

EXHIBIT J

Ohio Redistricting Commission - 3-28-2022 part 4

Co-chair Senator Vernon Sykes [00:00:02] Call the commission, the Ohio Redistricting Commission meeting to order. First Order of business is an update from our independent map drawer.

Dr. Doug Johnson [00:00:19] Are we ready?

Co-chair Senator Vernon Sykes [00:00:20] Yes.

Dr. Doug Johnson [00:00:22] So co-chairs members of the commission, as you've hopefully seen throughout an hour, I guess about two hours ago now we did finish a full house map and distributed that and have moved on to the Senate map. As you know, the Senate rules are extremely complex, so we have taken a first pass kind of hit the expected roadblocks. And just about 20 minutes ago, we hit the expected roadblocks and jump back to the House plan to try to clear those roadblocks so that a Senate map can be drawn that will work. We do not yet have a Senate map, put together a full Senate map to show you. But we are making progress as fast as humanly possible and effort to get this done this evening. But so we do have a house map. It will need some changes, mostly in the northwest. We believe, well, we know there are some changes in the northwest. Dr. McDonald is gone, so I guess I don't have to keep saying we I believe the that's the primary area that needs to be redrawn on the house side. But but I haven't finished the map, so I can never say for sure. And just an update. I have been talking to Dr. McDonald on the phone twice already, actually, and in about an hour and a half, you'll land and so I can check in with him again. So he's still staying in touch. But but we're making progress, unfortunately, do not have a map, a Senate map to show you at this time.

Co-chair Senator Vernon Sykes [00:02:03] What is your estimated time for the Senate map?

Dr. Doug Johnson [00:02:09] You know, if we can make these House changes and then make and then the Senate map proceeds as we think it will where we don't run into any more roadblocks. I would say forty five minutes or so optimistically, but it's very hard to predict. The Senate maps can fall into place. The first one, the first one I did seems very long ago now actually fell into place on the first pass, but it can also take two or three passes to get the two maps working together, and they're related. It's just hard to say, but hopefully if things fall into place, it's forty five minutes or an hour.

Co-chair Senator Vernon Sykes [00:03:02] Are there any questions? Senator Huffman.

Senate President Matt Huffman [00:03:09] Thank you, co-chair Sykes, could you describe the issues in northwest Ohio? We heard that the changes that have to be made. Well before that, this is to the, I guess, the map that was filed at 7:57 p.m. A eight o'clock map. Exactly. Yes. And could you describe the changes in northwest Ohio that need to be made?

Dr. Doug Johnson [00:03:33] Sure. The northwest, the state kind of gets divided, I think in the is getting divided by a diagonal line from from Cuyahoga down to Hamilton, you know, Cuyahoga, Franklin, Hamilton. There's a lot of rules in each of those areas that lock in the Senate seats around them. And so the hope is that then when we apply the rules to the northwest and to the southeast, the two will end up linking up properly. But what can happen and what did happen is that the common, the combining of the House seats

together create walls. And if something links Richland to Delaware, you know, if Morrow gets locked in and there's only one path from the northwest to the south, to the southeast, and then when when I guess it was Clark got locked in as he were preparing the House seat under the under their constitutional rules about counties that were one House seat counties or one plus House seats. Eventually, the Northwest got locked into where there were two House seats that were all alone and nothing with nothing to connect to. And so then we have to go back to the house maps and remove those blocks so that they would go back to the Senate maps and get through those two corridors.

Senate President Matt Huffman [00:04:58] OK. Our one of our folks reviewed the eight o'clock map and found some other constitutional infirmities included, including the and I could describe him if we need to. But there's there's in this, of course, is the house map. We don't have a Senate map at the moment. The Cleveland Heights in Cleveland are both split in the same house district, and that's significant because we've had this problem before in the last several months doing it, because when you fix that by taking one out, it's going to cause a district to be more than five percent under the population requirement, which. And when you do that, it has rippling effects throughout the rest of that northeast area. And again, there are some others splits. So I guess. Did you not catch that or did not because you only mentioned the northwest?

Dr. Doug Johnson [00:06:08] Right, so correct that the reference to Northwest was where the attempt to draw a Senate map from the House maps ran into what we call what I call a brick wall. We can't solve it. You have to go back to the house map to fix it. We have there are reports we can run and the computer too to look for all the city splits and city pairings that we can then go through and just verify and catch things like what you describe and those reports in those reviews take time. And so we've been trying to race through and get a map. That is ready for us to run those reports. If your team have has those lists, we can certainly try to address them or put them in a list that we would address at the end. But yes, that is that is one of the steps. And I'm not to that step yet.

Senate President Matt Huffman [00:07:01] So is it fair to say that with the northwest changes to deal with the brick wall that you ran into, and at least with this change, there's there's some other ones which I think probably can be solved. I don't know. We you first have to draw a new house map and then go back to the Senate map so that you can see that you're going to have a House map, I guess. Or at least that's kind of the way that you're approaching this.

Dr. Doug Johnson [00:07:31] Well, now we're at the stage of jumping now. I keep saying, we have it now, I'm at the stage of jumping back and forth between the two maps. So when we're not in the process of needing to start back from scratch and build a new Senate map from scratch to address issues like that, almost all those that we run into over the last, I believe it's been almost a week now we can resolve regionally. And so they don't disrupt the whole map, but we never know, of course, until we fix them. But but that, like Cleveland, Cleveland Heights should be able to fix just with some regional intra regional edits that would not impact a Senate map.

Senate President Matt Huffman [00:08:14] What if members of the commission have amendments to the House map that you have?

Dr. Doug Johnson [00:08:22] If the, if you have suggestions, I'm sorry if you have amendments that would resolve the issues you found. I 100 percent welcome those and would love love those. I do have some edits that the auditor has asked for that are more

fundamental, larger scale changes. And as I told him and make every effort humanly possible to get this map done and then make those edits, I think those maps that don't fit into the map that we have now, for example, that address fairly fundamental concerns that the Auditor is raised with the map. I don't there's no way I'm going to be able to get to those before midnight. OK. But if you but if there are edits that fit into the current kind of map schema, please send those down because if you can fix those edits, I'm happy to make them.

Senate President Matt Huffman [00:09:12] Very good. Thank you,.

House Minority Leader Allison Russo [00:09:13] Mr. Co-Chair.

Co-chair Senator Vernon Sykes [00:09:14] Yes.

House Minority Leader Allison Russo [00:09:16] Can I make a suggestion that we dismiss Mr. Johnson, at least from this part of the hearing tonight since he's given us an update so that he can be allowed to continue working and finish this map. It seems like he's indicated a 30 to 45 minutes. I'm sure there are other things this commission will talk about. Presumably, the Republicans now have a map as well that they would like to explain, but I'd like Mr. Johnson to have the opportunity to finish his work.

Co-chair Senator Vernon Sykes [00:09:51] No objections. Dr. Johnson, would you please continue?

Dr. Doug Johnson [00:09:58] Will do thank you very much.

Co-chair Senator Vernon Sykes [00:10:05] My suggestion that we recess for one hour. Yes.

Senate President Matt Huffman [00:10:17] Yeah, I guess, Mr Co-Chair, I know that there is a another working document that Mr Springhetti's been working on in the speaker's been working on. I think that the commission and the commissioners are entitled to be able to see maps and amend them. Auditor Faber has some amendments and apparently those aren't going to be available or aren't aren't going to be able to be incorporated, at least tonight, as Mr Johnson has indicated. So I don't, you know, I, as I've said, a lot of folks have done tremendous work over the last five days, but this is not a five day job, so I think we should move on with our parachute.

House Minority Leader Allison Russo [00:11:04] Mr Co-Chair, may I ask with this map that is being passed out that I'm just now seeing for the first time, are we going to be provided the opportunity to make amendments and suggested amendments as well?

Co-chair Senator Vernon Sykes [00:11:27] I think that would be the prerogative of the body to do that.

Co-chair House Speaker Bob Cupp [00:13:40] Mr. Co-Chair.

Co-chair Senator Vernon Sykes [00:13:40] Yes.

Co-chair Senator Vernon Sykes [00:13:40] I in spite of all the work that's been done and I know that the consultants came in and they worked extremely hard, I think it is not feasible to expect that we're going to have a complete plan in which we're going to be able

to look at all of those items that need to be looked at to ensure that it's a constitutional plan with all of the the the. And I think in particular, the problem now is in the in the Senate area where it has complex rules due in part to the four year terms of the members of the Senate there. We're not going to have that in time to be uploaded to the Secretary of State's Office in compliance with the court's order. So I would just say what I'm going to do is to move, I guess, what has been referred to by the upload as a 3-28 Cupp plan and move that the commission adopt that plan.

House Minority Leader Allison Russo [00:14:51] Objection.

Senate President Matt Huffman [00:14:52] Second motion.

Co-chair House Speaker Bob Cupp [00:14:56] And if I might, I will explain what's what's in the plan, at least briefly. The before I do that, I wanted to say that this commission moved fairly quickly to comply with the latest decision of the sharply divided Supreme Court. We started meetings, started meetings within a very short time period after the decision of the court, to which came down two hours to midnight on Wednesday, March the 16th of 2022 to the commission moved to adopt a schedule of meetings through the period of days allotted by the court. The commission heeded the call of the Supreme Court to hire independent map, drawing experts as quickly as possible, given given the circumstances as you recall. We were reading on Saturday evening trying to figure out who the experts could be and come on such very short order. But I believe by by late Sunday or Monday, we had to accomplish that purpose. We actually hired two persons with expertise in redistricting, which is a change from prior efforts when the maps were drawn by House staff and a consultant hired by the Democrat members. In contrast to what had occurred before and again in compliance with the strong suggestion or referred to as a requirement or suggestion of the court that the map drawing was done in public, it was conducted in full public view both visual and audio on a live stream from....from the drawing room and broadcast by Ohio Government Television.

Co-chair Senator Vernon Sykes [00:17:05] Order, please, please.

Co-chair House Speaker Bob Cupp [00:17:10] So this was the best that could be done at a time that was allotted by the Supreme Court had been more than 10 days. Perhaps some different result would have occurred. We have followed the Supreme Court's process directions that time requirements, and they have led us to to this this moment. So at this late hour, we have to comply, I think is best that we can. The plan that that I have moved had been seconded improves the symmetry measures in both the House and the Senate plan by shifting to House districts from asymmetrical to Democrat leaning and one Senate district from asymmetrical to Democrat leaning. Modifications were made in six House districts within three counties. Franklin, Clark, Stark and Columbiana and two Senate districts in Franklin County. The plan splits less communities than the independent map that we've seen so far and is comprised of more compact districts. The plan moves us closer to comporting with the court's order, and given the timeline, I recommend that we adopt the plan.

House Minority Leader Allison Russo [00:18:34] Mr. Co-Chair

Co-chair Senator Vernon Sykes [00:18:37] Leader Russo,

House Minority Leader Allison Russo [00:18:39] Thank you, Mr. Co-Chair. I would just like to say that this process is and this motion in this map has been put before us as a

complete farce. I literally have been handed spreadsheets that have population deviations on them. Nothing about partisan lean, nothing about symmetry. And this is useless information. It gives me population and deviations and a PDF that you can't see the the districts or the details of the districts. I'm going to read from the court's opinion, the last court opinion, just to point out how, just how far off this process is now that these maps have been introduced and given to us at the last minute, and make no mistake about it, they've been entirely drawn by one party. Just as this from paragraph 30 just as in League One and League Two, the one sided process is evidence of an intent to draw a plan that favors the Republican Party at the expense of the Democratic Party. The commission should retain an independent matter who answers to all commission members, not only to the Republican legislative leaders to draft a plan through a transparent process. There's been absolutely nothing transparent about this set of maps in this motion at all. In three of our opinions, in these cases we have identified a flight. This is from paragraph 31. We have identified a flawed process in which the General Assembly District Plan adopted by the commission has been the product of just one political party. In paragraph 32, the evidence shows the map drawing process for all three districting plans. Now, the fourth we have reviewed will be controlled by the Republican Party or has been controlled by the Republican Party. The evidence shows that the individuals who controlled the map drawing process exercised that control with the overriding intent to maintain as much of an advantage as possible for members of their political party. This is exactly repeating what the court has already told us that we should not do. We have an independent map maker. He has asked for some additional time this evening. We should continue to give that to him. To have this commission adopt a map, which, by the way, I'd like to ask some questions of the map drawer. Mr. Springhetti, if he is available or any of the commissioners about this map because we've been given no information about it, the process has not been shared with the public. Mr. Springhetti sat in the map room for about 45 minutes, clicked his mouse around a few times and called that public and transparency. That's not public and transparency. This map was drawn long before this evening. I guarantee it. So I opposed this. This, again, is an absolute slap in the face of our voters, of our constitution and of the court, and I am just embarrassed that this is what this commission is about to do again for a fourth time.

Co-chair Senator Vernon Sykes [00:22:16] Order, please.

Co-chair House Speaker Bob Cupp [00:22:23] Well, Mr. Co-chair, let me just say, in terms of the assertion that this plan was drafted a long time ago, that is not accurate, Mr. Springhetti went to the map room. He took the map that that was before this commission multiple weeks ago and made adjustments to it to comply to get closer to the court's requirement as best they could. And he did that live in the map room this afternoon.

Co-chair Senator Vernon Sykes [00:23:05] It is, you know, really important when we set the ground rules that the staffs, when we put a lot of emphasis on our staffs, the four map drawers that we have on staff and the other staffs to guide and help and provide resources to the independent map drawers. And it was and we have not received much input from the from the majority staff to help put this together. In fact, in this last day, they have not been really present to assist and help in this process. And so instead of of passing or adopting a motion to turn their attention away from the independent map drawers and trying to assist and make sure that we comply with all of the requirements of the Constitution, you know, they withdraw the the majority has just hijacked this whole process and withdrawn from helping us to get across the finish line. And what we have noticed all along in this whole process is not that we don't have the ability to produce these maps. Again here in just a few hours, according to the majority, they produce maps. We just have

not had the will to produce constitutional maps that comply with the court order. And I think this is and again, another insult and disappointment to not just the commission and the court, but to the people of Ohio.

Co-chair Senator Vernon Sykes [00:25:11] Mr Co-chair? Yeah, I guess I'm going to point out, I guess what I think might be some spaces in your your rendition of what, what has happened. So when I spoke to the map makers and for whatever reason, I think it's kind of found maps are drawn typically in Ohio, the House House goes first and then they try to figure out the Senate map and that that's just must be the way map makers want to do that. But I spent some time yesterday with the map makers explaining the Section five rules and how those are applied. In fact, one of the map makers said, Well, when I asked them why, why haven't they? Why hasn't the Senate map have numbers on it? And they said, Well, we're just going to let the computer do that later. And I explained to them the problem with doing that. And that's the problem. I think that these map makers are have run up and that Mr. Johnson is talking about right now. So we have been trying to explain this. The the fundamental problem here is simply the combinations of this extraordinary political geography over almost 3000, more than 3000 political jurisdictions in Ohio. Like, I think it's something like five or six times as many as the state of New York, which is a bigger population, states. We've got that. We also have the most complex redistricting rules, and these gentlemen had five days to do it. It's just going to be very difficult to do that. So. And there were some issues, I think that could have been resolved early on like this issue regarding incumbents, which I raised Saturday and we chose not to deal with that night and and decided to do it on Sunday. And I know we had initial problems with with picking mapmakers. The attorney general suggested two gentlemen who had worked well together in Virginia. On Saturday, nine days ago, Leader Russo objected because one of them had been involved in this litigation in a minor way before and on Sunday. I know that you and Leader Russo had a telephone interview with those folks, as did Speaker Cupp and I. And you wanted to hire them. But then by Monday, you chose not to. So there's been a lot of backing and forthing in a lot of decision making by all of us. And the reason is we had, you know, essentially 12 days to hire experts, get them in and for them to understand the rules, to work with the staff and all of that. And you know, to the to the suggestion that that the Republican staff hasn't been engaged, you know, Mr. DeRossi was in his office last night with a bloody nose and not really able to stand up on his own, and I told him to go home for the night. And he's he's not on site because he's sick and I don't want him to be around other people. But having said all of that, I think there's a lot of folks who put in extraordinary hours, and this is just a matter of a task being given that couldn't be completed within that time frame.

House Minority Leader Allison Russo [00:28:43] Mr. Co-Chair.

Co-chair Senator Vernon Sykes [00:28:43] Leader Russo.

House Minority Leader Allison Russo [00:28:45] Thank you. I would like to ask, I mean, either Senator Huffman. Speaker Cupp or Mr. Spring Getty, the Republican that draw some questions about the map that has been put before us.

Co-chair House Speaker Bob Cupp [00:29:04] Yes.

House Minority Leader Allison Russo [00:29:04] Yes. OK, OK. Can I ask a question first? When did the mapmakers, the Republican map makers, start drawing these working on these maps?

Co-chair House Speaker Bob Cupp [00:29:23] This afternoon, when he was in the the room 16,

House Minority Leader Allison Russo [00:29:29] When was the mapmaker directed to start working on the maps and by whom?/

Co-chair House Speaker Bob Cupp [00:29:36] The staff this afternoon when it became obvious, I think earlier in the day that it was going to be extremely unlikely that the independent mapmakers would have a map that could be presented, vetted and debated and adopted before the court's deadline.

House Minority Leader Allison Russo [00:29:59] And is my assumption correct that the map did not start from scratch, that it is in fact it started with the unconstitutional map that was thrown out by the courts, the February 24th that was declared unconstitutional and thrown out by the court?

Co-chair House Speaker Bob Cupp [00:30:13] in order to have a map in time. You couldn't do it from scratch. That is absolutely correct, as I think we've all seen during the week how much time that takes. And so it was a modification of the map before to move closer as much as possible within the time frame to the the the constitutional requirements and the court's determination.

House Minority Leader Allison Russo [00:30:41] Were any of these maps or any earlier versions of these maps shown to any other commissioners before this meeting?

Co-chair House Speaker Bob Cupp [00:30:50] That I don't know. I think the answer is no.

House Minority Leader Allison Russo [00:30:59] Do you have any information showing the partisan breakdown, competitive districts, compactness, evaluation or any other useful metrics? Because all I've received in this handout is population deviation.

Co-chair House Speaker Bob Cupp [00:31:20] Yes, I don't have a list of the partisan change with me and I don't know just it's just different. It's the show. It has 50, 54, 54 Republican leaning districts. Forty five Democrat leaning districts. There are still some asymmetrical districts in the House map, but they are less than was in the map the commission adopted some time ago. There are still, there is one fewer asymmetrical district in the Senate map.

House Minority Leader Allison Russo [00:32:14] So there were 19 that were in the last map between 50 and 52 percent in the house maps and zero on the Republican, between 48 and 50 percent. What is that breakdown now?

Co-chair House Speaker Bob Cupp [00:32:28] 17 asymmetrical districts in the house map that you say, down from nineteen and seven asymmetrical districts in the Senate map, down from from eight in the prior map.

[00:32:42] And still zero for the Republican. And both of those are still zero from 48 to 50 to zero seats. Republicans say it's between 40 and 50 percent.

Co-chair House Speaker Bob Cupp [00:32:55] Yes, that's correct.

Co-chair Senator Vernon Sykes [00:53:02] A continuation or to restart?

Co-chair Senator Vernon Sykes [00:53:04] Restart.

House Minority Leader Allison Russo [00:53:04] Mr Co-Chair.

Co-chair Senator Vernon Sykes [00:53:05] Yes.

House Minority Leader Allison Russo [00:53:06] Can I please request a recess even if it's not a formal motion? I am requesting a recess of 30 minutes so that commission members have an opportunity to review the information about the maps that we are now being asked to vote on.

Co-chair Senator Vernon Sykes [00:53:23] Mr Co-chair, I object. In order to comply with the court's timeline. We need to pass this map. It needs to go to the, you know, we need to prepare all the documents that have to go to the secretary of State, as we explained earlier today.

House Minority Leader Allison Russo [00:53:39] Mr Co-chair, it is 10:17. And I believe the cut off point that you gave earlier, Senator, President Huffman was 10:30. I'm sure we can spare an additional 15 minutes.

Senate President Matt Huffman [00:53:52] There are other items, too, that we have to do, including the 8C2 statement. I don't know if there be a discussion or argument about that.

Co-chair Senator Vernon Sykes [00:54:03] Will staff call the roll

Staff [00:54:06] co-chair speaker Cupp.

Co-chair House Speaker Bob Cupp [00:54:08] Yes.

Staff [00:54:09] Co-Chair Senator Sykes.

Co-chair Senator Vernon Sykes [00:54:10] No.

Staff [00:54:11] Governor DeWine.

Governor Mike DeWine [00:54:14] Yes.

Staff [00:54:14] Auditor Faber.

Audior of State Keith Faber [00:54:14] No.

Staff [00:54:14] President Huffman.

Senate President Matt Huffman [00:54:18] Yes.

Staff [00:54:18] Secretary LaRose.

Secretary of State Frank LaRose [00:54:20] Yes.

Staff [00:54:20] Leader Russo.

House Minority Leader Allison Russo [00:54:24] No.

Staff [00:54:24] With the four yays, three days the commission has approved 3-28 Cupp revised map.

Senate President Matt Huffman [00:54:34] Mr. Co-chair,

Co-chair Senator Vernon Sykes [00:54:35] I would like to ask for a recess has been asked for a recess and that with the motion pending and now we can deal with that issue of the recess.

Senate President Matt Huffman [00:54:48] Well, Mr. Co-chair? That's fine. I guess we have this 8C2 two motion that the Constitution requires us to adopt. And I think the staff is going to hand it out. Is that right? So I guess I'd like to have at least have that handed out to the members of the commission. So, Mr. Mr. Co-Chair, the this statement, which is, as I said, constitutionally required. I'm going to spare the commission, the live reading of that. It's it's there for everybody to review. I'm going to move that to the statement be adopted. Obviously, commission members may want to take some time to review that. So now that they have it. If we want to take a recess and come back to adopt the statement. But again, if if we can do that so that we can get busy on the work, getting the information to the Secretary of State.

Co-chair Senator Vernon Sykes [00:56:11] Then I would. I will say we we need to prepare a statement as well. During this time period. So let's take a half hour, half hour recess. Hearing no objections, we recessed for half hour.