EXHIBIT A

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 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 is 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 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 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 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 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 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 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 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 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 Geagua 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 RussoFebruary 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.

EXHIBIT B

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 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 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 plann. 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.

EXHIBIT C

Redistricting 2.24.2022 COMPLETE MASTER-All-20220225-110837.mp3

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, inthat no two congressional districts shall share portions of the territory of more than one county, except for those counties whose population exceeds 400000 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 messa, 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 chain change residents 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 buiness 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.

EXHIBIT D

DIRECTIVE 2022-26
February 26, 2022

To: All County Boards of Elections
Board Members, Directors, and Deputy Directors

Re: State House and Senate District Maps and House Bill ("H.B." 93)

I recognize the unprecedented nature of this Directive and the incredible challenge it presents to each of our 88 county boards of elections. The General Assembly has the legal authority to set the time, place, and manner of Ohio's elections, and they have made clear their instructions to include the state House and Senate contests on the May 3, 2022 Primary Election ballot. Senate President Matt Huffman and House Speaker Robert Cupp sent a letter to me on Thursday, February 24, 2022 stating the following:

> *"…We are providing your office with the underlying information for the newly adopted plan, including the shape files.*
>
> *"Please immediately transmit the relevant information to all the state's boards of elections as you deem appropriate so that the necessary preparations may be made for carrying out the primary election on May 3rd, 2022."*

I have communicated to the legislative leaders the risks associated with rushing this process and shared your concerns about the compressed timeline for everything from candidate certification and ballot preparation to the programming and testing of voting equipment. These are serious concerns, but our directive is clear, and I am confident that, together, we will work tirelessly to achieve it. Winston Churchill said, "It's not enough that we do our best; sometimes we have to do what's required." We have the hardest-working elections officials in the nation, and you are known for doing your best. This one requires more. Beyond doing our best, we will need unprecedented courage, optimism, and maybe a little divine blessing to get it done. I told the leaders of our General Assembly that we will do everything we can to rise to their challenge. As it relates to conducting this unprecedented election, I reminded them that our State's motto is: "With God all things are possible."

SUMMARY

On February 24, 2022, the Ohio Redistricting Commission passed (4-3) a third General Assembly district map. Attached to this Directive are the following:

- House Shapefile;
- Senate Shapefile;
- State House and Senate Equivalency Files (otherwise known as BAFs or block assignment files);
- Addendum to Declaration of Candidacy, Nominating Petition or Declaration of Intent to be a Write-in Candidate;
- State House District – County Population and Filing Location – September 2021;

- State House District – County Population and Filing Location – January 22, 2022;
- State House District – County Population and Filing Location – February 24, 2022;
- State Senate District – County Population and Filing Location – September 2021;
- State Senate District – County Population and Filing Location – January 22, 2022;
- State Senate District – County Population and Filing Location – February 24, 2022;
- U.S. House District – County Population and Filing Location –S.B. 258; and
- Letter from Senate President Huffman and House Speaker Cupp to Secretary LaRose, February 24, 2022.

Governor DeWine signed H.B. 93 into law on January 28, 2022 enacting many temporary law changes to the requirements for the 2022 primary election. Ultimately, the Ohio Redistricting Commission needed to adopt a new district plan a few weeks later. This Directive provides guidance on how to apply the temporary law provisions from H.B. 93 to the third set of General Assembly district maps. Please know that my Office is actively working with the General Assembly to develop additional temporary law changes to account for this incredibly compressed timeline, including providing additional funding for the county boards of elections. My Office has also filed with the Department of Defense and Federal Voter Assistance Program a UOCAVA waiver pursuant to 52 U.S.C. 20302(g) for the May 3, 2022 Primary Election.

Additionally, decisions in ongoing litigation[1] may render some or all of this Directive moot. In that event, my Office will issue additional instruction. As you know, the redistricting process has been the subject of much litigation. This Directive is not contrary to any order of the Ohio Supreme Court, nor should it be construed as such. This new General Assembly district plan adopted by the Ohio Redistricting Commission was filed with my office and is presumed valid. If there is additional litigation over this new district plan, the outcome of that litigation will be that the new plan is either valid or invalid. Because of the severe time constraints under which we are operating to hold Ohio House and Ohio Senate primary races with the May 3, 2022 Primary Election, we must begin preparations for those elections immediately in the anticipation that the Court will uphold the new plan. Obviously, if a few weeks from now the Court rules that the new plan is invalid, it will not be possible to conduct Ohio House and Ohio Senate primary elections with the May 3, 2022 Primary Election.

The Ohio Supreme Court issued a briefing schedule requiring that objections, if any, to the General Assembly maps submitted on February 25, 2022 by the Ohio Redistricting Commission be filed by 9 a.m. on Monday, February 28, 2022 and granted the Commission three days (Thursday, March 3, 2022) after the objections are filed to respond.

INSTRUCTIONS

I. FEBRUARY 24, 2022 GENERAL ASSEMBLY DISTRICT MAP AND LEGAL DESCRIPTIONS

On February 24, 2022, the Ohio Redistricting Commission passed a General Assembly district plan. Shortly thereafter, Senate President Matt Huffman and House Speaker Bob Cupp sent a letter

[1] *Simon, et al. v. DeWine*, et. al, N.D. Ohio No. 4:21-cv-02267-JRA, *League of Women Voters of Ohio v. Ohio Redistricting Comm.*, Slip Opinion No. 2022-Ohio-65, and *Adams v. DeWine*, Slip Opinion No. 2022-Ohio-89.

directing me to immediately transmit the relevant information to all boards of elections "so that the necessary preparations may be made for carrying out the primary election on May 3, 2022."[2]

As such, given the incredibly unfortunate impact that redistricting litigation has had on the election calendar and our ability to administer an election in a manner that will inevitably lead to the best chances of success, all boards must immediately begin the process of reprogramming their voter registration systems with the February 24, 2022 General Assembly district maps.

The State House and Senate district shapefiles, and equivalency files accompany this Directive. My Office is waiting for the House and Senate legal descriptions from the General Assembly. We will forward those to you as soon as we receive them. However, boards and members of the public may find the most updated district maps at OhioSoS.gov/Districts.

Boards cannot verify or certify candidate petitions until the reprogramming of the voter registration system is complete. Whenever an area included in a district is less than a county, the legal description is a political subdivision, such as city, village, township, municipal ward, or precinct and portions thereof. The descriptions are based on boundaries as they existed when the data was collected by Ohio University. If the board of elections changed precinct boundaries or if there were municipal ward boundary changes or annexations in the past year, the board needs to consider that the new assignments were made based on previous data. For example, if the board combined Precinct A and C into a new Precinct A, and Precinct A is listed in the legal description, then it is referring to the old Precinct A portion of the new Precinct A.

II. 2022 PRIMARY ELECTION DEADLINES

Pursuant to H.B. 93, the 2022 primary election filing deadline was **February 2, 2022** for all candidates *other* than those for U.S. House.

H.B. 93 also permits the Secretary of State to adjust deadlines pertaining to the administration of the May 3, 2022 primary election *except* for the following: [3]

- The deadline to file a declaration of candidacy, declaration of candidacy and petition, or declaration of intent to be a write-in candidate;
- The deadline to certify a ballot issue or question to the election officials or to file a petition with the election officials to place a question or issue on the ballot at the May 3, 2022 primary election or a special election on that date;
- The UOCAVA deadline Unless the Secretary of State obtains a waiver pursuant to 52 U.S.C. 20302(g) for the May 3, 2022 primary election; and
- Any deadline that, under Ohio law, falls on or after April 3, 2022.

The Secretary submitted a UOCAVA waiver request to the Department of Defense and Federal Voting Assistance Program. We will keep you informed on the outcome of that request.

Therefore, the certification and protest deadline for candidates to the offices of Ohio House of Representatives ("Ohio House"), Ohio Senate, and state central committee of a political party shall be as follows:

---

[2] *See* Letter from Senate President Matt Huffman and House Speaker Bob Cupp to Secretary LaRose, February 24, 2022.

[3] Section 4(C) of H.B. 93.

- **Monday, March 14, 2022** – Most populous county board of elections or board of elections must certify the validity and sufficiency of partisan candidate petitions and provide the names of the certified candidates to the less populous county board(s) of elections in the district, subject to any filers changing districts and completing their move by March 26, 2022. Boards cannot verify or certify candidate petitions until the reprogramming of the voter registration system is complete.
- **Thursday, March 17, 2022** – Protests against partisan candidates for Ohio House, Ohio Senate, and state central committee of a political party (including write-in candidates) must be filed with the most populous county board of elections by 4:00 p.m.

Each board must be open to the public on Saturday, March 26, 2022, and must notify my Office no later than 4:00 p.m. on March 26, 2022 if a candidate for General Assembly, as of that date, has not become a resident of the district the filer seeks to represent, filed an addendum, and updated their voter registration record to reflect their new residency. My Office will issue a form of the ballot directive as soon as possible. Pending the outcome of the ongoing litigation mentioned above, the Secretary may establish or amend other deadlines and dates related to the administration of the May 3, 2022 primary election.

III. OHIO HOUSE AND SENATE CANDIDATES

A. DECLARATION OF CANDIDACY, PETITION, NOMINATING PETITION, OR DECLARATION OF INTENT TO BE A WRITE-IN CANDIDATE

i. REQUIREMENTS FOR FILING VALIDITY AND IDENTIFYING DISTRICTS

For candidates for Ohio House and Ohio Senate, boards are prohibited from invalidating a declaration of candidacy, declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate on the basis that it does not include the number of the district the filer seeks to represent or includes an incorrect district number.[4] The appropriate document filed by the candidate shall be deemed to include the correct number of the applicable House or Senate district in which the filer (i.e. the candidate filing to run) for Ohio House or Ohio Senate currently resides.[5]

On February 24, 2022, in conjunction with the Ohio Redistricting Commission's adoption of the new General Assembly district plan on February 24, 2022, the Commission approved a motion that I made to authorize me 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.

This statement made it clear that I have the responsibility to reasonably interpret the law to administer an election under such unprecedented time constraints. In the alternative, Section 9(C) of Article XI of the Ohio Constitution provides that when the Ohio Redistricting Committee adopts a new district plan pursuant to an order of the Ohio Supreme Court, as is currently the case, a candidate is allowed up to 30 days to change their residence to be eligible for election in a district in which the candidate may not currently reside. As such, boards are prohibited from invalidating a declaration of

[4] Section 4(B) of H.B. 93.
[5] Section 4(B) of H.B. 93.

candidacy, declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate filed by a person seeking nomination for Ohio House or Ohio Senate on the basis that it contains the filer's former residence address that is ***not*** located in the district the filer seeks to represent.

Section 4(C) of H.B. 93 implements the broad constitutional provision in Article XI, Section 9(C) by requiring any such candidate to:

(1) Become a resident of the district the filer seeks to represent;
(2) File an addendum to the declaration of candidacy declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate with the board of elections that indicates the filer's new address; and
(3) Update their voter registration record to reflect their new residency.

The Redistricting Commission adopted the present General Assembly district plan on February 24, 2022. Thus, the 30-day period provided for by Article XI, Section 9(C) ends on March 26. 2022. The constitutional provision simply says that the new district plan "shall allow thirty days for persons to change residence in order to be eligible for election." Thus, Section 9(C)'s irreducible minimum is that any such candidate must be given 30 days to change their residence to run in another district.

While Section 4(C) of H.B. 93 attempts to implement Article XI, Section 9(C) by stating the three requirements that a candidate must undertake to qualify under Section 9(C) to run in another district, I am interpreting Section 4(C) of H.B. 93 to mean that as long as we allow any such candidate the constitutionally required 30 days to change their residence, which we are, the constitutional requirement is satisfied.

Thus, the requirement in Section 4(C)(1)(b) of filing the addendum indicating an intention to run in another district can be done as the first step in the process, not the second step. Once a candidate files the addendum with the board stating their intention to be a candidate in another district, the candidate may later perfect their residency in the new district and change their voter registration to the new district within the remainder of the 30-day period.

Thus, I am instructing all boards of election with which an Ohio House or Ohio Senate candidate filed petitions to immediately:

(1) Contact all such candidates by phone and/or email, inform them of this constitutional provision, and inquire of each of them whether they intend to change their residence to run in another district and confirm such contact with any candidate by **March 1, 2022.**
(2) Ask all such House and Senate candidates who may wish to change their residence to run in another district to file the addendum contemplated by Section 4(C)(1)(b) of H.B. 93 with the board the no later than **4:00 p.m. on March 10, 2022.**
(3) Provide all such House and Senate candidates with the attached template of the addendum contemplated by Section 4(C)(1)(b) of H.B. 93. The attached addendum template includes not only a space for the filer's new residence address, but in lieu of an actual new residence address, the template alternatively includes space in which the filer may simply state an indication of the filer's intent to change their residence to a new district the filer seeks to represent.

(4) If a candidate files the addendum with the board, then on whatever date a candidate files the addendum with the board, whether that addendum lists a new residence address or simply states the filer's intention to change their residence to a new district the filer seeks to represent, the board shall immediately begin to verify the signatures on the filer's petition under this section based on either the filer's new residence address or the new district the filer has indicated they now seek to represent.
(5) If a candidate who has filed with the board has not filed the addendum with the board by **4:00 p.m. on March 10, 2022**, the board shall begin to verify the signatures on the filer's petition under this section based on the filer's residence address as stated in their declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate.
(6) Notify my Office no later than **4:00 p.m. on March 26, 2022** if a candidate for General Assembly, as of that date, has not become a resident of the district the filer seeks to represent, filed an addendum, and updated their voter registration record to reflect their new residency.

However, even if a candidate files the addendum with a board of elections, the board must invalidate an Ohio House or Ohio Senate declaration of candidacy declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate if the filer ***does not*** take **all** three actions required in Section 4(C) of H.B. 93 on or before **March 26, 2022.**

ii. REQUIREMENTS FOR SIGNATURE VALIDITY

Boards are prohibited from invalidating a signature on a declaration of candidacy and petition or nominating petition filed by a person seeking nomination for Ohio House or Ohio Senate on the ground that the signer does not reside in the *new* district the filer seeks to represent (i.e., per the plan the Ohio Redistricting Commission adopted on February 24, 2022) so long as:

(1) The House or Senate district in which the filer resided under the General Assembly district plan adopted by the Ohio Redistricting Commission in September 2021 had territory in the county in which the signer resides; **and**
(2) The *new* House or Senate district the filer seeks to represent has territory in the county in which the signer resides.[6]

Attached with this Directive is a list of counties within each district under the General Assembly district plan adopted by the Ohio Redistricting Commission in September 2021 and a list of counties within each district under the General Assembly district plan adopted by the Ohio Redistricting Commission on February 24, 2022.

Moreover, boards are prohibited from invalidating a signature on a declaration of candidacy and petition or nominating petition filed by a person seeking nomination for Ohio House or Ohio Senate on the ground that the signature was signed before a district plan for Ohio House of Representatives was adopted or enacted or took effect, provided that a signature on a nominating petition is not valid if it is dated more than one year before the date the nominating petition is filed.[7]

[6] Section 4(D)(2)-(3) of H.B. 93.
[7] Section 4(F) of H.B. 93.

IV. CANDIDATE FOR STATE CENTRAL COMMITTEE OF A POLITICAL PARTY

A. DECLARATION OF CANDIDACY, PETITION, NOMINATING PETITION, OR DECLARATION OF INTENT TO BE A WRITE-IN CANDIDATE

i. REQUIREMENTS FOR FILING VALIDITY AND IDENTIFYING DISTRICTS

Boards are prohibited from invalidating a declaration of candidacy, declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate filed by a person seeking nomination for the state central committee of a political party on the basis that is does not include the number of the district the filer seeks to represent or that it includes an incorrect district number. If the filer seeks nomination for the office of the state central committee of a political party, the document shall be deemed to include the number of the applicable district in which the filer resides.[8]

ii. REQUIREMENTS FOR SIGNATURE VALIDITY

Boards are prohibited from invalidating a signature on a declaration of candidacy and petition or nominating petition filed by a person seeking nomination for the office of state central committee of a political party on the ground that the signature was signed before a district plan of the applicable type was adopted or enacted or took effect, provided that a signature on a nominating petition is not valid if it is dated more than one year before the date the nominating petition is filed.[9]

a. SENATE DISTRICTS

If the state central committee of a political party representation is based on Senate districts, boards are prohibited from invalidating a signature on a declaration of candidacy and petition or nominating petition filed by a person seeking nomination for the office of state central committee of a political party on the ground that the signer does not reside in the district the filer seeks to represent so long as the filer seeks nomination for the office of member of the state central committee of a political party to represent a Senate district and:

(1) The Senate district in which the filer resided under the General Assembly district plan adopted by the Ohio Redistricting Commission in September 2021 had territory in the county in which the signer resides; **and**

(2) The *new* Senate district the filer seeks to represent has territory in the county in which the signer resides.[10]

[8] Section 4(B) of H.B. 93.
[9] Section 4(F) of H.B. 93.
[10] Section 4(D)(5) of H.B. 93.

V. TRANSFER OF DECLARATION OF CANDIDACY, DECLARATION OF CANDIDACY AND PETITION, NOMINATING PETITION, OR DECLARATION OF INTENT TO BE A WRITE-IN CANDIDATE

Please review Directive 2022-03 and the following instruction set forth below.

A. GENERAL ASSEMBLY AND STATE CENTRAL COMMITTEE PETITIONS

As you know, the filing deadline for General Assembly declaration of candidacy, declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate was February 2, 2022 with the most populous county board of elections pursuant to the January 22, 2022 Ohio Redistricting Commission maps. The Ohio Supreme Court invalidated those maps on February 7, 2022. The Ohio Redistricting Commission passed new Ohio House and Senate maps on February 24, 2022. As such, the most populous county may have changed. If a candidate *properly* filed their declaration of candidacy, declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate properly in the most populous county board of elections under the January 22, 2022 map by February 2, 2022, then the board of elections is required to promptly transfer that declaration of candidacy, declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate to the new most populous county board of elections pursuant to Section 4(E) of H.B. 93.

B. U.S. HOUSE PETITIONS

Conversely, the Ohio Redistricting Commission has not passed congressional district maps. District maps may not exist prior to the March 4, 2022 filing deadline for congressional candidates. If new congressional district maps do not exist prior to the March 4, 2022 filing deadline and a candidate has not yet filed their petition, those candidates for U.S. House must file in the most populous board of elections pursuant to the district maps set forth in S.B. 258. That list is attached.

If the Ohio Redistricting Commission passes a new congressional district map prior to the March 4, 2022 filing deadline, and a candidate has not yet filed their petition, that candidate should file their petition with the most populous county under the new district map.

However, if a candidate has already properly filed their petition prior to the Ohio Redistricting Commission passing a new map but prior to the filing deadline with the most populous county board of elections pursuant to S.B. 258, and the most populous county board of elections has changed under the new congressional district map, that board of elections must transfer that filing to the new most populous county board of elections pursuant to the new map.

If the Ohio Redistricting Commission does pass a new congressional district map following March 4, 2022, and the most populous county changed, the board of elections that the declaration of candidacy, declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate was filed in must transfer that filing to the new most populous county board of elections pursuant to the new map.

If the General Assembly makes any changes to the election administrative procedures in temporary law, my Office will issue guidance as soon as possible.

Each board of elections director must share this Directive with its legal counsel, the county prosecuting attorney, and voter registration system and voting system vendors as soon as possible. If

you have any questions regarding this Directive, please contact the Secretary of State's elections counsel at (614) 728-8789.

Yours in service,

Frank LaRose
Ohio Secretary of State