EXHIBIT A

2022-03-19-Redistricting-all-360.mp4
https://ohiochannel.org/video/ohio-redistricting-commission-3-19-2022

Co-Chair Sen. Vernon Sykes [00:00:00] Ladies and gentlemen, I like to call this meeting to order. We've been ordered to reconvene by the Ohio Supreme Court to produce constitutional maps by March, the 28th, will the staff please call the roll

staff [00:00:18] Speaker Co-Chair Cupp.

Co-Chair Speaker Robert Cupp [00:00:19] present.

staff [00:00:20] Senator Co-Chair Sykes.

Co-Chair Sen. Vernon Sykes [00:00:22] present.

staff [00:00:22] Governor DeWine, Auditor Faber, President Huffman, Secretary LaRose,

Secretary of State Frank LaRose [00:00:29] here.

staff [00:00:29] And Leader Russo, Mr. Co-Chair. All members are present.

Co-Chair Sen. Vernon Sykes [00:00:33] With a quorum being present. We will meet as a full committee in your folders are minutes of our last meeting on March 1st. Do I have a motion to accept the minutes.

Co-Chair Speaker Robert Cupp [00:00:45] So moved

Co-Chair Sen. Vernon Sykes [00:00:47] Moved and seconded. Are there any objections to the, to the minutes? Hearing and seeing none, we will accept the minutes as presented. At this time, we'll open the floor to any further business to be brought before the commission at this time. Governor DeWine,

Governor Mike DeWine [00:01:12] Mr. Chairman, thank you very much. I'm going to kind of go through oh, a few options and other members may have options, and I'm not tied into any one option at all. But maybe just to start the discussion first, I think we need to come out of here this afternoon with a plan as far as the process of the creation of a new map. I know there's been a lot of different discussions among different members. And let me just summarize a couple of those suggestions, at least one is this suggestion that I had started talking about the last time we went through this before the plan that was ultimately adopted by the commission. And that is to have the mapmakers really, I guess the three people who have been making these maps get together and work literally work together. I have a resolution that could be passed or we could pass any any kind of resolution, but basically what it would say is that this commission is asking the three mapmakers Republican, Democrat to work together to follow the Constitution, to follow the three now three court decisions that have been handed down by the Supreme Court of Ohio and to come back to the commission with with a map that does comply with all of those things. I guess I would propose that they they work together, that they be accessible at any time to members of this commission who could walk in and talk to them, and that they would give periodic reports back to the commission until such time as they'd come up with a map,

which does in fact comply with those three court decisions and with the Constitution. That would be one suggestion I know that the letter from the attorney general has been, I think all the members have seen the letter and I know there's been some informal discussion about with members, which would be, I guess, the second alternative. And I was not involved directly in the initial conversations, but it was reported to me that there are two mapmakers one Republican, one Democrat who were utilized in Virginia, and they came up with a a map. The attorney general, and a letter has indicated that, you know, he is would make those two available. He's had some, I guess, contractual contact with them or an agreement with them and that they would be available to do that. That would have obviously the advantage of having somebody, two people outside who have not been involved in this before, how much that would delay things, I really don't don't know, but that would certainly be a second second option. So I would just put those two options out on the on the table, at least to begin the discussion. You certainly could have other variations of those you know, you could have a with it with the partisan map makers, I suppose you could have another independent individual to be involved in that. The difficulty, of course, is getting everybody to agree on who that who that individual would would be going back to the one suggestion about the two independent mapmakers, again, you could substitute other people for those if the Democrats had somewhere else they want. If Republicans had somebody else they wanted, you could certainly do that. So I think there's a lot of different variations. But I think we need need to agree on something today and and and move forward.

Co-Chair Sen. Vernon Sykes [00:06:02] Governor, I thank you for your comments, starting us off here. I think it would be good for us to resolve or have a resolution here approved by the commission that would indicate our intentions to comply with the constitutional requirements directing staff also to do that. I think that would be a good for us to start with. Commissioner Russo,

Minority Leader Allison Russo [00:06:35] thank you, Mr. Co-Chair, and you know, I there's a lot that the governor has indicated that I agree with and, you know, hope that we all moving forward now in this process again commit to all working together, as has been suggested numerous times, so that we can come to some sort of resolution that both meets the requirements of the court and the Constitution, but also, I think, does well by the citizens of Ohio. I would just add that a couple of other things that I would like for us to discuss today and lay out whether it be through this resolution or coming to some sort of agreement on or at least begin discussions on, as you know, number one, what is this commission schedule going to be from now until the 28th? Are we going to meet every day, every other day? I think it's important for us to be clear about that. I know some members have expressed potentially having the option to attend these meetings virtually. But, you know, we'd like to have some resolution to that today. I think as the governor has brought up a couple of different options, whether it's through the independent map maker working with our existing mapmakers, I've just quick correction that we have four our total. There are two for the Democrats and two for the legislative Republican legislative leaders on the commission. But one of the other potential options is to also have a mediator that this commission could bring in as well to work with our map makers. I know that that has been discussed among some of the commission members here. The only thing that I would say about either of these options, which I am very open to, is I think that it's important whether we're using independent map makers or perhaps a professional mediator is that they actually be contracted and paid for through the commission. We do have finds through the task force to do that, but I think to avoiding any potential conflicts that that should come through this commission and not through the Attorney General's

Office. So I would just add that caveat. The third thing that I would say is the court was very clear about the work of this commission. A map maker is being done in public and how do we actually do that? What are the logistics of that and what do we agree on? I think that there is no reason why we can't make some of the work of our map makers available to the public and figuring out how we do that, whether it's in this room or it's in some other room or one of the theaters that we have available to us, how that's actually going to work. I also think that we need to talk about what is the timeline of releasing any maps so that the public has an opportunity to weigh in on them. I know the attorney general in his memo talked about a 24 hour window, but we have got to provide a better opportunity for transparency for the public to weigh in on the maps that are being considered by this commission. And I think we as part of this, and I hope as part of the resolution that we come to an agreement of what it means to abide by the court's decision in the Constitution. I think in this latest decision, there were some very detailed requirements and thoughts on that that I hope that we can all agree to. And then finally, I think that it is important for this commission to also have some discussion about the primary date and the implications of what instituting a new legislative map, what needs to be considered, having some conversations with the secretary of state, but all of us having some discussion about what are going to be the actions taken to move the primary date and what is actually feasible, what data is actually feasible for us to consider? So thank you.

Co-Chair Sen. Vernon Sykes [00:10:54] Further discussion? On the resolution, then that's being offered, do you have a draft or?

Governor Mike DeWine [00:11:11] Well, Chairman, I laid out two different proposals, and I guess I wanted to see if there is a consensus behind either one of those, if there's any modifications to any of those or if someone has another idea. So I didn't put those on the table in the form of a resolution. I put those two suggestions. I think we can certainly turn them one of those into a resolution, but I just thought that we should see if there is a consensus behind one idea or a variation of either one of those ideas. I mean, there are different ways of doing it. So I don't have a resolution at this point. I think the thought, frankly, that we would have some discussion and try to reach some sort of consensus about which way we would go because obviously it has to be something that there's a support for on this on this commission and I'm not wed to either one of these, if there's a third alternative, I'm fine at least looking at that and considering whether that will will work. I think there's advantages and disadvantages to the two I I laid out. One could make arguments, you know, in favor of one or favor another. But I just think we need to come out of here with something that show that somebody is starting to work on maps this weekend.

Co-Chair Sen. Vernon Sykes [00:12:41] Then we're still open for discussion. Commissioner Faber,

Auditor of State Keith Faber [00:12:47] thank you, I. I don't want to say I'm agnostic to the different ideas. I think all the ideas have the possibility to work. The only one thing that that's been mentioned so far that I have a little bit of an itchy concern with is that is this commission discussing primary dates because I'm looking at the group and I may be the only one on this group that has no say in what the primary date is or has no direct input on what the primary date is. You know, the governor certainly can veto legislation the legislators get to pass legislation Secretary LaRose has to implement legislation, but I'm not sure that the primary date is the concern of the commission. So having said that, I'll take that and let you guys figure that out because you all get a seat at the table and the

primary date on the mediator, I've been a mediator for the better part of 30 years. A mediator can help you find solutions would not otherwise appear to be possible. The problem is is who the mediator is. I there are some very good mediators throughout Ohio. I don't know any that really specializes in governmental mediation that would have background in redistricting, and probably that would be a good thing. But the parties have to have confidence that the mediator is truly a neutral party and is somebody they are comfortable sharing information with. And that brings me to a different, altogether different consideration. For mediation to be effective, the mediator has to have the ability to have confidence and people to talk to them in confidence about where their positions are to separate those from their interests. And there are court rules in place that allow mediators to have that confidentiality and mediation that are through the court. There are some state statutes on that point. But in this context, I would be concerned that any mediator would have a sunshine law or a public record confidentiality issue. Now, it's real tough to give up confidentiality if it's a discussion. And so I'm guessing there would be very few documents except map drafts that may be exchanged. But in that regard, I have not seen a mediation in my experience be as successful if they don't have the ability to have those candid one on one conversations in confidence. And so you may want to if you're going to do a mediator, we may ask the court to appoint that mediator, whoever somebody everybody can agree on. And then that would give the the court confidentiality procedures maybe some some extra teeth. That's my only concern as somebody who's been a mediator for a long time trying to figure out how you can get everybody to level. And candidly, we all saw this early on and I said it in my deposition testimony. A mediator might be very helpful to get us away from the concept of I don't want to say something that's going to hurt or help in litigation. When you go to the next stage of the of the next lawsuit, which everybody knows comes as soon as the map is filed from one side or the other. So a mediator, in my view, could be very helpful, but you got to understand the framework to get a mediator who's good and then a mediator who has the ability to leverage. And there are some very good mediators here in central Ohio. I don't know whether they're available in the next three or four days. With regard to, the staff getting together and agreeing all the play as employees of the commission and not employees of of our respective camps, I'm for that because it's probably easier to do that than to find outside parties. I was perplexed when the Supreme Court ruled that they wanted us to hire independent map makers and then get a map done in 10 days. I've tried to hire people in government and contract with people in government, and I've never seen that happen in 10 days, much less when you don't have even an RFP or RFQ and all the other governmental hiring, and then much less, I don't have any information as to how much this committee has as a budget or whether we have a budget or whether our budgets are subject to normal contracting or whether we can use a state based. I have no idea on any of that. But as an auditor, that's something we audit. And unless there's somebody going to tell me we have a statutory exemption in that process, I'm guessing that we would. I would have concerns with a hiring process that fails to meet the otherwise state requirements absent such an exemption. So if Attorney General Yost has been able to contract in his ability to hire experts that he has, he has the ability to hire in litigation and other things, maybe that's the reason to use the AG process to pay for it. I would just leave it at that, that from that perspective. But getting that done with a 10 day window. And by the way, I always find it interesting. By the way, we're going to hire you. We're going to offer you a job. But you know, you're terminated in 10 days. Another interesting discussion when you're hiring somebody working for government. So maybe the staff option is altogether better if we could have the staff repurposed for the purposes of working collectively to draw maps. I like that idea. I have like that idea from the beginning. I have had good good luck working with frankly that and I didn't realize Leader Russo that you guys had two people I've always dealt with. Maybe

I've dealt with both them. I just didn't realize it. I always assume you're your independent contractor, was your map-drawer, and I've had good luck working with them. You know, as long as we have luck working, working with them in that capacity. And I've had real good luck working with the Republican folks as well as long as everybody understands they work for the commission and we could all have input. I'm good with that. So I've gone on for a while basically saying I'm OK with either one of these. My only suggestion is an option that I've talked to most of the members about are my staff that the most of the members about. And that is this concept that we're all going to have hands on the mouse or we're all going to have the ability to sit in a room and draw maps. To me, the only way that works is if we have the ability to do electronic meetings and we use the electronic meeting purpose to actually have the map on the screen and then have input with the map drawing in an electronic purpose. We have shown throughout Ohio that electronic meetings can work. You can have full and vibrant public input at electronic meetings. It would also stop the concept that we keep scheduling things that people have to sit in the audience for 48 hours to come up and have a 10 minute meeting. I just think moving to an electronic open meeting for at least some purpose of of of this week as we try and do, this makes a great deal of sense to me. And it would allow us to meet Auditor Yost's suggestion that we meet every single day between now and the conclusion or whenever we have maps for at least some period of time. So we have a proposed rule change consistent with the statute that allows electronic meetings to move forward. So that's the only specific thing that I feel relatively strong about is that we could move to do this in a more transparent way using electronic meetings and make it more convenient for the public. But with that, I like the mediator idea if you can find a mediator and he has confidentiality issues. I like the staff collaborative and I like if Dave Yost got a couple of people. By all means, I've been told it's the people who drew the maps in Virginia. There's a Republican and a Democrat. I don't know who they are, so they ought to come in with a clean slate, and maybe that works just fine.

Co-Chair Sen. Vernon Sykes [00:19:58] Commissioner Huffman

Senate President Sen. Matt Huffman [00:20:00] Oh, thank you very much, Senator. So a few things on the scheduling part of it, we thought we had one question about the frequency of meetings. Attorney General Yost had suggested that every day was not excessive and just for the schedulers here I have. This is just personally. I've canceled my trip to see my grandkids in Florida next week. So I am available every day, all day through the midnight on March 28th. So I hope that lets the the schedulers except I have to be at the State of the State at noon on Wednesday. I think that's my only I have to gavel in that session. So other than that, that's my only official duty that I can't abandon, As Leader Russo in her letter, suggested every other day as a possibility. I'll I'll leave that to the schedulers and the co-chairs because as I said, I've made myself will make myself available any time or any, with the exception of the Wednesday event through the end of March 28th as to the method of meetings, Auditor Faber suggested Zoom meetings or some similar type of meeting, and that's that's fine with me too my, I have a basic problem with virtual meetings, which is nobody pays attention. It's hard to get anything done unless everyone's personally present. And so I've done on other issues in the public forum, I've tried to say no. If you're if you're getting paid to be here, et cetera, et cetera, every party needs to show up in the same room. But I think the auditor's right that if it's half an hour check in meeting, depending on what we schedule and how we schedule that, that makes more sense than people perhaps having to all assemble and makes the timing easier and things like that so that I would leave that to the schedulers and the co-chairs. Also Leader Russo, I think, brought up a an excellent point in terms of if we're going to have a public

hearing on a proposed map, when does that have to be done? And I believe leader or excuse me, Attorney General Yost suggested in terms of the transparency that the map be presented at least 24 hours prior to a vote on the map. So if we're if we're here at well, say, four o'clock on March 28th or some time, that the map would need to be presented to the commission by the afternoon of March 27th and if there are going to be public hearings or a hearing that those hearings have to take place on Saturday, the 26th or Friday the 25th, if there's going to be more than one day of hearings, which leaves us really about six or seven days to draw a map at this point. So I'm not saying we should have two days of public hearings or one or whatever it is, but if there is going to be a public hearing and we have to have a map prepared 24 hours, I don't think we have to. But the attorney general suggests that as part of the transparency, I think that's been some of the concern throughout this process that everyone sees the map at least a day before they vote on it, that that's in backing up, that's the kind of time schedule we have to deal with now in terms of additional staff in the suggestion of a mediator, I think mediators are great. I'm not sure whether I ever used Mediator Faber in the last. We had a case together. I don't think we have, but I've used lots of mediators. There are a lot of great ones right here in Columbus, former federal judges and retired judges. Again, I don't know whether there's a redistricting czar out there who also is a mediator, but if that's something that we want to consider hiring someone, you know, typically in a case, the parties agree on the mediator. And if they can't agree on the mediator, then a judge appoints one. But usually it's pretty easy to for parties to agree on a mediator. And if there's someone out there, that's, can be suggested to it and I, for my part, I would leave that to the co-chairs rather than having to come back to the full commission, if if we choose to have a mediator. Now on this issue of map mapmakers or map drawers, the governor's suggestion of having the two Republican map makers and I assume by that they mean Ray DeRossi and Blake Springetti in there. Mr. Glassburn and I forgot Randall's last name, Randall Ralph. Sorry about that, that the four of them would essentially be the map makers, and I'm certainly fine with that. I guess the court's quote was the commission should retain an independent map drawer. I'm sure if it's more than one, it would still comport with that. Who answers to all commissioner members, not only to the Republican legislative leaders to draft a plan, The other things, and so I understand and it makes sense that what what the governor is saying because there are essentially both sides, if you will, represented. And then, of course, the attorney general's decision of having two people who I think none of us have ever met or no but one Republican, one Democrat who have worked in similar circumstances that also, to me, seems to make sense. I would note that in not to go too far down this road, that there are, you know, as as we know, various methods throughout states for General Assembly maps to be drawn, and some of those are independent commissions and some of those independent commissions if they're unable to draw maps, it defaults to the state legislature or some other method. In Virginia, I think I have this right. The there is also an independent commission that draws this, but there is no default method. In other words, of the independent commission can't come up with something. There's no map. And so the Supreme Court in Virginia said these two fellows, who the attorney general is suggesting you draw a map and that's going to be the map. And so there wasn't any General Assembly or group of people who had to vote. The Supreme Court of Virginia essentially impose that map through the method that they chose to do it, which of course, we don't have that circumstance in this. We still have to vote. The commission still has to vote on the map when we get done. And some of us may like the map. Some of us may not like the map. We wouldn't know that, of course, until these two gentlemen produced the map and so in, so I guess those are my comments on who and staffing. The next question, I guess, is on this issue of of how the commission, how the map makers, whoever they may be. And for all I know, there may be a third option. There may be an individual we all agree

with. But but the question is how they take direction, how are decisions made and the court has made clear that they want a public process in, you know, obviously the purest form of that is that the seven of us are here. There's somebody with a mouse, as the auditor suggested and we're saying, no, not that way, this way. And but is there something short of that? As the attorney general is suggesting but whatever the direction that is given to these four individuals or these two individuals or some one individual separate from all of this, it has to be a collective decision of all seven of us at that time when those decisions are made, because that's what the court has specifically said, and I'm just going to read some of their language. The commission has adopted three plans so far, but still has not drafted one. In staff members, the Senate President Huffman, House Speaker Cupp have drafted all three of the plans adopted by the commission. So if if again, the people considered one of them as my staff member, one of them is is Speaker Cupp's staff member. We have a staff member for the Democrats and then a an independent person, independent contractor, Mr Glassburn. But I think the point is these drafters again, for people to people one people, they have to take direction from all seven of us. And I appreciate the governor's kind of get in the room and work it out kind of statement. But the question and that's a good headline, but what comes after that? How is it that they take direction? Is it so that's that part. And for example, if Ray DeRossi calls me and says, Hey, what do you think I should do here? Do I get to talk to Ray DeRossi, independent of the other six members of the commission, and I say all six, by the way, because on these maps, even though we've had majority votes by Republicans, we haven't all agreed on everything that's on there as I think some of the votes have been and in the discussion from September. And I can tell you that Speaker Cupp and I have had many differences over the past six months about this. So if if I'm not going to and I think this is what the Supreme Court is saying and what this commission is saying is if I'm not having a separate conversation with Ray DeRossi or any of the other three folks, but it's only with the of then it needs to be. And I think that's the way it has to be. It needs to be direction from the commission as a whole. Now, if someone says,"ah no you can talk to them whenever you want, you can talk to all four of them whenever you want." OK, I understand, but I just want to know what the rules are because in January, after being criticized by the court, we did our September 15th map and then January 10th, the court criticized that Speaker Cupp and I were too involved, and I said, Look, anybody can go talk to Ray DeRossi I'm not even going to go into the map drawing room, and I didn't. But other members of the commission did. And I just want to know what the rules are going to be that the commission is going to adopt. So I think those are that to me, is a more problematic resolution than frequency of meetings and who are mapped drawers are going to be, et cetera. And I think the location of the work that issue that was brought up that can be resolved, we can dedicate a room here in the state capital for those folks to do that. So those are those are my comments at this time.

Co-Chair Sen. Vernon Sykes [00:32:28] Any additional comments? Leader Russo

Minority Leader Allison Russo [00:32:36] thank you, co-chair. I appreciate I think these are all good discussions and things to consider, and you know, I would go back to last year, actually some of Commissioner Huffman's concerns about, you know, how do we actually implement if we've got whether it be an independent mapmakers or our mapmakers working together, how do we actually create a process so that decisions are made that they can work with? Because I will note that our makers have met in the past throughout this process. The problem has been when they are together not being able to serve as agents to actually come to some sort of consensus on what decisions should or should not be made within the map that has been the hangup primarily is, you know, often

they're in a room discussing some things and then everybody goes their separate ways. And then, you know, I will see a map shortly before we vote on it, not knowing if those things have been incorporated or not. Usually, they were not. So having a process that creates opportunities for actual consensus and agreement among the all commissioners so that the map makers can actually move forward in drafting the maps is, I think, an important detail that we do have to work out. I don't think it's an impossible thing. For example, I'm not opposed to the option of Commissioner Faber. You know, we're all sitting around looking at the map and giving some direction there. I don't think that that is something that is impossible to do or if we're in person in a room. But I do think that that's an important consideration. I will just go back to it sounds to me like we've kind of stepped away from the mediator option, which is fine. But that's what I'm hearing. I could be wrong, but we're stepping away from that potential option. And it's really either, you know, we come in with these independent map makers and decide on who those folks are or, you know, we create some path for our existing map makers people to work together and come to some sort of consensus. I think again, both of those have pros and cons to them, but I think the important detail here. Either way, we go is, you know, what are we agreeing upon is the process that we give any map maker directions as a commission and not as multiple entities within the commission.

Co-Chair Sen. Vernon Sykes [00:35:23] Yes.

Co-Chair Sen. Vernon Sykes [00:35:24] Yeah. To be cleared to Leader Russo, and I'm I have I'm for the mediator and I'm, you know, one method of doing that is to allow the co-chairs to choose that mediator. And I don't think I'm for it. Yeah. I don't think Auditor Faber was against that either. So that that's a I just want to make clear about that.

Auditor of State Keith Faber [00:35:45] I would argue a mediator would be particularly helpful, maybe at the end when we're trying to figure out where we land on the hard decisions. I mean, the map drawsers, and again, I've always interpreted this maybe a little different than somebody else. I've always interpreted that. What we can get broad agreement on a lot of areas, I mean, if I looked at the first map, the leader, I'm sorry, leader Sykes and Senator Sykes proposed. I didn't remember having a whole lot of dispute until you get down around some of the urban county areas as to where the districts went. And so I think there are large areas you can just get agreement with by giving direction collectively to them after hours. OK, in this area, kind of do this in this area. But when we get to the end, there's going to be areas where there needs to be some compromise. And that's where a mediator will be particularly helpful. But. I'm for a mediator that my only question is make sure you figure out how you do the logistics on it to make sure that the mediator can be effective.

Co-Chair Sen. Vernon Sykes [00:36:41] For the record as well, you know, I am supportive of the concept of having a mediation. I think it's important. In my previous conversations with the Speaker Cupp and with Governor DeWine, one of the issues is trying to get the staff to go ahead and be somewhat independent to make decisions. But I think a mediator could be helpful in getting past those impass positions to actually make decisions. If we give them the whole authority, the authority to the staff to make decisions and of course, the mediator to help break ties or help us decide.

Senate President Sen. Matt Huffman [00:37:23] Yeah, and these might be questions of nuance in where lines are and all of that. But the court has made clear that the staff is not to make decisions. The commission is to make decisions. The commission has not drafted

a plan and I don't think that we're complying with the court's order. If we say staff, go draw a map and bring it back to us because that's what we've done so far and there are other constitutional infirmities as the court has laid out to them. But one of the things they've clearly said is the commission has not yet drafted a plan, and I know the practicalities of that are difficult and everybody or can be. But I mean, essentially that, you know, the court has said that.

Co-Chair Sen. Vernon Sykes [00:38:20] Thank you, Commissioner LaRose.

Secretary of State Frank LaRose [00:38:25] Thank you. Co-Chair. A lot of conversation so far about process, and I recognize the importance of process, but process matters only and so much as it yields outcome, right? I think that the idea of having a mediator is fine. I'm open to that. I think that it's great that we've got two folks from out of state who have experience at this that are bipartisan, that there could be a part of the process. I think that we've got four pretty smart people that work for this commission, or at least for the majority in the minority on this commission. But I want to talk about outcome a little bit because I found it frustrating that I think to say that the court has moved the goalpost is an understatement. But you know, we felt like a couple of weeks ago, we drew the 45 Democratic districts and 54 Republican districts that they had asked for. But now it's this new concept that unless it's a certain index, it's not strong enough or safe enough in the partisan index. So I think that we as a commission sort of agreeing on what we want the outcome to be to appease the Court X number of Dem seats, x number of Republican seats and what sort of indexes we're going to see. And then giving the map makers the chance to go and try to fulfill the wishes of the commission that we that we give them. And then we look at that and maybe as a status update, we after a couple of days we say, OK, good, do these changes come back to us? I don't think it's practical for seven people and another four or six staff members to all have their hands on the mouse. I mean, that's the classic too many cooks in the kitchen, and that'll yield nothing. But I think that giving the staff members clear guidance, letting them go and work for a day or two and then coming back to us for a status check may be the path forward on this.

Governor Mike DeWine [00:40:14] [microphone not used—there may be inaccuracies in this transcribed paragraph] Well, maybe just a follow up to what the secretary said. As far as instructuions, I guess there's two ways of doing it. You simply hand, the simplest was is to hand the people who are physically doing maps the instructions in those come up by the Constitution, The State of Ohio and the three court decisions, that's one way to the other way of doing it is having a consensus with this group with specific things that need to be [inaudible] when you're either handing them the decision or you're summarizing that decision that that's the only way I that you can give them at least the initial instruction. I don't know, I don't think it matters, which way you do it there's also a possibility that, and I don't know if this will happen. There's a possibility that whoever is drawing the maps, one of these instructions come back and tells us we can't do everything, we cannot do everything the court says and cannot do everything in the Constitution says, I don't know what if they'll say that, but that back and forth probably is healthy, no matter what they come back and say. Well, I wouldn't envision, but I guess I don't envision seven hours sitting around watching them do this. But I do think it's consistent with what the court has said is that they continue to [inaudible] and tell us if there are challenges and the problems in their areas where there are conflicts back and forth, which occurs at least once a day, seems to me to be consistent with what the court is asking. And also, may be helpful to finally try and reach a [inaudible] instructions, initial instructions to the map makers, we have to go one way or the other I had a resolution based on the first two, there are several

court decisions, will I include a number of things in their map that I thought was in the summary, but I'm not saying you have to be that way to simply say turn the court decision over to them who was as well as the constitution I think, it has to be one or the other. [End of audio quality issues]

Senate President Sen. Matt Huffman [00:43:06] Thank you, co-chair. And just I think in response, maybe maybe to the secretary, but I think to the governor too. I'm certainly not suggesting. And even though the court kind of says it, but I think we've interpreted this, that it's not the seven of us sitting in this room watching the mouse move, that what I am suggesting is that I don't think that we can delegate a in agreement or authority to the staff to go out and make a deal and bring it back to us again because the commission is supposed to be drawing the map. And again, there may be a fine line exactly where it's what we think this was. Of course, we'll take it back to whoever. But if if it's brought back to us individually and then we make our individual insertions into it, and that's how that's how the agreement happens with each of us individually and the auditor and the governor and the secretary of state don't have an employee in the room. That's one of the problems. So I think there has, to be sure, go out and do the work. But whatever work is done, whatever communication is done is done with the commission as a whole. So I'm not I just want to be clear, I think the point here is that we can't let the the map drawers cut the deal, so to speak. I don't think we're allowed. I don't think the court permits us to do that.

Co-Chair Sen. Vernon Sykes [00:44:46] Commissioner LaRose,

Secretary of State Frank LaRose [00:44:48] thank you, co-chair. Yes, so so building on that, I would agree with with the Senate President that it's up to us to make these decisions and that we can give clear guidance to the map makers. And maybe and this is just an arbitrary kind of example of what this could look like. We would tell the mapmakers to go sit down and draw us a map that has 54 Republican districts and 45 Democratic districts in the corresponding similar proportion of of, you know, Senate districts. So, you know, we give them the partisan breakdown of what we want to see. And then we say 10 percent of those for the Democrats and 10 percent of those for the Republicans can be in a certain range of competitiveness. But the other ones have to be outside of this range of competitiveness. And we we want to make every attempt to not put incumbents together that sort of double bunking concept. And we want to maintain compactness and communities of interest and then say, Hey, mapmakers, can you come back in 24 hours and try to accomplish that thing that we all seven just agreed on? And then see where they get and then obviously make adjustments from there.

Co-Chair Sen. Vernon Sykes [00:46:01] I think that whether or not we retain outside mapmakers or use the existing mapmakers, we are still giving them instructions to comply with the Constitution and the court order. And we will still be making the final decision. So I don't know if we need to make too much distinction with that.

Senate President Sen. Matt Huffman [00:46:22] Yeah, sure, I agree with that. It is. It is a little bit nuanced. And you know, the discussion, as we talked about is is with these folks who are hired and work for the Democratic legislators or the Republican legislators. And again, I don't know what how the statewide folks feel necessarily about that. That's why it makes more sense to have independent people do it because they're not beholden to anyone in particular. You know, as I mentioned, just because Speaker Cupp and I are Republican legislators, we don't agree and I can certainly tell you our respective map makers do not have not agreed on many of these things. Ultimately, there was a product

produced. I can also assure you that many Republican legislators are unhappy with it also. The one comment I just want to make is we're trying to if we talk a little bit about criteria regarding incumbents, and I appreciate the secretary's point. But I think that was also criticized by the court that we should not consider incumbency in drawing these maps. So I just want to kind of get that out. There is not not something that the court says that we're allowed to do if I have that right, right?

Co-Chair Sen. Vernon Sykes [00:47:54] Leader Russo,

Senate President Sen. Matt Huffman [00:47:58] I'm sorry could I just finish?

Minority Leader Allison Russo [00:47:59] Sure.

Senate President Sen. Matt Huffman [00:47:59] I didn't get. I probably didn't. It's it's it can't be the. It can't be an overwhelming part of the criteria, I guess maybe that's part of it, so there's probably some nuance to that too. So excuse me, leader Russo.

Minority Leader Allison Russo [00:48:18] Thank you, Mr. Co-Chair I think it's you know again to reiterate that I think we've got the important point here is that we can move forward with this, that there are multiple options. And honestly, there's not a reason that we can't do some combination of all of the above. You know, I'd go back to the independent mapmakers, which I think is a good suggestion and option. And actually, I think we can execute that pretty quickly. And they I would expect that the current map makers that we have been using who are most familiar with Ohio and some of the nuances of Ohio and our communities will be involved in that process as well. And I think in terms of the, you know, the commission has to be drawing this map and we are the decision makers. Part of the reason of having these daily meetings is, I think, to hear back from what is the progress, what are the sticking points, us being able to give clear guidance with those sticking points and make some decisions so that they can continue to move forward is part of the the process of us meeting daily is still, you know, what is the progress? What are the decisions that we need to make because we are the decision makers at the end of the day and we are the commission members. The other thing I would just say to in terms of the mediator, and I think Auditor Faber brought this up. You know, that can be particularly useful at the end. Again, not a reason that we can't use a combination of all of these options. And perhaps the mediator does come in at the end. If there are some remaining sticking points that we as a commission can't seem to come to some sort of agreement or consensus on. In terms of just, you know, I will point out that this commission has got close to $4 million that has been allocated to it. I don't, and not at all suggesting that we would spend that in the next week, but I'm saying that we are have been very quickly able to both execute these contracts and get people on board when necessary. And so there are options there. I still hesitate at having this done through the Attorney General's Office because the attorney general technically serves as our counsel in these cases, and I do not want there to be potential conflicts of interest there.

Co-Chair Sen. Vernon Sykes [00:50:53] If I could maybe try to summarize Leader Russo. I think one suggestion would be that we move forward with independent map drawers. Working with our map drawers and using a mediator to help within the impasse issues. Just kind of the suggestion that we start with the resolution from the body indicating what our intentions are to comply with the Constitution and the court order, and that we empowered or direct the hired contractors as well as our staff to work together to come up with with the recommendation or suggestion. If there's any impasse issues that need to be

addressed, that the mediator would be involved at that point to make a final recommendation to this body for adoption. Commissioner LaRose,

Secretary of State Frank LaRose [00:52:00] Thank you co-chair maybe a hybrid of that, but I like the I like the concept of that sort of bipartisan group of outside out of state mapmakers that have shown a level of expertise at this and past success, being advised by the four very capable staff members that we've been working with for many months now. But maybe the difference would be that we are the the tiebreakers, we're the mediators, the seven of us, at least when the map makers get to the sticking point, if we're having daily meetings, whether they're by Zoom or in-person or what have you, they can bring it to us. And the seven of us could give them some better guidance to, you know, how to how to proceed with the next day's mapmaking session.

Governor Mike DeWine [00:52:51] Mr. Chairman,

Co-Chair Sen. Vernon Sykes [00:52:53] Governor.

Governor Mike DeWine [00:52:53] Just a clarification question, did you anticipate with the mediator that that would be picked by the two chairs?

Co-Chair Sen. Vernon Sykes [00:53:05] Yes,.

Governor Mike DeWine [00:53:06] I think that's a good idea.

Co-Chair Sen. Vernon Sykes [00:53:08] Yes.

Auditor of State Keith Faber [00:53:15] I would just make one potential suggestion that maybe the two chairs could ask the court through the attorney general or council to make a recommendation of three or four mediators that the two chairs could agree from a list that way, the court is the one that's again, I'm just trying to make sure we can give the mediator some artificial cover. Maybe that's necessary. Maybe that's not. But I don't I don't care about the process more than than maybe asking for that at the end.

Co-Chair Sen. Vernon Sykes [00:53:46] Senator Huffman,

Senate President Sen. Matt Huffman [00:53:47] Yeah. In terms of mediator, I yeah, I think this. I mean, we do have to vote as a commission to spend money. But, you know, delegating a selection or a review of names from mediators to the co-chairs seems to be makes sense that the one and perhaps this is a nuance. The one thing that I want to suggest as leader Sykes when you mentioned or co-chair Sykes, Senator Sykes that the mediator would make a final recommendation in my mind, that's not what mediators do. Mediators tried to get a an agreement, so the media and the mediator does not judge. And again, this is let the 30 year mediator comment if I'm getting this wrong. But the mediator doesn't say to a judge in a case or whoever. His job is to resolve the differences and not say, I tried to resolve the differences and they're not resolved. So here's what you should do because that that changes dramatically what the role of that person would be.

Co-Chair Sen. Vernon Sykes [00:55:00] I would agree and my comments only that we used the mediator to help us continue to make progress. Leader Russo,

Minority Leader Allison Russo [00:55:16] thank you, co-chair. I would just add, you know, for this discussion about the independent mat makers, I recognize that the attorney general has put forth two suggestions. I do think that it's important that members of this commission, if we're going to go that route, that we have a little bit of discussion or agreement and who we don't necessarily have to stay with, who the attorney general recommended. But you know, what are we defining as independent? Do we agree? Is there opportunity, I think, for both sides to put forward a name? You know, I will just note that the name that was recommended, the Republican individual has actually been a consultant. I think on the last three cases with the the maps, that gives me some hesitation. You know, clearly there's been further guidance by the court in each decision that might change some of his recommendations. But I think that we just need to have an open discussion about, you know, do we do we agree on what is independent? Are we actually going to go forward with these two recommendations or do we have other suggestions or alternatives for these individuals? I think that's important.

Co-Chair Sen. Vernon Sykes [00:56:34] Senator Huffman, yeah,

Senate President Sen. Matt Huffman [00:56:34] I think it's a it's certainly a fair discussion to have. And as I think we all know, as Leader Russo indicated, these are suggestions by the Attorney General, Attorney General Yost. And other than, you know, his description in his dossier or memorandum that he gave to us. That's pretty much what I know about these folks. And other than they had this, they drew a map in Virginia and were successful. But it's it's there were only two people had to agree to that map, and that was the two of them. And there wasn't a commission later that seven folks had to or at least four four people on a commission had to be in favor of. So, you know, I think it's certainly a valid discussion as to whether if we go with and perhaps it's a single independent map maker, as the court suggested in its opinion, or it is a one from each party as as these two folks are. So I think that's a valid discussion. I don't have anybody to suggest other than, you know or even that I know about, other than the four people have been working on this and the two people, the attorney general suggested.

Co-Chair Sen. Vernon Sykes [00:57:58] One suggestion might be to leave it to the co-chairs, as we have with the mediator concept, leave it with the co-chairs to make the decision to recommend to recommend. So the co-chair here is trying to keep us on point to make some progress today. It seems that we may have some consensus, but I need input from the body that we select independent map drawer or drawers and those persons to be selected by the chair, the co-chairs and they work with that person or persons would work with the existing map drawers, Democrat and Republican two on each side to come up with a plan and to use either the body to deal with difficult positions and decisions and or mediator. If we use the mediator again, the mediator will be selected by the co-chairs upon recommendations from the court or some other entity selection process. And that would. That's what we where we are right now. If there any more discussion about this issue? Yes,

Minority Leader Allison Russo [00:59:25] Thank you, Mr. Co-Chair. I think there's a practicality to this as well in terms of timing. And what time are we going to hold ourselves to to actually make these selections? And most importantly, to begin the work and have some of the public meetings so that we are moving forward and making progress. I think that is entirely feasible for these recommendations to be made and implemented even by Monday. The stuff can move very quickly so that we can have our map makers moving

forward with progress and begin our daily meetings so that we can get feedback and begin having real substantive discussions on this.

Co-Chair Sen. Vernon Sykes [01:00:11] Monday suggested. The comments about time to other issues.

Co-Chair Speaker Robert Cupp [01:00:20] Mr. Chairman, I just want to make it clear that anything the co-chairs do, it's a recommendation to the commission, not a selection by the co-chairs. Is that part of our understanding?

Co-Chair Sen. Vernon Sykes [01:00:34] Yes.

Co-Chair Speaker Robert Cupp [01:00:44] So I've been listening to this with a great deal of interest, I think there is some optimism here. I think there may be some excessive optimism in terms of how this can work in practicality. So I'm a bit skeptical about how that should do. I do agree we need to do something. I do agree. We need to try to move forward. I agree we tried to come up with something that will satisfy the requirements of the court. Problem is, they keep changing what the requirements are or the refinement of those requirements, so it's difficult to know what's next. And I am concerned about the confidentiality issue on this. So I'm assuming that I could talk to Chris Blackburn and ask him to, you know, draw me something. It'll be, you know, spread everywhere. Is that something I want to do? Sure, that's going to work with everybody else as well. One of the problems with this process and Co-Chair Sykes and I have talked about this is there is a lack of confidentiality to be able to do some of these things that are normally done with confidentiality. So Auditor Faber is correct, I think, in saying that a mediator. We've got a confidentiality issue and mediation doesn't work very well without confidentiality. So there are some practical concerns with all of this. I hope members aren't being overly optimistic. Certainly work with the co-chair to try to develop this. I don't know where we can find mediators in, you know, 48 hours and, you know, have them thoroughly vetted and know what we're getting. But I'm certainly willing to to work if that's the direction of the commission. But I do think all of these things are decisions of the commission, not the co-chairs.

Co-Chair Sen. Vernon Sykes [01:02:42] Thank you. Other comments. Yes, Faber.

Auditor of State Keith Faber [01:02:50] I agree with with Speaker Cupp in general that I think the commission needs to be making some of the bigger decisions. But look, if we're going to go down either route, I again, I think it may be a hybrid, route? I don't, if you can, if we want to put the Yost to individuals that are recommended, I know nothing of either of them. So that probably means from my perspective, they're good neutrals and we want to tag them with our four staff members that have been doing this. Look, I'll make one of my staff members who has been kind of my go to person available. I know the secretary has somebody and the governor has somebody so we can put not four, but we could put seven staff members in a room with the two people and sit down there and start. And I would suggest that if they're going to start, I don't know how they get anything to us by Monday or Tuesday. Frankly, it's probably Wednesday before we could see anything realistically. But having said that, because we still got to pick people, we've got to get them in a room. But I would suggest that we start at the largest county, the way the Constitution says draw maps and Franklin County, then move on to the next largest county and move on until you get a map that works. And periodically they report back to us at each one of those stages because I do think at each each stage based on how we saw this go about before, we're

going to have decision points and those decision points should come back to the seven at us. That's why I suggested electronically we see a Columbus map. They say, Should we go outside of Franklin County, you can draw Franklin County, as we all know, without going outside. And I think it's I'm looking at Mr. Glassburn in 11 districts, House seats, or you can go out and draw it and 12. That's it's an important question we have to resolve. The map makers are going to have to figure that out. That's a question that we could sit here and say, OK, see me an 11 seat option, see me a 12 seat option. What does that mean? And then where do you go out? Do you go out into Union County? Do you go out into Pickaway county to go out into Madison County, Delaware County? All of those issues that are going to have to be debated? Certainly, the staff in the room can work out some kind of suggestion. It comes back to us. We say yes or no. Then we move on to the next area. If you go north into Delaware County, that means the Knox, Delaware Marrow area are going to be part of the next district. That's going to have to be debated because Delaware counties now split. All of those are issues that you're going to make decisions as you go about that. I think that's when we meet and that's when we start having those discussions. I think if we. I would be shocked if you get anybody on board between now and, Monday, maybe? I would be shocked if they can have a product for us to look at that has any merit between now and Wednesday. But I'm for it, whatever. And that's why we have I have a motion that before we leave, I'm going to offer to amend our rules to allow us to meet remotely. Because frankly, even if we have people hired, maybe, maybe. Monday's meeting is a remote meeting for Vern, and I'm sorry, co-chair Sykes and Speaker Cupp saying, We've succeeded. We've got two independent map drivers from the state of Bugtussle that want to come help us out with this. And if we put them in the room with all seven of our staff for four or three or whatever the number happens to be, they will start drawing on Monday. They're going to give us something back fungible Monday at three o'clock in the afternoon, and we can look at that for 3:45 meeting. Maybe the answer is it's 4:45 on Wednesday. I don't know. But I think in the end, that process is probably what we ought to do. And that periodic reports as we develop the best possible map we can do. And I don't know where this lands, but I am. I'm still trying to figure out what the new guidelines are, and I read the opinion twice now.

Governor Mike DeWine [01:06:31] Mr. Chairman,

Co-Chair Sen. Vernon Sykes [01:06:33] Governor.

Governor Mike DeWine [01:06:34] Mr. Chairman. We know who the two are. We know who the four are. So you've got six people who you know who they are. What you don't, if that's the consensus of this group, I'm not sure, is consensus yet, but the mediator does sound like a good idea to me. But it would seem that this the group doing the map can certainly start their work before a mediator is there, mediator is going to be in there to resolve problems. And, you know, I would hope that the mediator would, once he or she is there, would take an active role in trying to resolve, as is the Senate President has said, resolve problems and get a an agreement or a consensus. I'm a little concerned, I understand that the decision final decision has to be ours. I understand we have to be involved. We should be involved. But it seems to me that a better shot at getting things done is having the mediator take a shot at the problem first and see if there can be something worked out. And that doesn't mean that the mediator wouldn't necessary, could be very well talking to members, and the mediator could be talking to members behind the scenes. I just candidly, we want to be as transparent as possible. But candidly, a mediator going from one person to another back and forth gets a lot better results generally than an open, open meeting where everybody is involved. And it just it just doesn't move as fast.

And look, we're trying to comply with what the court says, but we only have 10 days now. They're less than 10 days. So the court has given us 10. We didn't make up the day and the court made up to 10. So I think we have some obligation to to make conscious decisions here. There is going to speed this up and get to a resolution. And so my idea was not to have the mediator, but I think was a great idea. And if you find the right person who who can move between not only the staff but also through members if need be, it seems to me that's how you resolve it. So I guess I'm not concerned about the fact we don't have a mediator today. Obviously need we need to start working on that. The two of you need to start working on it, I guess. But I think you could start with the people we have named and let them start on the process now. Time's running out.

Co-Chair Sen. Vernon Sykes [01:09:26] Senator Huffman,

Senate President Sen. Matt Huffman [01:09:28] Thank you, and I agree with the governor, I think he's summed up the issue pretty, very well. I again would caution. It is true that often resolutions, whether it's resolutions on legislation in differences we're trying to settle a case are done in a confidential way. You know, you can't settle a lawsuit, if what you're offering gets thrown out in front of the jury, then you don't want to offer anything because you're not sure. So settlement negotiations by law are not admissible as evidence. We have a legislative privilege that says if I go to Senator Sykes and say, Well, why don't you do this and say that? Or even with other legislators, that's that is confidential. It's privilege. And we do that now, kind of for the same reason that the media does not want to reveal their source. Those sources may not want to talk with them anymore if if that's revealed. So we all know the importance of private, confidential discussions to resolving matters. The issue is those kinds of discussions are one of the things that the court has criticized in a pretty severe way that decisions were not made in a public forum. And again, where that line goes well, there's a recommendation that the decision gets made here. You know, it's kind of like legislation that's broad. It gets resolved. Then it comes to the floor and we all vote for it. That's the legal decision. But the behind the scenes negotiating is not public. So I just caution that whatever negotiations, whatever the mediator would be doing that, that would be too hidden from the public. So that's one thing. The second thing you know, we talked about the map drawers, the independent map drawers and perhaps there are other people or an individual out there who would do that. And I think it's fair for Leader Russo to be skeptical, perhaps of the suggested Republican mapmaker that that's fair. Of course, we have to do it. The court talks about an independent map drawer singular, but I'm sure that two of them would be fine, too. I think we need to prepare for the possibility that in the work that the co-chairs or perhaps their staff or other people would do and trying to find a mediator or an independent map drawer that there's going to be a disagreement about this. And so this is sort of the question I pose: Does the independent map drawer or drawers, do they need to be approved by this commission unanimously? Now, the rules don't say that, but if if five or four members of the commission, perhaps all Republicans decide that this is a pretty good plan, we're going to get these two Virginia folks in here. They've worked together before they solved a Virginia problem. At least the two of them came up with an agreement, Supreme Court in Virginia said, OK. But you know, Leader Russo's concerned about the Republican involved, and I understand completely your concerns. Do we go ahead and hire them anyway? And I'm not sure that's within the spirit of this discussion. But in the spirit of getting this done in time to have a public hearing on Saturday, the 26th or Sunday the 27th and then passing this on Monday the 28th. We may not have time to go back and forth trying to find other map drawers and but maybe there's lots of folks out there who would like to do this, I don't know. And there's somebody that all of us know nothing about

and we're OK with. On the other hand, if we know nothing about them, maybe we shouldn't be OK with them. So I just want to suggest that possibility. If a majority of the commission decides to go one one way or another.

Co-Chair Sen. Vernon Sykes [01:13:55] Leader Russo,

Co-Chair Sen. Vernon Sykes [01:13:57] Thank you, Mr. Chair. You know, listen, I think there is recognition that no one that we involve in this process is not going to have some level of bias. I think when I think maybe there should be some agreement that independent at a minimum means that it's someone who has not been involved in any of the litigation so far. I think is a fair sort of minimum thresholds. I would like to go back to, you know, the governor originally started this meeting recommending a resolution, and I think a resolution is a good idea to lay out, you know, what are the principles or the steps that we're attempting to achieve? I think that it is entirely practical for us to plan to meet again on Monday to vote on this resolution, assuming we'll see a draft beforehand that lays that out, but also is the opportunity for us to take those recommendations for the independent mapmakers and or the mediator. If we're ready to do that, I'm in agreement that we don't necessarily have to do all of those things concurrently. But Monday is a good opportunity, I think, for us to both establish a resolution about what our ultimate goals are as a commission and the instructions that we're giving to the map makers, which is to follow the Constitution and the three court orders, but also to consider these recommendations and take a vote on them. And I think, you know again in considering what is independent. You know, again, everyone comes with biases to this and we can recognize that. But for me, my only hesitation with the recommendations so far is just having somebody who has not been involved in the litigation so far.

Governor Mike DeWine [01:15:43] Mr. Chairman,

Co-Chair Sen. Vernon Sykes [01:15:44] Yes, governor,

Governor Mike DeWine [01:15:47] I understand that. Maybe I'm a little pessimistic, but waiting until Monday to do this and then thinking that we all can agree on the specific instructions. Yeah, I think it's being a little optimistic. Seems to me that we all that simply going by the court decision and going by the Constitution is enough instruction. We all I'll be able to agree on that. But if you start putting it down in writing and putting more emphasis on one thing than on another, they'll never be in agreement here. We will not have an agreement. So I guess I would rather allow the map makers to have some flexibility. They've got their marching orders from the court, three separate decisions plus the Constitution. Isn't that enough? I'm just concerned we're waiting, under your idea that we wait until Monday, then we won't be able to come up with an agreement on the language, and then we battle that out for a while, and I guess I just don't know why we can't go with what the Constitution says and what the three court decisions say.

Minority Leader Allison Russo [01:17:17] Mr. Chairman.

Governor Mike DeWine [01:17:18] Seems to be from the from from, you know, most Republicans have not like those decisions. And so being willing to say we're accepting those decisions, it seems to me that you all ought to be able to say, I'm OK with that. So, yea

Co-Chair Sen. Vernon Sykes [01:17:37] Let me let me say that I appreciate President Huffman's suggestion. And one of the reasons that I suggest there be two map makers as opposed to one is because, you know, you could select one and we could selects one, and we would be easier to come up with agreement in both of us trying to select the same one. I'd like the idea also of unanimous, vote, because if we do have an agreement between the co-chairs, I think we probably could get to that unanimous in the first policy course in my PhD program years ago, they indicated that the cave men and women, when they made decisions, public policy decisions, they were all unanimous. It had to be because that's the only way they can come up with an agreement because the majority might decide to eat the minority. So it's important that the unanimous decision, I think, would be clear, but I think it would be a clear path to that if we have bipartisan recommendations from the co-chairs. Lead Russo,

Minority Leader Allison Russo [01:19:05] thank you, chair, I concur with that, I did just want to quickly respond to the governor's comments, and I am actually fine with the marching orders to the mapmakers being the Constitution and the court decisions. And if that simplifies the process and eliminates any resolution, I'm perfectly fine with that. I think that I agree with you. I think they are perfectly clear and they are good instructions.

Co-Chair Speaker Robert Cupp [01:19:34] Great, so so maybe the the the map drawers from, and on either side can meet between now and sometime on Monday, whenever we decide to meet again with the consultants that the attorney general is offered to just sort of preliminary sketch out just the way the maps exist. And maybe that will produce some ideas as to how we might be able to bridge some of these differences and and go forward. And that being in the interim, while we're trying to decide whether there is a mediator at some point and whether there is or there should be other independent map drawers, which I think are all questions that are still up in the air. So at least there is some effort to try to move forward between now and Monday. I'm just throwing that open for discussion.

Co-Chair Sen. Vernon Sykes [01:20:48] Thank you for giving me that discretion as the chair to try to provide some guidance here. I think it would be important to have the resolution as long as there was bipartisan agreement to deal with the Constitution, implementing the constitutional requirements as well as the court order. I think that would be appropriate. I think a meeting tomorrow would be much better than one on Monday to make a decision about the recommendations the co-chairs would make as as it relates to the independent map drawers. And I think we need to resolve hopefully this so we can move on to some of the other items on the agenda that deals with this issue. Yes.

Senate President Sen. Matt Huffman [01:21:40] Mr. Co-Chair, yeah. In regards to a resolution that says we shall follow the Constitution and the decisions of the Supreme Court, absolutely. First of all, I don't think we have a choice to say whether we do that or not. We just do it. And in some ways, passing the resolution would be superfluous. But if we want to say we're going to do what we're required to do under the oath that we all took for our office, which is follow the Constitution, including as interpreted by the Supreme Court, decisions, I think if the attorney general were here, he would say that that's our also our obligation. So I'm fine with that resolution. The only thing I would say about a meeting tomorrow to decide to discuss the possibility of outside additional staffing, I'll put the mediator in the map drawer or drawers and just just call it additional staff, is that would be if if there's something to report tomorrow in something to decide on. Great. But if you know it's and we can all be notified and up on our cars and be here however it is, you all wanted to do. But it would seem to me, given the complexity of it and given the concerns about,

first of all, you have to have, I don't know that there's several thousand map drawers around that are unemployed right now looking for something to do. But there might be. In finding someone that collectively the co-chairs would agree on or collectively the commission would agree on. In the next oh, 24 hours might not happen. If it does, we could meet tomorrow. If it doesn't, we could meet, you know, Monday morning or something.

Governor Mike DeWine [01:23:36] Mr. Chairman, maybe I misunderstood. I thought that we would pass a resolution giving the two co-chairs the authority to do this. I'm trying to keep this thing moving. I mean, we have confidence in you two. I think you've kind of we've outlined pretty much what you're going to do. I trust that you will be able to reach an agreement on that and do it. So I guess I would prefer giving you that authority today. And if there's a problem, you'll come back to us. But I don't know why that you know, the two of you are perfectly capable of doing this very well, and I think we have trust in you.

Co-Chair Sen. Vernon Sykes [01:24:33] LaRose,

Secretary of State Frank LaRose [01:24:34] Yeah. Be fine with the governor's suggestion. I think that the one thing that maybe we should add to that is some sort of a timeline. I think that if these folks are going to be hired, assuming they may not live in Ohio, they've got to get here, rent a hotel room, get to work. I mean, I think would be ideal if under that resolution, if the co-chairs could come to an agreement on who these two new independent map makers would be and then get them here and working by Monday morning.

Governor Mike DeWine [01:25:08] That would certainly be a goal.

Co-Chair Speaker Robert Cupp [01:25:10] Mr. Co-Chairman, would we be able to take a 15 minute recess?

Co-Chair Sen. Vernon Sykes [01:25:15] Yes. Are we now in recess for 10 minutes more or less. [Commission is in recess]

Co-Chair Sen. Vernon Sykes [01:25:29] [Commission reconvenes] Senator Huffman

Senate President Sen. Matt Huffman [01:25:30] Thank you, co-chair Sykes. So I have a motion, it's five parts to it, but I think it summarizes fairly what the discussions are and has an appropriate go forward plan over the next, oh, 72 hours or so here. So part one is that the, all staff currently hired and who might be hired in the future will be directed to follow the constitution of the State of Ohio and the decisions of the Ohio Supreme Court in the work that they're doing. That's part one, part two that the commission will schedule and as needed. Sunday evening, 7:00 p.m. Meeting to receive recommendations from the two chairs for two independent map makers and one mediator, if any. And the reason why I say as needed is if it's 4:30. And hopefully folks are going to dinner and doing other things, but they may not if we can find folks on Saturday night or Sunday morning and in time for that consideration to happen by tomorrow. That's why I'm suggesting later in the day, 7 p.m. Sunday evening. Third, that we schedule a not-as-needed, but actually schedule another meeting on Monday at 7 p.m. We will meet in person to discuss and hopefully decide on the mediator and the map makers and make that decision decision Monday night. I'm my motion doesn't say we have to make a decision Monday. It's aspirationally we're going to try to make a decision. And but we want to get together in person to talk

about that. Consider recommendations. Number four, that in the interim, the four map makers which we the individuals we've been discussing here today, the employees or contractors of the various caucuses will begin meeting somewhere in the State House, perhaps either the majority or minority conference rooms in the Senate building, if wherever they would choose and begin discussing. How it is that they can work with these two independent map makers. And what are some of the sticking points, things like that? This is not, a these meetings over, again I don't know if that's possible today, but tomorrow and during the day on Monday would be to tee up what the complex issues are. And as Senator Fa- or Auditor Faber and others talk, some some areas are more complex than others. And but to begin framing that and finding areas of agreement, areas of disagreement so that that can be presented to the independent map makers and the mediator and Five that we schedule a meeting of the redistricting commission for Tuesday morning, which is April, excuse me, March 22nd at 9:00 a.m. to continue the work of the commission. And that's that's the extent of my motion, mr. Co-Chair

Co-Chair Sen. Vernon Sykes [01:29:13] is there a second for the motion?

Co-Chair Speaker Robert Cupp [01:29:16] second

Co-Chair Sen. Vernon Sykes [01:29:16] Discussion, one just clarification on the meeting tomorrow, 7:00 p.m., the purpose would be to announce or to actually approve.

Senate President Sen. Matt Huffman [01:29:29] Well, the purpose of the meeting as needed session of the commission tomorrow is to receive the recommendations of the if any of the commissioners for two mapmakers and one mediator. And we probably can decide then or at some point between now and then, if those those determinations for recommendations have not been made, that will determine whether the meeting is made. If there aren't recommendations to be made, obviously, but. And we can't approve it if the recommendations are accepted by by the commission. I hope I hope I was clear, I hope I answered your question.

Co-Chair Sen. Vernon Sykes [01:30:16] Yes. So we could be divided. In other words, you could come up with map makers and not the mediator.

Co-Chair Sen. Vernon Sykes [01:30:26] Yeah, that's correct. Or vice versa. Vice versa.

Co-Chair Sen. Vernon Sykes [01:30:28] Right? OK, any other questions on the motion? Auditor Faber

Auditor of State Keith Faber [01:30:37] I just have one maybe friendly amendment or suggestion you mentioned before from the majority majority and minority legislative staff. I would suggest that we expand that to seven. If the other commissioners have somebody on their staff, they'd like to participate in those meetings.

Senate President Sen. Matt Huffman [01:30:56] I don't have any. I don't have any objection to the proposed amendment, to my amendment.

Minority Leader Allison Russo [01:31:10] Another. Thank you. Can we say the commission, any commissioner staff that is appropriate? I understand that the statewide have staff members. I'll just point out again that the House Democrats are we only have

the contractor available, so we do like to have a staff member or someone who's actually a staff of the caucus present.

Co-Chair Sen. Vernon Sykes [01:31:41] If I could make further clarification, how about the four mapmakers that we've designated already and one staff person from each of the commissioners? If the commissioner would be so inclined?

Senate President Sen. Matt Huffman [01:31:56] Yeah, that's that's fine with me.

Co-Chair Sen. Vernon Sykes [01:32:00] Right. Any other on readiness? All in favor of the motion to signify by saying, aye,.

COMMISSIONERS [01:32:08] Aye

Co-Chair Sen. Vernon Sykes [01:32:09] All of those opposed? so ordered. Is there other items to be bought before the commission today?

Auditor of State Keith Faber [01:32:26] Mr. Chairman, I would make a motion to amend Rule 3 specifically to allow the option of remote meetings. As most everybody in this room knows, the Legislature passed a statute allowing remote meetings, I believe we would be subject to that statute. That is a section that is being used widely across the state of Ohio. It has been well demonstrated that local governments, commissioners, cities and the like have used remote meetings effectively as long as the public has access to it. There are multiple means to give the public access to it, whether it's a phone call into an audio line or participation through a link at one of the many services. And this this rule essentially translates and follows the statute, I believe.

Co-Chair Sen. Vernon Sykes [01:33:25] I think there's been a copy of this rule had been circulated. One question I have, Commissioner Faber is would it be the same as saying that the attendance of any commission member could be virtual as opposed to making the total meeting a virtual meeting?

Auditor of State Keith Faber [01:33:51] I would certainly be open to that as an amendment to the amendment. And certainly if commissioners want to attend virtually and the technology is there, I think that's certainly appropriate. But I would again make my primary purpose for this is is to look and say as we start looking at maps in detail and we start going over those details, it's going to be much easier for, I think, the public and much easier for commissioners, particularly if we get into the point where we're debating various alternatives to see that on the computer screen in front of you. Then looking at the handouts that we pass out and maybe a poster board over on the side of the corner. The technology has adopted so much in this area, and I think most of us in our own lives and attending meetings, it's going to be easier. The other reality is if we're going to be adjusting our meeting schedule and we're going to be doing what we're doing for public to have real input, I know where video stream and live streamed here on the wonderful Ohio Channel. But it's just as easy to have that input electronically and frankly, the Ohio Channel's probably the methodology that's going to be used for the electronic meetings if it's here in virtual component. I would imagine. But that technology is beyond my expertize.

Co-Chair Sen. Vernon Sykes [01:35:08] Second question, would this be optional and then to call of the chair?

Auditor of State Keith Faber [01:35:15] Certainly, Mr. Chair, I would anticipate that a complete virtual meeting would be at the call the chairs of the people who are calling the meeting because we have an alternative meeting calling procedure. I would think that certainly three members could call for a virtual meeting versus an in-person meeting. But I would think that that would certainly the way we anticipated and drafted this, it would be up to the call the chairs to be totally virtual.

Co-Chair Sen. Vernon Sykes [01:35:38] Could we stand at ease just a minute to allow the review of the proposed amendment? [Commission is at ease]

Co-Chair Sen. Vernon Sykes [01:37:13] [Commission reconvenes] Are there any additional questions or comments?

Co-Chair Speaker Robert Cupp [01:37:16] Mr. Chairman, I have a question. I don't have an objection to members participating virtually. If if we can be set up, I don't know if any. If you've, you know, we've asked anybody here whether they can do that and how it's done. And the question would be is is this looking for member participation virtually or is this public public participation as well? I would just add that the Ohio House has not done virtual meetings, so this is not something that we necessarily know right away. How to how to set up but in terms of a member participating, if we can set technology up for it, I don't have any objection to that.

Auditor of State Keith Faber [01:38:09] I mean, the short answer, from my perspective, is both. And again, I don't think this is necessarily something that, look, we don't have to decide on this now. We can certainly send it to OGT and ask how we would participate in how we would do this and consider this Monday, Tuesday or Wednesday. But I do think it is something that we should candidly be talking about. We should be doing. It is being done across the state, so I know it can be done. The public participation side is a little more difficult and most of them, my understanding is is that public participation is more in a passive viewing basis, kind of like, OGT. And if you're going to alot of testimony, you have an open ability to open that up like you do on a Zoom call or a WebEx or another other platform. We have a participation model that we've used in the auditor's office. I believe it's through WebEx where we've had meetings as many as thousand participants and you have the ability to take questions and have dialog. So I know it's doable. I know our technology that we have in the office does it, I can't imagine that OGT and or your people over here don't have that capacity, but it is something that is available. But I don't disagree. The nuances of the implementations a different question than allowing it to happen. Certainly, member participation is a little easier if you have the ability through a phone line or through a a laptop to have somebody participating virtually. It's one thing. The problem is is that you have to be able to transcribe and hear that through whatever you're putting out to the public.

Co-Chair Speaker Robert Cupp [01:39:43] Yeah. So if a member is not sitting here in the end and we all have to figure out some way of being able for the rest of us to see that member and that member to see us, and that's that's the only, you know, concern I have is maybe time to work that out. I do know when we had public hearings back in August or maybe a little later than that, we did have a remote, before for public participation, part of the public hearing. So that part was actually a little easier to do. And what this is, but we can certainly if if you want to hold it so we can see, you know, how we can do that. I don't have an objection to doing it.

Co-Chair Sen. Vernon Sykes [01:40:22] Do you want him to actually hold on the amendment or,

Auditor of State Keith Faber [01:40:26] I will take the amendment under consideration and ask that it be held on our agenda for consideration later the week.

Co-Chair Sen. Vernon Sykes [01:40:34] One comment I would like to make, too, is on the controlling board. We have used this very successfully to both the general public and broadcasting to the general public, as well as having agency representatives being presented and have an opportunity to answer questions and to actually participate also in the meeting. Are there any additional questions or comments at this point? The amendment will stand on hold, for further clarification. OK.

Co-Chair Sen. Vernon Sykes [01:42:10] With no further business, we stand adjourned.