

EXHIBIT M

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MICHAEL GONIDAKIS et al.,

Plaintiffs,

THE OHIO ORGANIZING
COLLABORATIVE, COUNCIL ON
AMERICAN-ISLAMIC RELATIONS, OHIO,
OHIO ENVIRONMENTAL COUNCIL,
SAMUEL GRESHAM JR., AHMAD
ABOUKAR, MIKAYLA LEE, PRENTISS
HANEY, PIERRETTE TALLEY, and
CRYSTAL BRYANT,

Intervenor-Plaintiffs,

v.

FRANK LAROSE, in his official capacity,

Defendant.

Case No. 2:22-cv-00773

Circuit Judge Amul R. Thapar

Chief Judge Algenon L. Marbley

Judge Benjamin J. Beaton

Magistrate Judge Elizabeth Preston Deavers

DECLARATION OF CHRIS TAVENOR

Chris Tavenor, having been duly sworn, deposes and states as follows:

1. I am over the age of eighteen years and a resident of Columbus, Ohio. The matters set forth in this Declaration are based upon my personal knowledge.
2. I am a full-time employee of The Ohio Environmental Council (“OEC”), where I serve as Staff Attorney.
3. The OEC is a nonpartisan, not-for-profit corporation organized and existing under Ohio law, with its principal place of business at 1145 Chesapeake Ave, Suite I, Columbus, OH 43212. The OEC is an environmental justice organization whose mission is to secure healthy air, land, and water for all who call Ohio home. The OEC works for pragmatic solutions to keep Ohio clean and beautiful, and its communities safe. It fights for clean air and water, clean energy, and protected public lands. It holds polluters accountable in court while working with communities and companies that want to invest in a clean, more sustainable direction. For more than 50 years, the OEC has led many of the major environmental policy wins in Ohio.
4. One of the four pillars of the OEC’s work is safeguarding the integrity and accessibility of Ohio’s democracy, recognizing that civic engagement is critical in securing long-term environmental protections. The OEC advocates on behalf of a healthy democracy, because without a healthy democracy, it cannot create policies that benefit the people of Ohio and ensure clean water, vibrant public lands, renewable energy, and a stable climate. In support of this mission, the OEC advocates for fair representation and fair maps in Ohio, which help to amplify the voices of Ohioans and secure a healthy environment for the State.

5. The OEC has over 100 environmental and conservation member organizations and over 3,100 individual members, who live in 84 of Ohio's 88 counties. In the past two years, more than 5,352 individuals across the State have voluntarily taken action in furtherance of the OEC's work through calling and writing decision-makers, volunteering to support an OEC event, and assisting with organizing community members. The OEC regularly activates its members and volunteers to participate in political processes, including submitting testimony and comments to government agencies, contacting decision-makers about environmental and democracy-related issues, and attending hearings. The OEC also regularly holds educational events to inform its memberships about environmental issues impacting Ohio, the United States, and the planet. The OEC's headquarters are in Columbus, but it has regional coordinators in Cleveland, Cincinnati, Toledo, and Youngstown. Upon information and belief, the vast majority of the OEC's members are registered voters in Ohio, and include Democrats, Republicans, and Independents.

6. The previous cycle's redistricting plan—the 2011 Plan—harms OEC's members and hinders its work by dividing many of Ohio's communities and targeting Democratic voters and diluting their votes by drawing them into packed and cracked districts for the purpose of maintaining a Republican advantage in the Ohio General Assembly. That gerrymander produced a General Assembly district plan that is not representative of the preferences of Ohio voters, that primarily advantaged the Republican Party, and that made the government less responsive to OEC's members and the public, including on issues of environmental justice. Thus, the 2011

Plan impacted the ability of OEC members to associate with other like-minded voters and to vote to alter and reform the government.

7. The 2011 Plan also directly affects the OEC's ability to educate its membership and activate them to improve Ohio's environment. Starting in 2019 and continuing through the present, the OEC has advocated for a stronger, more responsive democracy because a healthy environment is not possible without a healthy democracy, and when Ohio's districts are gerrymandered, it does not have a healthy democracy. Thus, the OEC has spent significant resources to educate its membership on the importance of voting rights and fair districts in response to gerrymandered districts. Since 2019, the OEC has funded voter registration efforts, held educational sessions on fair maps and redistricting, and educated membership and supporters directly about voting procedures for state legislative elections. Continued use of the 2011 Plan, or the implementation of another gerrymandered plan, would necessitate continued investment by the OEC in educational efforts regarding Ohio's democratic institutions.

8. Because the 2011 Plan encourages apathy and discourages voters from engaging in the democratic process, the OEC has had to expend resources encouraging its membership and supporters to engage in elections and other political activities and advocate for environmental issues. If the 2011 Plan or another gerrymandered plan is selected for the 2022 election cycle, the OEC will be forced to mobilize its membership and expend resources to advocate for fair redistricting once again.

9. Almost two-thirds of Ohio voters consistently support expanding investment in renewable energy and clean energy initiatives, according to widely available polling. In

particular, six out of ten Ohio voters say climate change is an urgent threat. Even though there is widespread support for policy designed to combat climate change and mitigate greenhouse gas emissions, since the creation of the 2011 Plan, no significant piece of legislation has been passed that addresses the anthropogenic causes of climate change. For example, the Ohio Clean Energy Jobs Act was a comprehensive legislative plan designed to advance renewable energy, increase economic development, and include cost efficient energy standards. However, despite popular support for cutting costs on energy bills and reducing the use of fossil fuels, the Clean Energy Jobs Act did not even proceed to the House Floor for a vote. Seeing this plan, and other similar legislation over the course of the past decade, stymied by the legislative process over the preferences of the voters has led active voters, including OEC members, to withdraw from the democratic process and become less engaged. And while Ohio voters have not seen legislation passed that is designed to combat climate change, they have seen many examples of legislation designed to reduce Ohio's ability to reduce greenhouse gas emissions, whether through bills designed to freeze or eliminate renewable portfolio standards or laws passed to restrict development of renewable energy. In the OEC's experience, voters become discouraged when majority support for an opinion does not translate into legislative change. Gerrymandered maps, like the 2011 Plan, create conditions under which minority opposition can defeat a majority position and representatives from "safe" districts need not listen or be responsive to what the Ohio voters want for the future of their State.

10. The 2011 Plan also forced the OEC to divert time and resources to opposing widely unpopular bills such as House Bill 6. House Bill 6 is a controversial \$1 billion "bailout"

for two of Ohio's nuclear plants and two coal plants. The bill also reduced energy efficiency and renewable energy standards. Despite broad majority opposition statewide, House Bill 6 was enacted. Journalists later uncovered and disclosed that the passage of House Bill 6 was tied to a massive bribery scandal resulting in the resignation of a number of officials. Energy firms were able to target certain legislators with bribes in part because the General Assembly district plan insulated them from the preferences of voters, such that voting for an unpopular bill would have no electoral consequence in their respective districts. The OEC is still fighting to overturn House Bill 6, and the majority of Ohio voters want to see it gone. Seven out of ten voters said they were likely to sign a petition to place House Bill 6 on the ballot for repeal if the Legislature did not repeal it themselves. However, the use of an anti-democratic gerrymandered district plan has hindered the OEC's attempts at successfully repealing or overturning House Bill 6 because voters are disaffected and disengaged with a process in which they feel their votes and advocacy does not affect legislative outcomes.

11. At its core, the OEC is an environmental organization. However, now the OEC must focus on changing its strategy to provide education centered around organizing, educating, and advocating for fair elections because without fair elections, voters cannot and do not want to participate in advocating for change. This pro-democracy work included supporting and advocating for the 2015 amendment that created a new process and new fairness requirements for the General Assembly redistricting process. The OEC devoted resources and time to ensuring that Issue 1 passed. In 2017 and 2018, the OEC also engaged significantly in efforts to amend the Ohio Constitution's congressional redistricting process.

12. Since passage, the OEC has worked to ensure that these new provisions would be fully implemented. Specifically, the OEC mobilized our membership to participate in redistricting. In my capacity as an OEC staff member, I served on the Ohio Citizens' Redistricting Commission, which submitted a General Assembly district plan for the Ohio Redistricting Commission's consideration. The OEC also submitted testimony to the Commission in favor of fair maps.

13. When the Commission failed to abide by the new constitutional provisions that required districts to correspond closely with the preferences of Ohio voters and once again drew maps that primarily favor one party over the other, the OEC joined other groups and individuals in petitioning the Ohio Supreme Court to compel the Commission to adopt fair maps. The Court issued such an order, holding that our members have a right to the enactment of such districts. In the wake of this holding, the Court has further rejected two revised General Assembly plans drawn by the Commission. Implementation of the 2011 Plan for this election cycle would undermine these rulings, as well as the significant amount of time and resources that OEC has poured into ensuring that Ohio received proportional and non-biased maps for the next ten years.

14. Moreover, implementation of the 2011 Plan this cycle would harm OEC's members

and constituents because it would force Ohioans to vote in unequally populated districts due to population shifts. Such shifts dilute our members' votes in a manner similar to the gerrymander produced by the 2011 Plan. When a district is overpopulated in relation to another district, the votes of residents of an overpopulated district carry less weight than those of an underpopulated district. Such malapportionment results in unequal representation. Many of our members would be compelled to vote in overpopulated districts if this court were to adopt the 2011 Plan. This would be particularly harmful to OEC and its members given that the current Ohio legislature refuses to meaningfully address the increasing harms of climate change. Hence, the OEC has a substantial interest in avoiding the use of a malapportioned General Assembly district plan in the 2022 election.

15. I declare under penalty of perjury that the foregoing is true and correct.



Chris Tavenor

Columbus, Ohio

April 6, 2022