has shown constitutional violations in these maps, so I urge a yes vote for adoption of the maps that have been proposed in this motion.

Co-chair Sen. Vernon Sykes [00:02:54] Any questions or comments?

Co-chair Speaker Bob Cupp [00:02:58] Mr. Chairman, are there a copy of the map in the folder? I don't have a computer here, so I can't see the map.

Co-chair Sen. Vernon Sykes [00:03:07] We stand at these until the copies are distributed.

Senate President Matt Huffman [00:04:38] Mr. Chairman, one question, I know that there was a map produced a few weeks ago and then also a map revealed at the end of last week. And then about 24 hours ago, changes to that map. So is the motion regarding the map from yesterday?

House Minority Leader Allison Russo [00:05:01] Through the co-chair to the Senate president, the map that we have proposed that you see before you is the map. With all changes incorporated, you receive this map via again, it's been posted on the commission website. The. We specified the small changes that were made. Again, those changes resulted in 84 voters moving.

Senate President Matt Huffman [00:05:33] Well, to be clear, my guess, my question is just so we know which version of the map. These are the final version is the map that we got that was posted or changed yesterday. Is that correct?

[00:05:44] The co-chair to the Senate president. Yes, that is correct.

Senate President Matt Huffman [00:05:48] OK, very good. I have a series of questions about the map. I'm not sure if Mr. Glassburn is going to be here today, or I should pose those to Leader Russo or some other individual or set of individuals.

Co-chair Sen. Vernon Sykes [00:06:01] Leader Russo, please.

Senate President Matt Huffman [00:06:03] OK, very good. The first requirement in the Constitution is. In Section six, of course, is Section 6A, and based on our analysis of the map, there is a pairing of incumbents, house incumbents in the map. Five House districts are drawn so that five or 10 House Republicans are drawn together. In a sixth district, there's also a Republican incumbent drawn into a district that is drawn into a Democratic district. There is no such treatment for any of the Democratic House members that appears to favor the Democratic Party. How does that comport with Section 6A?

House Minority Leader Allison Russo [00:07:03] Through the co-chair. Thank you, Mr. Senate President, for that question. First, let me be clear again that our map is compliant with Sections two, three, four or five and seven and also complies with Section six. No one has shown a constitutional violation. Specifically, Section 6A says no General Assembly district plan, meaning the entire plan, shall be drawn primarily to favor or disfavor a political party. It does not specifically speak to an individual district, or the composition of a district is certainly entirely constitutional to have Democratic districts and Senate districts, and certainly the Constitution, I believe, remains silent on pairing of incumbent.

Senate President Matt Huffman [00:07:52] Was the drawing -- may I continue, Mr. Chair, without going through the chair each time?

Co-chair Sen. Vernon Sykes [00:07:57] Absolutely.

Senate President Matt Huffman [00:07:58] Thank you. Is the drawing of house districts that only pair Republican incumbents either against themselves or into Democratic districts, doesn't that in fact disfavor the Republican Party?

House Minority Leader Allison Russo [00:08:13] Through the co-chair to Mr. Senate president. Again, six, section 6A of the Constitution says no General Assembly district plan, meaning the plan in its entirety shall be drawn primarily to favor or disfavor a political party. Our plan that is submitted does not favor or disfavor a political party. It meets the proportional requirement of 54 46.

Senate President Matt Huffman [00:08:42] And I understand the holistic statement, but to examine whether the entire plan favors or just favors the party. You have to look at individual elements, and I'm asking on this individual element where this plan only pairs Republican incumbents against other Republican incumbents or Republican incumbents into Democratic districts in the House. Doesn't that portion of your plan disfavor the Republican Party and favor of the Democratic Party?

House Minority Leader Allison Russo [00:09:13] Through the co-chair again to the Senate president. We are - the question is, does this map meet constitutional requirements?

Senate President Matt Huffman [00:09:23] It's not my question.

House Minority Leader Allison Russo [00:09:24] Well, then you and I will disagree that it favors or disfavors one party over the other based on one singular district.

Senate President Matt Huffman [00:09:33] Well, to be clear, I'm not asking about one singular district. I'm asking about six districts in this element of your plan. And if your conclusion is that doesn't favor or disfavor a party, I'll accept that as an answer and let the

public decide whether 6, 11 Republicans drawn in against each other against into a Democratic district incumbents, whether that favors or just favors a party. So let me let me --.

House Minority Leader Allison Russo [00:09:59] Mr. co-chair. I'd like to respond to that. Please, if I may.

Co-chair Sen. Vernon Sykes [00:10:01] You may.

House Minority Leader Allison Russo [00:10:02] Thank you, Mr. Co-Chair. In response to your statement, President Huffman, when there is a gerrymander that must be undone, which is currently the situation we are under in the maps as they exist today, some of the unfavorable -- unfairly favored members will lose their seats. That is part of undoing a gerrymandered map and districts.

Senate President Matt Huffman [00:10:29] And then I guess I would say Mr. Chairman and to Leader Russo. The map that is currently in place was approved by the Ohio Supreme Court in 2011, so we can use the term gerrymander, but in fact was found to be constitutional not only by the Ohio Supreme Court, but in several lawsuits in federal court over the past 10 years. Let's turn a little bit to the the Senate map also, and if we could get for the commission's purposes, the map of Northwest Ohio, which includes Lucas County. And in particular, Leader Russo I want to draw attention to a set of changes, some would it maybe be easier for the commission if it was closer to the podium? If you were just, you know, pick that up and move it over. And the members of the commission, you may, may or may not know that Senator Rob McColley, who is happens to be the majority whip in the Ohio Senate right now, is from Henry County. And if you look at Henry County, it's the second line of what's actually in the future look looking district, the county that has the number two in it. Senator McColley's current district goes south to Putnam County, Paulding County, Van Wert and the district would, now pairs Senator McColley and Senator Gavarone in the same district. Senator Gavarone, of course, is an incumbent. It is not up for election for two years. Senator McColley is would essentially be able be unable to run because the district would now be in would be occupied by a current senator who's in the middle of their four year term. Of course, under the Constitution is allowed to continue. So this district itself eliminates Senator McColley from being able to run. Isn't that true, Leader Russo?

House Minority Leader Allison Russo [00:12:40] Through the co-chair to the Senate president, is there a constitutional violation that you are asserting?

Senate President Matt Huffman [00:12:46] No, I'm asking a question. Doesn't this drawing of this district eliminate Senator McColley from being able to run in 2022?

House Minority Leader Allison Russo [00:12:56] Through the co-chair to the senator. I have not assessed whether or not individual members of the General Assembly can run or not run.

Senate President Matt Huffman [00:13:05] OK, well, I guess I'll represent to the commission. That's true if there's someone who comes up with different information during the time of this hearing. Senator McColley lives in Henry County, the county with the two on it. And because under this map, he would now be in a district that is occupied by senator in the middle of a four year district. He's eliminated from running. And I would submit, clearly disfavors a member of the Republican Party, a Republican incumbent. If if

we could show the statewide map now and this is also an interesting change of districts. Yeah, the entire statewide Senate map Senate District 27 currently is the is a district that is occupied by Senator Kristina Roegner, who's from Hudson, Ohio, in Summit County, which is just south of Cuyahoga County. The new Senate District, 27, now exists in Greene County and part of Montgomery County. So question again to Leader Russo, and maybe you've already answered this that you haven't examined that, but was Senate District 27, now in Greene County in Montgomery County, Senator Roegner would also be eliminated from running for reelection. Isn't that true?

House Minority Leader Allison Russo [00:14:28] Through the co-chair to the Senate president again, I will remind you this is the discussion, not a deposition. And I again, what is the constitutional violation that you are asserting here? Because so far, you know, the fact that certain members of the General Assembly are not able to run is not a violation of the Constitution and does not speak to how our map does not meet the constitutional requirements of Section six.

Senate President Matt Huffman [00:14:59] I disagree because we're discussing, I'm discussing Section 6A, which again says, no General Assembly district plan - and a plan is made up of many elements - some of the elements I'm discussing right now, no General Assembly District Plan shall be drawn primarily to favor or disfavor a political party. And if comprehensively this district plan favors or disfavors a political party, it is unconstitutional because it does not meet the requirements of Section 6A. So as we go through these multiple changes to this map that overwhelmingly disfavor the Republican Party and favor the Democratic Party, we can see the lack of constitutionality. Now if you said.

House Minority Leader Allison Russo [00:15:45] Mr. Co-chair, could I please respond, please?

Senate President Matt Huffman [00:15:45] I'd like to finish my statement if I could, Mr. Co-Chair

Co-chair Sen. Vernon Sykes [00:15:48] Yes, Mr. President.

Senate President Matt Huffman [00:15:49] Yeah thanks. So I simply like want to go through now if if what what the, Leader Russo would like me to do is just simply have a narrative and not be able to respond to these things individually. I'm happy to do that. I don't know that that's much help for the public, but I'm happy to not question, alright? It looks like Mr. Glassburn, the map drawer is not here today, and or is here? And if Leader Russo is going to be the person answering and she'd rather have me do a narrative on this, that's fine. It really doesn't make any difference to me. I would just want to make sure that that these points are made.

Co-chair Sen. Vernon Sykes [00:16:26] Yeah, you may continue.

Senate President Matt Huffman [00:16:28] All right. So do you want me to stop individually? Or if Leader Russo does not want to answer questions about that, that's fine.

Co-chair Sen. Vernon Sykes [00:16:36] Leader Russo?

House Minority Leader Allison Russo [00:16:38] I'm happy to answer questions.

Co-chair Sen. Vernon Sykes [00:16:39] she's here to answer them.

Senate President Matt Huffman [00:16:40] OK, so, so so returning to my last question, I'm talking about Section 6A, where we can either politically disfavor or favor a party, doesn't moving District 27 to a different part of the state and therefore making it impossible for Senator Roegner, who doesn't live there and hasn't filed petitions or doesn't have signatures from folks in Greene County and Montgomery County. Doesn't that disfavor a Republican incumbent?

House Minority Leader Allison Russo [00:17:09] Through the co-chair, I do not believe that that disfavors the Republican Party. In fact, I would, you know again, because this is a discussion of the commission of the map, I would ask to you, how many people did your map move that you proposed the last time from an odd to an even number district or vice versa? And certainly, we have examples on the House side where Democratic members were drawn out of Democratic-leaning districts into Republican-leaning districts. Is that what you are putting forward as defining unconstitutional?

Senate President Matt Huffman [00:17:45] Yeah. Well, I don't know the answer to the first question that was there. Secondly, we had a long discussion about that map when it was passed originally. And at the moment, we're trying to get to the bottom of of this map that's being proposed today. So that's why I'm asking questions about that. So I guess everyone can make their own conclusion regarding Senator Roegner and how she could run in Greene County or Montgomery County. But, isn't it, isn't it also true that under the current scenario where we had petitions signed by a certain date, we passed a legislation to make sure that all of these signatures, either in a county or close by, counted. There's no one who has filed petitions in Senate District 27 that have signatures from those two counties that are that are currently valid. I'm correct on that, aren't I?

House Minority Leader Allison Russo [00:18:48] Through the co-chair, to the Senate president. I don't know the answer to that question. However, I'll remind you that the the adjustment to the petitions that we passed a couple of weeks ago number one, don't hold individuals at fault for having the wrong district number. They're still the window to move into a district and certainly by election law that currently exists, there is the opportunity for write in candidates.

Senate President Matt Huffman [00:19:18] OK, well, we could solve it with all write-in candidates, I guess. But OK, another senator, Republican senator, Senator Jerry Cirino, currently represents the Senate District 18. He lives in Lake County. Senate District 18 has now been moved down into, I think it's Portage County in southern Summit County at least I think that's what the map shows. So Senator Cirino, who is former Lake County commissioner, he has nine kids and thirty five grandkids, and I'm told they all live in Lake County. He he will also represent a district that he was not elected in and would have to move in in two years to to run for. Isn't that right?

House Minority Leader Allison Russo [00:20:10] Again, through the co-chair, Mr. President Huffman, again have not followed individual candidates. I think it was you who indicated during the last commission meeting when we were talking about State Representative Dan Troy that if you've got a great candidate, a great candidate can compete in any district.

Senate President Matt Huffman [00:20:34] Yeah. Well, it would certainly have to be a district that maybe at one point he lived in or ran for office. So we'll see how well Senator Cirino can do down in District 18. The last senator, I guess I to draw attention to is Senator

Antani in his district is now, which is District six. He no longer lives in his district, either. Is that correct? In Montgomery County.

House Minority Leader Allison Russo [00:21:00] I'm sorry, through the co-chair, which district was that again?

Senate President Matt Huffman [00:21:04] Senate District six and Montgomery County, the red one.

House Minority Leader Allison Russo [00:21:06] I can't see the entire map from here.

Senate President Matt Huffman [00:21:07] OK, well, the map, I think you have your own hand out here. It should it should be seen on your handout that you just passed out to the commission.

House Minority Leader Allison Russo [00:21:30] Again, I'm sorry, can you repeat your question?

Senate President Matt Huffman [00:21:32] The question is, is it true that Senate Senator Antani is now drawn out of his district and does not live inside the District, Senate District six that he was elected in?

House Minority Leader Allison Russo [00:21:42] Again through the co-chair, president Mr. President Huffman? Again, I do not follow individual candidates. What is the constitutional violation again that you are alledging?

Senate President Matt Huffman [00:21:55] Well, all of these questions, as I'll repeat again, have to do with Section 6A that a plan, which is made up of many elements, cannot favor or disfavor a political party. And I'm submitting to the commission and Leader Russo cares to respond or any other commission members care to respond that as it relates to 6A, this map only, not only primarily, but only favors Democratic, the Democrat Party, and only disfavors the Republican Party, which I think certainly meets the category of primary. So that's my response regarding those are my questions and my statement regarding.

House Minority Leader Allison Russo [00:22:37] Mr. Co-chair, can I respond?

Senate President Matt Huffman [00:22:38] Constitution, Section 6A.

Co-chair Sen. Vernon Sykes [00:22:41] Yes, leader.

House Minority Leader Allison Russo [00:22:42] Thank you. Thank you, Mr. Co-Chair, Senator, President. Mr. President Huffman, sorry, I will again disagree with your assertion. Again, we have created an entire plan that meets the proportional requirements. As a consequence of meeting that requirement there will be some elected representatives who may not have a district to run in or be in a district that does not favor their party. That is a consequence of drawing a proportional map. And again, I will restate that our map meets all sections that are required sections two, three, four, five and seven and fully complies with section six, including both the not favoring or disfavoring the proportional requirements, as well as I'm sorry, I'm losing my place, as well as the compactness.

Senate President Matt Huffman [00:23:46] And so it's just coincidental that all of the candidates, all of the incumbents that are disfavored here, which are total of 15, all of them

are Republicans, that's just a coincidental, coincidental portion of this map that's being presented today.

House Minority Leader Allison Russo [00:24:04] Through the co-chair through President Huffman. If your standard is the current set of maps which favor the Republicans or the maps that you have proposed in the last commission meeting that have been thrown out by the courts, both the last set of maps and the original set of maps that you proposed. If that is the standard that you were using, then yes, some Republicans are going to lose seats.

Senate President Matt Huffman [00:24:29] So if I may continue, Mr. Chair, so if the if the goal is to sacrifice other portions of the Constitution 6A or 6C in order to meet 6B. One, return your attention to Northwest Ohio. Section, or District 11 in Lucas County, District 2 which is to the southwest and south and District 26, make up much of northwest Ohio. District 2 is is a 60 percent Republican district. District 26 six is 60 percent Republican District. District 11 is a 40 percent Republican district and in essence, two Republican and one Democratic districts. That same land area is also in the current map, and all of the proposed maps have basically the same draw. There are two 60 percent Republican districts and one 40 percent Republican, or Democratic, district. What this map does, however, of course, is for the first time in decades, split the city of Toledo into a district that goes off to the south east and but doesn't affect proportionality at all. In fact, it keeps proportionality the same. The one effect it does have is to eliminate Senator McColley. So how does splitting the city of Toledo for the first time in, I think, 30 years in taking that into a different district? How does that, and how does that help your proportionality argument?

House Minority Leader Allison Russo [00:26:16] Through the co-chair, President Huffman, I'm not entirely clear what your question is because there was a lot in there. But again, you know? I will say that our map meets the constitutional requirements, including all requirements of Section six. And are you proposing that it is your goal to sacrifice sections of the Constitution, including 6B in order to meet 6A and C?

Senate President Matt Huffman [00:26:49] Yeah, I'm I'm asking questions about your map. And it appears the reason since the proportionality did not change in northwest Ohio for the districts that are there, except the one thing that did change is the exclusion of Henry County into a different district. The the appearance is that we're trying to eliminate Senator McColley from the Ohio Senate because you're not changing anything as it relates to 6B.

House Minority Leader Allison Russo [00:27:21] Again, through the co-chair, President Huffman of what is your constitutional violation that you are asserting?

Senate President Matt Huffman [00:27:28] Well.

House Minority Leader Allison Russo [00:27:29] Other than that, you are unhappy that there is an incumbent who perhaps will be running in a district that is more difficult for him to win.

Senate President Matt Huffman [00:27:38] With the exception of my wife, my happiness is not constitutional to anybody. I would say that 6A to do with favoring or just favoring a political party. And if that's what you're trying to do by eliminating Senator McColley, I think that's unconstitutional.

House Minority Leader Allison Russo [00:27:56] Again, through the co-chair to President Huffman, the requirements are for the entire district plan, not an individual district. And again, there will be districts that are Republican leaning and Democratic leaning in order to meet 6B.

Senate President Matt Huffman [00:28:20] Very good, well let's.

House Minority Leader Allison Russo [00:28:20] And that is not violating 6A to do that.

Senate President Matt Huffman [00:28:24] All right. Thank you. Thank you. So very good. Let's move to violations of Section 6B. In the second Supreme Court opinion, the court remarked that, and used the term symmetry when defining Democratic districts that were very close to 50 percent and proposed and suggested for the first time, it's not in the Constitution. It wasn't in the court's first decision, but is in the court's second decision that the Democratic districts that are between 50 and 51 percent aren't truly Democratic leaning districts. Yet, this map has six districts that are in that percentage. Two Senate and four House districts. So doesn't that in fact violate the court's symmetry proposal that is, in their opinion, to have districts in that 50 to 51 percent bracket.

House Minority Leader Allison Russo [00:29:29] Through the co-chair President Huffman? No, it does not. What the court discussed on the issues of symmetry is if those those districts that are between 50 and 51 are completely out of whack for one party versus the other. In your previous map, those numbers will speak to the house districts. You had 12 of those districts that were between 50 and 51 percent, no Republican districts that were between 50 and 51 percent. So essentially toss up districts. And this map, there are five House seats that are between 50 and 51 percent in three Senate seats between 50 and sorry, 50 and 52 percent and two seats that lean Republican, so in the opposite direction, that are under 54 percent.

Co-chair Sen. Vernon Sykes [00:30:30] Mr. Huffman, if we could maybe allow another member a chance to ask the question, we can come back to you.

Senate President Matt Huffman [00:30:36] Certainly.

Senate President Matt Huffman [00:30:40] Are there any of the questions by any other members?

Co-chair Speaker Bob Cupp [00:30:43] Mr. Chairman, what? Well, we're having a pause. I would, I think that the Leader Russo made a statement that in the last map, the Republicans paired Democrats together. In the last, in sort of a systematic way and in large numbers. And I would just point out in the final map, we had one District, one district, with two returning incumbents that were paired. One was Republican and one was a Democrat in a Democrat leaning district, by the way. So, so I'm not sure what's at play here, whether this is just an attempt to throw Republicans together, but accusing what we did say and what we did in the second map is inaccurate. In fact, there was a deliberate attempt not to put incumbents together because of either party.

House Minority Leader Allison Russo [00:31:42] Sure.

Co-chair Sen. Vernon Sykes [00:31:43] Leader Russo.

House Minority Leader Allison Russo [00:31:43] Through the co-chair Co-Chair Cupp, thank you for that correction. My apologies. What I was saying was that there were certainly members, current members who were put from competitive districts into Republican leaning districts. And my apologies for misspeaking there.

Co-chair Sen. Vernon Sykes [00:32:04] Auditor Faber?

Auditor of State Keith Faber [00:32:05] Thank you. I want to pick up on just two things that were asked before and help me understand. In the map, and I apologize, I just did this quickly. So if my numbers are a little off to whoever wants to answer this. I noticed that you drew a number of competitive seats, and I have stated publicly that I've always thought the answer to this map drawing dilemma we have is to draw more competitive seats, not less. And so first of all, I want to understand what you viewed as a competitive index for the purposes of this map. Dave's uses a 10 point spread, and I think in my prior conversations with with my Democratic colleagues, we've all agreed that that may be too broad. So I have looked at a 48 52 kind of range, so it's a little tighter spread. I don't know which one you guys are looking at for your spread. If you could just tell me what your spread on the competitive ratio is, it would help me understand that.

House Minority Leader Allison Russo [00:33:06] Thank you. Through the co-chair, Auditor Faber. As a reminder, there is no definition of competitiveness. In fact, I don't believe that this commission has defined that, nor is competitiveness mentioned in the Constitution.

Auditor of State Keith Faber [00:33:25] I appreciate that leader. So what you're telling me is you guys don't care about competitiveness?

House Minority Leader Allison Russo [00:33:32] Through the co-chair, through the, or to Auditor Faber. What we care about is meeting constitutional requirements.

Auditor of State Keith Faber [00:33:42] As do I. But going back to my question on competitiveness, you're telling me that you and your map drawer didn't care about competitiveness or didn't consider competitiveness when you're drawing the maps? Because you would, I think, agree that you're required to meet certain constitutionality, others attest, but you can also draw other things, that we had. I think it was about 80 hours of testimony coming before this body from various interested parties talking about the merits of competitive districts and the foibles of having hyper anti-competitive districts? If you guys didn't consider that and you don't think that's important. I think it's important for the public to hear that. But if that's not your position, in all candor, I think it's a good argument it isn't your position, but if that is your position, I'd like to know.

House Minority Leader Allison Russo [00:34:33] Through the co-chair, through Auditor Faber while I appreciate the question. It is at least my position that when you draw maps that are constitutional and meet the requirements of the Constitution, you will inherently have some competitive districts.

Auditor of State Keith Faber [00:34:51] All right. So my next follow up question, Mr. Chair, is looking at your maps. I think you mentioned, Leader, when you were discussing the prior maps that there were a number of competitive Republican, I mean, competitive districts drawn. And in the court's notation, they indicated that those favored primarily, or those were primarily Democrat districts, which were the competitive ones. In this map, my quick count is is that you have eight Democrat competitive seats and one Republican

competitive seat in the range that I talked about. Is there a reason that you chose to draw competitive districts to be Democrat seats, leaning Democrat, versus Republican leaning competitive seats when you made your decisions in drawing the maps?

House Minority Leader Allison Russo [00:35:40] Again through the co-chair Auditor Faber. We did not draw these seats. The Constitution does not require competitive competitiveness, nor does it mention it. We draw these, drew these maps to meet the requirements of the Constitution. Inherently, there will be, quote unquote some competitive seats. What I consider competitive, what you consider competitive may be different. As a commission, we have not agreed upon what that means. But again, the requirements of the court in the Constitution is to meet these sections, and that is what we did in drawing these maps.

Auditor of State Keith Faber [00:36:17] Well, Leader Russo, I appreciate you giving me the same answer back again to whatever question I ask on this topic, but I want to go back and ask the point very clearly. The Supreme Court made a big deal in its last opinion, emphasizing that the competitive districts seem to only be placed in districts that leaned Democrat and would be counted in the Democrat totals and not in areas that lean Republican. In your map, this map that you're proposing that we accept you've done exactly the same thing. And so when I count numbers. I'm just curious why, because if, if. If it could be done another way, I presume you'd have done it another way because you don't care about competitiveness.

House Minority Leader Allison Russo [00:37:03] Again, Mr. co-chair, through the co-chair, Auditor Faber, again, I believe what the court was said in its decision was that when there is large asymmetry in districts that are between 50 and 51, that that seems to indicate that a map favors one particular party. You know, again, we can draw more competitive seats for Republicans. If you would like to give us the districts that you think that that's appropriate and we are happy to make that happen for you.

Auditor of State Keith Faber [00:37:44] Leader Russo But therein lies the problem. I don't know that you can get more competitive seats for Republicans and hit a 54 or 55 or 56 or a 57 target because the way you got to your target was by doing something called cracking and packing. And we've all had a lot of conversations about cracking and packing and the way you get to the map numbers you've got because of the geography in Ohio, it's by packing Republicans and cracking Democrats. But I go back to another question that's related to this.

House Minority Leader Allison Russo [00:38:15] Mr. Co-Chair, can I reply to that?

Co-chair Sen. Vernon Sykes [00:38:17] Yes.

House Minority Leader Allison Russo [00:38:17] Senator, on Auditor Faber. With all due respect, that is simply false. In fact, there are more competitive Republican seats. If if you would like to add more, that can be drawn, for example, in Hamilton County and Franklin County, that is possible. So what you are asserting is just simply false, and we will agree to disagree on that.

Auditor of State Keith Faber [00:38:42] But Leader Russo, if I were to draw a more competitive Republican seats in Franklin County, I would love to do that, but that decreases the number of Democrat seats in Franklin County or eligible Democrats.

House Minority Leader Allison Russo [00:38:52] No, it increases.

Auditor of State Keith Faber [00:38:53] I don't think that's right, because looking at your map, I'm not sure that there are many other seats that you could get in those areas, but we'll agree to disagree. Let's go back and talk just about one of the provisions you talked about in Toledo. My understanding is, is that you split the city of Toledo. Could you have drawn a district keeping the city of Toledo wholly within, wholly within a number of districts?

House Minority Leader Allison Russo [00:39:28] Yeah, OK, thank you. Through the co-chair, Senator, Auditor. The city of Toledo is larger than a house district, so it is not possible to draw an entire house district within the city of Toledo.

Auditor of State Keith Faber [00:39:43] How about three house districts within the city, Toledo? Right. I got it.

House Minority Leader Allison Russo [00:39:58] Through the co-chair, through the auditor, I'm not entirely sure what constitutional violation violation you are asserting with this question, but I will point out that the current map that you have before you divides Toledo four times and the map that was voted on by this commission in our last meeting. Toledo was divided five times.

Auditor of State Keith Faber [00:40:24] Could you have drawn the city of Toledo totally within one Senate district?

House Minority Leader Allison Russo [00:40:30] Again, through the co-chair, Auditor Faber, one of the constitutional requirements is that a Senate district incorporates three House districts and as I noted before Toledo, it's not possible to draw just one House district for Toledo.

Auditor of State Keith Faber [00:40:48] So leader Russo, first of all, do you believe the Constitution requires you to draw Senate districts wholly within a city, if you can do that?

House Minority Leader Allison Russo [00:41:02] Through the co-chair to Auditor Faber, the commission has not taken a position on that, and if that is something that you wish for this commission to agree upon. You know, certainly we can all evaluate that and the impacts of it and how to make adjustments to this map.

Auditor of State Keith Faber [00:41:22] So. So you're telling me it's whatever the commission agrees on is what you determine as constitutional?

House Minority Leader Allison Russo [00:41:27] Through the co-chair to Auditor Faber. No, the constitution is pretty clear and what the requirements are to be constitutional. But there are some components, technical requirements that certainly we could have further discussion on, that the court has remained relatively silent on that. If we take a position as a commission is fair, but we have not done that.

Auditor of State Keith Faber [00:41:56] As a follow up. Would you agree with me that generally it's a good idea to have people represented by people who have a continuity of interest with them? Let me and let me translate that. Would you agree with me that generally you should have cities generally being able to be represented by people in cities and rural areas, generally represented by people from rural areas? That there is a interest

in any redistricting effort to try and keep communities of interest, at least together where you can,

House Minority Leader Allison Russo [00:42:31] Through the co-chair through Auditor Faber. Again, the the point of this discussion is to discuss the maps that are in front of us. Again, what is the constitutional violation that you are asserting?

Auditor of State Keith Faber [00:42:45] I am asserting simply that we heard a lot of testimony in front of this committee over the process of this, this process about how important it is and how people can feel. Disenfranchized If you intentionally take steps to have them represented by somebody who doesn't think or necessarily vote like them merely for a political outcome, that's something that we've heard defined as gerrymandering. I'm just asking you whether you think that's the right thing for us to be trying to avoid. And by the way, we can ask questions about your maps. It's not just technically whether you believe they're constitutional or not. If you don't want to answer the question, you don't have to answer the question. But ultimately, we're supposed to consider a lot of things when we decide whether we like a map or not. And in that process, certainly whether or not you're going to take an inner city area and link it with a rural area for the purposes of drawing a particular district outcome is something that I think we ought to consider.

House Minority Leader Allison Russo [00:43:44] Through the co-chair, through Senator, Auditor Faber. I would love to have these discussions and have public input. If you have a map to propose that achieves this or suggestions to propose that address some of these concerns that you have, again, so far I have not seen a constitutional violation just because you disagree with some decisions that were made. We certainly can consider those as a commission and I would welcome and I'm sure the public would welcome any input on a map that you want to put forward that achieves this.

Auditor of State Keith Faber [00:44:25] Thank you. One one question before I yield back. I was really confused by the dialog between you and Senator Huffman. Specifically about the ability to adversely impac individual partisan issues in a district, and somehow that doesn't then aggregate into the maps taking a side. So is it your opinion that you can favor or disfavor a political party in some parts of the map and that's OK?

House Minority Leader Allison Russo [00:45:11] Through the co-chair, Auditor Faber, I think that's an interesting question. Again, I think the Constitution is pretty clear and it says no General Assembly district plan, meaning a statewide plan shall drawn, be drawn primarily to favor or disfavor a political party. It does not address individual districts. Certainly, following the technical requirements of the Constitution will mean that there will be Republican districts and Democratic districts. I will remind you there are Democrats who live in Republican leaning districts and who are currently represented by Republicans. That will happen within the state of Ohio.

Auditor of State Keith Faber [00:45:54] I absolutely agree with that, and I've taken that position for a long time. However, going back to how much can you? And how many districts can you intentionally favor or disfavor a political party before you reach an aggregate of disfavoring or favoring a political party for the purposes of a map under 6A?

House Minority Leader Allison Russo [00:46:18] Through the co- through the co-chair, Auditor Faber again, Section 6A of the Constitution says no General Assembly district plan

shall be drawn primarily to favor or disfavor a political party. And it is referring to the statewide plan. There will always be Republican districts and Democratic districts.

Auditor of State Keith Faber [00:46:40] Can you tell me a single instance in your map where you drew a district primarily to favor a Republican member of the General Assembly or the Republican Party?

House Minority Leader Allison Russo [00:46:50] Through the co-chair to Auditor Faber. There were certainly decisions that were made to, that we could have made differently, for example, in Hamilton County, for the total number of House seats. There could be six Democratic seats drawn and one Republican. We and this map have five and two. In Franklin County, there could be 12 Democratic seats. We have drawn 11 and one. So there were certainly decisions that were made that took that into account.

Auditor of State Keith Faber [00:47:35] For the purposes of passing, go ahead and pass at this point, Mr. Chairman.

Co-chair Sen. Vernon Sykes [00:47:39] Are there any other questions or comments? Mr. President, back to you

Senate President Matt Huffman [00:47:45] bThank you very much, Mr. Co-Chair, so Leader Russo, or I assume this is also Senator Sykes or anyone else. It's appropriate to answer. So far, we've talked about violations that I believe in are in both 6a and 6b of the Constitution. I'd like to talk now, talk about violations and the constitution of Section 6C. And for purposes of doing that, we have some maps that we want to show of the of the individual districts, the as as indicated, or I'll just simply read section Article six, section six, excuse me, Article 11, Section 6C. Very simple language. General Assembly districts shall be compact. General Assembly districts shall be compact. So first, we'll look at the districts that have been drawn in and around Summit County. And I think we just put them up numerically the first one and the as it relates to Section 6C. Leader Russo, is this a compact district?

House Minority Leader Allison Russo [00:49:06] Through the co-chair, President Huffman, our maps are compact and meet all requirements of the Constitution.

Senate President Matt Huffman [00:49:13] To be clear, I'm not asking about the map because the map itself doesn't change. That's the map the state of Ohio. This language says General Assembly districts shall be compact. My question is as to your proposed District 31, is this district compact in your estimation?

House Minority Leader Allison Russo [00:49:37] Through the co-chair, President Huffman. Yes, it is.

Senate President Matt Huffman [00:49:39] OK, let's take a look at 32. And I presume these are all viewable by the commission and anyone who happens to be watching on TV. So let's take a look at District 32. And this district is also in Summit County. And is this a district that you think is compact ?

House Minority Leader Allison Russo [00:50:05] Through the co-chair, President Huffman, yes.

Senate President Matt Huffman [00:50:07] Yeah. Let's take a look at 34 then. And you think this district is compact?

House Minority Leader Allison Russo [00:50:21] Through the co-chair, President Huffman. Yes.

Senate President Matt Huffman [00:50:24] And these districts also ultimately split the city of Akron, don't they?

House Minority Leader Allison Russo [00:50:40] Through the co-chair, President Huffman our map splits Akron into two House districts, the previous map that was thrown out by the court and adopted by this constitution last meeting split Akron three times.

Senate President Matt Huffman [00:50:58] And well, let's let's take a look at Section or House District 35 then. Now, tis is a district that I think includes the city of Akron, has a whole southern part there. Summit County. Does kind of a sprint around the outer edges of Portage County and ends up with a couple of townships up in Geauga County. Well, in part of another one kind of an a c clamp, I think version. Is this district compact in your estimation?

House Minority Leader Allison Russo [00:51:40] Through the co-chair, President Huffman, I will correct to you that this district does not include the city of Akron.

Senate President Matt Huffman [00:51:47] Okay?

House Minority Leader Allison Russo [00:51:47] And yes, it is compact.

Senate President Matt Huffman [00:51:49] So a district that has a little bit of Summit County, some of Portage County and all the way up to Geauga County, in your estimation, is a compact district.

House Minority Leader Allison Russo [00:52:03] Through the co-chair. To President Huffman, yes, this is compact. I will remind you that in the last math that was thrown out by the court and that was passed by this commission, there was a district that was very similar to this that I believe included Summit, Cuyahoga and Geauga.

Senate President Matt Huffman [00:52:30] Yeah, well, I guess, Mr. Mr. Chairman, you know, we're not looking at the last map. There's there's no motion here to pass the we're we're asking the consideration of this map. So comparison to the previous --.

Co-chair Sen. Vernon Sykes [00:52:45] I will remind you, Mr. President, as Auditor Faber has indicated that, you know, we're asking questions and answering questions about any and all of this. And so it's not just limited to the map.

Senate President Matt Huffman [00:52:58] Oh, very good. Very good. We'll talk about everything we've talked about before then. We'll get to public testimony later in my my questioning. So if you if it's your testimony here today that this district is is compact and therefore meets the requirements of Section 6C, all I can say is that I heartily disagree and we'll let let the public decide about that one. Let's let's take a look at House Districts 16 and 14. If we could, please. And these districts for the commission's benefit are in Cuyahoga County. So, Leader Russo, can you see the Green District, District 16 under your map that's on this board?

House Minority Leader Allison Russo [00:54:29] Yes, I can see it.

Senate President Matt Huffman [00:54:31] OK. And it appears to start on the far western edge of Cuyahoga County and then reaches in an elongated fashion into neighborhoods deep into Cleveland with a narrow line kind of almost in the shape of a dog or maybe a dinosaur. Is is, do you think that this complies with section 6C of Article 11 of the Constitution?

House Minority Leader Allison Russo [00:55:01] My apologies. Can you repeat your question?

Senate President Matt Huffman [00:55:03] Sure. Do you think Section, district 16 that you're proposing, comports or complies with Article 11 6C of the Constitution, which requires that General Assembly districts shall be compact?

House Minority Leader Allison Russo [00:55:19] Through the co-chair President Huffman? Yes, I do. I believe that's North Olmstead. That is the arm that goes out.

Senate President Matt Huffman [00:55:27] Okay, but do you think this is a compact district?

House Minority Leader Allison Russo [00:55:29] Yes.

Senate President Matt Huffman [00:55:30] OK. How about District 14? Is that also a compact district, in your estimation?

House Minority Leader Allison Russo [00:55:36] Yes.

Senate President Matt Huffman [00:55:36] Okay. And in the since we talk about some of the other maps, we've had proposal. There were no districts that were drawn like this in the previous map that that in Cuyahoga County, where there?

House Minority Leader Allison Russo [00:55:51] Through the co-chair, Senate president, which maps are you referring to? The

Senate President Matt Huffman [00:55:55] The previous map that you were referring to the most previous map,

House Minority Leader Allison Russo [00:55:58] the one that was thrown out by the court?

Senate President Matt Huffman [00:56:00] The most recent map that the commission approved? That's correct.

House Minority Leader Allison Russo [00:56:02] The unconstitutional map?

Senate President Matt Huffman [00:56:04] I think it is constitutional, but if you if we need to go to act back the date and time and all of that we can. Do the minutes reflect the last meeting. For purposes of Leader Russo's question, we could look and see what the date is so that she can be clear.

House Minority Leader Allison Russo [00:56:18] But to be clear, you are talking about the map that was passed by the commission, correct

Senate President Matt Huffman [00:56:23] At the last. The second map that was passed by the commission. I do We can get them the date when we passed it, if it's helpful.

House Minority Leader Allison Russo [00:56:31] I don't have a photographic memory, so I don't entirely remember what the districts look like. But again, the the court threw out that map and determined it to not meet the requirements of the constitution.

Senate President Matt Huffman [00:56:43] Let's look at House District 55. If we could. And. So this District, Senate or House district proposed to House District 55 stretches out along Lake Erie from part of Lorain County, I think that is and into Erie County and all along the lakeshore. Kind of in the shape of a bat and you might recall the name snake on the lake from from the last congressional map. That was a district that was created at the request of Democratic congressional members back in 2011. This appears to suffer from some of the same criticisms that the snake on the Lake did a long, elongated district along the lake. Generosity want me to repeat the question or.

House Minority Leader Allison Russo [00:57:47] Good through the co-chair through to President Huffman, if you're asking me if this map or if this is compact. Yes, it is. And and I would ask back to you. Are you conceding that sections section six of the Constitution is mandatory?

Senate President Matt Huffman [00:58:03] Section 6C is what I'm asking you about about specifically. My answer to that question, my my conclusion is no. The reason I know that or I believe that is not only did I introduce this legislation in 2014, I helped campaign for it along with many of the petitioners and the in fact, the purpose of this is as long as all of the other requirements that are listed are followed, then section C is not something. This is aspirational nature. Folks don't want to believe a Republican from Lima. They can ask former state representative and Secretary of State candidate Kathleen Clyde, who testified on the floor of the House that Section C is aspirational. So the court has concluded that, and that's all that really matters. So my question as it relates to House District 55 is is 60 a compact district in your estimation

House Minority Leader Allison Russo [00:59:03] through the co-chair President Huffman? Yes, I believe this district is compact and agree with the court that Section six is mandatory.

Senate President Matt Huffman [00:59:17] OK, very good. I'd like to continue on it if I may, chairman.

Co-chair Sen. Vernon Sykes [00:59:21] How much longer do you think you?

Senate President Matt Huffman [00:59:23] Well, it kind of depends on what answers come out Mr. Chairman, but I probably 10 minutes or so, I think.

Co-chair Sen. Vernon Sykes [00:59:29] All right.

Senate President Matt Huffman [00:59:30] Can I continue?

Co-chair Sen. Vernon Sykes [00:59:31] Please.

Senate President Matt Huffman [00:59:31] Yeah. And then, Mr. Chairman, for purposes of these questions, I want to make clear and I think Auditor Faber, part of our Auditor Faber's points are that we do have to follow the Constitution, but that's not the only requirement when we're drawing maps. If that were true, it would not have been necessary to have public input. And as I know, it was very important to Senator Sykes that we have many, many public hearings and we allow as many people to testify about those things. There are other also other

Co-chair Sen. Vernon Sykes [01:00:05] I'm surprised that you put emphasis on public hearings, your side of the aisle has been fighting on them this whole time, so I'm surprised that you put on emphasis on that.

Senate President Matt Huffman [01:00:13] Well, we had them. I know that Senator Sykes and we wanted to hear from what those folks had to say. So there's a lot of public testimony. There are also other laws in the state of Ohio and there are federal laws, and we'll get to those in a moment. But when comments that Senator Faber made regarding the division of political subdivisions, there are constitutional requirements. But even so, if the constitutional requirements are met, there are. We've had much public testimony. There have been many editorials talking about the importance of keeping cities together, keeping counties together. So the questions I'm going to ask you here are not about constitutional violations. The questions are what I think are important public policy when drawing maps, as expressed to us. This. These are map making, map line drawing elements that have been important for for decades and even centuries. And of course, part of our public testimony, and part of editorials and other opinion that the public have given to us.

Co-chair Sen. Vernon Sykes [01:01:27] So just for clarification? Yeah. Mr. President, are you saying that you have completed all of your constitutional questions about the map?

Senate President Matt Huffman [01:01:35] I'm saying for purposes of the next several questions I'm going to ask, I'm not asking about constitutional violations.

Co-chair Sen. Vernon Sykes [01:01:41] But, you plan on going back to that?

Senate President Matt Huffman [01:01:43] To constitutional issues?

Co-chair Sen. Vernon Sykes [01:01:46] Yes.

Senate President Matt Huffman [01:01:47] Unlikely.

Co-chair Sen. Vernon Sykes [01:01:46] Unlikely.

Senate President Matt Huffman [01:01:47] But it depends on what the answers are or any other testimony. There may be. So may I continue?

Co-chair Sen. Vernon Sykes [01:01:53] Yes.

Senate President Matt Huffman [01:01:54] Thank you very much. So the in the house map, the first house map, democratic map, I should say, the this is what Democrats submitted right at the beginning. It split the four cities of Toledo, Cleveland, Dayton and Cincinnati into 12 house districts. There were only 12 house districts in those, and thus

more compact and more cohesive in terms of those cities. This map, as I understand it, divides those cities into, there are 19 house districts into those cities. And I think if you could put back up, I think District 16, you can see one of these, actually the other one, if you could, 14. You can see one of these elongated districts, but isn't keeping these cities. Isn't keeping these cities from being divided up, isn't that an important element of drawing districts again, not constitutional as long as the other, the city dividing rules are followed?

House Minority Leader Allison Russo [01:03:16] Through the co-chair, President Huffman, again, I would welcome any public input, and if that's what you're proposing today to have the public's input from individuals who live in that community to weigh in on this, I would certainly welcome that and thank you for putting that forward.

Senate President Matt Huffman [01:03:36] You know, I'm not proposing additional public input, so let me re-ask the question. The public, I think, has weighed in quite clearly that they don't. They want minimal divisions of cities and other subdivisions. So much so when we wrote this in 2014 that we actually had requirements about making sure that local divisions aren't divided up. Again, not submitting the constitutional violations. But this map divides those districts, those cities even more than the original Democratic map that was submitted back in September, doesn't it?

House Minority Leader Allison Russo [01:04:15] Through the co-chair, President Huffman, if you would like for us to propose that map from September because you think that is a better map? We certainly can make a motion to do that as well.

Senate President Matt Huffman [01:04:27] OK. I really just want to get to the point that you're dividing cities up more than the original democratic map. Isn't that true?

House Minority Leader Allison Russo [01:04:35] Through the cut through the co-chair, President Huffman, I think they are both good maps. If you prefer the first map over the second map and wish to have the public weigh into this more, I would welcome that.

Senate President Matt Huffman [01:04:48] Yeah. Well, I guess the point is all we have is this map here now being considered. So I'm going to submit to the commission and they can go look at the original democratic map that the cities of Toledo, Cleveland, Dayton and Cincinnati, where those four cities there were only 12 house districts drawn within those cities. This map divides those cities, up almost 50 percent more, or more than 50 percent more by adding in additional part parts of seven house districts from that original map. And on the Senate map, the original Democratic map took the five major cities of Cleveland, Toledo, Cleveland, Akron, Dayton and Cincinnati, and there were six Senate districts within those cities. This doubles the number of divisions within those cities on the Senate district map to 12. So this is the kind of of dividing up of local communities that has been sort of a hallmark of this reform much of our public testimony has been about. And that's why I think this is an appropriate part of this. You know, appropriate part of what we should be doing here is dividing all these cities. In Akron and Summit County, if we could get the Akron Summit County, especially as it relates to Senate District 28, the in the first two commission maps and these are the maps that were proposed and passed by the commission. But for one reason or another, and I think mostly having to do with Section 6B, those maps were the Supreme Court ruled that those were unconstitutional. But in Akron and Summit County, the new map here again, the city of Akron was whole. And you know, we heard from folks in Summit County and newspapers and that part of the state that. Why are they why are they in some of the previous iterations, why is the city of Akron divided? It should all be in one district. And so those first two commission maps did that.

This map, however, actually essentially divides Akron in half in a Senate District. Senate District 18. Forty two percent of Akron is in one Senate district, and 58 percent of it is in Senate District 28. So those who were wanted Akron together and testified about that and wrote editorials about it in letters and newspaper, you'll be disappointed by this map. It's not, in fact, divides it up. And more to the point is that 42 percent of Akron that that's taken out of the in into a different district. It no longer even stays in Summit County. It's now going to be paired with all of Portage County and part of Geauga County. And again, we heard much testimony about this. This is a, are the people who live in the city of Akron, do they have a common interest in on public policy issues, for the most part with people who live in Portage County and Geauga County? So I would say, I guess. Pairing Summit County Senate district and about half of Akron with Portage and Geauga County is certainly a unique way of doing this, and maybe pairing Summit County with part of Portage and Geauga County is not new, but having the core city of Akron leave and go into the city of Akron be paired with these other districts is in fact unique. And do you have do you have the map to look at or we don't have that? Yeah. The Summit Senate District 28 Summit County Map. We don't have one of those. OK, well, we'll find a chair.

House Minority Leader Allison Russo [01:08:54] So may I respond to that? I'm not sure if these are questions or not.

Co-chair Sen. Vernon Sykes [01:08:58] But let me. Since this is Akron, if I could before you speak. Mr. President, uh, you know, we have solicited input from you, from your side, from the majority. And the only thing we've been able to to get for the most part has been to schedule this meeting on the last day. But if you have suggestions that you'd like us to consider and we made an appeal as late as yesterday with the deadline of getting your input in today, you know, please, we want to work with you. It has been a directive of the court that we in fact have a commission map and not a minority majority, in order to do that. We have to work together in order to do that. Sure. Sure, we have to exchange information and ideas, and that just hasn't taken place to the extent that it should, and we're hopeful that this may be the beginning of something.

Senate President Matt Huffman [01:10:04] Yeah. Well, I think I recall in our last go round here in the not the last one, but the one before. In September, I spent about three days trying to set up meetings, one in Akron on the way to our our meeting and two days worth of phone calls to you and to other commission members trying to meet trying to get a resolution and that that didn't happen. And the other, the other maps that we are, I think, are our majority proposals to one degree or another. And I guess we're here talking about this map right now, and I have criticisms of the map, not only constitutional criticisms, but public policy and traditional map making criticisms of that. And that's what this is is about. So if you look at Senate District twenty three, which excuse me, twenty eight, right? Yes, Senate district, I think it's Senate District 18 now. It includes a portion, again portion of the city of Akron. Kind of swoops down. You can see House District 31, the C Clamp District, which is House District 35 and then House District 72. And again, taking the city of Akron out of summit and pairing it with essentially rural counties out to the east is, I don't think, is what the the folks who have testified in our traditional map making proposals.

Co-chair Sen. Vernon Sykes [01:11:47] Mr President, that is a house map.

Senate President Matt Huffman [01:11:49] I understand that. Do we have a district map for the Senate? Yeah. And your district, I guess if you can refer to the one that the that you passed out. If you look at House District, seventy two, fifty five and thirty one, I believe is your Senate map. Oh, there we go. Right. 18 is is 72, 55 and 31 combined. That's correct.

I believe so, yeah, so my my point is that with all of the emphasis on keeping these cities whole as much as possible, sometimes you can't because the city is bigger than a house district. So we understand those divisions. But dividing it within city, within Senate districts is is a different story. And certainly dividing up a large city like Akron and taking it into a rural area doesn't seem to comport with the the wishes of the public. And again, traditional map making proposals. So. So that's my point. I mean, we can argue it if we want to, but if not, I'd like to move on to Toledo and Lucas County if I can. If you could bring those maps up and put in so.

House Minority Leader Allison Russo [01:13:11] Mr. Co chair?

Co-chair Sen. Vernon Sykes [01:13:11] Leader Russo?

Senate President Matt Huffman [01:13:15] Thank you. President Hoffman, I appreciate your comments. I'm not sure if there are questions in there, but you know, I would remind you that these maps and the files were provided to your staff. They've had them for days. We have asked for feedback from them. If you have a proposal that you would like to put forward that addresses these concerns, I think this commission would be more than happy to consider that. Is that your plan today to put forward a proposal?

Senate President Matt Huffman [01:13:48] I have. I have to ask the rest of my questions. We'll see how this goes. But I believe the first question that you answered was that the final version of this was delivered yesterday, about 24 hours ago. And I'd like to finish without being interrupted, although

Co-chair Sen. Vernon Sykes [01:14:04] I'm sure, I will correct you that there were some census blocks moved --

Senate President Matt Huffman [01:14:06] If I could finish without being interrupted, Mr. chairman I would appreciate that --

House Minority Leader Allison Russo [01:14:08] moved 84 people to --

Senate President Matt Huffman [01:14:09] I promise not to interrupt Representative Russo if she won't interrupt me, would that be ok?

Co-chair Sen. Vernon Sykes [01:14:14] Yes, sir.

Senate President Matt Huffman [01:14:15] All right. Thanks very much. So I understand that there's you like proposals in response to what you want. I can only respond to what's being presented to me here today. And if there are, there are a lot of different possible proposals we can have. But again, we have to have one that at least four members of the commission will support. We've had that twice already. We now have a new requirement that the Supreme Court put on us in the last decision. We're trying to figure that one out, too. So I'd like to move on to the Toledo and Lucas County area, if I can at this time. So in the first two commission maps that were proposed and in both of the maps by Professor Roden, which the Supreme Court decided, the city of Toledo is wholly within Senate District 11. Which is wholly inside Lucas County, as it has been for the last 30 years, and is currently that that Senate District 11 is inside Lucas County. Under the map that's proposed all or part of the city of Toledo, a full 20 percent of Toledo is sliced off and put into a rural Senate district, which will be represented by Senator Reineke in the middle of his four year term. And as you can see, Mr. Chairman that heads east out of Lucas County

and Toledo is now paired with Erie, Ottawa, Sandusky, Seneca, Huron and all the way down at the bottom there, Crawford County in Bucyrus, Ohio. At least that's it's really Bucyrus, but that's what they say and that that new Senate district would include the part of Toledo where currently Senator Fedor actually lives. So my statement to the commission, you can be in the form of a question if folks want it to be. We can make whatever response you want to. But my statement to the commission is this is a completely unique, even by democratic standards division of the city of Toledo, taking a large swath of it and a significant swath for other reasons out of and therefore the city of Toledo is no longer whole. It's no longer within Lucas County and is now part of a heavily Republican district. Some would surmise that that had to do with eliminating Senator McColley, but my statement is that as it relates to keeping cities, including major cities, whole. This proposal violates certainly that tenet of mapmaking. So that's my statement. You can respond however you want if you think it's appropriate.

House Minority Leader Allison Russo [01:17:04] Thank you, co-chair. Thank you, President Huffman, for those comments. Again, I will say that our math is compliant with Sections two, three, four or five and seven and also complies with section six of the Constitution. Thus far, I don't believe that there are clear violations of the Constitution that have been shown. If you would like to go back to the democratic map that was proposed in September, certainly I would entertain proposing that map for this commission to again consider if you have your own proposal to put forward. I would love to see that, as I'm sure other members of this commission would, but I appreciate your input.

Senate President Matt Huffman [01:17:50] All right. Well, thank thank you very much. And so again, my concern is the slicing and dicing as the term is often been used of cities and counties.

Co-chair Sen. Vernon Sykes [01:18:01] Mr. Huffman I think your ten minutes is just about up.

Senate President Matt Huffman [01:18:04] OK. I have. I have another set of questions I think are very important, Mr. Chairman. And I'll try to go through. And if I don't think it's necessary to have repeated that, the leader thinks the issue is is the map is constitutional. We understand that position. So I'm going to talk about something else that is not part of the Ohio Constitution, but it also is a legal requirement for this commission to understand, OK. In 1996, the United States Supreme Court decided a case called Bush vs. Vera, and I hope everyone would agree that the rule the law set out by the United States Supreme Court is binding upon this body, and that case arose out of a challenge to districts that had been drawn by the state of Texas. And in short, the case says that when drawing legislative districts, the Fourteenth Amendment to the U.S. Constitution prohibits a state from using race as a proxy for the political fortunes of one party over another. Doing so is what has become known as racial gerrymandering. OK, so the first thing first of these and we're going to have all three of them displayed at the same time. Now these are the districts we've been able to look at and analyze in the brief time that we've had this new map. And the first one is Senate District 25. So in Senate District 25, you will see that. They're doing their best. They did not train under Vanna White, but. They were hired for their brains, not their map making or map presenting ability, but they're doing a great job under difficult circumstances. But let's take a look at Senate District 25, and you will see that Lake County, which is a about a 56 percent Republican county, reaches into Cuyahoga County and extracts portions of East Cleveland, which are heavily African-American areas. It's very clear that the east side of the city of Cleveland has those areas. Why don't we just do one at a time, guys? And that, of course, attaches into Lake County.

That district was drawn and clearly uses race to the benefit of one political party. This district right here, Senate District 25, is a textbook version of racial gerrymandering and that is prohibited by Bush v. Vera United States Supreme Court, not addressed by the Ohio Supreme Court. But this kind of district is prohibited in this district, and therefore the map itself will be struck down by, in any case, that deals with racial gerrymandering. So that's that's a particularly dramatic example. We've got a couple of other examples which put forty four up, then also Adam? I'm going to put in for more sturdy easels for all of us. Now, we just talked a little bit about Senate, the Senate district that now pulls out inner city wards in Lucas County, which are also heavily African-American, takes those down in all the way down to Crawford County. But this house district? Oh, and by the way, the Senate District 25 we just talked about is now drawn as a Democratic district, because once you add those portions of East Cleveland into twenty five, it becomes a democratic district. So we're we're doing this. Clearly, this racial gerrymandering is being done to benefit and make sure that a Democrat can get elected from that district. This House district does the same thing. Its House District 44. And it reaches in to these inner city neighborhoods in Toledo and takes them out into Ottawa County. And in order to create a district where Democrats can win. It cracks the city of Toledo and gets those historically African-American populations in and attaches them into Ottawa County, I think this district was also drawn by using race to benefit one political party. Again, a textbook example of racial gerrymandering. Let's let's look at Senate District 18, if we can. We've talked a little bit about this as a district that probably is not compact and also violates traditional map making rules by taking, splitting cities and taking them, in this case, the city of Akron. So what you see here is you have Senate District 18, Portage County, a portion of Geauga County, a rural area in the bottom portion of the city of Dayton. This cracks the city of Akron. It takes historically African-American populations, attaches them to Portage and Geauga County, and this is done to create clearly to create a Democrat leaning district. Again, textbook example of racial gerrymandering done to benefit one political party. So I'm not asking anybody any questions about that. Anybody would like to respond to that. They can go ahead and do it. But I don't think this can be dismissed as well. It doesn't mean, it doesn't violate some part of the Ohio Constitution because this is required under federal law as dictated by the United States Supreme Court. Now these examples are just some of the very dramatic that we were able to find in the short time that we've had this map. I'm certain if you go through, there are multiple other ones because the reason these things are done is to take African-American voters who are reliably Democrat voters, cracking them into different districts and pairing them with suburban Democrat voters someplace else. Now you may think, Well, that's what we need to do to make it proportional or your version of fair or whatever it is. But in the end, it's racial gerrymandering. It's illegal. And that's why this map is not appropriate. So that's the extent of my comments. Mr. Chairman, if someone else has something in response to that, I'd like to be able to respond. But at this time, I will turn it over to any of the other commissioners.

Senate President Matt Huffman [01:24:50] Are there any other questions or comments?
Secretary LaRose.

Secretary of State Frank LaRose [01:24:56] Thank. you Mr. Chair. Obviously, we've got challenging scenarios. I think it's important that we consider all the options on the table, and Leader Russo made a comment a few moments ago that really caught my attention. She offered to reintroduce the map that had been proposed originally by our Democratic colleagues in September. Did you do you believe Leader that that map that was proposed in September is a constitutional map?

House Minority Leader Allison Russo [01:25:22] Through the co-chair Secretary LaRose that's a good question. I will remind you I was not a commissioner when that was originally proposed, so I haven't dug into the details. But certainly if there are members of this commission who believe that that is a better map or at least a starting point of a map, and it requires some tweaks and you have concerns about constitutional violations that you would like for us to adjust. We can do those quickly and consider those.

Secretary of State Frank LaRose [01:25:50] Leader, do you recall in that map that the Democratic members of the commission proposed how many Republican House seats there were?

House Minority Leader Allison Russo [01:26:02] Through the co-chair, secretary LaRose, I do not recall.

Secretary of State Frank LaRose [01:26:05] The number was 58. All right, thank you.

Co-chair Sen. Vernon Sykes [01:26:11] Are they any of the questions? If not, we have a motion on the floor. Would the secretary called the role on the motion.

Co-chair Speaker Bob Cupp [01:26:25] Will you restate the motion?

Co-chair Sen. Vernon Sykes [01:26:28] Will you restate the motion please?

House Minority Leader Allison Russo [01:26:32] Mr. Co-Chair, the motion was a move that the commission adopt the Sykes Russo February 15th House and Senate maps.

Co-chair Sen. Vernon Sykes [01:26:46] Call the roll please. Karl Rove was

Clerk [01:26:48] co-chair, Speaker Cupp.

Co-chair Speaker Bob Cupp [01:26:49] No.

Clerk [01:26:49] Co-chair, Senator Sykes.

Co-chair Sen. Vernon Sykes [01:26:51] Yes.

Clerk [01:26:53] Governor DeWine.

Governor Mike DeWine [01:26:53] No.

Clerk [01:26:53] Auditor Faber.

Auditor of State Keith Faber [01:26:55] No.

Clerk [01:26:55] President Huffman.

Senate President Matt Huffman [01:26:58] no.

Clerk [01:26:59] Secretary LaRose

Secretary of State Frank LaRose [01:27:00] no.

Clerk [01:27:00] Leader Russo.

House Minority Leader Allison Russo [01:27:01] Yes.

Clerk [01:27:04] 5-2, co chair.

Co-chair Sen. Vernon Sykes [01:27:06] Five, two, the motion is not approved. At this time are there any other items could be brought before the commission?

House Minority Leader Allison Russo [01:27:18] Mr co-chair?

Co-chair Sen. Vernon Sykes [01:27:19] Yes.

[01:27:20] I'd also like to make a motion that any commissioner with an allegation that the Sykes Russo February 15th map, the allegation that it violates the Constitution, that you put that allegation forward on the record in writing.

Co-chair Sen. Vernon Sykes [01:27:37] Second the motion. Any questions on the motion?

Co-chair Speaker Bob Cupp [01:27:44] Mr. Chairman,.

Co-chair Sen. Vernon Sykes [01:27:45] Yes,.

Co-chair Sen. Vernon Sykes [01:27:47] I understand if one was to invite members to do that, but they have a motion to compel them to do that. I think that is beyond the courtesy that should be accorded to members of this commission. So I would oppose it.

Co-chair Sen. Vernon Sykes [01:28:04] Any other comments?

Senate President Matt Huffman [01:28:06] Mr. Chairman, I agree with Senator Cupp, one time Senator Cupp. Speaker Cupp, I guess I've tried to make clear what I think my objections are and there are there are different reasons that that folks may have, but it's, you know, in this context. Like it or not, the commission speaks as the commission and we determine that by the votes that we have and not individuals, we have to act collectively just as the General Assembly does. We certainly don't force members of the General Assembly to stand up and explain their yes or no vote on each occasion. So I also would oppose the motion.

Co-chair Sen. Vernon Sykes [01:28:52] Any other comments,

House Minority Leader Allison Russo [01:28:55] Mr. Co-Chair, I would respectfully disagree with that. The court has been very clear that it would like for us to put forward a plan that addresses the issues that it raised in the decision that is constitutional. We have put forth a map again that we believe is compliant with Sections two, three, four or five and seven and also complies with Section six. I think that it is entirely appropriate that if we are either not going to adopt this map or put forward any proposal in response to the court, that we should be very clear and writing why it was that this map that was put forward for consideration by the commission was not constitutional, if that is the allegation by some members of this constitution. I mean, this commission.

Co-chair Sen. Vernon Sykes [01:29:55] Any other comments? Will the secretary call the roll on the motion.

Clerk [01:30:03] Co-Chair Speaker Cupp.

Co-chair Speaker Bob Cupp [01:30:05] No.

Clerk [01:30:06] Co-chair, Senator Sykes.

Co-chair Sen. Vernon Sykes [01:30:07] Yes.

Clerk [01:30:07] Governor DeWine.

Governor Mike DeWine [01:30:10] no.

Clerk [01:30:10] Auditor Faber.

Auditor of State Keith Faber [01:30:10] no.

Clerk [01:30:11] President Huffman.

Senate President Matt Huffman [01:30:12] No.

Clerk [01:30:13] Secretary LaRose.

Secretary of State Frank LaRose [01:30:16] no.

Clerk [01:30:16] Leader Russo

House Minority Leader Allison Russo [01:30:16] Yes.

Co-chair Sen. Vernon Sykes [01:30:20] The motion is not approved. Are there any other comments to be made today?

Co-chair Speaker Bob Cupp [01:30:28] Mr Co-Chair, if unless there is somebody that wants to make a statement at this time, I would move that we adjourn for, let's say, 30, I'm sorry. Yeah, recess for 30 minutes more or less so that members can think about what we've seen and heard and has been presented here today and then reassemble no more than 30 minutes. It's got, I don't want it to stretch to three hours.

Co-chair Sen. Vernon Sykes [01:30:56] Is there any further discussion on the recess? Any objections?

Auditor of State Keith Faber [01:31:02] I didn't hear the time of 30.

Co-chair Sen. Vernon Sykes [01:31:05] 30 minutes at 3:40. We're now recessed until 3:40.

Ohio Redistricting Commission - 2-17-2022 - part 2

<http://ohiochannel.org/video/ohio-redistricting-commission-2-17-2022-part-2>

Co-chair Senator Vernon Sykes [00:00:01] Meeting back to order. Is there anyone that wanted to make comments?

Auditor of State Keith Faber [00:00:22] Mr. Chair, before I make comments, I would propose a motion to amend the rules of the commission.

Co-chair Senator Vernon Sykes [00:00:32] Is there a second?

Auditor of State Keith Faber [00:00:34] Well, I need to say what the motion is for first.

Co-chair Senator Vernon Sykes [00:00:38] All right. You may.

Auditor of State Keith Faber [00:00:40] You may want a second it when you hear what a great amendment it is, Mr. co-chair.

Co-chair Senator Vernon Sykes [00:00:47] Alright.

Auditor of State Keith Faber [00:00:47] Mr. Chairman, I'd like to propose that the Commission modify the rules to allow a meeting of the Commission to be called upon the request of any three commission members where possible, with 24 hours notice. Specifically, I would move to amend Rule five of the Ohio Redistricting Commission rules, calling for meetings it should now read, then, "after an initial meeting of the redistricting commission, any of the three members of the commission may call for a meeting of the Commission upon a request by three members of the Commission for a meeting. The co-chairs shall promptly provide notice of the meeting pursuant to Rule two within 24 hours when feasible, at a location determined by the co-chairs." Effectively, what this amendment would do is amending the calling of meetings to allow not only the co-chairs to call meetings, but meetings to be called upon the agreement of any three of the members.

Secretary of State Frank LaRose [00:01:36] Second.

Co-chair Senator Vernon Sykes [00:01:46] Auditor Faber, the motion has been seconded. More comments. One question would you be in agreement that at least a members of both parties should be part of the three?

Auditor of State Keith Faber [00:02:03] No, Mr. Chairman, I understand the rationale for that. The co-chairs can continue to call meetings and we have a bipartisan way to do that. The reality is there may be a circumstance that would that the majority would need to meet without regard to the partisanship of the issues. And our view is that you ought to be able to have three members of this commission call for a meeting. You still are required to have a quorum and you're still required to follow the other procedures.

Auditor of State Keith Faber [00:02:36] Are there any other questions or comments? Will the secretary call the roll.

Clerk [00:02:46] Co-Chair Speaker Cupp.

Co-chair Speaker Cupp [00:02:48] Yes.

Clerk [00:02:49] Co-Chair Senator Sykes.

Co-chair Senator Vernon Sykes [00:02:50] Yes,.

Clerk [00:02:52] Governor DeWine.

Governor Mike DeWine [00:02:54] yes.

Clerk [00:02:54] Auditor Faber

Auditor of State Keith Faber [00:02:54] Yes.

Clerk [00:02:55] President Huffman.

Senate President Matt Huffman [00:02:56] Yes.

Clerk [00:02:57] Secretary LaRose.

Secretary of State Frank LaRose [00:02:58] Yes.

Clerk [00:02:59] Leader Russo

House Minority Leader Allison Russo [00:03:00] No.

Co-chair Senator Vernon Sykes [00:03:05] Six one, the the rules are so amended. Are there any other comments? Auditor Faber.

Auditor of State Keith Faber [00:03:18] Thank you, Mr. Vice, our co-chair. I just want to start out by having a discussion generally of where I think we find ourselves in this process. And I think we can start out and I will. I would pass this up to the members. There are two maps, if I could get those passed out. That I think are relevant. I'll ask staff to go ahead and put the larger issues up for the for the staff. The first map that's being erected is a map that came directly out of the minority opinion in the Supreme Court, it's a graphic that I think is beneficial for us all to consider. To understand the dynamic, actually, that's the second one, if you would do the other one first. Thank you. It's important that we take a look at this, this is a map that reflects the Red and Blue Precinct level data based on the last election cycle. I think this map alone dictates the problem that you have when you try and draw proportional maps to effectively do 45 Democrat House seats into these areas. It also signifies what a lot of us have talked about the fact that Ohioans tend to live around people who think and vote like them. The second map? Is also an important reference point that we all need to think about, and this is a map that says if we take every single county that Joe Biden won in the last election and gave every single seat, every single seat in that county to the Democrats, the Democrats would have 39 seats. That would be the most egregiously gerrymandered maps. And frankly, I don't think anybody has even suggested that. However, it starts to explain the problem. I think we would all agree that there must, for example, be two Republican seats in Hamilton County. Given the communities in the way they vote, there must be at least two seats in Montgomery County for Republicans. Unless you're willing to crack voters of Dayton and dilute their voting power, which we have heard we should avoid doing, if at all possible. That means there are about 35 Democratic seats in those counties. Yes, you can find Democrat seats, other places. You can find potentially two more seats in Lorain, one each in Trumbull Stark in Mahoning County. That brings us to about 40 seats. So where else do you get the five

seats? The invalidated map found one in Geauga and Portage counties. The Democrat maps have made attempts to gain another three seats. And as referenced earlier, we have some concerns about whether that map pass constitutional muster. There's an argument, I believe, that supports that they violated, at the very least, sections 6A and 6C. I think they're arguably also violated Sections two and section three of of the other articles. I brought these objections up over and over again. When the maps were released that grouped downtown Columbus with Pickaway County. I mentioned that that was egregiously partisan. To ease my concerns, they grouped Ottawa County in with downtown Toledo. The current map had no shortage of instances of grouping unlike communities together purely for partisan advantage. A few of which left my staff and they were relayed these comments to the Democratic commission members. Yet no changes were made. In the end, this is the problem. The problem is how do you hit the proportional number and how do you hit that number without gerrymandering seats for one party or the other in violation of the other sections of the Constitution? To me, this is where the impasse that we currently sit in lies. Where is the number? How do you do that without cracking and packing in an area that clearly leads us to a potential violation? As I said before, we have tried to meet with the various members of this commission, Republican and Democrat on a number of occasions. Early on in the process I thought we were making very good - this is back in September, very good progress towards a compromise. At that point, as I said in my deposition, it appeared both sides wanted litigation instead of a solution. We heard today that maybe the Democrats would consider a version of the original Sykes and Sykes proposal. If that's the case, then I'm all for it. The reality is that would be a 58 20 map, a map that was rejected based on the number seeking the ratio, as has previously been discussed. As we go through this process and have gone through this process. I simply am concern that we are sitting here arguing whether or not the Democrats should be allocated three more seats based on the one that the majority of the Supreme Court ruled unconstitutional out of 99. That amounts to two point three percent or thereabouts of the total seats. Put another way. Let me correct my math. Three out of 99 is essentially two point three percent, five out of one hundred and thirty two is three point seven percent. Put another way. We're a few percentage points away from perfect proportionality. The Constitution instructs this commission to closely correspond with that proportionality, and I would argue that the ratio that we're hitting is closely corresponding. We've heard from experts saying that Ohio's political geography gives Republicans a three to five percent advantage in seats based on the maps that you're seeing here. The reality is when you follow the provisions of the Constitution that prohibit unnecessary splitting of counties, cities and townships, you are left with a situation where republicans have a slight advantage over those those type of circumstances. I would argue that we are probably even beating that three to five percent number that has been testified before in this lawsuit and also, also before this committee. To do otherwise, to ignore this, essentially means we're tempted to gerrymander the state. That doesn't amount to a majority, but will amount to the silencing of many voters who get placed in districts that are fundamentally stacked against them for no other reason than a partisan gain to draw a Democrat seat. I think that's wrong. I think one of the things we had in mind when we drafted this constitutional amendment. Yes, an amendment that I sat in the room and helped draft. It appears that other others read the constitutional amendment differently than we anticipated. But that's their right. However, some people are arguing that Democrats deserve X number of seats and Republicans deserve Y number of seats? Simply put, I don't think either party deserves a damn thing. The way to salute, solve that problem is to draw competitive seats. I think voters in Ohio deserve to be represented by people that share their views. Let them decide who they are, who those views are by electing people in competitive seats where you can. I think we've seen maps in a few occasions that would do almost that, but none of the maps, none of the maps that we've seen that does any of that hits this magic. Fifty four

to 48 ratio or an 18 to 15 proportion. If we are able to recognize this and move forward with an understanding that we need to draw maps that as closely as we can correspond to these things. I think there's room. However, as of now, I don't think there's a recognition of this. I don't think that there has been a recognition of the reality of where Ohioans live. And then Ohioans tend to live around people who think and vote like them and therefore should be entitled to representation that represents them in that capacity. I don't see what good the offers have been. And unless people are willing to come to the table to continue this process, I think we're going to have a tough time reaching an outcome. With that, Mr. Chairman, I would encourage us to continue to be vigilant and certainly as we move into the congressional map process that we continue to be mindful of each other's positions. But let's work on solutions, not just political positions. Thank you.

Co-chair Senator Vernon Sykes [00:11:49] Auditor, thank you for your statement. Others have statements they'd like to make? Mr. President.

Senate President Matt Huffman [00:11:56] Thank you, Senator. Ladies and gentlemen, just about midnight, September 15th, 2021, a majority of this commission adopted a new four year district plan for the Ohio House and the Ohio Senate that complied with all the requirements of sections two, three, four, five and seven of Article 11 of the Ohio Constitution. None of the petitioners who filed the lawsuits challenging the first General Assembly district plan alleged the plan contained any violations of Sections two, three, four or five or seven of Article 11. The petitioners lawsuits challenging the first General Assembly district plan focused on their allegations that the plan violated Section 6A and 6B of Article 11. On January 12th, 2022, approximately four months after the passage of the map, four member majority of the Ohio Supreme Court ruled the petitioners could bring their Section 6 claims without having to first allege and prove that the plan contained any violations of Sections two, three, four or five or seven. In the same opinion, the majority ruled that the first General District Assembly District plan violated both Section six A and B and ordered the commission to adopt a new general district a plan within ten days by January 22nd. The majority's opinion also directed the members of the commission to work towards adopting a new plan in a more collaborative, bipartisan fashion. Thereafter, the commission began in good faith to take steps to comply with the majority's ruling. The Republican House and Senate map drawers immediately began meeting with their Democratic counterparts. The map draws collectively followed Senator Sykes' suggestion that one way to comply with the majority's opinion was to focus on particular regions of the state, rather than trying to draft a completely new statewide plan from a blank slate. Regional map drafts were exchanged between the Republican and Democratic map drawers. The commission notes that it's difficult, if not impossible, to draw a hundred and thirty two General Assembly districts in 10 days without any form of a base map to work from and from the receipt of census data on August 12th, 2021 to the date of its adoption, the first General Assembly District plan took over a month to develop and adopt. Remember from August 12 to approximately September 15. On January 22nd, 2022, 10 days after Jan. 12, a majority of the commission adopted another four year district plan for the General Assembly. We'll call that the second General Assembly district plan. The General Assembly District Plan had 57 Republican leaning seats in the House, a reduction of five from the 1st General District Plan and eight from its current membership, or a total of 11 percent reduction, and 20 Republican leaning seats in the Senate, a reduction of three from the first General Assembly plan and five from its current membership, or a 20% reduction. As the commission majority stated in its January 22 Section 8 C 2 statement that was adopted by the Commission. This corresponds closely to the fifty four percent Republican and 40 percent Democratic. Strict proportionality of past statewide election results in Ohio. And as the commission majority explained in that statement, neither the

Ohio Constitution nor the decision of the Supreme Court requires adoption of a plan meaning strict proportionality, only that it closely correspond with it. So on February 7th, 2022, the same four member majority of the Supreme Court invalidated the second General Assembly district plan, holding that the new plan also violated Section 6A and 6B, B being the proportionality section, which, as we noted, was within just three seats in the House and two seats in the Senate of the strict proportionality rule. The majority appended did not provide guidance as to the precise meaning of correspond closely. Whether 57 corresponded closely to 54 or 20 corresponded close to the 18. Instead, the upon opinion criticized a new concept partisan asymmetry in the second General Assembly district plan based on districts that were fifty to fifty one percent leaning democratic. Even though that concept of term is not found in Article 11 of the Ohio Constitution or as far as I know, any other state law. The opinion did not identify how many such districts are legally permissible in a General Assembly district plan, or what percentage of Democratic leaning districts would satisfy the standards under Section six of Article 11 of the Ohio Constitution. The majority ordered that the commission reconvene and adopt an entirely new General Assembly district plan by February 17th, today, and that such plan be filed with the court by nine o'clock on February 18th, 2022. Want to note that the the system that is set up in the Constitution is based on at least 60 days for the drawing of a General Assembly map? This was part of the plan when this was adopted in 2015 by federal law. The census data is supposed to be available by April 1st. Now we understand there is a problem with that this year, but it takes approximately 90 days to put that into the census block data and we would have it by, typically in any typical year, by July 1st, and that's what happened in 2011. The commission has 60 days to draw bipartisan bipartisan plan under the Constitution and if unable to 15 days to draw a plan that is not bipartisan by Sept. 15. It's what happened this year under a lot of work and long hours by map drawers. We, as as I mentioned, got the date of August 12th this year, and we're still able to draw a plan by September 15th, so it's constitutionally anticipated that it should take 60 days from scratch to draw a map. In this case, the Supreme Court gave the commission 10 days to start with a completely new map and a significant mathematical problem with the concept of partisan asymmetry. No General Assembly district plan has been presented to the commission to date that achieves a strictly proportional 54-46 result without committing significant other violations of the Ohio Constitution. While the Ohio Supreme Court has correctly refrained from ordering the commission to draw a particular district, a particular General Assembly district plan pursuant to Section 9D of the count -- of Article 11. The court has declined to define correspond closely and the majority opinion regarding the second General Assembly District Plan does not address it in its order regarding the first General Assembly district plan. However, the court did identify the plans submitted by Dr. Roddan as constitutional, even though that plan contained 57 Republican leaning House districts and multiple fifty to fifty one percent Democratic leaning districts. In its order regarding the second General Assembly district plan, the court suggested that it may be possible to draw a plan that more closely corresponds to the statewide preferences, but they're not defined how close would be constitutional? Under these circumstances, I don't believe the commission is able to ascertain a General Assembly district plan in conformity with the provisions of the Ohio Constitution and Ohio State law, nor with the Federal Constitution or federal state law. And as I mentioned today, we have to be cognisant of significant federal constitutional decisions and the federal constitution, especially as it relates to racial gerrymandering, which clearly, in my opinion, the redistricting plan submitted tonight by the Democrats does that. And I would suggest to inquiring members of the media, many of whom are here tonight, that they inquire of some candidates, African-American Democratic candidates who may be interested in running. They'll probably want to speak off the record or on background lest they be punished by some of their Democratic members of their party. Ask them what they think of the democratic map that was presented here today.

They may be willing to speak to you. They may be not willing to speak. They have spoken to me confidentially, however. So that's my statement. I appreciate the indulgence of the commission and allowing me to make that. Thank you, Mr. Chairman.

Co-chair Senator Vernon Sykes [00:20:54] Thank you, Mr. President. Are there any other comments to be made?

Governor Mike DeWine [00:21:02] Thank you, Mr. Chairman. Let me try to summarize where I think we are and also what I think our obligation is, and some of this is very elementary, but sometimes it's helpful to state the obvious. We have an obligation to follow the Ohio Constitution. We have an obligation to follow the court order. Whether we like it or not, whether we agree with it or not. And three, we have an obligation to produce a map. Now, I believe that the evidence we've seen shows that it's not possible to simultaneously follow all the provisions of the court order and the Constitution at the same time. An example. The court indicated said that in drawing a map, we should start from scratch, or that in so many words. When we talk to the people who are actually doing the map, they tell us that it's really not possible to do it that way within a 10 day period of time. That is just an example. But I don't think we have the luxury of saying we're just quitting and we're stopping. I think we have an obligation to attempt to follow as much of these orders as we can and to send a map to the court. There are things I think that can be improved. My colleague pointed out the term that the symmetry is really not in the Constitution, but this is what the court has said. Again that is an area that we might and I think we could actually improve and get closer to what the court's decision is. So I believe we have an obligation to send a new map to the court. Do the best that we can. As has been pointed out by several of my colleagues, the truth is, we have not seen a map that's been produced that after it's been analyzed, follows the Constitution. Some of that may have been purported to do that. But when you dug into them and looked at them carefully, it was clear they were not. I think it's also clear based upon the Senate president said, state auditor said in looking at the Democrat map, that that map clearly is not constitutional. We have passed a map and the Supreme Court has said, what they said it was not adequate. We passed the second map and the Supreme Court said the same thing again, but added different language. If we leave here without getting a map. We are giving the court absolutely nothing to react to. No one said this is easy. But I believe that we can. If giving the map makers specific instructions, we can come up with a map that fits better with the Constitution as well as the court order. I think that's our obligation. We have an obligation to follow the constitution, we have an obligation to follow the court order and and we have an obligation to produce a map. Thank you, Mr. Chair.

Co-chair Senator Vernon Sykes [00:25:36] Thank you, governor. Secretary LaRose.

Secretary of State Frank LaRose [00:25:45] Thank you, Mr. Co-Chair. And then unfortunately, as a practical matter, it would appear at least at this point, that this body is at an impasse. The map makers, the majority map makers. And let's be clear, the majority map makers work for the speaker and for the president. The majority map makers are telling us that they don't believe that we can constitutionally do what the court majority has asked us to do. This is one of those classic cases of what we want versus what we can accomplish. Those who are looking to cast blame and score political points will perhaps represent that the situation we're in is simply because of a lack of will. I don't believe that that's the case. On the other side of this conversation, though, are requirements that we have to comply with. We simply can't ignore one part of the Constitution to comply with another. Experts with the experience and technology to determine what a constitutional map looks like, tell us that they can't satisfy the demands that the court has placed on us.

And again, it's a question of what we want to accomplish versus what we we can accomplish. I, of course, wear two hats in this capacity, and right now I'm putting on my hat as Ohio's chief elections officer and thinking about the varied challenges that we face as it pertains to conducting an election. Our county boards of elections are less than one month away from being required by federal law to to mail primary election ballots to the brave men and women serving in our military, my brothers and sisters who are serving overseas. Just a couple weeks after that, voters will begin showing up at their early voting locations, expecting to be able to cast a ballot. This very morning, I spoke to all 88 of our county boards of Elections, and I told them that we're going to do everything we can to convey the urgency of this situation. So that's what I'm doing right now. That's what I've done repeatedly in this room and in other venues, expressed the urgency of this situation. The challenge that the boards of elections are facing cannot be understated. Their constituents, the voters of Ohio, they expect, and they deserve secure, accessible and accurate elections. That's what we accomplished in the face of unprecedented challenges in 2020. That's what Ohio elections officials repeatedly rise to the challenge and accomplish. But now we, as Ohio's bipartisan elections officials, are headed towards a brand new challenge. This challenge is not one that can be met with creativity and grit and tenacity, like the 2020 presidential election challenges were. Instead, this one is simply dictated by logistical deadlines, hard logistical deadlines, and we are on the verge of starting to miss those deadlines. We can't just flip a switch and hold a primary. You all know that, but I think that for a long time, elections officials have made this work look easy. And so some have maybe come to the conclusion that just one morning you turn on the lights in the gymnasium and they start voting. But of course, we all know that there's a lot, a lot of work work that's required by both state and federal law that has to be done before that can happen. Absentee ballots can't be printed until we know where the candidates are running. Voting machines can't be programed and tested for security until districts are finalized. In fact, these things can't even be done for several weeks until after maps are passed. My job here is to vote for what I believe satisfies the Constitution and just as importantly, to make sure that this commission knows what is at stake. So let me be impeccably clear about something. With just four weeks until ballots are required to be sent to our men and women in uniform and their families overseas, and with much to be done in preparation. We are dangerously close to possibly violating federal law. We need finality. We need to decide quickly between approving a map that the court can find acceptable or the Legislature wrestling with the tough challenges of deciding to change the date of the primary. There's just, there's no in-between. Thank you so much, Mr. Co-Chair.

Co-chair Senator Vernon Sykes [00:29:48] Leader.

House Minority Leader Allison Russo [00:29:52] Thank you, Mr. Chair. First, let me be very clear that, you know, I will disagree with some of the majority commission members who have spoken so far. This is a matter of what we can accomplish and what we are choosing not to get done. Meeting proportionality as required by the Constitution is not gerrymandering. It is possible for us to draw constitutional maps and for us to work together as the court has directed us to do. Democratic members of this commission provided maps to other members of this commission many days ago. In fact, they were posted publicly and provided to the court weeks ago. There has been plenty of time to provide feedback and if there is disagreement. About the constitutional issues to make those changes and adjustments, and in fact, we have shown very much a willingness to do that. But in the last 10 days, there has been no willingness from the majority members to have those conversations. In fact, our proposal that was just rejected by the commission has created constitutional state legislative maps. Doing nothing, and it seems to me that that is what this commission is choosing to do today, the majority members on this

commission, doing nothing and as the governor laid out, our job is to follow the Constitution, follow the court order and produce a map. Today, the deadline that the court has given to us, this commission is doing none of those things by not putting forward a proposal of maps. This is a direct assault on our democracy and Ohio voters, and if we do not respect the legitimacy of the courts, then we are disrespecting the rule of law. Senator Sykes and I have done our duty and unfortunately we will be back here again in this room until we all fulfill our obligation to enact constitutional maps. Thank you, Mr. Chair.

Co-chair Senator Vernon Sykes [00:32:21] Thank you, leader. It's been suggested that we use racial gerrymandering in drawing districts just because we are accused of that just didn't make it so. And I want to make it clear that this is a baseless accusation, and we did not use race as a predominant factor in drawing the lines. We use the state constitution guidelines, the federal constitution and all the laws, applicable laws and relevant laws to draft these these districts. You know, I've been here in the Legislature based on you all's support for 30 years and I've noticed, observed, recognized something is that the majority has the responsibility and the authority to rule, to decide, you know, they got the numbers. But in spite of the fact that you have super majorities in the House and in the Senate. All the statewide. The congressional delegation. This commission and the Ohio Supreme Court. You've been unable and unwilling to comply with our highest directive, and that is to comply with the Constitution. And I'm grateful that we have, you know, another branch of government, the Supreme Court, and we are dependent upon them to hold us accountable to the Constitution. Meeting the court's order is not impossible. The court itself has found evidence that it can be done. It is not enough for the commission to simply say that is impossible. Our map, as well as other maps submitted to the redistricting commission, show that there's not only one pathway to comply, but there's several pathways that can be used to comply with the constitutional provisions. Neither Ohio's political geography, the line drawing requirements of Article 11, nor any other constitutional directive prevent us from drawing maps that closely correspond to the statewide preferences of the voters. The only thing that's preventing us from meeting the court's order is an apparent lack of will. It is not gerrymandering to draw maps that meet proportionality. It's just the opposite, proportionality is the criteria and the guide to prevent us from gerrymandering. The court has directed us. If there is a pathway for proportionality, then we must adopt this, and we've demonstrated in this meeting today in a presentation of our map that you can meet that proportionality requirement. And this commission should be adopting a plan. The majority really is failing, and they're derelict in their duty and responsibility to the citizens of the state, and we're hopeful that that will soon change. Are there any other comments?

Co-chair Speaker Cupp [00:36:32] As a cochairman, I would just ask for purposes of this meeting whether anyone else has a map to present today. Appears not and would appear presently that this redistricting commission is in an impasse.

Co-chair Senator Vernon Sykes [00:36:52] Are there any of the comments to be made? Are there any further business to be brought before the commission? If not, the commission?

Co-chair Speaker Cupp [00:37:03] I do have one thing I'd ask the member is because this commission will have to take up congressional redistricting for the first time. We haven't done that before. And so the cochairman Sykes and I will be contacting each of you and your schedulers to see when we can meet, hopefully in the first part of next week because as the secretary of state has said, time is slipping away in order to conduct an election on the set date.

Co-chair Senator Vernon Sykes [00:37:30] The meeting is adjourned.



**OHIO REDISTRICTING COMMISSION
MINUTES – THURSDAY, FEBRUARY 17, 2022 @ 1:30 PM
OHIO STATEHOUSE, ROOM 313
ONE CAPITOL SQUARE, COLUMBUS, OHIO**

Members Present:

- Governor Mike DeWine, member of the Ohio Redistricting Commission pursuant to Article XI, Section 1 of the Ohio Constitution
- Auditor of State Keith Faber, member of the Ohio Redistricting Commission pursuant to Article XI, Section 1 of the Ohio Constitution
- Secretary of State Frank LaRose, member of the Ohio Redistricting Commission pursuant to Article XI, Section 1 of the Ohio Constitution
- Speaker of the House of Representatives Robert R. Cupp, appointed to the Ohio Redistricting Commission by the Speaker of the House of Representatives pursuant to Article XI, Section 1 of the Ohio Constitution
- Minority Leader Allison Russo, appointed to the Ohio Redistricting Commission by the Acting Minority Leader of the House of Representatives pursuant to Article XI, Section 1 of the Ohio Constitution
- Senate President Matt Huffman, appointed to the Ohio Redistricting Commission by the President of the Senate pursuant to Article XI, Section 1 of the Ohio Constitution
- Senator Vernon Sykes, appointed to the Ohio Redistricting Commission by the Minority Leader of the Senate pursuant to Article XI, Section 1 of the Ohio Constitution

Members Absent:

- None

A. Call to Order

Co-Chair Sykes called the meeting to order.

B. Roll Call

With seven members in attendance, Co-Chair Sykes declared a quorum present.

C. Minutes

Co-Chair Sykes asked if there were any objections to the minutes of the January 20 (through January 22), 2022 meeting. Without objection, the minutes were approved.

D. Motion to Adopt Sykes-Russo House Proposal

Leader Russo made a motion to adopt the General Assembly plan entitled “Sykes Russo February 15th House and Senate Maps.” Discussion followed in response to questions from Commission members. By a vote of 2-5 (Cupp, DeWine, Faber, Huffman, LaRose), the motion failed.

E. Motion to Require Submission of Written Allegations

Leader Russo made to motion to require that that any commissioner alleging that the “Sykes Russo February 15th map” violates the Constitution be required to put said allegation on the record in writing. Co-Chair Sykes seconded the motion. Co-Chair Cupp objected to the motion. By a vote of 2-5 (Cupp, DeWine, Faber, Huffman, LaRose), the motion failed.

F. Commission in Recess

Co-Chair Cupp made a motion to recess. Hearing no objections, the Commission stood in recess.

G. Call to Order

Co-Chair Sykes called the Commission to order.

H. Motion to Amend Rules

Auditor Faber made a motion to amend Rule 5 of the Ohio Redistricting Commission Rules to add the following language:

“After an initial meeting of the Redistricting Commission, any of the three members of the commission may call for a meeting of the Commission. Upon a request by three members of the Commission for a meeting, the Co-Chairs shall promptly provide notice of the meeting pursuant to Rule 2, within twenty-four hours when feasible, at a location determined by the Co-Chairs.”

Secretary LaRose seconded the motion. Discussion followed in response to questions from Commission members. By a vote of 6-1 (Russo), the motion passed.

I. Public Statements

The following Commission members offered public statements (see referenced time in transcript of proceedings)

- Auditor Faber (03:18)
- President Huffman (11:56)
- Governor DeWine (21:02)
- Secretary LaRose (25:45)
- Leader Russo (29:52)
- Co-Chair Sykes (32:21)
- Co-Chair Cupp (36:32)

J. Notes on Next Meeting

Co-Chair Cupp stated that the Co-Chairs would be contacting Commission Member staff to ascertain whether the Commission could meet in the first part of the following week.

K. Adjourn

With no further business to come before the Commission, Co-Chair Sykes adjourned the meeting.



OHIO REDISTRICTING COMMISSION

ANNOUNCEMENT OF COMMISSION MEETING

TO: Members of the Ohio Redistricting Commission

FROM: Speaker Robert Cupp, Co-Chair
Senator Vernon Sykes, Co-Chair

DATE: Tuesday, February 22, 2022

TIME: 12:00 P.M.

LOCATION: Ohio House Finance Hearing Room (Room 313)
Ohio Statehouse
1 Capitol Square
Columbus, Ohio 43215-4275

AGENDA

The Ohio Redistricting Commission will convene at 12:00 P.M. in the House Finance Room 313 regarding Congressional redistricting.

Senate Contact: Mallory Golski, (614) 466-5899
House Contact: Aaron Mulvey, (614) 466-8759

Redistricting 2.22.2022 MASTER CC-480-20220222-125443.mp4

Co-Chair Speaker Bob Cupp [00:00:01] Staff to please call the roll.

Staff [00:00:05] Speaker Co-Chair Cupp.

Co-Chair Speaker Bob Cupp [00:00:07] Present.

Staff [00:00:08] Senator Co-Chair Sykes.

Co-Chair Sen. Vernon Sykes [00:00:09] Present.

Staff [00:00:10] Governor DeWine.

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

Staff [00:00:12] Auditor Faber.

Auditor Keith Faber [00:00:12] Here.

Staff [00:00:13] President Huffman.

Senate President Matt Huffman [00:00:14] Here.

Staff [00:00:15] Secretary LaRose.

Sec. of State Frank LaRose [00:00:16] Here.

Staff [00:00:17] And Leader Russo.

House Minority Leader Allison Russo [00:00:17] Here.

Staff [00:00:19] Mr. Co-Chair, a quorum is present.

Co-Chair Speaker Bob Cupp [00:00:21] We do have a quorum, so we will meet as a full commission. In your folders are the minutes from the previous meeting of the Commission on February 17th, 2022. Is there a motion to accept the minutes?

Co-Chair Sen. Vernon Sykes [00:00:42] So moved.

Co-Chair Speaker Bob Cupp [00:00:43] It's been moved, and is there a second. The house - moved and seconded. Are there any corrections, additions, deletions or objections to the motion, to the motion to approve the minutes? Hearing none, the minutes are accepted without objection. At this time, this is the, the first meeting of the commission that is undertaking the task of drawing congressional district maps. This is the first time this constitutional provision has been utilized. The General Assembly has passed a congressional district map. The Supreme Court has reviewed the same and found it to be wanting in some constitutional elements. The General Assembly did not have time remaining in order to adopt a congressional district map that could be in effect for the primary election because it would take 90 days for such a bill to go into effect, which would be past the primary date. The Redistricting Commission's map, once approved, can go into effect immediately, so that provided the opportunity to try to maintain our May 3rd primary

date. So this is now, as I had mentioned the first time that this provision of the Ohio Constitution has been utilized since it is a new provision. And this is the first time that the redistricting commission has met to consider adopting or drafting and adopting congressional district maps. So I think the Co-Chair and I want to state on the record that we have asked our staffs to begin working together to take a look at drafting a constitutionally compliant congressional district map. There are a number of maps that are available that elements could be pulled for if appropriate. And so we're asking that the process be set in motion. Are there other members that wish to make any comments at this time? All right, the next item then would be scheduling public hearings. The Co-Chairs will be working together to schedule public hearings on congressional districts. We would anticipate doing that in a fairly prompt and expeditious manner and notice from that will be forthcoming. [indecipherable] Yeah, I think that's good. [indecipherable.]

Co-Chair Sen. Vernon Sykes [00:04:04] Mr. Co-Chair, I just want to make a note to, in scheduling of the public hearings, we will be inviting individuals and organizations to submit plans that they've already submitted. So it will be a somewhat limited list of those persons who have submitted full plans to the, to the Commission, to help us address or receive some additional suggestions and recommendations how we can comply with the Constitution. And also since we have a court order, how we can comply with the court order as well. So it will be a limited public hearing to those who have submitted maps.

Co-Chair Speaker Bob Cupp [00:04:52] That is correct. Is there any further business to come before the Commission?

Governor Mike DeWine [00:05:02] Mr. Chairman?

Co-Chair Speaker Bob Cupp [00:05:05] Governor DeWine.

Governor Mike DeWine [00:05:08] Mr. Chairman, thank you, I want to return, if we could, to the issue of legislative district lines and want to repeat what I said at our last session. And that is that we have an obligation to follow the Constitution. We have an obligation to follow the court orders, the two court orders. And finally, we have an obligation to produce a map. This is, I think, a question of following the law, the rule of law, respect for law and I again would want to state that that's where we should head. It's my understanding that we have some progress being made on that, but I think it's, I just want to state again publicly, this is what we we have an obligation to do. We have an obligation to produce a map and we need to do that forthwith.

Co-Chair Speaker Bob Cupp [00:06:09] Senator Huffman.

Senate President Matt Huffman [00:06:10] I echo the Governor's comments.

Co-Chair Speaker Bob Cupp [00:06:16] Any - Auditor favor?

Auditor Keith Faber [00:06:18] As do I. I would go further and make a motion that this body reconvene either tomorrow, I believe four o'clock would be a time that we would be available, or Thursday morning, 9:00 a.m. or thereabouts. And I guess my motion would give the Co-Chairs some discretion to check with everybody's calendars and see what we can do, for the purposes of either discussing a map that I believe may be being discussed and/or prepared, or at the alternative, the Roden 3 [?] map.

Sec. of State Frank LaRose [00:06:49] I would second the Auditor's motion.

Co-Chair Speaker Bob Cupp [00:06:52] All right. Is that limited to a General Assembly map, or are we talking about also a public hearing on the congressional?

Auditor Keith Faber [00:07:00] I'm talking about General Assembly maps.

Co-Chair Sen. Vernon Sykes [00:07:11] Can we stand at ease?

At Ease [00:07:13] [The Commission is at ease]

Co-Chair Speaker Bob Cupp [00:07:18] Auditor Faber, if we might take your motion as a request and we will attempt to schedule a meeting of the commission tomorrow afternoon for a dual purpose to begin hearing on the congressional map, the two hearings that are required, as well as to report on any progress that may be made on a General Assembly district map.

Auditor Keith Faber [00:07:43] Can we also- Mr Speaker, and to the other vice chair, I would propose that, because I know that there is some discussions going on on a legislative maps, I would propose that we also schedule a meeting for Thursday. And again, I leave you guys to coordinate calendars because I know all of us have a very busy, busy schedule. Some things can be moved, some things can't. But I would, I just think it's important that we move forward on discussing either A or B or C or D, but I would propose that we schedule those meetings to do that.

House Minority Leader Allison Russo [00:08:24] Mr. Chair.

Co-Chair Speaker Bob Cupp [00:08:27] Leader Russo.

House Minority Leader Allison Russo [00:08:28] Thank you. I would also, there's been mention of discussions, ongoing discussions about potential proposed maps for the state legislative districts. I would note that the minority members of the commission have not so far been involved in if there have been any recent discussions. So I would ask that commissioners make their staff available for us to have those discussions that have not yet taken place, if there are indeed additional legislative maps that the commission would like to put forward either tomorrow or Thursday in regard to the state legislative maps.

Co-Chair Speaker Bob Cupp [00:09:09] All right, any further business? If not, the commission will stand adjourned, and we will meet again on Wednesday and Thursday.



OHIO REDISTRICTING COMMISSION
MINUTES – TUESDAY, FEBRUARY 22, 2022 @ 12:00 PM
OHIO STATEHOUSE, ROOM 313
ONE CAPITOL SQUARE, COLUMBUS, OHIO

Members Present:

- Governor Mike DeWine, member of the Ohio Redistricting Commission pursuant to Article XI, Section 1 of the Ohio Constitution
- Auditor of State Keith Faber, member of the Ohio Redistricting Commission pursuant to Article XI, Section 1 of the Ohio Constitution
- Secretary of State Frank LaRose, member of the Ohio Redistricting Commission pursuant to Article XI, Section 1 of the Ohio Constitution
- Speaker of the House of Representatives Robert R. Cupp, appointed to the Ohio Redistricting Commission by the Speaker of the House of Representatives pursuant to Article XI, Section 1 of the Ohio Constitution
- Minority Leader Allison Russo, appointed to the Ohio Redistricting Commission by the Acting Minority Leader of the House of Representatives pursuant to Article XI, Section 1 of the Ohio Constitution
- Senate President Matt Huffman, appointed to the Ohio Redistricting Commission by the President of the Senate pursuant to Article XI, Section 1 of the Ohio Constitution
- Senator Vernon Sykes, appointed to the Ohio Redistricting Commission by the Minority Leader of the Senate pursuant to Article XI, Section 1 of the Ohio Constitution

Members Absent:

- None

A. Call to Order

Co-Chair Cupp called the meeting to order.

B. Roll Call

With seven members in attendance, Co-Chair Cupp declared a quorum present.

C. Minutes

Co-Chair Sykes moved to accept the minutes of the February 17, 2022 meeting. Without objection, the minutes were approved.

D. Member Statements

Various members of the Commission made statements.

E. Motion to Schedule Hearing(s)

Auditor Faber made a motion to reconvene on Wednesday, February 23, 2022 or Thursday, February 24, 2022 at a time to be determined by the Co-Chairs. The motion was seconded by Secretary LaRose. After standing at ease for a discussion with Co-Chair Sykes, Co-Chair Cupp stated that they would take Auditor Faber's motion as a request and that the Commission would attempt to schedule two hearings of the Commission.

F. Adjourn

With no further business to come before the Commission, Co-Chair Cupp adjourned the meeting.



OHIO REDISTRICTING COMMISSION

ANNOUNCEMENT OF COMMISSION MEETING

TO: Members of the Ohio Redistricting Commission

FROM: Speaker Robert Cupp, Co-Chair
Senator Vernon Sykes, Co-Chair

DATE: Wednesday, February 23, 2022

TIME: 4:00 P.M. – 6:00 P.M.

LOCATION: Ohio House Finance Hearing Room (Room 313)
Ohio Statehouse
1 Capitol Square
Columbus, Ohio 43215-4275

AGENDA

The Ohio Redistricting Commission will convene for the purposes of hearing testimony from sponsors of complete, statewide Congressional plans, subject to time limitations as set by the Co-Chairs within the allotted two hours.

Witnesses should complete the attached witness form and either:

- (1) Submit it electronically with a copy of their testimony to info@redistricting.ohio.gov up to one hour before the commission meeting begins, or;
- (2) Bring the completed witness form and a copy of their testimony to the commission meeting.

Note: Witnesses are strongly encouraged, but not required to submit written testimony. Witnesses may bring 10 copies of their testimony to give to staff at the beginning of the meeting if they wish commissioners to have a copy of their testimony.

Witnesses should also indicate:

- (1) Which plan they sponsored and submitted;
- (2) That their plan is a complete, statewide Congressional plan.

Senate Contact: Mallory Golski, (614) 466-5899
House Contact: Aaron Mulvey, (614) 466-8759

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Co-Chair Sen. Vernon Sykes [00:00:00] Will the staff please call the roll.

Staff [00:00:03] Speaker Cupp.

Co-Chair Speaker Bob Cupp [00:00:04] Present.

Staff [00:00:05] Co-Chair Senator Sykes.

Co-Chair Sen. Vernon Sykes [00:00:07] Present.

Staff [00:00:07] Governor DeWine.

Governor Mike DeWine [00:00:08] Here.

Staff [00:00:09] Auditor Faber.

Auditor Keith Faber [00:00:09] Here.

Staff [00:00:10] President Huffman.

Senate President Matt Huffman [00:00:11] Here.

Staff [00:00:12] Secretary LaRose.

Sec. of State Frank LaRose [00:00:12] Here.

Staff [00:00:13] Leader Russo.

House Minority Leader Allison Russo [00:00:14] Here.

Co-Chair Sen. Vernon Sykes [00:00:16] A quorum is present. We will meet as a full committee. In your folders, you have a copy of the minutes of the February 22nd meeting. Is there a motion to accept the minutes?

Co-Chair Speaker Bob Cupp [00:00:29] I'll move the minutes be accepted.

Co-Chair Sen. Vernon Sykes [00:00:31] Is there a second?

Senate President Matt Huffman [00:00:34] Second.

Co-Chair Sen. Vernon Sykes [00:00:35] Minutes have been moved and seconded. Are there any additions or exceptions to the minutes. Any objections to the minutes? If not, we'll accept the minutes as presented. One item that we have is to pay some bills for the commission. We do have a budget and it's \$11,125.79 to the Dispatch Media Group and \$5,087.55 to the Inquirer Media Group. This is for the November public notice of the adopted General Assembly plan, that the commission should pay based on rule number 11. Is their motion to approve these expenditures?

Co-Chair Speaker Bob Cupp [00:01:36] Mr. Chairman, I'll move to approve the expenditures.

Co-Chair Sen. Vernon Sykes [00:01:40] Is there a second?

House Minority Leader Allison Russo [00:01:42] Second.

Co-Chair Sen. Vernon Sykes [00:01:45] Any discussion? Will staff please call the roll.

Staff [00:01:56] Speaker Cupp.

Co-Chair Speaker Bob Cupp [00:01:57] Yes.

Staff [00:01:57] Seqnator Sykes.

Co-Chair Sen. Vernon Sykes [00:01:59] Yes.

Staff [00:01:59] Governor DeWine.

Governor Mike DeWine [00:02:00] Yes.

Staff [00:02:02] Auditor Faber.

Auditor Keith Faber [00:02:02] Yes.

Staff [00:02:03] President Huffman.

Senate President Matt Huffman [00:02:04] Yes.

Staff [00:02:05] Secretary LaRose.

Sec. of State Frank LaRose [00:02:05] Yes.

Staff [00:02:06] Leader Russo.

House Minority Leader Allison Russo [00:02:08] Yes.

Co-Chair Sen. Vernon Sykes [00:02:11] The motion is adopted. At this time, the commission will hear public testimony from sponsors of complete state wide congressional plans. These proceedings will be recorded and broadcast by the Ohio Channel so that the board, in its deliberations, may consider things said here today. We asked our audience today to refrain from clapping and other loud noise out of respect for the witnesses and persons watching the proceedings remotely. If you are here to testify, please complete a witness slip and give it to one of our staff. If you have written testimony, please give a copy to our staff so they can include it in the official record of the proceedings. A witness slip, a witness may testify before the commission for up to 10 minutes, subject to the limitations that may be placed by the co-chairs. Witnesses should limit their testimony to, their testimony should be complete and deal with statewide congressional plans that they have submitted. At this time, we will begin with the testimony. We have four persons that have submitted written testimony only and we have at this time three persons that will want to testify in person. The first person to testify will be Mr. Gary Gale. Mr. Gary Gale. [indecipherable] I understand he is on his way and we'll will hopefully pick him up later in the in the meeting. The next speaker is Mr Paul Miller. Mr. Miller, you come forward, please state, and spell your name clearly, for the record. You have 10 minutes.

Paul Miller [00:04:21] Paul Miller, P-A-U-L M-I-L-L-E-R.

Co-Chair Sen. Vernon Sykes [00:04:24] Thank you.

Paul Miller [00:04:27] Members of the commission, at the hearing at the end of October, I presented you a map which was completely free of any kind of gerrymandering. I explained what gerrymandering actually entails and provided a sound mathematical metric for determining the amount of gerrymandering in any given redistricting plan and assign numerical values to a variety of plans presented before you so you could judge objectively. I argue that, as I was the only person to submit a map without partisan bias, you had no other choice but to accept my proposal as it was, or to hand the baton over to the General Assembly, which you did. While the liberal activists proclaimed you would not do the right thing and that you were actually incapable of it, I stood here and predicted that you would. You did the right thing then, and I believe you will do the right thing again. Only this time, the right thing for you to do is to follow the Supreme Court's order to produce a map. And while the court has no authority to tell you how you should go about it, the intent of the constitutional amendment, which was put to referendum in which created the ORC was to make it a transparent and public process, so the court's suggestion that you adopt a plan from the public is merited, although not binding. And that brings us back to where we started. Once again, your choices are to adopt my proposal or draw your own map in an expeditious manner so that it will go into effect not more than 90 days in advance of May 3rd, which we all know is not going to happen because the minority parties demonstrated that it is obsessed with partisan gerrymandering overreach and has no desire either to compromise or to adhere to the rules set down in the Constitution. In effect, nullifying the purpose of the commission and vacating any plan which it could produce. The activists have already told you that they won't stop fighting until they get what they want, and what they want is anything but fairness. They're doing it because they believe they can legislate from the bench as part of a national nationwide strategy orchestrated under their party's national redistricting committee. As I've already expose and explain several months ago. But Ohio is a predominantly Republican state, and those of us who voted in favor of the referendum to end gerrymandering did not vote to enable the Democrats to gerrymander our legislative and congressional districts maps in their favor. We voted to prevent it. The questions you need to consider are these: 1) What are the statewide preferences, how do we evaluate them and what does it mean to closely follow them? 2) How many seats for each party can be artificially created within the bounds of fairness before it becomes an unconstitutional partisan gerrymander? And 3) which constitutional criteria should be sacrificed to meet the goal of following the statewide preferences? As for how the statewide preferences should be evaluated, my opinion is that the Constitution is too ambiguous on this point to be of any use, and voters who saw the ballot initiative were too uninformed to properly consider the ramifications. So while the court has ruled this way in the present, it would be a terrible precedent for the ORC to completely overhaul the process as being actually the least essential and most open to interpretation of all the constitutional criteria. The court will surely reverse its opinion the moment the matter comes before it again, when the balance has tipped in favor of textualist, which could easily happen before the next cycle. In other words, don't throw caution to the wind. Also, for congressional races, you should be looking at elections data which exclude presidential elections and focus on midterms where the congressional race is top of the ticket. Otherwise, you're liable to make a mistake, which will determine the outcome in a close race. The court has also made suggestions, but has no say in the process and didn't give you any specific guidelines to follow. So because it arbitrarily made the same determination with regard to the congressional redistricting process outlined in Article 19,

as it did with the General Assembly process outlined in Article 11, the court has interpreted its role in each situation interchangeably, which means it is limited under Article 11, Section 8, paragraph C-2, to ordering remediation for legal defects, which it has identified but shall include no other changes to the previous plan other than those made in order to remedy those defects. The court's majority offered an opinion about how you might go about this, but the portion which is binding is the limitation on the court's role. The media can tell us that the plan, which the General Assembly passed as Senate Bill 258, has been struck down. But this is not the case. Only the portion of the plan which the court decided doesn't follow the Constitution, is invalid. That is, changes cannot be made to SB 258 other than those which are necessary to fix the problem and to argue otherwise is to present an argument other than the one which the court ruled on. The Democrat activists, however, have taken it upon themselves to redraw the map altogether, with the court's ruling as a blanket justification. Yet the Constitution doesn't allow this. For instance, while SB 258 breaks up District 9 snake on the lake, but gives the incumbent a 50-50 chance to retain her seat in Toledo, the Democrats have gerrymandered the district to give it an unfair advantage. One could argue that this is still within the bounds of fairness based on the court's ruling. However, in order to do it this way, they've all decided that the other constitutional criteria don't apply. There are a lot of Democrats in Wood County, so it's easy to include Wood with Lucas to keep District 9 safe for the Democrats. But to do that, you have to move Bob Latta out of his District 5 into a safe Democrat district. This clearly unnecessarily unduly does favors both a political party and one of its incumbents. But that's not enough for them. They also want to force Congressman Warren Davidson and Jim Jordan, both popular Freedom Caucus members, into a primary against each other in Bob Latta's district, the seat of either of which is some 116 miles from the residents of Pioneer who've been gerrymandered into their backyard. In other words, the Democrats want to illegally, illegally create another situation which created the snake on the lake while denying half the state's residents representation. At best, they're encouraging carpetbagging, which is bound to become a problem for both of the major parties and as much of a concern for Ohio voters as gerrymandering ever was. And they've also done the same in the southeast by pitting Bill Johnson and Troy Balderson against each other. Both fair districts Ohio and the Ohio Citizens Redistricting Commission intend for you to adopt the plan, which necessarily just favors half the Republican incumbents because it's the only way for them to achieve their aim of hijacking requisite number of congressional seats, which is all they've ever truly cared about. Even the plans submitted by David Helmick, which he billed as a compromise and allows the Democrats no more than five seats, makes the same mistake of writing Congressman Latta out of his district and forcing Jordan and Davidson to either move, retire or run against each other. The answer to the question of how many seats for each party can be artificially created within the bounds of fairness before it becomes an unconstitutional partisan gerrymander? Is zero. And the answer to the question of which constitutional criteria should be sacrificed to meet this goal is none. You're either following the Constitution or you're not following the Constitution. The court's order only applies as far as the Constitution limited, which is to say, the upper bound of fairness in favoring the Democrats. When I testified in October, I gave you a map which set the lower bound at two safe Democrat seats, as that's what they're entitled to, and anything beyond that is a deviation from the rest of the state wide margin, favoring Republicans by nearly 20 points. And you can't legally break up the urban to rural concentration gradient. As Senator Huffman rightly pointed out last week, racial gerrymandering is illegal, and as Auditor Faber pointed out, the Democrats' plan use cracking and packing to even at the margins. This is inevitable for what you want. But let's assume that the Supreme Court's majority opinion invalidates the Voting Rights Act or that an excuse can be made for it. For example, I've opened up a new safe democratic district outside Cleveland's District 11 for Chantelle Brown. So the inevitable racial

gerrymandering is offset for African-Americans in the east of Cuyahoga County by virtue of the fact that they already have representation there should her party reelect her. I think this is a good solution to a difficult problem. In any case, the lower bound of fairness for safe Democrat districts is clearly two. But the upper bound, which the court has forced you to consider, is four. Four is exactly the number of seats which the Democrats should have by a strict adherence to the statewide preferences as determined by the last 10 years of elections. Anything beyond this is an intentional gerrymander, especially since Ohio is losing a seat and the GOP has to suffer it. But highly competitive districts, which neither favor nor disfavor the incumbents, are also fair. So we can add two more of those within the bounds of fairness, which gives the Democrats a chance to secure between four and six seats fairly assuming these other elections are not rigged, which is already an assumption which the majority of Republican voters in Ohio are not willing to make given the recent elections. Republicans will only, however, have one congressional seat in the state of Oregon because Democrats don't believe in fairness or even in proportionality. They won't give up. Any of their 14 out of 17 districts in Illinois, which is only 55 percent Democrat or any of their nine out of nine seats in Maryland. But don't expect the League of Women voters to challenge them because their cause is as partisan and disingenuous as it is unjust. A nine to four spread with two hyper competitive districts is a great, is as great a concession as the GOP can make without blatantly violating our state's constitution in several ways. And that's what I have given you. If the Democrats are smart, they will take it and be happy with the victory. If not, then the commission still needs to produce a map, which means it'll be up to the Republican majority to do what they think is best without caving in to the other party's intransigence. After all, it motivated Republican might challenge a map proffered by the Democrats on the grounds that it is necessarily unconstitutional. I've given you everything you need in the part of my testimony that I don't have time to read. You have an explanation of the rationale, which I've used to determine how the districts should be drawn and an itemized list of how I've drawn each district in accordance with these steps, so that you can include a statement explaining what the commission determined to be a statewide preferences of the voters of Ohio. Another, and neither party can cry foul when there is no foul, or otherwise be left in the dark. I've done everything painstakingly by the book, and I honestly don't care which party gets the upper hand. But let's not continue to give people a reason to mock Ohio by our elected officials pursuit of corrupt political practices, including partisan gerrymandering. If you decide there's a better map for your consideration than the one I've given you or that you can do better yourselves, that's fine. But it's time for you to choose so we can all move on with our lives. Thank you. That's all I ever say. Any questions?

Co-Chair Sen. Vernon Sykes [00:14:05] Thank you, Mr. Miller. Are there any questions?

Co-Chair Speaker Bob Cupp [00:14:09] I'm going to have a few questions. Good, thank you, Mr. Chairman, I just want to ask some questions in regard to the constitutional standards, which I would intend to ask to anybody that is presenting a map. The first relates to the congressional ratio of representation. And as I'm sure you're aware, Article 19, section 282 of the congressional ratio of representation is 786,630 person s. So did you apply a standard of strict mathematical equality for the population of each district? Or did you deviate from the ratio of representation for any district?

Paul Miller [00:14:54] Yes, Chairman, I used the plus or minus one population deviation as my guide in each district.

Co-Chair Speaker Bob Cupp [00:15:00] One, one person.

Paul Miller [00:15:01] One person. And that accounts for the the splits, there are four precincts they're split in 13 counties and uses minimal amount of splits as I could, but some to get the population deviation to within one or zero. I had to make some splits.

Co-Chair Speaker Bob Cupp [00:15:22] All right. Let me let me pursue that a bit. Prior to drawing district, did you determine which counties had population that exceeded the ratio of representation pursuant to Article 19 section 2b4?

Paul Miller [00:15:35] Yes, and right here it says single county districts max possible, three, that's the Hamilton. Franklin and Cuyahoga each have their own district.

Co-Chair Speaker Bob Cupp [00:15:44] And in any of those counties, were there any cities or townships whose population exceeded the congressional congressional ratio of representation?

Paul Miller [00:15:53] Columbus, yeah.

Co-Chair Speaker Bob Cupp [00:15:56] And did you follow the rules under 2B-4A to include significant a significant portion of that political subdivision in one district?

Paul Miller [00:16:04] Yes, I did. It's basically the southeast corner of Franklin County.

Co-Chair Speaker Bob Cupp [00:16:11] All right. I'm returning to the continue with the county that is population exceeded the racial representation. Were there any cities or townships that were larger than a hundred thousand persons, but less than the congressional ratio of representation?

Paul Miller [00:16:24] I'm not sure about the populations of of Hilliard and the other cities in Franklin County, but I kept them all intact in District 15. The only ones that are the exception are are the ones that are within the bounds of Columbus.

Co-Chair Speaker Bob Cupp [00:16:42] So did you follow the rule under 2B-4B by not splitting that political subdivision?

Paul Miller [00:16:49] Correct.

Paul Miller [00:16:50] The only municipalities that I split are there are three of them. They're all under population of 20,000 Cuyahoga County, and I think it was Warren or or Dayton, around Dayton.

Co-Chair Speaker Bob Cupp [00:17:05] Can you tell me how many counties in your plan are whole and in one congressional district?

Paul Miller [00:17:13] The answer to that is written here somewhere. I've split 13 counties, 14 times, the only county that is split twice as Cuyahoga. So that means that there are minus 13 from 88. So 75.

Co-Chair Speaker Bob Cupp [00:17:37] Well, let me just kind of take these one at a time. How many counties in your plan are split once?

Paul Miller [00:17:43] 12.

Co-Chair Speaker Bob Cupp [00:17:43] OK? And how many counties in your plan are split twice?

Paul Miller [00:17:47] One.

Co-Chair Speaker Bob Cupp [00:17:49] And how many counties in your plan are split more than twice.

Paul Miller [00:17:53] Zero.

Co-Chair Speaker Bob Cupp [00:17:53] And is it your assertion that these numbers comply with Article 19 section 2B-5 regarding counting splits?

Paul Miller [00:18:03] Yes.

Co-Chair Speaker Bob Cupp [00:18:05] Does your plan comply with Article 19 section 2B-6 in that if a district contains only part of a county, the part of the district that lies in that district is contiguous with the boundaries of that county.

Paul Miller [00:18:21] Yes.

Co-Chair Speaker Bob Cupp [00:18:27] Prior to drawing your district, did you determine which counties had populations that exceeded 400 thousand persons?

Paul Miller [00:18:34] Yes.

Co-Chair Speaker Bob Cupp [00:18:35] And can you tell us what those are?

Paul Miller [00:18:38] To wit, under their apportionment or just above, 400,000.

Co-Chair Speaker Bob Cupp [00:18:45] Exceeded 400,000.

Paul Miller [00:18:46] So Hamilton, Franklin, Cuyahoga, Lucas, Summit, and Stark, I think.

Co-Chair Speaker Bob Cupp [00:18:56] What about Montgomery?

Paul Miller [00:18:58] Oh, I'm not very familiar with Montgomery. Yeah, I did not split Montgomery.

Co-Chair Speaker Bob Cupp [00:19:05] So does your plan comply with Article 19 section 2B-7 that in that no two Congressional District shall share portions of the territory of more than one county, except for those counties whose population exceeds 400,000.

Paul Miller [00:19:19] Yes.

Co-Chair Speaker Bob Cupp [00:19:22] And did you attempt to include at least one whole county in each congressional district?

Paul Miller [00:19:27] I did include one county in each congressional district, with the exception of of the the districts that were entirely within one county.

Co-Chair Speaker Bob Cupp [00:19:38] All right. Thank you.

Co-Chair Sen. Vernon Sykes [00:19:43] Senator Huffman,

Senate President Matt Huffman [00:19:46] Thank you, chairman. So, Mr. Miller, I'm looking at your testimony. And is there a paper hand out of your map? I guess, it's on the website we can look at if we need to

Paul Miller [00:19:59] It's or is it it's on the website. And unfortunately, I don't have a paper handout.

Senate President Matt Huffman [00:20:03] Yeah, that's fine. That's fine. I think I was able to look at it on the phone there

Co-Chair Speaker Bob Cupp [00:20:07] Senator, we have one copy there.

Senate President Matt Huffman [00:20:09] Oh, OK, thank you.

Senate President Matt Huffman [00:20:13] Yeah, somebody want to make copies of that? So I was looking on the back page. This just a statistical summary or I guess, gerrymandering, proof of proof of gerrymandering. And you didn't go over that your testimony, did you? Or at least you didn't read this part, right?

Paul Miller [00:20:29] I went over it in October, so I assume that you're familiar with it. I'd be happy to read.

Senate President Matt Huffman [00:20:35] Yeah. And and to the extent that it would be helpful. So explain explain these ratings, and I'll just draw attention to commission members to the last page of the testimony. And it appears to be a ranking of. Well, I guess you call it the range of fairness for these, these various plans. Could you explain how you how this was created? What what's the math that goes into it?

Paul Miller [00:21:05] In order to establish a gerrymandering index, as I described in my first paragraph here?

Senate President Matt Huffman [00:21:10] Mm-Hmm.

Paul Miller [00:21:11] I use statistical variance as in with regard to the margins of the districts for a congressional plan. For example, you have a normal would be Republican. Fifty two Democrat. Forty five. That would be a margin of seven points. You plug all of those values in the 15 districts into a standard deviation calculator. It gives you statistical variance, which is evidence of artificial manipulation.

Senate President Matt Huffman [00:21:40] And so in terms of what you plugged into, is this the information that's available on the public websites that that's where you plugged it into the Dave's Redistricting or whatever it is?

Paul Miller [00:21:52] I've used the the official. So the Ohio House GOP and Senate GOP and Democrats plans are available on Dave's Redistricting, and I use the the statistical data from from that site. But I had to create and that's why I said the fair district Ohio proposal that they've submitted recently is approximate because I couldn't couldn't get the

map to load on that, so I had to recreate it by myself. So that's not exact, but it's fairly close.

Senate President Matt Huffman [00:22:20] OK. So according to your I guess, the these the statistics, the actual math, if if what we're saying is fairness is based on the actual results of the election where it goes, the fair district Ohio proposal is the most unfair of all the plans that we have seen. Is that what your testimony is?

Paul Miller [00:22:44] Of the ones that I've evaluated? Certainly, yeah. But I can't speak on ones that I haven't looked at. Yeah.

Senate President Matt Huffman [00:22:49] Well, I'll just I mean, the ones that we have there's there's eight of these listed and in the the least fair, according to your statistical analysis, the four least fair out of these eight are the Ohio Senate Democrats Plan and Senate Bill 237, the Ohio House Democrats Plan House Bill 483 the the redistricting commission's proposal, the previous one, and then the least fair is the Fair District Ohio proposal, and I guess the current Ohio Senate plan is ranks second to House apparently beat us out as being more fair. Congratulations. Speaker Cupp but then your plan is is ranked third, or just about the same as the Ohio Senate GOP plan a GOP plan. Can you comment just on how, I guess, you know, fairness is always in the eye of the beholder and clearly the Fair District Ohio plans is by far the least unfair of all of these plans. But do we need to get better than the ranking, the 608 ranking in order to get fairness in order to be a good map, an acceptable map, a policy map that is acceptable to Ohioans?

Paul Miller [00:24:16] So the reason I included my original proposal was to provide a standard for what in a completely un-gerrymandered map will look like if it's done right. So the value, which is almost identical to Senate Bill 258, I think, is shows that 258 was fine the way that it is statistically, but the deviation that you have to apply to the map in. In order to get the proportionality that the court has ordered is it means you have to necessarily gerrymander, it means you necessarily have to to break up a good map by necessity. So the extent to which you can do that, which is still within the bounds of fairness, I think based on, you know, my months of of doing this, I think is approximately what I wind up with here. Now you could argue, maybe that, like I mentioned, the David Helmick plan that has one less hyper competitive district, which leans Republican than than my plan. I would consider that a good map, except for the reasons that I've already outlined.

Senate President Matt Huffman [00:25:24] Does the fact that the House plan have a lower score in your mind mean it's more fair?

Paul Miller [00:25:31] No, I don't actually like the House plan very much. I don't. I'm from, I'm from Lucas County. I don't think Lucas County should be split, and they split Toledo right down the middle. But it's, that's not my decision to make so.

Senate President Matt Huffman [00:25:45] Sure. Well, yeah, I know there's always discretion in here. That's why we got elected to do these jobs, I guess. One final question if I could, Mr. Chairman, I guess I find it remarkable that your original proposal, the standard of fairness is almost an identical score to the current Senate GOP plan. Is that Senate Bill 258 or both 608 and .8 or .9? Could you just respond to that? How? I don't think you are working with our map makers. It just happened to be that way. Is that right?

Paul Miller [00:26:16] It happened to be that way. And I can't get Senator McCaulley to talk to me about it either. So,.

Senate President Matt Huffman [00:26:20] Oh, that's-

Paul Miller [00:26:21] But no, I in response to that question, Senator. Yeah, I think that it was a good map. I was actually surprised when I saw it because at the time I thought I had the best maps submitted to the ORC. And I think that was a better map than the one that I originally produced. So I had to up my game and do fewer county splits and fewer township splits. But it was that map that proved to me that it could be done.

Senate President Matt Huffman [00:26:44] OK, thanks. Thank you very much, Mr. Chairman,.

Co-Chair Sen. Vernon Sykes [00:26:49] Leader Russo.

Minority Leader Rep. Allison Russo [00:26:52] Thank you, Mr. Chairman. Thank you, Mr. Miller, for being here. I want to go back to this gerrymandering proof that you presented on the back. What is the source of this proof? Can you explain to me a little bit about how you came up with this? Is this yours? Is it something that you are using from an accepted measure of fairness? I'm just trying to understand your calculation

Paul Miller [00:27:23] Leader Russo, statistical variance is used by people in academia, by mathematicians and statisticians and scientists, and I'm familiar with it because of my educational background. But it's applied in a large variety of academic fields, and I felt that it would be appropriate to address this issue because there's so much uncertainty about what gerrymandering is, what it entails, what it looks like on a map versus what it really is, which is the intentional favoring or dis favoring of political party or its incumbents. So I decided that I would try to use this objective measure in this situation.

Minority Leader Rep. Allison Russo [00:28:02] So quick follow up. I understand what statistical variances. But am I understanding correctly that this your addition of statistical variances from individual districts? This is a measure that you have created as a measure of quote unquote fairness, as am I understanding that correctly?

Paul Miller [00:28:22] No, I have not created standard deviation formulas. I've just applied them here.

Minority Leader Rep. Allison Russo [00:28:30] But your overall measurements, for example, 549, 608, et cetera. You took statistical variances from individual districts correct in each of these maps.

Paul Miller [00:28:43] Yes.

Minority Leader Rep. Allison Russo [00:28:43] And in you've added those up.

Paul Miller [00:28:46] The margins. Yes.

Minority Leader Rep. Allison Russo [00:28:47] So your measure that you're using is a proof that you have created. It's not something that other that is widely used by other mapmakers, correct?

Paul Miller [00:28:57] Probably not widely used no. But but I didn't. I would say that I didn't create it. It's just something that was there and hasn't been utilized.

Minority Leader Rep. Allison Russo [00:29:05] A quick follow up. But but I guess I'm asking, is this your method for evaluating?

Paul Miller [00:29:12] I don't know how to answer that. I don't. I don't claim it as mine. So.

Minority Leader Rep. Allison Russo [00:29:16] OK

Paul Miller [00:29:16] I would I would like to see more people use it because because it's an objective measure.

Minority Leader Rep. Allison Russo [00:29:21] OK, thank you. One other quick follow up and I understand it because I don't have the statistics. I don't think for your districts, am I understanding correctly that there are four quote unquote Democratic safe districts, 10 Republican district or no how many nine? Can you talk to me a little bit about the breakout you have 4 safe Democratic seats? One. Two.... I think nine.

Paul Miller [00:30:00] OK, so the the argument that has been put forth to this committee, I know Senator Huffman asked everyone who was up here in the fall to my to my memory about about what a what a what competitive means and numerically. And so the consensus is anything within three points of of a margin of 50 for either party is competitive. Some people extend that out to maybe five percent. Dave's Redistricting includes that as competitive scores. And so the Senate Bill 258 does not provide Democrats a close enough margin in different districts in the ones that would be considered competitive for them to actually be competitive. The expectation is that the Democrats will lose all of those elections except for, you know, three and 11. So my solution to that is if we really want fairness to make them 50 50 right down the middle. So what I've done in District 15, Mike Carry's spot because because I don't want to disfavor an incumbent and he's an incumbent instead of creating a safe Democrat district there, I've just made it 50-50 right down the middle. Senate Bill 258 already did that with District nine, so those are two hyper competitive districts. Instead of arguing about is a 52 percent advantage for Republicans, a competitive district. Let's just make it 50-50.

Minority Leader Rep. Allison Russo [00:31:34] OK, so quick follow up. So I'm understanding that this you essentially have nine Republican leaning districts, four Democratic leaning districts and then, two quote unquote competitive in your measured competitive, is 50-50.

Paul Miller [00:31:46] That's correct.

Minority Leader Rep. Allison Russo [00:31:47] OK, thank you.

Co-Chair Sen. Vernon Sykes [00:31:52] Are the other question. Just one. Just one follow up to Leader Russo, the method that you're using to determine fairness. You indicated that it wasn't frequently used. Do you know if anyone else is using this method?

Paul Miller [00:32:10] To my knowledge, no. And I would also add that the methods that are being used by other people are also not accepted. The proportionality argument has never been accepted, it's just used.

Co-Chair Sen. Vernon Sykes [00:32:23] Any additional questions? Yes.

Auditor Keith Faber [00:32:26] So help me understand your numbering system because the map that we got, I can't figure out which districts are which. So can you walk me through how you numbered your districts on the map?

Paul Miller [00:32:36] OK, so that's in this portion

Auditor Keith Faber [00:32:40] Let's just start, number 1, is that the Cincinnati district?

Paul Miller [00:32:43] Yes. And the thinking in that is that the the referendum, because the only the only city that would change or the only district that would change be flipped by the referendum, that part of the referendum that deals with the population of the city with a certain population, the only one that would change the district is Cincinnati. So the intent of the referendum, at least part of it was to give Democrats a safe district in Hamilton County. That's my belief. And I think probably that's what all of the the activist groups would also contend.

Auditor Keith Faber [00:33:16] Which ones is number 2?

Paul Miller [00:33:18] The one on the bottom there in order to keep a seat for a Bill Johnson, I had to move what was District six. His seat is now in the south, where -

Auditor Keith Faber [00:33:30] So two is just southern Ohio district?

Paul Miller [00:33:32] Yes

Auditor Keith Faber [00:33:32] What's 3?

Paul Miller [00:33:34] In Columbus.

Auditor Keith Faber [00:33:38] Which one Columbus?

Paul Miller [00:33:40] Sorry, the blue one there.

Auditor Keith Faber [00:33:41] Your map colors are different than the map colors we have on the copy.

Paul Miller [00:33:46] This one here.

Auditor Keith Faber [00:33:46] So it's the-

Paul Miller [00:33:47] Democrat District in Columbus.

Auditor Keith Faber [00:33:48] So that's 3? What's 4?

Paul Miller [00:33:53] This purple one here to the west of Franklin.

Auditor Keith Faber [00:33:55] What's 5?

Paul Miller [00:33:57] This red one.

Auditor Keith Faber [00:34:00] 6?

Paul Miller [00:34:08] I'm sorry, I misspoke. Sorry, what was, 2, is now 6.

Auditor Keith Faber [00:34:14] OK, what's 2?

Paul Miller [00:34:16] Up here

Auditor Keith Faber [00:34:17] All right. So 3, 4, 5, 6...7?

Paul Miller [00:34:24] 7, is this orange one. That's Lorain and Medina and part of Wayne and Cuyahoga.

Auditor Keith Faber [00:34:32] 8?

Paul Miller [00:34:34] Same as before.

Auditor Keith Faber [00:34:34] Historically, that's the Warren Davidson district.

Paul Miller [00:34:37] Yes.

Auditor Keith Faber [00:34:41] 9?

Paul Miller [00:34:42] Northwest.

Auditor Keith Faber [00:34:45] Marsha Kaptur. 10?

Paul Miller [00:34:47] Montgomery and Warren.

Auditor Keith Faber [00:34:52] 11?

Paul Miller [00:34:54] That's historic. Cleveland, yes.

Paul Miller [00:35:01] And that's the one you made minority influenced.

Paul Miller [00:35:05] One of the two. Yeah, it depends on what your definition of minority influence is. The courts historically have regarded 50 percent as majority minority district, but anything over thirty five percent is usually regarded as that. So I've got I've got four that are above thirty and two that are above 40.

Auditor Keith Faber [00:35:27] 12?

Paul Miller [00:35:31] The green one there.

Auditor Keith Faber [00:35:32] 13?

Paul Miller [00:35:37] That's Summit and a portion of Cuyahoga.

Auditor Keith Faber [00:35:41] 14?

Paul Miller [00:35:42] Lake and upper Ashtabula.

Auditor Keith Faber [00:35:45] And 15? Probably the only one left to see in Columbus.

Paul Miller [00:35:53] The orange one.

Auditor Keith Faber [00:35:53] And that one you've got going, Columbus, Franklin County, Delaware County? And it looks like Knox County, no-

Paul Miller [00:36:01] That's Morrow County.

Paul Miller [00:36:06] OK, so 15 is Delaware, Knox, or Delaware, Morrow and part of Franklin?

Paul Miller [00:36:12] Yes.

Auditor Keith Faber [00:36:15] OK. Mr. Chairman, let's follow up. They've asked you a lot about your statistical variance calculations. How did you? Could you walk me through that calculation so that we can have some understanding of it? I think that's essentially what I interpreted other questions trying to get to to see how you did that calculation. But could you walk us through how you calculated it? Did you do it by district and then aggregate it for the maps? Or how did you come up with that conclusion?

Paul Miller [00:36:45] District for each district, there's a margin add all the margins in the district, plug them into a standard deviation calculator to give you an answer.

Auditor Keith Faber [00:36:55] How do you calculate the margin for a district?

Paul Miller [00:36:58] As I said, if you have a 52 percent Republican voter turnout and 45 percent Democrat, that would be a seven point margin for for the Republicans.

Auditor Keith Faber [00:37:10] OK, so so if if you had a district that was seven, you'd then calculate that against the standard deviation.

Paul Miller [00:37:20] If you had if every district was about seven, then there would be very little deviation. It would be it would be a perfectly homogeneous map

Auditor Keith Faber [00:37:31] and your benchmark for an election turnout was the last ten years or was it what was the what was the benchmark for elections?

Paul Miller [00:37:38] The statistical summaries that I that I these are numbers that I calculated mostly back in in the fall, and I used the statistical summaries on Dave's Redistricting app. Generally, their composite scores are 2016 to 2020. So the last prior three elections, I had to, I did this index as a as a rough estimate and I did not, it was not part. It was not my intention to use this gerrymandering index to draw up a new map.

Auditor Keith Faber [00:38:12] So one of the problems that we've all seemed to be finding, and I think both the Republicans and the Democrats, all of us in drawing the maps is is that there's just not real good election data beyond 2016,.

Paul Miller [00:38:25] Right? Because things changed a lot in the last few years.

Auditor Keith Faber [00:38:28] And I'm not sure the data was kept by precinct level data. It's my understanding talking to map drawers that it's virtually impossible to find valid data

beyond that time period. So we seem to have all agreed on this somewhat shortened time period. So you used the 2016 to 2020 period?

Paul Miller [00:38:48] Mostly yes, where it was available.

Auditor Keith Faber [00:38:54] All right. If you could, it would be helpful to the at least to me, submit to the committee as a follow up your sample calculations and reaching your your maps here so that we can see them and flow through them to understand where the data that you came in for the comparison was. I don't need it today if you can just submit it to the redistricting site so that we can understand that for future reference.

Paul Miller [00:39:21] I could do it.

Auditor Keith Faber [00:39:22] All right. Thank you, Mr. Chairman.

Co-Chair Sen. Vernon Sykes [00:39:28] Any other questions? Mr. Miller, thank you very much. I believe Mr. Gary Gale is in the room at this time, sir.

Gary Gale [00:39:55] Mr. Chairman, err, co-chairman. I didn't get here on time because I was takes a little while to get it from Massolin. And we had a client come in at one o'clock.

Co-Chair Sen. Vernon Sykes [00:40:05] So if you state your name and spell, please for the record

Gary Gale [00:40:12] G-A-R-Y G-A-L-E What is the time limit? So I.

Co-Chair Sen. Vernon Sykes [00:40:13] 10 minutes.

Gary Gale [00:40:14] Ten minutes. OK, I will try not to be a fast talking lawyer today. My name is Gary Gale and I live in Stark County. I am appearing on behalf of the Stark County Democratic Party and its chairman, Sam Ferruccio Jr.. Prior to drafting this testimony, I consulted yesterday afternoon with both Chairman Ferruccio and Representative West of Democrat of Canton. On October 26, 2021, I submitted a 15 district statewide congressional map to the commission, and I believe that under those, I don't know what was laid out in the announcement. I met the prerequisites to testify. OK, so I've testified before the commission three times. All of you have heard twice before and before several House committees, except for Leader Russo, who has never met me. I'll try not to be too too verbose. I originally drew a map that included three counties that in northeast Ohio that were similar in education economics problems. But after receiving the, the decision and reviewing it in the Adams case, we decided that that was no longer feasible because the Adams case required, at least by our reading of it, that there would not be a splitting of some of Summit County at all and that there would not be a splitting of Cuyahoga County more than once. So we gave up on what we were doing. We looked at all of the other maps and decided from our standpoint, the best alternatives that we could find were the Democratic House and Senate caucus map presented on February 22 and on the OCRC Unity map. Not the Fair Districts model congressional map. I'm going I'm presenting you with an inconvenient truth. That the Akron based districts 13 in the Fair Districts model map due to the power of incumbency in the power of money is not a competitive district, as it's claimed. And how that can be remedied. I'll explain to you why that is what we believe. First, the Fair District map is out of compliance with the wording in Pages 37 through 39 of the Adams vs. DeWine decision, because that map splits Cuyahoga County three times now twice into three separate districts and splits Summit

County once at least my reading and I will defer to the former Supreme Court justice, who's probably much better at reading decisions than I am that that is impermissible. There were five Summit County precincts in the Clinton area in the southern border of some accounting that were placed in the rural dominated 7th District in the Fair Districts map. And then there were five precincts around Chagrin Falls from Cuyahoga County. They were placed in the Akron based district. We think that when you violate a court order, you violate a court order. It's just like you can't be a little bit pregnant. Stark County is the only single county adjacent to Summit other than Cuyahoga. There's a large enough population to provide the two hundred forty five thousand eight hundred fifty eight residents that, when combined with Summit County, would be necessary to reach the desired district population of 786,630 and is more compact than the model map of Summit Portage and Geauga, and therefore is a better meets the requirements of Article 19. Where the black community in Geauga counties, county is virtually nonexistent, 1.2 percent, and the Portage County is only four point one eight percent, with Stark County's population being eight percent black. As a result, the black population when Stark County is included in the Akron district is twenty one thousand greater 289 people than when you have a black population from Geauga. Portage and Summit reducing the black population in that district from fifteen point seven percent to thirteen point oh percent and the five hour gerrymandering course I took from the NAACP this past summer. That's an example of what they would call cracking. It would be a violation of the Voting Rights Act Section two. Additionally, the black community in Stark is more compact than that of Portage. There would not appear to me, many, if any, black majority precincts making it much more difficult to organize. If you put Portage and Geauga in the district with Akron as opposed to Stark where it's more concentrated. in Stark County, there are there are black elected leaders, including Representative West, who not only is a member of the House, but as the assistant minority leader in the House and the president of the Ohio Black Legislative Caucus. Like that, right? Thank you. There are also three black members of the Canton City Council and one black member of the Canton City School Board. When you have local elected officials, it is easier to organize. Take it from someone who's run campaigns. Summit County and Clark in Stark County also have close governmental, educational, medical, economic and charitable ties. The Akron-Canton Airport, is governed by the airport authority, which is a political subdivision of the state of Ohio, with trustees appointed. From each county, Stark state has a location in Akron, both Akron Children's and Crystal Clinic locations in Stark, the Akron Canton Area Agency in Aging is designated as an aging disability resource. By the Ohio Department of Aging, and then there was the Akron-Canton Food Bank. Additionally, the Fair Districts Model Map Akron-anchored district erects a significant obstacle to to a competitive district because it is the home county and base of Congressman Dave Joyce and the county where where before going to Congress, he was elected prosecutor. I know you don't get Cleveland TV down here, but the Cleveland NBC affiliate this week is running twice a day. Stories about the Chardon School massacre that Congressman Joyce handled when he was a state prosecutor in Geauga County. And even even with the Democratic success in 2018, in the last four election cycles nationally, ninety four and a half percent of all congressmen who ran for reelection won here in Ohio, it's been a hundred percent. Congressman Joyce, according to a February 3rd, 2022 edition of Cleveland.com. Per the most recent FEC filings, has one million, three hundred and seventy nine thousand one hundred ninety seven dollars cash on hand as of the end of last year. How would any of you like to start a campaign against somebody sitting at one point four million? Congressman Joyce has for the last decade won in two hundred and five precincts in the new congressional district. If you follow the model maps configuration again, that would give them a significant advantage against any anyone else running against him in a general election you had. He has identified voters. For the complication in electing an opponent is a disparity in turnout,

using the 2020 turnout as the basis for comparison, Geauga County, where Joyce is from and where he's been elected county prosecutor prior to going to Congress. He had an eighty three point seven percent turnout rate, compared to seventy six point six six percent in Portage and seventy four point six seven percent in Summit. That is in contrast to the turnout, and Stark with a turnout is only seventy five point six percent, which is more in line with the turnout in Summit. There is no advantage between the counties that way and was also explained why Stark County does not want to be sequestered in the Fair Districts' 7th Congressional District When I interned for Lou Stokes and was a staffer for Arnold Pinckney's second mayoral race. I learned that in America, race matters. We've learned nothing else in the past few years, up to and including the civil rights case in Georgia that was decided yesterday. That is still the case. Despite Stark having an eight percent population and eight percent black population were placed in a congressional district in the Fair Districts' map with a paltry four point eighty six percent black voting age population, the fourth least of any congressional district in the state of Ohio. In comparison, the Democratic caucus map puts sixty five percent of our population in a district that is fifteen point seven percent black and the remaining 35 percent of the district's targets.

Co-Chair Sen. Vernon Sykes [00:50:00] Mr. Gale, you have a few seconds left.

Gary Gale [00:50:06] Ok, Our problem is that we feel that the district they were in, besides the fact that the Akron based district would not be competitive. We feel that the district that we are being shoved into by the fair districts map would be, racist. Brass tacks. There was no other county in there. It has more than 1.6 percent black. Well, despite intent or lack of intent, a racial gerrymander is a racial gerrymander.

Co-Chair Sen. Vernon Sykes [00:50:38] Thank you. Thank you. Thank you very much. Are there any questions to Mr. Gary Gale? We had some technical difficulties with this map and we don't have a copy in front of us

Gary Gale [00:50:52] it was an e-mail from my law office earlier today. There were maps of the kind of the counties I understand. The map that I drew earlier because of the Adams decision was not going to work and I did not draft a new one in the interim.

Co-Chair Sen. Vernon Sykes [00:51:11] Ok. Are there any questions? Hearing and seeing none, thank you so much.

Gary Gale [00:51:19] Thank you.

Co-Chair Sen. Vernon Sykes [00:51:19] Appreciate it. The last witness we have so far that is signed up is Miss Catherine Turcer. Hello. Would you pronounce and spell your name, please?

Catherine Turcer [00:51:39] Sure My name is Catherine C-A-T-H-E-R-I-N-E, Turcer, T-U-R-C-E-R I don't know if you remember Vanna from the last time we were here in October. This is this is Trevor. So one of the Trevor Martin, T-R-E-V-O-R M-A-R-T-I-N and we're both here from Fair Districts Ohio. And the reason Trevor is with me is our map is a product of a bunch of different people, and there may be things that I will have some challenges answering. So he is here to help you with that. And do you want me to go ahead?

Co-Chair Sen. Vernon Sykes [00:52:13] Yes, please.

Catherine Turcer [00:52:13] All right. Well, thank you. I just once again wanted to say thank you for this opportunity to talk to you. Minority Leader Russo, I did a map in October 28th where I basically went over the three winning maps for the Fair District competition. And you know, this was an opportunity, you know, before they took it up in the state legislature to talk about, you know, what made these maps good and why they would be worth considering as congressional maps? And there were pros and cons. You know, you as you go go back and forth between the three, their pros and cons for each of them. And I don't know about you, but I got super tired of waiting and I realize you're part of the redistricting commission. But for the congressional map, when there was this redraw, I thought, OK, this is an opportunity. This is this wonderful opportunity, and it just never happened in the state legislature. And once they had made this announcement, you know that there was a bill that was just an intention to create a congressional map. I said, OK, well, I've gotten tired of waiting. And I brought together a bunch of Fair Districts folks who had done maps to take the three congressional maps that were winners in our map making competition and to merge them into one. The whole notion of Hey, let's give you an opportunity to look at what we consider to be the best model map. Now the folks you know, folks from all over Fair Districts actually had conversations about these maps. But the key mapmaker is a guy named Paul Nieves. Now Paul is from Yonkers, New York. He's part of the Princeton Gerrymandering Project. It's, you know, there's a mapping core. So he won second place for both the state legislative map making competition and the congressional. And then we have folks like Mike A'Hearn, who you often will see here, who's from Blacklick. He works in zoning. And he was very interested in like, Well, how do we take these maps and think about them as the way you would think about regional planning? So let's think about rural planning organizations. Let's think about metropolitan planning organizations. Let's see how this all map matches up. Trevor focuses on community map making. So in other words, all through 2021, he went through this process where he heard from different folks about like, Well, what makes you know what makes for a good map? You know, yes, you're going to have district lines. Sometimes you're not going to like those district lines, but you have to focus on population. So let's have a conversation if you're going to divide a county. Let's talk about how you want to keep your community together. And so as we look at this map. So you should both have a bigger map, which I think is useful if you're somebody like me that wants to take a deeper dive, the Bitlee, the Bitlee/Model map, you can actually go in and you can get down on Dave's Redistricting app. Now, you know, Dave has been very helpful to all of us citizen map makers. And so, you know, as we went into this, we were really focused on, you know, keeping those counties whole as building blocks. Now we know that in this in these districts, as you look at this, there are 14 counties that are split. We focused on creating, how can we think, coherent representation. So the goal here was as much as possible to keep communities together. And clearly population is going to divide some things. But we were really focused on making sure that communities as much as possible were kept together and regions were kept together. So you'll see that the greater Toledo area, including Wood County and the western Erie shoreline, is is a district. You'll notice the north central Ohio region, including the cities of Tiffin, Mansfield and Marion. They're all in the same congressional district. And then we focus on keeping the Appalachian area as well together. So you're talking about that southeastern portion right along the Ohio River Valley. Now, as we all know, I think the last time I saw Speaker Cupp was talking about how it's hard to make these maps. I think that's true. But we fortunately, we're not talking about 99 better than thirty three, and this is going to be much simpler. So, you know, as we look at this, we focused on keeping the population basically as close to the same as possible, so we have the difference of one person. So some of them are seven hundred and eighty six thousand six hundred twenty nine, some seven hundred eighty six thousand six hundred thirty. But they're as much as possible equal population. Now, in order to avoid

favoring and dis-favoring incumbents. This map was drawn blind, meaning we didn't include the knowledge or consideration of incumbents or challengers addresses. We said, Well, this way the chips fall where they're going to. We know that you can't favor disfavor candidates. Let's just do that blind. I wanted to highlight that the Fair Districts model map is compact. It was rated good by our friend Dave, and I included the scores on REAC and the pompously paper as well in your written material. We focused, of course, on thinking about representational fairness for many of us. We know this is not part of what's a requirement for the congressional maps or what is an aspirational, you know, an aspirational criterion for making these congressional maps. But it is a good criteria for identifying gerrymandering. And so as we looked at this, you will see that the district lines are, I'm going to pull this up. You'll look at this chart. You can actually see that there's good proportionality, meaning representational fairness. So the districts are about, you know, eight Republicans to some of the Democrats, maybe nine Republicans to six Democrats. There are six districts that are around three points. I think we can have some debates about what exactly is competitive. I think Dave gives a broader sense of what's competitive, but there are three that are within three points. And now on to the sections. I'm going to start with Franklin County. So what we did with Franklin County is it's divided into two districts. You know, this is going to happen. Every single one of the maps Just because of population, we focused on keeping a minority communities of western and southern sections of Franklin County together to create an opportunity district. With Congressional District 12, we adjoined to the neighboring counties of Union and Delaware. This division keeps the northern suburb of of Dublin, which is where I'm from, all in the same congressional district and keeps the school district intact. It also keeps nearby Hilliard, Worthington and Powell in the same congressional districts. Now, one of the things that I think is important to us, you're looking at this is to also think about the other side. So you've got the northwestern section in the north eastern section where Westerville is, it keeps Westerville whole at the center, includes all of Westerville city schools, straddles Franklin and Delaware counties and includes adjacent Genoa and Blendon townships, Minerva Park and parts of Northeast Columbus. On to Hamilton County. So in Hamilton County, this has just districts that is wholly and Franklin, I'm sorry, wholly in Hamilton County and keeps the city of Cincinnati whole. And it's something that advocates really passionately called for minority communities in the northern part of the county, including North College Hill, Forest Park, Springdale, Woodlawn and Lincoln Heights are kept together, ensuring a strong opportunity district. And then let's move on over to Cuyahoga County now. You know, we've often heard when you see you can look at gerrymandering, you're going to know it just by looking at it because it's kind of

Co-Chair Sen. Vernon Sykes [01:00:38] You've got approximately a minute left.

Catherine Turcer [01:00:40] Ok, Oops. So to wrap this up, I would encourage you to go through the different areas here and to take a look and see the different ways that we created this so that we were reflecting what it was that different folks around Ohio said that they wanted. We looked at these community maps. I included links. And when you get to the, you know, the documents on electronic rather than written so you can actually look at the district maps as well. And so I am hopeful that you will consider this map and thank you.

Co-Chair Speaker Bob Cupp [01:01:19] Yes, Mr. Chairman, if I might, I want to ask the technical questions here, you touched on some of them, but maybe you can repeat them if necessary. The first the congressional ratio of representation, as you know, Article 19, Section 2A-2 the congressional ratio of representation is seven hundred eighty six thousand six hundred and thirty. And I think you touched on this. But if you would maybe

repeat it, did you apply a standard of strict mathematical equality for the population of each district? Or did you deviate from the ratio of representation for any district?

Catherine Turcer [01:01:57] So we did our absolute best to be absolutely even. Now, of course, that's nearly impossible. So some will have one extra person or one less person.

Co-Chair Speaker Bob Cupp [01:02:08] So plus or minus one person?

Catherine Turcer [01:02:10] Plus or minus one person.

Co-Chair Speaker Bob Cupp [01:02:11] All right. And what objective were you trying to reach by deviating?

Catherine Turcer [01:02:20] By one person?

Co-Chair Speaker Bob Cupp [01:02:21] Yeah.

Catherine Turcer [01:02:23] Um, so -.

Co-Chair Speaker Bob Cupp [01:02:24] Just referring to the Supreme Court case?

Catherine Turcer [01:02:27] Oh I'm sorry. So, so I looked at so. So one of the things that we know is that as much as possible, you want to have equal population one person, one vote. Now, sometimes there are circumstances where there might not be exactly equal because there might be a real benefit to a community or to a district. And let's say you hear testimony you it doesn't, you know, you don't have to be absolutely perfectly even. But it seemed to us that if we presented a map to you where the population was as close to equal, it would give you a good place to start.

Catherine Turcer [01:03:06] What a legitimate state objective. Were you attempting to achieve by population deviation? I mean, if you give example, you said you had some words.

Catherine Turcer [01:03:18] Of one person, OK, we seriously we tried to be. We tried. I'm sorry. Sorry. co-chair, I we tried to be as much as possible as close to one person, one vote if there was a difference of one person in the district. It's because we couldn't achieve it. For example, let's take let's take Senator Sykes. He lives in a house with his wife. She might be that additional person. So that's our objective was to be as equal as possible. But sometimes you couldn't do it.

Catherine Turcer [01:03:50] All right. That's fine And district requirements and splits of political subdivisions under Article 19, Section 2B-4 prior to drawing districts did you determine which counties had populations that exceeded the ratio of representation pursuant to that article.

Catherine Turcer [01:04:05] So, so yes, thank you, co-chair. One of the things that the mappers spent a lot of time doing is making sure that this as much as possible was matching the ratio of representation that the splits were appropriate. Now I think as your go ahead thinking about your congressional map, I think the I think that as you look at our map, it may be helpful as you think about how to do splits.

Catherine Turcer [01:04:33] Do you know which counties exceeded the ratio of representation that you had to focus?

Catherine Turcer [01:04:37] OK, so OK? He says the three C's I was like, All right, Franklin County, Hamilton County and Cuyahoga.

Co-Chair Speaker Bob Cupp [01:04:48] In any of those counties, were there any cities or townships where whose population exceeded the congressional ratio of representation?

Catherine Turcer [01:04:55] Oh, Columbus.

Co-Chair Speaker Bob Cupp [01:04:58] And did you follow the rules to include a significant portion of that political subdivision in one district?

Catherine Turcer [01:05:04] Yes, as much as possible.

Co-Chair Speaker Bob Cupp [01:05:06] And returning to the counties whose populations exceeded the ratio of representation? Were there any cities or townships? There were larger than 100000 persons, but less than the congressional ratio of representation.

Catherine Turcer [01:05:22] Here I'm going to have Trevor.

Trevor Martin [01:05:26] No, co-chair

Co-Chair Speaker Bob Cupp [01:05:31] And district requirements and counties splits how many counties in your plan are whole and in one congressional district.

Catherine Turcer [01:05:38] It's funny. I have the I have the 14 memorized, so I guess we just have to do the math.

Co-Chair Speaker Bob Cupp [01:05:45] How many counties in your plan are split once?

Catherine Turcer [01:05:48] 14.

Co-Chair Speaker Bob Cupp [01:05:49] How many counties in your plan are split split twice?

Catherine Turcer [01:05:52] Oh, 13 and one. I'm sorry. My apologies.

Co-Chair Speaker Bob Cupp [01:05:56] So split once it's 13. OK and twice as one, correct? Do you believe that these numbers comply with Article 19 section 2B-5 regarding county splits?

Catherine Turcer [01:06:07] I do believe that this map does meet those requirements

Co-Chair Speaker Bob Cupp [01:06:12] and contiguity of split counties. Does your plan comply with Article 19 section 2B-6 in that if a district contains only part of a county, the part of the district that lies in that district is contiguous with the boundaries of that county?

Catherine Turcer [01:06:27] Yes. One of the things that we did with this is, you know, I was praising Dave's redistricting app, but one of the things that we did is we worked with Common Cause National that has access to Maptitude for Ohio. And so, you know, one of

the things we know is they don't always exactly align. And so we did use Maptitude to ensure that we were not somehow missing something.

Co-Chair Speaker Bob Cupp [01:06:51] We've discovered that Maptitude and Dave's Redistrict don't always align. And that's correct. That's our experience as well. Portions of the territory of more than one county prior to drawing the districts did you determine which counties had population that exceeded 400,000 in population.

Catherine Turcer [01:07:08] Yes.

Co-Chair Speaker Bob Cupp [01:07:09] And can you tell us which ones you've discovered determined?

Catherine Turcer [01:07:14] I'm sorry. I'm sorry. I did not come with the list of the counties, and that is my apology.

Co-Chair Speaker Bob Cupp [01:07:20] That's all right. We're just trying to get the technical requirements on the record here, so.

Catherine Turcer [01:07:24] And one of the things that I can do is I can follow up in writing with any anything that you feel like. We didn't sufficiently answer and my apologies

Co-Chair Speaker Bob Cupp [01:07:31] That would be fine. Does your plan comply with Article 19 section 2B-7 in that no two Congressional District shall share portions of the territory of more than one county, except for those counties whose population exceeds 400,000.

Catherine Turcer [01:07:46] Yes.

Co-Chair Speaker Bob Cupp [01:07:49] Portions of the territory of more than one county did you attempt to include at least one whole county in each congressional district in compliance with Article 19, Section 2B-8?

Catherine Turcer [01:08:00] Yes.

Co-Chair Speaker Bob Cupp [01:08:00] Were you successful?

Catherine Turcer [01:08:02] Yes.

Co-Chair Speaker Bob Cupp [01:08:04] All right. And that is all the questions I have for you at the moment.

Catherine Turcer [01:08:08] Thank you so much for your patience.

Co-Chair Sen. Vernon Sykes [01:08:12] Thank you for your answers. Are there any additional questions? If not any additional information you'd like to share with us, please send it to the co-chairs and the website. We thank you so much.

Catherine Turcer [01:08:29] Thank you so much, I appreciate it

Co-Chair Sen. Vernon Sykes [01:08:35] Well, that concludes all of the witnesses and testimony we have today, are there any other witnesses present that would like persons

present that would like to testify? On a complete state map, yes. If none, as noted, we have four witnesses that submitted a written testimony that will be published on the website. One question that I have as we go into any other business to be brought before the committee, um this meeting was scheduled, initially two meetings for today and tomorrow for the purpose, we thought, of presenting a map for the state district. And so just wondering if the progress is being made on that or if the map is going to be introduced tomorrow.

Co-Chair Speaker Bob Cupp [01:09:46] Mr. Co-Chair, work is continuing on that. I believe progress is being made and the map will be made available as soon as possible and we are trying to do that soon.

Co-Chair Sen. Vernon Sykes [01:10:04] Is soon tomorrow?

Co-Chair Speaker Bob Cupp [01:10:06] I don't know. I do not know.

Co-Chair Sen. Vernon Sykes [01:10:11] OK.

Co-Chair Speaker Bob Cupp [01:10:11] Maybe somebody else has an idea.

Co-Chair Sen. Vernon Sykes [01:10:12] Leader Russo.

Minority Leader Rep. Allison Russo [01:10:17] Thank you, Mr. Chair. I would also note that in the briefs that were filed today by the Speaker and the President of the Senate, that it was noted that we would, as a commission, be in a position to vote on a new plan for the state legislative districts this week. And so if there is work being done on a map, I would ask that the majority caucuses please make their staff available to us and for our staff to be able to meet to discuss what these maps may look like. And I would also ask if it's anticipated if we will be meeting Friday, Saturday, Sunday to meet what was stated in the brief that was filed today with the court.

Co-Chair Sen. Vernon Sykes [01:11:12] Any clarifications?

Co-Chair Sen. Vernon Sykes [01:11:13] To be, to be determined, Mr. Chair, if I might ask a question - is are you aware of any map that may be in in process or in anticipation of being presented to the commission?

Co-Chair Sen. Vernon Sykes [01:11:35] No. Is there any other business at this time? Seeing no further business, what we're going to do is recess until tomorrow at 11:30, so we stand at recess until 11:30 a.m. tomorrow.

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Co-Chair Speaker Bob Cupp [00:00:00] The Ohio Redistricting Commission will reconvene pursuant to the recess. I will ask first that the staff please call the roll.

Staff [00:00:13] Co-chair Speaker Cupp.

Co-Chair Speaker Bob Cupp [00:00:15] Present.

Staff [00:00:16] Co-chair Senator Sykes.

Co-Chair Sen. Vernon Sykes [00:00:17] Present.

Staff [00:00:18] Governor DeWine.

Gov. Mike DeWine [00:00:18] Here.

Staff [00:00:19] Auditor Faber.

Auditor Keith Faber [00:00:20] Here.

Staff [00:00:20] President Huffman.

Senate President Matt Huffman [00:00:21] Here.

Staff [00:00:22] Secretary LaRose.

Sec. of State Frank LaRose [00:00:23] Here.

Staff [00:00:24] Leader Russo. Mr. Co-Chair, you, are a quorum is present.

Co-Chair Speaker Bob Cupp [00:00:29] With a quorum present, we'll resume our meeting as a full commission. At this time, the commission will hear public testimony from sponsors of complete statewide congressional plans. These proceedings will be recorded and broadcast by the Ohio Channel, so the board, in its deliberations, may consider things that are said here today. We ask our audience to refrain from clapping or other loud noise out of respect for the witnesses and persons that may be watching the proceedings remotely, because that sort of noise does interfere with the the sound for those who are listening remotely. If you are here to testify and have not done so already, please complete our witness slip and give it to one of our staff. If you have written testimony, please submit a copy to our staff so it can be included in the official record of proceedings. As previously agreed with the Co-Chair, a witness may testify before the commission for up to 10 minutes on the plan they are testifying about, subject to any further limitation by the Co-Chairs. Witnesses should limit their testimony to the complete statewide congressional plan that they submitted. We will now begin with our first witness here today whose name is Trevor Martin. So please come forward. Is Trevor Martin here? Not here yet. OK, well, we'll skip over him and come back later. So our first witness will be Linus Beatty. Mr. Beatty, come forward and please state and spell your name for the record. Speak clearly, loudly enough for this panel to hear and for the audience as well. Welcome.

Linus Beatty [00:02:21] Thank you so much. My name is Linus Beatty, L-I-N-U-S B-E-A-T-T-Y. First, I'd like to thank all of the commissioners, the media that's present and all the

public for giving us your time today to hear my plan. Like many in our state, I have been deeply disappointed in how the process has worked so far for redistricting. However, I'm not here today to talk about the process so far. Instead, I'd like to talk about a plan that I have that can help move the state forward that I believe is fair and compliant with the Constitution. This map, which I've submitted. It has a nine six breakdown, which I believe is in line with what the Supreme Court has asked this commission to do. Furthermore, it avoids double bunking any incumbents who have who have signaled that they are seeking reelection. I believe that my map does an excellent job of maintaining communities of interest, particularly when compared to the map from last decade. The example that I would give is examining last decade's 12th and 15th districts, both of which went into Franklin County before going eastward into Appalachia. I don't need to tell you guys that these communities aren't that similar in their culture and the economic realities that they face. And as a result of that, not being what it is, several parts of Appalachia were represented by two members from Franklin County for a decent chunk of the decade. My map, however, splits Franklin County only twice, the minimum number needed to comply with the Constitution. It keeps the 15th district, which is currently occupied by Joyce Beatty, entirely within Franklin County and the 12th District, which goes up into Delaware County and slightly over into Licking, stays entirely within the Columbus metropolitan area. Furthermore, the 10th district, which would be occupied by Troy Balderson right now, is about half contained within Appalachia, and the other half is in rural and ex-urban communities near Columbus. This, in addition to keeping the 6th district entirely within Appalachia, and the 2nd district mostly within Appalachia, will help ensure that this region is accurately represented in Washington. I don't know if you guys have the district statistics, I submitted them, but -

Co-Chair Speaker Bob Cupp [00:04:48] I believe they have been distributed to members folders. Yes, I have them.

Linus Beatty [00:04:52] So as you can see, it will most likely function as a nine six, nine Republicans, six Democrats. The statistics there are from 2016 to 2020 composite, and I believe that this map. Avoid splitting counties whenever possible, there are only 14 counties splits the minimum needed, and there are only 13 counties that are split, with Cuyahoga being split twice. As I wrap up my opening statement, I would like to leave this commission with one thought that I feel justified is where we're at right now. I ask each and every one of you, do you weigh your own political future and your own political fortune over the values of our republic and the strength of our democracy? I think that is a question that every single public servant should ask themselves before any action. And I ask that before every single vote, whether it's for my map or another map, you will do the same. Thank you very much and I yield for any questions related to my map.

Co-Chair Speaker Bob Cupp [00:06:00] Thank you very much for taking the initiative to to draw a map and come here in and submit it and to testify. I don't know if you watched the hearings yesterday, but we do have some basic questions that they're constitutional requirements to go through to see whether, if your map, to ask you whether your map complies with those. The first is the congressional ratio of representation and that is in Article 19, section 2A-2. The ratio of representation is 786,630.

Linus Beatty [00:06:37] Yeah.

Co-Chair Speaker Bob Cupp [00:06:38] Did you apply a standard of strict mathematical equality for the population of each district, or did you deviate from the ratio of representation?

Linus Beatty [00:06:48] No district deviates more than two people from that, and if I had better software, I could probably make less. I did it on Dave's.

Co-Chair Speaker Bob Cupp [00:06:56] Two is pretty good. And one yesterday was pretty good, too. Do you believe your district populations meet the constitutional standards set out in the federal case law for one person, one vote?

Linus Beatty [00:07:07] I believe so.

Co-Chair Speaker Bob Cupp [00:07:09] Right? Next is regarding the split of political subdivisions. Prior to drawing districts, did you determine which counties had populations that exceeded the ratio of representation pursuant to Article 19, Section 2B-4?

Linus Beatty [00:07:25] Yes.

Co-Chair Speaker Bob Cupp [00:07:26] And can you tell us what those are?

Linus Beatty [00:07:29] They are Franklin County, Cuyahoga County and Hamilton County.

Co-Chair Speaker Bob Cupp [00:07:33] In any of those counties, were there any cities or townships whose population exceeded the congressional ratio of representation?

Linus Beatty [00:07:40] Columbus does.

Co-Chair Speaker Bob Cupp [00:07:42] And therefore, did you follow the rules in section 2B-4A to include a significant portion of that political subdivision in one district?

Linus Beatty [00:07:50] Yes.

Co-Chair Speaker Bob Cupp [00:07:50] I think you testified to that. Returning to those counties whose population exceeded the ratio of representation, were there any cities or townships that were larger than 100,000 persons, but less than the congressional ratio of representation

Linus Beatty [00:08:06] Parma would be, I believe, above that, in Cuyahoga County, I did not split that. And then, oh wait, over a hundred thousand?

Co-Chair Speaker Bob Cupp [00:08:17] Yes.

Linus Beatty [00:08:18] Then I guess it just would be Cincinnati and then Cleveland, which are all controlled. Sorry. That's my bad.

Co-Chair Speaker Bob Cupp [00:08:22] But then did you follow the rule about not splitting?

Linus Beatty [00:08:26] Not splitting, no those cities are not split.

Co-Chair Speaker Bob Cupp [00:08:28] All right. Thank you. How many counties in your plan are whole in one congressional district?

Linus Beatty [00:08:37] It would be seventy five.

Co-Chair Speaker Bob Cupp [00:08:39] And how many counties in your plan are split once?

Linus Beatty [00:08:42] It would be twelve.

Co-Chair Speaker Bob Cupp [00:08:44] And how many counties in your plan are split twice?

Linus Beatty [00:08:48] One.

Co-Chair Speaker Bob Cupp [00:08:50] That would be Cuyahoga County. Right? How many counties in your plan are split more than twice?

Linus Beatty [00:08:56] None.

Co-Chair Speaker Bob Cupp [00:08:58] And so, do you believe these numbers comply with Article 19 section 2B-5 regarding county splits?

Linus Beatty [00:09:05] I do.

Co-Chair Speaker Bob Cupp [00:09:06] In regard to the contiguity of, contiguity? Yeah. Keeping them together. Does your plan comply with Article 19 section 2B in that if a district contains only part of a county, the part of the district that lies in that district is continuous within the boundaries of that county.

Linus Beatty [00:09:27] It does.

Co-Chair Speaker Bob Cupp [00:09:28] All right. And then portions relating to, question relating to portions of the territory more than one county. Prior to drawing the districts that determine which counties had population that exceeded 400,000 in population.

Linus Beatty [00:09:41] Yes.

Co-Chair Speaker Bob Cupp [00:09:43] And those would be?

Linus Beatty [00:09:44] They would be, let's see if I can remember all of them. They would be Lucas, Montgomery, Hamilton, Cuyahoga, Franklin and then Summit. I believe I got all of them.

Co-Chair Speaker Bob Cupp [00:09:56] And does your plan comply with Article 19, Section 2B-7, in that no two congressional districts shall share portions of the territory of more than one county, except for those counties whose population exceeds 400,000 persons?

Linus Beatty [00:10:13] Yep.

Co-Chair Speaker Bob Cupp [00:10:13] And did you attempt to include at least one whole county in each congressional district in compliance with Article 19, Section 2B-8?

Linus Beatty [00:10:21] Yes, I did.

Co-Chair Speaker Bob Cupp [00:10:22] All right. That's all the questions I have. Are there any members of the commission who have further questions? Hearing none, thank you very much for your testimony. Oh, I'm sorry. Auditor Faber.

Auditor Keith Faber [00:10:36] I just had one and I appreciate your work in putting this together because I know this took you a lot of time, especially with the detail you paid to try and keep communities of interest, and it looks like incumbents and minimize the splits. But as I look at District 9, it looks a lot like the famed snake on the lake that we've heard a lot about. Can you explain that distinction and why we have so much concern about that? But yet this isn't it.

Linus Beatty [00:11:03] So one thing that I would note is that the snake on the lake does, it splits Ottawa and Erie to go basically very narrowly along the lake and does the same in Lorain before growing out and taking western Cleveland, which is very strongly Democrat, to make it into a vote sink. When I designed my map, I tried to avoid splits and furthermore, I looked at previous maps, including ones before this last congressional map to see what counties were often kept together. For example, I put Sandusky County with the 5th because that had been with the 5th going back to the 70s prior to this configuration. Does that answer your question, or would you like more clarity?

Auditor Keith Faber [00:11:51] I guess it's as good as any. I can't tell the details, but it looks like you chose to slice Lorain County in half and made some other adjustments. But again, I just I'm just curious.

Linus Beatty [00:12:02] I would note that this is pretty much the 9th District that existed prior to this decade. It's the same one that was in the 2000s. Lorain's not split the exact same way, but that is where that comes from.

Co-Chair Speaker Bob Cupp [00:12:18] Is there any further questions? There being no further questions, we thank you for coming in and making your presentation.

Linus Beatty [00:12:25] Thank you.

Co-Chair Speaker Bob Cupp [00:12:28] So we also have Trevor Martin checked in, is Trevor Martin here today? Trevor.

Trevor Martin [00:12:45] Good afternoon, thank you, Co-Chairs, members of this commission, for giving me this opportunity to speak. My name is Trevor Martin. I'm a community organizer, a member of the Fair Districts Ohio Coalition. I have trained over 80 individual community members to use mapping software, specifically Dave's Redistricting Tool and Redistricter, to participate in the '22 Ohio redistricting process by creating informative, descriptive and meaningful community maps that Ohio citizens can share and thereby advocate for fair and representative districts. In addition, I have either facilitated or sat in on dozens of community mapping sessions organized and hosted by community members throughout Ohio. In doing so, I've heard from hundreds of community members from all over the state, and I've seen hundreds of community maps made by Ohio citizens that reflect a vision of their community, how they define their community and how they would like to see these communities represented. I was hoping to address some of the critiques made yesterday, February 23rd, 2022, in front of this party regarding the Fair Districts Ohio model map. First and foremost, the assertion that the Fair Districts model map is least fair of all proposals submitted to this commission. The fact is that the Fair

Districts Model Map scores the highest of all submitted proposals on Dave's Redistricting cumulatively, cumulatively and in nearly every metric of fairness that we can observe, scoring very high in proportionality, splitting and minority representation. It is the most compact and the most competitive of any plan that has been presented to this body during public testimony. I would like to point out that the Fair Districts Ohio Model Map is the only truly nonpartisan map that had been presented to this commission yesterday, February 23rd, 2022. Unlike other proposals that had been presented on behalf of particular party, the Fair Districts Model Map is a product of many people from across many walks of life. It is a matter of fact that voting members of the Republican Party in Ohio had participated in our community mapping and in our district drawing competitions. I myself sat in on a mapping session in Wyoming, Ohio, down by Cincinnati, that had several Republicans in attendance, including the chair of the Wyoming, Ohio Republican Club. I was also present at a heated discussion in Portage County that was attended by both liberal and conservative Ohio voters. The Fair Districts Model Map is a collaboration of multiple community maps created by self-proclaimed Democrats, Republicans and unaffiliated Ohio citizens. To say that it unduly favors any party is preposterous. More specifically, the district variance calculations presented by witness Paul Miller at the February 23rd, '22 meeting of the Ohio District Commission should not be used to determine the constitutionality of any district plan being considered by this commission. In short, statistical variance measures the proximity of each data point, in this case a congressional district, in relation to an identified target outcome. In the case of Mr. Miller's analysis, his target outcome is a 50-50 Republican to Democrat vote total per district and what he categorizes as a fair district. This is how Mr. Miller concluded that the GOP congressional plans were the fairest because those maps gerrymandered certain communities to produce a map with a higher number of districts with a relatively low partisan index. But this argument was rightly struck down by the Supreme Court as a map that unduly favored the GOP because it was specifically democratic counties that were split in such a way to create an artificially competitive environment. This is a highly flawed metric for identifying gerrymandering for several reasons. First, Ohio's political geography is not conducive to a 15 district, 50-50 split map. This is obvious to anyone who has spent even a marginal amount of time looking at the state. In fact, producing a map with little variance between districts requires gerrymandering. Think about it How do you produce a 50-50 district in Cuyahoga County or along Ohio's western border? You can't unless you specifically crack and pack together distant communities to construct a single district. We know some districts in Ohio are going to be solid Republican and others will be solid Democrat. That's just reality. A higher level of variance between districts is a sign that communities of interest are being respected. The Fair Districts model map inherently scores lower using Mr. Miller's approach precisely because it does represent communities of interest, keeping them together and within a given district. To be sure, the fair districts model map just does address competitiveness, but it does so within the areas of the state with a natural distribution of population and partisan spread of voters is competitive rather than the artificial application of competitiveness across all districts. Second, statistical variance analysis was never put forth as evidence during any of the court proceedings challenging the constitutionality of either the General Assembly maps or congressional maps. This is striking considering Mr. Miller's analysis concluded the GOP maps were the fairest. If the methodology of statistical variance had even a fraction of legitimacy of other measures for identifying gerrymandering, for example, the efficiency gap, the vote ratio or mean median analysis, then I'm sure lawyers representing the defendants in these cases would have made this analysis a central component to their legal arguments. Instead, they did not even mention this form of analysis in their court filings. I would also like to confront the accusation made yesterday that the Fair Districts model map is racist. I and my fellow colleagues and citizen map makers who put much work into this map found it to be utterly

disrespectful, offensive and patently false. The Fair Districts Model Map is a product of dozens, if not hundreds, of diverse individuals and organizations throughout the state, including members of black fraternities and sororities, including Alpha Kappa Alpha, in the Cleveland area. The model map scores a 50 for minority representation in Dave's Redistricting Tool, to which is equal to or higher than any other map that has been presented to this commission that I am aware of. The Fair Districts model map preserves the majority minority district in CD 11 and creates a second opportunity district and CD1 and Hamilton County, in addition to the already present opportunity district and Franklin County, Congressional District 3. In comparison, other proposals submitted to this body yesterday dilute CD 11 so that it is downgraded from a majority minority district to an opportunity district, which could run afoul of the Federal Voting Rights Act. They also provided fewer or weaker opportunity districts than the Fair Districts Model Map does. Therefore, to say that the Fair District Model map is racist, though very offensive, that declaration, the declaration is laughable and demonstrably false. Furthermore, the claim that the model map is out of compliance with the court's opinion and *Adams V. DeWine*, is also incorrect. The assumption is based off of misreading of the text. Splitting Summit County is permissible. The court found that the stripped down Senate bill 258 splits of Summit in Cuyahoga counties unduly favored Republicans, conferring a partisan advantage. Thus, it was not that these counties were split, but rather how they were split. The splits that are present in the Fair Districts Model Map confer no such advantage for either party and are there solely to preserve community boundaries, school districts or other such nonpartisan criteria. Now, as a community member or community organizer myself, I have a keen interest in keeping communities of interest together and to advocate for fair representation of those communities. The definition of community can mean a lot of different things to a lot of different people, and each individual can be a member of multiple communities. Believe me, this came up often in my discussions with Ohio voters about community and who the people were supposedly representing these communities. Though what these community made maps do show is where these people live, where they work, where their children go to school, where they shop, where they eat, their parks, their trails, their community centers, their places of worship. These community maps tell stories of community concerns, what they consider important to them and how decisions should be made when drawing district lines that will affect their day to day lives. Now in conclusion, I would like to assert that the Fair Districts model map keeps political subdivisions and communities together as much as possible and more accurately reflects the partisan balance of this great state of Ohio. Fair Districts Ohio urges you to adopt this nonpartisan, constitutionally compliant map that prioritizes voters. And please remember, that the Ohio vote, Ohio voters overwhelmingly approved a new process to put an end to partisan gerrymandering. Thank you.

Co-Chair Speaker Bob Cupp [00:22:05] Are there questions for Mr. Martin? I do not believe they are. So thank you for coming in and making your presentation. I think I asked about the map yesterday, the constitutional requirement, so we don't need to repeat that today.

Trevor Martin [00:22:21] I appreciate it, thank you.

Co-Chair Speaker Bob Cupp [00:22:22] That is all of the witnesses that we have checked in to testify to submitted whole state congressional redistricting maps at this at this time. At this time is there further business to come before the commission? Chair recognizes Senator Huffman.

Senate President Matt Huffman [00:22:50] Yeah. Thank you, Mr. Speaker and members of the commission. As I think all commissioners know, we've been working low these past several days to try to resolve the General Assembly maps. We have had a map which we, we believe comports with all of the requirements of the Supreme Court, 54, what we will call, I think, the Republican 54-18 map, that I believe that's been presented at a session with the Democratic commissioners and their various experts. My understanding is that all of the Republican commissioners have had an opportunity to review that and look at it. Unfortunately, at the moment, there's there, there are not paper copies. We're doing this as quickly as we can. And also, I understood that at the request of Senator Sykes, there was going to be some sort of break between this hearing and full consideration of that map. So I don't have anything more than that other than we believe it comports with everything the Constitution and in the dictates that the court has given us. So at that, the point in time when I have, at six o'clock after the requested three hour break, I'll present that and and talk in detail.

Co-Chair Speaker Bob Cupp [00:24:20] Any further questions coming?

Co-Chair Sen. Vernon Sykes [00:24:24] One question, Mr. Co-Chair, is this map or plan been distributed or made available to the public?

Senate President Matt Huffman [00:24:36] My understanding it has not been, it's about to be shortly, it's kind of gotten getting in final form, and I'm not sure how quickly it can be loaded up to the website, but hopefully that'll be in - oh, apparently in the next half an hour or so, so well before the the hearing here in a few hours.

Co-Chair Sen. Vernon Sykes [00:24:58] Were all the members, were all the members, majority members of the commission, were they involved in the drafting of this of this plan?

Senate President Matt Huffman [00:25:12] You know, Senator, I don't I don't have a daily logger diary of what each of all the other six members of the commission did. Everyone's had a chance to see it, make comments, suggestions, whatever it may be. So I don't know the detail of what everybody said and did and when they did it.

Co-Chair Sen. Vernon Sykes [00:25:36] We have questions.

Co-Chair Speaker Bob Cupp [00:25:39] All right. Without objection, the commission will recess until six o'clock. In the meantime, the the proposed map will be uploaded to the public website and maps will be printed and made available as quickly as possible, so the committee will recess until six p.m..

Recess [00:26:05] [Recess].

Co-Chair Speaker Bob Cupp [00:26:05] The Commission will come back to order pursuant to the recess earlier today. I would note, for the record, that all members of the commission are present here as we have reconvened. Is their business to come before the commission? Chair recognizes Senator Huffman.

Senate President Matt Huffman [00:26:22] Thank you, Co-Chair Cupp. At this time, I would move that the commission adopt the plan that is submitted on the commission's website known under the name Paul DeSantis, and that that is my motion and I'd like to speak to the motion.

Co-Chair Speaker Bob Cupp [00:26:41] I'll second the motion. Senator Huffman.

Senate President Matt Huffman [00:26:44] Thank you, Mr. Chair. Just briefly and obviously happy to answer any questions. This plan is a plan that designates 18 Republican Senate seats and 54 House Republican seats, or an 18-15 54-45 map, which was designated in the Supreme Court's decision. I'd note the democratic maps submitted last week had the same number as I believe the Roden map referred to in the Supreme Court's decision in 18-57 map. I did want to comment that this, these maps, all of them were drawn, or at least I think the Glassburn Map, Democratic Map and ours were done pursuant or with the data that was provided by Ohio University pursuant to the contract that was issued by the redistricting committee in the commission. In other words, the census data is sent to Ohio University, and that's the data that was used and agreed to be used by everyone. I think since at least in the last few hours, some folks have said, well, there may be districts on third party websites or opinions on third party websites that use different data. I think we've had a lot of testimony about how a lot of that is inaccurate or not, quite, according to Hoyle. So these are these are this the the indexes in the total are pursuant to the official data from Ohio University that the map makers on both sides of the aisle have been using. So it's an 18-54 map. The other requirement that the Supreme Court indicated in its second opinion is the issue regarding symmetry. The I'm going to talk a little bit more about Senate map, allow Speaker Cupp to talk about the House map, but there are the issues or districts regarding assymetry are two in the Senate and five in the House. This is identical to again to the Democratic map that was submitted last Thursday. And otherwise, this map follows all the other technical line drawing rules provided in the Constitution, and I think that's the extent of my remarks. Obviously, we're all interested in getting this done quickly. And as we've got to May 3rd primary, I'll let Secretary LaRose, talk about that, if he chooses, regarding the the urgency, perhaps talk even more than he already has. I think he's he's put the commission in a pretty good place, knowledge wise, about it. So those are the extent of my remarks now. Mr. Speaker, I'd be happy to answer any questions at this time.

Co-Chair Speaker Bob Cupp [00:29:41] Before you do that, let me just talk a bit about the House map. So I want to first say that I honestly believe that all members of the redistricting commission have worked long and hard to achieve a new General Assembly district plan that is in compliance with all the requirements of the Ohio Constitution. The fact is that it is a new constitutional provision that has never before been utilized or navigated or litigated, and as such, natural results in differing opinions and understanding about what is required. Decisions of the Ohio Supreme Court have subsequently filled in some of the meaning of certain constitutional provisions. Thus, the map this map before us now start anew with a goal of meeting those provisions as adjudicated. The House districts in this new General Assembly plan proposal, I believe, meets the requirements of the Ohio Constitution as interpreted by the Ohio Supreme Court, including those requirements that the court has ordered beyond those expressly stated in the text of Article 11. In regard to partisan proportionality, the Supreme Court has held that the appropriate ratio based on the percentage of statewide votes for each major political party in statewide elections over the last 10 years translates into 54 Republican leaning House districts and 45 Democrat Party leaning House districts, provided other requirements of the Ohio Constitution are not violated in drawing districts to meet this proportionality. The district plan, approved by the commission in January of this year, included 57 Republican leaning districts and 42 Democrat leaning districts. The proposed new district map before us has 54 Republican leaning seats and 45 Democratic leaning seats. I would point out that this was very difficult to achieve, and it was time consuming to navigate the constitutional limitations on splits and divisions of political subdivisions in the state. But after months of trying and retrying

and trying again and after several court decisions refining the meaning of the terms of the Constitution, the target partisan proportionality, as determined by the court, has been achieved in this proposed map. The House plan, House part of this plan, approved by this commission in January, included 12 so-called asymmetrical districts, as defined by the court. This new plan includes only five asymmetrical districts, which is the same number of asymmetrical districts as contained in the House plan that Representative Russo moved to adopt and have this commission, have this commission to adopt, on Feb. 17. I have used the term new plan several times because this General Assembly District Plan has been developed anew. Approximately 70 percent of the House districts are different from the districts approved by the commission in January, and taken together, approximately 73 percent of all a hundred and thirty two General Assembly districts are new. That will conclude my overview of the House districts of the plan and would be happy to respond to any questions that I may be able to answer. So, the floor is open.

Co-Chair Sen. Vernon Sykes [00:33:25] Mr. Co-Chair, you know, I am just disappointed. You know, not so much for myself, but disappointed in the for the court and for the people of the state of Ohio. Particularly as it relates to, you know, just the process. You know, I'm the sponsor of Ohio's open meetings law and, you know, we have some guidelines to try to make sure that the people's business, that they have access to it have information about it. They have a chance to petition us, to to hold us accountable. To give input, whether that's through a public hearing or even just the telephone call. We've been told that you've been working on this since February the 11th. And we have not had a chance, an opportunity to give any input or have any knowledge about what you're doing. So we're just wondering, uh, do you expect us to vote on this? We just got it, the information about this, just a few hours ago. We've been deliberating over districts and redistricting issues since the summer. But now, with just a few hours notice, you want us, do you want us to vote on this today?

Co-Chair Speaker Bob Cupp [00:35:00] What's the pleasure of the commission?

Senate President Matt Huffman [00:35:05] Yeah. Well, a couple of things. I mean, I don't think, I appreciate what you're saying and and, you know, Senator Sykes, there are many, many, many meetings that are productive meetings that are don't take place. Are, you and I talked about this issue in your office and the press and the public weren't part of that. And I had phone conversations, things like that. So sometimes that, those are productive meetings. I don't think these issues are new to anyone sitting here on the commission. Much, you know, much of this playing are actually adoptions from the democratic map and not in whole, but at least in concept. And I would prefer to vote on the the plan tonight for a couple of reasons. One is, the Supreme Court has made it clear as to the urgency of of responding to them. And more importantly, I think, as importantly, is that we have a May 3rd election and the Secretary has made clear, and I'll let him speak to the specifics of it, about the importance of having this and hopefully still possible having these General Assembly district elections on May 3rd. And you know, all of the other options are bad. Two primaries? Bad idea because I happened to suggest it and people let me know. Pushing back the primary, people are not in favor of that also. So I don't know, you know, I think at this point- a while ago, days mattered, at this point, hours matter. And so I would prefer to vote on it tonight. And those are the reasons why. So those are my comments about the timing.

Co-Chair Speaker Bob Cupp [00:36:55] Mr. Co-Chair, the court has instructed us to work on a commission plan, and have the commission work on the plan, not to have a Democratic plan or Republican plan. And so what is your rationale, since we have reached

out to you to be involved or to offer input, but we haven't been given any information, just the map, once you finish and complete it, how is that complying with the directive of the court?

Senate President Matt Huffman [00:37:25] Well, if I could, we're here now and we can talk about it. I'm not sure how else the commission can meet and talk about it unless we notice up a meeting and we're all here to do that. So we have a meeting. We can talk about it now, things you like or dislike or whatever it may be.

Co-Chair Sen. Vernon Sykes [00:37:48] Well, you know, we did have an opportunity in the last few hours to take a look at the map, and it looks like it puts the minority party in a more inferior position than before, with only six, twenty six, districts that are that would be most likely won by Democrats and in the House and only eight districts that would most likely be won by Democrats in the in the Senate. And so, you know, we don't believe that this, we appreciate the idea that you maybe embrace the concept that you need to comply with the proportionality guidelines. But the court also indicated that symmetry was also important. And we do not believe that you comply with it. We believe that you've made that worse.

Co-Chair Speaker Bob Cupp [00:38:49] If if I might ask, what is your rationale for that?

Co-Chair Sen. Vernon Sykes [00:38:58] Rationale, you have in the plan that was turned down by the court, in the House, districts that had a DPI from 50 to 52. There were 14 leaning Democrat. And this plan you have 19, for the House, and for the Senate, you have, in fact five in the plan that was turned down by the, by the court and then you have seven and the one being presented here today between 50 and 52. And so we believe that that place the minority party in a more inferior position.

Co-Chair Speaker Bob Cupp [00:39:51] Well, if I if I might respond to that, I actually I read the Supreme Court decision again today. Decision number two and specifically looked at the the asymmetry question and it when the court addressed asymmetry, they discussed the districts that were 51 percent or less Democrat leaning. And that's the as my understanding is the the point where the court took issue. It did not take issue with any of the districts that had a greater than 51 percent partisan lean in this map. As I've already indicated, it does have five districts that are asymmetrical. That is the same number of asymmetrical districts, districts that were in the map that that that Representative Russo moved and you seconded just a week ago to to adopt. So I'm not sure I understand your issue unless you're saying that you don't believe districts that are over 51 percent leaning democratic based on the the ratio that were required to use are not winnable. So I completely don't understand, because clearly the percentage is leaning Democrat, it's certainly not leaning Republican and it's certainly not neutral.

Co-Chair Sen. Vernon Sykes [00:41:23] Well, the point that we're making is that all of these districts 52 or less, 52 percent with the Democratic Index or less all Democratic districts, none zero in the Republican area. And so we're just concerned the concern about it.

Co-Chair Speaker Bob Cupp [00:41:46] Is, is this a new issue you're raising because that was not 52 percent was not something the court addressed between 51 52. They addressed it between 50 and 51. This is what I read. Rep. Russo, did you? Go ahead.

House Minority Leader Allison Russo [00:42:06] Thank you, Mr. Co-Chair. I'm just going to be frank here, I think this discussion and claiming that you addressed asymmetry is smoke and mirrors here, I'm going to read paragraph 40 from the decision itself so that we're not interpreting what the court said. We're actually reading the words. In paragraph 40, it says, "article six, Section 6B, provides that the commission shall attempt to draft a plan in which the statewide proportion of districts whose voters favor each political party shall correspond closely to the statewide preferences of the voters of Ohio." Emphasis added. "Yet the commission knowingly adopted a plan in which the House districts whose voters favor Republicans do so at vote, shares a fifty two point six percent and above. While more than a quarter 12 of 42 of the House districts whose favor Democrats do so at a vote share between 50 and 51 percent, meaning that a one percent swell in Republican votes shares would sweep 12 additional districts into the Republican column. Nine of those districts favor Democrats at a level under fifty point five percent." So that has been pointed out. But it goes on further to say "while the Constitution does not require exact parity in terms of the vote share of each district, the commission's adoption of a plan in which the quality of partisan favoritism is monolithically disparate is further evidence of a Section 6A violation. In other words, in a plan in which every toss up district is a democratic district, the commission has not applied the term favor as used in Section 6B equally to the two parties. The commission's adoption of a plan that absurdly labels what or by any definition, competitive or toss up districts as Democratic leaning, at least when the plan contains no proportional share of similar Republican leaning districts, is demonstrative of an intent to favor the Republican Party." So I will go back to the maps that you have submitted claiming that you have addressed this issue of symmetry. And in fact, what you have proposed is a 26 five-four split for the house because you have 19 districts that fall between 50 and 52. Amazingly, you've actually created a bigger problem because previously you only had 14 that fell within that range. Now you've created 19 and claim that you have addressed symmetry. The same is true in the Senate districts. You created a map that has seven districts that fall between 50 and 52. Amazingly expanding the issue, whereas previously there were five and the mess, in the district, in the map that was declared unconstitutional and thrown out by the courts. So you know, this argument that you somehow have addressed asymmetry by creating fewer districts between the 50 and 51 percent range seems to ignore what the court was saying in its decision. So I asked the question How have you addressed asymmetry given the full reading of the court's decision and paragraph forty?

Co-Chair Speaker Bob Cupp [00:45:29] Rep. Russo, I'd ask you how many Democrat leaning districts are between 50 and 51 percent? Which is what the court addressed.

House Minority Leader Allison Russo [00:45:40] In which map?

Co-Chair Speaker Bob Cupp [00:45:42] The the house map.

House Minority Leader Allison Russo [00:45:44] In the house map that has been moved to be adopted, it is five and you are correct that there were five in the Democratic district. But again, the court decision is pretty clear that when you have monolithic asymmetry, regardless of whether we're using a threshold of fifty point five, fifty point eight, fifty one, fifty one point five, fifty two, the important piece of this is that you have zero Republican districts that fall within those ranges. Nineteen on the House side versus zero on the Republicans and in the Senate, seven that are between 50, 52 for Democrats and zero on the Senate. So in my view, I don't think that this at all addresses what the court noted was the issue as a violation of Section 6A and 6B in their decision.

Co-Chair Speaker Bob Cupp [00:46:43] Oh, I guess you and I are reading that differently. Any further discussion, questions? I think the question the issue you through out is, when do we vote? So do we go ahead and vote now or what?

House Minority Leader Allison Russo [00:47:04] Mr. Speaker, I do have another question. Thank you. I would ask the commissioners, do the majority of the commissioners believe that this map, which actually worsens partisan asymmetry, it does not improve it, will satisfy the court and show that the commissioners, each member of this commission, when we appear on Tuesday before the court is not contemptuous of the court and does not remain in contempt? Or possibly in contempt.

Co-Chair Speaker Bob Cupp [00:47:37] Well, as I've indicated to the press, I'm not commenting on pending litigation, and I don't think it's wise for anybody to do that.

House Minority Leader Allison Russo [00:47:50] Mr. Co-Chair, I'm sorry, but we're sitting here because of pending litigation discussing these maps. So I would disagree with that assessment.

Co-Chair Speaker Bob Cupp [00:48:05] All right, if there's no further discussion, are we? Is the motion on the floor and the second. Are we... Clerk called the roll, please, staff, call the roll.

Staff [00:48:19] Co-Chair Speaker Cupp.

Co-Chair Speaker Bob Cupp [00:48:21] Yes.

Staff [00:48:22] Co-chair Senator Sykes.

Co-Chair Sen. Vernon Sykes [00:48:23] No.

Staff [00:48:24] Governor DeWine.

Gov. Mike DeWine [00:48:25] Aye.

Staff [00:48:27] Auditor Faber.

Auditor Keith Faber [00:48:27] No.

Staff [00:48:29] President Huffman.

Senate President Matt Huffman [00:48:30] Yes.

Staff [00:48:31] Secretary LaRose.

Sec. of State Frank LaRose [00:48:32] Yes.

Staff [00:48:33] Leader Russo.

House Minority Leader Allison Russo [00:48:34] No.

Staff [00:48:37] Co-Chair, it's four to three.

Co-Chair Speaker Bob Cupp [00:48:40] The vote is four to three. The motion does pass. It is not passed by the required majority to be a 10 year district plan, so it passes as a four year district plan. Secretary LaRose, did you have a motion?

Sec. of State Frank LaRose [00:48:59] Yeah, I do. Thank you, Mr. Co-Chair. And I do want to re-emphasize that which I have said many times from the seat and that which I've said many times in letters that I've sent to the members of the General Assembly and to the leadership that we are in one heck of a time crunch. And as it relates to conducting the election on May 3rd, I'm duty bound to make sure people understand really what's at peril for any further delay. I'm glad that we've just conducted this, this vote, by the way. But one other thing that I thought we should consider here as we wrap up the work of this commission, having just adopted what I believe are constitutional maps, is to take a look at the Section 9C provision that says in part, a General Assembly district plan made pursuant to this section shall allow again shall allow 30 days for persons to change residence in order to be eligible for election. My read of that is that the plan that we just adopted shall allow 30 days for persons to change residence in order to be eligible for the election. Of course, what that means is that a candidate who filed their petitions back on February 2nd to run for the House or Senate must now from today from adoption of this plan, have an additional 30 days to notify the Board of Elections that they intend to move and then to in fact move to a new residency and be eligible for the ballot. Because of that provision, the county boards of elections may read that to mean that they just have to wait 30 days now for that to happen. My hope is to give them more clear guidance than that and in fact, ask candidates to notify the Board of elections of their intention to move. My guess is there may be very few that do so, but in the case where your county has somebody who has notified you that there's that intention, then the board would know how to deal with that based on the directive I would give them. Of course, that would take, if they did just simply wait for 30 days, that would mean that they can't certify any petitions until March 26th. March 26th is a date long after the overseas and military ballots are required to go out, in fact I'll remind us that we have three weeks until overseas and military ballots go out. That's three weeks from tomorrow until I'm required by law to mail out overseas and military ballots to our men and women serving overseas and to their families and those who are studying abroad, etc. That is effectively the beginning of the election. Of course, Election Day is on May 3rd, but voting begins starting three weeks from now, and that is the time crunch that we're operating under. And to get this work done in those three weeks is nearly unimaginable, perhaps possible with some really amazing work by our county boards of election. So back to the matter at hand, because of the severely compressed timeframe, we now have to hold primaries for these races, potentially, you know, under a very compressed timeframe. What I'm asking the members of the commission to consider is simply adopting a statement that I have distributed to all of you, and I'll read it, it says, "The General Assembly district plan that this commission just adopted would authorize me as Secretary of State to issue to the boards of elections directives by which House and Senate candidates who have filed to run shall comply with Article 11, Section 9C, if any candidates wish to do so." Again, that they would have the opportunity to meet that 30 day residency requirement under the rules that I would send to the boards of elections by directive and that we are adopting this as part of the plan that we just passed.

Auditor Keith Faber [00:52:42] Second.

Co-Chair Sen. Vernon Sykes [00:52:43] Point of order?

Co-Chair Speaker Bob Cupp [00:52:45] Mr. Co-Chair.

Co-Chair Sen. Vernon Sykes [00:52:46] Yes, Mr. Co-Chair, I, you know, I don't think we have the authority to authorize the Secretary of State to do that, but this motion exceeds the authority of the Commission and the residency deadline is both a constitutional and a statutory issue. And I don't believe that the Commission has the authority to change the election law to accommodate the 30 day residency requirement. This motion will not resolve the issue raised by the Secretary of State and Attorney General.

Sec. of State Frank LaRose [00:53:21] I'd like to respond to that, Mr. Co-Chair.

Co-Chair Speaker Bob Cupp [00:53:23] Secretary LaRose.

Sec. of State Frank LaRose [00:53:25] First of all, arguably, I have the directive authority already to tell the boards of elections how to comply with this part of the Constitution. But I would argue that we as a commission have the duty to include this language in the plan that we're adopting right now, because what the Constitution says again is that a General Assembly plan adopted pursuant to this section, the plan that we just adopted, pursuant to this section, shall allow 30 days for persons to change residents. By adopting the statement that I just read into the record, we are allowing as part of this plan that we just adopted the 30 days for candidates to change residents in order to be eligible for election.

Co-Chair Speaker Bob Cupp [00:54:10] Auditor Faber.

Auditor Keith Faber [00:54:12] Thank you. I tend to believe the Secretary already has this authority. I believe the Constitution makes it clear without regard to whether we give authority or don't give authority, that somebody gets 30 days to move in to the district once the district maps are final. Regardless of when they're on the ballot and candidly, I suggest the Secretary could just issue guidance saying that, file a statement if you intend to relocate and then verify that relocation when you certify the election, I think that certainly would be within his discretion and certainly comply with the Constitution. And for that reason, I support this motion because I think it just makes it clear to everybody that that is the intent of what should happen to comply with the Constitution. So in that regard, I think this is only a statement of intent. I don't know that it gives him any new authority, but I think it certainly is appropriate to make it clear to everybody that we believe people who may have already filed for one district in something that changed a line adjustment. I think it's only fair for them to know that they can move under the Constitution, which the Constitution already gives them that right, within 30 days. So I have no problem putting that statement in for that reason.

Co-Chair Speaker Bob Cupp [00:55:24] Senator Sykes.

Co-Chair Sen. Vernon Sykes [00:55:25] Yes, if I can ask the question on the motion. What about those persons who had not filed already, but based on the new configuration of the districts decided they want to run? Will they be given a constitutional right to for 30 days to move into the to file?

Sec. of State Frank LaRose [00:55:48] That's a question, Co-Chair, that only you and your colleagues in the General Assembly can answer. I don't have the power to do that right now. As you know, my Boy Scout handbook is Title 35. I do what you all tell me to do, and that is follow the law. The law currently says that the petitions that were filed are the only ones that are being filed, and those were filed back on February 2nd.

Co-Chair Speaker Bob Cupp [00:56:11] Chair Sykes?

Co-Chair Sen. Vernon Sykes [00:56:12] How does that comply with the Constitution giving someone 30 days, in fact, to move into the district?

Sec. of State Frank LaRose [00:56:20] Mr. Co-Chair, two separate matters, one relates to residency, the other one relates to declaring yourself a candidate for the ballot. The candidates, those who declared themselves a candidate for the ballot on February 2nd, are a fixed group of people. We know who those are. What the Constitution says is that group of people now have the ability to move if they find themselves living in a place that is not where they intended to run or the district for which they intended to run. That's what 9C of Article 11 allows for.

Co-Chair Sen. Vernon Sykes [00:56:53] I respectfully disagree.

Co-Chair Speaker Bob Cupp [00:56:57] Chair recognizes Senator Huffman.

Senate President Matt Huffman [00:57:01] Thank you, Co-Chair. I think some similar questions were raised last Thursday. There was a creation and I'm not sure there may have been some House districts of at least one Senate district where there would have been no one who had filed and no one who had the correct number and signatures. And I think Representative Russo raised a number of potential solutions, including a write in ballots and other, perhaps legislative fixes. And I guess I would say regarding these kinds of issues, you know, from from the my perspective, can't I can't speak for the other thirty two members of the Senate, but perhaps I can tentatively speak for my caucus. We would be certainly interested and willing to draft legislation on an emergency basis next week to make the whatever rules are necessary for basic fairness to allow folks to go ahead and file for the various districts. Obviously, the timing of this has been difficult and everyone. So if there are changes, you know, maybe we can even get to work on that this weekend.

Co-Chair Speaker Bob Cupp [00:58:22] The motion has been made and seconded, I believe it's been seconded.

Sec. of State Frank LaRose [00:58:28] Yes.

Co-Chair Speaker Bob Cupp [00:58:29] OK, thank you. All right. Any further discussion? If not, the staff will call the roll, please.

Staff [00:58:37] Co-Chair Speaker Cupp.

Co-Chair Speaker Bob Cupp [00:58:38] Yes.

Staff [00:58:39] Co-Chair Senator Sykes.

Co-Chair Sen. Vernon Sykes [00:58:40] No.

Staff [00:58:41] Governor DeWine.

Gov. Mike DeWine [00:58:42] Aye.

Staff [00:58:44] Auditor Faber.

Auditor Keith Faber [00:58:44] Yes.

Staff [00:58:45] President Huffman.

Senate President Matt Huffman [00:58:46] Yes.

Staff [00:58:46] Secretary LaRose.

Sec. of State Frank LaRose [00:58:47] Yes.

Staff [00:58:48] Leader Russo.

House Minority Leader Allison Russo [00:58:48] No.

Staff [00:58:52] Five to two, Mr. Chair.

Co-Chair Speaker Bob Cupp [00:58:53] Vote is five to two, the motion has carried.
[indecipherable] You would have moved, it's submitted, and I'll second.

Co-Chair Sen. Vernon Sykes [00:59:03] Mr. Co-Chair, I'll move that we accept the written testimony for Kathleen Clyde, who had planned on testifying here today. But we changed the time period and she was not able to stand, stand around and wait. And so I respectfully submitted on her behalf.

Co-Chair Speaker Bob Cupp [00:59:22] And I would second that and without objection, it will be submitted into the record from the testimony for this afternoon this afternoon. Now is there any further, excuse me, is there any further business to come before the commission this evening?

Auditor Keith Faber [00:59:37] Are we-.

Co-Chair Speaker Bob Cupp [00:59:37] Auditor Faber.

Auditor Keith Faber [00:59:38] Thank you. Do we have an intention to set dates to continue our work on the congressional for next week? Or do we have an idea of what we're looking at?

Co-Chair Speaker Bob Cupp [00:59:52] I think probably next Tuesday. That doesn't prevent any plan from being circulated before that time. Does that sound satisfactory or do you have something else in mind?

Co-Chair Sen. Vernon Sykes [01:00:12] It's finec.

Co-Chair Speaker Bob Cupp [01:00:14] All right. We'll schedule a commission meeting for for next Tuesday, and we may do it or we have session next Wednesday as well so we can get this congressional districts done. Wrap that up, at least our end of it very quickly.

Co-Chair Speaker Bob Cupp [01:00:32] So, Mr. Speaker, are are we going to do 8C2 statements from the majority and from the minority?

Co-Chair Speaker Bob Cupp [01:00:44] All right. We will, but I think we're going to need to recess to to prepare the statement. How much time do we think we're going to need?
[indecipherable] I am advised that it would probably take one hour.

House Minority Leader Allison Russo [01:01:21] To clarify, you're going to recess for an hour.

Co-Chair Speaker Bob Cupp [01:01:23] Yes. If I'm hoping to so we can comply with that portion that we're required to comply with.

House Minority Leader Allison Russo [01:01:31] OK, great. So we're reconvening this evening.

Co-Chair Speaker Bob Cupp [01:01:34] Yes.

House Minority Leader Allison Russo [01:01:34] OK.

Co-Chair Speaker Bob Cupp [01:01:35] All right. All right. Without objection, the commission will be in recess for one hour by my clock. That means it would be 10 minutes till 8:00 and we reconvene.

Recess [01:01:50] [Recess].

Co-Chair Speaker Bob Cupp [01:01:50] Pursuant to the recess, the Ohio Redistricting Commission will come back to order. I would note that all members of the commission are present. Is there any, do we have a motion for the required statement. Well, we don't have one. All right, well, in order to, all right. Well, I guess there's nothing wrong with doing this in what might be considered reverse. So Representative Russo, are you ready with your statement?

House Minority Leader Allison Russo [01:02:27] Yes, thank you, Mr. Chair. First, I'd like to say that the maps approved by the majority commissioners tonight yet again failed to meet the Ohio Constitution and failed to meet the directive of the Ohio Supreme Court. We have had several opportunities to work together as a commission to draw maps, and each time the majority commissioners have squandered the chance to do so. We would ask the commission, have we learned nothing after two court orders? We have been directed to work together and put aside partisan interest in order to draw maps that meet the Constitution of the State of Ohio, something that we are both duty and oath bound to uphold. Instead of working together, this map that was passed this evening was drawn entirely by Republican legislators on the commission, without our involvement and without allowing feedback or changes. The court has told us that this is problematic and a sign of partisan intent. In fact, they state in their decision in paragraph 31, we observed that when a single party exclusively controls the redistricting process, it should not be difficult to prove that the likely political consequences of the reapportionment were intended. We should not repeat the same mistake again. And while the majority commissioners may claim that these maps meet the requirements of Article 11, Section 6, in reality, they fall short of that metric. Unequivocally, the Ohio Supreme Court has directed us to draw that closely, maps that closely match statewide voter preferences and, as the court noted in paragraph 40, in fact, the most recent invalidate an unconstitutional map had 14 Democratic leaning House seats in the 50 to 52 percent democratic index range. Today's plan has 19, five more. There are zero Republican leaning House seats that are in the 50 to 52 percent range. The most recent invalidated, unconstitutional map had five Democratic leaning Senate seats in that range. And today's plan actually increases that asymmetry with seven districts between 50 and 52 percent. There are zero Republican leaning Senate seats that are in the same 50 to 52 percent range. It is not hard to see that

these maps do not meet the court's direction on partisan symmetry and are yet again in violation of Article 11, Section six. Even with a contempt hearing on the horizon, the majority commissioners continue to show their contempt for the court, the Constitution and the rule of law. And to go back in state exactly what the language is in paragraph 40, it says "while the Constitution does not require exact parity in terms of the vote share of each district, the commission's adoption of a plan in which the quality of partisan favoritism is monolithically disparate is further evidence of a Section 6A violation. In other words, and a plan in which every toss up district is a democratic district, the commission has not applied the term favor as used in Section 6B equally to the other two parties. The commission's adoption of a plan that absurdly labels what are by any definition competitive are toss up districts as Democratic leaning, at least when the plan contains no proportional share of similar Republican leaning districts is demonstrative of an intent to favor the Republican Party." Again, those are not my words, those are the words from the court's decision. With time and collaboration, we could amend these maps to make them compliant with the law and the court's orders. We know that it is possible to put forward constitutional maps for this body to consider. We developed these maps in a process where we continually, we being the Democrats, continually invited feedback from other members of the commission. Unfortunately, the majority members of the commission voted them down and would not work with us. The public has been completely shut out of any meaningful opportunity to analyze these maps, let alone provide testimony. This was not the process contemplated, contemplated by Ohio voters in passing this constitutional reform. Instead of proportional and fair maps, Ohioans are once again left with maps that fail to meet the Constitution. It is disappointing that instead of simply working together, the majority commissioners are flagrantly ignoring Ohio voters and the Supreme Court of Ohio in an attempt to tighten their unyielding grasp on their supermajority power. Thank you, Mr. Chair.

Co-Chair Speaker Bob Cupp [01:07:47] Without objection, the the statement that that is authorized by the Constitution will be considered submitted, for the record. Is there further motion?

Senate President Matt Huffman [01:08:10] Mr. Chairman, the Section 8C2 statement has been presented to the commissioners for their review, and I would move that it be accepted.

Co-Chair Speaker Bob Cupp [01:08:22] I'll second that, is there any discussion on that statement? All right. I guess in the interest of symmetry, I probably should read this statement. So it's the Section 8C2 statement required under the Ohio Constitution in League of Women Voters versus DeWine's opinion. No. 2022-Ohio342. The Ohio Supreme Court ordered the commission to draft and adopt an entirely new General Assembly district plan that conforms with the Ohio Constitution, including Article 11, Section 6A and 6B. The redistricting commission did so. The commission drew an entirely new plan in which the statewide proportion of Republican leaning to Democrat leaning districts precisely corresponds to 54 percent Republican leaning and 46 percent Democrat leaning districts. In doing so, the commission was mindful that all of Section 6, Article 11 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 of compliance with Section 6 shall not result in violations of section 2, 3, 4, 5, or 7 of Article 11 of the Ohio Constitution. All members of the commission, through their respective staff and individually were given the opportunity to meet with the map drawers to express concerns. Make suggested edits and otherwise participated in the map making process in a collaborative fashion. The final adopted plan contains input from those members of the

Commission directly or through their staff who chose to participate. The final adopted House District Plan contains 54 Republican leaning districts. This corresponds to approximately 55 percent of the total number of House districts. The final adopted Senate district plan contains 18 Republican leaning districts. This corresponds to approximately 54 percent of the total number of Senate districts. In total, the final adopted General Assembly district plan contains a total of 72 Republican leaning districts and 60 Democrat leaning districts. This corresponds to approximate 54 percent Republican leaning districts and approximately 45 percent Democratic leaning districts. These percentages meet strict proportionality. The Redistricting Commission addressed the asymmetry holding asymmetry holding identified in League of Women Voters two. Only five of the ninety nine House districts have a partisan lean between 50 and fifty point ninety nine percent. All other districts have a partisan lean greater than 51 percent. In the Senate map, only two districts have a partisan lean between 50 and fifty point ninety nine percent. This is the exact same number of asymmetric House and Senate districts found in the Sykes Russo House proposal map. The commission believes that the number of Republican leaning districts and Democrat leaning districts meets the strict proportionality despite the distribution of voters and geography of Ohio. Moreover, the final adopted General Assembly plan does not contain any violations of Section 2, 3, 4, 5, or 7 of Article 11 of the Ohio Constitution and complies with Section 6 of Article 11 of the Ohio Constitution. Any objection to submitting this as the 8C2 statements? Hearing no objection it's considered admitted. [indecipherable] The secretary will now call the roll.

Staff [01:11:57] Co-Chair Speaker Cupp.

Co-Chair Speaker Bob Cupp [01:11:59] Yes.

Staff [01:12:00] Co-Chair Senator Sykes.

Co-Chair Sen. Vernon Sykes [01:12:01] No.

Staff [01:12:02] Governor DeWine.

Gov. Mike DeWine [01:12:02] Yes.

Staff [01:12:04] Auditor Faber.

Auditor Keith Faber [01:12:09] For the purposes of having that submitted as a statement, I guess my answer is yes.

Staff [01:12:15] President Huffman.

Senate President Matt Huffman [01:12:15] Yes.

Staff [01:12:16] Secretary LaRose.

Sec. of State Frank LaRose [01:12:17] Yes.

Staff [01:12:18] Leader Russo.

House Minority Leader Allison Russo [01:12:21] No.

Staff [01:12:21] Five - two, Mr. Chair.

Co-Chair Speaker Bob Cupp [01:12:22] The vote is five to two. The statement is adopted and submitted with the record. Any further business to come before the commission this evening? Auditor Faber.

Auditor Keith Faber [01:12:31] Thank you, Mr. Speaker. I want to make it clear on the record that the Minority Report issued by Senator Sykes and House Minority Leader is not a report that I concur with.

Co-Chair Speaker Bob Cupp [01:12:46] Any further business? Hearing no further business the commission is adjourned for tonight.



Josh Rultenberg ✓

@JoshRultNews

...

.@SpeakerCupp said the Ohio Redistricting Commission members have been talking behind the scenes but they won't probably meet publicly until next week. There's no specific schedule for either set of maps but legislative getting done first.
[@SpectrumNews1OH](#)

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Josh Rultenberg ✓
@JoshRultNews

...

.@DrVernonSykes has sent a letter to @SpeakerCupp "expressing disappointment based on availability of majority commissioners, the Commission cannot meet immediately." Sykes wants to meet "no later than Friday." @SpectrumNews1OH



February 9, 2022

The Honorable Robert Cupp
Ohio House of Representatives
Columbus, Ohio 43213

Dear Co-Chair Speaker Cupp:

As you are aware, the Supreme Court of Ohio has once again directed the Ohio Redistricting Commission to adopt state legislative maps in accordance with the Court's most ruling. Our deadline is February 17. This is not an impossible task, but one that requires us to work efficiently and expeditiously. We have had numerous conversations over the past few days on the work we must do in order to meet the Court's order. As I have said to you, I believe the Commission should meet as soon as possible.

I write to express my disappointment that based on the availability of majority commissioners, the Commission cannot meet immediately. I recommend that the Commission meet no later than this Friday. The Court specifically noted that we did not efficiently use our time in our most recent efforts. See *League of Women Voters of Ohio v. Ohio Redistricting Comm.*, Slip Opinion No. 2022-Ohio-142, P 44.

Waiting any longer is highly problematic and does not afford ample opportunity for the Commission to have open discussions and to hear testimony from the public on a map. As the Court noted, waiting too long to meet does not indicate that the Commission is attempting to draw a map in accordance with the Court's order. *Id.*

The Court has directed the Commission to attempt to draw district plans. *Id.* at P 43. In order to do so, the Commission, rather than individual Commissioners, must meet and give direction to our staff and consultants. *Id.* at P 31. At the very least, we need to direct our staff that previously met to begin work now. The Court has been very clear -- we must draw a new map that benefits all Ohioans, rather than one based on the previously invalidated map that favors one political party. *Id.* at P 48. This includes directing our staff and consultants to draw a map that meets the statewide preferences of Ohio voters. The Court has stated those preferences as "54 percent of Ohio voters preferred Republican candidates and about 46 percent of Ohio voters preferred Democratic candidates" *Id.* at P 54. This equates to roughly 45 Democratic House seats and 15 Democratic Senate seats and correspondingly 54 Republican House seats

and 18 Republican Senate seats. The Commission should formulate these directions to staff in a memo so map drawers and consultants have a clear course of action from the Commission.

Leader Russo and I submitted a revised proposed map to the Ohio Supreme Court on January 28, 2022 that addressed issues raised in our last Commission meeting. This map meets proportionality standards in Article XI, Section 6 and could be a starting point for the Commission's deliberations. These maps are publicly available and can be accessed by you and the rest of the Commission at:

Democrats' Proposed House Map (1/26/22): <https://democratizingohio.org/legis/housemap-75463245-8220-08aa-bbae-cc79c709834a>

Democrats' Proposed Senate Map (1/26/22): <https://democratizingohio.org/legis/senatemap-65a08405-6848-4056-b3a0-08aa-bbae-cc79c709834a>

I would also like to reiterate that Leader Russo and I are available at any time to begin the Commission's deliberations and initiate the map-drawing process. I believe the Commission must, and has every ability to, construct a map that follows the Court's orders and reflects the reforms Ohio voters enshrined in our state Constitution. It is imperative we show the Court and Ohioans that we are upholding the law and respecting the Court's ruling.

Sincerely,

Senator Vernon Sykes
Co-Chair, Ohio Redistricting Commission

CC: Members, Ohio Redistricting Commission



Josh Rultenberg ✓ @JoshRultNews · Feb 9

.@SpeakerCupp said the Ohio Redistricting Commission members have been talking behind the scenes but they won't probably meet publicly until next week. There's no specific schedule for either set of maps but legislative getting done first. @SpectrumNews1OH

[Show this thread](#)

4:06 PM · Feb 9, 2022 · Twitter Web App

14 Retweets 3 Quote Tweets 27 Likes



BENNETT_091



STATE SENATOR VERNON SYKES
28th District

February 9, 2022

The Honorable Robert Cupp
Ohio House of Representatives
Columbus, Ohio 43215

Dear Co-Chair Speaker Cupp:

As you are aware, the Supreme Court of Ohio has once again directed the Ohio Redistricting Commission to adopt state legislative maps in accordance with the Court's recent ruling. Our deadline is February 17. This is not an impossible task, but one that requires us to work efficiently and expeditiously. We have had numerous conversations over the past few days on the work we must do in order to meet the Court's order. As I have said to you, I believe the Commission should meet as soon as possible.

I write to express my disappointment that based on the availability of majority commissioners, the Commission cannot meet immediately. I recommend that the Commission meet no later than this Friday. The Court specifically noted that we did not efficiently use our time in our most recent efforts. See *League of Women Voters of Ohio v. Ohio Redistricting Comm.*, Slip Opinion No. 2022-Ohio-342, P 44.

Waiting any longer is highly problematic and does not afford ample opportunity for the Commission to have open discussions and to hear testimony from the public on a map. As the Court noted, waiting too long to meet does not indicate that the Commission is attempting to draw a map in accordance with the Court's order. Id.

The Court has directed the *Commission* to attempt to draw district plans. Id. at P 43. In order to do so, the *Commission*, rather than individual Commissioners, must meet and give direction to our staff and consultants. Id. at P 31. At the very least, we need to direct our staff that previously met to begin work now. The Court has been very clear – we must draw a new map that benefits all Ohioans, rather than one based on the previously invalidated map that favors one political party. Id. at P 48. This includes directing our staff and consultants to draw a map that meets the statewide preferences of Ohio voters. The Court has stated those preferences as “54 percent of Ohio voters preferred Republican candidates and about 46 percent of Ohio voters preferred Democratic candidates” Id. at P 54. This equates to roughly 45 Democratic House seats and 15 Democratic Senate seats and correspondingly 54 Republican House seats

and 18 Republican Senate seats. The Commission should formalize these directions to staff in a memo so map drawers and consultants have a clear course of action from the Commission.


Leader Russo and I submitted a revised proposed map to the Ohio Supreme Court on January 28, 2022 that addressed issues raised in our last Commission meeting. This map meets proportionality standards in Article XI, Section 6 and could be a starting point for the Commission's deliberations. These maps are publicly available and can be accessed by you and the rest of the Commission at:

Democrats' Proposed House Map (1/26/22): <https://davesredistricting.org/maps#viewmap::744e3245-b230-48aa-b0ae-ccf9e700654e>.

Democrats' Proposed Senate Map (1/26/22): <https://davesredistricting.org/join/353bfd5-09fa-4b8f-bf56-03a08848e885>.

I would also like to reiterate that Leader Russo and I are available at any time to begin the Commission's deliberations and initiate the map-drawing process. I believe the Commission must, and has every ability to, construct a map that follows the Court's orders and reflects the reforms Ohio voters enshrined in our state Constitution. It is imperative we show the Court and Ohioans that we are upholding the law and respecting the Court's ruling.

Sincerely,



Senator Vernon Sykes
Co-chair, Ohio Redistricting Commission

CC: Members, Ohio Redistricting Commission

The Columbus Dispatch

ELECTIONS

After Ohio Supreme Court rejects maps, Senate GOP leader pitches pricey solution: 2 primaries



Jessie Balmert

The Columbus Dispatch

Published 4:42 p.m. ET Feb. 9, 2022 | Updated 1:01 p.m. ET Feb. 10, 2022

After the Ohio Supreme Court rejected GOP mapmakers' second attempt at legislative maps, Republican Senate President Matt Huffman offered a costly, cumbersome solution: two primaries.

Ohio's primary for U.S. Senate, statewide elections like governor, congressional and state legislative races is currently set for May 3. Huffman, R-Lima, said that date likely won't work for races where maps aren't yet drawn.

"I don't see how we can conduct an election for the General Assembly and the congressmen on May 3rd," Senate President Matt Huffman, R-Lima said. "Are we going to penalize everybody else and upset that? No. So, I think we're all searching for solutions."

Huffman's possible solution includes leaving statewide and local elections on May 3rd and creating another primary date for those running for statehouse and congressional seats.

The idea didn't go over well with election officials already reeling from delayed 2020 primaries and the trials of conducting elections during the COVID-19 pandemic.

Put simply: "That would be an outcome that we would hope to avoid at all costs," said Aaron Ockerman, executive director of the Ohio Association of Election Officials.

Speaker Bob Cupp, R-Lima, declined to comment on Huffman's proposal, saying he hadn't discussed it with the Senate president yet.

In 2011, Ohio lawmakers proposed hosting two primaries the following year – a bargaining chip of sorts in the congressional map fight. At that time, the second primary was

BENNETT_094

estimated to cost \$15 million. In the end, legislators averted that option and approved a congressional map.

Ohio Secretary of State Frank LaRose didn't have an estimated cost for hosting two primaries in one year. He also didn't have a position on whether Ohio should.

"You can't just flip a switch and have an election," LaRose spokesman Rob Nichols said in a statement. "We have a duty to tell the General Assembly that there's risk in running an election on an expedited timeframe, and that's what we're doing."

Election officials agree that a date is approaching when it will become impossible to pull off a primary without legislative and congressional maps. But they can't agree on what that date is, Ockerman said.

Holding two primaries would be a massive undertaking for several reasons: finding poll workers and polling locations for both elections would be a tall task, Ockerman said. And voter turnout would likely plummet for the second primary – just take a look at special congressional races.

Nichols said that election officials could manage "these unprecedented circumstances. But this is somewhat like trying to fly and land planes in a storm. We're not saying it can't be done, just that there's a higher degree of risk."

Reporter Titus Wu contributed to this article.

Read a letter from the Ohio Association of Election Officials below.

Jessie Balmert is a reporter for the USA TODAY Network Ohio Bureau, which serves the Akron Beacon Journal, Cincinnati Enquirer, Columbus Dispatch and 18 other affiliated news organizations across Ohio.



Josh Rultenberg ✓
@JoshRultNews

...

.@SecLaRoseComms releases statement on where things stand on Ohio's process to hold primary elections. @SpectrumNews1OH

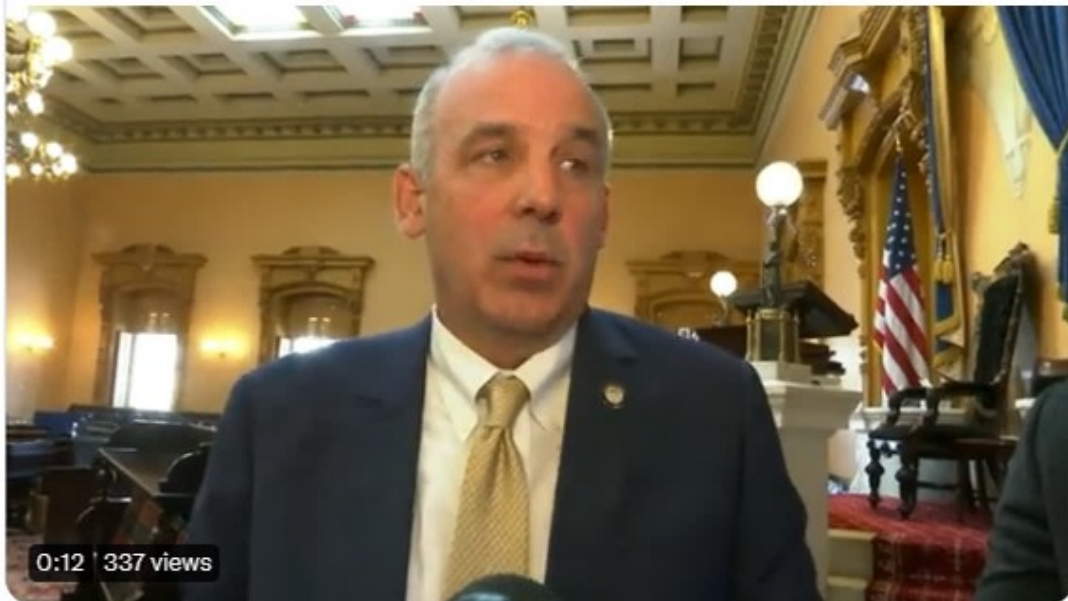
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more. If you compare that process with t
t Ohioans will have the high-quality elec
pedited timeframe, and that's what we'r
e these unprecedented circumstances. E
a higher degree of risk."



Josh Rultenberg ✓ @JoshRultNews · Feb 9

How likely is primary having to move? @matthuffman1 says, "I don't think we should move the primary on May 3rd as it relates to the local elections or the statewide elections...I don't see how we can conduct an election for the GA and the congressmen on May 3rd." @SpectrumNews1OH

[Show this thread](#)



4:32 PM · Feb 9, 2022 · Twitter Web App

3 Retweets 4 Quote Tweets 4 Likes



[↑](#) BENNETT_096

"You can't just flip a switch and have an election. A lot of work goes into certifying candidates, preparing and printing ballots, accommodating overseas military voters, programming and testing machines, and more. If you compare that process with the Court's timeline for resolving the redistricting litigation, it becomes less likely with each passing day that Ohioans will have the high-quality election they deserve. We have a duty to tell the General Assembly that there's risk in running an election on an expedited timeframe, and that's what we're doing. We have the best election officials in the nation, and we have absolute confidence in their ability to manage these unprecedented circumstances. But this is somewhat like trying to fly and land planes in a storm. We're not saying it can't be done, just that there's a higher degree of risk."



Jessie Balmert 
@jbalmer

...

Ohio election officials to [@matthuffman1](#), legislative leaders and [@FrankLaRose](#): Please, please don't make us hold 2 primaries



February 10, 2022

The Honorable Matt Huffman
Statehouse
Columbus, OH 43215
VIA ELECTRONIC MAIL

Dear President Huffman:

On behalf of the Ohio Association of Election Officials, we write to STRONGLY encourage you to reject the idea of holding two primaries in 2022. Of the different options that present themselves for conducting a primary election this year, holding two separate primaries is the worst one available to the legislature.

As members of the executive branch, we fully understand that our job is to administer the law as passed by the legislature. However, we cannot sit idly by and allow legislative discussions about two primaries to occur without weighing in on the impact that would have on our electoral system. While we will not detail all the consequences of such action, please allow us to outline the concerns that immediately come to mind.

- The cost to taxpayers would be enormous. In 2011 the legislature contemplated and ultimately rejected conducting two primaries. At that time it was estimated that this action would cost taxpayers \$15 million. Given the complexities of elections in 2022, this number is certainly higher.
- The logistics of conducting back-to-back elections are significant and troublesome. Just a few items that would be difficult and potentially impossible for election officials to manage include poll worker recruitment, securing polling locations, testing and preparing voting machines, and obtaining ballots/supply chain issues (we are already being warned about nationwide paper and toner shortages).
- Two primaries will almost certainly cause voter confusion and low turnout, making the expense and difficulty of conducting two elections even more worrisome. Historically speaking, even year primaries are low turnout and special congressional elections frequently draw participation from less than 10% of registered voters.

We would encourage the redistricting commission to act quickly to put maps in place, and press forward with a single primary on May 3rd. Absent that, the legislature should consider moving all contests to a later primary date. Please rest assured that we fully appreciate the dilemma that the current mapmaking process has created for the legislature. Our association sincerely

welcomes the opportunity to work with the legislature to ensure a smooth, orderly and accurate primary election.

Sincerely,

Brian Sleeth

Sherry Poland

12:58 PM · Feb 10, 2022 · Twitter for iPhone

34 Retweets 5 Quote Tweets 71 Likes



BENNETT_098



February 10, 2022

The Honorable Matt Huffman
Statehouse
Columbus, OH 43215
VIA ELECTRONIC MAIL

Dear President Huffman:

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welcomes the opportunity to work with the legislature to ensure a smooth, orderly and accurate primary election.

Sincerely,

Brian Sleeth

Sherry Poland



Josh Rultenberg
@JoshRultNews

...

.@OhioSenateGOP Spox reacts to Dems presser.
@SpectrumNews1OH

"Since democrats say they are all about fairness, is it fair that they eliminated the entire first senate district and shoved it into districts that will not have another senate election until 2024?
All 360,000 people will go six years between elections and will have a senator they never voted for, for at least two years."

Bottom line statement from me:

"I'm sure at this point, democrats believe they could draw house and senate maps in crayon and watercolor and the same four members of the court would approve their unconstitutional maps.
Clearly, the legislative democrats aren't calling the shots, special interests from Washington, D.C. are."



Josh Rultenberg @JoshRultNews · Feb 11

.@Russo4Ohio says primary can be on time if necessary steps taken to pass fair constitutional maps. @SpectrumNews1OH

[Show this thread](#)



11:52 AM · Feb 11, 2022 · Twitter for iPhone

3 Retweets 6 Quote Tweets 2 Likes



BENNETT_101



Josh Rultenberg ✓ @JoshRultNews · Feb 11

...

Inbox: The Ohio House will be in session next Wednesday. Does that say something, if anything, about the legislative redistricting process? 🤔

[@SpectrumNews1OH](#)

3

2

7



Josh Rultenberg ✓

...

@JoshRultNews

.[@OHRGOPCaucus](#) spokesperson says, “The schedule for the Redistricting Commission is still to be determined and this is a regular scheduled session day.” [@SpectrumNews1OH](#)

4:39 PM · Feb 11, 2022 · Twitter for iPhone

3 Likes





Josh Rultenberg ✓

@JoshRultNews



During today's [@OHHouseDems](#) [@OhioSenateDems](#) press conference, [@Russo4Ohio](#) said the [@OHSupremeCourt](#) has the necessary tools to deal with "lawbreakers" but didn't say what the court should do if the GOP members of the commission don't comply with the court. [@SpectrumNews1OH](#)



2:24 PM · Feb 11, 2022 · Twitter Web App

9 Retweets 1 Quote Tweet 22 Likes





Allison Russo ✓
@Russo4Ohio

...

Only **4** days remain until the Court's Feb. 17th deadline to re-draw state maps, yet:

- ✗ No Commission meeting held or scheduled
- ✗ No maps shared by Republicans
- ✗ No formal feedback on maps proposed by @OHHouseDems and @OhioSenateDems



dispatch.com

Ohio redistricting: Few signs that third time's a charm for state House and Sen... Whether because of partisan gridlock or Super Bowl Sunday, the Ohio Redistricting Commission has made little to no progress on new legislative maps.

12:09 PM · Feb 13, 2022 · Twitter for iPhone

37 Retweets 2 Quote Tweets 69 Likes



BENNETT_104



Josh Rultenberg ✓
@JoshRultNews



As of this moment, [@OHHouseDems](#) and [@OhioSenateDems](#) both say they have not heard from Republicans about when the Ohio Redistricting Commission could meet, feedback on the maps introduced on Friday, etc. [@SpectrumNews1OH](#)

10:17 AM · Feb 14, 2022 · Twitter Web App

57 Retweets **11** Quote Tweets **154** Likes





Josh Rultenberg ✓
@JoshRultNews



.@GovMikeDeWine spokesperson comments on redistricting process. @SpectrumNews1OH

ose involved in redistricting must do all they can to follow the
d on these issues since the decision. Governor DeWine belie
rsation on these issues. The Governor is prepared to meet a

on must attempt to comply with the Ohio Constitution and m
s significant roadblocks remain to achieving a consensus ma
ional. Recent proposals do not greatly differ from previous m
geography does not match the proportionality of recent stat
attempt to comply with the recent order.”

3:24 PM · Feb 14, 2022 · Twitter Web App

2 Retweets 1 Quote Tweet 5 Likes



“Governor DeWine believes that he and those involved in redistricting must do all they can to follow the constitution and the recent court decision. His staff has continuously worked on these issues since the decision. Governor DeWine believes the Ohio Redistricting Commission should meet publicly and engage in conversation on these issues. The Governor is prepared to meet as soon as tomorrow if a meeting is properly called and noticed.

“The Governor believes that the Commission must attempt to comply with the Ohio Constitution and most recent court order regarding a new map. However, Governor DeWine believes significant roadblocks remain to achieving a consensus map. The Commission has yet to see a map that is both proportional and constitutional. Recent proposals do not greatly differ from previous maps that had constitutional issues. The biggest hurdle remains that Ohio’s political geography does not match the proportionality of recent statewide votes. That being said, the Governor believes the Commission should attempt to comply with the recent order.”



Josh Rultenberg ✓
@JoshRultNews



.@FrankLaRose Spox also weighs in on redistricting process. @SecLaRoseComms @SpectrumNews1OH

Secretary LaRose is ready and willing to meet at the call of the co-chairs. He is focused on explaining to the General Assembly the risks associated with trying to run a secure, accurate, and accessible election on the current timeline without the finality of new districts."

3:46 PM · Feb 14, 2022 · Twitter for iPhone

3 Retweets 2 Quote Tweets 7 Likes



"Secretary LaRose is ready and willing to meet at the call of the co-chairs. He is focused on explaining to the General Assembly the risks associated with trying to run a secure, accurate, and accessible election on the current timeline without the finality of new districts."



Josh Rultenberg ✓

@JoshRultNews

...

.@OhioSenateGOP spox says “waiting on guidance”
when I asked if @matthuffman1 has heard from
@SpeakerCupp about a redistricting schedule.
@SpectrumNews1OH

3:38 PM · Feb 14, 2022 · Twitter for iPhone

3 Retweets **2** Quote Tweets **13** Likes





Josh Rutenberg 
@JoshRultNews



Multiple attempts to reach [@SpeakerCupp](#)'s office today have gone unreturned. [@SpectrumNews1OH](#)

5:12 PM · Feb 14, 2022 · Twitter for iPhone

19 Retweets 3 Quote Tweets 78 Likes





Josh Rultenberg 
@JoshRultNews

...

.@SpeakerCupp addresses the latest surrounding the legislative redistricting process.

"Do you like suspense?"

Cupp wouldn't speculate, even as a former Ohio Supreme Court justice, what the court could/would /should do if the commission does not submit new maps. @SpectrumNews1OH



12:51 PM · Feb 15, 2022 · Twitter Web App

11 Retweets 9 Quote Tweets 18 Likes



BENNETT_112



Josh Rultenberg ✓
@JoshRultNews



It's almost 5 and the 24-hour notice hasn't gone out for tomorrow's Ohio Redistricting Commission meeting
[@SpeakerCupp](#) said starts at 4. 🤔
[@SpectrumNews1OH](#)

4:57 PM · Feb 15, 2022 · Twitter for iPhone

21 Retweets 5 Quote Tweets 51 Likes





Jessie Balmert ✓
@jbalmert



.@KeithFaber in email to @DrVernonSykes, copying others affiliated with the commission: you could call this meeting.

As an appointed co-chair, you have full authority to send a notice and call a meeting of this Commission. Additionally, you and Leader Russo are members of the Commission with the same authority and responsibility and subsequent consequences as your fellow commissioners, with one exception, you are not personally required to be on the commission and can choose others to serve in your spot if you are unable to act. Being a Democrat does not and would not exempt you from working to a solution. As I'm sure you are aware, you can move maps, offer and second amendments and prepare to pass maps, something no Democrat commissioner has taken the opportunity to do to this point in the process.

As always I look forward to working you to achieve constitutional maps.

Sincerely,
Keith Faber
Ohio Auditor of State

5:15 PM · Feb 15, 2022 · Twitter for iPhone

3 Retweets 7 Quote Tweets 36 Likes





Josh Rultenberg 
@JoshRultNews

...

.@OhioSenateDems respond to @OhioAuditor
@KeithFaber. @SpectrumNews1OH

Dear Auditor Faber,

I refer you to the rules of the Commission, which were adopted unanimously which clearly state that a meeting can only be called jointly by both co-chairs.

Since the evening of the Supreme Court decision on February 7, I have repeatedly and continuously indicated the availability of Democrats to meet at any time. The holdup has been entirely on the majority side.

I also spoke with Speaker Cupp earlier this evening and the Speaker once again indicated that he couldn't get confirmation from all majority members of the Commission about their availability for tomorrow. I find it perplexing that this would be the case given the seriousness of the situation and the rapidly approaching deadline.

I previously suggested that Commission members could designate alternates if they were not available themselves, but that was not agreed to. It is time for the Commission to meet.

Finally, I would like to thank you for instructing your staff to meet with our staff to discuss our proposal. However, I still have not received any feedback or input from you or your staff regarding that briefing.

Mike Rowe

Chief of Staff

Minority Caucus

Ohio Senate



Jessie Balmert  @jbalmert · Feb 15

.@KeithFaber in email to @DrVernonSykes, copying others affiliated with the commission: you could call this meeting.

[Show this thread](#)

As an appointed co-chair, you have full authority to

send a notice and call a meeting of this Commission. Additionally, you and Leader Russo are members of the Commission with the same authority and responsibility and subsequent consequences as your fellow commissioners, with one exception, you are not personally required to be on the commission and can choose others to serve in your spot if you are unable to act. Being a Democrat does not and would not exempt you from working to a solution. As I'm sure you are aware, you can move maps, offer and second amendments and prepare to pass maps, something no Democrat commissioner has taken the opportunity to do to this point in the process.

As always I look forward to working you to achieve constitutional maps.

Sincerely,
Keith Faber
Ohio Auditor of State

7:38 PM · Feb 15, 2022 · Twitter for iPhone

5 Retweets 1 Quote Tweet 16 Likes





Jessie Balmert 
@jbalmert

...

From House GOP spox: "Still to be determined regarding a meeting."

5:07 PM · Feb 15, 2022 · TweetDeck Web App

2 Retweets **3** Quote Tweets **39** Likes





Josh Rultenberg ✓
@JoshRultNews

...

Redistricting update. @SpectrumNews1OH



OHIO REDISTRICTING COMMISSION

ANNOUNCEMENT OF COMMISSION MEETING

TO: Members of the Ohio Redistricting Commission

FROM: Speaker Robert Cupp, Co-Chair
Senator Vernon Sykes, Co-Chair

DATE: Thursday, February 17, 2022

TIME: 1:30 P.M.

LOCATION: Ohio House Finance Hearing Room (Room 313)
Ohio Statehouse
1 Capitol Square
Columbus, Ohio 43215-4275

8:53 PM · Feb 15, 2022 · Twitter for iPhone

10 Retweets 3 Quote Tweets 19 Likes





Josh Rultenberg
@JoshRultNews

...

This is a letter @FrankLaRose sent to @matthuffman1 on Monday. This lays out specifically the dates LaRose says the state needs to meet to run the primary and the "significant risks" he says the lack of finality on the legislative maps are causing. @SpectrumNews1OH



12:25 PM · Feb 16, 2022 · Twitter Web App

7 Retweets 12 Quote Tweets 11 Likes





The Honorable Matt Huffman
President, Ohio Senate
1 Capitol Square, Rm 201
Columbus, OH 43215

President Huffman,

As Ohio's chief elections officer, it is my duty under the law to administer a primary election on Tuesday, May 3, 2022. No one wants to meet that deadline more than me, my team, and our partners at the 88 county boards of elections. However, current redistricting litigation over both the General Assembly and congressional district maps poses a serious threat to the integrity of that process on the present timeline.

Secure, accurate, and accessible elections require preparation, from candidate petition certification and ballot production to the reprogramming of voter registration data. None of this work can even begin for district-specific contests without the finality of redistricted maps.

Should the Redistricting Commission approve and submit new General Assembly maps this week, the Ohio Supreme Court's litigation timeline allows parties up to February 25, 2022, to respond to those new plans. The Court unfortunately took three weeks to review the previous plans approved by the Commission on January 22, 2022, ultimately rejecting them. If the Commission adopts new maps this week, that same timeframe for consideration puts a possible Court decision on or about March 19, 2022. **This is one day after the boards of elections are required by state and federal law to mail ballots to overseas military voters.** Obviously under this scenario, those ballots will not be ready by that date – not even close.

Even assuming a favorable order from the Court on a third General Assembly map, the 88 county boards collectively will need up to three weeks from final approval of either the General Assembly or congressional maps to reprogram their voter and district geographical data. **Adding this requirement into the timeline brings us to on or about April 9, 2022, before candidate certification can even begin.**

Boards of elections will likewise have to re-evaluate and verify each General Assembly candidate petition once new maps are final. Therefore, **the start of ballot preparation, proofing, and printing cannot begin until four days AFTER early voting is scheduled to begin on April 5, 2022.** Of course, this means ballots will not be ready in time for in-person or mail-in early voting, and overseas voters likely will not receive a ballot before the May 3 primary. It goes without saying that any of these scenarios, and many others, present ample opportunities for litigation leading to even greater uncertainty and potential delay.

Of course, we face additional challenges with the extensive amount of work that goes into testing voting machines and administering numerous mock elections to ensure precinct-by-precinct data and tabulation accuracy. **The testing process alone typically should start no later than 60 days prior to the election, but, under the current restraints, we cannot even begin those critical steps until around April 12, 2022 – three weeks before the currently scheduled primary election day.** These challenges create the potential for error, confusion, and further litigation, threatening even more court intervention and delay.

The General Assembly has made clear its constitutional purview to set the time, place, and manner of an election in an amendment that I fully supported during the 2020 budget process. I recognize my statutory obligation to administer the election on the date prescribed by law. I would, however, be negligent in my duty to the citizens of this state if I failed to convey the significant risks associated with the current timeline.

We lead the most resilient and professional team of bipartisan elections officials in the nation, and they will work tirelessly to achieve the best possible outcome for Ohioans under any circumstance. I simply ask that you consider the very real damage that can be done to voter confidence by running an election without the time needed to do it correctly. To borrow a line from Shakespeare, it is better to proceed “wisely and slow; they stumble that run fast.” As always, I am grateful for your consideration, and I would be honored to discuss this with you in more detail at your convenience.

Yours in service,



Frank LaRose
Ohio Secretary of State

cc: John Barron, Chief of Staff, Ohio Senate
The Honorable Robert Cupp, Speaker, Ohio House
Christine Morrison, Chief of Staff, Ohio House



Josh Rultenberg
@JoshRultNews



.@OhioSenateDems @DrVernonSykes and @OHHouseDems @Russo4Ohio sent a letter to Rs on the ORC to get feedback on their proposal by 9am tomorrow.

Updated legislative maps stemming from ones first introduced Friday also included.

House: 54-45 R
Senate: 18-15 R

@SpectrumNews1OH

Dems Urge Redistricting Commission to Provide Feedback on State Legislative Map Proposal

COLUMBUS – Today, Ohio Redistricting Commission Co-Chair Sen. Vernon Sykes (D-Akron) and House Minority Leader and Commission member Allison Russo (D-Upper Arlington) sent a letter to the Republican members of the Commission to request feedback on their state legislative map proposal by 9 a.m. on February 17.

Democrats sent with the letter an updated pair of state legislative maps that moved eight census blocks from one district to another. The Democrats' proposal was originally filed with the Ohio Supreme Court on January 28 and was uploaded to the Ohio Redistricting Commission website and presented to the press last week. The latest updates do not affect proportionality. Democrats' proposal complies with the line-drawing rules and proportionality rules in the Constitution and the Court's orders.

"The Court has given the Redistricting Commission clear orders to adopt constitutional maps. If you have map proposals, we urge you to release those as soon as possible so the public and Commissioners will be able to provide feedback," Democrats wrote. "It is possible for us to draw constitutional maps and for us to work together as the Court has directed us to do. In fact, our proposal before the Commission has created constitutional state legislative maps."

The Commission is scheduled to meet on February 17 at 1:30 p.m. in the House Finance Committee Room. A full copy of the letter can be found [here](#).

Democrats' Senate district proposal can be found [here](#). Their House district proposal can be found [here](#). Additional materials can be found [here](#).

1:28 PM · Feb 16, 2022 · Twitter Web App

23 Retweets 2 Quote Tweets 40 Likes





Josh Rultenberg ✓
@JoshRultNews

...

JUST IN: [@matthuffman1](#) tells reporters Republicans are indeed drawing legislative maps. Huffman did not say if they would be presented tomorrow though. Huffman said the commission is expecting the Dems to present their maps. [@SpectrumNews1OH](#)

2:50 PM · Feb 16, 2022 · Twitter Web App

13 Retweets 6 Quote Tweets 26 Likes





Josh Rultenberg ✓
@JoshRultNews

...

.@SpeakerCupp says less than 24 hours out from the Ohio Redistricting Commission meeting, he has no set agenda. I asked about the lack of transparency. Here was his response. @SpectrumNews1OH



5:22 PM · Feb 16, 2022 · Twitter Web App

90 Retweets 99 Quote Tweets 210 Likes





Matt Keyes
@mkeyes0



Spotted: [@matthuffman1](#) busy working on maps with 24 hours to go. JK, he's at a GOP fundraiser at Pins. Republicans will always prioritize cashing checks from lobbyists over doing their jobs.



6:34 PM · Feb 16, 2022 · Twitter for iPhone

65 Retweets 16 Quote Tweets 253 Likes





Josh Rultenberg 
@JoshRultNews



.@OHHouseDems say Republicans have not shared any proposals with them. @SpectrumNews1OH

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.@DrVernonSykes just confirmed he believes a resolution is about to be passed by Republicans that they can't get the job done. @SpectrumNews1OH

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...

There are a ton of posters here of maps. Republican aides won't acknowledge if there is any Republican maps in here. [@SpectrumNews1OH](#)



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Section 8(C)(2) Statement

In *LWV v. DeWine*, Slip Opinion No. 2022-Ohio-342, the Ohio Supreme Court ordered the commission to draft and adopt an entirely new General Assembly-district plan that conforms with the Ohio Constitution, including Article XI, Section 6(A) and 6(B). The Redistricting Commission did so.

The Commission drew an entirely new plan in which the statewide proportion of Republican-leaning to Democratic-leaning districts precisely 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 were included in the map-drawing process. All members of the Commission, through their respective staff and individually, were given the opportunity to meet with the map drawers to express concerns, make suggested edit, and otherwise participate in the map making process in a collaborative fashion. . The final adopted plan contains input from those members of the Commission, directly or through their staff, who chose to participate.

The final adopted House district plan contains 54 Republican-leaning districts. This corresponds to approximately 55% of the total number of house districts. The final adopted Senate district plan contains 18 Republican-leaning districts. This corresponds to approximately 54% of the total number of senate districts. In total, the final adopted general assembly district plan contains a total of

72 Republican-leaning districts and 60 Democratic-leaning districts. This corresponds to approximately 54% Republican-leaning districts and approximately 45% Democratic-leaning districts. These percentages meet strict proportionality.

The Redistricting Commission addressed the asymmetry problem identified in *LWV*. Only five of the ninety nine house districts have a partisan lean between 50 and 50.99%. All other districts have a partisan lean greater than 51%. In the Senate map, only two districts have a partisan lean between 50 and 50.99%. This is the exact same number of asymmetric House and Senate districts found in the Democrats' proposed map.

The Commission believes that the number of Republican-leaning districts and Democratic-leaning districts meets strict proportionality, despite 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 C. Allison Russo, Commissioner

The maps approved by the Majority Commissioners yet again fail to meet the Ohio Constitution and fail to meet the directive of the Ohio Supreme Court.

We have had several opportunities to work together as a Commission to draw maps and each time, the Majority Commissioners have squandered the chance to do so. We would ask the Commission, have we learned nothing after two Court orders? We have been directed to work together and put aside partisan interests in order to draw maps that meet the Constitution of the State of Ohio – something we are duty and oath bound to uphold. Instead of working together, this map was drawn entirely by Republican legislators on the Commission without our involvement and without allowing feedback or changes. The court has told us that this is problematic and a sign of partisan intent. “We observed that “[w]hen a single party exclusively controls the redistricting process, ‘it should not be difficult to prove that the likely political consequences of the reapportionment were intended.’” *League of Women Voters of Ohio v. Ohio Redistricting Comm.*, Slip Opinion No. 2022-Ohio-342, P 31 (2022). We should not repeat the same mistake again.

While the majority Commissioners may claim that these maps meet the requirements of Article XI, Section 6, in reality they fall short of that metric. Unequivocally, the Ohio Supreme Court has directed us to draw maps that closely match 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). The Court instructed us clearly on partisan asymmetry, it is not a new issue: "To be clear, we do not read Article XI, Section 6(B) as prohibiting the creation of competitive districts. But competitive districts...must either be excluded from the proportionality assessment or be allocated to each party in close proportion to its statewide vote share." *Id.* at P 62. Instead, the majority Commissioners have crafted a plan that does not meet Section 6 requirements and strays even further from partisan symmetry than the most recently invalidated plan. The Court has ruled:

"While the Constitution does not require exact parity in terms of the vote share of each district, *the commission's adoption of a plan in which the quality of partisan favoritism is monolithically disparate is further evidence of a Section 6(A) violation.* In other words, in a plan in which every toss-up district is a "Democratic district," the commission has not applied the term "favor" as used in Section 6(B) equally to the two parties. The commission's adoption of a plan that absurdly labels what are by any definition "competitive" or "toss-up" districts as "Democratic-leaning"—at least when the plan contains no proportional share of similar "Republican-leaning" districts—is demonstrative of an intent to favor the Republican Party."

League of Women Voters of Ohio v. Ohio Redistricting Comm., Slip Opinon No. 2022-Ohio-342, P 40 (2022).

In fact, the most recent invalidated, unconstitutional map had 14 Democratic-leaning House seats in the 50-52% Democratic index range; today's plan has 19, increasing the asymmetry by 5 districts. There are zero Republican-leaning House seats that are in the 50-52% range. The most recent invalidated, unconstitutional map had 5 Democratic-leaning Senate seats in that range, and today's plan increases that asymmetry with 7 districts in that range. There are zero Republican-leaning Senate seats that are in the 50-52% range. It is not hard to see that these maps do not meet the Court's direction on partisan symmetry and are yet again in violation of Article XI, Section 6. Even with a contempt hearing on the horizon, the majority Commissioners continue to show their contempt for the Court, the Constitution, and the rule of law.

With time and collaboration, we could amend these maps to make them compliant with the law and the Court's orders. We know it's possible because we put forward constitutional maps for this body to consider. We developed these maps in a process where we continually invited feedback from other members of the Commission. Unfortunately, the majority members of the Commission voted them down and would not work with us.

The public has been completely shut out of any meaningful opportunity to analyze these maps, let alone provide testimony. This was not the process contemplated by Ohio voters in passing this constitutional reform. Instead of proportional and fair districts, Ohioans are once again left with maps that fail to meet the Constitution. It is disappointing that instead of simply working together, the majority Commissioners are flagrantly ignoring Ohio voters and the Supreme Court of Ohio in an attempt to tighten their unyielding grasp on their supermajority-fueled power.

Motion:

That any General Assembly district plan that this Commission may now adopt would authorize me, as Secretary of State, to issue to the boards of election directives by which House and Senate candidates who have filed to run shall comply with Article XI, Section 9(C), if any candidates wish to do so.

The Columbus Dispatch

ELECTIONS

Ohio Redistricting Commission approves 3rd set of 4-year legislative maps, see them here



Jessie Balmert

The Columbus Dispatch

Published 11:13 a.m. ET Feb. 24, 2022 | Updated 7:22 p.m. ET Feb. 24, 2022

With the threat of a delayed primary and penalties from the Ohio Supreme Court, four Republicans approved a third set of state House and Senate maps over the objections of Democrats and GOP Auditor Keith Faber.

Because the maps passed without Democratic support, they would only last four years. The Ohio Supreme Court will review whether they abide by voter-approved changes to the Ohio Constitution to curb partisan gerrymandering.

Senate President Matt Huffman, R-Lima, said the new maps approved by the Ohio Redistricting Commission would give Republicans a 54-45 advantage in the House and an 18-15 advantage in the Senate. That's a change from the previously rejected maps, which gave the GOP a 57-42 advantage in the House and 20-13 edge in the Senate.

Those numbers would also hit what the Ohio Supreme Court requested: plans that met the statewide voting preferences of Ohioans – which amount to about 54% for Republican candidates and 46% for Democratic ones over the past decade.

See the House and Senate proposals on Dave's Redistricting App, a popular redistricting website.

But Democrats argued that those numbers were smoke and mirrors. House Minority Leader Allison Russo, D-Upper Arlington, said 19 of the Democratic House districts and seven Senate districts were more like tossups, which she defined as between 48% and 52%.

"If you read the very plain language of the court decision, it's quite clear that asymmetry is

BENNETT_135

about these monolithic disparities," said Russo, who first saw the maps at 12:30 p.m. Thursday.

Speaker Bob Cupp, R-Lima, said there were five House districts and two Senate districts within 49% and 51% – and those numbers were better than previously rejected maps.

Last week, Republicans criticized Democrats for splitting cities like Akron and Toledo, but the GOP plans divided them as well. The cost of matching statewide voting preferences is dividing more communities, Republicans argue.

But those splits were a problem for Faber, who voted against GOP maps for the first time. "When you try to draw a 54-45 map, you have to, in my opinion, gerrymander for the other side."

Under the new maps, Democrats would likely win 11 House seats in Franklin County and Republicans could capture one, which links a sliver of the northwest corner to Madison and Pickaway counties. That would translate to three Democratic Senate seats and one virtual tossup that stretches from Dublin to Madison and Pickaway counties.

In Hamilton County, Democrats could likely win five of seven House seats with the two GOP-friendly districts in the western part of the county. Republicans continue to draw two GOP Senate seats in Hamilton County, leaving one Democratic one.

Looming primary, court date

The commission was under pressure to deliver new maps quickly. It missed a court-imposed deadline last week and now members face a contempt of court hearing before the Ohio Supreme Court Tuesday.

The Ohio Supreme Court has ordered commission members to appear Tuesday to explain why they missed the court's deadline to approve new maps. On Wednesday, members of the commission asked for more time to avoid any punishments.

Ohio Secretary of State Frank LaRose, a member of the commission, has said it's impossible to see a way to hold a complete primary on May 3. But the commission approved language that would allow candidates to move within 30 days to a new district if needed.

Huffman said if the commission approved Statehouse and congressional maps before

March 4 – the deadline for congressional candidates to file paperwork to run – then the election could proceed. After that date, "That's where we run into problems," he said.

Now, the Ohio Redistricting Commission must focus on approving maps for Ohio's 15 congressional districts. They are set to meet Tuesday.

Jessie Balmert is a reporter for the USA TODAY Network Ohio Bureau, which serves the Akron Beacon Journal, Cincinnati Enquirer, Columbus Dispatch and 18 other affiliated news organizations across Ohio.

Get more political analysis by listening to the Ohio Politics Explained podcast



Keith Faber ✓
@KeithFaber

...

I cannot support any map that unconstitutionally splits communities and draws non compact districts solely to create more Democrat districts at the expense of Ohioans. It was passed to satisfy the Court, but it is not what Ohioans deserve.



dispatch.com

Ohio Republican lawmakers propose new House and Senate maps. See them h...
Facing pressure from a looming primary and the Ohio Supreme Court, the Ohio Redistricting Commission could review new statehouse maps Thursday.

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David Pepper ✓ @DavidPepper · 18h

Truly nuts.

...



Josh Rultenberg ✓ @JoshRultNews · 18h

Election/Redistricting THREAD: @FrankLaRose has ordered counties to include GA candidates on May 3 primary ballot after the ORC passed new maps Thursday. Maps have not been approved by the Ohio Supreme Court. @SpectrumNews10H

[Show this thread](#)

3

11

69



Representative Bill Seitz ✓

@CincySeitz

...

Replying to [@DavidPepper](#)

Not nuts at all. We have an election to run. This court charade has gone on long enough. Red wave coming and GOP supermajority will be retained.

6:06 PM · Feb 26, 2022 · Twitter for iPhone

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