

IN THE SUPREME COURT OF OHIO

League of Women Voters of Ohio, et al.

Relators,

v.

Governor Michael DeWine, et al.

Respondents.

Case No. _____

Original Action Filed Pursuant to Ohio
Constitution, Article XIX, Section 3(A)

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EXHIBIT 1



Warshaw Affidavit.pdf

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IN THE SUPREME COURT OF OHIO

LEAGUE OF WOMEN VOTERS OF
OHIO, et al.,

Relators

v.

GOVERNOR MIKE DEWINE, et al.,

Respondents.

Case No.

Original Action Pursuant to
Ohio Const., Art. XIX

AFFIDAVIT OF CHRISTOPHER WARSHAW

Franklin County
/ss

State of Ohio

Now comes affiant Christopher Warshaw, having been first duly cautioned and sworn, deposes and states as follows:

1. I am over the age of 18 and fully competent to make this declaration. I have personal knowledge of the statements and facts contained herein.
2. For the purposes of this litigation, I have been asked by counsel for Relators to analyze relevant data and provide my expert opinions.
3. To that end, I have personally prepared the report attached to this affidavit as Exhibit A, and swear to its authenticity and to the faithfulness of the opinions expressed and, to the best of my knowledge, the accuracy of the factual statements made therein.

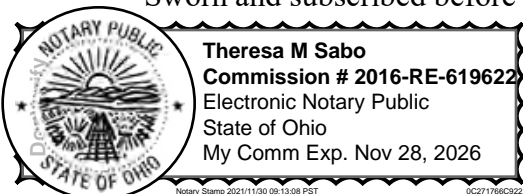
FURTHER AFFIANT SAYETH NAUGHT.

Executed on 11/30/2021, 2021.

Christopher Warshaw

Christopher Warshaw

Sworn and subscribed before me this 11/30/2021 day of , 2021.



Notary Public

Notarial act performed by audio-visual communication

EXHIBIT A

An Evaluation of the Partisan Bias in Ohio's Enacted Congressional Districting Plan

Christopher Warshaw*

November 30, 2021

*Associate Professor, Department of Political Science, George Washington University. warshaw@gwu.edu. Note that the analyses and views in this report are my own, and do not represent the views of George Washington University.

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1 Introduction

My name is Christopher Warshaw. I am an Associate Professor of Political Science at George Washington University. Previously, I was an Associate Professor at the Massachusetts Institute of Technology from July 2016 - July 2017, and an Assistant Professor at MIT from July 2012 - July 2016.

I have been asked by counsel representing the relators in this case to analyze relevant data and provide my expert opinions about whether Ohio's enacted congressional districting plan meets the requirement in Article XIX.01, Section 3(A) of Ohio's Constitution that "If the general assembly passes a congressional district plan under division (C)(1) of this section by a simple majority of the members of each house of the general assembly, and not by the vote described in division (C)(2) of this section", then "The general assembly shall not pass a plan that unduly favors or disfavors a political party or its incumbents."

2 Qualifications, Publications and Compensation

My Ph.D. is in Political Science, from Stanford University, where my graduate training included courses in political science and statistics. I also have a J.D. from Stanford Law School. My academic research focuses on public opinion, representation, elections, and polarization in American Politics. I have written over 20 peer reviewed papers on these topics. Moreover, I have written multiple papers that focus on elections and two articles that focus specifically on partisan gerrymandering. I also have a forthcoming book that includes an extensive analysis on the causes and consequences of partisan gerrymandering in state governments.

My curriculum vitae is attached to this report. All publications that I have authored and published appear in my curriculum vitae. My work is published or forthcoming in peer-reviewed journals such as: the *American Political Science Review*, the *American Journal of Political Science*, the *Journal of Politics*, *Political Analysis*, *Political Science Research and Methods*, the *British Journal of Political Science*, the *Annual Review of Political Science*, *Political Behavior*, *Legislative Studies Quarterly*, *Science Advances*, the *Election Law Journal*, *Nature Energy*, *Public Choice*, and edited volumes from Cambridge University Press and Oxford University Press. My book entitled *Dynamic Democracy in the American States* is forthcoming from the University of Chicago Press. My non-academic writing has been published in the *New York Times* and the *Washington Post*. My work has also been discussed in the *Economist* and many other prominent media

outlets.

My opinions in this case are based on the knowledge I have amassed over my education, training and experience, including a detailed review of the relevant academic literature. They also follow from statistical analysis of the following data:

- In order to calculate partisan bias in congressional elections on the enacted plan in Ohio, I examined:
 - GIS Files with the 2012-2020 Ohio Congressional plan and the enacted 2022-24 plan): I obtained the 2012-2020 plan from the state website and the enacted plan from Counsel in this case.
 - Precinct-level data on recent statewide Ohio elections: I use precinct-level data on Ohio’s statewide elections between 2016-20 from the Voting and Election Science Team (University of Florida, Wichita State University). I obtained these data from the Harvard Dataverse.¹ As far as I know, there are no publicly available datasets with precinct-level returns from 2012-14 that are linked to precinct boundaries (e.g., shapefiles). For these elections, I obtained data via the ACLU that Bill Cooper, the relators’ expert in *League of Women Voters v. Ohio Redistricting Commission*, No. 2021-1193, put together.²
 - Precinct-level data on recent statewide Ohio elections: I use a GIS file with precinct-level data on the results of the 2020 congressional elections in Ohio that I obtained from Counsel in this case.
 - The Plan Score website: PlanScore is a project of the nonpartisan Campaign Legal Center (CLC) that enables people to score proposed maps for their partisan, demographic, racial, and geometric features. I am on the social science advisory team for PlanScore.

1. See <https://dataverse.harvard.edu/dataverse/electionscience>.

2. Cooper provided the following description of the data via Counsel: The 2012 results are disaggregated to the block level (based on block centroids) from the statewide 2012 precinct file. The 2014 results are based on a geocoding of about 3.15 million voters who cast ballots in Nov. 2014. These addresses were matched to census blocks and the blocks were aggregated to the precinct level. These “virtual” precincts were next matched to the 2014 election results and then disaggregated back to the block level, with block-level matches. When aggregated to the congressional level, the differences are measured in the tenths of a percent for House contests. As a final step, these datasets were aggregated from the block-level to the 2010 VTD level. Finally, it is important to note that there is a 2% to 3% undercount statewide for all votes cast in the 2014 election. Given the missing votes for the 2014 contests in Lorain County, the VTD-level totals in that county were approximated using the official precinct 2014 returns. First, after identifying the township, city, or village of each 2014 precinct, the official precinct-level returns were aggregated up to that level. Those municipality-level returns were then disaggregated for each candidate down to the VTDs in each municipality, proportionally to the vote counts for the candidate running for the same office and party in the 2018 midterm cycle.

- In order to compare the maps in Ohio to other congressional elections across the nation over the past five decades, I examined:
 - A large data set on candidacies and results in Congressional elections: I obtained results from 1972-2018 collected by the Constituency-Level Elections Archive (CLEA) (Kollman et al. 2017). The results from 1972-1990 are based on data collected and maintained by the Inter-university Consortium for Political and Social Research (ICPSR) and adjusted by CLEA. The data from 1992-2018 are based on data collected by CLEA from the Office of the Clerk at the House of the Representatives. I supplemented this dataset with recent election results collected by the MIT Election and Data Science Lab (MIT Election and Data Science Lab 2017) and Dave Leip’s Atlas of U.S. Presidential Elections.
 - Data on presidential election returns and incumbency status in Congressional elections. I used data on elections in congressional districts from 1972-2020 collected by Professor Gary Jacobson (University of California, San Diego). This dataset has been used in many Political Science studies and has canonical status in the political science profession (Jacobson 2015).
 - Information on who controlled each redistricting plan in Congressional elections (e.g., Democrats, Republicans, or a Commission) from 1972-2012 assembled by the Brennan Center (Brennan Center 2017).
 - I imputed vote shares and turnout in uncontested districts and then calculated the partisan bias metrics described on pp. 6-14 of this report using the methodology described in Stephanopoulos and Warshaw (2020).

I have previously provided expert reports in five redistricting-related cases:

- Between 2017 and 2019, I provided reports for *League of Women Voters of Pennsylvania v. Commonwealth of Pennsylvania*, No. 159 MM 2017, *League of Women Voters of Michigan v. Johnson*, 17-14148 (E.D. Mich), and *APRI et al. v. Smith et al.*, No. 18-cv-357 (S.D. Ohio). My testimony was found to be credible in each of these cases and was extensively cited by the judges in their decisions.
- In the current redistricting cycle, I have provided reports in *League of Women Voters v. Ohio Redistricting Commission*, No. 2021-1193 and *League of Women Voters vs. Kent County Apportionment Commission*.

In addition, I have provided expert testimony and reports in several cases related to the U.S. Census: *State of New York et al. v. United States Department of Commerce*, 18-cv-2921 (S.D.N.Y.), *New York v. Trump*; *Common Cause v. Trump*, 20-cv-2023 (D.D.C.), and *La Union Del Pueblo Entero (LUPE) v. Trump*, 19-2710 (D. Md.).

I am being compensated at a rate of \$325 per hour. The opinions in this report are my own, and do not represent the views of George Washington University.

3 Summary

Ohio’s Congressional redistricting plan was proposed by Republican leaders and passed on party lines, with nearly all Republicans voting in favor and all Democrats opposed.³ This report examines whether this plan meets the criteria in the Ohio Constitution. Article XIX.01, Section 3(A) of Ohio’s Constitution requires that “If the general assembly passes a congressional district plan under division (C)(1) of this section by a simple majority of the members of each house of the general assembly, and not by the vote described in division (C)(2) of this section”, then “The general assembly shall not pass a plan that unduly favors or disfavors a political party or its incumbents.”

Ohio’s Constitutional criteria, which require that congressional districting plans not unduly favor or disfavor a political party, are related to a long-line of Political Science literature on partisan gerrymandering and democratic representation. The relationship between the distribution of partisan support in the electorate and the partisan composition of the government—what Powell (2004) calls “vote-seat representation”—is a critical link in the longer representational chain between citizens’ preferences and governments’ policies. If the relationship between votes and seats systematically advantages one party over another, then some citizens will enjoy more influence—more “voice”—over elections and political outcomes than others (Caughey, Tausanovitch, and Warshaw 2017).

I use three complementary methodologies to project future election results in order to evaluate whether Ohio’s newly enacted Congressional map meets the requirements of Article XIX.01, Section 3(A) in its Constitution. First, I analyze the results of the 2020 Congressional election on the newly enacted map. Second, I use a composite of previous statewide election results between 2012-2020 to analyze the new map.⁴ Third, I

3. See Jeremy Pelzer, Cleveland Plain Dealer, November 18, 2021, <https://www.cleveland.com/news/2021/11/ohio-legislature-passes-congressional-redistricting-plan-giving-republicans-a-likely-13-2-advantage.html>.

4. These include the following elections: 2012 Presidential, 2012 Senate, 2014 gubernatorial, 2014 Secretary of State, 2016 Presidential, 2016 Senate, 2018 Senate, 2018 gubernatorial, 2018 attorney’s general, 2018 Secretary of State, 2018 Auditor, 2018 Treasurer, and 2020 Presidential. Geographic data on the other three statewide elections in 2014 is not available. But this probably doesn’t affect my results

complement this approach using the open source PlanScore.org website, which is a project of the Campaign Legal Center.⁵ PlanScore uses a statistical model to estimate district-level vote shares for a new map based on the relationship between presidential election results and legislative results between 2012-2020.⁶ Based on these three approaches, I characterize the bias in Ohio's plans based on a large set of established metrics of partisan fairness. I also place the bias in Ohio's plans into historical perspective. I also analyze whether the map unduly favors incumbents from one party.

All of these analyses indicate an extreme level of pro-Republican bias in Ohio's enacted Congressional plan. There are 10 strongly Republican districts, 2 strongly Democratic districts, and 3 potentially competitive districts, each of which leans toward Republicans. In the average election, Republicans are likely to get about 55% of the statewide vote and about 80% of the seats in Ohio's congressional delegation. Thus, the plan clearly unduly favors the Republican party.

In the actual 2020 congressional election, Democrats received 43% of the two-party vote (and Republicans 57%), but Democrats only won 25% (4) of the seats (and Republicans won 75%). This was already one of the most extreme partisan gerrymanders of a congressional map in modern history (See *APRI et al. v. Smith et al.*, No. 18-cv-357 (S.D. Ohio)). Based on the congressional election results, the new plan is even more extreme than the last one. On the new map, Democrats would only win 13% (2) of the seats using the precinct-level results of the 2020 congressional election.

The new plan also displays an extreme level of partisan bias when I evaluate it based on the results of recent statewide elections. In the 2020 presidential election, Democrat Joe Biden received about 46% of the two-party vote.⁷ However, he would have only won 27% (4) of the Congressional districts. In the 2018 gubernatorial election, Democrat Richard Cordray did a little bit better. He received about 48% of the two-party vote. Yet again, however, he would have only won 27% of the districts under the enacted plan. In the 2016 presidential election, Democrat Hillary Clinton received about 46% of the two-party vote. But she would have only won 13% of the seats. In the 2012 presidential election, Democratic President Barack Obama received about 52% of the two-party vote. But he would have still won only 40% of the seats.

Based on all the available statewide elections in Ohio between 2012-2020, I find that

much since these elections were similar to the average of the 2014 gubernatorial and Secretary of State elections.

5. I am on the social science advisory board of Plan Score, but do not have any role in PlanScore's evaluation of individual maps.

6. See <https://planscore.campaignlegal.org/models/data/2021C/> for more details.

7. Following standard convention, throughout my analysis I focus on two-party vote shares.

the enacted Congressional plan leads to a much higher Republican share of the seats than their share of the statewide vote. Indeed, across all statewide elections during this period, the Democrats’ statewide two-party vote share averaged about 45% of the vote, but they are only likely to win about 26% of the seats.⁸

I reach the same conclusion using the predictive model on the PlanScore website. It indicates that the enacted plan favors Republican candidates in 97% of scenarios. Even though Republicans only get about 56% of the statewide vote in recent elections (and Democrats get 44%), PlanScore analysis indicates that Republicans are expected to win 79% of the seats in Ohio’s Congressional delegation (and Democrats would win 21% of the seats).⁹ Based on generally accepted Political Science metrics (the Efficiency Gap and the Declination), PlanScore indicates that Ohio’s enacted plan would have historically extreme levels of pro-Republican bias. In fact, the pro-Republican bias in Ohio’s Congressional plan is larger than 98% of previous plans in the United States from 1972-2020.

Overall, this analysis indicates that the enacted plan unduly favors the Republican party. This conclusion is based on a wide variety of approaches to project future election results and to estimate the partisan bias of the plan. Regardless of the approach I use, it is clear that the enacted map has an extreme level of bias in favor of the Republican party.

The enacted plan also favors incumbents from the Republican Party. It puts two of the four Democratic incumbents from the previous plan into largely new districts that will now have a majority of Republican voters. It does not put any Republican incumbent into a district with a majority of Democratic voters. This bias against Democratic incumbents is especially clear in the case of Representative Marcy Kaptur. In 2020, she comfortably won reelection with 63% of the two-party vote. The new plan slices her old district into five districts. On the new map, she would have only won about 46% in the 2020 House election, and thus would likely lose in 2022.

4 Background on Partisan Gerrymandering

The goal of partisan gerrymandering is to create legislative districts that are as “efficient” as possible in translating a party’s vote share into seat share (McGhee 2014, 2017; Caughey, Tausanovitch, and Warshaw 2017). In practice, this entails drawing districts in which the supporters of the advantaged party constitute either a slim majority (e.g., 55%

8. I weight the composite scores to give each election cycle equal weight in the index. The seat-level projections are based on the 13 statewide elections where I have precinct-level data.

9. This is a probabilistic estimate based on 1000 simulations of possible elections using a model of the elections between 2012-2020.

of the two-party vote) or a small minority (e.g., 20%). The former is achieved by “cracking” local opposing-party majorities across multiple districts and the latter by “packing” them into a few overwhelming strongholds. In a “cracked” district, the disadvantaged party narrowly loses, while in a “packed” district, the disadvantaged party wins overwhelmingly (Buzas and Warrington 2021). The resulting *asymmetry* or *advantage* in the efficiency of the vote–seat relationships of the two parties lies at the core of normative critiques of partisan gerrymandering. Asymmetries in the translation of votes to seats “offer a party a means of increasing its margin of control over policy without winning more votes from the public” (McGhee 2014).

In addition to creating a plan that skews the vote-seat curve toward their party, the advantaged party also often seeks to build a map that is *insulated* against changes in the public’s preferences. This type of unresponsive map enables the advantaged party to continue to win the majority of seats even in the face of large gains in the disadvantaged party’s statewide vote share. It ensures that the gerrymander is durable over multiple election cycles.

There are a number of approaches that have been proposed to measure partisan advantage in a districting plan. These approaches focus on asymmetries in the efficiency of the vote–seat relationships of the two parties. In recent years, at least 10 different approaches have been proposed (McGhee 2017). While no measure is perfect, much of the recent literature has focused on a handful of related approaches that I describe below.

4.1 Efficiency Gap

Both cracked and packed districts “waste” more votes of the disadvantaged party than of the advantaged one (McGhee 2014; Stephanopoulos and McGhee 2015).¹⁰ This suggests that gerrymandering can be measured based on asymmetries in the number of wasted votes for each party. The *efficiency gap* (EG) focuses squarely on the number of each party’s wasted votes in each election. It is defined as “the difference between the parties’ respective wasted votes, divided by the total number of votes cast in the election” (Stephanopoulos and McGhee 2015, 831; see also McGhee 2014, 2017).¹¹ All of the losing

10. The authors of the efficiency gap use the term “waste” or “wasted” to describe votes for the losing party and votes for the winning party in excess of what is needed to win an election. Since the term is used by the efficiency gap authors, I use it here when discussing the efficiency gap.

11. The efficiency gap calculations here focus on wasted votes in *congressional elections* since these results directly capture voters’ preferences in these elections. However, we might also calculate the efficiency gap using district-level results from presidential elections or other statewide races. These have the “advantage of being (mostly) unaffected by district-level candidate characteristics” (Stephanopoulos and McGhee 2015, 868). This feature is particularly useful for simulating efficiency gaps from randomly generated districting plans since candidate characteristics are clearly influenced by the final districting

party’s votes are wasted if they lose the election. When a party wins an election, the wasted votes are those above the 50%+1 needed to win.

If we adopt the convention that positive values of the efficiency gap imply a Democratic advantage in the districting process and negative ones imply a Republican advantage, the efficiency gap can be written mathematically as:

$$EG = \frac{W_R}{n} - \frac{W_D}{n} \quad (1)$$

where W_R are wasted votes for Republicans, W_D are wasted votes for Democrats, and n is the total number of votes in each state.

Table 1 provides a simple example about how to calculate the efficiency gap with three districts where the same number of people vote in each district. In this example, Democrats win a majority of the statewide vote, but they only win 1/3 seats. In the first district, they win the district with 75/100 votes. This means that they only wasted the 24 votes that were unnecessary to win a majority of the vote in this district. But they lose the other two districts and thus waste all 40 of their votes in those districts. In all, they waste 104 votes. Republicans, on the other hand, waste all 25 of their votes in the first district. But they only waste the 9 votes unnecessary to win a majority in the two districts they win. In all, they only waste 43 votes. This implies a pro-Republican efficiency gap of $\frac{43}{300} - \frac{104}{300} = -20\%$.

Table 1: Illustrative Example of Efficiency Gap

District	Democratic Votes	Republican Votes
1	75	25
2	40	60
3	40	60
Total	155 (52%)	145 (48%)
Wasted	104	43

In order to account for unequal population or turnout across districts, the efficiency gap formula in equation 1 can be rewritten as:

$$EG = S_D^{margin} - 2 * V_D^{margin} \quad (2)$$

plan. Presidential elections or other statewide races are less closely tied, however, to voters’ preferences in legislative races given the district lines that actually exist. In practice, though, both legislative races and other statewide races produce similar efficiency gap results for modern elections where voters are well sorted by party and ideology. Indeed, the data indicate that the correlation between efficiency gap estimates based on congressional elections and presidential elections is approximately 0.8 for elections held after 2000 and about 0.9 for elections held after the 2011 redistricting cycle.

where S_D^{margin} is the Democratic Party’s seat margin (the seat share minus 0.5) and V_D^{margin} is the Democratic Party’s vote margin. V_D^{margin} is calculated by aggregating the raw votes for Democratic candidates across all districts, dividing by the total raw vote cast across all districts, and subtracting 0.5 (McGhee 2017, 11-12). In the example above, this equation also provides an efficiency gap of -20% in favor of Republicans. But it could lead to a slightly different estimate of the efficiency gap if districts are malapportioned or there is unequal turnout across districts.¹²

In the case of Ohio’s enacted Congressional map, equation 2 implies there would have been a pro-Republican efficiency gap of approximately 23% using the votes from the 2020 election re-aggregated onto the enacted plan. This is a larger pro-Republican Efficiency Gap than 99% of previous congressional plans with more than 6 seats over the past 50 years.

The efficiency gap mathematically captures the packing and cracking that are at the heart of partisan gerrymanders (Buzas and Warrington 2021). It measures the extra seats one party wins over and above what would be expected if neither party were advantaged in the translation of votes to seats (i.e., if they had the same number of wasted votes). A key advantage of the efficiency gap over other measures of partisan bias is that it can be calculated directly from observed election returns even when the parties’ statewide vote shares are not equal.

4.2 Declination

Another measure of asymmetries in redistricting plans is called *declination* (Warrington 2018b, 2018a). The declination metric treats asymmetry in the vote distribution as indicative of partisan bias in a districting plan (Warrington 2018a). If all the districts in a plan are lined up from the least Democratic to the most Democratic, the mid-point of the line formed by one party’s seats should be about as far from the 50 percent threshold for victory on average as the other party’s (McGhee 2018).

Declination suggests that when there is no gerrymandering, the angles of the lines (θ_D and θ_R) between the mean across all districts and the point on the 50% line between the mass of points representing each party will be roughly equal. When they deviate from each other, the smaller angle (θ_R in the case of Ohio) will generally identify the favored party. To capture this idea, declination takes the difference between those two angles (θ_D

12. In general, the two formulations of the efficiency gap formula yield very similar results. Because Democrats tend to win lower-turnout districts, however, the turnout adjusted version of the efficiency gap in equation 2 tends to produce results that suggest about a 2% smaller disadvantage for Democrats than the version in Equation 1 (see McGhee 2018).

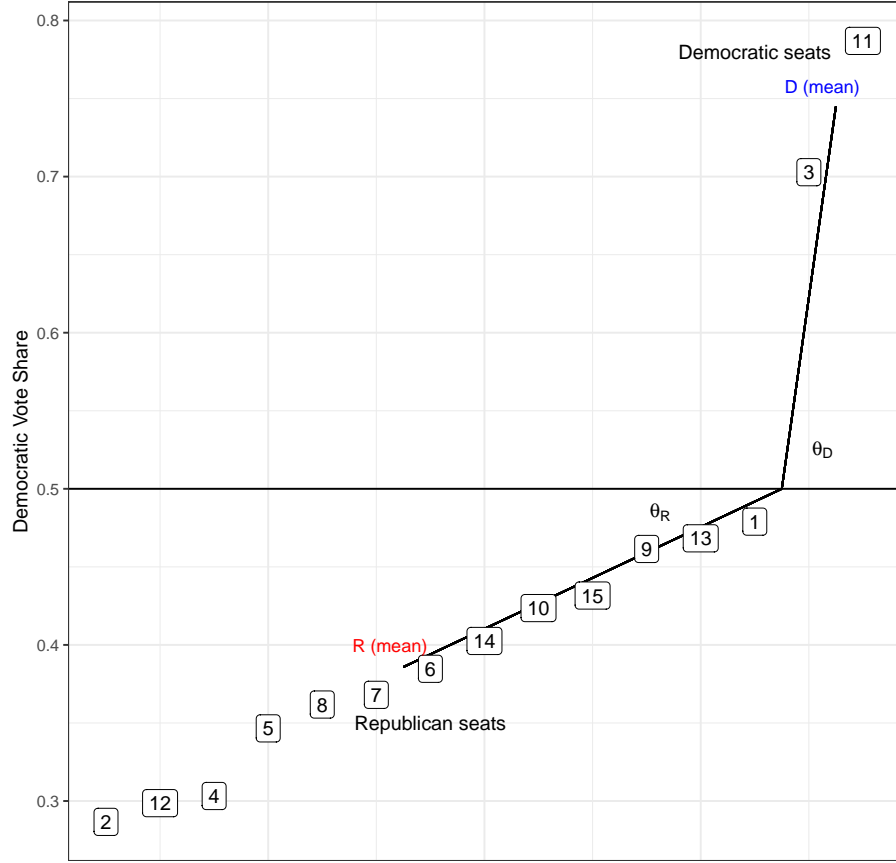


Figure 1: Plot illustrating declination based on votes in 2020 Congressional election re-aggregated to new plan

and θ_R) and divides by $\pi/2$ to convert the result from radians to fractions of 90 degrees.¹³ This produces a number between -1 and 1. As calculated here, positive values favor Democrats and negative values favor Republicans. Warrington (2018b) suggests a further adjustment to account for differences in the number of seats across legislative chambers. I use this adjusted declination estimate in the analysis that follows.¹⁴

In the case of Ohio's 2020 congressional elections, the declination metric indicates that the plan has a pro-Republican bias of .90. This is a larger absolute level of bias than 97% of previous congressional elections in states with more than 6 seats, and more pro-Republican than 97% of previous plans.

13. This equation is: $\delta = 2 * (\theta_R - \theta_D) / \pi$.

14. This adjustment uses this equation: $\hat{\delta} = \delta * \ln(\text{seats}) / 2$

4.3 Mean-median Gap

Another metric that some scholars have proposed to measure partisan bias in a districting plan is the *mean-median gap*: the difference between a party’s vote share in the median district and their average vote share across all districts. If the party wins more votes in the median district than in the average district, they have an advantage in the translation of votes to seats (Krasno et al. 2018; Best et al. 2017; Wang 2016). In statistics, comparing a dataset’s mean and median is a common statistical analysis used to assess skews in the data and detect asymmetries (Brennan Center 2017).

The mean-median difference is very easy to apply (Wang 2016). It is possible, however, for packing and cracking to occur without any change in the mean-median difference (Buzas and Warrington 2021). That is, a party could gain seats in the legislature without the mean-median gap changing (McGhee 2017).¹⁵ It is also sensitive to the outcome in the median district (Warrington 2018b). In addition, the mean-median difference lacks a straightforward interpretation in terms of the number of seats that a party gains through gerrymandering. Finally, the assumptions of the mean-median gap are less tenable in less electorally competitive states.

District	Democratic Vote Share
2	0.29
12	0.30
4	0.30
5	0.35
8	0.36
7	0.37
6	0.38
14	0.40
10	0.42
15	0.43
9	0.46
13	0.47
1	0.48
3	0.70
11	0.79
Mean	43.4%
Median	40.3%

Table 2: Results in 2020 Ohio Congressional Elections Re-Aggregated onto Enacted Map

15. As McGhee (2017), notes, “If the median equals the win/loss threshold—i.e., a vote share of 0.5—then when a seat changes hands, the median will also change and the median- mean difference will reflect that change. But if the median is anything other than 0.5, seats can change hands without any change in the median and so without any change in the median-mean difference.” See also Buzas and Warrington (2021) who make a similar point using simulated packing and cracking.

Table 2 illustrates the mean-median approach using the results in the 2020 Ohio congressional elections re-aggregated to the districts in the enacted map. In the actual 2020 congressional elections, Democrats won 4 seats. But on the enacted plan, Democrats would only have won 2 seats. Moreover, Table 2 shows that many Democratic voters were packed into just 2 districts where the Democratic candidates won by overwhelming margins. The remaining Democratic voters were cracked across the other districts. This table shows the disproportionate percentage of the statewide vote that Democrats would have needed to win a majority of Ohio’s congressional seats in 2020. Across all districts, Democrats won an average of 43.4% of the vote. But they only won 40.3% in the median district. This translated into a pro-Republican mean-median difference of 3.1%.

4.4 Symmetry in the Vote-Seat Curve Across Parties

Basic fairness suggests that in a two-party system each party should receive the same share of seats for identical shares of votes. The *symmetry* idea is easiest to understand at an aggregate vote share of 0.5—a party that receives half the vote ought to receive half the seats—but a similar logic can apply across the “seats- votes curve” that traces out how seat shares change as vote shares rise and fall. For example, if a party receives a vote share of 0.57 and a seat share of 0.64, the opposing party should also expect to receive a seat share of 0.64 if it were to receive a vote share of 0.57. An unbiased system means that for V share of the votes a party should receive S share of the seats, and this should be true for all parties and vote percentages (Niemi and Deegan 1978; Gelman and King 1994a; McGhee 2014; Katz, King, and Rosenblatt 2020).

Gelman and King (1994a, 536) propose two ways to measure partisan bias in the symmetry of the vote-seat curve. First, it can be measured using counter-factual election results in a range of statewide vote shares between .45 and .55. Across this range of vote shares, each party should receive the same number of seats. Symmetry captures any departures from the standard that each party should receive the same seat share across this range of plausible vote shares. For example, if partisan bias is -0.05, this means that the Democrats receive 5% fewer seats in the legislature than they should under the symmetry standard (and the Republicans receive 5% more seats than they should).

To illustrate the symmetry metric, Table 3 calculates what each party’s share of the seats would have been in Ohio’s 2020 Congressional elections (re-aggregated onto the enacted map) across a range of statewide vote shares from 45%-55%. It shows that Democrats only received a third or less of the seats in most of the scenarios where they received less than 50% of the votes. This might not have been problematic under the

symmetry standard if Republicans also only received a third of the seats when they received less than 50% of the votes. However, Table 3 shows that Republicans still would have received half of the seats even when they won a minority of the votes. Across this range of statewide vote shares from 45%-55%, Democrats receive an average of 39% of the seats (and Republicans win 61%). This implies a partisan bias of 11% using the symmetry metric. That is, Republicans won 11 percentage points more of the seats than they would have won if the seat-vote curve was symmetric between the two parties.

Dem. Vote Share	Dem. Seat Share	Rep. Vote Share	Rep. Seat Share
45%	13%	55%	87%
46%	20%	54%	80%
47%	33%	53%	67%
48%	33%	52%	67%
49%	33%	51%	67%
50%	40%	50%	60%
51%	47%	49%	53%
52%	47%	48%	53%
53%	53%	47%	47%
54%	53%	46%	47%
55%	60%	45%	40%
Mean Seat Share	39%		61%
Bias	-11%		11%

Table 3: Symmetry Calculations for 2020’s Congressional Elections Re-Aggregated onto Enacted Map

The symmetry metric is closely related to the efficiency gap. In the special case where each party receives half of the statewide vote, the symmetry and the efficiency gap metrics are mathematically identical (Stephanopoulos and McGhee 2015, 856). More generally, the symmetry and efficiency gap yield very similar substantive results when each party’s statewide vote share is close to 50% (as is the case in Ohio). When elections are uncompetitive, however, and one party wins a large percentage of the statewide vote, the efficiency gap and these symmetry metrics are less correlated with one another (857).

A weakness of the symmetry approach is that it requires the analyst to calculate counterfactual elections. This approach has both conceptual and empirical limitations. At a conceptual level, it is not clear that it aligns perfectly with the usual definition of a gerrymander. Indeed, “when observers assert that a district plan is a gerrymander, they usually mean that it systematically benefits a party (and harms its opponent) in actual elections. They do not mean that a plan would advantage a party in the hypothetical event

of a tied election, or if the parties’ vote shares flipped” (Stephanopoulos and McGhee 2015, 857). At an empirical level, in order to generate symmetry metrics, we need to simulate counter-factual elections by shifting the actual vote share in each district a uniform amount (McGhee 2014).¹⁶ In general, this uniform swing assumption seems reasonable based on past election results (though is probably less reasonable in less competitive states). Moreover, it has been widely used in past studies of redistricting. But there is no way to conclusively validate the uniform swing assumption for any particular election.

An important strength, however, of the symmetry approach is that it is based on the shape of the seats-votes curve and not any particular point on it. As a result, it is relatively immune to shifts in party performance (McGhee 2014). For instance, the bias toward Republicans in Ohio’s symmetry metric was very similar in 2012-2020. Moreover, the symmetry approach has been very widely used in previous studies of gerrymandering and redistricting (Gelman and King 1994a; McGhee 2014). Overall, the symmetry approach is useful for assessing partisan advantage in the districting process.

4.5 Comparison of Partisan Bias Measures

All of the measures of partisan advantage discussed in the previous sections are closely related both theoretically and empirically (McGhee 2017; Stephanopoulos and McGhee 2018). Broadly speaking, all of the metrics consider how votes between the two parties are distributed across districts (Warrington 2018a). For example, the efficiency gap is mathematically equivalent to partisan bias in tied statewide elections (Stephanopoulos and McGhee 2018). Also, the median-mean difference is similar to the symmetry metric, since any perfectly symmetric seats-votes curve will also have the same mean and median (McGhee 2017).

Second, each of the concepts are closely related empirically, particularly in states with competitive elections. Figure 2 shows the correlation between each measure. The various measures have high correlations with one another.¹⁷ Moreover, most of the variation in the metrics can be summarized on a single latent dimension (Stephanopoulos and McGhee 2018; Stephanopoulos and Warshaw 2020). So, overall, while there may be occasional

16. In principle, the uniform swing election could be relaxed, and swings could be estimated on a district-by-district basis. But this is rarely done in practice since it would require a much more complicated statistical model, and probably would not improve estimates of symmetry very much.

17. While each measure is highly correlated with one another, the efficiency gap and declination measures are particularly closely related and the symmetry and mean-median measures are very closely related. This could be because the efficiency gap and the declination consider the seats actually won by each party, while the symmetry metric and the mean-median difference do not (Stephanopoulos and McGhee 2018, 1557). In addition, the efficiency gap and the declination appear to best capture the packing and cracking that characterize partisan gerrymandering (Buzas and Warrington 2021).

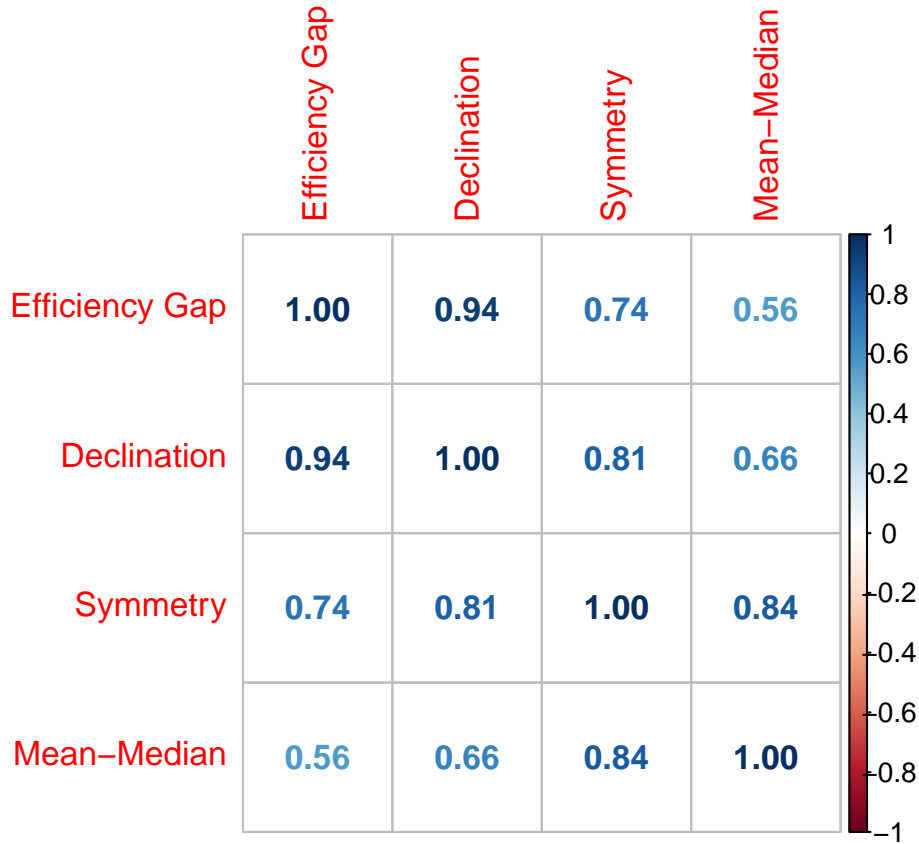


Figure 2: Correlation between measures of partisan bias in states.

cases where the metrics disagree about the amount of bias in a particular plan, the various metrics usually yield similar results for the degree of partisan bias in a districting plan (Nagle 2015). Where none of the metrics is an outlier and they all point in the same direction, we can draw a particularly robust conclusion.

While all the metrics are useful for summarizing partisan bias in a districting plan, Buzas and Warrington (2021) shows that the efficiency gap and the declination capture the packing and cracking that characterize partisan gerrymandering extremely well. In contrast, “partisan bias and mean-median difference are unable to consistently record simulated packing and cracking... As a result, we recommend that neither partisan bias nor the mean-median difference be used for the “outlier” or “ensemble” method, where it is crucial that more extreme values of the measure indicate more extreme levels of partisan gerrymandering.” Moreover, McGhee (2017, 9) shows that the assumptions of the

symmetry and mean-median measures become progressively less plausible as the statewide vote shares in a plan move away from 50% (McGhee 2017, 9). In my analysis below, I generally show all four metrics. But I particularly focus on the efficiency gap and declination since these best capture packing and cracking, and these metrics are best suited for a state such as Ohio where there is typically about a 45-55 split of the two-party vote in statewide elections.

4.6 Responsiveness and Competitive Elections

Another benchmark for a districting plan is the percentage of districts likely to have competitive elections under that plan and the responsiveness of the plan to changes in voters' preferences (Cox and Katz 1999). There are a number of normative reasons to care about the number of competitive districts in a plan. First, this affects the responsiveness of a map as the two parties' statewide vote shares rise and fall. A plan with more competitive elections is likely to be more responsive to changes in voters' preferences than a plan with fewer competitive elections (McGhee 2014). An unresponsive map ensures that the bias in a districting plan toward the advantaged party is insulated against changes in voters' preferences, and thus is durable across multiple election cycles. Second, uncompetitive districts tend to protect incumbents from electoral sanctions (Tufte 1973; Gelman and King 1994a). This could harm political representation by making legislators less responsive and accountable to their constituents' preferences.

To illustrate the concept of responsiveness, Figure 3 shows the vote-seat curve in Ohio generated by applying uniform swings to the 2020 election results.¹⁸ Specifically, I apply a uniform swing in the actual election results until I achieve an average Democratic vote share of 40%. Then I steadily increase the average Democratic vote share until it reaches 60%. Figure 3 indicates that Republicans win two thirds or more of the seats across all of the range of actual election swings over the past decade.

There are a couple of approaches we might use to evaluate whether individual districts on a plan are likely to have competitive elections. We could measure whether a district was competitive in an election based on whether the winning party received less than 55% of the two-party vote (Fraga and Hersh 2018; Jacobson and Carson 2015, 91).¹⁹ While this definition is sometimes used in the literature, though, it is not clear that a sharp threshold at 55% is the best measure of competitiveness.

Another possible definition of competitiveness might be whether a district is likely

18. The layout of this chart is adapted from charts in Royden, Li, and Rudensky (2018).

19. Fraga and Hersh (2018) justify this definition based on the fact that the Cook Political Report's "median 'leaning' race ended up with a vote margin of 10 percentage points (a 55%-45% race)."

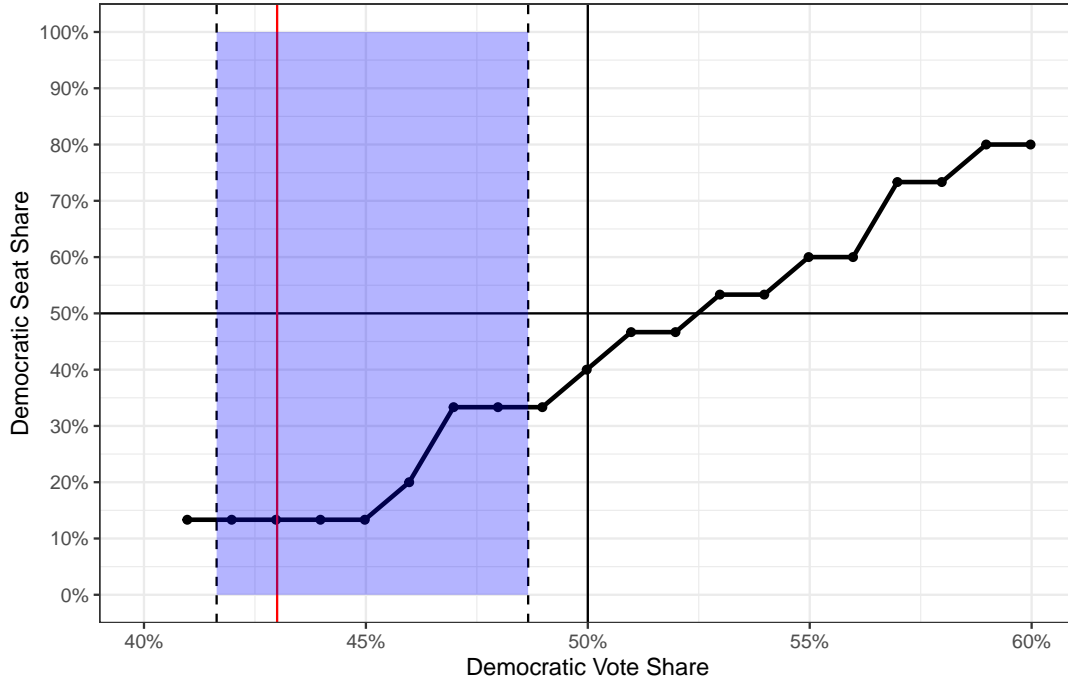


Figure 3: Vote-seat curve in Ohio using uniform swings in 2020 election results re-aggregated using enacted plan. The shaded area shows the range between the minimum and maximum Democratic statewide vote share in congressional elections from 2012-2020. The red line shows the actual Democratic statewide vote share in the 2020 House elections.

to switch parties at least once per decade (Henderson, Hamel, and Goldzimer 2018). This definition is more empirically robust because it is not dependent on any particular electoral threshold for competitiveness. Indeed, in a state with swing voters where the two parties’ statewide shares vary substantially over the course of the decade, a district where the winning party normally wins 56% of the vote could be competitive. In another state with few swing voters and very inelastic election results, a district where the winning party normally wins 53% of the vote might not even be competitive.

4.7 Partisan Control of the Redistricting Process and Gerrymandering

While many factors could influence the degree of partisan advantage in the districting process,²⁰ there is a wide body of evidence from previous studies that control of the re-districting process has a large effect on partisan advantage in subsequent elections carried

20. Partisan advantage in the districting process can differ across states for reasons unrelated to the drawing of district lines, such as variation in how groups are distributed across geography (Chen and Rodden 2013). It can also be affected by goals other than maximizing partisan seat share, such as representation of racial minorities (e.g., Brace, Grofman, and Handley 1987).

out under a given plan. Cox and Katz (2002) show that Democratic control of the redistricting process in many states during the 1960s led to a lasting partisan advantage for Democrats in House elections. More generally, Gelman and King (1994b) find that the party in control of redistricting shifts outcomes in its favor, and that “the effect is substantial and fades only very gradually over the following 10 years” (543). This result has been confirmed in numerous recent articles. McGhee (2014) finds that “parties seek to use redistricting to shift bias in their favor and that they are successful in these efforts” (74).²¹ Finally, Stephanopoulos (2018) shows that partisan control of the districting process has a substantial effect on the efficiency gap.²² This past literature indicates that districting plans passed by one political party with unified control of government, as in Ohio, often unduly favor that party.

5 Partisan Bias in Ohio’s Enacted Congressional Map

In this section, I will provide a comprehensive evaluation of the partisan fairness of Ohio’s enacted congressional districting plan (see Figure 4 for a map of the enacted plan). In order to evaluate the enacted plan, we need to predict future election results on this map. Unfortunately, there is no way to know, with certainty, the results of future elections. Thus, I use three complementary methodologies to predict future congressional elections in Ohio and generate the various metrics I discussed earlier.



Figure 4: Map of Enacted Congressional Districts from PlanScore.org

21. McGhee (2014) finds that partisan control affects the districting process using both the Gelman and King (1994b) measure of partisan symmetry and the efficiency gap as outcome variables.

22. He shows that states with unified Republican control have about 5 percentage points more pro-Republican efficiency gaps than states with split control, and states with unified Democratic control have about 3 percentage points more pro-Democratic efficiency gaps than states with split control.

5.1 2020 Congressional election results

First, I use the 2020 precinct-level congressional results on both the 2012-20 map and re-aggregated to the enacted map to estimate the various metrics. This approach implicitly assumes that future elections will look like the 2020 election. These endogenous election are likely to be an excellent predictor of future voting patterns in congressional elections. Based on these results, Republicans would win 57% of the votes, but 87% of the seats on the enacted plan. In other words, Republicans would win thirty percentage points more seats than votes.

Metric	Value	More Biased than this % Historical Plans	More Pro-Republican than this % Historical Plans
2012-2020 Plan			
Republican Seat Share	75%		
Efficiency Gap	-11%	78%	91%
Declination	-.51	85%	91%
Mean-Median Diff	-4%	57%	78%
Symmetry Bias	-12%	78%	87%
Average		75%	87%
Enacted Plan			
Republican Seat Share	87%		
Efficiency Gap	-23%	98%	99%
Declination	-.90	97%	97%
Mean-Median Diff	-3%	42%	72%
Symmetry Bias	-10%	69%	83%
Average		77%	88%

Table 4: Partisan bias metrics for Congressional plan based on 2020 Congressional election results re-aggregated onto enacted map

The average efficiency gap of the enacted plan based on the precinct-level 2020 House results is -23% (see Table 4). This is more extreme than 98% of previous plans and more pro-Republican than over 99% of previous plans. The enacted plan is more pro-Republican than 97% of prior plans in the country using the declination metric. The other metrics also show that Ohio’s enacted plan has a large pro-Republican bias. When we average across all four metrics, the plan is more extreme than 77% of previous plans and more pro-Republican than 88% of previous plans.

5.2 Composite of previous statewide elections

Next, I use a composite of previous statewide election results between 2012-2020 re-aggregated to the enacted map.²³ For each year, I estimate each party’s vote share, seat share, and the average of the partisan bias metrics across races. I then average them together to produce a composite result. This approach implicitly assumes that future voting patterns will look like the average of these recent statewide elections.

Metric	Value	2012-2020 Composite	
		> Biased than this % Plans	> Pro-Rep. than this % Plans
2012-2020 Plan			
Republican Seat Share	75%		
Efficiency Gap	-15%	90%	96%
Declination	-.54	88%	93%
Mean-Median	-4%	47%	74%
Symmetry Bias	-19%	94%	95%
Average		80%	89%
Enacted Plan			
Republican Seat Share	74%		
Efficiency Gap	-14%	87%	95%
Declination	-.54	88%	92%
Mean-Median	-2%	28%	65%
Symmetry Bias	-13%	81%	88%
Average		70%	85%

Table 5: Composite bias metrics for enacted Congressional plan based on statewide elections

When I average across these statewide elections from 2012-2020, Democrats win 45% of the votes and 26% of the seats (see Table 5). The average efficiency gap of the enacted plan based on these previous election results is -14%. This is more extreme than 87% of previous plans and more pro-Republican than 95% of previous plans. The enacted plan is also more pro-Republican than 92% of previous plans using the declination metric. The mean-median and symmetry also show that Ohio’s enacted plan has a substantial pro-Republican bias. When I average across all four metrics, the plan is more extreme than 70% of previous plans and more pro-Republican than 85% of previous plans.²⁴

23. These include the following elections: 2012 Presidential, 2012 Senate, 2014 gubernatorial, 2014 Secretary of State, 2016 Presidential, 2016 Senate, 2018 Senate, 2018 gubernatorial, 2018 attorney’s general, 2018 Secretary of State, 2018 Auditor, 2018 Treasurer, and 2020 Presidential. Geographic data on the other three statewide elections in 2014 is not available. But this probably doesn’t affect my results much since these elections were similar to the average of the 2014 gubernatorial and Secretary of State elections. I weight the elections so that each year is given equal weight in the composite.

24. In the Appendix, I show that I reach very similar results using a variety of other combinations of past elections to construct the composite index.

5.3 PlanScore

Third, I evaluate the enacted plan using a predictive model from the PlanScore.org website. PlanScore uses a statistical model of the relationship between districts’ latent partisanship and election outcomes. This enables it to estimate district-level vote shares for a new map and the corresponding partisan gerrymandering metrics.²⁵ It then calculates various partisan bias metrics. In this case, PlanScore provides estimates of the efficiency gap and declination.²⁶

PlanScore also indicates that the enacted Congressional plan has a substantial pro-Republican bias (Table 6). According to PlanScore, the enacted plan has a pro-Republican efficiency gap of 16%. The enacted plan favors Republicans in 99% of the scenarios estimated by PlanScore.²⁷ Moreover, it is more extreme than 96% of previous plans and more pro-Republican than 98% of previous plans.

Metric	Value	Favors Rep’s in this % of Scenarios	More Biased than this % Historical Plans	More Pro-Republican than this % Historical Plans
2012-2020 Plan				
Republican Seat Share	74%			
Efficiency Gap	-12%	96%	90%	97%
Declination	-.42	95%	87%	93%
Average		96%	89%	95%
Enacted Plan				
Republican Seat Share	79%			
Efficiency Gap	-16%	99%	97%	97%
Declination	-.58	99%	95%	98%
Average		99%	96%	98%

Table 6: PlanScore partisan bias metrics for enacted Congressional plan

5.4 Competitiveness of Districts

In their summary of the enacted plan, the Ohio state legislature asserted that “the plan contains six Republican-leaning districts, two Democratic-leaning districts, and seven competitive districts. The number of competitive districts in the plan significantly exceeds the number of competitive districts contained in Ohio’s current plan.”²⁸ In this section, I

25. See <https://planscore.campaignlegal.org/models/data/2021C/> for more details.

26. The partisan symmetry and mean-median difference scores are only shown when the parties’ statewide vote shares fall between 45% and 55% because outside this range the metrics’ assumptions are less plausible (McGhee 2017, 9). In the PlanScore model, the Democrats’ two-party vote share is just below 45%.

27. See <https://planscore.campaignlegal.org/plan.html?20211127T135358.249351808Z>

28. See <https://www.legislature.ohio.gov/download?key=17868&format=pdf>. It is important to note the analysis underlying this assertion only includes federal statewide elections, which is an odd set

analyze the accuracy of this statement.

I use a variety of approaches to estimate the number of competitive districts in both the 2012-20 congressional plan and the enacted plan (see Table 7). None of these approaches, however, indicate there are seven competitive districts in the enacted plan. Instead, they indicate there are approximately three competitive districts. Moreover, none of these approaches indicate that the number of competitive districts significantly exceeds the number of competitive districts contained in Ohio’s 2012-20 plan. On average, my analysis indicates that the enacted plan has just one more competitive district than the 2012-20 plan. As a result, I find that the state legislature’s claims regarding the competitive districts on the enacted plan are inaccurate.

Data:	2020 House Results		Composite (2012-20)	PlanScore			Mean
Metric:	45-55	Historical Swing	45-55	45-55	20%+ Prob. of Each Party Win.	50%+ Prob. Flip in Dec.	
Plan	(1)	(2)	(3)	(4)	(5)	(6)	(7)
2012-20 Plan	2	1	1	3	2	5	2
Enacted Plan	3	3	3	4	2	4	3

Table 7: Number of competitive districts using various data sources and metrics.

First, I use the actual 2020 House results to examine the number of competitive districts. In column 1 of Table 7, I begin by tallying the number of districts where each party’s two-party vote share was between 45 and 55%. This approach indicates there are 2 competitive districts on the 2012-20 plan and 3 competitive districts on the enacted plan. As I discussed earlier, however, it is not clear that a sharp threshold at 55% is the best measure of competitiveness.

Based on the approach in Henderson, Hamel, and Goldzimer (2018, Appendix, p. 2), we can also define competitiveness based on whether a district is likely to switch parties at least once per decade based on the maximal swing in the two-party vote. In column 2 of Table 7, I use this approach to tally the number of districts that each party would win at least once over the course of the decade based on the historical range of statewide election results between 2012-2020. Specifically, I conduct a uniform swing to simulate what would happen if the 2020 congressional election were held in the best year for Democrats (2012).²⁹ I then examine the number of districts that would have been

of elections to focus on. First, this composite does not include the Republican wave year in 2014, but it does include the Democratic wave year in 2018. It also includes two elections from 2012, which implicitly heavily weights this election in the index.

29. It is worth noting, however, that 2012 appears to have been a high-water mark for Democrats in Ohio, and their electoral performance has not come close to this level in subsequent elections.

won at least once by each party. This approach indicates there was 1 competitive district on the 2012-20 plan and 3 competitive districts on the enacted plan.

Next, I use a composite of the 2012-2020 statewide election results to estimate the number of competitive districts. Once again, in column 3 of Table 7, I tally the number of districts where each party's two-party vote share was between 45 and 55%. This approach indicates there was 1 competitive district on the 2012-20 plan and 3 competitive districts on the enacted plan.

Lastly, I use PlanScore to estimate the potential competitiveness of individual districts on the enacted plan. In column 4 of Table 7, I show the number of districts where PlanScore estimates that each party's two-party vote share is expected to be between 45 and 55%. This approach indicates there were 3 competitive districts on the 2012-20 plan and 4 competitive districts on the enacted plan.

It is also possible to use PlanScore to evaluate whether a district is likely to switch parties at least once per decade (Henderson, Hamel, and Goldzimer 2018). PlanScore conducts 1,000 simulations of possible electoral scenarios based on the results of the 2012-2020 congressional and state legislative elections in every state. Using these simulations, PlanScore provides an estimate of the probability that each party will win each seat as well as whether they are likely to have at least a 50% chance of winning each seat once over the course of the decade. In column 5 of Table 7, I estimate the number of districts where each party has at least a 20% chance of winning according to PlanScore. This approach indicates there were 2 competitive districts on the 2012-20 plan and 2 competitive districts on the enacted plan. In column 6 of Table 7, I conduct a similar analysis where I tally the number of districts that each party would have at least a 50% chance of winning at least once over the course of the decade. This approach indicates there are 5 competitive districts on the 2012-20 plan and 4 competitive districts on the enacted plan.

Finally, column 7 of Table 7 averages across all of these approaches. It indicates there are about 2 competitive districts on the 2012-2020 plan and 3 competitive seats on the enacted plan. Thus, there is neither support for the notion that there are seven competitive districts nor that the enacted plan yields significantly more competitive districts than the 2012-20 plan.

Moreover, it is important to note that the fact that there are about three potentially competitive districts on the enacted plan does not mean that each party has a 50-50 chance at winning these districts. In fact, Republicans are favored in each of these districts and heavily favored in several of them. We can see this using each of the predictive approaches I've used in this report that are summarized in Table 8. The table shows that none of the competitive districts (shown in grey) lean toward Democrats. Indeed, the Republican

District	Projected Democratic Vote Share				Probability Dem. Wins (PlanScore)
	House 2020	Composite (2012-2020)	PlanScore	Average Dem. Share	
1	0.48	0.46	0.48	0.47	36%
2	0.29	0.33	0.30	0.30	1%
3	0.70	0.66	0.70	0.69	99%
4	0.30	0.31	0.31	0.31	1%
5	0.35	0.38	0.35	0.36	1%
6	0.38	0.44	0.36	0.40	1%
7	0.37	0.40	0.38	0.39	1%
8	0.36	0.36	0.36	0.36	1%
9	0.46	0.49	0.45	0.47	16%
10	0.42	0.45	0.46	0.44	18%
11	0.79	0.77	0.76	0.77	99%
12	0.30	0.36	0.32	0.33	1%
13	0.47	0.48	0.48	0.47	31%
14	0.40	0.44	0.42	0.42	4%
15	0.43	0.43	0.44	0.44	13%

Table 8: Democratic Vote Share Projections for Each District on Enacted Plan using a Variety of Methods. Competitive districts in grey.

candidate is likely to win District 1 by 5%, District 9 by 7%, and District 13 by 5%.³⁰ So Republicans are likely to win all, or nearly all, of these districts in the average election (see right-most column in Table 8). This is especially true if Republicans also have an incumbency advantage in most of these districts (see Jacobson 2021, for more on the incumbency advantage in 2020). Overall, 13 of the 15 districts on the enacted plan lean toward Republicans.

6 Incumbency

Article XIX.01, Section 3(A) of Ohio’s Constitution requires that “The general assembly shall not pass a plan that unduly favors or disfavors a political party or its incumbents” (emphasis added). In previous sections of this report, I have shown that the enacted plan unduly favors the Republican Party. In this section, I will examine whether it favors incumbents from the Republican Party. I find that it does.

In order to examine whether the new plan favors incumbents from the Republican Party, I first examine the percentage of the Democratic and Republican voters in each

30. Note that the margins here are based on the unrounded vote shares in each district. Also, according to PlanScore, Republicans have at least a 64% chance of winning each of these districts.

2020 Districts	2022 District	% Overlap	Dem. Vote Share Old District	Dem. Vote Share New District
1	1	0.81	0.46	0.48
2	2	0.68	0.39	0.29
3	3	0.71	0.71	0.70
4	4	0.53	0.30	0.30
5	9	0.56	0.32	0.46
6	6	0.61	0.26	0.38
7	7	0.41	0.30	0.37
8	8	0.80	0.31	0.36
9	9	0.44	0.63	0.46
10	10	0.97	0.42	0.42
11	11	0.79	0.80	0.79
12	4	0.41	0.43	0.30
13	6	0.54	0.54	0.38
14	14	0.73	0.40	0.40
15	15	0.43	0.37	0.43
16	13	0.48	0.37	0.47

Table 9: Evaluation of how incumbent in each of the old districts would perform on the enacted plan based on re-aggregating the 2020 House results to new districts. Districts won by Democrats in 2020 in blue.

of the 16 districts used in the 2020 congressional election that will be in each of the 15 districts on the enacted plan. This enables me to determine the new district that most overlaps with each of the old districts. I then compare the incumbent’s vote share in each district of the old plan to their expected vote share in the new plan by re-aggregating the 2020 House elections to the new district that most overlaps with the old districts.

Table 9 shows the results. It shows that the enacted plan favors incumbents from the Republican Party. It puts the Democratic incumbents in districts 9 and 13 into largely new districts that will now have a majority of Republican voters. Democratic incumbent Tim Ryan in district 13 is retiring and running for Senate, so maybe we should put less weight on this district. But it is very clear that the plan is drawn to harm Representative Marcy Kaptur.

Representative Kaptur’s old district 9 went along the Lake Erie coastline from Toledo to the Cleveland suburbs. In 2020, she comfortably won reelection with 63% of the two-party vote on the 2020 map. Her new district, however, goes from the Indiana border to a bit west of Lorain. It no longer includes any of the Democratic-leaning Cleveland suburbs. Overall, the new district 9 only includes 44% of the voters from Kaptur’s old district 9. On the new map, she would have only won about 46% in the 2020 House election, and

thus would likely lose in 2022.

7 Conclusion

Overall, there is a substantial Republican bias in the translation of votes to seats in the enacted congressional plan in Ohio. Based on a variety of metrics, the pro-Republican bias in Ohio's congressional districting plan is very large relative to other states over the past 50 years. Moreover, the new map does not contain significantly more competitive districts than the 2012-2020 plan. The plan unduly favors congressional candidates from the Republican Party.

References

- Best, Robin E, Shawn J Donahue, Jonathan Krasno, Daniel B Magleby, and Michael D McDonald. 2017. “Considering the Prospects for Establishing a Packing Gerrymandering Standard.” *Election Law Journal: Rules, Politics, and Policy*.
- Brace, Kimball, Bernard Grofman, and Lisa Handley. 1987. “Does Redistricting Aimed to Help Blacks Necessarily Help Republicans?” *Journal of Politics* 49 (1): 169–185.
- Brennan Center. 2017. *Extreme Maps*. <https://www.brennancenter.org/publication/extreme-maps>.
- Buzas, Jeffrey S, and Gregory S Warrington. 2021. “Simulated packing and cracking.” *Election Law Journal: Rules, Politics, and Policy*.
- Caughey, Devin, Chris Tausanovitch, and Christopher Warshaw. 2017. “Partisan Gerrymandering and the Political Process: Effects on Roll-Call Voting and State Policies.” *Election Law Journal* 16 (4).
- Chen, Jowei, and Jonathan Rodden. 2013. “Unintentional Gerrymandering: Political Geography and Electoral Bias in Legislatures.” *Quarterly Journal of Political Science* 8 (3): 239–269.
- Cox, Gary W., and Jonathan N. Katz. 1999. “The reapportionment revolution and bias in US congressional elections.” *American Journal of Political Science*: 812–841.
- . 2002. *Elbridge Gerry’s Salamander: The Electoral Consequences of the Reapportionment Revolution*. New York: Cambridge University Press.
- Fraga, Bernard L, and Eitan D Hersh. 2018. “Are Americans stuck in uncompetitive enclaves? An appraisal of US electoral competition.” *Quarterly Journal of Political Science* 13 (3): 291–311.
- Gelman, Andrew, and Gary King. 1994a. “A unified method of evaluating electoral systems and redistricting plans.” *American Journal of Political Science* 38 (2): 514–554.
- . 1994b. “Enhancing Democracy Through Legislative Redistricting.” *American Political Science Review* 88 (03): 541–559.
- Henderson, John A, Brian T Hamel, and Aaron M Goldzimer. 2018. “Gerrymandering Incumbency: Does Nonpartisan Redistricting Increase Electoral Competition?” *The Journal of Politics* 80 (3): 1011–1016.

- Jacobson, Gary C. 2015. "It's nothing personal: The decline of the incumbency advantage in US House elections." *The Journal of Politics* 77 (3): 861–873.
- . 2021. "The presidential and congressional elections of 2020: A national referendum on the Trump presidency." *Political Science Quarterly (Wiley-Blackwell)*: 11–45.
- Jacobson, Gary C, and Jamie L Carson. 2015. *The politics of congressional elections*. Rowman & Littlefield.
- Katz, Jonathan N, Gary King, and Elizabeth Rosenblatt. 2020. "Theoretical foundations and empirical evaluations of partisan fairness in district-based democracies." *American Political Science Review* 114 (1): 164–178.
- Kollman, K., A. Hicken, D. Caramani, D. Backer, and D. Lublin. 2017. *Constituency-level elections archive [data file and codebook]*. Ann Arbor, MI: Center for Political Studies, University of Michigan.
- Krasno, Jonathan S, Daniel Magleby, Michael D McDonald, Shawn Donahue, and Robin E Best. 2018. "Can Gerrymanders Be Detected? An Examination of Wisconsin's State Assembly." *American Politics Research*.
- McGhee, Eric. 2014. "Measuring Partisan Bias in Single-Member District Electoral Systems." *Legislative Studies Quarterly* 39 (1): 55–85.
- . 2017. "Measuring Efficiency in Redistricting." *Election Law Journal: Rules, Politics, and Policy*.
- . 2018. *Assessing California's Redistricting Commission: Effects on Partisan Fairness and Competitiveness*. Report from the Public Policy Institute of California. Available at <http://www.ppic.org/publication/assessing-californias-redistricting-commission-effects-on-partisan-fairness-and-competitiveness/>.
- MIT Election and Data Science Lab. 2017. *U.S. House 1976–2016*. Available on the Harvard Dataverse at <http://dx.doi.org/10.7910/DVN/IGOUN2>.
- Nagle, John F. 2015. "Measures of partisan bias for legislating fair elections." *Election Law Journal* 14 (4): 346–360.
- Niemi, Richard G, and John Deegan. 1978. "A theory of political districting." *American Political Science Review* 72 (4): 1304–1323.

- Powell, G. Bingham, Jr. 2004. "Political Representation in Comparative Politics." *Annual Review of Political Science* 7:273–296.
- Royden, Laura, Michael Li, and Yuriy Rudensky. 2018. *Extreme Gerrymandering & the 2018 Midterm*.
- Stephanopoulos, Nicholas. 2018. "The Causes and Consequences of Gerrymandering." *William and Mary Law Review* 59.
- Stephanopoulos, Nicholas O, and Christopher Warshaw. 2020. "The impact of partisan gerrymandering on political parties." *Legislative Studies Quarterly* 45 (4): 609–643.
- Stephanopoulos, Nicholas O., and Eric M. McGhee. 2015. "Partisan Gerrymandering and the Efficiency Gap." *University of Chicago Law Review* 82 (2): 831–900.
- . 2018. "The measure of a metric: The debate over quantifying partisan gerrymandering." *Stan. L. Rev.* 70:1503.
- Tufte, Edward R. 1973. "The relationship between seats and votes in two-party systems." *American Political Science Review* 67 (2): 540–554.
- Wang, Samuel. 2016. "Three Tests for Practical Evaluation of Partisan Gerrymandering." *Stan. L. Rev.* 68:1263–1597.
- Warrington, Gregory S. 2018a. "Introduction to the declination function for gerrymanders." *arXiv preprint arXiv:1803.04799*.
- . 2018b. "Quantifying Gerrymandering Using the Vote Distribution." *Election Law Journal* 17 (1): 39–57.

Supplementary Appendix

A Alternative Composite Indices

Metric	Value	More Biased than this % Historical Plans	More Pro-Republican than this % Historical Plans
2012-2020 Plan			
Efficiency Gap	-13%	86%	94%
Declination	-.47	83%	89%
Mean-Median Diff	-3%	45%	73%
Symmetry	-19%	93%	94%
Average		77%	88%
Enacted Plan			
Efficiency Gap	-10%	75%	89%
Declination	-.38	78%	85%
Mean-Median Diff	-2%	24%	63%
Symmetry	-14%	84%	90%
Average		65%	82%

Table A1: Composite partisan bias metrics for Congressional plan based on federal statewide elections from 2012-2020

Metric	Value	More Biased than this % Historical Plans	More Pro-Republican than this % Historical Plans
2012-2020 Plan			
Efficiency Gap	-10%	74%	89%
Declination	-.41	79%	86%
Mean-Median Diff	-3%	39%	71%
Symmetry	-17%	91%	93%
Average		77%	88%
Enacted Plan			
Efficiency Gap	-11%	79%	91%
Declination	-.44	81%	88%
Mean-Median Diff	-1%	19%	61%
Symmetry	-13%	82%	88%
Average		70%	85%

Table A2: Composite partisan bias metrics for Congressional plan based on all federal elections from 2016-2020

Metric	Value	More Biased than this % Historical Plans	More Pro-Republican than this % Historical Plans
2012-2020 Plan			
Efficiency Gap	-16%	90%	96%
Declination	-.56	89%	93%
Mean-Median Diff	-3%	39%	71%
Symmetry Bias	-17%	91%	93%
Average		77%	88%
Enacted Plan			
Efficiency Gap	-18%	93%	97%
Declination	-.59	92%	95%
Mean-Median Diff	-2%	24%	63%
Symmetry Bias	-10%	69%	83%
Average		70%	85%

Table A3: Composite partisan bias metrics for Congressional plan based on all 2016-2020 statewide elections

EXHIBIT 2

IN THE SUPREME COURT OF OHIO

Regina Adams, et al.

Relators,

v.

Governor Mike DeWine, et al.

Respondents.

Case No. _____

Original Action Filed Pursuant to Ohio
Constitution, Article XIX, Section 3(A)

EXPERT AFFIDAVIT OF DR. JONATHAN RODDEN

I, Jonathan Rodden, having been duly sworn and cautioned according to law, hereby state that I am over the age of eighteen years and am competent to testify to the facts set forth below based on my personal knowledge and having personally examined all records referenced in this affidavit, and further state as follows:

I. INTRODUCTION AND SUMMARY

1. For the purpose of this report, I have been asked to examine whether and how the redistricting plan for the Ohio delegation to the United States House of Representatives, adopted by the Ohio General Assembly on November 18, 2021 and signed into law by Governor Mike DeWine two days later, and attached as Exhibit A (“2021 Congressional Plan” or the “Enacted Plan”), conforms to the requirement set forth in Article XIX, Section 1(C)(3)(a), namely, that the plan does not “unduly favor[] or disfavor[] a political party or its incumbents.” I have also been asked to examine the extent to which the General Assembly’s redistricting plan splits governmental units, and to assess the plan’s adherence to other traditional redistricting criteria, including compactness.
2. I demonstrate that given the statewide support for the two parties, the 2021 Congressional Plan provides an extreme advantage to the Republican Party. With around 53.2 percent of the statewide vote in the last three general elections, the Republican Party can expect to win around 80 percent of the seats under the Enacted Plan. This is an increase over the map that was in effect from 2012 to 2020, under which Republican candidates were able to consistently win 75 percent of the seats.
3. I also examined the extent to which the General Assembly’s plan disproportionately favors or disfavors the *incumbents* for one of the two parties. Under the previous plan, there were 12 Republican incumbents, one of which has already announced his retirement. All of the remaining districts with Republican incumbents continue to have Republican majorities—most of them quite comfortable. Of the four Democratic incumbents, only two continue to reside in majority-Democratic districts. The other two districts with Democratic incumbents have been dramatically reconfigured, both now with Republican majorities.

4. These outcomes were not forced upon the General Assembly by Ohio’s political geography, or by the requirements of the Ohio Constitution. On the contrary, I demonstrate that it is possible to abide by the Constitution and achieve partisan fairness, while drawing districts that are more compact, introduce fewer splits in metropolitan counties and a similar number of county splits overall, introduce similar or even fewer splits to municipal subdivisions and do a better job keeping communities together.

II. QUALIFICATIONS

5. I am currently a tenured Professor of Political Science at Stanford University and the founder and director of the Stanford Spatial Social Science Lab—a center for research and teaching with a focus on the analysis of geo-spatial data in the social sciences. I am engaged in a variety of research projects involving large, fine-grained geo-spatial data sets including ballots and election results at the level of polling places, individual records of registered voters, census data, and survey responses. I am also a senior fellow at the Stanford Institute for Economic Policy Research and the Hoover Institution. Prior to my employment at Stanford, I was the Ford Professor of Political Science at the Massachusetts Institute of Technology. I received my Ph.D. from Yale University and my B.A. from the University of Michigan, Ann Arbor, both in political science. A copy of my current C.V. is included as Exhibit F.
6. In my current academic work, I conduct research on the relationship between the patterns of political representation, geographic location of demographic and partisan groups, and the drawing of electoral districts. I have published papers using statistical methods to assess political geography, balloting, and representation in a variety of academic journals including *Statistics and Public Policy*, *Proceedings of the National Academy of Science*, *American Economic Review Papers and Proceedings*, the *Journal of Economic Perspectives*, the *Virginia Law Review*, the *American Journal of Political Science*, the *British Journal of Political Science*, the *Annual Review of Political Science*, and the *Journal of Politics*. One of these papers was selected by the American Political Science Association as the winner of the Michael Wallerstein Award for the best paper on political economy published in the last year, and another received an award from the American Political Science Association section on social networks. In 2021, I received a John Simon Guggenheim Memorial Foundation Fellowship, and received the Martha Derthick Award of the American Political Science Association for “the best book published at least ten years ago that has made a lasting contribution to the study of federalism and intergovernmental relations.”
7. I have recently written a series of papers, along with my co-authors, using automated redistricting algorithms to assess partisan gerrymandering. This work has been published in the *Quarterly Journal of Political Science*, *Election Law Journal*, and *Political Analysis*, and it has been featured in more popular publications like the *Wall Street Journal*, the *New York Times*, and *Boston Review*. I have recently completed a book, published by *Basic Books* in June of 2019, on the relationship between political districts, the residential geography of social groups, and their political representation in the United States and other countries that use winner-take-all electoral districts. The book was reviewed in *The New York Times*, *The New York Review of Books*, *Wall Street Journal*, *The Economist*, and *The Atlantic*, among others.

8. I have expertise in the use of large data sets and geographic information systems (GIS), and I conduct research and teaching in the area of applied statistics related to elections. My PhD students frequently take academic and private sector jobs as statisticians and data scientists. I frequently work with geo-coded voter files and other large administrative data sets, including in recent papers published in the *Annals of Internal Medicine* and *The New England Journal of Medicine*. I have developed a national data set of geo-coded precinct-level election results that has been used extensively in policy-oriented research related to redistricting and representation.
9. I have been accepted and testified as an expert witness in several election law and redistricting cases: *Romo v. Detzner*, No. 2012-CA-000412 (Fla. Cir. Ct. 2012); *Mo. State Conference of the NAACP v. Ferguson-Florissant Sch. Dist.*, No. 4:2014-CV-02077 (E.D. Mo. 2014); *Lee v. Va. State Bd. of Elections*, No. 3:15-CV-00357 (E.D. Va. 2015); *Democratic Nat'l Committee et al. v. Hobbs et al.*, No. 16-1065-PHX-DLR (D. Ariz. 2016); *Bethune-Hill v. Virginia State Board of Elections*, No. 3:14-cv-00852-REP-AWA-BMK (E.D. Va. 2014); and *Jacobson et al. v. Lee*, No. 4:18-cv-00262 (N.D. Fla. 2018). I also worked with a coalition of academics to file Amicus Briefs in the Supreme Court in *Gill v. Whitford*, No. 16-1161, and *Rucho v. Common Cause*, No. 18-422. Much of the testimony in these cases had to do with geography, electoral districts, voting, ballots, and election administration. I recently worked as a consultant for the Maryland Redistricting Commission. I am being compensated at the rate of \$550/hour for my work in this case. My compensation is not dependent upon my conclusions in any way.

III. DATA SOURCES

10. I have collected statewide election data for 2012 to 2020 from the Ohio Secretary of State. I also accessed precinct-level election results from the Ohio Secretary of State for statewide elections from 2016 to 2020 that were matched to 2020 Ohio vote tabulation districts by a team at Harvard University called the Algorithm-Assisted Redistricting Methodology Project.¹ Additionally, I accessed several proposed Ohio congressional plans uploaded to the web page of the Ohio Redistricting Commission as well as the websites for the Ohio House and Senate, true copies of which are attached as Exhibits B, C, and D.² Since the General Assembly has not as of this writing made block assignment files or electronic files of its redistricting plan available to the public, I relied upon a block assignment file extracted from a public web archive that creates block assignment files from map images.³ I also consulted the same U.S. Census redistricting data used by the General Assembly, as archived in the "Ohio University Common and Unified Redistricting Database."⁴ For comparative analysis, I collected data on U.S. Senate, U.S. House, and presidential elections from state election authorities of a number of states, as detailed below. I also consulted precinct-level presidential results, again from state election authorities, aggregated to the level of U.S.

¹ <https://alarm-redist.github.io/posts/2021-08-10-census-2020/>.

² <https://redistricting.ohio.gov/maps>.

³ <https://davesredistricting.org>.

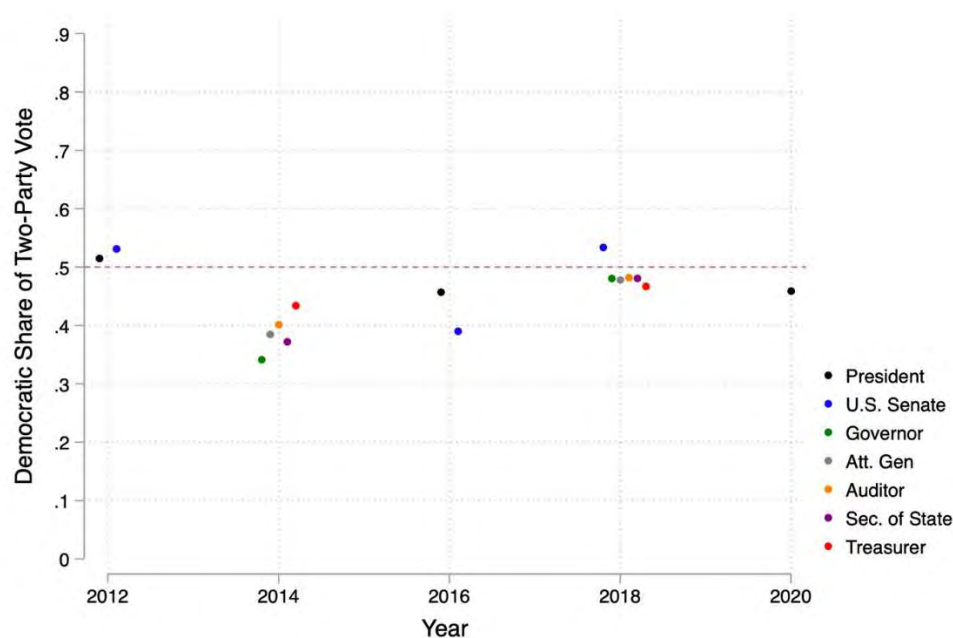
⁴ <https://www.redistricting.ohio.gov/resources>.

congressional districts.⁵ I also used geographic boundary files of communities of Columbus, Ohio from the City of Columbus GIS department.⁶ For the analysis conducted in this report, I use three software packages: Stata, Maptitude for Redistricting, and ArcGIS Pro.

IV. THE PARTISANSHIP OF THE 2021 CONGRESSIONAL PLAN

11. I have been asked to determine whether the 2021 Congressional Plan favors one of the two parties and, if so, to what extent. I proceed by first characterizing statewide partisanship in Ohio, and then examining the most likely partisan outcomes associated with the Enacted Plan.

Figure 1: Statewide General Election Outcomes, Ohio, 2012-2020



12. Figure 1 provides a visualization of Ohio statewide general election results from 2012 to 2020. Ohio is a hotly contested state with a tradition of split-ticket voting and significant swings from one year to another. The Democratic candidate won the presidential contest in 2012, but the Republican candidate won in 2016 and 2020. Ohio's U.S. Senate delegation is typically split between the parties, and other statewide elections are often very competitive, although 2014 was an exception, as was the 2016 U.S. Senate race.
13. Figure 1 reveals that while Ohio statewide elections have been mostly quite close over the last decade, Republican candidates have held a narrow advantage. To quantify this, Table 1 provides the raw data. Including all of the statewide general elections from 2012 to 2020, the

⁵<https://docs.google.com/spreadsheets/d/17yr9mcAtuUdNjI9NEPYKxXsEldzzQ2ZaDwEAbnPRyS4/edit?pref=2&pli=1#gid=1641247082>.

⁶ <https://opendata.columbus.gov/datasets/c4b483507f374e62bd705450e116e017/explore>

Democratic share of the two-party vote (setting aside small parties and write-in candidates) was around 46 percent. If we focus on more recent elections, from 2016 to the present, the Democratic vote share is closer to 47 percent.

Table 1: Statewide General Election Outcomes, Ohio, 2012-2020

	Democratic Votes	Republican Votes	Other	Two-party Democratic Vote Share
2012 President	2,827,709	2,661,439	91,791	51.5%
2012 U.S. Senate	2,762,766	2,435,744	250,618	53.1%
2014 Governor	1,009,359	1,944,848	101,706	34.2%
2014 Att. Gen.	1,178,426	1,882,048		38.5%
2014 Auditor	1,149,305	1,711,927	143,363	40.2%
2014 Sec. of State	1,074,475	1,811,020	141,292	37.2%
2014 Treasurer	1,323,325	1,724,060		43.4%
2016 President	2,394,164	2,841,005	261,318	45.7%
2016 Senate	1,996,908	3,118,567	258,689	39.0%
2018 Senate	2,358,508	2,057,559	1,017	53.4%
2018 Governor	2,070,046	2,235,825	129,949	48.1%
2018 Att. Gen.	2,086,715	2,276,414		47.8%
2018 Auditor	2,008,295	2,156,663	175,962	48.2%
2018 Sec. of State	2,052,098	2,214,273	103,585	48.1%
2018 Treasurer	2,024,194	2,308,425		46.7%
2020 President	2,679,165	3,154,834	88,203	45.9%
Sum, all elections	30,995,458	36,534,651	1,747,493	45.9%
Sum, 2016-2020	19,670,093	22,363,565	1,018,723	46.8%

14. Next, in order to gain an initial understanding of which party's candidate is likely to win each seat under the 2021 Congressional Plan, I use precinct-level data from recent elections, and aggregate the results within the district boundaries enacted by the legislature. I have been able to obtain geo-coded precinct-level results for elections from 2016 to 2020. I calculate the Democratic and Republican shares of the two-party vote in each of the following races: 2016 President, 2016 U.S. Senate, 2018 U.S. Senate, 2018 Governor, 2018 Auditor, 2018 Secretary of State, 2018 Treasurer, and 2020 President. I then simply add up the votes cast for Democrats and Republicans in these races across all the precincts contained in each of the individual districts under the Enacted Plan, and divide by the total votes cast for the two parties in the respective district. The results of this exercise are displayed on the left side of Table 2.

Table 2: Shares of the Vote Obtained by the Two Major Parties from 2016 to 2020 in the Districts of the 2021 Congressional Plan and in the Districts of the Previous Plan

Newly Enacted Map			Map in Place from 2012 to 2020		
District	Democratic vote share	Republican vote share	District	Democratic vote share	Republican vote share
1	0.484	0.516	1	0.460	0.540
2	0.333	0.667	2	0.426	0.574
3	0.703	0.297	3	0.703	0.297
4	0.327	0.673	4	0.340	0.660
5	0.392	0.608	5	0.383	0.617
6	0.437	0.563	6	0.328	0.672
7	0.421	0.579	7	0.371	0.629
8	0.375	0.625	8	0.327	0.673
9	0.497	0.503	9	0.620	0.380
10	0.467	0.533	10	0.461	0.539
11	0.802	0.198	11	0.811	0.189
12	0.369	0.631	12	0.449	0.551
13	0.508	0.492	13	0.556	0.444
14	0.459	0.541	14	0.456	0.544
15	0.461	0.539	15	0.437	0.563
			16	0.431	0.569

15. As indicated in gray, when considering the specific data referenced above, there are only three districts with Democratic majorities in the Enacted Plan. Two of those districts have very comfortable Democratic majorities, and one has a very slight Democratic lean (District 13). There is one additional district (District 9) that leans just ever so slightly Republican.
16. This represents a considerable change in favor of Republicans from the status quo under the previous map, attached as Exhibit E. Table 2 also provides the results of the same exercise for the map that was in place from 2012 to 2020. That plan included four districts with relatively comfortable Democratic majorities. It is rather remarkable that the General

Assembly was able to devise a plan that made the Democratic Party *worse* off, given that, as demonstrated below, the previous plan was one of the most favorable to the Republican Party in the United States in recent history.

17. The district-level aggregated statewide election results displayed on the right-hand side of Table 2 are extremely reliable predictors of actual congressional election results. There were five general elections for Ohio's 16 seats from 2012 to 2020, for a total of 80 congressional races. In *every single* race, the candidate of the party with the higher vote share on the right-hand side of Table 2 was victorious.
18. If the same pattern continues, and the statewide aggregates continue to perfectly predict congressional outcomes, the Democrats can anticipate winning only 3 of 15 seats throughout the decade. Recall from Table 1 that Democrats' statewide vote share was around 47 percent from 2016 to 2020, but their anticipated seat share under the Enacted Plan is only 20 percent. Correspondingly, with around 53 percent of the statewide vote, the Republican Party can expect 80 percent of the seats.⁷
19. Districts 9 and 13 have statewide vote shares that are very close to 50 percent (within one percentage point). District 9 is a highly reconfigured district in which a Democratic incumbent will now be competing in very different territory with a slight Republican majority. District 13 is an open seat with a slim Democratic majority. Even if one considers both Districts 9 and 13 in the Enacted Plan to be tossups, and assigns a 50 percent probability of victory to Democratic candidates in each, the same conclusion holds: Republican candidates can expect to win around 12 of 15 seats.
20. Based on the statewide vote shares in Table 2, without any consideration of incumbency, one might get the mistaken impression that there are additional "competitive" seats in the Enacted Plan. Above all, one might imagine that District 1, with its roughly 52 percent Republican vote share, is a competitive seat. However, note that in the previous cycle the district had a slightly higher 54 percent Republican vote share in statewide races. The incumbent, Steve Chabot, very consistently outperformed his party's district vote share in statewide races, winning easily with, on average, around 58 percent of the vote. In other words, Representative Chabot enjoyed an incumbency advantage of around four percentage points. Much of the district remains unchanged, including parts of Cincinnati, its western suburbs, and Warren County, so there is no reason to anticipate that this advantage will suddenly disappear.
21. The remaining seats are even less competitive. For instance, the Republican vote share in statewide races in District 10 is around 53 percent, down slightly from 54 percent in the previous redistricting cycle. However, the Republican incumbent, Mike Turner, won each general election from 2012 to 2020 with an average two-party vote share above 62 percent. Once again, as with District 1, the incumbent enjoyed a sizable incumbency advantage, and again, there is no reason to anticipate that it will suddenly disappear. One simply cannot characterize District 10 in the Enacted Plan as competitive. The same can be said about

⁷ Note that I refer to statewide results from 2016 to 2020 since those are the years for which I have precinct-level breakdowns that allow me to calculate district-level tallies.

Districts 14 and 15—districts with Republican incumbents where the Republican vote share hovers around 54 percent.

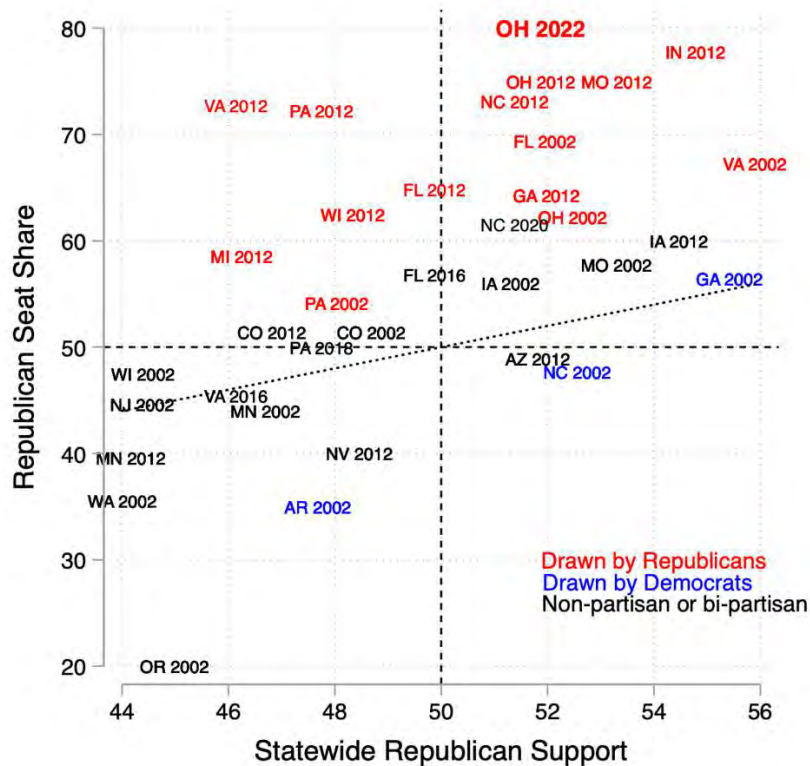
V. PUTTING THE 2021 CONGRESSIONAL PLAN IN PERSPECTIVE

22. In any two-party democracy, it is not normal for a party with an average of 53.2 percent of the vote to receive 80 percent of the seats. In fact, even in the United States, which has maintained the idiosyncratic practice of allowing incumbent partisan majorities to draw their own districts without constraint, this is a highly unusual result. To see this, let us focus on a set of states that are comparable to Ohio in that they have seen relatively competitive statewide races in recent decades and are large enough to have four or more congressional districts. To measure statewide partisanship in a way that facilitates cross-state comparison, I have assembled data on presidential and U.S. Senate elections. For each redistricting cycle, I calculate the average Republican share of the two-party vote in Senate and presidential elections.⁸ Next, for each redistricting cycle, I calculate the share of all congressional seats won by Republican candidates.
23. In Figure 2, the data markers indicate the state and the year that the relevant redistricting plan went into effect. States with districts drawn by legislatures under unified Republican control are indicated in red. States with districts drawn by independent commissions, courts, or divided legislatures are indicated in black. And states where districts were drawn under unified Democratic control are indicated in blue.⁹ The dotted line indicates proportionality—where, for instance, 50 percent of the vote translates into 50 percent of the seats, 52 percent of the vote translates into 52 percent of the seats, and so on. In Figure 2, in order to focus on states most similar to Ohio and facilitate legibility, I zoom in on a group of the most evenly divided states, where statewide partisanship is between 44 and 56 percent. I also include a graph that includes all the states in the appendix.

⁸ In a few states, I also have access to data on statewide executive offices, e.g., Governor, Attorney General, Railroad Commissioner, Treasurer, and the like. However, the mix of elected offices varies from one state to another, and comparable data are unavailable in some states. I elect to use statewide races for *national* elections only (president and U.S. Senate) in order to facilitate cross-state comparison.

⁹ Information about control of the redistricting process was obtained from <https://redistricting.ils.edu/>.

Figure 2: Vote Shares in Statewide Elections and Seat Shares in Congressional Elections, Evenly Divided States With Four or More Districts, 2000 and 2020 Redistricting Cycles



24. For the most part, districts drawn by courts, divided legislatures, and independent commissions come closer to proportionality than those drawn by legislators. This can be seen most clearly *within* states where the districts were redrawn during a redistricting cycle due to litigation—including Virginia, Pennsylvania, North Carolina, and Florida. In these states, Republican-drawn maps led to Republican seat shares far beyond the party’s statewide support, and plans drawn by courts came much closer to proportionality. While Democrats have controlled the redistricting process in very Democratic states like Maryland, Illinois, and Massachusetts (see the appendix), they have rarely done so in the relatively competitive states featured in Figure 2. But the Republican Party has been able to draw the districts over the last two redistricting cycles in a large number of relatively competitive states, including Florida, Michigan, Virginia, Pennsylvania, Wisconsin, North Carolina, Georgia, Missouri, Indiana, and Ohio. As can be seen in Figure 2, throughout the range of statewide vote shares—from Democratic-leaning states like Pennsylvania to Republican-leaning states like Indiana—Republican candidates have been able to win surprisingly large seat shares in the states where districts were drawn by unified Republican legislatures. This group includes notoriously gerrymandered states, including North Carolina, Pennsylvania, and Florida, where state courts eventually invalidated maps that favored Republicans in ways that violated state constitutions.

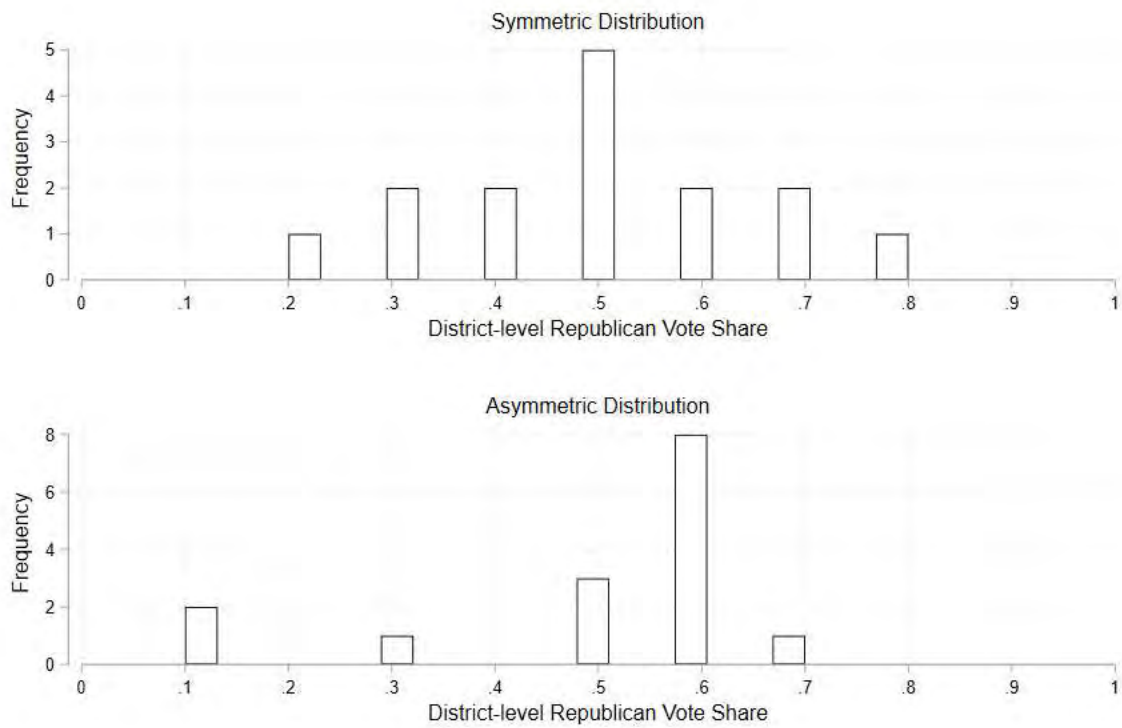
25. Even among this group of highly partisan maps, Ohio stands out. The data marker titled “Ohio 2012” corresponds to the observed seat share of Republican candidates throughout the 2010 redistricting cycle (12 of 16 seats in each election, or 75 percent). And the data marker titled “Ohio 2022” is the anticipated seat share, calculated as described above at 80 percent, for the 2021 Congressional Plan.
26. As can be visualized in Figure 2, with one exception, the absolute vertical distance from the dotted line of proportionality to the “Ohio 2022” data marker is larger than for all other relatively competitive states with four or more districts over the last two redistricting cycles.¹⁰
27. When attempting to assess the impact of a redistricting plan on the relative advantage or disadvantage it provides to the parties, it is important to go beyond simply calculating the difference between a party’s statewide support and its seat share. For many realistic scenarios in which partisans are distributed across districts without political manipulation of the district boundaries, we can anticipate that the party with more votes will usually win more than a proportional share of seats. To see why this is true, imagine a simple example of a state with 15 districts, where there are 10 voters in each district, and party registration is distributed as displayed in the columns labeled “Example 1” in Table 3 below.

Table 3: Examples of Symmetric and Asymmetric Distributions of Votes Across Districts in a Hypothetical State

District	Example 1: Symmetric Distribution		Example 2: Asymmetric Distribution	
	Democrats	Republicans	Democrats	Republicans
1	2	8	3	7
2	3	7	4	6
3	3	7	4	6
4	4	6	4	6
5	4	6	4	6
6	5	5	4	6
7	5	5	4	6
8	5	5	4	6
9	5	5	4	6
10	5	5	5	5
11	6	4	5	5
12	6	4	5	5
13	7	3	7	3
14	7	3	9	1
15	8	2	9	1

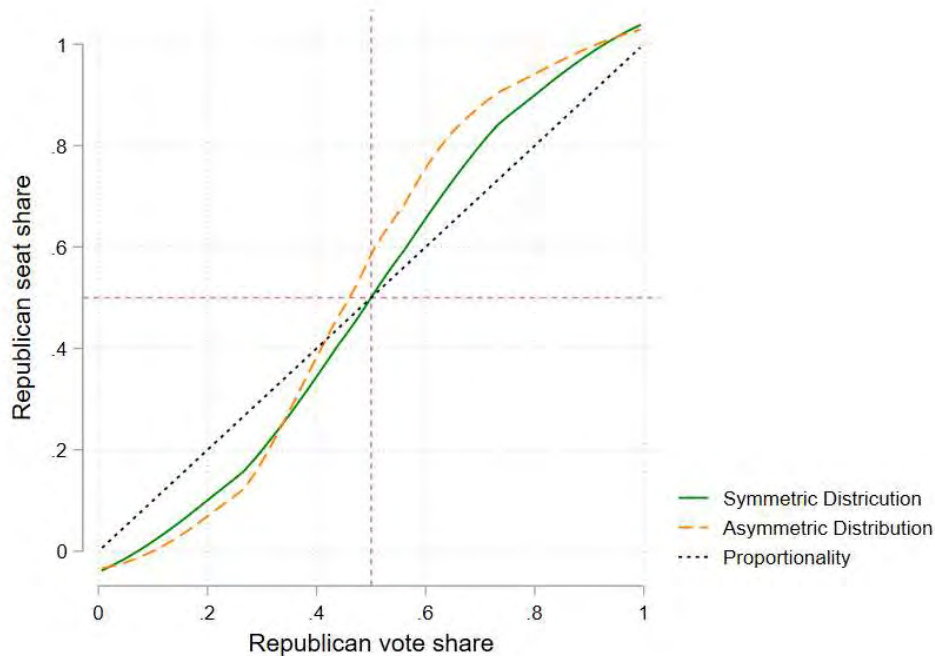
¹⁰ The exception is Oregon between 2002 and 2010, where the Democratic candidates won the four coastal districts and the Republican candidate won the single interior district in spite of a statewide Republican vote share of around 45 percent.

Figure 3: Distribution of Vote Shares Across Districts in Two Redistricting Plans in Hypothetical State



28. In this example, there are 75 Democrats and 75 Republicans. Under normal circumstances, each party can expect to win 5 districts, but 5 districts are toss-ups containing even numbers of Democrats and Republicans.
29. The top panel of Figure 3 uses a histogram—a simple visual display of the data from Table 3—to display the distribution of expected vote shares of the parties across districts in this hypothetical state, with its symmetric distribution of partisanship.
30. Let us assume that the partisanship of some of the individuals in this state is malleable, such that a successful campaign, a good debate performance by a candidate, or a strong economy leads some of the registered Democrats to vote for Republicans. Let us randomly choose one Democrat in the state and turn her into a Republican. Let us perform this random vote-flipping exercise 10,000 times, take the average, and see how this very small change in voting behavior—just one party-switcher out of 150—can be expected to affect the parties' seat shares. Let us do that with two of the Democrats, three, and so on, all the way until the overall Republican vote share approaches 100 percent. We can perform the same operation in the other direction, systematically turning random Republicans into Democrats.

Figure 4: Hypothetical symmetric vote-seat curve



31. How do these alternative scenarios affect the seat share? The result of these simulated scenarios is displayed with the green line in Figure 4. The horizontal axis is the Republican vote share, and the vertical axis is the corresponding seat share. The green line provides a plot of what happens to the seat share as the Republican vote share increases and decreases from 50 percent.
32. The green line in Figure 4 is a standard vote-seat curve associated with a symmetric distribution of partisanship across districts. It is a foundational observation in the literature on majoritarian elections that when the distribution of partisanship across districts approximates the normal distribution, with its bell-shaped appearance, the transformation of votes to seats will look something like the green line in Figure 4. With 50 percent of the vote, a party can expect 50 percent of the seats. However, note what happens when the Republican Party is able to obtain 55 percent of the votes—it receives around 60 percent of the seats. This phenomenon is known as the “winner’s bonus.” This happens because there are several districts where the underlying partisanship of the electorate is evenly divided, such that with 55 percent of the overall statewide vote, the Republican Party can win several of these pivotal districts, thus providing it with a disproportionate share of the seats.
33. When we observe a situation in which a party wins 55 percent of the vote but something like 59 or 60 percent of the seats, we cannot necessarily conclude, without further analysis, that the district boundaries have been drawn to help or harm a political party. The “winner’s bonus” is a basic feature of majoritarian electoral systems. An important feature of the green line in Figure 4, however, is that it treats each party exactly the same. That is, the Democrats can expect the exact same “winner’s bonus” as the Republicans when they are able to win over more votes. This partisan symmetry is a lower standard to meet than one that requires

proportional outcomes, because it merely ensures that any “winner’s bonus” could be applied to either party relatively evenly, and that thus, both parties have similar incentives to be responsive to voters.

34. Next, let us consider the same state, with the same even split in party registration, but with a different set of district boundaries, drawn strategically by the Republican Party. In this example, provided numerically on the right-hand side of Table 3 (labeled as “Example 2”), and visually with a histogram in the lower panel of Figure 3, Democrats are “packed” into three extremely Democratic districts, and districts have been drawn so as to avoid Democratic majorities to the extent possible elsewhere. There are fewer truly competitive districts, and there is a much larger number of districts that are comfortably, but not overwhelmingly, Republican. With this type of arrangement, with 50 percent of the vote, the Republicans can expect to win well over half the seats.
35. I apply the same simulation procedure as described above and display the resulting relationship between seats and votes with the orange dashed line in Figure 4. We can see that in this example, the Republican Party enjoys a substantial advantage in the transformation of votes to seats over Democrats. It can lose a majority of votes statewide but still win legislative majorities, and it receives a very large seat premium when it achieves even a slight victory in statewide votes. In this second example, the treatment of the two parties is far from symmetric.
36. Political scientists and geographers have attempted to measure this type of asymmetric distribution of partisans across districts—and the resulting asymmetry in the transformation of votes to seats. What has now become the most common approach is rooted in the work of British political geographers. In his 2000 Annual Political Geography Lecture, Ron Johnston described “wasted votes” as votes obtained in constituencies that a party loses, while “surplus votes” are additional votes obtained by a party in constituencies it wins beyond the number needed for victory.¹¹ In the example above, for instance, 6 is the number of votes required for victory in each district. Thus, if a party received 9 votes, 3 of them would be considered “surplus.” In that same district of 10 voters, the losing party received 1 “wasted” vote. Johnston calculated wasted and surplus votes for the Labour and the Conservative parties in post-war British elections, as well as the share of “effective” votes received by each party: that is, votes that were neither “wasted” nor “surplus.” The latter is a measure of the relative efficiency of support for the parties, and the gap between them is an indicator of the extent to which support for the Conservatives has been more efficient than support for Labour (or vice-versa).
37. More recently, Nicholas Stephanopoulos and Eric McGhee have adapted this concept to the context of redistricting and gerrymandering in the United States.¹² The terminology is slightly different. For Stephanopoulos and McGhee, the term “wasted votes” captures not just the votes obtained in a constituency the party lost, but also the surplus votes obtained in

¹¹ Ron Johnston. 2002. “Manipulating Maps and Winning Elections: Measuring the Impact of Malapportionment and Gerrymandering.” *Political Geography* 21: pages 1-31.

¹² See Nicholas Stephanopoulos and Eric McGhee. 2015. “Partisan Gerrymandering and the Efficiency Gap.” *University of Chicago Law Review* 82,831.

districts the party won: what Johnston called “ineffective votes.” For Stephanopoulos and McGhee, “wasted votes” are all the votes received by a party in districts that it loses, combined with all the surplus votes beyond the winning threshold in districts it wins. They calculate the total wasted votes for each party in each district, tally them over all districts, and divide by the total number of votes cast. They refer to this construct as the “efficiency gap.” To see how this works, let us return to our examples.

Table 4: Efficiency Gap Calculations in Hypothetical Examples

Example 1: Symmetric Distribution					Example 2: Asymmetric Distribution			
District	Dem	Rep	Dem Wasted Votes	Rep Wasted Votes	Dem	Rep	Dem Wasted Votes	Rep Wasted Votes
1	2	8	2	2	3	7	3	1
2	3	7	3	1	4	6	4	0
3	3	7	3	1	4	6	4	0
4	4	6	4	0	4	6	4	0
5	4	6	4	0	4	6	4	0
6	5	5	0	0	4	6	4	0
7	5	5	0	0	4	6	4	0
8	5	5	0	0	4	6	4	0
9	5	5	0	0	4	6	4	0
10	5	5	0	0	5	5	0	0
11	6	4	0	4	5	5	0	0
12	6	4	0	4	5	5	0	0
13	7	3	1	3	7	3	1	0
14	7	3	1	3	9	1	3	1
15	8	2	2	2	9	1	3	1
Total	75	75	20	20	75	75	42	3

38. Table 4 includes columns to capture wasted votes for the Republicans and Democrats in both hypothetical examples. In the first example, the Republicans win the first district in a landslide, 8-2. They waste two votes (since they only needed 6 to win), and the Democrats waste two votes in their losing effort. At the bottom of the table, I sum the wasted votes for each party. The Democrats and Republicans each waste the same number of votes, 20. Thus, the efficiency gap is zero.
39. Next, consider the second example. The Republicans have a very efficient distribution of support such that they received six votes in several districts, while the Democrats wasted votes in a handful of districts that they won by large majorities. In this example, the Republicans waste only three votes while the Democrats waste 42. Thus, there is an efficiency gap of 39, which amounts to 26 percent of all votes cast.

40. Let us now apply this approach to the 2021 Congressional Plan in Ohio. First, I have summed up all the votes received by Democratic and Republican candidates in each of the statewide races from 2016 to 2020 listed above, and use these sums to calculate the efficiency gap. Aggregating precinct-level data from these races to the level of districts in the Enacted Plan, we see the efficiency gap associated with the Enacted Plan is quite large—24 percent—indicating that Republicans’ votes are distributed across districts with far greater efficiency than those of Democrats. In fact, the distribution of partisanship created by the General Assembly’s plan is quite similar to that in the second hypothetical example of Table 3.
41. In order to put this in perspective, it is useful to engage in some simple cross-state comparisons. As a metric, the efficiency gap is known to be less reliable in non-competitive states, as well as states with few congressional districts. Thus, I calculate the efficiency gap for the districts used in the last redistricting cycle, focusing on states with more than four congressional districts among the relatively competitive states featured in Figure 2 above. One drawback of the efficiency gap is that the measure is not always stable for a set of districts when one switches from using data from one election to another, depending on the individual quirks of incumbents and challengers, and patterns of split-ticket voting. In order to compare apples with apples and mitigate candidate-specific effects, I use data from the 2016 and 2020 presidential elections, aggregated to the level of congressional districts.
42. Using data from the 2016 presidential election, the efficiency gap associated with the Enacted Plan is almost identical to what I calculated using all of the Ohio statewide elections from 2016 to 2020: 24 percent. I also calculated the efficiency gap using the 2016 presidential election for the other large, competitive states discussed above. The efficiency gap associated with the Enacted Plan is larger than those observed in Colorado, Florida, Missouri, Arizona, Virginia, Indiana, Minnesota, Michigan, Georgia, and Wisconsin, surpassed only by Pennsylvania’s notorious (and ultimately invalidated) map, where the efficiency gap calculated using 2016 presidential data was 38 percent.
43. Using data from the 2020 presidential election, the efficiency gap associated with the Enacted Plan is around 16 percent. This is slightly lower than the 24 percent figure associated with all statewide races, largely because relative to a typical statewide race in Ohio, the Republican candidate, Donald Trump, won by larger margins in rural areas, hence producing more wasted votes for Republicans, and Democratic candidate Joseph Biden won by slightly smaller margins in urban core areas, leading to slightly fewer wasted votes for Democrats. A similar phenomenon occurred in other states, however, and 16 percent is larger than the efficiency gap calculated using 2020 data for any of the other states mentioned above, this time with the exception of Wisconsin, where the efficiency gap was 27 percent.¹³
44. In addition to the efficiency gap, another approach to measuring partisan asymmetry is to calculate so-called electoral bias.¹⁴ This approach flows directly from the vote-seat curves in

¹³ Note that I do not have 2020 presidential data aggregated to the level of the court-invalidated Pennsylvania districts that were no longer in use in 2020.

¹⁴ See Edward Tufte. 1973. “The Relationship Between Seats and Votes in Two-Party Systems,” *American Political Science Review* 67: pages 540-554; Bernard Grofman. 1983. “Measures of Bias

Figure 4 above. Recall that because of the “winner’s bonus” and the typical shape of vote-seat curves, if we observe that a party gets a seat share that is higher than its vote share, it could very well be the case that the other party would receive a similar bonus if it had received a similar vote share. We would like to know if, with a similar share of the vote, the parties can expect similar seat shares. If not, it indicates the presence of electoral bias favoring one party over the other.

45. From the observed distribution of district-level election results, one can simulate the relationship between votes and seats under other hypothetical vote shares than the one observed. Above all, it is useful to examine the hypothetical of a tied election: With 50 percent of the vote, can each party expect 50 percent of the seats? Or can one party expect a larger seat share due to its superior efficiency of support across districts? In the examples above, there is no electoral bias in the symmetric case, but in the asymmetric example, the (pro-Republican) electoral bias is 10 percent. This can be seen in Figure 4 above: a 50 percent vote share on the horizontal axis corresponds to a 60 percent seat share on the vertical axis.
46. I calculate the electoral bias based on all Ohio statewide elections from 2016 to 2020. This approach indicates that in a tied election, the Republican Party could nevertheless expect to win 10 of 15 seats, or around 66.7 percent, under the Enacted Plan. The measure of electoral bias, then, is 16.7 percent.
47. In recent years there has been a lively debate about whether courts should adopt a specific measure as a “talismanic” indicator of impermissible gerrymandering. The approach of this affidavit is neither to contribute to this debate nor endorse a specific measure. For the most part, critics of the various measures often dwell on the prospect that they will produce false negatives. That is, they might fail to recognize a gerrymander when one is in fact present.¹⁵
48. As can be appreciated from the discussion above, these metrics are not always stable when we switch from the analysis of one type of election to another. Statewide results and the spatial distribution of support can vary across elections in ways that push pivotal districts above the 50 percent threshold in some races but not others—especially when we are simulating hypothetical tied elections in order to calculate electoral bias. Perhaps the most vexing problem with these indicators is that, when we are attempting to assess the likely seat share associated with future elections in the next redistricting cycle from a single statewide election—for instance a presidential election—we ignore the power of incumbency. As described above, Ohio’s Republican congressional incumbents typically outperform

and Proportionality in Seats-Votes Relationships,” *Political Methodology* 9: pages 295-327; Gary King and R. Browning .1987. “Democratic Representation and Partisan Bias in Congressional Elections,” *American Political Science Review* 81: pages 1251-1273; Andrew Gelman and Gary King. 1994. “A Unified Method of Evaluation Electoral Systems and Redistricting Plans,” *American Journal of Political Science* 38, pages 514-544; and Simon Jackman. 1994. “Measuring Electoral Bias: Australia 1949-1993,” *British Journal of Political Science* 24: pages 319-357.

¹⁵ See, for instance, Jonathan Krasno, Daniel Magleby, Michael, D. McDonald, Shawn Donahue, and Robin Best. 2018. “Can Gerrymanders be Measured? An Examination of Wisconsin’s State Assembly,” *American Politics Research* 47,5: 1162-1201, arguing that the efficiency gap often produces false negatives.

statewide candidates by several percentage points. Thus, there is reason for deep skepticism about the notion that a statewide swing of 3 percentage points, for instance, would yield a Democratic victory in District 1 as drawn by the General Assembly, or that a statewide swing of four percentage points would yield a Democratic victory in District 15.

49. In any case, whether we pursue 1) a simple comparison of the anticipated seat share with the statewide vote share, 2) a measure of the efficiency of support across districts, or 3) electoral bias, it is clear that the Enacted Plan's districts provide a very substantial benefit to the Republican Party. That is, under any of these measures, and with regard to any of the individual elections or aggregated election results considered above, the 2021 Congressional Plan significantly advantages the Republican Party.

VI. HOW DOES THE 2021 CONGRESSIONAL PLAN TREAT INCUMBENTS?

50. In addition to analyzing the extent to which the Enacted Plan favors or disfavors a party in the aggregate, I have also been asked to examine the extent to which it disproportionately favors or disfavors the *incumbents* for one of the two parties. Under the previous plan, there were 12 Republican incumbents. One of these, Anthony Gonzalez, has announced his retirement. All of the remaining districts with Republican incumbents continue to have Republican majorities—most of them quite comfortable.
51. The only district with a Republican incumbent worthy of further discussion is District 1. The district had previously been drawn to bisect Cincinnati, which had the effect of preventing the emergence of a majority-Democratic district in a heavily Democratic urban area by creating two districts in which parts of Cincinnati were subsumed into Republican exurban and rural areas. The Ohio Constitution now requires that Cincinnati be wholly contained within a single district, which, to my understanding, given their residential addresses, required that two Republican incumbents end up in the same district (although there is no in-district residency requirement for candidates for the U.S. House in Ohio). However, one of the supposedly paired incumbents, Representative Brad Wenstrup, has announced that he intends to seek re-election in District 2, thereby eliminating the possibility of a double-bunking of incumbents in District 1.¹⁶
52. The legislature has redrawn District 1 to include many of the suburban and rural areas that had previously been in District 1, where Steve Chabot is a long-serving incumbent. By carving out the Democratic suburban areas north of Cincinnati and combining the city with extremely Republican rural areas, the legislature has managed to unify Cincinnati while only slightly increasing the district's Democratic vote share, thus likely keeping it safe for the Republican incumbent, who, as mentioned above, has benefited from a large incumbency advantage.
53. In all the other districts with Republican incumbents, safe margins have been maintained so that incumbents are likely to survive even a significant statewide swing toward the

¹⁶ <https://highlandcountypress.com/Content/In-The-News/In-The-News/Article/Rep-Wenstrup-announces-intent-to-seek-re-election-in-2nd-District/2/20/74059>.

Democratic Party.

54. In contrast, of the four Democratic incumbents, only two continue to reside in majority-Democratic districts. The other two reside in dramatically reconfigured districts. Marcy Kaptur represented a relatively urban and comfortably Democratic District 9 (drawn in 2011 to pair Marcy Kaptur with another Democratic incumbent). This district has been redrawn to separate Ohio's northern industrial cities, thus subsuming Toledo in a much more rural district that now has a Republican majority. Tim Ryan, who has announced that he is running for the U.S. Senate, was the incumbent in District 13, which has been completely reconfigured as a predominantly rural, safe Republican district in the Enacted Plan.

VII. HOW DOES THE 2021 CONGRESSIONAL PLAN ACHIEVE THESE RESULTS?

55. Without a doubt, the Enacted Plan favors the Republican Party and its many incumbents, while disfavoring the Democratic Party and its handful of incumbents. One might suspect, however, that this outcome was driven not by the choices of the map-drawers, but by the Ohio Constitution—with its requirements about keeping counties, cities, and townships whole—combined with Ohio's political geography. I have written extensively about the difficulties for parties of the left in majoritarian democracies like the United States in an era when population density is becoming highly correlated with higher proportions of votes for more progressive candidates.¹⁷ Democrats are highly concentrated in cities and, increasingly, their suburbs. When cities are very large relative to the size of districts, this tends to create some districts in which Democrats win very large majorities. This can make their geographic distribution of support relatively less efficient if Republican majorities in rural areas are not correspondingly large. Thinking visually in terms of cross-district histograms, like those in Figure 3 above, the presence of overwhelmingly Democratic cities can pull out the left tail of the distribution, thus wasting some Democratic votes. Anyone drawing congressional districts—including a non-partisan computer algorithm or even a Democratic activist—is likely to draw a very Democratic district in Cleveland or Columbus. It is also the case that such a map-drawer cannot avoid creating some extremely Republican districts in rural areas.
56. However, the larger implication for the transformation of votes to seats depends crucially on what is happening in the middle of the distribution of districts. This is precisely where those drawing the districts have maximum discretion. With a very Democratic city like Cincinnati that is *not* especially large relative to the size of congressional districts, it is possible to avoid the emergence of a Democratic district altogether by cutting off its most Democratic suburbs—splitting communities of interest along the way—and combining it with far-flung rural areas. If smaller Democratic cities are close to one another, as in northwestern Ohio, or as in the Canton/Akron/Youngstown area, boundaries can be drawn to make sure they do not combine to form any district with an urban, and hence Democratic, majority. And when cities are sufficiently large that they must be subdivided, and can thus provide *two* Democratic majorities, as in Columbus, it is possible to conduct this subdivision in a way that prevents the emergence of a second Democratic district by packing as many Democratic votes into a

¹⁷ Jonathan Rodden, 2019, *Why Cities Lose: The Deep Roots of the Urban-Rural Political Divide*. New York: Basic Books.

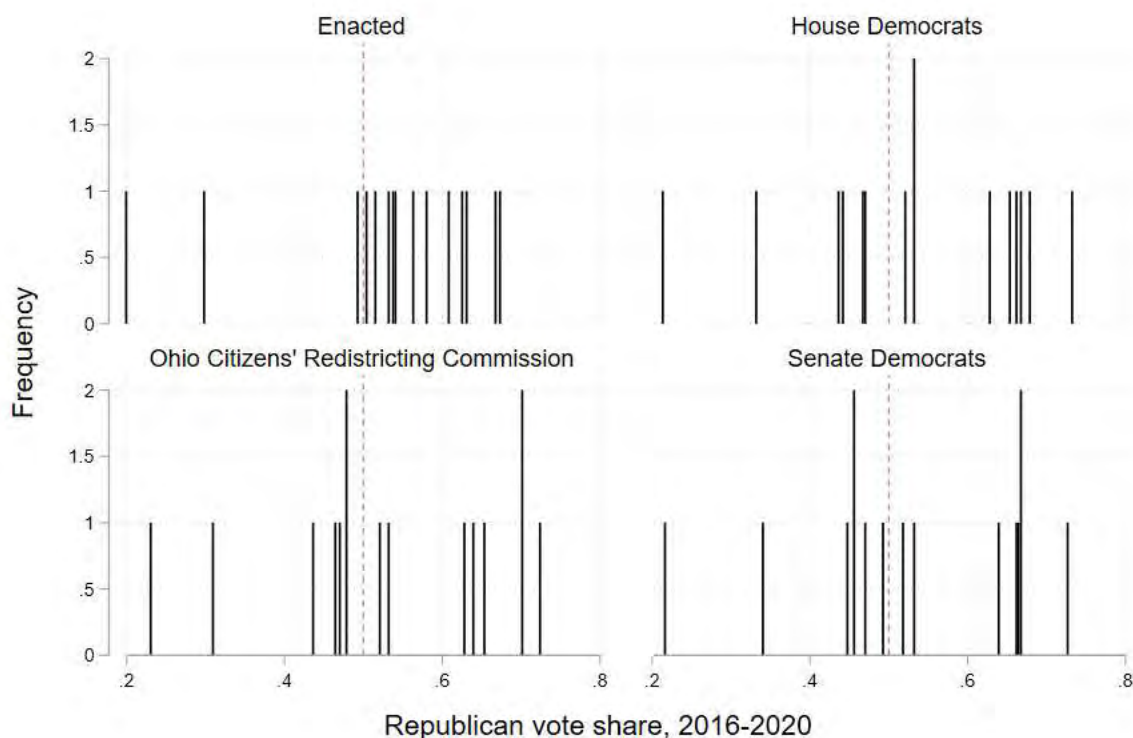
single district as possible. The legislature has pursued each of these strategies to prevent the emergence of majority-Democratic districts in Ohio.

57. In my academic research, I have shown that residential geography can make life easier for those drawing districts with the intent of favoring Republicans. With maneuvers like those described in the preceding paragraph, a Republican map-drawer can produce a substantial advantage for Republican candidates without drawing highly non-compact or odd-shaped districts. My research has also pointed out that a mere concentration of Democrats in cities is insufficient to produce advantages for Republican candidates. It is clearly the case that in states where Republicans have controlled the redistricting process, districts have favored Republicans far more than anything that can be explained by residential geography alone. Recall the striking difference between the black and red data markers in Figure 2 above, indicating that with similar levels of partisanship, districts drawn by Republican legislators have had far larger Republican seat shares than those drawn by courts, commissions, and divided legislatures. In fact, in my academic writings, I have used Ohio in the 2010 redistricting cycle as a leading example of this phenomenon.¹⁸
58. In order to verify that the extreme pro-Republican bias described above was not forced upon the legislature by the Ohio Constitution or residential geography of Ohio, it is useful to conduct a simple exercise: we can examine the congressional maps submitted by Democrats and other groups in the state legislature. The purpose of this exercise is not to recommend these maps for adoption. Rather, these maps are useful because they were available to the legislature prior to adopting their map and, if they comply with the Constitution, demonstrate similar or superior compactness, pursue fewer unnecessary county splits, and are less prone to splitting obvious communities of interest, we can conclude that the extreme pro-Republican slant of the Enacted Plan was not driven by residential geography or constitutional requirements, but by discretionary choices.
59. Figure 5 provides histograms of the composite vote share of statewide Republican candidates from 2016 to 2020—the same measure used extensively above—aggregated to boundaries of proposed congressional districts. The top left panel represents the enacted districts. The panels on the right represent districts proposed by the House (top) and Senate (bottom) Democrats, attached as Exhibits C and B, respectively. In the lower left-hand corner, I include a districting plan submitted by a group called the Ohio Citizens Redistricting Committee (OCRC), attached as Exhibit D.
60. Note that all the graphs share something in common. Each includes two extremely Democratic districts on the left-hand side of the graph. In each case, one is in Cleveland and one in Columbus. However, as described above, the Enacted Plan only includes a single additional district that is (barely) on the Democratic side of 50 percent, for a total of three. In the other comparison maps, there are seven districts with Democratic majorities in statewide races, six in the case of the House Democrats' plan. Thus, the Senate Democrats' plan and the OCRC plan, where 46.7 percent of the districts have Democratic majorities in statewide races, correspond almost exactly with the statewide aggregate vote share (see Table

¹⁸ See, for example, *Why Cities Lose*, op cit., Figure 6.2 on page 171 and the surrounding discussion, as well as Figure 6.8 on page 184 and the accompanying discussion in the text.

1 above), while the House plan falls short by one seat. In other words, if these maps were included in Figure 3 above, they would be on, or slightly below, the dotted line of proportionality, much like the court-drawn maps in Figure 3.

Figure 5: Histograms of Enacted and Alternative Maps



61. The Enacted Plan is also unique in that it avoids creating extremely Republican rural districts on the right side of the histogram. The vast majority of districts have comfortable but not staggering Republican majorities. In all, it is a textbook case of a map that creates an extremely efficient distribution of support for one party and an inefficient distribution for the other. As mentioned above, the efficiency gap (using composite statewide election results between 2016-2020) is 24 percent. The other maps are far more even-handed. For the House Democrats' plan, it is 3.5 percent (still favoring Republicans). For the Senate Democrats' plan and the OCRC plan, the distribution of support is slightly more efficient for the Democrats, with gaps that are swung in the other direction of 3.7 percent and 3.6 percent respectively.
62. What accounts for these large differences in the efficiency of support for the two parties in the different maps? Above all, the answer lies in the treatment of urban areas.
63. First, consider the Enacted Plan's treatment of Hamilton County. Any treatment of Hamilton County that attempts to minimize splits and keep Cincinnati-area communities together would produce a majority-Democratic district. Any such district would keep northern suburbs with large Black populations, like North College Hill and Mount Healthy, together with similar neighborhoods across the Cincinnati boundary. Each of the alternative maps

keeps Hamilton County mostly whole, and keeps the Black community together, in a relatively compact district contained entirely within the county.

Figure 6: Partisanship and the Enacted Plan's Districts, Hamilton County and Surroundings

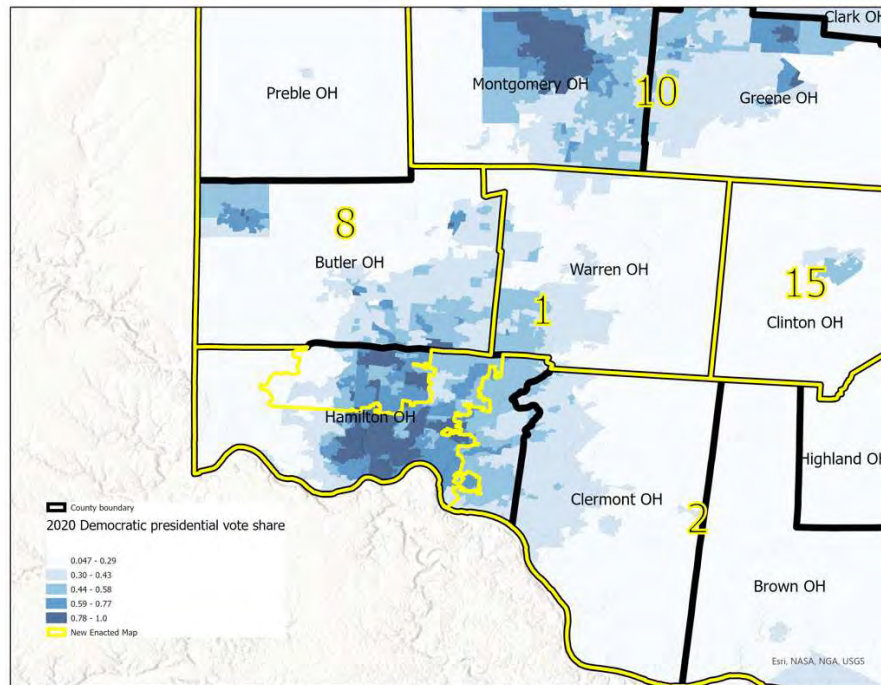
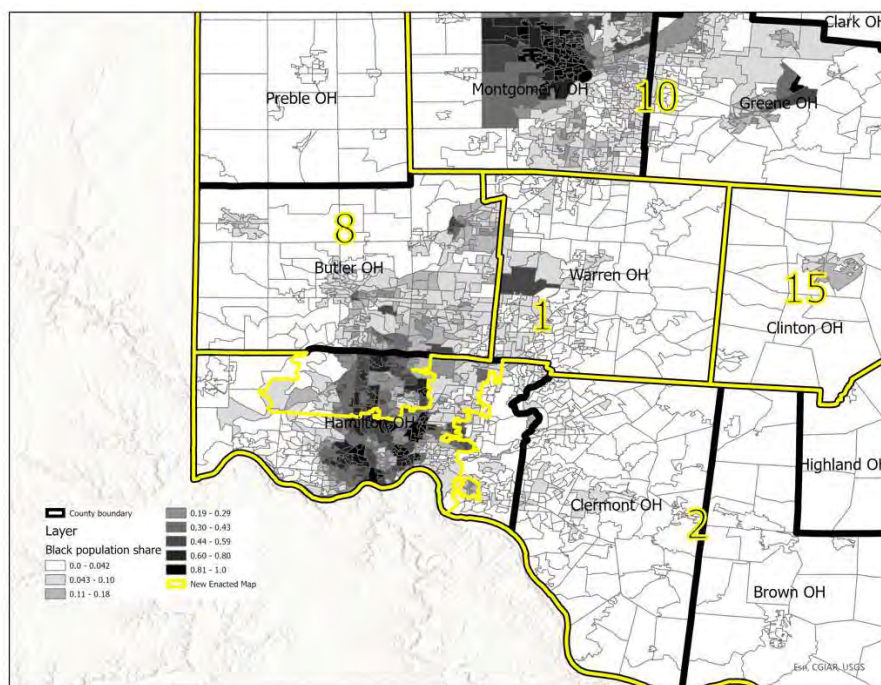
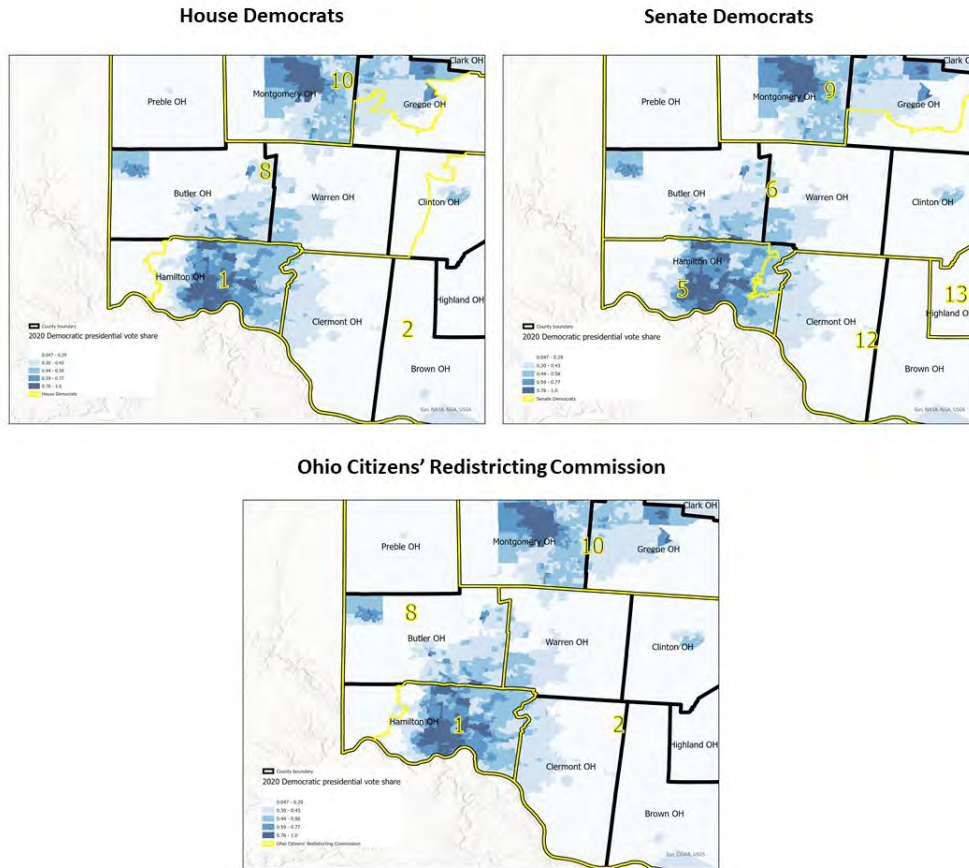


Figure 7: Race and the Enacted Plan's Districts, Hamilton County and Surroundings



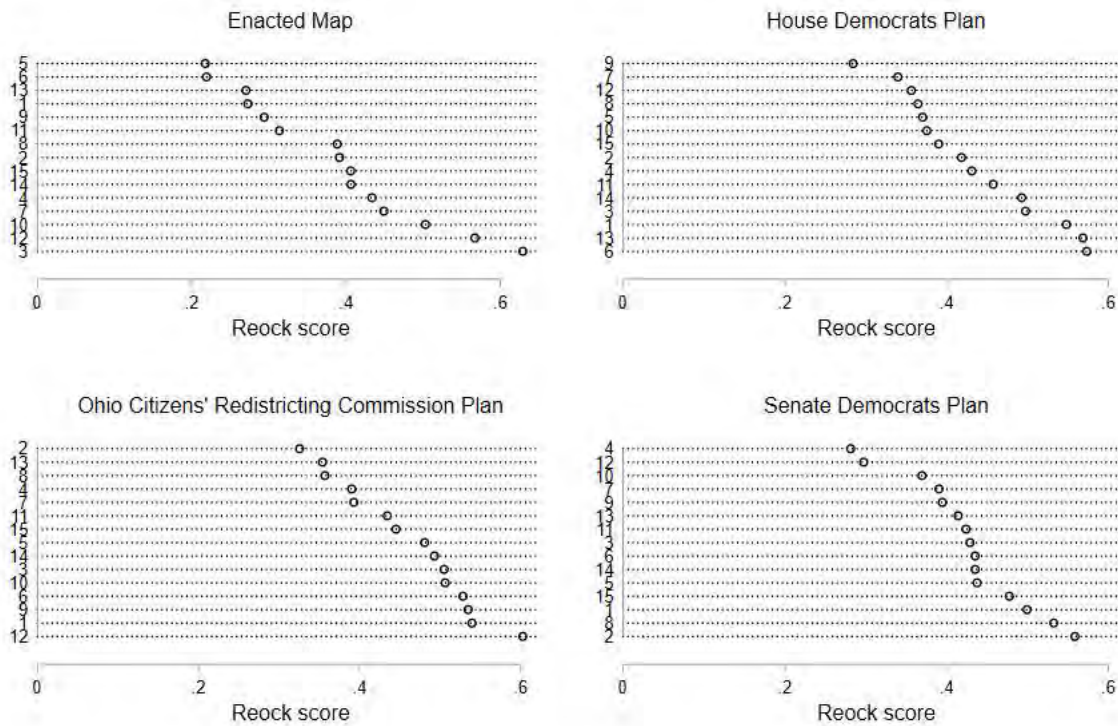
64. However, the Enacted Plan traverses the Hamilton County boundary in *three* different places in order to overwhelm Cincinnati's Democratic population with a sufficient number of exurban and rural Republicans. The entire urban, Black population of Northern Hamilton County is carved out from its urban surroundings and combined with a rural Republican district, District 8, whose northern boundary is 85 miles away. Second, instead of being combined with its immediate inner-ring suburbs, Cincinnati is combined with rural Warren County via a very narrow corridor in District 1. Finally, Cincinnati's eastern suburbs are extracted and combined with District 2, which is extremely rural and Republican.
65. This can be visualized in Figure 6, which overlays the Enacted Plan on a map of partisanship, from precinct-level results of the 2020 presidential election. Figure 7 then overlays the district boundaries on a map that shows the area's racial composition. It highlights the extent to which the Enacted Plan splits Hamilton County's Black population.
66. Under any method of counting splits, the Enacted Plan's approach involves at least two splits of Hamilton County—a line running north-south on the east side of the county and another one that carves out the northern suburbs. These maneuvers are clearly not necessary for any reason other than partisan advantage. Each of the alternative plans keeps metro Cincinnati together in a compact district remaining within the county, avoids splitting the Black community, and splits the county only once.
67. The arrangement of these plans can be seen in Figure 8. Clearly, it is quite straightforward to draw a district that is compact, minimizes splits, and keeps the Black community together. Notably, these arrangements all produce a majority-Democratic district (56.5 percent for the House Democrats' plan, 55.4 percent for the Senate Democrats' plan, and 56.4 percent for the OCRC plan).

Figure 8: Partisanship and Districts of Alternative Plans, Hamilton County and Surroundings



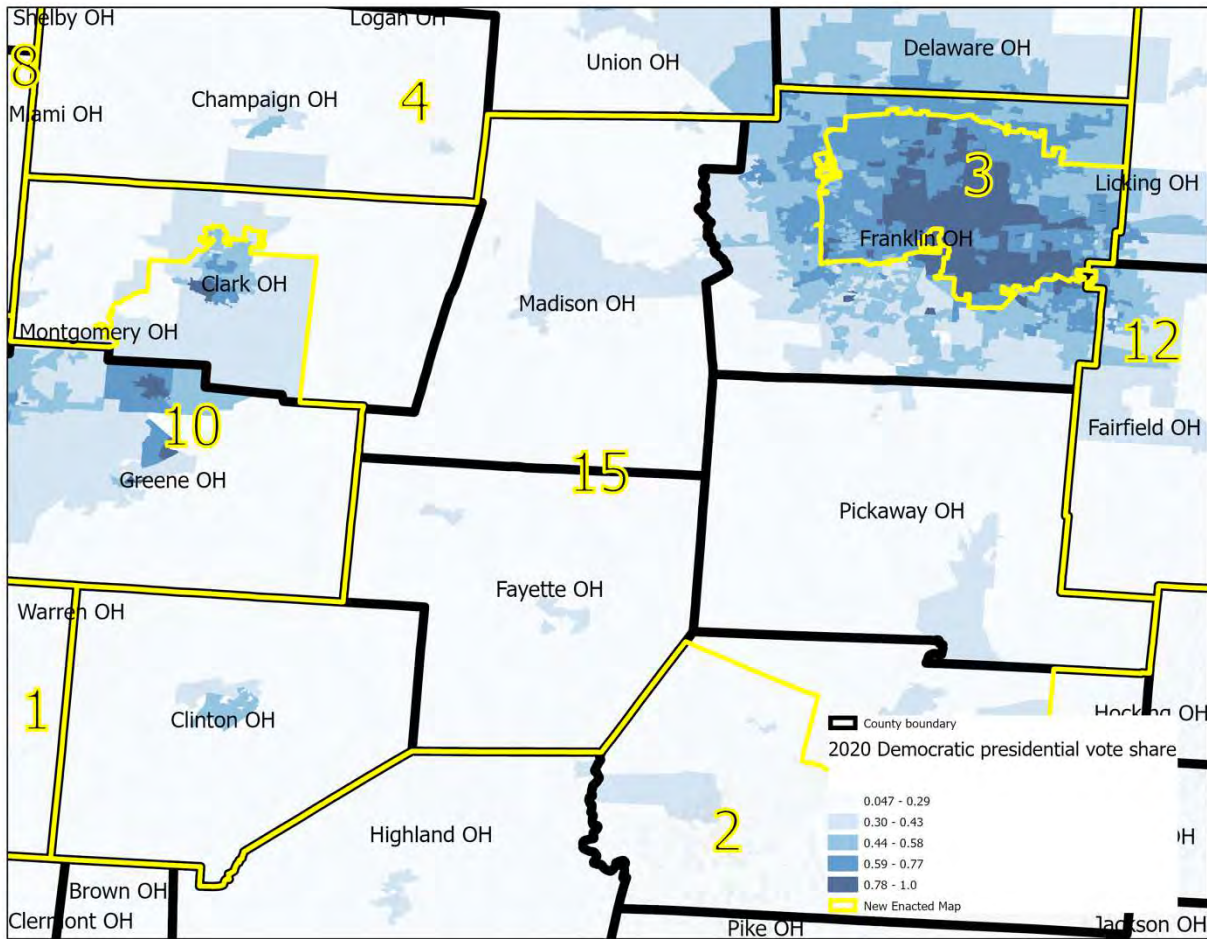
68. These alternative plans are also more compact than the Enacted Plan, both in the areas in and around Hamilton County and (as discussed below) plan-wide. Higher Reock score values indicate greater compactness. The Reock score for the General Assembly's District 1 was .27. The Reock score for District 1 in the OCRC plan is .54, and the score for the comparable district (5) in the Senate Democrats' plan is .44. Summary information about Reock scores for all the districts in each of these plans is provided in Figure 9 below.

Figure 9: Reock Scores for Enacted and Alternative Plans



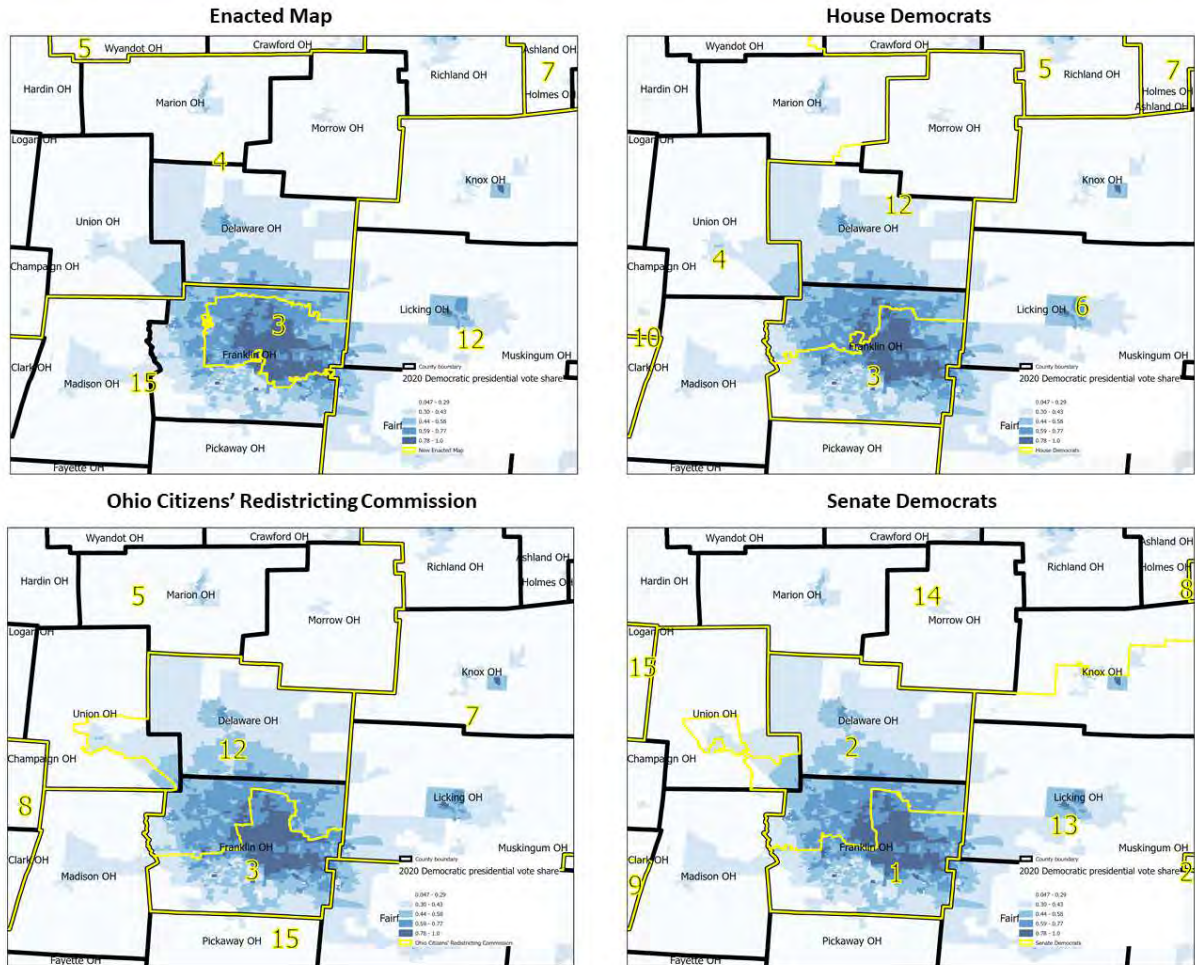
69. Next, consider the Columbus area in Franklin County. The city of Columbus is larger than a unit of congressional representation, so it must be split. In Cincinnati, it was possible to maneuver to avoid the creation of a Democratic district that would have otherwise emerged. But in Columbus, the number of Democratic voters was simply too large to pursue that strategy. The Enacted Plan in Franklin County packs Democrats into one very Democratic Columbus district (District 3). It then reaches around the city to extract its outer reaches and suburbs, connecting them with far-flung rural communities to the southwest—an arrangement that prevents the emergence of a second Democratic district by removing Democratic Columbus-area neighborhoods from their context and submerging them in rural Republican areas (see Figure 10).

Figure 10: Partisanship and Enacted Districts, Columbus and Surroundings



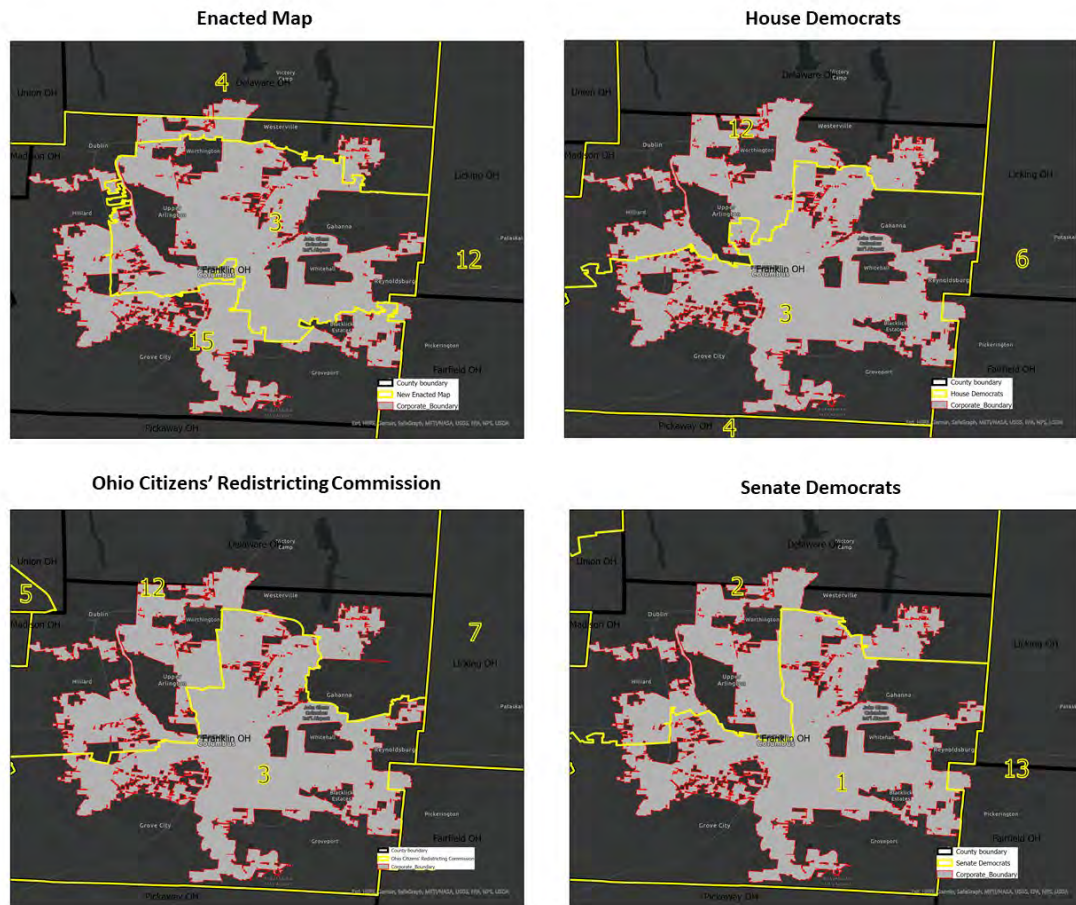
70. In contrast, the alternative plans split Columbus with a line that runs from west to east (see Figure 11). This arrangement creates a compact southern Columbus district that includes much of the city and its southern suburbs, and a relatively compact northern Columbus district that is able to include all of the northern reaches of the city and its suburbs. In northern Franklin County, the cities of Westerville, Columbus, and Dublin all cross over into Delaware County, and these alternative plans keep them together. In fact, Dublin also extends into Union County, and the Senate Democrats' plan and the OCRC Plan extend into Union County and keep Dublin whole. Given the fact that Columbus and its suburbs spill into counties to the north, if one is attempting to keep communities together, the northern border—not the western border—is the obvious place to extend the second Franklin County/Columbus district.

Figure 11: Partisanship and Enacted and Alternative Districts, Columbus and Surroundings



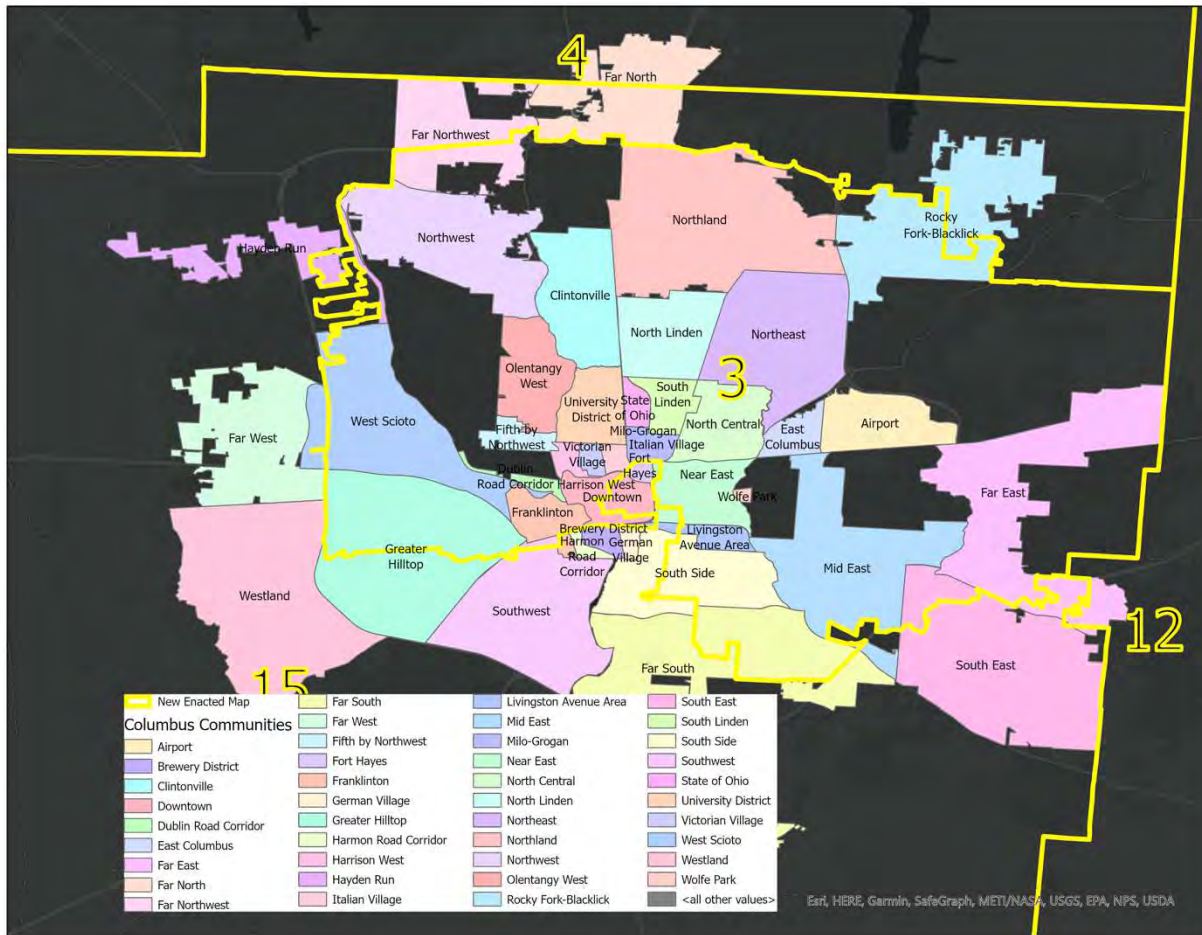
71. The Enacted Plan produces several non-contiguous chunks of Columbus that are removed from the city and placed in largely rural District 15. Figure 12 features the Columbus Corporate Boundary and its interaction with the Enacted Plan as well as the alternative plans. In the Enacted Plan, there are five chunks of non-contiguous territory that are carved away from Columbus and placed in District 15 (two in the north, one in the west, one in the southwest, and one in the southeast). In contrast, each of the alternative plans places two non-contiguous chunks of Columbus in its northern Columbus-oriented district, and the House Democrats' plan also includes a third tiny non-contiguous sliver of Columbus that abuts Upper Arlington and Grandview Heights.

Figure 12: The Boundary of the City of Columbus and Boundaries of the Enacted Plan and Alternative Plans



72. Perhaps a better way to contrast the way these redistricting plans treat Columbus is to examine its communities. The city of Columbus produces maps of areas recognized by the city as distinct communities. Figure 13 provides a map of Columbus communities and the boundaries of the Enacted Plan. Due to its circumnavigation of the city, the Enacted Plan splits 15 of Columbus' communities (16 if we include the Far North, which extends into Delaware County). For instance, the northern part of the Rocky Fork-Blacklick area is extracted and placed in a rural district that curls around the city and extends 100 miles to the southwest. On the south side of Columbus, the Hilltop neighborhood is cleaved down the middle. Residents on the north side of Sullivant Avenue are in an urban district with a large Democratic majority, while residents on the south side of the street are in a rural district that extends to the southwest part of the state. Along the eastern boundary of Franklin County in the southeast part of Columbus, several neighborhoods with large minority populations are split between the Columbus-based District 3 and the rural District 15.

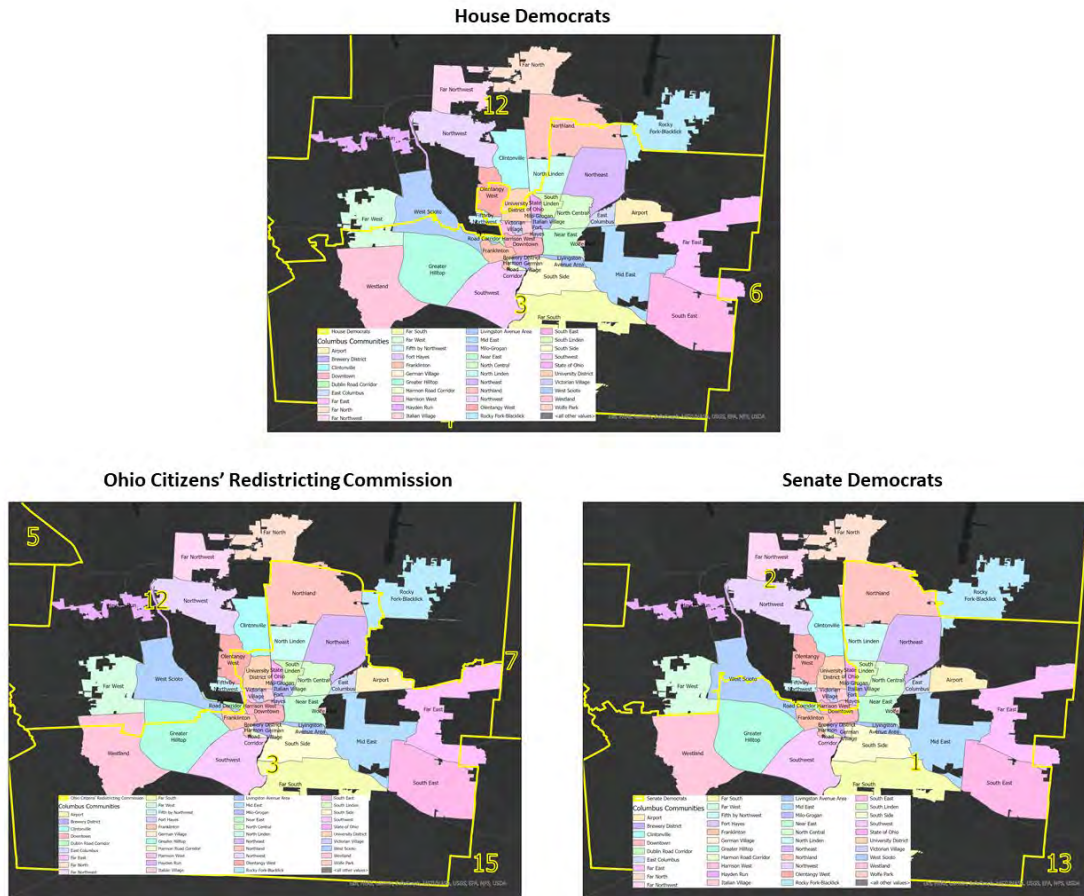
Figure 13: The Boundary of the Communities of the City of Columbus and Boundaries of the Enacted Plan



73. The approaches taken to dividing Columbus in the alternative plans produce fewer subdivisions of Columbus communities. The House Democrats' plan splits eight communities, while the Senate Democrats' plan splits five, and the OCRC plan splits 10 (see Figure 14).¹⁹

¹⁹ In the Senate Democrats' and OCRC plans, one of these splits, to the community of Northland, involves a single small precinct that is separated from the rest of the community by Highway 270.

Figure 14: The Boundary of the Communities of the City of Columbus and Boundaries of the Alternative Plans



74. Next, consider Summit County and the Akron area. As with Cincinnati, the Enacted Plan cuts off Akron's eastern suburbs from the city. In this case, the maneuver introduces a long, narrow north-south corridor that is, in one spot, less than one mile wide, connecting a number of relatively urban, Democratic-leaning precincts, removing them from their geographic context, and combining them with rural areas well to the southwest. For example, Twinsburg, a small city nestled between Cleveland and Akron near the northern border of Summit County, is in a district with neither of them. Rather, it is part of a rural district well to the south, whose southwest border is over 70 miles away, where Ashland, Knox, and Richland counties come together. And rather than combining Akron with its own suburbs, the Enacted Plan combines it with rural Medina County and the most Republican outer exurbs of Cleveland (see Figures 15 and 16).

Figure 15: Partisanship and the Boundaries of the Enacted Plan, Northeast Ohio

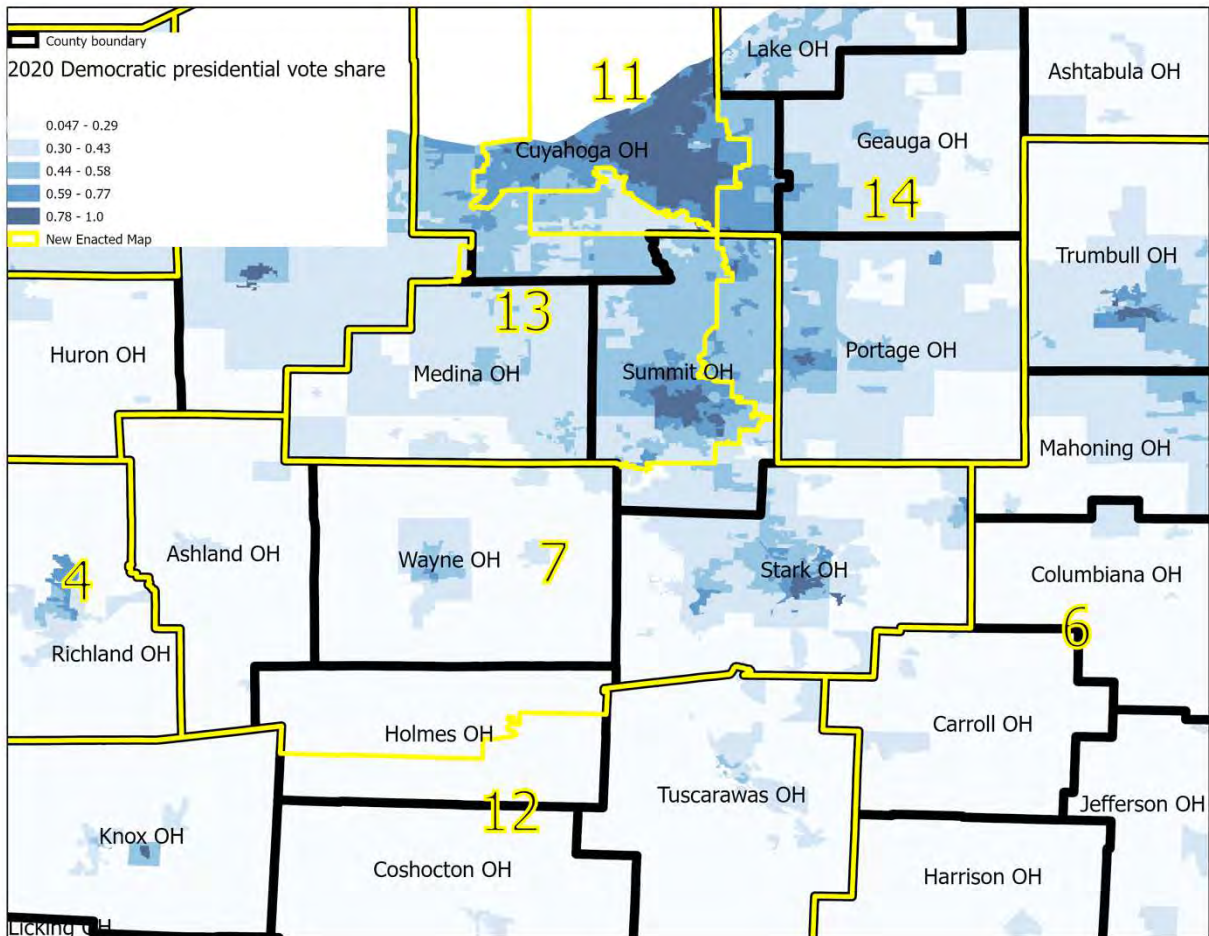
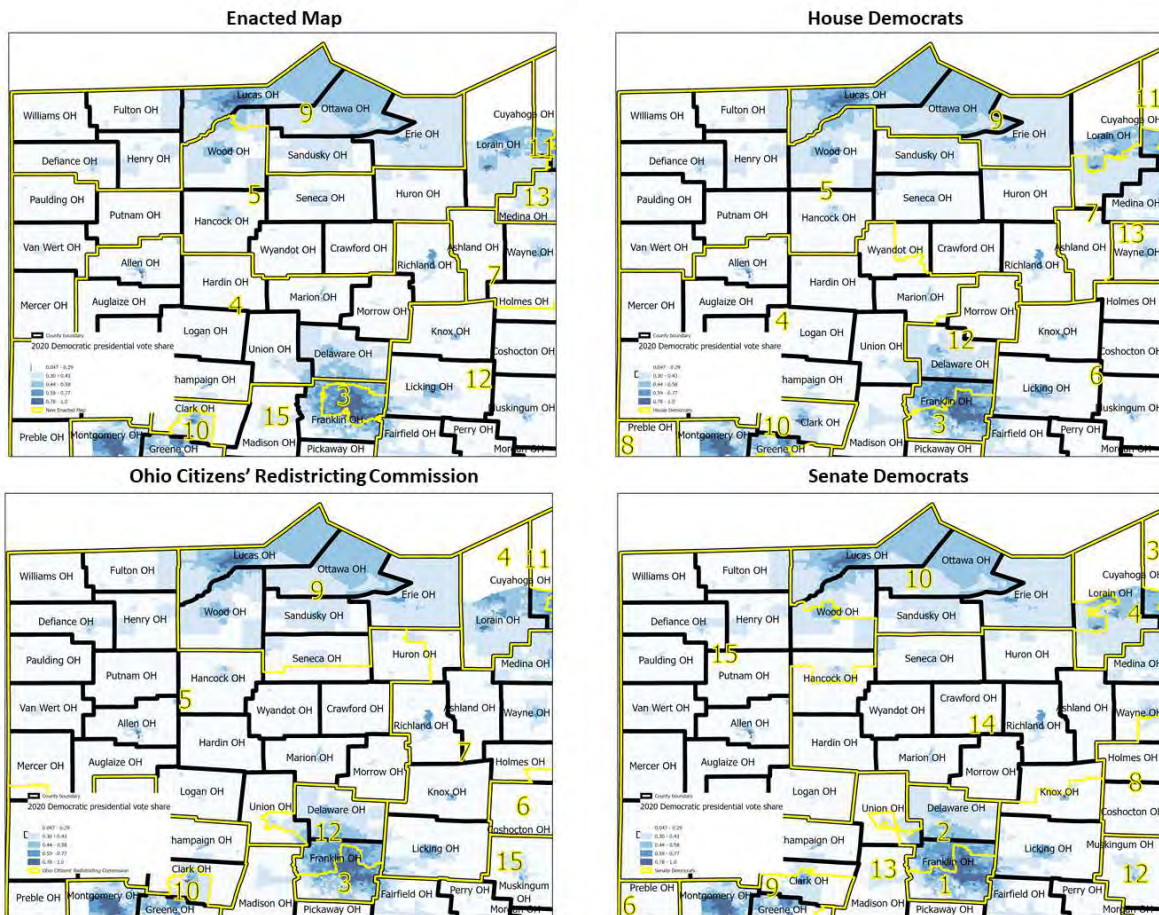


Figure 16: Partisanship and the Boundaries of the Enacted and Alternative Plans, Northeast Ohio



75. Next, consider Cuyahoga County and Cleveland. Here, the Enacted Plan produces multiple splits of Cuyahoga County—placing fragments in three different districts, and an arrangement featuring a narrow corridor that is, in one spot, the width of one census block, with no road connecting the fragments. In this area, four districts—7, 11, 13, and 14—converge upon an area spanning less than a square mile. The Cleveland-based District 11 nearly splits District 14 in half (i.e., making it noncontiguous), but for the grace of the one census block mentioned above.
76. Finally, consider Northwest Ohio. The Enacted plan and the three alternative plans are depicted in Figure 17. Each of the plans includes Toledo and draws a relatively narrow district that runs from West to East along the Michigan border and Lake Erie. However, the General Assembly's plan stops short of Lorain County and its Democratic cities, extending instead all the way to the Western border with an arrangement that, reminiscent of the Cincinnati strategy described above, combines Toledo with very rural areas. In this arrangement, the Democratic cities of Lorain County are removed from their geographic context and subsumed within a narrow rural district 5 that reaches all the way to the Indiana border.

Figure 17: Partisanship and the Boundaries of the Enacted and Alternative Plans, Northwest Ohio



77. In contrast, the plans created by the House Democrats and Senate Democrats simply extend the district slightly to the East—leaving out the Western rural counties—keeping the string of proximate industrial towns along Lake Erie together. The Senate Democrats’ plan and the OCRC plan also extend into Wood County to keep Toledo’s Southern suburbs together with the city. In contrast with the General Assembly’s plan, each of these plans creates a Democratic-leaning district. According to the Reock score, the Senate Democrats and OCRC version of District 9 is more compact than the General Assembly’s version.
78. In sum, the 2021 Congressional Plan includes consequential extra county splits vis-à-vis the alternative plans in Hamilton, Summit, and Cuyahoga Counties. It includes two counties—Hamilton and Cuyahoga—that are split between three districts, whereas the alternative plans never do this. If we simply add up county splits, there are 12 split counties in the Enacted Plan, but since two of them are split multiple times, the total number of splits is 14. The Senate and House Democrats’ plans split 14 individual counties, while the OCRC plan splits 13 individual counties.
79. While prioritizing counties first, the Ohio Constitution also instructs those drawing the districts as a secondary priority to attempt to avoid splits of townships and as a third priority,

to avoid splits of municipal corporations. The Enacted Plan, along with those submitted by the Senate and House Democrats, achieved absolute population equality across districts. In order to do so, it was necessary to split a number of townships and/or cities. The General Assembly, along with the Senate and House Democrats, clearly placed considerable effort into minimizing these splits. OCRC did not attempt to achieve absolute population equality, and while its plan achieved fewer county splits than the other plans, it was less successful in avoiding township splits.

80. Of the four plans considered here, the plan submitted by the Senate Democrats performs the best when it comes to avoiding township splits. By my accounting, which is explained in Appendix B, this plan did not split any townships, while producing 15 city splits. The Enacted Plan created a total of 17 splits, 8 of which involved townships. The House Democrats' plan creates 19 splits, 13 of which involved townships. The OCRC plan produced 27 splits, all of which were townships except for the city of Columbus.
81. In addition to providing guidance about county splits, the Ohio Constitution also calls for compact districts. As already indicated in the discussion above, the Enacted Plan produces a set of districts that are less compact than those of the alternative plans. Average compactness scores across all districts, including the Reock, Polsby-Popper, and Convex Hull scores, are set forth in Table 5. With each of these scores, a higher number indicates a higher level of compactness. On each indicator, the Enacted Plan is less compact than the alternative plans.

Table 5: Average Compactness Scores

	Reock	Polsby-Popper	Convex Hull
Enacted Plan	0.38	0.28	0.73
House Democrats	0.43	0.33	0.78
Senate Democrats	0.43	0.29	0.76
OCRC	0.46	0.37	0.79

82. As described above, and as explained further elsewhere,²⁰ highly non-compact districts are sometimes an obvious manifestation of efforts by partisan map-drawers to favor a political party. Among the clearest examples are the notorious maps of Pennsylvania and North Carolina from the last redistricting cycle. In these cases, given the underlying political geography, such maps were necessary in order to generate the maximum possible number of Republican seats. However, it is a myth that such odd-shaped districts are the *sine qua non* of gerrymandering. Depending on the underlying political geography, it is sometimes possible to draw maps that are extremely favorable to a political party— maps that pack and crack one's opponents, divide communities, and maximize a party's seat share—without drawing long tendrils and comical shapes in every region. Likewise, sometimes relatively

²⁰ Rodden, *Why Cities Lose*, op cit.

non-compact districts are forced upon district-drawers by natural geography and the specific rules governing the redistricting process in a state.

83. For this reason, one should approach average, plan-wide compactness scores like those in Table 5 with caution—especially for cross-state comparisons. However, the discussion above demonstrates that the extreme favorability of the General Assembly’s maps to the Republican Party and its incumbents required specific choices in certain urban areas, many of which clearly required non-compact districts, and a comparison with alternative maps clarifies that these choices were not forced by political geography or constitutional rules. The same is true about the General Assembly’s decisions to unnecessarily split several urban counties and the communities within them.

VIII. CONCLUSION

84. The 2021 Congressional Plan is highly favorable to the Republican Party and its incumbents, and it disfavors the Democratic Party and its incumbents. This is true not because of the requirements of the Ohio Constitution or the political geography of Ohio, but because of discretionary choices made by those drawing the districts, which had the effect of “packing” Democrats into districts that they win by large majorities and “cracking” Democratic communities that would otherwise have produced majority-Democratic districts. In drawing districts to achieve partisan gain, the General Assembly sacrificed compactness, introduced unnecessary splits to urban counties, and divided a number of urban and suburban communities, including minority communities, throughout the state.
85. I have read the Complaint filed in this action and affirm that the factual allegations contained in paragraphs 2, 4, 13, 14, 61, 98-100, 116-24, and 126-30 are true.



Jonathan Rodden

Sworn to before me this 22nd day of November 2021.

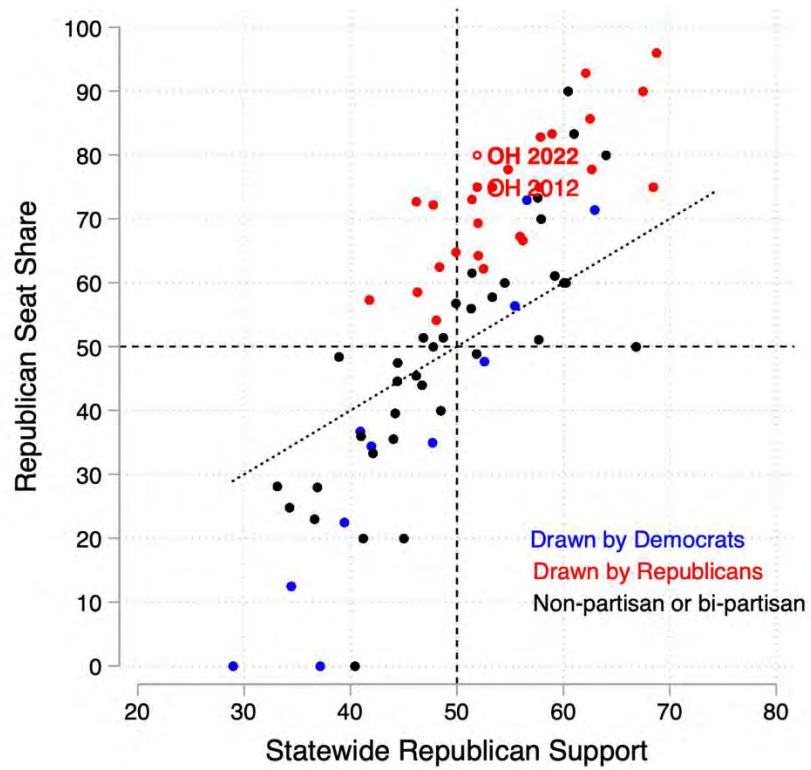
(See Attached Notarize.com Certificate for Notarization)

Notary Public

My commission expires 06/03/2025

Appendix A

Figure A1: Vote Shares in Statewide Elections and Seat Shares in Congressional Elections, 2000 and 2020 Redistricting Cycles, All States with 4 or More Seats



Appendix B: Splits of Municipal Subdivisions

I have attempted to assemble information on all the splits of townships and municipal corporations in the Enacted Plan and the three alternative plans. A complication is that cities and villages sometimes spill slightly over the boundary of a township, such that a district-drawer must choose between splitting the municipal corporation or the township. In such instances, I do not count a township that was clearly split in order to keep a municipal corporation whole, and likewise, I do not count splits of small fragments of cities that were clearly made in order to keep a township whole. I document these decisions in italics below. Furthermore, I attempt to avoid double-counting. If a single split of a municipal corporation also appears to split a township in which it is embedded, I only count a single split. As I discuss in the text, each of the plans introduces multiple splits of the City of Columbus, and I count each of these as a distinct split.

Enacted Plan

Sycamore Township and Kenwood CDP, Hamilton County

(This also splits Rossmoyne CDP, which is also in Sycamore Township, so count once).

Glendale Village, Hamilton County

Union Township, Ross County

City of Columbus, Franklin County (5 splits total, see main text)

Norwich Township is split, but this can potentially be explained by an effort to follow the Hilliard City line. Do not count

Green Township, Shelby County

Perrysburg Township, Wood County

Columbia Township, Lorain County

Belpre Township, Washington County

Berlin Township, Holmes County

Cuyahoga Falls City, Summit County

Stony Ridge CDP, but presumably this was done to keep Lake Township whole, so do not count.

Mad River Township and Green Meadows CDP (only count once), Clark County

Rocky River City, Cuyahoga County

Oakwood Village, Cuyahoga County

Total splits: 17, 8 of which are townships.

Senate Democratic Plan

Columbus City (two splits, see main text)

Marysville City, Union County

Berea City, Cuyahoga County

Madeira City, Hamilton County

Beavercreek City, Greene County

Massillon City, Stark County

Cambridge City, Guernsey County

Campbell City, Mahoning County

Wooster City, Wayne County

Springfield City, Clark County

Pike Township split to keep New Carlisle City together, so do not count

Amherst City, Elyria County

Amherst Township split to keep South Adams Village together, so do not count

Bowling Green City, Wood County

Mount Vernon City, Knox County

Findlay City, Hancock County

Total splits: 15, all cities.

House Democratic Plan

Mack CDP, also splits Green Township, Hamilton County; only count once as Township split

Union Township, Clinton County

Liberty Township, Clinton County

Buckskin Township, Ross County

Concord Township, Ross County

Dunham Township, Washington

Columbus City (3 splits, see text, see main text), Franklin County

Prairie Township is nominally split, but to keep Lake Darby CDP whole, so do not count

Waldo Township, Marion County

Antrim Township, Wyandot County

Pitt and Salem Townships nominally split in Wyandot County, but to keep the City of

Upper Sandusky together, so do not count.

Walnut Creek Township, Holmes County

Dunham Township, Washington County

Lake Township, Ashland County

Seven Hills City, Cuyahoga County

North Ridgeville City, Lorain County

Beavercreek City, Greene County

Canton Township, Stark County

Poland Township, Mahoning County

Total splits: 19 total splits, 13 are townships

Ohio Citizens Redistricting Commission Plan

Colerain Township, Hamilton County

Raccoon Township, Gallia County

Prairie Township, Franklin County

Columbus City, Franklin County (2 splits)

Blendon Township, Franklin County

Jefferson Township, Franklin County

Hartland Township, Huron
Fitchville Township, Huron
Greenwich Township, Huron
Dover Township, Union County
Paris Township, Union County
Jerome Township, Union County
Granville Township, Mercer County
Recovery Township, Mercer County
Big Spring Township, Seneca County
Richland Township, Guernsey County
Killbuck Township, Holmes County
Tuscarawas Township, Stark County
Lake Township, Stark County
Boardman Township, Mahoning County
Poland Township, Mahoning County
Coitsville Township, Mahoning County
Moorefield Township, Clark County
German Township, Clark County
Bethel Township, Clark County
Mad River Township, Clark County

Total splits: 27, all townships except Columbus

JURAT

State/Commonwealth of TEXAS)
)
☐ City ☒ County of Comal)

On 11/22/2021, before me, Lauren Peterson,
Date *Notary Name*

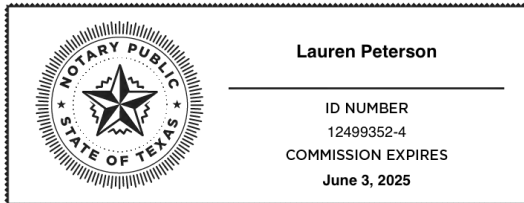
the foregoing instrument was subscribed and sworn (or affirmed) before me by:

Jonathan Rodden
Name of Affiant(s)

☐ Personally known to me -- **OR** --

☐ Proved to me on the basis of the oath of N/A -- **OR** --
Name of Credible Witness

☒ Proved to me on the basis of satisfactory evidence: driver license
Type of ID Presented



WITNESS my hand and official seal.

Lauren Peterson

Notary Public Signature: _____

Notary Name: Lauren Peterson

Notary Commission Number: 12499352-4

Notary Commission Expires: 06/03/2025

Notarized online using audio-video communication

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Title or Type of Document: Ohio Congressional Redistricting- Expert Affidavit

Document Date: 11/22/2021

Number of Pages (including notarial certificate): 39

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Exhibit A



Exhibit B

Proposed Sub SB 237 Map

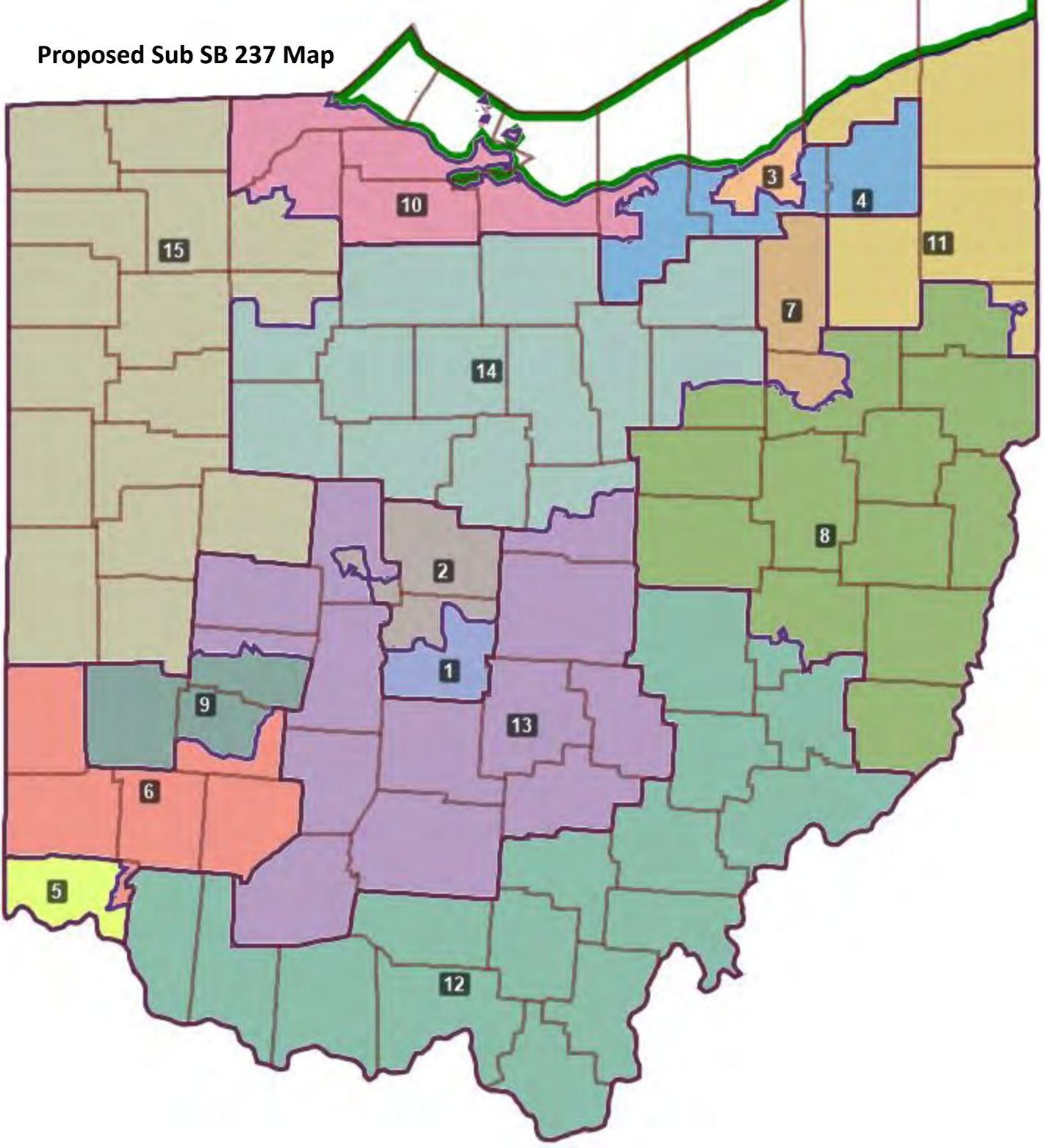


Exhibit C

Brown/Galonski Congressional District Proposal

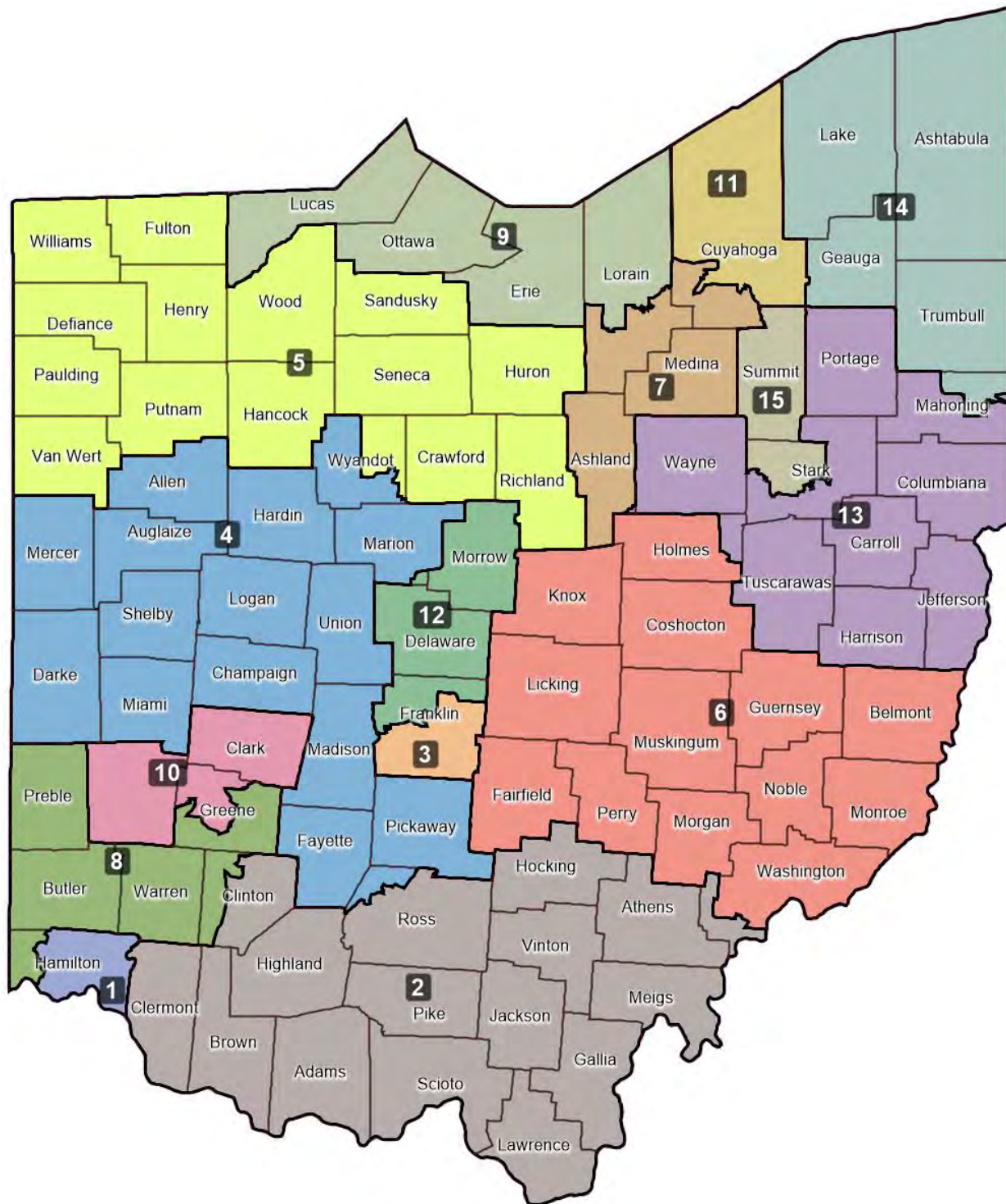


Exhibit D

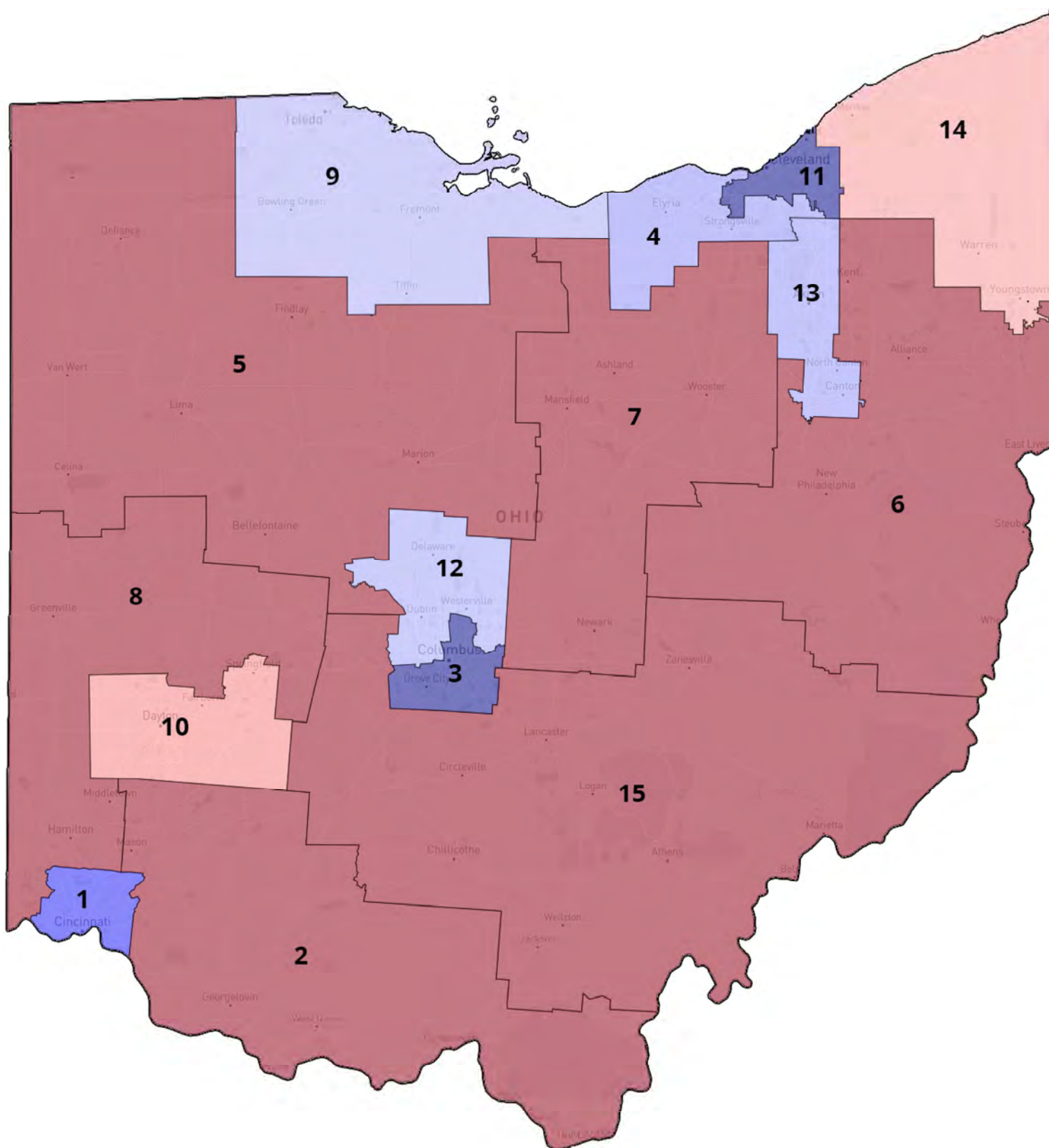


Exhibit E

U.S. Congressional Districts 2012-2022 in Ohio

(As Adopted 2012)



For the most up-to-date and detailed information on each district, please contact the local county board of elections.

Last Revised 02/2018

Exhibit F

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Education

Ph.D. Political Science, Yale University, 2000.

Fulbright Scholar, University of Leipzig, Germany, 1993–1994.

B.A., Political Science, University of Michigan, 1993.

Academic Positions

Professor, Department of Political Science, Stanford University, 2012–present.

Senior Fellow, Stanford Institute for Economic Policy Research, 2020–present.

Senior Fellow, Hoover Institution, Stanford University, 2012–present.

Director, Spatial Social Science Lab, Stanford University, 2012–present.

W. Glenn Campbell and Rita Ricardo-Campbell National Fellow, Hoover Institution, Stanford University, 2010–2012.

Associate Professor, Department of Political Science, Stanford University, 2007–2012.

Fellow, Center for Advanced Study in the Behavioral Sciences, Palo Alto, CA, 2006–2007.

Ford Career Development Associate Professor of Political Science, MIT, 2003–2006.

Visiting Scholar, Center for Basic Research in the Social Sciences, Harvard University, 2004.

Assistant Professor of Political Science, MIT, 1999–2003.

Instructor, Department of Political Science and School of Management, Yale University, 1997–1999.

Publications

Books

Why Cities Lose: The Deep Roots of the Urban-Rural Divide. Basic Books, 2019.

Decentralized Governance and Accountability: Academic Research and the Future of Donor Programming. Co-edited with Erik Wibbels, Cambridge University Press, 2019.

Hamilton's Paradox: The Promise and Peril of Fiscal Federalism, Cambridge University Press, 2006. Winner, Gregory Luebbert Award for Best Book in Comparative Politics, 2007; Martha Derthick Award for lasting contribution to the study of federalism, 2021.

Fiscal Decentralization and the Challenge of Hard Budget Constraints, MIT Press, 2003. Co-edited with Gunnar Eskeland and Jennie Litvack.

Peer Reviewed Journal Articles

Who Registers? Village Networks, Household Dynamics, and Voter Registration in Rural Uganda, 2021, *Comparative Political Studies* forthcoming (with Romain Ferrali, Guy Grossman, and Melina Platas).

Partisan Dislocation: A Precinct-Level Measure of Representation and Gerrymandering, 2021, *Political Analysis* forthcoming (with Daryl DeFord Nick Eubank).

Who is my Neighbor? The Spatial Efficiency of Partisanship, 2020, *Statistics and Public Policy* 7(1):87-100 (with Nick Eubank).

Handgun Ownership and Suicide in California, 2020, *New England Journal of Medicine* 382:2220-2229 (with David M. Studdert, Yifan Zhang, Sonja A. Swanson, Lea Prince, Erin E. Holsinger, Matthew J. Spittal, Garen J. Wintemute, and Matthew Miller).

Viral Voting: Social Networks and Political Participation, 2020, *Quarterly Journal of Political Science* (with Nick Eubank, Guy Grossman, and Melina Platas).

It Takes a Village: Peer Effects and Externalities in Technology Adoption, 2020, *American Journal of Political Science* (with Romain Ferrali, Guy Grossman, and Melina Platas). Winner, 2020 Best Conference Paper Award, American Political Science Association Network Section.

Assembly of the LongSHOT Cohort: Public Record Linkage on a Grand Scale, 2019, *Injury Prevention* (with Yifan Zhang, Erin Holsinger, Lea Prince, Sonja Swanson, Matthew Miller, Garen Wintemute, and David Studdert).

Crowdsourcing Accountability: ICT for Service Delivery, 2018, *World Development* 112: 74-87 (with Guy Grossman and Melina Platas).

Geography, Uncertainty, and Polarization, 2018, *Political Science Research and Methods* doi:10.1017/psrm.2018.12 (with Nolan McCarty, Boris Shor, Chris Tausanovitch, and Chris Warshaw).

Handgun Acquisitions in California after Two Mass Shootings, 2017, *Annals of Internal Medicine* 166(10):698-706. (with David Studdert, Yifan Zhang, Rob Hyndman, and Garen Wintemute).

Cutting Through the Thicket: Redistricting Simulations and the Detection of Partisan Gerrymanders, 2015, *Election Law Journal* 14,4:1-15 (with Jowei Chen).

The Achilles Heel of Plurality Systems: Geography and Representation in Multi-Party Democracies, 2015, *American Journal of Political Science* 59,4: 789-805 (with Ernesto Calvo). Winner, Michael Wallerstein Award for best paper in political economy, American Political Science Association.

Why has U.S. Policy Uncertainty Risen Since 1960?, 2014, *American Economic Review: Papers and Proceedings* May 2014 (with Nicholas Bloom, Brandice Canes-Wrone, Scott Baker, and Steven Davis).

Unintentional Gerrymandering: Political Geography and Electoral Bias in Legislatures, 2013, *Quarterly Journal of Political Science* 8: 239-269 (with Jowei Chen).

How Should We Measure District-Level Public Opinion on Individual Issues?, 2012, *Journal of Politics* 74, 1: 203-219 (with Chris Warshaw).

Representation and Redistribution in Federations, 2011, *Proceedings of the National Academy of Sciences* 108, 21:8601-8604 (with Tiberiu Dragu).

Dual Accountability and the Nationalization of Party Competition: Evidence from Four Federations, 2011, *Party Politics* 17, 5: 629-653 (with Erik Wibbels).

The Geographic Distribution of Political Preferences, 2010, *Annual Review of Political Science* 13: 297-340.

Fiscal Decentralization and the Business Cycle: An Empirical Study of Seven Federations, 2009, *Economics and Politics* 22,1: 37-67 (with Erik Wibbels).

Getting into the Game: Legislative Bargaining, Distributive Politics, and EU Enlargement, 2009, *Public Finance and Management* 9, 4 (with Deniz Aksoy).

The Strength of Issues: Using Multiple Measures to Gauge Preference Stability, Ideological Constraint, and Issue Voting, 2008. *American Political Science Review* 102, 2: 215-232 (with Stephen Ansolabehere and James Snyder).

Does Religion Distract the Poor? Income and Issue Voting Around the World, 2008, *Comparative Political Studies* 41, 4: 437-476 (with Ana Lorena De La O).

Purple America, 2006, *Journal of Economic Perspectives* 20,2 (Spring): 97-118 (with Stephen Ansolabehere and James Snyder).

Economic Geography and Economic Voting: Evidence from the U.S. States, 2006, *British Journal of Political Science* 36, 3: 527-47 (with Michael Ebeid).

Distributive Politics in a Federation: Electoral Strategies, Legislative Bargaining, and Government Coalitions, 2004, *Dados* 47, 3 (with Marta Arretche, in Portuguese).

Comparative Federalism and Decentralization: On Meaning and Measurement, 2004, *Comparative Politics* 36, 4: 481-500. (Portuguese version, 2005, in *Revista de Sociologia e Politica* 25).

Reviving Leviathan: Fiscal Federalism and the Growth of Government, 2003, *International Organization* 57 (Fall), 695-729.

Beyond the Fiction of Federalism: Macroeconomic Management in Multi-tiered Systems, 2003, *World Politics* 54, 4 (July): 494-531 (with Erik Wibbels).

The Dilemma of Fiscal Federalism: Grants and Fiscal Performance around the World, 2002, *American Journal of Political Science* 46(3): 670-687.

Strength in Numbers: Representation and Redistribution in the European Union, 2002, *European Union Politics* 3, 2: 151-175.

Does Federalism Preserve Markets? *Virginia Law Review* 83, 7 (with Susan Rose-Ackerman). Spanish version, 1999, in *Quorum* 68.

Working Papers

Elections, Political Polarization, and Economic Uncertainty, NBER Working Paper 27961 (with Scott Baker, Aniket Baksy, Nicholas Bloom, and Steven Davis).

Federalism and Inter-regional Redistribution, Working Paper 2009/3, Institut d'Economia de Barcelona.

Representation and Regional Redistribution in Federations, Working Paper 2010/16, Institut d'Economia de Barcelona (with Tiberiu Dragu).

Chapters in Books

Political Geography and Representation: A Case Study of Districting in Pennsylvania (with Thomas Weighill), in *Political Geometry*, edited by Moon Duchin and Olivia Walch, forthcoming 2021, Springer.

Keeping Your Enemies Close: Electoral Rules and Partisan Polarization, in *The New Politics of Insecurity*, edited by Frances Rosenbluth and Margaret Weir, forthcoming 2021, Cambridge University Press.

Decentralized Rule and Revenue, 2019, in Jonathan Rodden and Erik Wibbels, eds., *Decentralized Governance and Accountability*, Cambridge University Press.

Geography and Gridlock in the United States, 2014, in Nathaniel Persily, ed. *Solutions to Political Polarization in America*, Cambridge University Press.

Can Market Discipline Survive in the U.S. Federation?, 2013, in Daniel Nadler and Paul Peterson, eds, *The Global Debt Crisis: Haunting U.S. and European Federalism*, Brookings Press.

Market Discipline and U.S. Federalism, 2012, in Peter Conti-Brown and David A. Skeel, Jr., eds, *When States Go Broke: The Origins, Context, and Solutions for the American States in Fiscal Crisis*, Cambridge University Press.

Federalism and Inter-Regional Redistribution, 2010, in Nuria Bosch, Marta Espasa, and Albert Sole Olle, eds., *The Political Economy of Inter-Regional Fiscal Flows*, Edward Elgar.

Back to the Future: Endogenous Institutions and Comparative Politics, 2009, in Mark Lichbach and Alan Zuckerman, eds., *Comparative Politics: Rationality, Culture, and Structure* (Second Edition), Cambridge University Press.

The Political Economy of Federalism, 2006, in Barry Weingast and Donald Wittman, eds., *Oxford Handbook of Political Economy*, Oxford University Press.

Fiscal Discipline in Federations: Germany and the EMU, 2006, in Peter Wierds, Servaas Deroose, Elena Flores and Alessandro Turrini, eds., *Fiscal Policy Surveillance in Europe*, Palgrave MacMillan.

The Political Economy of Pro-cyclical Decentralised Finance (with Erik Wibbels), 2006, in Peter Wierds, Servaas Deroose, Elena Flores and Alessandro Turrini, eds., *Fiscal Policy Surveillance in Europe*, Palgrave MacMillan.

Globalization and Fiscal Decentralization, (with Geoffrey Garrett), 2003, in Miles Kahler and David Lake, eds., *Governance in a Global Economy: Political Authority in Transition*, Princeton University Press: 87-109. (Updated version, 2007, in David Cameron, Gustav Ranis, and Annalisa Zinn, eds., *Globalization and Self-Determination: Is the Nation-State under Siege?* Routledge.)

Introduction and Overview (Chapter 1), 2003, in Rodden et al., *Fiscal Decentralization and the Challenge of Hard Budget Constraints* (see above).

Soft Budget Constraints and German Federalism (Chapter 5), 2003, in Rodden, et al, *Fiscal Decentralization and the Challenge of Hard Budget Constraints* (see above).

Federalism and Bailouts in Brazil (Chapter 7), 2003, in Rodden, et al., *Fiscal Decentralization and the Challenge of Hard Budget Constraints* (see above).

Lessons and Conclusions (Chapter 13), 2003, in Rodden, et al., *Fiscal Decentralization and the Challenge of Hard Budget Constraints* (see above).

Online Interactive Visualization

Stanford Election Atlas, 2012 (collaboration with Stephen Ansolabehere at Harvard and Jim Herries at ESRI)

Other Publications

Supporting Advanced Manufacturing in Alabama, Report to the Alabama Innovation Commission, Hoover Institution, 2021.

How America's Urban-Rural Divide has Shaped the Pandemic, 2020, *Foreign Affairs*, April 20, 2020.

An Evolutionary Path for the European Monetary Fund? A Comparative Perspective, 2017, Briefing paper for the Economic and Financial Affairs Committee of the European Parliament.

Representation and Regional Redistribution in Federations: A Research Report, 2009, in *World Report on Fiscal Federalism*, Institut d'Economia de Barcelona.

On the Migration of Fiscal Sovereignty, 2004, *PS: Political Science and Politics* July, 2004: 427–431.

Decentralization and the Challenge of Hard Budget Constraints, *PREM Note* 41, Poverty Reduction and Economic Management Unit, World Bank, Washington, D.C. (July).

Decentralization and Hard Budget Constraints, *APSA-CP* (Newsletter of the Organized Section in Comparative Politics, American Political Science Association) 11:1 (with Jennie Litvack).

Book Review of *The Government of Money* by Peter Johnson, *Comparative Political Studies* 32,7: 897-900.

Fellowships, Honors, and Grants

John Simon Guggenheim Memorial Foundation Fellowship, 2021.

Martha Derthick Award of the American Political Science Association for “the best book published at least ten years ago that has made a lasting contribution to the study of federalism and intergovernmental relations,” 2021.

National Institutes of Health, funding for “Relationship between lawful handgun ownership and risk of homicide victimization in the home,” 2021.

National Collaborative on Gun Violence Research, funding for “Cohort Study Of Firearm-Related Mortality Among Cohabitants Of Handgun Owners.” 2020.

Fund for a Safer Future, Longitudinal Study of Handgun Ownership and Transfer (LongSHOT), GA004696, 2017-2018.

Stanford Institute for Innovation in Developing Economies, Innovation and Entrepreneurship research grant, 2015.

Michael Wallerstein Award for best paper in political economy, American Political Science Association, 2016.

Common Cause Gerrymandering Standard Writing Competition, 2015.

General support grant from the Hewlett Foundation for Spatial Social Science Lab, 2014.

Fellow, Institute for Research in the Social Sciences, Stanford University, 2012.

Sloan Foundation, grant for assembly of geo-referenced precinct-level electoral data set (with Stephen Ansolabehere and James Snyder), 2009-2011.

Hoagland Award Fund for Innovations in Undergraduate Teaching, Stanford University, 2009.

W. Glenn Campbell and Rita Ricardo-Campbell National Fellow, Hoover Institution, Stanford University, beginning Fall 2010.

Research Grant on Fiscal Federalism, Institut d'Economia de Barcelona, 2009.

Fellow, Institute for Research in the Social Sciences, Stanford University, 2008.

United Postal Service Foundation grant for study of the spatial distribution of income in cities, 2008.

Gregory Luebbert Award for Best Book in Comparative Politics, 2007.

Fellow, Center for Advanced Study in the Behavioral Sciences, 2006-2007.

National Science Foundation grant for assembly of cross-national provincial-level dataset on elections, public finance, and government composition, 2003-2004 (with Erik Wibbels).

MIT Dean's Fund and School of Humanities, Arts, and Social Sciences Research Funds.

Funding from DAAD (German Academic Exchange Service), MIT, and Harvard EU Center to organize the conference, "European Fiscal Federalism in Comparative Perspective," held at Harvard University, November 4, 2000.

Canadian Studies Fellowship (Canadian Federal Government), 1996-1997.

Prize Teaching Fellowship, Yale University, 1998-1999.

Fulbright Grant, University of Leipzig, Germany, 1993-1994.

Michigan Association of Governing Boards Award, one of two top graduating students at the University of Michigan, 1993.

W. J. Bryan Prize, top graduating senior in political science department at the University of Michigan, 1993.

Other Professional Activities

Selection committee, best paper award, American Journal of Political Science.

International Advisory Committee, Center for Metropolitan Studies, Sao Paulo, Brazil, 2006-2010.

Selection committee, Mancur Olson Prize awarded by the American Political Science Association Political Economy Section for the best dissertation in the field of political economy.

Selection committee, Gregory Luebbert Best Book Award.

Selection committee, William Anderson Prize, awarded by the American Political Science Association for the best dissertation in the field of federalism and intergovernmental relations.

Courses

Undergraduate

Politics, Economics, and Democracy
Introduction to Comparative Politics
Introduction to Political Science
Political Science Scope and Methods
Institutional Economics
Spatial Approaches to Social Science

Graduate

Political Economy
Political Economy of Institutions
Federalism and Fiscal Decentralization
Politics and Geography

Consulting

2017. Economic and Financial Affairs Committee of the European Parliament.

2016. Briefing paper for the World Bank on fiscal federalism in Brazil.

2013-2018: Principal Investigator, SMS for Better Governance (a collaborative project involving USAID, Social Impact, and UNICEF in Arua, Uganda).

2019: Written expert testimony in *McLemore, Holmes, Robinson, and Woullard v. Hosemann*, United States District Court, Mississippi.

2019: Expert witness in *Nancy Corola Jacobson v. Detzner*, United States District Court, Florida.

2018: Written expert testimony in *League of Women Voters of Florida v. Detzner* No. 4:18-cv-002510, United States District Court, Florida.

2018: Written expert testimony in *College Democrats of the University of Michigan, et al. v. Johnson, et al.*, United States District Court for the Eastern District of Michigan.

2017: Expert witness in *Bethune-Hill v. Virginia Board of Elections*, No. 3:14-CV-00852, United States District Court for the Eastern District of Virginia.

2017: Expert witness in *Arizona Democratic Party, et al. v. Reagan, et al.*, No. 2:16-CV-01065, United States District Court for Arizona.

2016: Expert witness in *Lee v. Virginia Board of Elections*, 3:15-cv-357, United States District Court for the Eastern District of Virginia, Richmond Division.

2016: Expert witness in *Missouri NAACP v. Ferguson-Florissant School District*, United States District Court for the Eastern District of Missouri, Eastern Division.

2014-2015: Written expert testimony in *League of Women Voters of Florida et al. v. Detzner, et al.*, 2012-CA-002842 in Florida Circuit Court, Leon County (Florida Senate redistricting case).

2013-2014: Expert witness in *Romo v Detzner*, 2012-CA-000412 in Florida Circuit Court, Leon County (Florida Congressional redistricting case).

2011-2014: Consultation with investment groups and hedge funds on European debt crisis.

2011-2014: Lead Outcome Expert, Democracy and Governance, USAID and Social Impact.

2010: USAID, Review of USAID analysis of decentralization in Africa.

2006-2009: World Bank, Independent Evaluations Group. Undertook evaluations of World Bank decentralization and safety net programs.

2008-2011: International Monetary Fund Institute. Designed and taught course on fiscal federalism.

1998-2003: World Bank, Poverty Reduction and Economic Management Unit. Consultant for *World Development Report*, lecturer for training courses, participant in working group for assembly of decentralization data, director of multi-country study of fiscal discipline in decentralized countries, collaborator on review of subnational adjustment lending.

Last updated: September 23, 2021

EXHIBIT 3

AFFIDAVIT OF JEN MILLER

STATE OF OHIO)
)
) SS:
)
COUNTY OF FRANKLIN)

Affiant Jen Miller, having been first duly cautioned and sworn, deposes and states as follows:

1. I am over the age of 18 and fully competent to testify to the statements and facts contained herein, and I have personal knowledge of all of them.
2. I am a resident and elector of the State of Ohio.
3. I am the Executive Director of the League of Women Voters of Ohio (“LWVO”).
4. Relator LWVO is the Ohio chapter of the League of Women Voters of the United States, a nonpartisan, statewide non-profit founded in May 1920, shortly before the ratification of the Nineteenth Amendment in August 1920 granting women’s suffrage. With 3,816 members across the state, LWVO and its 29 local Leagues and 4 at-large units are dedicated to empowering citizens and ensuring an effective democracy. The LWVO has members, the vast majority of whom are registered Ohio voters, living in all of Ohio’s current congressional districts.
5. As part of its mission to empower voters and defend democracy, LWVO aims to shape public policy, to educate the public about policy issues and the functioning of our democracy, and to protect and expand Ohioans’ access to elections and their government. Individual LWVO members invest substantial volunteer time in nonpartisan voter education, civic engagement, and voter registration.
6. The gerrymandered congressional map impairs LWVO’s work by deterring and discouraging its members and other Ohio voters from engaging in the political process, thereby

making it more difficult for LWVO to engage voters through its education, registration, and outreach efforts. For example, LWVO and its members have struggled to engage and activate self-identified Democratic voters in districts drawn in a manner that favors Republican candidates. When LWVO hosts forums for candidates in districts that are not competitive, it is difficult to get candidates from the favored party to attend. In addition, in districts that are not competitive, it is difficult to get candidates from the favored party to respond to requests to complete our informational questionnaires, which we use to complete a nonpartisan voter guide for the public.

7. Concern about the prospect of a gerrymandered congressional map has forced LWVO during 2021 to divert staff responsibilities, member efforts, and financial resources away from the full range of our mission, and instead to an advocacy campaign for fair districts. If LWVO and its members could rely on a nonpartisan process to produce fair maps and competitive districts, the diverted resources would otherwise be used for LWVO's traditional nonpartisan voter education services and programs. This year, especially, LWVO has had to turn its focus away from voter registration programs; reviewing Supplemental Process lists (lists of voters who are in danger of being purged) for accuracy; educating the public to check and update their registrations; training local Leagues on best practices for holding candidate forums and voter guide production; conducting advocacy on current legislation including HB 294 and HB 387; and training volunteers to work with local boards of elections, on poll worker recruitment and voter education, such as informing voters about new machines, poll locations, and protocols.

8. Instead, LWVO has been forced to expend money and time advocating for fair districts. This advocacy by members and staff includes attending and testifying at multiple hearings, mobilizing voter communications with elected officials, and organizing lobbying visits and rallies at the Statehouse in Columbus, among other efforts. During the 2021 redistricting cycle, LWVO

helped sponsor a competition for citizens to draw redistricting maps that privileged good governance aims over partisan ends. LWVO has deployed all of its staff members on redistricting-related work, contracted additional staff to work strictly on redistricting, and hired a mapping expert to run the citizen map-drawing competition and analyze the congressional map proposals as they became available.

9. In addition, fundraising by LWVO for its traditional programs has suffered during 2021 due to the fair districts campaign. Financial supporters of LWVO have been forced to choose between supporting LWVO's traditional programs and funding the advocacy campaign for fair districts in 2021. As an example, LWVO's fundraising for Women's Equality Day is down substantially in 2021 compared to 2020.

10. The Ohio Redistricting Commission held only one hearing on proposed congressional maps, on October 28, 2021. I attended that hearing and testified. The Commission did not take a vote at that meeting, and ultimately missed its October 31, 2021 deadline to adopt a map.

11. Subsequently, I attended and testified at several committee hearings of the Ohio General Assembly regarding proposed congressional maps. I was able to testify at the November 10, 2021 Joint Committee on Congressional Redistricting, but only in a very restricted form. Instead of considering one proposed map, the Joint Committee at that time was considering four proposed maps, and was only allowing five minutes apiece for people to testify about all four of them. This format made it all but impossible for me to offer meaningful input on all four maps.

12. The final proposed map, which was ultimately approved, was released by the Senate Republicans in PDF form only, at about 8:30 PM on November 15, 2021, which was the night before the Senate Local Government and Elections Committee hearing discussing it. The PDF format did not allow for any effective technical analysis, and it was not released in a format that

allowed for meaningful analysis until after the November 16 hearing started. As a result of these restrictions, I had to analyze the map during the hearing on the spot. That was the only hearing, in either the Senate or the House, in which the public was able to offer testimony on the final map.

13. Most of the Republicans' deliberations took place behind closed doors, so the public could not see or hear it. Based on my experience testifying before the Ohio Redistricting Commission and committees of the Ohio General Assembly, the Republicans were largely unwilling to consider or incorporate public input in the congressional map-drawing process.


14. LWVO is suing on its own behalf as well as in its capacity as representative of its members, to seek congressional maps that comply with the provisions of the Ohio Constitution, which was amended by the overwhelming majority of Ohio voters in 2018 in order to put an end to the practice of partisan gerrymandering in our state.

FURTHER AFFIANT SAYETH NAUGHT.

Executed on November 29, 2021.


Jen Miller

Sworn to and subscribed before me this 29th day of November 2021.


Theresa M. Sabo



TERESA SABO
Notary Public, State of Ohio
My Commission Expires 11-28-26

My Commission
expires 11-28-26

EXHIBIT 4

AFFIDAVIT OF ANDRE WASHINGTON

STATE OF OHIO)
)
) SS:
)
COUNTY OF FRANKLIN)

Affiant Andre Washington, having been first duly cautioned and sworn, deposes and states as follows:

1. I am over the age of 18 and fully competent to make this declaration. I have personal knowledge of the statements and facts contained herein.
2. I am a resident and elector of the State of Ohio.
3. I am the President of the Ohio Chapter of the A. Philip Randolph Institute (“APRI”), which is a Relator in this action.
4. Relator APRI is a national organization for African-American trade unionists and community activists, and is devoted to political, social, and economic justice for all working Americans. While APRI supports a variety of charitable ventures unrelated to voting, the bulk of APRI’s work is focused on voter education, registration, civic engagement, and outreach efforts.
5. APRI has eight local chapters in Ohio and hundreds of members and volunteers statewide, many of whom are registered voters in the State of Ohio. We organize, for example, voter registration drives, educational events, and “get out the vote” activities. We do this through door-to-door canvassing, community events like group meetings and clam bakes, and virtual events.
6. In my role as President, I coordinate the local chapters and our statewide activities. It is my personal mission to help get everyone in my community registered to vote and involved in the political process, through my work with APRI, with other organizations, and in my private life.

7. During COVID-19, APRI has continued conducting voter outreach and education events, both in person and virtually. Sometimes we “piggyback” on other virtual events, by arranging for some time to talk about voter registration and the importance of voting.
8. We have partnered with churches all over the state, making announcements to ensure that voters understand how they can deliver absentee ballots, as well as to provide information on voting hours and locations. We also attend churches to talk to people, give brief presentations, and answer questions or take comments.
9. The gerrymandered congressional map impairs APRI’s work by deterring and discouraging its members and other Ohio voters from engaging in the political process. It makes it more difficult for APRI to engage voters through our education, registration, and outreach efforts.
10. At voter outreach events throughout 2021, both in person and virtual, APRI speakers and members have routinely heard variations of the same theme from attendees: “This shit don’t matter.” People are tired of feeling like nothing will change, and feeling like Ohioans can never get a fair district map where their votes will matter. As a result of the gerrymandered maps, it is very hard for our members to get Ohioans engaged.
11. The prospect of another gerrymandered congressional map has also consumed APRI’s time and resources throughout 2021, which we would otherwise have been able to spend on traditional voter registration and outreach efforts. If APRI’s members could rely on Ohio’s process to produce nonpartisan, fair maps with competitive districts, APRI would not have to divert those resources.
12. For example, I attended the November 10, 2021 hearing by the Joint Committee on Congressional Redistricting, to support others who were testifying in support of fair maps. Many

of our members also observed several of the Ohio General Assembly's meetings virtually, in order to report back to our members and the broader community, and to look for opportunities where the public could provide input.

13. We have been forced to educate citizens and answer countless questions about the redistricting process, what "packing" and "cracking" are, why there is an initiative for fair districts and what its goals are, why their neighborhoods have been chopped up in unprecedented ways, and why a system has been designed that leads them to feel that their votes don't count.

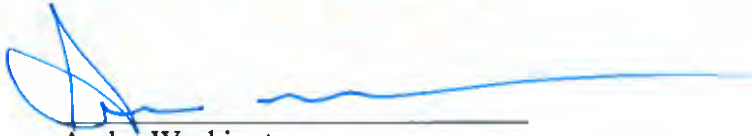
14. When people are angry and upset about gerrymandering and similar issues, they are frequently unable to reach their elected representatives or receive an answer. Instead, they often call APRI because we'll give them an answer. Responding to questions about redistricting has taken up a significant amount of APRI's time and resources.

15. APRI has members who are Republicans and Democrats, and we all want fair maps. We supported Issue 1 in 2018 in order to make that happen, and people expected that when it passed, it would stop gerrymandering from happening in the congressional redistricting process. Instead, we're now constantly having to spend time educating people on the redistricting process and how we got a gerrymandered four-year map instead of a fair ten-year map. People are confused and frustrated, and APRI is having to spend a lot of time answering repeated questions about why our representatives are ignoring the will of the people.

16. APRI is suing on its own behalf as well as in its capacity as representative of its members to seek congressional maps that comply with the requirements of the Ohio Constitution.

FURTHER AFFIANT SAYETH NAUGHT.

Executed on November 30th, 2021.



Andre Washington

Sworn to and subscribed before me this 30th day of November 2021.



THERESA SABO
Notary Public, State of Ohio
My Commission Expires 11-28-2021

11-28-26



EXHIBIT 5



Senator Matt Huffman
12th District
S.J.R. 5 – Sponsor Testimony
Senate Government Oversight and Reform Committee

Chairman Coley, Vice Chair Uecker, Ranking Member Schiavoni, and members of the committee, thank you for the opportunity to provide sponsor testimony on Senate Joint Resolution 5, which will establish a new and improved process for drawing congressional districts in the State of Ohio. Some of this material may be familiar to members of the committee from my presentation of the redistricting proposal last week.

Last September, House and Senate leadership announced the creation of the congressional redistricting working group, made up of two Republicans and two Democrats. Together, we engaged in a large number of meetings and conversations, working collectively to create a solution that addresses the concerns of Ohioans beyond the scope of party loyalty. The feedback and testimony we heard is what forms the basis for this proposal.

Let us begin by discussing the process outlined in S.J.R. 5 through which a congressional district map would be created. Under the resolution, congressional redistricting could be up to a three step process, moving through each successive step if the previous step fails. At each of the steps, substantial buy in is required from the minority party for a 10-year map to be adopted, encouraging bipartisanship throughout the process.

In Step 1, the General Assembly would attempt to draw a 10-year map. This legislation would require a 3/5 vote in each chamber, and in that vote at least 1/3 of the minority party must vote in favor. If the legislation passes by these thresholds, a 10-year map goes into effect. If not, the process moves to Step 2—the Redistricting Commission.

The Redistricting Commission in Step 2 is comprised of the exact same membership as the commission established by Issue 1 for General Assembly district mapping – and the vote requirements are identical. At least 4 of the 7 commission members must vote in favor of the proposal, including at least 2 members from the minority party. If the vote threshold is reached, a 10-year map goes into effect. If not, a 4-year map goes into effect and is subject to an extension by the General Assembly in Step 3.

In Step 3, the General Assembly has the opportunity for a straight-up-or-down vote to approve the Commission's 4-year map as the full 10-year map. That vote requires approval of 50% in each chamber and at least 1/5 of the minority party. If that vote is not achieved, the Commission's 4-year map remains in place. It is important to understand that at this step, the General Assembly may *not* make changes to the Redistricting Commission's 4-year map. They may only vote to extend the time period of the map from 4 to 10 years.

In addition to the need for a new redistricting process, our working group also recognized Ohioans' calls for some standards regarding the physical construction of districts. Keep in mind that there are currently zero restrictions or rules in the Constitution or the Revised Code regarding the creation of districts. Every rule in this resolution is a tightening or new restriction. We have listed a number of rules for how districts can and cannot be drawn to address the concerns expressed to us:

- Smaller-population counties must be kept whole or split only once
- Splitting of larger-population counties is restricted
- Protections for cities large enough to be their own district
- No division of a congressional district within a county
- No multiple splits of counties to elongate districts
- Attempting to have at least one whole county in every district

We believe that the described process and accompanying rules would establish a fair system of drawing congressional districts while avoiding the partisan chaos that has made district mapping a national discussion. At every step in the process, significant minority party buy-in is required, essentially guaranteeing a bipartisan procedure. Additionally, the rules listed above will ensure that the districts drawn by either the General Assembly or the Redistricting Commission can no longer take on the odd shapes seen in some of Ohio's present congressional districts.

The goal of the redistricting working group was to create a system that works not just in three years, but in fifty years. I believe this proposal achieves that lofty goal. By requiring minority party involvement and placing common sense and solid limits on district creation, we are offering a better and fairer process.

I continue to have conversations with my fellow members of the working group and look forward to ultimately having a bipartisan vote on S.J.R. 5. Chairman Coley, thank you for the opportunity to provide testimony for this vital legislation. At this time, I would be happy to answer any questions the committee may have.

EXHIBIT 6

Cliff Rosenberger ([00:00:00](#)):

House will come to order. I'd like to invite our guests in the gallery please rise and join our members in the opening prayer and remain standing for the Pledge of Allegiance to the Flag. Prayer will be offered today by Representative Ginter.

Timothy Ginter ([00:00:18](#)):

Let's pray together. Heavenly father, we thank you again for this opportunity and as we, as members of this House, doing the work of the people, purposely turn our attention towards you, whose government will never end. We ask that you will strengthen us, help us, guide us. We thank you that you have promised to do so. We pray for those members who are facing challenges in their families, whose health is, is also being challenged. We ask that you will be especially close to them and strengthen them during this time and season. May they sense your peace and your presence as well. We ask all of this in the name of Christ, amen.

The House ([00:01:01](#)):

Amen. I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

Cliff Rosenberger ([00:01:25](#)):

Introduction of bills.

Speaker 4 ([00:01:27](#)):

House Bill 496. Representatives Kelly, Perales and others to amend next section of House Code, to increase the penalty for assault when the victim is an employee of an Ohio transit system. To authorize Ohio transit systems to post a sign regarding or abuse or assault of staff and to increase the penalty for evading payment of the known fares of a public transportation system.

Cliff Rosenberger ([00:01:43](#)):

Stands as first consideration. Consideration of senate amendments. Reports of conference committees. Reports of standing and select committees and bills for second consideration.

Speaker 4 ([00:01:51](#)):

Representative [Salisbury 00:01:52] just submitted file importance saying command rules and references refer to substitute Senate Joint Resolution Number Five, Senator Huffman and others, having the same consideration reports are back, and recommends its adoption.

Cliff Rosenberger ([00:02:03](#)):

Motions and resolutions. The chair recognizes Representative Pat.

John Patterson ([00:02:10](#)):

Thank you Mr. Speaker. I move that majority party members asking leave to be absent, or absent, the week of Tuesday, February 6th 2018, be excused so long as the written request is accepted and on file in the majority leadership offices.

Cliff Rosenberger ([00:02:24](#)):

Without objection, motion agreed to. Hearing no objection, motion agreed to. Chair recognize Representative Sykes. All right. Chair recognize the leader. The House will stand at ease.

Fred Strahorn ([00:02:43](#)):

Mr. Speaker I move that minority party members ask of leave to be absent, or absent the week of Tuesday February 6th 2018, be excused so long as written request is on file of the minority leadership offices.

Cliff Rosenberger ([00:03:11](#)):

Without objection, motion agreed to, hearing no objection, motions agreed to. Bills for third consideration. Chair recognizes Representative Schuring.

Kirk Schuring ([00:03:24](#)):

Mr. speaker I move that House Rules 66, pertaining to the bills being placed on the calendar be suspended, and that substitute s- Senate Joint Resolution 5, be taken up for immediate consideration the third time.

Cliff Rosenberger ([00:03:38](#)):

Question is shall motion be agreed to? House will prepare and proceed to vote. Have all members now voted? The clerk will take the roll.

Speaker 6 ([00:03:52](#)):

64 affirmative votes, four negative.

Cliff Rosenberger ([00:03:54](#)):

64 affirmative votes, four negative votes. Motion is agreed to. Bills for third consideration.

Speaker 4 ([00:04:00](#)):

Sa- se Senate Joint Resolution Number Five, Senator Huffman and others proposing to amend the version of section one of article 11 that is scheduled to take effect January 1st, 2021 and to enact sections one, two and three of article 19 of the constitution of the State of Ohio to establish a process for congressional redistricting.

Cliff Rosenberger ([00:04:14](#)):

Question is shall title be agreed to? Represent Schuring moves to amend the title. If you wish to add your name to the title, please do so at this time. Without objection the title would be agreed to, hearing objections the titles agreed to. Question is shall the joint resolution be adopted? Chair recognize Representative Schuring.

Kirk Schuring ([00:04:36](#)):

Thank you Mr. Speaker, ladies and gentlemen of the House for the opportunity to present to you for your consideration Senate Joint Resolution 5. T- today's vote is a combination of a long and sometimes arduous process that actually started in September when the speaker had the foresight and leadership

to ask for the establishment of a working group. That working group was announced to the public by the speaker and the president of the Senate on September 22nd of last year. It was a four-member working group, with members from the House and the Senate representing both Republicans and Democrats.

From the Senate we had senators Matt Huffman and Vernon Sykes. From the House we had Representative Sarah and myself. Starting in early October, the working group met on a regular basis and overall had over a dozen meetings. Additionally, we had two public meetings at the State House where hundreds of people from all across the State came to listen and to learn about congressional redistricting and we had almost 40 people who actually testified to the subject. Most recently there has been a meeting, uh, with outside interested parties that's been going on for some times. And on Sunday, this last Sunday a agreement was struck. Uh, and then as much as we thought we were done on Sunday, we found out there was still fine tuning to be done and that didn't happen until late yesterday afternoon.

The resolution we have before us today has the universal support of all the interested parties and received a bipartisan unanimous approval on the Senate floor yesterday. Some of the key components of Senate Joint Resolution 5 are as follows. First, it makes mapping rules, uh, that are designed to prevent partisan gerrymandering. The resolution dictates that mapmakers must comply with federal guidelines and maintain communities of interest, compactness and comply with protecting racial minority voting rights.

It also has language that minimizes the splits of counties, municipalities and townships and in certain circumstances, uh, specifically prohibits a map that unduly favors or disfavors a political party or an incumbent. I think these rules are solid and will ensure the drafting of fair districts. However, in my opinion the ultimate safeguard for making sure these districts are mapped correctly, is the approval process that is in the resolution. I think it's important to note, first of all, that the public has a very important role in the map approval process. It requires a minimum two public meetings, a minimum of two public hearings, and also allows the public to submit a map for their consideration. So the map can be drawn by the public and submitted for consideration by the General Assembly and the Redistricting Commission.

Additionally, the map must be submitted in the form of a bill and as a bill, that means it can be vetoed by the governor and also would maintain the right of referendum for the people to speak their mind on the issue. Mr. Speaker, ladies and gentlemen of the House, House Joint Resolution 5 is a constitutional amendment that will go before the people of Ohio, the voters in May. It promotes a fair and competitive redistricting system that represents the voices of all the people who took an interest in this subject. I'd like to thank my fellow working group member from the House, Representative Cera for all the time and effort he put in as well as the, uh, the Senate, uh, members of the working group, uh, Senator, uh, Matt Huffman and Vernon Sykes.

Um, I also would like to thank the House and Majority Legal Counsel Mike Lenzo and Minority Legal Counsel Sarah Cherry for all the time they put in including many weekends, uh, devoted to finding, uh, a solution to this matter. And lastly, I want to thank my staff because they, uh, were inundated with phone calls from concerned citizens about what they wanted. And to that end, as I said earlier, I think this resolution speaks to the fact that the voices of the citizens were heard. We found a resolution that was universally accepted by all the interested parties and at the end of the day, the people have spoken. And for that reason, I'm asking respectfully that the people here today follow the lead of the people, the voices of the people and adopt this resolution. Thank you very much Mr. Speaker.

Cliff Rosenberger ([00:09:19](#)):

Question is shall the joint resolution be adopted? The Chair recognizes Representative Reece?

Alicia Reece (00:09:27):

Thank you Mr. Speaker. I rise today with great concern in the backdrop of Black History Month, as one who has benefited and been a beneficiary of the late Dr. Martin Luther King Jr. and so many others who blood went across the Edmund Pettus Bridge. There are so many issues that come before this body that I have worked together when they made sense in a bipartisan way and tried to be workable across the aisle. But I have asked numerous times on an issue that had took place, that hit home as Selma hit my backyard in my district, the 33rd district. In 2010, we were faced with an election that took two years and over a \$1 million in lawsuits in order for the winner to be decided.

I come from a district as we talk about redistricting, the first congressional district and I was here, during that time when they re- this body, uh, redrew the lines and drew it almost where an African-American woman like myself wouldn't have an opportunity because we cut 50% of the African-American vote. We drew them out. And so, therefore in the State of Ohio, we only have two African-Americans who serve us in the United States Congress. So I was hopeful and I wanna thank those who, uh, hit the streets, who had, uh, have a ballot initiative and went out and have collected signatures for a redistrict- redistricting plan, and has brought us here today to have this resolution and a discussion.

But I'm disappointed that over 100,000 Ohioans who are equally as important, went out because we did not pass any bills. I've got bills here that go all the way back to 20, 2010, 2012, 2013, we've gone to the, uh, Constitution Modernization Commission trying to get voting rights included. We've gone to the United States Election Commission trying to get voting rights. I spoke at the 50th anniversary of the March on Washington where Dr. King stood and gave the famous I Have a Dream speech- speech 50 years later because voting rights, the Supreme Court had deemed it unconstitutional, section five, the enforcement component and I called to make voting rights more permanent, not in a partisan way, not in a bipartisan way. In a non-partisan way.

And so when this was presented to us, and I know we had several working groups and I had an amendment in, I was told my amendment would be ruled out because it didn't go. I don't know. We had a working group. We didn't have, we don't have a lot of time and we've got to get this going. My amendment, I had asked to put one thing that 100,000 Ohioans signed, black, white, young, old, Hispanic, poor, rich, they signed. All 88 counties that said, "Can we have ... Voting is a fundamental right." That's it. Its all we wanted. And it was appropriate for this redistricting bipartisan plan. Why? Because voting rights is in here.

But unfortunately in the language that we have in here, it says to comply with federal, federal guidelines. Well, that takes me back to Dr. King because we had a Voting Rights Act that did not make 50 years, 'cause it's not what? Permanent. So voting rights is not permanent. And every seven years, people who look like me have to wait and pray that Congress will re-institute our right to vote. But what we're getting ready to pass will be in the constitution, but it does not guarantee the right to vote. It says we will implement what the federal law says. And so all we were asking for was one sentence. And unfortunately I wasn't at the negotiating table. The 100,000 people that I was bringing, we didn't get a chance to have a seat at the table to negotiate what I'm asking to be voted on today. Redistricting is important, absolutely.

But without voting rights, you're missing the base. Now, what do I mean by that? It's like going to the grocery store and saying, "I want to pick out the icing." And you look up and say, "Do I want vanilla? Do I want strawberry? I think I'm on sprinkles. Do I want chocolate." And then you leave out and you get home, you said, "You know what? I done left the Duncan Hines." It's the cake. And so I'm very disappointed Mr. Speaker. I mean, 'cause since 2010 we try to get bills passed. We tried to go to

constitutional modernization and go through that process. I don't know whatever happened to them. We went to federal. People say, well, "Wait a minute. Reese the federal people like this. We went to the Federal Election Commission, we got nothing." So then we went to the streets and everyday citizens. It's the first time ever African-Americans ever petition this state government.

And they're ignored, thrown to the back, told that, "Wait a minute, Washington is representing you." But by the way Reese, we want you to vote on it. But this is what Washington had to say. I appreciate Washington, but the Ohioans elected me for Ohio state representative and we're being asked to vote on this. So this has some missing pieces to it Mr. Speaker. And I was hoping, praying, asking that we could get one sentence. Now some say, "Well, you got to get here in advance." We've been here since 2010. Some say, "Let's just go do the work." I put 200,000 miles on my car, went to all 88 counties, get signatures from all 88 counties. People say, "Well, wait a minute. Uh, we've got other groups and, and they may not approve of this."

But when did they talk to these groups? The Prince Hall Masons, the AKAs, the sororities, the fraternities, the pastors, the church choir singers, the church secretaries, the civil right organizations, National Action Network. Whe- whe- when did they get talked to? A 100,000 Ohioans signed this. And we weren't asking for a whole thing. We're asking to be at the table. College students went out and got signatures. A. Phillip Randolph went out, Andre Washington, the state president, the churches that we talked to, Reverend Jawanza Colvin, Reverend Booth, Reverend Rousseau O'Neal, Reverend Otis Moss, civil rights leader of our time. We left them out. You didn't just leave me out. This is not my name.

I wanted something that was going to be in stone that will help our state for many years to come. And normally I wouldn't get up. If this just was a bill, then fine we would get a bill. We tell them about the constitution and it's time to make Dr. King's dream real. Not clapping during the holidays, not ceremonial stuff, but put it on the constitution. He was for all Americans, all Ohioans. And all we ask for is a simple sentence. A simple sentence that says, "Voting is a fundamental right for all Ohioans." And even after getting a 100,000 Ohioans to say, "Yes, let's go with it." They were absent at the table.

What do we go back and tell them? What do I tell Reverend Otis Moss? What do I tell Reverend Jawanza Colvin? What do I tell Reverend Casey Smith? What do I tell Bishop Bobby Hill? What do I tell the college students that were out there collecting? What do I tell the bus driver? The janitor who said, "I have a chance to, to do something. My voice matters." What do I tell them? Do I tell them I wasn't in the room? Do I tell him that I wasn't elected to be at the negotiating table? Do I tell them Washington came in and I wasn't in Washington. So I couldn't sit at the table and have their voices heard. What do I go back and tell the 100,000 citizens? What do you tell the sororities and fraternities that are out there collecting? What, what do I tell them? They didn't have the right name. They wasn't with the right organization. I'm not the right color, not the right gender. What do I tell them?

Mr. Speaker I'm highly disappointed. And I know people sell this as, "Oh, Hamilton County you're gonna have a chance." At Hamilton County not one African-American has been elected county-wide. So keeping the county together is nice, but it's not a guarantee for more inclusion. What do I tell them? January 16th 2014, when they couldn't get any help in these chambers, when they had exhausted every organization group, we had put up, constitutional modernization, go through the committee process. It's amazing that for some things we use process. And I'm going to be honest. For African-Americans we always come with a process. We always say the rules didn't matter. We always come up with a legal reason why we can't do something.

It happens every day out here in this world. All we're asking for is equal standards. One set of rules, one process. If we got 100,000 and somebody else got 200,000, why is our 100,000 don't mean anything of Ohioans? And so I know Mr. Speaker that a lot of this was negotiated over on the Senate

side and people tell me, "Well, was the Senate." And now we'll be fine if I didn't have to be here to vote. I stayed over last week. They had to stay over and I stayed, false alarm, we don't have a deal, go on back home, ride on through the snow and get back home.

But to come here and find out that for some reason, some negotiation happened somewhere other than here and somewhere else over some weekend that nobody told me about. We weren't called into session. And then to say I can't have any input, but go back home and tell the people is good? What do I tell the 100,000 people Mr. Speaker? They came up here, testified, begged, went to the ballot board, got approval by the attorney general, approved by ballot board, went out and had big sales trying to get the petitions printed. Went out and stayed in a snow and in the sun trying to get signatures and trying to get uh, uh, uh, how, how do you get trained? And all of the things that you tell them, if you just do it by the rules you two will have an equal chance.

And I picked this up today. I asked for one sentence, not the whole thing. And we can't get the sentence even negotiated, even mentioned, even discussed, even the debated. It's a sad day and for bipartisanship that's great, but not for non-partisanship when it comes to voting. And in this document, Mr. Speaker voting rights is mentioned. And if it's mentioned, we not going to leave it up to Washington to make sure we got the voting rights 'cause we've tried that and that did not work. It's in here and this sentence belongs in this document to make sure that one, people can vote. Then you start talking about, "Let's draw some lines."

And so I'm di- I'm very disappointed in the process. I'm not saying the people are bad. They good people, they did what they could, but I got to stand up for the 100,000 people. I gather anybody in here would do the same. Anyone in here. If you, if these were people, your neighbors, your pastors, your district, people trying to do it by the right way, do it by the book, you would go all out and be carried out at his place. 'Cause I've seen it. One little thing happened. You run with a bill, you get a law. And I don't think we should be doing anything with that constitution until we at least have, people have the right, the fundamental right to vote. So Mr. Speaker, I thank you for your time, but I would much more have appreciated somebody at the table or let me be at the table and I wish we could have got this done because today is not a good day for so many people who tried to go by the books, play by the rules and just have voting fundamental rights in the constitution. Thank you Mr. Speaker

Cliff Rosenberger ([00:24:16](#)):

Question is shall the joint resolution be adopted? Do you recognize Representative Cera?

Jack Cera ([00:24:23](#)):

Thank you Mr. Speaker. I rise in support of SJR 5. Um, I appreciate, uh, the work that's been done on it. Uh, you know, you notice, I, I, you may not notice, but I'm wearing a purple shirt today, uh, and a purple tie. I think it's purple. Um, uh, and I think that's a good start that, uh, you know, we talk about red, red, and blue and we need to be more purple. Uh, so in honor of trying to make us more purple in our congressional districts, I, I wore purple. Now you might not think that's a big deal, but I played football for Blair High School and they're the big reds. And we've been playing Martins Ferry High School Purple Riders, uh, for over a 100 years and it's taken me about that long for my wife to convince me that I should wear purple.

So I, I, I'm wearing that, I want you to, to recognize the importance o- of that for somebody like me. Uh, it could be that I'm wearing purple to mask the bruises that I have for the last four months of working on this issue as well. Uh, and I think Representative Schuring, uh, talked about the working group and the work that was done, uh, and the opportunity, uh, that people had to come before us

early on. I want to thank the working group, especially my colleague Representative Schuring and, uh, the Senate mem- members, Senator Huffman, and Senator Sykes.

I also want to thank the speaker and, and, uh, minority leader Strahorn. Uh, and I don't usually thank staff. I don't know why that is, maybe it's a fault of mine, but, uh, uh, you know, I do want to thank Andy DePalma, Sarah Cherry on our side, Mike Lenzo. I also want to thank Bethany on the Senate side, uh, who put a lot of time and work into this and a lot of hours beyond what, uh, where their regular hours and Mr. Speaker, I think they all should be compensated for that time when they were on the phone on those weekends. (laughs)

We did have public meetings and we heard from people, we heard testimony and they came forward with their maps and I think one of the things that, uh, uh, impressed me while hearing the testimony, and I had a map of Ohio's congressional district sitting next to me and each person that came to testa- testify would, uh, comment about their map. And I would look at it and I would say, "That's gotta be the craziest ma- uh, district I've ever seen." Until the next person would get up and talk about their district and I was like, "Well, maybe that's the craziest, uh, district I've ever seen." And on and on it went. And I think one thing that came through, uh, from those, those meetings were that, uh, Ohioans felt as though their voices aren't being heard and our current redistricting system was rigged, had rigged the game.

And so that, so that it's the politicians choosing the voters and instead of the voters choosing their politicians and we heard that very, very, uh, often. From the beginning, um, and I, I think about some of the meeting times, times, you know, uh, (laughs) i- if we could have just found some time in between eight o'clock in the morning and eight o'clock at night, it would have been nice but a lot of the times we ... I even missed the governor's Christmas party because of that, which, which, you know, an opportunity to see the Governor of Ohio is always a wonderful full thing. (laughs) Um, so, you know, but they were, and we worked hard, you know, Representative Schuring and I have spent a nice Saturday on the phone with each other, along with staff.

As I said from the beginning our position has been that we are committed to achieving real reform and want to make sure that our state's congressional districts are fair and truly representatives of Ohioans. We wanted any congressional districting plan to end partisan gerrymandering. So we needed a bi-partisan approval process. We also need a strong criteria when the majority party decides to draw the map without minority support. Having strong criteria means language that states that no map should be drawn to favor or disfavor a party or candidate over another.

Another important criteria is a splitting of counties, municipalities, and townships. During the meetings of the work group, writing the language for the criteria was the most difficult. This resolution is certainly an improvement from where we started, uh, in our work. I'm sure that the language on criteria will continue to be reviewed even after this resolution passes today. And as the campaign moves forward to the ballot issue, lawyers will discuss and debate, debate language like on page 11 and I'm not going to read it to you. Lines 291 to 307 and you lawyers in the room can let me know, uh, what you think of that language and, and how that's going to impact us moving forward.

Only time will tell if the language, i- if this language in the resolution is strong enough to overcome, or just to gerrymander. Bipartisan approval was one of the first issues the working group took on in our discussions. This was an area where actually, uh, the working group had early success. The fact that the approval process requires strong bipartisan support, uh, the first attempt by the legislature to draw the maps with 50% minority vote and at the redistricting commission by requiring two minority members, both would, uh, get us a tenure map, I think a good, uh, a good part of this proposal. During the discussion of the work group, we discussed the approval process as it el- as, as it relates to allowing a four-year map to be drawn.

I still have concerns about this, even though I understand that stronger criteria will become part of the process when a map is to be drawn by the majority. My concern is that a four-year map is an out for gerrymandering while lawyers argue in court over the criteria. I would suggest that we have gone, could have gone that extra mile by requiring a 50% minority approval at all steps of the redistricting process. Uh, I do appreciate, uh, we had discussion, uh, early on about whether this should re- uh, when we draw the maps, that it remained a bill as opposed to a resolution. And I appreciate the movement we had, uh, on that to where we, we got back to where it would be a bill, and it would require signature of the governor and also give the people the right to referendum and I think that is, uh, a very important change that ended up being put in the resolution.

Uh, the other good things that, uh, I wanted, a couple of other good things I wanted to point out or the public maps submission and the fact that, uh, there will be public hearings, uh, to give the people the opportunity to, uh, come in and testify about the maps. My continued concerns are not to minimize the work done by my colleagues on the working group or the great influence applied by thousands of Ohioans who have worked to gather signatures and forced the legislature to address this important issue. Or to the leaders of the coalition who have worked with us over the past few weeks to get us to this point.

I just hope that we've gotten this right, as we are telling the people of Ohio, that we are recommending that this become part of the Ohio constitution. My concerns come from my worry that we are not in a good place in our political system at this time. Just think about it. We have to write bipartisanship into our constitution to have it. We attack each other, and sometimes think that ideas are only good if they are our ideas. I hope that this resolution is a step forward, moving us away from political discourse and political posturing and thirst for power that often drives both political parties and divides us unnecessarily. Good work has been done to get us to this point, driven by people from all over Ohio, who said, and continue to say enough is enough.

Put aside the need to maintain power and refuse to work together. Understand the politics that divide us need to stop, understand that we can make better laws and make Ohio better by working together. It is a good day for Ohio and a good message that the legislature is sending to the state as an old big red football player who's wearing purple, I hope that we can understand that gerrymandering is not good for our state and our residents, and we continue to move forward with this legislation and other legislations and work together in a bipartisan manner to make Ohio the great state that it can be. Thank you.

Cliff Rosenberger ([00:34:21](#)):

Question is, shall the joint resolution be adopted? The chair recognizes Representative Ramos.

Dan Ramos ([00:34:28](#)):

Thank you very much Mr. Speaker. I appreciate the opportunity to speak on this legislation and unfortunately I have to rise in opposition to Senate Joint Resolution Five. Although I very much appreciate the countless hours of work on this, both from the members and the staff and, and I hope that the, uh, the Republican and Democratic points on this issue, uh, know of my respect for not only them, but for their work product over the years. I don't feel this gets us where we need to go. When I think about the complaints I get from my constituents and their three congressional districts in my legislative district, the biggest complaint that I hear over and over and over again is that they are split up so many ways.

Lorain County is split in three represented by congress, members of Congress from Lucas, Holmes and Allen Counties. I don't believe anyone's within 50 miles of us. I don't believe anyone's within an hour. Nothing in this legislation, Mr. Speaker prevents that from happening to my county again, although only three counties, Franklin Cuyahoga, and Hamilton have the population to s- be split necessarily into multiple congressional districts and only one city, the city in which we sit, the Columbus, is large enough to be more than one congressional district. 18 counties under this plan may be split once and another five, maybe split twice. That's 23 of our 88 counties may be split. And it doesn't say which Mr. Speaker.

Nothing prevents the exact same split in my county from happening again or to anyone else. The 23rd largest county is only 122,000 people. And there's no guarantee that we're only going to split the largest counties. This legislation would allow eight, two or three way split for Vinton, Monroe, Noble, Morgan counties, which all have less than 15,000 people. They could be split twice, three times. You see Mr. Speaker representative districts cannot be representative of communities if the communities are split up. Which brings me to my next point. There is no protection in this legislation in and of itself for communities of racial and ethnic minorities beyond abiding by federal law. That is no guarantee my friends.

Federal law, the, the, the, federal law currently protects these groups. It does not. It is being eroded both in the courts and in the legislation and in the Congress and there is no, that is no guarantee. It is an abdication. It is an abdication to the federal government my fellow friends who believe in state's rights. Let Washington fix it. It's not something I thought I'd hear from the majority party. Now, my friend from Hamilton County aptly described the concerns, um, she has for the African-American voters of this state and I would agree, and I wouldn't repeat, but I will mention, um, another group of, of people, obviously one that's close to me and my heart, um, the Hispanic community in this state.

In my district, the district which I represent, um, which has the largest proportion of Latinos in the state, the Hispanic neighborhood, we call it South Lorraine, but it's really the Southeastern portion of the City of Lorraine and a portion of Sheffield Township. It is currently, again, the large proportion of Latino voters in the state represented by Marcy Kaptur and Jim Jordan, because part of them are in a township and part of them are in a city. That can happen again under this legislation. Here in the City of Columbus, a city which I mentioned, which necessarily by its size has to be split into multiple districts on the west side of this city.

Right now, the Hispanic community is split in two. I can go on with examples of where this has happened all over our state in Cleveland and Toledo, and elsewhere. Nothing prevents that from happening again in this area. I'm not going to go on and on, but I want to say, I wanted to vote for reform. I want it to vote for real reform. I know my constituents expect me to vote for real reform and I think a lot of our, of, of your constituents do as well, but these problems a- a- and frankly, the problems I've described are things that could have been fixed through a committee process. I appreciate again, that the work that the working group put forward, but the working group didn't have a bill to work off of. I've had this bill for 16 hours and I noticed these problems.

Given 36, I would have had solutions and said, "Well, you can do A, B or C." If this isn't your intention to split up the Hispanic community. If it is that's your business. If it's not in your intention to split up counties, that don't need to be split up. But we weren't given that opportunity in this house because apparently this needs to be passed by four o'clock tomorrow or signed, or I guess it doesn't have to be signed, but I can't support a bill that doesn't fix the three-way gerrymandering, partisan gerrymandering in my county. And although my preference, Mr. Speaker would be to refer this to a

committee, I understand that's not possible today. So failing that I would urge a no vote. Thank you Mr. Speaker.

Cliff Rosenberger ([00:40:06](#)):

Question is shall joint resolution be adopted? The chair recognize Representative Schuring.

Dan Ramos ([00:40:11](#)):

Thank you Mr. Speaker. In all due respect to my friend and colleague from Lorain County, who I work with quite regularly on other issues, we do have language in this legislation that speaks to splits, uh, one, uh, regarding the splits of counties. And I will, uh, refer to, uh, page 12, line 315 through 319. This specifically says that there's a formula for the splitting of counties saying that 65 of Ohio's 88 counties cannot be split at all. It says then 18 of Ohio's counties can be split only once. And then it goes on to say only five counties can be split twice. So under this particular pos- proposal, a county cannot be split three different times. It also says as it relates to municipalities in the previous page, that a municipality that is over 100,000 but under the size of a congressional district, which is approximately about 700,000 right now, uh, uh, that, that cannot be split, period.

And, and lastly, it also speaks to, uh, the contiguity of, of, of districts where you can't have islands that are separate and apart from the district and it also says very clearly, uh, in the situation where a municipality surrounds another municipality like Columbus does and Bexley, you cannot split that municipality like Beckley. So I respectfully would submit to you that this resolution that will appear before the voters does address the issues of splits.

Cliff Rosenberger ([00:41:46](#)):

Question is shall joint resolution be adopted? Chair recognized Representative Clyde.

Kathleen Clyde ([00:41:55](#)):

Thank you Mr. Speaker. I rise today in support of Senate Joint Resolution Five, a proposal with bipartisan support and a product of compromise. Something I wish, uh, that we could see more, uh, in our chamber and in our work here in the general assembly. Representative Cera I wore purple too. I didn't realize that, that that was the color of support of this, uh, resolution, but I applied, uh, the work that you did and, uh, the discussion about how we could improve, uh, the environment in the State House and in Congress and I think that this resolution will help us get there.

What really inspires me about being here today and about having the opportunity to vote on this, is the Ohio citizens got us here and they inspire me with the work that they have done on redistricting and fixing gerrymandering in our state. They have learned about this process. They know about packing and cracking and, uh, the different representational fairness, all of the different criteria that are important to consider. I've gone to meetings, uh, and events around the state and everywhere I go, people are engaged. They are talking about this issue and they are the reason that we are here today, uh, discussing this bill. They also collected tens, hundreds of thousands of signatures in support of reforming this process. That is to be applauded and at the heart of that movement were indivisible groups around the state, the league of women voters, women who took part in the women's march.

And, you know, this has really been an effort, including a lot of Ohioans from all parts of the state. They know that we need to end the status quo. Ohio currently has the worst map we have ever had for our congressional delegation in state history and it's one of the worst, most gerrymandered maps in the country. We have one party walking away with three quarters of the districts when they're

only getting roughly half the votes. I can understand what Representative Ramos talks about. I come a smaller county, Portage County, and it is split into three congressional districts. We all hear about the snake along the lake. Uh, where I believe you actually have to wade through wetlands to stay within the district.

And we have a district, uh, when I go down and visit people in Athens at Ohio University, they talk about how confusing it is for them to have their district also inc- wrap around and include upper Arlington, a suburb in Columbus. These rigged and partisan districts make a mockery of our elections and they turn people off from voting and from participating and that is a very important reason why we need to fix this. Senate Joint Resolution Five makes the process better. For the first time in Ohio history, it aims to end the partisan gerrymandering and to make our districts fair. There's a key sentence in this proposal and I quote, "The general assembly shall not pass a map that unduly favors or disfavors a political party." What's that mean? That means no map that's a 12/4 map. No map that's a 12/3 map, and that is worth celebrating.

I too want to say thanks to the people involved in this process, the work group Representative Cera, Representative Schuring, Senator Sykes. I want to thank the four leaders, Speaker Rosenberger, minority leader Strahorn, Leader Uecker, and the Senate President Obhof, uh, for their diligence and dedication to fixing this. I too want to thank the staff and the countless hours that they have put in, especially Sarah Cherry, Bethany Sanders, and Andy de Palma. I also want to take a moment to thank the leaders of the coalition. They represent 40 diverse groups. In my understanding, it's more than that. Uh, and there've been some real leaders who have been at the negotiating table fighting for this reform and I want to specifically think Catherine Terser and Ann [Hankener 00:47:02] and Heather Taylor-Miesle.

So Senate Joint Resolution Number Five is a better way. I urge my colleagues to vote in favor and more importantly for the voters that this so deeply affects, I urge them to support Senate Joint Resolution on the ballot on May 8th. Thank you Mr. Speaker.

Cliff Rosenberger ([00:47:30](#)):

Question is shall joint resolution be adopted? Chair recognizes Represented Boccieri.

John Boccieri ([00:47:35](#)):

Thank you Mr. Speaker. For those of us who have studied military history know a famous quote by Carl Von Clausewitz in which he said that, "War is politics by no other means." And politics is often local. And the partisanship that we have seen in Washington and oftentimes here in the legislature has turned Ohioans off, have turned away from the television set. I mean, imagine this, you're sitting at a State of the Union address and you don't clap for a provision that the president may say is favorable to him or his party and then you're called treasonous. I mean, is that really where our politics have devoted? That we have devoted our time and energy? That we have become so partisan that we can't see th- through the clouds of political diversity or the changing ideas that constitute change and progress for our state. I remember serving and they s- they often would say that Washington is the only place that you can propose an idea, introduce legislation and then campaign against it.

Because our political lines in our states are drawn for trench warfare. And voting for someone for Congress is really important. I have one son and that member of Congress will have a vote to send my only boy to war. And this is personal for me having served there. And I remember having being asked a question by Dana Bash from CNN, "Jo- John, what's your most, the hardest issue you've ever voted on

in Washington? Energy healthcare?" "No, it was the vote to keep our men and women in uniform in harm's way, knowing that some of them may not come home."

And I flew those wounded and fallen soldiers out of Iraq and Afghanistan. But yet when we have a political process that draws our congressional districts to such partisan trench warfare, where is the sanity in this? Interested parties may come together and suggest that we have a more favorable district towards the minority, but that doesn't mean it's fair. And in fact, I will argue because many people have said this to me when you're out amongst the district and talking to people, "Politics wouldn't be bad John, if it weren't for the politicians." Right? Think about it. Well, how do you take the politicians out of a political process? Maybe I submit to you that we hand the process over to the people. If we truly want people to pick their representatives and not politicians picking the people that they want to represent, perhaps we ought to think about that.

And I know what political partisanship is about, I've run with this Jersey for half my adult life. Although I've tried to see other sides of the view and other sides of the aisle and vote for issues that I think were important for my district, because the only interested parties I truly care about are the voters that I represent. And while I may wear a blue Jersey and you may wear a red Jersey at the end of the day, we're all Americans and we have to stand up and, and defend our right to have free and fair elections. Now I'll ask you, my friends on the majority, these districts used to be drawn with crayons back in the day when we didn't have 3D printing and we didn't have computer programs that could narrow it down to a single voter. And in fact, when I lost in 2010 and they dr- redrew the congressional district, I was at the apex of three districts and I don't think that happened by accident.

But I tell you this much, that's fine. But how did you come to the numbers? When I climb into an airplane, I say, "Engineer, do we have enough fuel to get to the runway?" We look at the number. We trust, but verify. I think Reagan said that. How did y'all come to these numbers? 65 counties can't be split. 18 counties can only be split once and five can be split twice. Well, I think these numbers were plugged into that 3D printer and districts were constructed to maintain political control. Is that truly what the people are asking for? This citizen-led initiative that has forced us to the table to do a little bit better than we've done really is an indictment on the process for all of us, that we have created districts so partisan that in the last, in the 2016 congressional district, no race in Ohio was closer than 18 points and 14 of the congressional districts, 18 points.

Could you imagine how fair our political process would be if Nancy Pelosi and John Banner's district were marginal districts? Could you imagine the dialogue that we could have? I remember after I lost in Congress, we were sitting in the Library of Congress 'cause they wasted no time moving you out of your office. "Move aside. We've got the new folks coming in." And we're sitting in the Library of Congress, Democrats, Republicans. And I remember a woman from Arizona, a former Congresswoman who said, we were asking each other about our families. We were talking about how our kids were playing sports. We were talking about funny things that happened throughout the, throughout the, the, uh, the Congress. And we stopped in that moment of comedy and we asked, "Well, how, how good would our politics have been if we'd had done this over the last two years? Talk to each other, ask about our families.

What we do here is important. And the districts that we're going to burn into the constitution, I should say the process that we're going to burn into the constitution matters. And it matters for me and it matters for my only son. What does it mean that a map cannot be drawn to unduly favor or disfavor a political party? Is that the current map we have, well, many would argue that that's not fair. Is it nine to six? Is it five, five and five who gets to decide that? That's not defined in this legislation? Is that again, politicians deciding it here in the general assembly? Is that all of us? Many of us may not survive term limits, but the process will survive longer than we do.

And I will submit to you that we have to do our diligence. Maybe this rush to get this bill done and this resolution done is not what the people are asking for truly. Maybe we can take a little bit more time, sit down in our library at the legislative service commission and ask each other about our families before we start talking about politics. Kennedy said, "The great enemy of truth is often not the lie, deliberate, contrived, and dishonest, but the myth. Persistent, persuasive and unrealistic." Are we perpetuating this myth that we're going to have fairer districts because there are more favorable? And I would submit to you no. and that's why I cannot support this resolution today.

Speaker 15 ([00:54:41](#)):

The question is how the joint resolution be adopted? The chair recognizes Speaker Rosenberger.

Cliff Rosenberger ([00:54:47](#)):

Thank you Chair. Um, I want it to rise today because I think it's a historic day, um, for, uh, the institution, not only the Ohio House, but, uh, of the general assembly. Because, u- if you really think about it, uh, what is compromise? Uh, surely not everyone comes out happy at the end of the goal because each person has to give up on several areas. And I would say that in this entire process, there have been a lot of frustrations. There have been a lot of meetings started and a lot of meetings that have ended and meetings have restarted and rekindled. There've been meetings in Columbus, there've been meetings on the telephone, there's been meetings in cities across our state, but at the end result, I think at the end of the day, there was a historic compromise struck, in a time and in a period, not only in our maybe our state, but throughout our nation, in which it seems awful hard to get to a point to have compromise.

And that doesn't just happen overnight. It happens because you get good people in the room, good leaders with true hearts. And I want to take the opportunity to genuinely thank the members of this task force that have taken the time to work on behalf of both sides of the aisle here in the house and both the house and the Senate, they have spent countless hours of taking the opportunity to go through (laughs) shalls and mays and words and paragraphs, but not only those members like Kirk Schuring and Jack Cera, and Kenny Yuko and Senator Sykes and Senator Huffman and Leader Strahorn.

But the coalitions and re- re representative Clyde has already mentioned many names that have participated, the coalitions who have also come to the table, who on behalf of the people have been able to sit at the table to voice their concerns and their input, and the leaders that have taken the opportunity to learn and listen, and come to this point that we were able to pass a- or hopefully pass here very soon a piece of legislation that I would ask should get unanimous consent of this body.

It's unanimously passed a committee in the Senate, unanimously passed on the floor of the Senate, unanimously passed out, uh, rules, uh, today. And for the work in the efforts that have continued to go forward and the work in the efforts that I know will go forward into the ballot initiative, I think the people and citizens of Ohio need the opportunity for this compromise to work. And I think it's an opportunity for us all to have something very historic done, not just for the State of Ohio, for the entire nation. Because at the end of the day, what we have, what we were able to do and what I'm so proud of Ohio for, is that we are showing across the nation that here, at least in Ohio, we still know what it means to compromise, to work across the aisle, to work bipartisanly, to have adult conversations and actually do something for the citizens of our state.

I know I'm genuinely appreciative of President Obhof and his, his hands-on work that he has been able to do and, with this, um, I'm genuinely appreciative of our house, uh, leaders. Jack Cera, uh, is someone that I genuinely appreciate his leadership and his friendship and his advice and his counsel

throughout this process and subsequently, I don't think there could have been anyone else better to work with him than my friend Kirk Schuring. I know what they had to give up. I watched what they had to do to work on this issue. They had to, uh, drop last minute dinner plans with their family to be on the telephone, to meet in-person. Uh, and these meetings have been constant.

And to that effect, I appreciate their service and their leadership greatly. So I'm proud of this compromise, I'm proud of the example that we have been able to show, not only the 11 and a half million citizens of our state, but the nation in a whole, and again sure, there are frustrations. Sure, there have been hardships. Sure, we're not all happy, but at the end of the day, what we're trying to work on, what we're t- our main goal is, is to ensure the citizens of our state have f- a, a election process that works for them.

And to the coalition members and to the folks that have worked on this to everyone that has touched this, I'm extremely proud of your work. I'm extremely proud of what you've been able to do for our state and for the example, uh, that you have been able to set forth. So with that, I'm asking this body to rise above anything of, you know, trying to nitpick at something that has been worked so hard on and come together as one in an effort to continue to press forward something that I think will be an example for our nation in the future. So with that Mr. Chair I urge this body to, uh, pass this out in unanimous effort and send it to the voters. Thank you.

Speaker 15 ([00:59:48](#)):

The question is shall the joint resolution be adopted? The floor recognizes Representative Barnes.

John Barnes Jr. ([00:59:57](#)):

Thank you very much. Mr. Speaker never have the words of Tip O'Neil had more meaning than it does today. And all politics is local. Very wise statement because as I've been listening to most of my colleagues represent their people. They have truly made you feel what they are receiving from the people that they represent. And that, that is so very, very important. And that's why we're here, that's why we're a body of 99. It has to make decisions in a system of Madisonian system of government that, that we're dealing with that was designed purposefully to have debate and find reasonable practical solutions to a lot of the issues.

"All politics is local." Is what Tip said. So the very first question that I had about this bill was what impact would it have on the historic 11th Congressional District of Ohio? That's important to me because it's where I come from and the people that are part of that community, the 107 different ethnic groups from all over the world, ideally situated on, in a green city, on a blue lake.

And it's today, what I'm feeling is that nobody's satisfied Mr. Speaker. Nobody. But in the Madisonian system of government, we have a decision to make whatever those decisions might be, as I learned, one la- late on this floor, the speaker looked at me and said, um, it was about four o'clock in the morning, electric deregulation. She looked over me and said, "Tomorrow, we got to make another decision Representative Barnes." You need to pull your chin in and, and we ought to keep working. That's where we're at today, because all politics is local. And what we feel, what we feel is emotional. It's emotional for me to think of as a kid, a long black limousine pulls up in front of my dad's office, first African-American mayor of a major American city gets out who I am honored to serve in this historic district from Cuyahoga County and say, "I'm going in talk to your dad and you can sit in the car until I finish my meeting."

I never forgot that. I never forgot during this last process, Mr. Speaker, I was on a phone with a lot of those folks, a lot of leaders from Cleveland about what was going on. We weren't satisfied then,

but we gotta keep moving. And in this body, we have a responsibility to provide leadership that citizens of Ohio are looking at us to determine whether or not we're sending the right signals. That don't mean we don't disagree, but when we leave out of here, we should be leaving out of here with a United front of inclusion. Um, I grew up in a cycle where you, uh, you keep on pushing like the folks tell you to do. We're a winner and R-E-S-P-C-T.

Everybody in line with one of the most foremost compromisers in the United States, Congress, I don't think anybody here has accepted ignominious peace, but Henry Clay said on the floor of Congress that no man in this nation wants peace more than I. He said, I prefer a troubled oceans of war with all its calamities, as opposed to a cool and pew crested pool of ignominious peace. I'm not accepting ignominious peace ever. And I know that each one of you does not accept ignominious peace. We fight like hell, we move forward and we provide leadership based on the rules that will be established here today that we keep fighting. "I have a dream," as MLK said. Today's February, Black History Month.

And Edward Kennedy said that dream shall never die. I urge support of this house, concurrent resolution, because it's what we have to do at this point in time. We may not like all of it, but that is the system, the Madisonian system of government that was designed for which we provide the leadership today for those to come tomorrow. Thank you.

Cliff Rosenberger ([01:05:43](#)):

The House will stand at ease.

EXHIBIT 7

Statewide Issue

JON HUSTED

Ohio Secretary of State



I, Jon Husted, certify that printed below are the full text, ballot language, explanation and arguments that were certified to me by the Ohio Ballot Board, or filed with the Secretary of State as prescribed by law, for the constitutional amendment proposed by the Ohio General Assembly pursuant to Article XVI, Section 1 of the Ohio Constitution.

IN TESTIMONY WHEREFORE, I have subscribed my name in Columbus, Ohio, this fifteenth day of April, 2018.

In addition to certifying the following State Issue for the Primary Election occurring May 8, 2018, R.C. 3505.062(G) and Ohio Constitution Article II, Section 1g require the Secretary of State to contract for the publication of this information once a week for three (3) consecutive weeks preceding the election in at least one (1) newspaper of general circulation in each county in the state where a newspaper is published.

A handwritten signature of Jon Husted in black ink.

Jon Husted
OHIO SECRETARY OF STATE

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Ballot Language

Issue 1

Creates a bipartisan, public process for drawing congressional districts

Proposed Constitutional Amendment

Proposed by Joint Resolution of the General Assembly

To amend the version of Section 1 of Article XI that is scheduled to take effect January 1, 2021, and to enact Sections 1, 2, and 3 of Article XIX of the Constitution of the State of Ohio to establish a process for congressional redistricting.

A majority yes vote is necessary for the amendment to pass.

The proposed amendment would:

- End the partisan process for drawing congressional districts, and replace it with a process with the goals of promoting bipartisanship, keeping local communities together, and having district boundaries that are more compact.
- Ensure a transparent process by requiring public hearings and allowing public submission of proposed plans.
- Require the General Assembly or the Ohio Redistricting Commission to adopt new congressional districts by a bipartisan vote for the plan to be effective for the full 10-year period.
- Require that if a plan is adopted by the General Assembly without significant bipartisan support, it cannot be effective for the entire 10-year period and must comply with explicit anti-gerrymandering requirements.

If passed, the amendment will become effective immediately.

Shall the amendment be approved?

- ☐ YES
☐ NO

Explanation for Issue 1

The proposed amendment would end the current partisan process for drawing congressional districts by a simple majority vote of the General Assembly. This amendment requires a map be adopted with significant bipartisan support, with the goals of keeping local communities together and having district boundaries that are more compact. If bipartisan support cannot be obtained, strict anti-gerrymandering criteria would apply when adopting a congressional map.

Proposed Constitutional Amendment

Argument FOR Issue 1

Vote YES on Issue 1

A FAIR, BIPARTISAN, and TRANSPARENT PROCESS

VOTE YES on Issue 1. A YES vote will create a **fair, bipartisan, and transparent** process when drawing congressional districts that will **make politicians more accountable** to the voters. Issue 1 is supported by an overwhelming bipartisan majority of legislators as well as nonpartisan advocates.

Currently, it is too easy for one political party to gerrymander safe seats in Congress by dividing local communities and drawing a map without bipartisan support. Voting **YES on Issue 1** will limit gerrymandering by requiring that congressional districts be drawn with **bipartisan approval or utilizing strict anti-gerrymandering criteria**. It will also **keep communities together** by limiting splits of counties, townships and cities and promote geographically compact districts.

Fair

Voting YES on Issue 1 will establish fair standards for drawing congressional districts through its requirement of **bipartisan approval, or use of strict anti-gerrymandering criteria**.

Voting YES on Issue 1 will help keep our communities together by limiting the number of splits of counties, cities, and townships.

Bipartisan

Voting YES on Issue 1 will require significant bipartisan support to adopt new congressional districts for 10 years.

Transparent

Voting YES on Issue 1 will require multiple public meetings before adopting a proposed plan for congressional districts.

Voting YES on Issue 1 will guarantee public participation by allowing members of the public to submit a plan for congressional districts.

Voting YES on Issue 1 will preserve citizens' right to referendum and the veto power of the Governor when the General Assembly passes a plan for congressional districts.

Make your vote count, **vote YES on ISSUE 1**

Prepared by Senators Matt Huffman and Vernon Sykes and Representatives Kirk Schuring and Jack Cera

Argument AGAINST Issue 1

The current process for drawing new congressional districts is adequate and has served Ohio well for many years. Although the current system allows for one-party control, the voters can hold their state legislators responsible and vote against them if they believe those legislators are too partisan.

Even when this process is controlled by a single party, it is still representative of the people's will since any map is passed by statewide officials, who were themselves elected by popular vote. Historically, one party's control doesn't last forever.

The current process can be trusted to maintain fair district lines; a "no" vote maintains the status quo.

Prepared by the Ohio Ballot Board as required by Ohio Revised Code Section 3505.063(A).

Full Text of Amendment

(132nd General Assembly)

(Substitute Senate Joint Resolution Number 5)

A JOINT RESOLUTION

Proposing to amend the version of Section 1 of Article XI that is scheduled to take effect January 1, 2021, and to enact Sections 1, 2, and 3 of Article XIX of the Constitution of the State of Ohio to establish a process for congressional redistricting.

Be it resolved by the General Assembly of the State of Ohio, three-fifths of the members elected to each house concurring herein, that there shall be submitted to the electors of the state, in the manner prescribed by law at a special election to be held on May 8, 2018, a proposal to amend the version of Section 1 of Article XI that is scheduled to take effect January 1, 2021, and to enact Sections 1, 2, and 3 of Article XIX of the Constitution of the State of Ohio to read as follows:

ARTICLE XI

Section 1. (A) The Ohio redistricting commission shall be responsible for the redistricting of this state for the general assembly. The commission shall consist of the following seven members:

- (1) The governor;
- (2) The auditor of state;
- (3) The secretary of state;

(4) One person appointed by the speaker of the house of representatives;

(5) One person appointed by the legislative leader of the largest political party in the house of representatives of which the speaker of the house of representatives is not a member;

(6) One person appointed by the president of the senate; and

(7) One person appointed by the legislative leader of the largest political party in the senate of which the president of the senate is not a member.

No appointed member of the commission shall be a current member of congress.

The legislative leaders in the senate and the house of representatives of each of the two largest political parties represented in the general assembly, acting jointly by political party, shall appoint a member of the commission to serve as a co-chairperson of the commission.

(B)(1) Unless otherwise specified in this article or in Article XIX of this constitution, a simple majority of the commission members shall be required for any action by the commission.

(2)(a) Except as otherwise provided in division (B)(2)(b) of this section, a majority vote of the members of the commission, including at least one member of the commission who is a member of each of the two largest political parties represented in the general assembly, shall be required to do any of the following:

Proposed Constitutional Amendment

Full Text of Amendment - Cont.

- (i) Adopt rules of the commission;
- (ii) Hire staff for the commission;
- (iii) Expend funds.

(b) If the commission is unable to agree, by the vote required under division (B)(2)(a) of this section, on the manner in which funds should be expended, each co-chairperson of the commission shall have the authority to expend one-half of the funds that have been appropriated to the commission.

(3) The affirmative vote of four members of the commission, including at least two members of the commission who represent each of the two largest political parties represented in the general assembly shall be required to adopt any general assembly district plan. For the purpose purposes of this division and of Section 1 of Article XIX of this constitution, a member of the commission shall be considered to represent a political party if the member was appointed to the commission by a member of that political party or if, in the case of the governor, the auditor of state, or the secretary of state, the member is a member of that political party.

(C) At the first meeting of the commission, which the governor shall convene only in a year ending in the numeral one, except as provided in Sections 8 and 9 of this article and in Sections 1 and 3 of Article XIX of this constitution, the commission shall set a schedule for the adoption of procedural rules for the operation of the commission.

The commission shall release to the public a proposed general assembly district plan for the boundaries for each of the ninety-nine house of representatives districts and the thirty-three senate districts. The commission shall draft the proposed plan in the manner prescribed in this article. Before adopting, but after introducing, a proposed plan, the commission shall conduct a minimum of three public hearings across the state to present the proposed plan and shall seek public input regarding the proposed plan. All meetings of the commission shall be open to the public. Meetings shall be broadcast by electronic means of transmission using a medium readily accessible by the general public.

The commission shall adopt a final general assembly district plan not later than the first day of September of a year ending in the numeral one. After the commission adopts a final plan, the commission shall promptly file the plan with the secretary of state. Upon filing with the secretary of state, the plan shall become effective.

Four weeks after the adoption of a general assembly district plan or a congressional district plan, whichever is later, the commission shall be automatically dissolved.

(D) The general assembly shall be responsible for making the appropriations it determines necessary in order for the commission to perform its duties under this article and Article XIX of this constitution.

ARTICLE XIX

Section 1. (A) Except as otherwise provided in this section, the general assembly shall be responsible for the redistricting of this state for congress based on the prescribed number of congressional districts apportioned to the state pursuant to Section 2 of Article I of the Constitution of the United States.

Not later than the last day of September of a year ending in the numeral one, the general assembly shall pass a congressional district plan in the form of a bill by the affirmative vote of three-fifths of the members of each house of the general assembly, including the affirmative vote of at least one-half of the members of each of the two largest political parties represented in that house. A congressional district plan that is passed under this division and becomes law shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(B) If a congressional district plan is not passed not later than the last day of September of a year ending in the numeral one and filed with the secretary of state in accordance with Section 16 of Article II of this constitution, then the Ohio redistricting commission described in Article XI of this constitution shall adopt a congressional district plan not later than the last day of October of that year by the affirmative vote of four members of the commission, including at least two members of the commission who represent each of the two largest political parties represented in the general assembly. The plan shall take effect upon filing with the secretary of state and shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(C)(1) If the Ohio redistricting commission does not adopt a plan not later than the last day of October of a year ending in the numeral one, then the general assembly shall pass a congressional district plan in the form of a bill not later than the last day of November of that year.

(2) If the general assembly passes a congressional district plan under division (C)(1) of this section by the affirmative

vote of three-fifths of the members of each house of the general assembly, including the affirmative vote of at least one-third of the members of each of the two largest political parties represented in that house, and the plan becomes law, the plan shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(3) If the general assembly passes a congressional district plan under division (C)(1) of this section by a simple majority of the members of each house of the general assembly, and not by the vote described in division (C)(2) of this section, all of the following shall apply:

(a) The general assembly shall not pass a plan that unduly favors or disfavors a political party or its incumbents.

(b) The general assembly shall not unduly split governmental units, giving preference to keeping whole, in the order named, counties, then townships and municipal corporations.

(c) Division (B)(2) of Section 2 of this article shall not apply to the plan. The general assembly shall attempt to draw districts that are compact.

(d) The general assembly shall include in the plan an explanation of the plan's compliance with divisions (C)(3)(a) to (c) of this section.

(e) If the plan becomes law, the plan shall remain effective until two general elections for the United States house of representatives have occurred under the plan, except as provided in Section 3 of this article.

(D) Not later than the last day of September of the year after the year in which a plan expires under division (C)(3)(e) of this section, the general assembly shall pass a congressional district plan in the form of a bill by the affirmative vote of three-fifths of the members of each house of the general assembly, including the affirmative vote of at least one-half of the members of each of the two largest political parties represented in that house. A congressional district plan that is passed under this division and becomes law shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

A congressional district plan passed under this division shall be drawn using the federal decennial census data or other data on which the previous redistricting was based.

(E) If a congressional district plan is not passed not later than the last day of September of the year after the year in which a plan expires under division (C)(3)(e) of this section and filed with the secretary of state in accordance with Section 16 of Article II of this

constitution, then the Ohio redistricting commission described in Article XI of this constitution shall be reconstituted and reconvene and shall adopt a congressional district plan not later than the last day of October of that year by the affirmative vote of four members of the commission, including at least two members of the commission who represent each of the two largest political parties represented in the general assembly. A congressional district plan adopted under this division shall take effect upon filing with the secretary of state and shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

A congressional district plan adopted under this division shall be drawn using the federal decennial census data or other data on which the previous redistricting was based.

(F)(1) If the Ohio redistricting commission does not adopt a congressional district plan not later than the last day of October of the year after the year in which a plan expires under division (C)(3)(e) of this section, then the general assembly shall pass a congressional district plan in the form of a bill not later than the last day of November of that year.

A congressional district plan adopted under this division shall be drawn using the federal decennial census data or other data on which the previous redistricting was based.

(2) If the general assembly passes a congressional district plan under division (F)(1) of this section by the affirmative vote of three-fifths of the members of each house, including the affirmative vote of at least one-third of the members of each of the two largest political parties represented in that house, and the plan becomes law, it shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(3) If the general assembly passes a congressional district plan under division (F)(1) of this section by a simple majority vote of the members of each house of the general assembly, and not by the vote described in division (F)(2) of this section, all of the following shall apply:

(a) The general assembly shall not pass a plan that unduly favors or disfavors a political party or its incumbents.

(b) The general assembly shall not unduly split governmental units, giving preference to keeping whole, in the order named, counties, then townships and municipal corporations.

(c) Division (B)(2) of Section 2 of this article shall not apply to the plan. The

Proposed Constitutional Amendment

Full Text of Amendment - Cont.

general assembly shall attempt to draw districts that are compact.

(d) The general assembly shall include in the plan an explanation of the plan's compliance with divisions (F)(3) (a) to (c) of this section.

(e) If the plan becomes law, the plan shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(G) Before the general assembly passes a congressional district plan under any division of this section, a joint committee of the general assembly shall hold at least two public committee hearings concerning a proposed plan. Before the Ohio redistricting commission adopts a congressional district plan under any division of this section, the commission shall hold at least two public hearings concerning a proposed plan.

(H) The general assembly and the Ohio redistricting commission shall facilitate and allow for the submission of proposed congressional district plans by members of the public. The general assembly shall provide by law the manner in which members of the public may do so.

(I) For purposes of filing a congressional district plan with the governor or the secretary of state under this article, a congressional district plan shall include both a legal description of the boundaries of the congressional districts and all electronic data necessary to create a congressional district map for the purpose of holding congressional elections.

(J) When a congressional district plan ceases to be effective under this article, the district boundaries described in that plan shall continue in operation for the purpose of holding elections until a new congressional district plan takes effect in accordance with this article. If a vacancy occurs in a district that was created under the previous district plan, the election to fill the vacancy for the remainder of the unexpired term shall be held using the previous district plan.

Section 2. (A)(1) Each congressional district shall be entitled to a single representative in the United States house of representatives in each congress.

(2) The whole population of the state, as determined by the federal decennial census or, if the federal decennial census is unavailable, another basis as directed by the general assembly, shall be divided by the number of congressional districts apportioned to the state pursuant to Section 2 of Article I of the Constitution of the United States, and the quotient

shall be the congressional ratio of representation for the next ten years.

(3) Notwithstanding the fact that boundaries of counties, municipal corporations, and townships within a district may be changed, district boundaries shall be created by using the data from the most recent federal decennial census or from the basis directed by the general assembly, as applicable.

(B) A congressional district plan shall comply with all of the following requirements:

(1) The plan shall comply with all applicable provisions of the constitutions of Ohio and the United States and of federal law, including federal laws protecting racial minority voting rights.

(2) Every congressional district shall be compact.

(3) Every congressional district shall be composed of contiguous territory, and the boundary of each district shall be a single nonintersecting continuous line.

(4) Except as otherwise required by federal law, in a county that contains a population that exceeds the congressional ratio of representation, the authority drawing the districts shall take the first of the following actions that applies to that county:

(a) If a municipal corporation or township located in that county contains a population that exceeds the congressional ratio of representation, the authority shall attempt to include a significant portion of that municipal corporation or township in a single district and may include in that district other municipal corporations or townships that are located in that county and whose residents have similar interests as the residents of the municipal corporation or township that contains a population that exceeds the congressional ratio of representation. In determining whether the population of a municipal corporation or township exceeds the congressional ratio of representation for the purpose of this division, if the territory of that municipal corporation or township completely surrounds the territory of another municipal corporation or township, the territory of the surrounded municipal corporation or township shall be considered part of the territory of the surrounding municipal corporation or township.

(b) If one municipal corporation or township in that county contains a population of not less than one hundred thousand and not more than the congressional ratio of representation, that municipal corporation or township shall not be split. If that county contains two or more such municipal corporations

or townships, only the most populous of those municipal corporations or townships shall not be split.

(5) Of the eighty-eight counties in this state, sixty-five counties shall be contained entirely within a district, eighteen counties may be split not more than once, and five counties may be split not more than twice. The authority drawing the districts may determine which counties may be split.

(6) If a congressional district includes only part of the territory of a particular county, the part of that congressional district that lies in that particular county shall be contiguous within the boundaries of the county.

(7) No two congressional districts shall share portions of the territory of more than one county, except for a county whose population exceeds four hundred thousand.

(8) The authority drawing the districts shall attempt to include at least one whole county in each congressional district. This division does not apply to a congressional district that is contained entirely within one county or that cannot be drawn in that manner while complying with federal law.

(C)(1) Except as otherwise provided in division (C)(2) of this section, for purposes of this article, a county, municipal corporation, or township is considered to be split if, based on the census data used for the purpose of redistricting, any contiguous portion of its territory is not contained entirely within one district.

(2) If a municipal corporation or township has territory in more than one county, the contiguous portion of that municipal corporation or township that lies in each county shall be considered to be a separate municipal corporation or township for purposes of this section.

Section 3. (A) The supreme court of Ohio shall have exclusive, original jurisdiction in all cases arising under this article.

(B)(1) In the event that any section of this constitution relating to congressional redistricting, any congressional district plan, or any congressional district or group of congressional districts is challenged and is determined to be invalid by an unappealed final order of a court of competent jurisdiction then, notwithstanding any other provisions of this constitution, the general assembly shall pass a congressional district plan in accordance with the provisions of this constitution that are then valid, to be used until the next time for redistricting under this article in accordance with the provisions of this constitution that are

then valid.

The general assembly shall pass that plan not later than the thirtieth day after the last day on which an appeal of the court order could have been filed or, if the order is not appealable, the thirtieth day after the day on which the order is issued.

A congressional district plan passed under this division shall remedy any legal defects in the previous plan identified by the court but shall include no changes to the previous plan other than those made in order to remedy those defects.

(2) If a new congressional district plan is not passed in accordance with division (B)(1) of this section and filed with the secretary of state in accordance with Section 16 of Article II of this constitution, the Ohio redistricting commission shall be reconstituted and reconvene and shall adopt a congressional district plan in accordance with the provisions of this constitution that are then valid, to be used until the next time for redistricting under this article in accordance with the provisions of this constitution that are then valid.

The commission shall adopt that plan not later than the thirtieth day after the deadline described in division (B)(1) of this section.

A congressional district plan adopted under this division shall remedy any legal defects in the previous plan identified by the court but shall include no other changes to the previous plan other than those made in order to remedy those defects.

EFFECTIVE DATE AND REPEAL

If adopted by a majority of the electors voting on this proposal, the version of Section 1 of Article XI amended by this proposal and Sections 1, 2, and 3 of Article XIX of the Constitution of the State of Ohio enacted by this proposal take effect January 1, 2021, and the existing version of Section 1 of Article XI of the Constitution of the State of Ohio that is scheduled to take effect January 1, 2021, is repealed from that effective date.

EXHIBIT 8



Ohio Senate
Senate Building
1 Capitol Square
Columbus, Ohio 43215
(614) 466-4074

Dr. Vernon Sykes
Ohio State Senator
28th Senate District

October 5, 2021

The Honorable Bob Cupp
Co-Chair, Ohio Redistricting Commission
Ohio House of Representatives
77 South High Street, 14th Floor
Columbus, Ohio 43215

Dear Speaker Cupp,

As a co-chair of the Ohio Redistricting Commission, I write today to urge the scheduling of public hearings for the consideration of congressional redistricting.

As you are aware, the Ohio General Assembly failed to adopt a congressional redistricting plan by September 30, and the Ohio Redistricting Commission now has until October 31 to adopt a redistricting plan. During legislative redistricting, the Ohio Redistricting Commission held 13 hearings for members of the public to testify. During those meetings, we discouraged witnesses from testifying on congressional redistricting, as the primary purpose of our August and September meetings was to accept testimony on state legislative redistricting. We also told members of the public they would have an opportunity later to testify on congressional redistricting.

That time has now arrived. Over 40 congressional maps have been submitted to the Ohio Redistricting Commission website. Leader Yuko and I have also submitted our own congressional redistricting map. As co-chairs of the Redistricting Commission, we must schedule hearings as soon as possible so we can begin receiving public testimony on all congressional maps that have been submitted, as well as on other topics related to congressional redistricting.

I propose that, at a minimum, we hold hearings in Columbus, Cincinnati, Toledo and Cleveland. I suggest the following dates: Tuesday, October 12; Thursday, October 14; Saturday, October 16; and Tuesday, October 19. The Commission also received repeated requests that its meetings be accessible outside of normal work hours. I would suggest that some of the meetings be held in the evening.

This proposed schedule would also reserve the last week of October for additional Commission meetings, which are required under Article XIX § 1 of the Ohio Constitution, after a plan has been proposed by the Commission but before any final adoption.

I look forward to working with you to set a meeting schedule that enables the Commission to fulfill its constitutional duty and to develop a schedule that responds to the public's great desire for a meaningful, transparent process for drawing congressional districts.

Sincerely,

A handwritten signature in black ink, appearing to read "Vernon Sykes", with a stylized flourish at the end.

Vernon Sykes, Co-Chair
Ohio Redistricting Commission

cc: Ohio Redistricting Commission members

EXHIBIT 9



Ohio Senate
Senate Building
1 Capitol Square
Columbus, Ohio 43215
(614) 466-7041

Dr. Vernon Sykes
Ohio State Senator
28th Senate District

October 18, 2021

The Honorable Bob Cupp
Co-Chair, Ohio Redistricting Commission
77 South High Street, 14th Floor
Columbus, Ohio 43215

Dear Speaker Cupp,

I write to follow up on my October 5 letter, in which I urged that we schedule meetings of the Redistricting Commission to work on congressional redistricting. These meetings are essential, particularly because we promised the public they would have the opportunity to testify on congressional redistricting before the commission. It is imperative that these meetings take place as soon as possible so that members of the commission can work toward adopting a ten-year plan. I also am eager for your schedule suggestions so we may jointly decide as co-chairs when to meet.

The public expects an open process with the opportunity to offer input and suggestions about how to draw maps that represent all Ohioans. As a commission, we must demonstrate that we are using a fair, transparent process to consider and adopt maps.

As you know, last month, Leader Yuko and I submitted a Senate Democratic congressional redistricting map. I would like your input on our plan and to provide an opportunity for all commissioners and the public to formally comment. Lastly, I look forward to the majority releasing a plan for consideration by the commission and public.

I appreciate your attention to these issues and look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Vernon Sykes", with a stylized flourish at the end.

Vernon Sykes, Co-Chair
Ohio Redistricting Commission

cc: Ohio Redistricting Commission members

EXHIBIT 10

Chair Wilkin ([00:00:00](#)):

I now call the November 3rd House Government Oversight Committee to order. Clerk will take the roll.

Speaker 1 ([00:00:06](#)):

Chair Wilkin.

Chair Wilkin ([00:00:07](#)):

Yes.

Speaker 1 ([00:00:08](#)):

Vice Chair White.

Vice Chair White ([00:00:08](#)):

Yes.

Speaker 1 ([00:00:09](#)):

Ranking Member Brown.

Ranking Member Brown ([00:00:10](#)):

Here.

Speaker 2 ([00:00:10](#)):

Representative Abrams.

Representative Abrams ([00:00:10](#)):

Here.

Speaker 2 ([00:00:10](#)):

Carfagna.

Carfagna ([00:00:10](#)):

Here.

Speaker 2 ([00:00:10](#)):

Galonski.

Representative Galonski ([00:00:10](#)):

Present.

Speaker 1 ([00:00:10](#)):

Ginter.

Ginter ([00:00:13](#)):

Here.

Speaker 1 ([00:00:17](#)):

Hicks-Hudson.

Representative Hicks-Hudson ([00:00:17](#)):

Present.

Speaker 1 ([00:00:17](#)):

Howse.

Representative Howse ([00:00:17](#)):

Present.

Speaker 1 ([00:00:20](#)):

Jones.

Jones ([00:00:20](#)):

Here.

Speaker 2 ([00:00:20](#)):

Kelly.

Representative Kelly ([00:00:20](#)):

Here.

Speaker 1 ([00:00:20](#)):

Plummer.

Plummer ([00:00:20](#)):

Here.

Speaker 1 ([00:00:20](#)):

And Seitz.

Seitz ([00:00:20](#)):

Here.

Male ([00:00:26](#)):

[inaudible 00:00:26] everybody.

Chair Wilkin ([00:00:28](#)):

With quorum being present, we will operate as a full committee. This time, the chair moves to approve the minutes of the October 28th meeting. If there are no objections, we will accept the minutes as presented. Hearing none, the minutes are approved.

Couple of quick housekeeping things before we get going. If there are no objections, our new Ranking Member, Representative Brown will be appointed as the Secretary. Hearing none. Congratulations and welcome, Representative Brown.

For our audience, if you plan to record or video, please make sure you fill out a slip. There should be right down there on the table, if you need one. With that said, at this point, I would like to call up House Bill 497 for its first hearing. And right now the Chair recognizes Representative White for a motion.

Vice Chair White ([00:01:27](#)):

Thank you, Mr. Chairman, I move to adopt the substitute bill L1342114. This substitute bill replaces the current placeholder legislation with the new proposed plan.

Representative Galonski ([00:01:37](#)):

Objection.

Chair Wilkin ([00:01:41](#)):

We have an objection, but I will ask that as we go through this sub bill any questions be saved and directed to the bill sponsor, Representative Oelslager.

Ranking Member Brown ([00:01:52](#)):

Mr. Chair?

Chair Wilkin ([00:01:52](#)):

Yes.

Ranking Member Brown ([00:01:53](#)):

May I make a statement on the record?

Chair Wilkin ([00:01:55](#)):

Sure.

Ranking Member Brown ([00:01:56](#)):

Thank you. At 10:42 AM, a map was uploaded. We have not had any time to review this map in any meaningful way. We never saw the map until approximately 10:42 AM. With regard to the sub bill, we're seeing it now for the first time on our iPads here in the committee hearing room, no opportunity to see it prior to this moment.

We would ask that the majority hold off on taking action on the sub bill at this time. It's our goal and desire as the Democratic caucus to get a 10 year map. However, seems to me that perhaps we're getting off on the wrong foot by at the last minute, offering a map and a sub bill, which we have not had an opportunity to review in any kind of meaningful way and have had no opportunity to have any discussions with anyone, including the majority with regard to these matters.

So we would simply ask that the majority agree voluntarily not to offer the sub bill at this time. If the majority desires to proceed forward, then we would have to formally object to the sub bill. Thank you.

Chair Wilkin ([00:03:14](#)):

Thank you, Ranking Member Brown. I believe I did hear an objection already with Representative White's motion on the floor. We will proceed to vote on that motion. Again, this is sponsor testimony on the bill only, and we have another committee's hearing set for tomorrow. So at this point, there is an objection and I do not know who object.

Representative Hicks-Hudson ([00:03:40](#)):

Representative Galonski objected. [inaudible 00:03:42].

Chair Wilkin ([00:03:42](#)):

Chair recognizes Representative Hicks-Hudson.

Representative Hicks-Hudson ([00:03:45](#)):

Thank you, Mr. Chair. My point of order is that as Ranking Member has just said, I believe that we do need to have further discussion before this bill and an opportunity to examine it in all manner because as we are looking at trying to put forward a 10 year map, it is incumbent upon all of us, the weight and the seriousness of it. And we have been waiting, the public has been waiting, the citizens of Ohio have been waiting for a fair opportunity to examine and to be able to look at the ramifications of what's being proposed. And with just having received it less than 20, 30 minutes ago, it is really a major issue for us as part of this caucus, as part of being citizens. And when we look at procrastination on the part of the majority and this process before us has now created in my estimation, a constitutional crisis. And we need to be very careful moving forward, that we, number one, maintain the will of the people that created this process for us. And number two, that we use all of our resources and due diligence in order to be sure that what is presented and ultimately voted on reflects the will of the people of the state of Ohio.

And so, therefore I think that before there is a vote, there needs to be further discussion about this and that this bill, the substitute bill, should be held in advance until all of us are able to review it carefully. Thank you.

Representative Galonski ([00:05:20](#)):

To the chair, since I was the one to make the first objection, may I please speak to my objection?

Chair Wilkin ([00:05:25](#)):

Chair recognizes Representative Galonski.

Representative Galonski ([00:05:27](#)):

Thank you to the Chair.

Chair Wilkin ([00:05:28](#)):

If you guys can, can you speak up or raise your hand? Because I had no idea who objected.

Representative Galonski ([00:05:32](#)):

Sure. Thank you to the Chair. And so, I did object to the offering of the sub bill. And my question then is I think the Chair just stated that we were going to have testimony from the sponsor, Oelslager, on 479. 479 has two sentences. The sub bill is 300 pages. What exactly would he be testifying to? Would it be 479 as it is or the sub bill?

Chair Wilkin ([00:05:57](#)):

Representative Galonski, my understanding is Chairman Oelslager will be testifying to the sub bill, and we are only voting on accepting the sub bill at this time. So with a motion on the floor, the clerk will take the roll.

Speaker 1 ([00:06:14](#)):

Chair Wilkin.

Chair Wilkin ([00:06:15](#)):

Yes.

Speaker 1 ([00:06:16](#)):

Vice Chair White.

Vice Chair White ([00:06:17](#)):

Yes.

Speaker 1 ([00:06:17](#)):

Ranking Member Brown.

Ranking Member Brown ([00:06:19](#)):

No.

Speaker 1 ([00:06:19](#)):

Representative Abrams.

Representative Abrams ([00:06:20](#)):

Yes.

Speaker 2 ([00:06:21](#)):

Carfagna.

Carfagna ([00:06:22](#)):

Yes.

Speaker 2 ([00:06:23](#)):

Galonski.

Representative Galonski ([00:06:24](#)):

No.

Speaker 2 ([00:06:24](#)):

Ginter.

Ginter ([00:06:25](#)):

Yes.

Speaker 2 ([00:06:26](#)):

Hicks-Hudson.

Representative Hicks-Hudson ([00:06:27](#)):

No.

Speaker 1 ([00:06:27](#)):

Howse.

Representative Howse ([00:06:28](#)):

No.

Speaker 1 ([00:06:29](#)):

Jones.

Jones ([00:06:30](#)):

Yes.

Speaker 1 ([00:06:31](#)):

Kelly.

Representative Kelly ([00:06:31](#)):

No.

Speaker 1 ([00:06:32](#)):

Plummer.

Plummer ([00:06:33](#)):

Yes.

Speaker 1 ([00:06:34](#)):

Seitz.

Seitz ([00:06:34](#)):

No.

Chair Wilkin ([00:06:38](#)):

Eight to five. With a vote of eight yeas and five nays, the motion is approved and we will now be operating off of the new sub bill. This time, the Chair will call up Representative Oelslager to provide sponsor testimony. I'd like to note, there's a full image of the proposed plan, close-ups of urban counties at the homepage and at the bottom of your iPads.

Representative Howse ([00:07:00](#)):

Mr. Chair? Question.

Chair Wilkin ([00:07:05](#)):

Let's let Representative Oelslager start.

Representative Howse ([00:07:06](#)):

That's my question. Where is his testimony?

Chair Wilkin ([00:07:13](#)):

We do not have testimony uploaded on the iPads at this time. Mr. Oelslager, you may begin when you're ready.

Representative Howse ([00:07:20](#)):

Excuse me. Excuse me. Sorry, sorry, sorry, sorry. Usually, we have sponsored testimony so that we can actually read and see what's going on or am I missing something? Can you clarify for me, Mr. Chairman?

Chair Wilkin ([00:07:35](#)):

Representative Howse, I understand that. We try and do the best we can on that, but is not required by the rules.

Representative Howse ([00:07:40](#)):

Okay, [crosstalk 00:07:40]. Okay, great.

Chair Wilkin ([00:07:40](#)):

Therefore, at this time, Mr. Oelslager-

Representative Howse ([00:07:41](#)):

Okay, great.

Chair Wilkin ([00:07:41](#)):

... please proceed.

Representative Howse ([00:07:42](#)):

Great. Appreciate it.

Chair Wilkin ([00:07:46](#)):

This time, Mr. Oelslager, you may proceed when you're ready.

Representative Oelslager ([00:07:48](#)):

Thank you, Mr. Chairman. First of all, I'd like to congratulate Representative Howse. I understand there was a victory yesterday in your community, so congratulations to you. Chairman Wilkin, Vice Chair White, Ranking Member Brown, and the members of the committee, thank you for the opportunity to present a substitute version of House Bill 479, a congressional redistricting plan. Provided with my testimony is an image of the full plan, close-ups of urban counties with geographical boundaries of cities, townships, and villages, and a block assignment file, which should be on your iPad on the committee website.

As you know, Ohio voters and the General Assembly partnered to pass and approve a constitutional reforms to Ohio's redistrict process and ultimately the make of future redistricting plans. I am happy to share with you today a congressional redistricting plan that meets all mandatory requirements of Article 19 of the Ohio Constitution. The plan also achieves certain aspirational sections of Article 19.

I'd like to share with you some highlights of the proposal highlights of the proposal. First, I'll talk about congressional district population. This past decade, Ohio's population grew at a slower pace compared to the rest of the country. For at least the next decade, Ohio will have 15 representatives to Congress down from 16 over the past decade. Ohio's population is 11,799,448. And when divided by 15 equals 78, excuse me, 786,629.8. To achieve the lowest deviation from 786,629.8, the plan before you consists of 13 districts with a population of 786, 630 and two districts with a population of 786,629.

I'll now share about the bill's impact on Columbus, Cleveland, and Cincinnati. Article 19, Section 2(B)(4)(a) specifies a congressional district plan shall attempt to include a significant portion of any municipal corporation or township in a single district that qualifies with criteria in that section, which today only applies to Columbus. In determining the population of Columbus, this section specifies that subdivisions circumscribed by the jurisdiction are to be included in the population count. I am proud to say approximately 70% of Columbus is within one congressional district, a percentage of cited, excuse me, a percentage cited in public testimony before the Ohio redistricting commission.

Article 19, Section 2(B)(4)(b), which today applies to Cleveland and Cincinnati, specifies that neither city may be split into more than one congressional district. The plan before you today complies with that section. Cincinnati is wholly contained in congressional district one. And Cleveland is wholly contained in congressional district 11.

I'll now share about county and county subdivision splits. Section 2(B)(5) of Article 19 requires 65 counties to be wholly contained in a congressional district and permits 18 counties to be split once, meaning a portion of the county boundary is included in two districts. Five counties may be split twice, meaning a portion of the county boundaries included in three districts. The plan before you is constructed with 75 whole districts, excuse me, whole counties and 13 split counties. Three counties, Franklin, Cuyahoga, and Hamilton, all of which have a population of greater than one ratio, must be split due to population requirements.

Another aspect of this proposal that I am proud of is all 15 congressional districts consist in part of at least one whole county. The congressional district plan in place today splits 23 counties, with two counties being with two counties being split into four congressional districts. Substitute House Bill 479 splits 16 subdivisions, mainly due to the balancing of districts down to the precincts, excuse me, down to the person, which is about the half the number of subdivision splits that exist in the current

congressional map. It is important to note the Ohio Constitution clarifies subdivision boundaries that perforate multiple counties and are considered to be separate subdivisions and are not split. The same applies to any non-contiguous portions of a subdivision.

Substitute House Bill 479 is a constitutionally compliant congressional plan, which is always the primary factor, but also a plan that focuses on maintaining whole communities within congressional districts. Thank you for your opportunity to testify, and I'm happy to do the best I can to answer your questions. Thank you, Mr. Chairman.

Chair Wilkin ([00:12:37](#)):

Thank you, Representative Oelslager. At this time, I will recognize Representative Galonski.

Representative Galonski ([00:12:45](#)):

Thank you to the Chair and thank you Representative Oelslager for testifying here today. It seems to me that you were reading your testimony and I was wondering if you would be amenable to having that uploaded so that we could evaluate it. And then I'd like to make a motion for a recess so that we could have time to evaluate your testimony before asking questions.

Representative Oelslager ([00:13:07](#)):

I would yield to the Chairman decision on that issue.

Chair Wilkin ([00:13:08](#)):

At this time, we're going to go through. I already have a list of people that have questions. At this time, we're going to proceed with questions for the bill sponsor. Is there any follow-up? Representative Hicks-Hudson. Representative Hicks Hudson?

Representative Hicks-Hudson ([00:13:48](#)):

Thank you, Mr. Chair. Thank you for your testimony. Although, you've made various assertions, and I'd like to know some of the basis. You mentioned in your assertion about that the map goes down to the precinct level in terms of districts. What do you mean by exactly precincts? Are you talking about individual precincts? Are you talking about combinations? How were these precincts decided in terms of creating this particular map?

Representative Oelslager ([00:14:23](#)):

Mr. Chairman, Representative Hicks-Hudson, I said precinct, but then I corrected myself as it should have been person, down to the person.

Representative Hicks-Hudson ([00:14:29](#)):

Okay. I didn't hear person, so thank you for that clarification.

Representative Oelslager ([00:14:29](#)):

Sure. Certainly.

Representative Hicks-Hudson ([00:14:33](#)):

Follow-up, if I may.

Chair Wilkin ([00:14:35](#)):

Follow-up.

Representative Hicks-Hudson ([00:14:35](#)):

Thank you. Thank you, Mr. Chair. And thank you for that clarification. You also talk about, again, going back and making reference to the constitution. I'm just trying to understand how, for example, in looking at district... I really want to talk about district nine, which is mine, but I'm looking at district... Well, let's talk about district nine in particular. How does that particular drawing specifically comply with your testimony?

Representative Oelslager ([00:15:16](#)):

Mr. Chairman, Representative Hudson, that is more of a technical question that if you leave your question with the Chair, I'll respond. I cannot answer that question at one time.

Representative Hicks-Hudson ([00:15:29](#)):

Follow-up and statement.

Chair Wilkin ([00:15:30](#)):

Follow-up.

Representative Hicks-Hudson ([00:15:32](#)):

Thank you, Mr. Chair, and thank you for your candor as it relates to my question. But your answer really does highlight the need for us to slow this process down for us to be able to look at this and not react in less than 30 minutes. And so, I would like not only for you to be able to give us the answer to, as I talked about district four, but will you be able to give us that specificity for all of these districts is how this map was drawn? And bless your heart. My last question is to you, who actually put this map together for you?

Representative Oelslager ([00:16:15](#)):

Mr. Chairman, Representative Hicks-Hudson, Mr. Blake Springhetti drew this map. He is the author of the map.

Representative Hicks-Hudson ([00:16:27](#)):

Thank you. Thank you, Mr. Chairman.

Chair Wilkin ([00:16:32](#)):

Thank you. Representative Kelly.

Representative Kelly ([00:16:34](#)):

Thank you, Mr. Chairman. I wanted to start out with a question about Hamilton County because that's where I'm from. People are frustrated now with the way that the district has been split. And so, I was hopeful but not optimistic that folks in Hamilton County would be able to really see the result of an intentional process that stayed true to what the people asked for when they passed redistricting reform.

I just, when you were giving your testimony, kept thinking of this thing that my mom always says was just because you can, doesn't mean you should. And so, I understand that the cities have been kept wholly together, but I guess my question is, how did you determine what like communities stayed together on this map, specifically in Hamilton County and across the state?

Representative Oelslager ([00:17:36](#)):

Thank you, Mr. Chairman, Representative Kelly. The goal here of this particular plan was to talk about regionally [inaudible 00:17:45] districts. And by taking it down to the person, follow historically what Ohio has done in that regard. Now, as I said in my testimony, Cincinnati is wholly contained in congressional district one. And as far as the technicality of what you're saying, that again is something I can't answer today that I'd have to ask you to ask the Chairman to your question and we can get back to you.

Chair Wilkin ([00:17:36](#)):

Follow-up.

Representative Kelly ([00:18:17](#)):

Yes. Thank you, Mr. Chairman. I guess my other question, and I don't know if this is a question that's best directed to you or not, but I mean, I think that again, when the redistricting reform was passed, it was because people were mad that they felt like they weren't being heard, they felt like the process was being rigged against them, and that by rigging the lines, their voices aren't heard, their issues aren't taken seriously, whether it's in the halls of the state legislature or in the halls of Congress.

And so, I'm just wondering, we got this map today at 10:42. We've got folks coming in tomorrow. Can we expect better in terms of people's ability to have a transparent, accessible process in order to talk about what these maps actually mean to them?

Representative Oelslager ([00:19:15](#)):

Mr. Chairman, Representative Kelly, as the Chairman mentioned, he's going to have some hearings. Also, the constitution requirement actually when there's a joint committee, I believe it requires two hearings in that process too. But it's up to the Chair then to decide how the committee process will go. I'm just here to present the bill.

Chair Wilkin ([00:19:38](#)):

Any follow-up? Representative Brown.

Ranking Member Brown ([00:19:45](#)):

Thank you, Mr. Chair.

PART 1 OF 4 ENDS [00:20:04]

Mr. Chairman ([00:20:00](#)):

Representative Brown.

Representative Brown ([00:20:03](#)):

Thank you, Mr. Chair. Thank you representative for your testimony. The audit constitution article 19, section 02, paragraph B, subparagraph two and three, provide that every congressional district shall be both compact and contiguous. With regard to the compact aspect, I'm looking at the map on my phone and it looks like there's a purple anaconda stretching from Trumbull County along the Ohio river to Lawrence county. Taking in virtually every county along the Ohio river on the Eastern and Southeastern part of the state. How is compactness being defined by this map? Is this some kind of a vision test, some kind of an aesthetic measure, or was this an algorithm or a measure perimeter used to arrive at the compactness issue? Thank you.

Chairman Schlager ([00:20:59](#)):

Thank you, Mr. Chairman. Representative Brown, counselor. That's a very good research you've done there. That would be something I'd have to yield also since it's a more technical question, and I just shared, I was not the map maker to get that back through the chair.

Representative Brown ([00:21:14](#)):

Follow up chair.

Mr. Chairman ([00:21:16](#)):

Please.

Representative Brown ([00:21:16](#)):

Thank you. Thank you representative for your remark. Appreciate it. Is it the intent of the majority caucus to have a 10-year congressional map, or are you predisposed to arriving at a four-year congressional map?

Chairman Schlager ([00:21:35](#)):

Mr. Chairman represent Brown, that's actually a decision that I'm not have not been involved with. I have not had any discuss with anybody and I believe that will be a decision made above my pay grade in this process. And I'm sure though, there will be justice discussions as this bill proceeds it's way through the legislature of both parties. Probably a leadership getting together and sitting down and see what they can work out.

Representative Brown ([00:22:01](#)):

Thank you representative.

Mr. Chairman ([00:22:03](#)):

Representative house.

Representative House ([00:22:06](#)):

Thank you to the chair, to the other chair, thank you for the congratulations. Couple of questions. Do you believe the map that was presented today, is the expectation from Ohioans who voted for congressional district, do you think this is the map that they wanted?

Chairman Schlager ([00:22:28](#)):

Mr. Chairman representative house, this map we firmly believe meets all the constitutional requirements and the public did vote for this constitutional amendment. So I'd have to say in the abstract sense, certainly, since they voted for this constitutional amendment and this map, sure, I would say yes.

Representative House ([00:22:44](#)):

Okay. Follow up.

Mr. Chairman ([00:22:45](#)):

Follow up.

Representative House ([00:22:45](#)):

Through the chair to the chair in your testimony you talked about, is that the intention to keep communities whole, that's correct, right? And so if you can actually define, what is your definition or what was the definition of community in designing and developing these maps?

Chairman Schlager ([00:23:07](#)):

Thank you, Mr. Chairman representative house. Again, I was not the map maker, that would be one that we'd have to get the information on and try to get back to you.

Representative House ([00:23:16](#)):

Follow up.

Mr. Chairman ([00:23:16](#)):

Follow up.

Representative House ([00:23:17](#)):

Thank you. Through the chair to the chair sponsor. So just get into my question, as you indicated in your testimony that if I'm not mistaken, 75 counties were made whole, 13, no, 75 counties are made whole, 13 counties are split once and then three counties were split twice, is that correct? Is that what you told me?

Chairman Schlager ([00:23:50](#)):

Mr. Chairman, representative house, I'm looking back through to make sure I have that before me. Yes. I'll repeat my testimony if that's all right, representative house.

Representative House ([00:24:02](#)):

Sure.

Chairman Schlager ([00:24:02](#)):

The plan before you is constructed with 75 whole counties and 13 split counties.

Representative House ([00:24:08](#)):

Okay. Oh, it's 13. Okay. Because I was like, that the math was off. Okay. That's what is, 13 split counties. Can I follow up.

Mr. Chairman ([00:24:18](#)):

Follow up, please.

Representative House ([00:24:20](#)):

Do the chair to the sponsor, the bill. So I always go in the context of who we are serving, right? And so as I have conversations about what we're doing and if we want regular Ohioans to understand this. We have been presented with a map that is really hard to see. And I'm looking at the Cuyahoga County map, which has been split into three. What is the expectation of a regular citizen to be able to interpret these maps? How was that put into a place in this presentation?

Chairman Schlager ([00:25:04](#)):

Okay. Mr. Chairman representative house. If I don't answer your question, tell me I didn't answer question and get back to me there. I'm sure as we speak, the maps that are before you are probably being sent out throughout the state through news media Oregon, through interest group Oregons and so on, and interested party Oregons, you just name it. Political organs, they'll have it before them. So they'll certainly have opportunities before this bill moves through the both chambers and this chamber to have so opportunity for input. So, that's the best I can. I hope that answers your question.

Representative House ([00:25:40](#)):

I mean, no. So clarification on my question through the chair to the sponsor of the bill, and this will be my last point for the moment. So as we have new census numbers, if you look at who is the atypical average Ohioan, what is their education level and how they are able to interpret what we're doing? Because again, I don't think that we should just do stuff just for us to understand, we're doing a map that's supposed to be for all of us and having something that basically the average Ohioan can understand was that taken into account when presenting this information. Because like I said, it's hard to digest when you just received it less than an hour ago.

Chairman Schlager ([00:26:24](#)):

Mr. Chairman representative house, I would say again, I think these maps will certainly engender deep discussions throughout. And those groups and individuals who wish to interpret the map to take a good, I think there's going to be plenty of opportunities through different mediums for them to do that. Also this is my fifth time through redistricting as a member of the legislature. I do know that phone calls and now emails and et cetera will coming into your offices from all sorts of our great Ohio folks that are very interested in this. Also, I'm sure you're, we're all going to hear from our congressional members. As they take a look at this map, they will be making statements and they will probably be, if history's a guide, they will be having people call us and take a look also. So I do believe that there'll be plenty of opportunity for that average Ohioan and it's my hope that they do take a good look at this and give us their input.

Representative House ([00:27:17](#)):

Thank you

Mr. Chairman ([00:27:17](#)):

Representative Klonsky.

Representative Klonsky ([00:27:21](#)):

Thank you to the chair, and thank you so much representative Bolce Schlager for testifying here today. To follow up on representative house's question, when exactly will the people, and will we receive the shape files? We've been given a PDF, when will we expect day and hour? When will we receive the shape files so that we can analyze those? And I have a follow up question.

Chairman Schlager ([00:27:45](#)):

Thank you.

Mr. Chairman ([00:27:45](#)):

Representative Bolce Schlager.

Chairman Schlager ([00:27:46](#)):

Mr. Chairman, representative Klonsky, that'd be something I'd have to ask staff about. That's not something I've been formed of or what the decision making that I was involved with.

Mr. Chairman ([00:27:58](#)):

Follow up.

Representative Klonsky ([00:27:59](#)):

Thank you to the chair, and thank you, representative Bolce Schlager. Can you explain to us whether or not your maps. Again, thinking about how we are trying to achieve a 10 year map and following along with the constitution, can you explain how the map that you presented today either duly or unduly shows partisanship? What are your thoughts with regard to the map?

Chairman Schlager ([00:28:27](#)):

Mr. Chairman, Representative Klonsky, are you asking me to explain perhaps the partisan breakdown of the map?

Representative Klonsky ([00:28:37](#)):

Yes.

Chairman Schlager ([00:28:37](#)):

Okay. Thank you, Mr. Chairman. The map issued before you today is made up of eight, five, and two. Eight districts are leading Republican, five districts are competitive, and two districts are leading Democrat.

Mr. Chairman ([00:28:57](#)):

Follow up. Representative Kelly.

Representative Kelly ([00:29:05](#)):

Thank you, Mr. Chairman, actually rep Klonsky's question about the partisan breakdown was a brilliant question and one that I was going to ask, but can you talk about what your definition is of competitive?

Chairman Schlager ([00:29:17](#)):

Mr. Chairman, representative Kelly. As explained to me, the competitive district is between 45 and 55%, one way or another. And that is something that, as you know, from your experience, with the right candidate, right organization, right issues, is winnable by either party. The, the guy looking at you right now has always been in a district that falls within those categories. So it's quite possible in those competitive districts with 45 to 55, given all the rest circumstances, that either party could win them.

Mr. Chairman ([00:29:52](#)):

Follow up.

Representative Kelly ([00:29:54](#)):

Thank you, Mr. Chairman. I mean, the reason to ask, and is because I think throughout this process, people have different definitions of competitive. So I just want to make sure that we're clear on that. My other question was just about how this map complies with the voting rights act. I wasn't sure if you could further enumerate on that.

Chairman Schlager ([00:30:11](#)):

Certainly

Mr. Chairman ([00:30:11](#)):

Chairman Schlager.

Chairman Schlager ([00:30:12](#)):

Chairman representative Kelly, this map absolutely conforms to the civil rights voting, excuse me, the voting rights act. As someone who lived through all that, all those different issues which are wonderfully passed, I get confused with what they're called. Showing my age. I know.

Mr. Chairman ([00:30:29](#)):

Representative Kelly.

Representative Kelly ([00:30:30](#)):

Sorry, Mr. Chairman and chairman Schlager. Would you mind to talk a little bit about how it complies? Not just whether it complies, so how does it comply with the voting rights act?

Chairman Schlager ([00:30:40](#)):

Mr. Chairman representative Kelly, discussing again with the map maker, he assured me that it does comply with the voting rights act. And this about all I can only I can really answer unless you have a follow up question for me. I mean, that's the best I can do

Mr. Chairman ([00:30:59](#)):

Representative house.

Representative House ([00:31:02](#)):

Thank you to the chair to sponsor. Question on and moving, which I hope is the intention of this body or the leadership or the people that make decisions with the higher pay rate, the decision to have a 10 year map. If you can kind of go through for those that are in the minority party, what expectations or engagement opportunity is being presented for this body for engagement, and what does that look like, right? Because we just got this map about an hour ago, right? And now we have to look into it, but where do we go from here? Where do we go from here to get to a tenure map?

Chairman Schlager ([00:31:48](#)):

Certainly. Mr. Chairman representative house.

Representative House ([00:31:52](#)):

And kind of a clarification. And I'm one of those people talking real talk, I know about constitutional things, but actual and practice. What does it look like? What is the work? What is the work to get to a 10-year map?

Chairman Schlager ([00:32:09](#)):

I did hear the last phrase. I'm sorry.

Representative House ([00:32:10](#)):

What is the work? W-O-R-K. I know we have this constitutional requirement, but the actual work to getting a bipartisan map that includes work. So what does that look like to you?

Chairman Schlager ([00:32:23](#)):

Thank you, Mr. Chairman representative house. As with any bill that was before us, there'll be give and take between the different parties. And I think in this case, especially since I've been informed that in the Senate, there will be a proposal from the democratic party and a proposal from the Republican party in the Senate. So that in its by definition will start gender a conversation that both sides will recognize the nuances of both of their maps. And I to fully participate again, especially in this level at your committee hearing tomorrow, and however many there are that there'll be a give and take. You will have testimony from people that are from different spectrums of the political spectrum to come in and share their views. And I'm sure that there'll be discussions amongst leadership of the majority and minority parties. That's how I anticipate. That's what I've seen in the past if past is prologue. But again, I personally would not be planning a schedule or determining that, but that's how I would foresee it happening.

Representative House ([00:33:32](#)):

Thank you.

Mr. Chairman ([00:33:36](#)):

Just a quick note from the chair. I believe it was representative Klonsky that asked about the block assignments if you scroll all the way it down. Okay. Well, I just want to make sure that everybody knows the block assignment file is at the very bottom. Okay. All right. Representative Brown.

Representative Brown ([00:34:03](#)):

Thank you, Mr. Chair, representative, you previously responded to a question that concerned the concept of competitiveness. And you were asked to define that, which you did. The term competitiveness, however, is not used in the Ohio constitution with regard to redistricting of congressional districts. Instead, there is a phrase which is found, which is unduly favor. So I want to ask the question with a more direct connection of the constitution, which is, does this map unduly favor Republicans?

Chairman Schlager ([00:34:38](#)):

Mr. Chairman, representative Brown. I do not have the constitution under the case law or anything before me. Once again, you're being a great trial lawyer cross examining somebody that's your job, but I would have to yield to further investigation before I respond to the constitution, something that's been decided by or is in the constitution without seeing it myself.

Mr. Chairman ([00:34:57](#)):

Follow up.

Representative Brown ([00:34:58](#)):

Thank you, representative. Thank you chair. Another question. And I think hopefully you can answer this. I think you will. Do you plan to be here in the committee room tomorrow for tomorrow's hearing on this sub bill,

Chairman Schlager ([00:35:15](#)):

Mr. Chairman representative Brown. If the chair would like me to be here, I could possibly be here. I don't know, it might have to look at to just determine that for sure, but I'm sure you're going to have plenty of other witnesses and I I'm really feeling that I'm answering your questions today and that's my responsibility sponsor not to be answering questions after the sponsor's testimony and sitting in the audience.

Mr. Chairman ([00:35:41](#)):

Follow up.

Representative Brown ([00:35:51](#)):

I do but it's actually, it's a better question for the chair when we're done. So that's all, thank you, sir.

Mr. Chairman ([00:36:02](#)):

Representative Kofanya.

Representative Kofanya ([00:36:05](#)):

Thank you Mr. Chairman, more of an observation slash comment, but it builds on what representative Klonsky had talked about with trying to get more detailed, you know, the shape files. And I'm just looking back and forth between the actual maps that have been presented, but I'm also reconciling it with the sub bill. And my suggestion is, for folks that live in any of the 13 split counties, and you're wondering, where am I falling into and it's kind of hard when I zoom in on these maps. If you pull up the sub bill as I just did, I live currently in the 12th district in Delaware county, it's now going to become the fourth district and it looks like there's a portion of Franklin county. And as I scroll down the sub bill, it

breaks out and specifically lists all of the precincts in Franklin county that are going to be proposed within the new fourth district.

So for example, for folks that live in Plain Township, Precinct Day, it's listed right here, Plain Township Precinct Day, as well as New Albany, Westville, assorted Columbus Precinct. So if that's helpful to just members of the public that may be following along with this, and they want a little bit more detailed information, I highly suggest that you just opened up the sub bill. Obviously it's a long bill, it's 300 plus pages, but really a lot of it involves just listing out those specific precincts. So if that's helpful, I just wanted to get that information out there as I'm observing this myself. Thank you Mr. Chairman.

Mr. Chairman ([00:36:05](#)):

Representative Klonsky.

Representative Klonsky ([00:37:30](#)):

Thank you to the chair. And thank you representative Carine, and thank you representative. I'm not a map artist or a specialist in maps, but in order for proper analysis to happen, we do need the shape files. And thank you very much. So turning back to representative Schlager, I heard your testimony about how other people would be here to testify, and would it be your position that they don't need to provide their written testimony either that they should just be able to come in and make their statements? And if so, to the chair, will you agree to waive the requirement that they had provide their testimony more than TW within 24 hours? Because the hearing is tomorrow at 10 and that doesn't seem right.

Mr. Chairman ([00:38:22](#)):

Representative Klonsky the chair will be as flexible as they possibly can. Any follow up? representative Hicks Hudson.

representative Hicks Hudson. ([00:38:34](#)):

Thank you, Mr. Chair. And again, thank you representative Schlager for being the sponsor that brought this bill to us today. My, my question really more is to you Mr. Chair, and it's kind of a follow up to what representative Klonsky asked in terms of process and procedure. And it really is that, what is the plan for us going forward? I know we're scheduled for committee hearing tomorrow and that's for testimony, is that for all testimony, proponent testimony, opponent testimony, you've just said that you'll be flexible, but that flexibility will allow for some members of the public to not have their testimony submitted on time or whatever on time actually means at this point. So if your flexibility will allow for testimony that will be written just as how representative did this morning.

Mr. Chairman ([00:39:35](#)):

So representative Hicks Hudson, I hope you know from our last meeting in here, when I admitted that I made the mistake and did not get testimony uploaded, that we took a break and got that uploaded. The chair will do their best to get everything up...

PART 2 OF 4 ENDS [00:40:04]

Chairman ([00:40:00](#)):

... and got that uploaded. The chair will do their best to get everything uploaded that we can, as it comes in. It probably will depend on volume. And then as far as further hearings goes, it'll be dependent on how the hearing goes tomorrow.

Rep. Paula Hicks-Hudson ([00:40:13](#)):

I appreciate that. Thank you, Mr. Chair.

Chairman ([00:40:16](#)):

Representative Howse. I'm sorry, Representative Hicks-Hudson, did you have any follow up?

Rep. Paula Hicks-Hudson ([00:40:20](#)):

No.

Chairman ([00:40:21](#)):

Okay. Thank you. Representative Howse.

Rep. Stephanie Howse ([00:40:24](#)):

Yes. Through the Chair, I guess, just a question. Representative Carfagna had talked about the precinct data. Can someone explain to me where that is? Or maybe ... Am I missing it?

Rep. Carfagna ([00:40:37](#)):

Mr. Chairman, may I?

Chairman ([00:40:41](#)):

Representative Carfagna? Yeah.

Rep. Carfagna ([00:40:42](#)):

Representative Howse, if you pull up the actual bill itself on the iPads, as we all have access to here, as I just scroll down here, it essentially lists each of the new proposed districts and then breaks it down underneath each of those. So trying to get to the ... Scroll up to the beginning of where my district starts. So on mine, it's Section 3521.014, the 4th congressional district contains the following territory. And then it lists out, Allen County, all, Auglaize, all, Champaign County, all, Clark County, which a portion of that's in there. And it breaks down the specific precincts that are in there because that's a split county. Delaware County, where I live, it's listed as all.

So those are easy if you're part of the all, but if you're part of the split county, at least, for me, trying to understand what my proposed district looks like. As I scroll down here, I can observe, "Okay, these certain Columbus precincts are going to be in this district, these certain Westerville precincts," and so on and so on. So just pointing that out. It just really just takes a lot of scrolling, but they do list each of the specific districts and then underneath delineate which counties and then which precincts in the split counties are in that district. I hope that I hope that helps Mr. Chairman, Representative.

Chairman ([00:42:11](#)):

Representative Howse?

Rep. Stephanie Howse ([00:42:12](#)):

Yeah. Thank you. Through the Chair to the Representative, thank you for that again. So clarification, so this was in the subamendment that was approve ... That information is in the subamendment, is that what we're talking about? The sub- bill ... To the Chair.

Chairman ([00:42:33](#)):

Representative Carfagna?

Rep. Carfagna ([00:42:35](#)):

Chairman, I'm ... Yeah. I mean, I'm-

Rep. Stephanie Howse ([00:42:38](#)):

So this ... No, because I'm looking at this. So like ...

Chairman ([00:42:42](#)):

Representative Howse, I'll give you a chance to finish the answer and I'll come back to you.

Rep. Stephanie Howse ([00:42:45](#)):

Thank you.

Rep. Carfagna ([00:42:45](#)):

Yeah. So I'm just trying to figure out where I originally clicked on, on the iPad here. It's the amendment. So when you go to the front page for committee, scroll down, it says an amendment [L134 2114 00:43:02], and that is the amendment that we adopted. That is the new sub-bill. That is 307 pages on the iPad. So that is what I'm referring to and we all have access to that.

Rep. Stephanie Howse ([00:43:11](#)):

Right. Right. So this is a point of clarification. To the Chair, and asking. So I'm looking at ... So this is to the sponsor. On page 137, it has Cuyahoga County and it says point D ... Or we'll go to go to point E. Point E Cuyahoga, Middleburg Heights, 2A, and then it has this list of numbers. What are the list of numbers? Is that the precincts? Is that what that is? Is that what that means?

Chairman Schlager ([00:43:48](#)):

Mr. Chairman, Representative Howse, I do not have the bill in front of me, so I can't affirmatively answer your question. I just don't know without looking-

Chairman ([00:43:56](#)):

[crosstalk 00:43:56] we will decipher that and distribute it to the committee.

Rep. Stephanie Howse ([00:43:59](#)):

So this is my point, right? So I have a full master's degree and I'm looking at a bill that I'm supposed to evaluate and there are numbers on here and I'm like, "What does this actually mean?" And I'm going to always go back to, what the average Ohioan be able to decipher from a legislative body that is creating

the rules for the average Ohioan. If they cannot understand it, how are they going to be able to understand or believe their government is working for them? So thanks.

Chairman ([00:44:33](#)):

Representative Howse, I was just informed those are census blocks and tracts. Those numbers. Is what they represent.

Rep. Stephanie Howse ([00:44:39](#)):

Okay. Through the Chair, okay this is blocks and tracts, but I'm going to still go back to how would regular folks know that?

Chairman ([00:44:46](#)):

Thank you. Representative Galonski.

Rep. Galonski ([00:44:49](#)):

Thank you to the Chairman. Thank you, also, Representative Oelslager. Back in your testimony, I'm pretty sure that you gave testimony about the population deviation. Could you please repeat that? Because I missed it. You were giving detail-

Chairman Schlager ([00:45:04](#)):

Certainly.

Rep. Galonski ([00:45:04](#)):

Thank you.

Chairman Schlager ([00:45:05](#)):

Mr. Chairman, Representative Galonski. If it's okay, I think to answer your question, I need to kind of read the whole ... Couple sentences of that, is that all right with you?

Rep. Galonski ([00:45:14](#)):

Absolutely.

Chairman Schlager ([00:45:15](#)):

Okay. Thank you. It's under the section I mentioned, congressional district population. This past decade, Ohio's population grew at a slower pace compared to the rest of the country. For at least the next decade, Ohio will have 15 representatives to Congress, down from 16 over the past decade. Here's I think where you want me to go. Ohio's population is 11,799,448 and when divided by 15, equals 786,629.8. To achieve the lowest deviation from 786,629.8, the plan before you consists of 13 districts with a population of 786,630, which means it's rounded up from the previous number, and two districts with a population of 786,629, which just taking out the point 0.8.

Rep. Galonski ([00:46:14](#)):

Just a follow up, which two districts are those that comply with the last thing that you said?

Chairman Schlager ([00:46:23](#)):

Let's see. I don't know if I have that. Mr. Chairman, I'd have to get that information. I don't have that before me either.

Rep. Galonski ([00:46:31](#)):

Okay.

Chairman ([00:46:31](#)):

That's fine, Representative, just provide that through the chair and we'll distribute it to the committee.

Rep. Galonski ([00:46:34](#)):

Thank you. Just a follow up if I could.

Chairman ([00:46:36](#)):

Yes, please.

Rep. Galonski ([00:46:37](#)):

Thank you. So through the Chair and to Representative Oelslager, originally, when I was asking you about unduly partisan, et cetera, from your point of view, does a map with 86% are Republican districts unduly favoring Republicans?

Chairman Schlager ([00:46:58](#)):

Mr. Chairman, I'm not sure I get the gist of her question.

Rep. Galonski ([00:47:03](#)):

It's pretty simple. If a map has 86% are Republican districts, does that not, in fact, unduly favor Republicans?

Chairman Schlager ([00:47:16](#)):

Mr. Chairman, Representative Galonski. I'll go back, again, to the eight, five, and two, and explain, again, that yes, there are eight districts that are 55% or above Republican, five competitive districts, 45 to 55%, which I've shared I believe are very competitive districts, and two that have at least 55% Democrat districts.

Chairman ([00:47:41](#)):

Any follow up?

Rep. Galonski ([00:47:43](#)):

Just, sorry, if I could briefly. Going back to the question about population deviation, what is exactly the deviation number?

Chairman Schlager ([00:47:55](#)):

If it's okay with you, Mr. Chairman, Representative Galonski, I'll read that sentence again, so I make sure I get it right. If that's all right with you? To achieve the lowest deviation from 786,629.8, the plan before you consists of 13 districts with a population of 786,630, so that deviation would be rounding up from the 0.8 to 30, and two districts with a population of 786,629, which would be a rounding down of the 0.8 to get to the baseline figure of 786,629. It's the best way I can answer your question.

Chairman ([00:48:39](#)):

Representative Seitz.

Rep. Bill Seitz ([00:48:42](#)):

Thank you, Chairman, Oelslager, for your testimony. In response to Representative Kelly's question, and [inaudible 00:48:50], you indicated that the definition of competitive is a district that is within 10 points on a 55-45 scale. My question to you is, do you find validation in that definition from the fact that in the state of Virginia, President Biden won that state by 10 points, but yesterday the Republican gubernatorial candidate won it by two points, showing that in the space of about a year, there was actually a 12 point switch in political preferences in the state of Virginia. And similarly, the state of Virginia House of Delegates, which is their House of Representatives, was formerly 55 to 45 in favor of the Democratic party, and as of this morning, that has flipped, and so it is now 51 to 49 Republican. So given that very recent example, which is hot off the presses, does that not tend to validate the use of a 55-45 standard as being a good definition of competitive?

Chairman Schlager ([00:49:54](#)):

Mr. Chairman, Representative Seitz, yes, it does. And I also use myself as an example that the districts I've had the privilege of serving have been easily in those competitive ranges.

Chairman ([00:50:07](#)):

Representative Seitz, any follow up?

Chairman Schlager ([00:50:10](#)):

No.

Chairman ([00:50:10](#)):

Representative Brown.

Rep. Brown ([00:50:13](#)):

Thank you. Thank you, Chair. You previously testified, Representative Oelslager, that this map that we're talking about, that was uploaded at 10:42 AM, showed what you believe were eight districts Republican, two Democratic districts, and five competitive districts. Can you identify, for me please, by number, the five competitive districts?

Chairman Schlager ([00:50:47](#)):

Thank you, Mr. Chairman, Representative Brown, I cannot because, again, I was not the map drawer and talking with the map drawer, that's just the numbers he was giving to me.

Rep. Brown ([00:50:57](#)):

So as we are here today, you don't have that info?

Chairman Schlager ([00:51:01](#)):

Mr. Chairman, Representative Brown, I do not.

Rep. Brown ([00:51:03](#)):

Okay, thank you.

Chairman ([00:51:03](#)):

Follow up?

Rep. Brown ([00:51:08](#)):

Yeah. One follow up, Mr. Chair. Thank you. With regard to Representative Seitz's question concerning the Virginia race and the results of yesterday compared to the prior presidential election year. It seems that turnout in a presidential year is going to be significantly different than turnout in a non-presidential year, and wouldn't that have an effect upon the percentages, et cetera. So is it really a true apples to apples comparison?

Chairman ([00:51:51](#)):

Representative Brown, is that a question for Representative Oelslager?

Rep. Brown ([00:51:56](#)):

That's a question for Representative Oelslager. Yes. The question is, is the suggestion by Representative Seitz, in your view ... You responded to the question and said it was a fair comparison. Is that, in fact, in your view, an apples to apples comparison?

Chairman Schlager ([00:52:11](#)):

Mr. Chairman, [inaudible 00:52:12], I think it verifies what I said earlier about competitive districts. The [inaudible 00:52:17] Representative Seitz named 51 49, those district lines did not change since it was 55-45 Democrat control. Secondly, part of the ebb and flow, as I mentioned to Representative Kelly, all things, pieces of the puzzle coming together, that makes a point, I think, that there are competitive districts because the ebb and flow of politics is such as that, that there is. I'm not a political operative in Virginia. I don't know what the breakdown, as far as turnout was in those particular districts. I don't know what the breakdown in Virginia as a whole was. But I think it makes the point that competitive districts, the lines are the same, the outcome was different, and that's just the way our politics work.

Rep. Brown ([00:53:00](#)):

Thank you.

Chairman ([00:53:01](#)):

Representative Ginter.

Rep. Timothy Ginter ([00:53:05](#)):

Thank you, Chairman. Thank you, Representative Oelslager, for introducing this bill and beginning this process. And you thought that our biennial budget was difficult. You have entered into another level of difficulty here and we appreciate your patience and I appreciate your willingness to carry this bill. Many of the questions that I had, and I was going to ask you to repeat, have already been asked by my colleagues, but I would in reviewing the policy and the process that we have put into place, and actually the public voted into place recently, and confirm that which the legislature had voted to place upon the ballot. And I think it's important that Ohioans note that because often I have been reminded that Ohioans voted for this process to be put into place and I have to remind them that the reason they had an opportunity to vote on the process is because the Republican majority legislature forwarded that to them to be put onto the ballot. And we indeed are interested in making sure that we develop maps that are fair and balanced.

So my question would be, is I'm looking through the process, I note that there are many items on the checklist that we have to check off in the development of maps. Population equality, which has recently just been discussed and was going to be one of my questions. And then also contiguity, compactness, that has been touched upon and that is a question that I have for you and if you could repeat for me so that I better understand. I know Representative Brown asked this question regarding compactness and he questioned, I believe it was District 6 on the map and the fact that it looked as if it was not a compact district. In comparison, though, I pulled up the current congressional map and, again, with our goal being to improve that, which we have, of course we have the obligation to reduce the number of districts due to the change in population, but also to improve, if possible.

I noticed that it was formally 13 counties with five portion counties. District 6 formally was 13 counties, with five portion counties, equaling 18 counties in the last district map. This current proposed map that we have in front of us has 10 and a half counties. So it seems to me that there has been a significant reduction and indeed a compacting, if I may use that term, of that particular district that was alluded to by my colleague. Would you agree then that, at least in District 6, and the others that I have reviewed during the course of this hearing, it seems to me that we have taken a step in the right direction of compactness and meeting that requirement, according to the constitutional standards that have been given to us?

Chairman Schlager (00:56:18):

Mr. Chairman, Representative Ginter, as I said earlier, I think this just confirms that this map does comply with Article 19 of the [inaudible 00:56:26] Constitution.

Rep. Timothy Ginter (00:56:27):

If I may follow up, Chairman.

Chairman (00:56:29):

Follow up.

Rep. Timothy Ginter (00:56:29):

One other point would be that it must not favor or disfavor a political party and also must not unduly split governmental units. And I believe early in your testimony, you said that there had been a drastic reduction of political subdivisions. And if I compared to what we currently have, I believe it was almost a reduction by half of the splits of political divisions. I hate to put you on the spot, but am I correct on that?

Chairman Schlager ([00:57:08](#)):

Mr. Chairman, Representative Ginter, the only thing I can see is two things, I'll read again. The plan before you is constructed with 75 whole counties and 13 split counties. The congressional district plan placed today splits 23 counties, with two counties being split into four congressional districts. It splits 16 subdivisions, mainly due to balancing of districts down to the person, which is about half the number of the subdivision splits that exist in the current congressional map.

Rep. Timothy Ginter ([00:57:36](#)):

Thank you, Representative, and thank you, Chairman. So then indeed, that is an improvement over the current map. And I thank you for clarifying that for me. Thank you. Thank you, Chairman

Chairman ([00:57:48](#)):

Representative Hicks-Hudson.

Rep. Paula Hicks-Hudson ([00:57:52](#)):

Thank you, Mr. Chair. I just want to go back to a question, and it's really for you, Mr. Chair, as opposed to ... So I'm giving you a break, Representative. And my question is, going back to the map and the form that we're going to get, because I also appreciate Representative Carfagna talking about using the precinct listing in the bill, but in order to be able to really make ... We become creatures of electronic and computer generated information. I'm just wondering, are we going to get the shape map for us to be able to look, and also for other citizens to be able to look, and respond to what has been presented this morning?

I'll use a lawyer thing, if you know.

Chairman ([00:58:50](#)):

Representative Hicks-Hudson, we will get you as much information as we can when the Chair receives it.

Rep. Paula Hicks-Hudson ([00:58:56](#)):

Thank you.

Chairman ([00:59:04](#)):

I'm just making sure ... I'm trying not to miss anyone here. Right now, I have Representative Howse.

Rep. Stephanie Howse ([00:59:10](#)):

Thank you. This is actually a question for you, to the Chair, or even the sponsor. So we've asked questions and we have not gotten answers to the questions, and so I really would like to know when can we expect to receive answers to our question? Will they happen before we meet tomorrow, next week, by the end of this month ... Can we be provided with clarity on when we will get responses to our questions that were unable to be answered?

Chairman ([00:59:43](#)):

Representative Howse, as I just mentioned, the Chair will distribute the information as soon as he receive-

PART 3 OF 4 ENDS [01:00:04]

Speaker 3 ([01:00:00](#)):

Representative Howse, I just mentioned the chair will distribute the information as soon as he receives it.

Rep. Howse ([01:00:06](#)):

No tomorrow. We are not going to have it by tomorrow? Clarification?

Speaker 3 ([01:00:11](#)):

Representative Howse, if I get it this evening, we will get it out as quickly as possible.

Rep. Howse ([01:00:15](#)):

Okay. Second question. Follow up.

Speaker 3 ([01:00:18](#)):

Follow up to me or to Representative Oelslager?

Rep. Howse ([01:00:19](#)):

This is a... Sure it can be... Well, no, it's going to be to the sponsor. Okay. To the chair, to the sponsor [inaudible 01:00:27]. I know we had this question earlier that Rep Galonski asked about the breakdown because you indicated that there is a split of eight Republican districts, five competitive districts into democratic. And when she asked the question about, do you know which numbers they are? You said you didn't have it. We just got this list, right? And this is Dave's. And I've talked about... I'm like, I don't know who Dave is, but I'm appreciative of Dave of providing this information that the whole entire leadership of the Ohio Republican caucus cannot present us. I'm appreciative of Dave, but based on Dave's information, the... What is it called?

The eight Republican leading districts are 2, 4, 5, 6, 8, 9, 10, and 15. The competitive ones that you said use this competitive definition are all leaning Republican, which are seven... I think it's 7, 9, 10, 13, and 14. And then the two are three and 11, but my larger point, and this was something that I did testify, regarding as a government body if Dave could have did it in 10 minutes, why can we not provide this information? We are utilizing the people's money and the people deserve better. This is just unacceptable to say, as a sponsor and a statesman that's been here so long, to come and present information and you can't answer these questions. It's unfair and it's not right. And I just really... We just got to do better for people. And I will say this and we just have to do better. It should not be the expectation to get something on some random website when we got a full staff here.

And I just would hope moving forward, we can do better and not depend on Dave. I want to depend on the staff here at the Ohio House of Representatives to provide information so me, as a legislator, can make informed decisions. My question is... Hopefully you can work to answer these questions before tomorrow. Do you think you can help to answer the questions before tomorrow or by tomorrow that went unanswered? Because if Dave did it in the hour, hopefully you could do it in 24 hours and answering our questions. Do you think that is possible and can you work toward that?

Chairman Schlager ([01:03:11](#)):

Mr. Chairman. Representative Howse, the key I believe to that will be if you would make sure your particular question that I did not have the information immediately gets to the chair immediately so the chair then has an opportunity to have the staff do the research.

Rep. Howse ([01:03:28](#)):

Bet. Cool. Thank you.

Speaker 3 ([01:03:31](#)):

Representative Brown.

Rep. Brown ([01:03:32](#)):

Thank you, Chair. Representative Oelslager, getting back to the serpentine district number six on the proposed map that I had referenced earlier, Representative Ginter pointed out in his question to you that compared to the existing district in that general vicinity of Ohio, it appears to be more compact than the new proposed district six. That's like saying Montana is more compact than Alaska. Neither are compact so the question is, isn't the constitutional standard, not relative compactness, but compactness. In other words, every congressional district shall be compact and it's not shall be compact compared to something that isn't compact. Isn't that the constitutional standard?

Chairman Schlager ([01:04:19](#)):

Mr. Chairman. Representative Brown, once again, I'm not in a position to debate constitutional interpretations to you, but all I can say is we fully believe that this map complies with article 19.

Speaker 3 ([01:04:32](#)):

All... [crosstalk 01:04:32]

Rep. Brown ([01:04:32](#)):

[inaudible 01:04:32] Thank you.

Rep. Howse ([01:04:33](#)):

Representative Kelly.

Rep. Kelly ([01:04:36](#)):

Thank you, Mr. Chairman and Representative Oelslager, I just want to follow up on another question that somebody else had asked. And I was looking at some of the old stuff from when the ballot initiative came up about creating a fair bipartisan and transparent process when drawing congressional districts that will make politicians more accountable to the voters. And so [inaudible 01:05:07] I know that this was something that the legislature had opted to put on the ballot, but to the best of my recollection, and I wasn't in the legislature at the time as you were, but I thought that that was in response to people pushing for a ballot initiative. And so instead of the legislature just saying, hey, we suddenly believe in drawing fair districts. And we think this is a great idea. This was something that the people had really pushed for and the legislature acknowledged, Hey, you know what? Fair and transparent processes to draw these lines every 10 years is a good thing. I was just hoping that you could refresh my memory about how all of that transpired with the amendment?

Chairman Schlager ([01:05:56](#)):

Mr. Chairman. Representative Kelly. I think you've just explained very jointly how the system works. We listened to our constituents. We listened to what the people are asking us to do, and the legislature did respond.

Rep. Kelly ([01:06:12](#)):

Mr. Chairman, could I ask a follow up?

Chairman Schlager ([01:06:13](#)):

Follow up.

Rep. Kelly ([01:06:14](#)):

Thank you, Mr. Chairman. And I know in your previous response you had said that you felt that this complied with the constitutional requirements, this map that's being presented. But do you think it follows the spirit of what the people were demanding when the legislature ultimately decided to put this on the ballot? And when people said, we want a process where we can participate, we want a process that's fair. And we want a process that results in representatives of our choosing instead of elected people choosing their voters.

Chairman Schlager ([01:06:49](#)):

Mr. Chairman. Representative Kelly, shoot the question. I'm not sure. I got your comment, but I'm not sure I got your question.

Speaker 3 ([01:07:00](#)):

Please.

Rep. Kelly ([01:07:00](#)):

Thank you, Mr. Chairman. My question is, you say that this man follows the constitution, but do you think it follows the spirit of the reforms that the people demanded?

Chairman Schlager ([01:07:10](#)):

Mr. Chairman, Representative Kelly, the process that will be holding here in the general assembly will allow for people to come in to express their views. This is not just a one hearing an out bill. This is a process, and that'll be a lot of give and take, I'm sure, on both sides of the aisle, as far as discussions, probably amongst leadership. The system is transparent in the sense of the structure in the process here is going to allow people to have their input.

Speaker 3 ([01:07:45](#)):

Representative Galonski.

Rep. Galonski ([01:07:46](#)):

Thank you to the chair and thank you again, Representative Oelslager for answering these questions, for being the sponsor today. And as we move away from 2011 and toward a 10-year map, would you have

any objection at all to the person you continued to mention, Blake Springhetti, being here to testify about the map on the details that you're not able to answer? Would you have any objection to that?

Chairman Schlager ([01:08:11](#)):

Mr. Chairman, Representative Galonski, that's a decision that will be made by leadership above me and counsel.

Speaker 3 ([01:08:17](#)):

Follow up.

Rep. Galonski ([01:08:22](#)):

Thank you to the chair. And what counsel? Do you mean lawyers?

Chairman Schlager ([01:08:27](#)):

Yes.

Rep. Galonski ([01:08:27](#)):

And which lawyers are those?

Chairman Schlager ([01:08:29](#)):

Mr. Chairman, Representative Galonski, I'm assuming it's going to be our chief counsel and others that are involved in both in this process. As you know, both sides have lawyered up on this issue. And so before a decision like that... It's not my decision to make, as far as whether he... There's a decision that's going to be made by leadership and council and co-councils and others.

Rep. Galonski ([01:08:52](#)):

Okay. Just to clarify, I'm not aware of any litigation about the congressional maps. My question was, would Blake Springhetti be available to answer the technical questions about the maps that you haven't, that you said that that person produced this map and you haven't been able to answer, and I guess we wouldn't expect you to, but would you have any objection to them being here for testifying about the map that they made?

Chairman Schlager ([01:09:19](#)):

Mr. Chairman, Representative Galonski, I will say again, that isn't a decision for me to make, that's a decision that litigators will make. And I think we both know that, in all likelihood, there's a lot of lawyers involved in this. And so it's not my decision to make.

Rep. Galonski ([01:09:34](#)):

Forgive me, but again, I'm personally not aware of any litigation with regard to the congressional maps, and I just needed to state that for the record. Thank you.

Speaker 3 ([01:09:43](#)):

Representative Hicks-Hudson.

Rep. Hicks-Hudson ([01:09:46](#)):

Thank you, Mr. Chair. And I want to follow up with the question that was asked by Representative Ginter to you about compactness, and as you were reading and referencing the Ohio Constitution and during your testimony and agreeing that district six is, I'm going to use air quotes, compact. There's language from the members brief on redistricting in Ohio, which was done by our legislative budget office.

And it talks about compactness and it uses the terminology that a district is considered compact if it has a minimal distance between all parts of its territory. When we look at district six, how does that particular drawing comply with this particular statement about it having a minimal distance, if you look at from the north all the down to the south of district six? If you can answer that and if not, that is one of the questions I'd like to be answered tomorrow, or the next day that we have a committee hearing because I'm looking at this, and this is, to me, a different version of the snake on the lake. The snake is just moved east, as far as I can tell and looking at this south and east so if you could respond. I appreciate it.

Chairman Schlager ([01:11:14](#)):

Mr. Chairman, Representative Hicks-Hudson, once again, I do not have that language in front of me, but I do, again, I've been informed and I'm confident that this map complies with article 19.

Rep. Hicks-Hudson ([01:11:27](#)):

Follow up if I may, Mr. Chair?

Speaker 3 ([01:11:29](#)):

Follow up, please.

Rep. Hicks-Hudson ([01:11:30](#)):

Thank you. Do you know the distance, the mileage, and if not, this is another question for tomorrow, the distance, the mileage from the northernmost part of district six to the southernmost part of district six? If you know it today, and if not, that's a question I'd like to be answered tomorrow, please.

Chairman Schlager ([01:11:49](#)):

Mr. Chairman. Representative Hicks-Hudson, I do not know the mileage.

Rep. Hicks-Hudson ([01:11:53](#)):

Thank you. That's all I had.

Speaker 3 ([01:11:58](#)):

Chairman Oelslager, had you known that mileage, I would've been incredibly impressed.

Chairman Schlager ([01:12:02](#)):

I've probably driven it, Mr. Chairman.

Speaker 3 ([01:12:05](#)):

Representative Carfagna.

Rep. Carfagna ([01:12:07](#)):

Thank you, Mr. Chairman. In the continued interest of trying to be helpful, and I know Representative Howse had mentioned earlier had questions about census blocks and looking at that, as I'm looking at the sub bill, and I'm just going to take, for example, it lists the second [inaudible 01:12:23]... I'm looking at the bottom of page 22. Second congressional district contains the following territory and the top of page 23, there's three columns. The first column is titled county. And that lists the counties. The middle column is voting districts, which will be the individual precincts. And the third column is titled census blocks. And that's where you get those long obscure numbers that I know Representative Howse had inquired about. And I thought she raised a good point about census block. She says, I certainly wouldn't know what census block I live in.

In playing around here during the Q and A, if one were to... Well, first off, I would hope you even know your precinct as a registered voter, just so you can find your appropriate voting polling location. And if not, you can always contact your county board of election to determine your precinct. But for communities listed here that maybe are subdivided precincts, and you don't know your census block, if you could Google census geo coder or go to it's geocoding.geo.census.gov.

It's a page off the US census website, and you can enter in your address under find geographies. I clicked on parsed address processing and I entered in my address and it brought up the latitude, the longitude, and it brought up my geo ID, which is my census block. Again, I know that's a lot of things to click through and just playing around here right now in committee, I was able to find this. For members of the public, maybe members of the media, if you're trying to drill down specifically where you are located in some of these split areas, if you can go there and determine your census block, you can reconcile with the census blocks that are listed here. In the interest of trying to be helpful, I thought I would throw all of that out. Thank you.

Speaker 3 ([01:14:12](#)):

Thank you. Representative Carfagna. Representative Howse.

Rep. Howse ([01:14:16](#)):

Thank you to the chair, to the representative. I appreciate the clarification on how the bill is outlined and labeled. I'm going to do a... Well, the issue is that when you receive something and again, I truly try to be diligent and try to be an informed lawmaker, right? It is hard to do that when you get a 300 plus bill, and then you're supposed to trying to make some type of decisions or have a subject of conversation and is pages and pages and pages long, where you just don't have that information. And I always will ask, who are we working for? If I can't figure it out and I'm here and what do you think the average of Ohio is going to do? On top of that, even listing what you listed about what people had to do to find their census block.

That's cool, but it really isn't cool because we are the resource people. We should make it easy for people to get this information. And this is not hard. We are in a technology age, but it is like, we are just committed to keeping people uninformed and making them go through hoops just to find basic information. Congress people have so much influence on our lives. You know what I'm saying? And to think that a parent that... Anyway, I'm just... We got to do better and no. No, people should not have to Google their census block. The legislature, if we are putting legislation up like this, we should have the links where people can go. And we should not require that of a everyday Ohioan. They don't get paid to do that. We are and we got resources. Don't do that to people. It's unfair. And we need to do better.

Chairman Schlager (01:16:04):

Mr. Chairman, interruption of Howse. The only way I'll respond to that is not the only hearing and there'll be plenty of time. This is not a bill that's going to be passed this week or whatever. There'll be plenty of opportunity for those who are interested to try to equate themselves with the bill. And so there'll be plenty of time. They'll be plenty of time for you too, to ask the insightful questions that you always do, whether this committee or my committee to try to pull out some information.

Rep. Howse (01:16:32):

Follow up.

Speaker 3 (01:16:32):

Follow up.

Rep. Howse (01:16:32):

Thank you to the chair, to the sponsor. And again, I appreciate that. I know we're going to have more hearings, but I would hope the leadership of this legislative body would be more proactive in presenting information in a user friendly way. We owe that to the people. Again, majority of Ohioans, they're not lawyers. Why would we expect and putting all this stuff in information that's not digestible, even if we would look and again, and it's about the framework. Okay, we talking about congressional redistrict here. It's 15 districts. Okay, what's the profile of the people in these 15 congressional districts, right?

Again, when you look at the 11th congressional districts, one is a fourth district in this nation. How can someone in the 11th congressional district look at this and understand it? You got to think about that just as well as somebody that's in congressional district four. We designed stuff from the onset where people can understand it. That's what I'm asking. I know it's not the standard, but we can do that in the 21st century with technology at our hand and not require somebody to Google something that we can present from the very beginning. Dave did it in an hour. We can do it from the onsite. Thank you.

Speaker 3 (01:17:40):

Representative [inaudible 01:17:41] [crosstalk 01:17:41].

Rep. Howse (01:17:40):

It wasn't a question.

Speaker 3 (01:17:41):

I'm sorry. Did you want to respond Representative Oelslager?

Chairman Schlager (01:17:46):

[inaudible 01:17:46].

Speaker 3 (01:17:46):

Representative Galonski.

Rep. Galonski (01:17:46):

Thank you to the chair and thank you again Representative Oelslager. You've been really patient and we appreciate you being here, but I'm going to go back to your comment that people above your pay grade can answer these questions. Would you object to them coming forward to testify? And don't you think that they should?

Chairman Schlager ([01:18:02](#)):

Mr. Chairman, Representative Galonski, again, that is not my decision to make. My job is to present the bill here today and hopefully be a facilitator as it goes forward.

Rep. Galonski ([01:18:11](#)):

And a final follow up.

Speaker 3 ([01:18:12](#)):

Follow up.

Rep. Galonski ([01:18:13](#)):

Do you think the governor would sign this bill in its current form or veto it?

Chairman Schlager ([01:18:19](#)):

Mr. Chairman, Representative Galonski, I have not discussed this with the governor.

Speaker 3 ([01:18:27](#)):

Any other follow up? Any other questions for the witness? Seen none. With no further [inaudible 01:18:35], the committee stands adjourned.

PART 4 OF 4 ENDS [01:18:55]

EXHIBIT 11

Sen. Gavarone ([00:00](#)):

... committee will now come to order. Will the clerk please call the role?

Speaker 1 ([00:03](#)):

Chair Gavarone?

Sen. Gavarone ([00:03](#)):

Here.

Speaker 1 ([00:04](#)):

Vice chair O'Brien?

Vice Chair O'Brien ([00:06](#)):

Here.

Speaker 1 ([00:07](#)):

Senator [inaudible 00:00:09]. Senator Kunze?

Sen. Kunze ([00:09](#)):

Present.

Speaker 1 ([00:09](#)):

Senator Maharath?

Sen. Maharath ([00:10](#)):

Here.

Speaker 1 ([00:10](#)):

Senator Sykes?

Sen. Vernon Sykes ([00:15](#)):

Here.

Sen. Gavarone ([00:16](#)):

And we have a quorum. Members, a copy of the minutes on from the October 19th meeting of the committee is on your iPads. The question is, shall the minutes be agreed too? Without objection, the minutes are agreed too. I want to start off today by just setting a few ground rules as we go through the next few committees. These committee hearings are being structured in a way that allows us to hear from as many citizens from Ohio as possible on a really important issue. Testimony should be sent to my office no less than 24 hours in advance of the committee time. We're going to be hearing a lot of testimony, so if you do not submit it to my office, at least 24 hours in advance, it is unlikely you'll be testifying that day.

Sen. Gavarone ([01:03](#)):

However, there will be additional hearings on these bills. We'll only be accepting a hearing testimony on the bill up for consideration at that time. In other words, there will not be dual testimony. You won't be testifying on both bills at the same time. We'll testify on one and then the other. If you want to testify on both bills, you need to submit testimony and witness slips for each bill. And I understand people are passionate about the issue before our committee, however, everyone is expected to keep decorum.

Sen. Gavarone ([01:35](#)):

During these hearings, we want to get through as many people as possible and cheering, applause, booing, heckling prevents us from doing that and it just will not be permitted. Finally, any video or pictures cannot be taken without the permission of the Chair. If you want to take video or pictures, we have a media form available for you to fill out for the Chair to consider. That said, the first order of business is the first hearing on Senate Bill 237. We have Senator Sykes and Yuko here to give sponsor testimony. Good afternoon.

Sen. Kenny Yuko ([02:13](#)):

Well, good afternoon. Nice to be here in sunny Columbus this afternoon. Thanks for having us.

Sen. Gavarone ([02:20](#)):

Yes.

Sen. Kenny Yuko ([02:20](#)):

Chair Gavarone, Vice Chair O'Brien, ranking member Maharath and the members of this committee, thank you for allowing us to provide sponsored testimony for Senate Bill 237. Working alongside my friend and colleague Dr. Vernon Sykes, Senate Bill 237 was drafted to lay out the Senate democratic caucus proposal for congressional district maps. The plan we are presenting today is fair. It keeps communities together and it doesn't gerrymander our State. Most importantly, it complies with all principles outlined in the Ohio constitution, including ensuring that the map doesn't favor or disfavor any political party. I'm hopeful that this can be a starting point for the creation of a bipartisan map that will guide Ohio through the next 10 years.

Sen. Kenny Yuko ([03:10](#)):

The map we are presenting here today does not just represent the dedicated work of Senator Sykes and our staff, but years of hard work across our great State. As I consider this plan, I often think of the hard working Ohioans who voted to end gerrymandering back in 2015. And then again, back in 2018, I'm also reminded of the current and former members that a general assembly who worked so hard and in good faith to achieve our compromise on the constitution reforms back in 2018. Over the last few months, I've also been inspired by the spirited, passionate testimony we heard from Ohioans at the redistricting commission meetings across the State.

Sen. Kenny Yuko ([03:52](#)):

This process and our work here today should represent the best of us. It should reflect how the will of the voters and the spirit of our constitution and the strength of an American democracy that spans hundreds of years as a beacon across this world. As elected leaders, we owe it to our constituents to produce fair maps. Let's work together and let's get this mission accomplished. We have too much to

lose by just complaining or withdrawing to our separate corners. I thank you for your full fair consideration of this plan, and at this point, I'll turn this over to my colleague and my friend, Senator Vernon Sykes.

Sen. Vernon Sykes ([04:32](#)):

Chair Gavarone and members of the committee, Senate Bill 237 established new congressional districts based on the results of the 2020 census, starting next year, Ohio will have 15 congressional seats down from the current 16 members. As you will see, our map is fair because it keeps communities together and does not unduly favor or disfavor a political party. A map also complies with the spirit of the constitutional reforms to ending gerrymandering that was overwhelmingly supported by the voters in 2018. Thank you for this time. And at this point, I'd like to introduce Randall Rout, policy advisor for the Senate democratic caucus, who will provide more details on the proposed map.

Randall Rout ([05:22](#)):

Thank you Senator. As leader Yuko and Senator Sykes mentioned already, the congressional redistricting plan presented to you today was created in compliance with, and in the spirit of the constitutional reforms to Ohio's congressional redistricting process that voters overwhelmingly adopted in 2018. As such, Senate Bill 237 seeks to maximize compliance with Article 19 of the Ohio constitution, which outlines the process for the creation of congressional districts in Ohio. Each district in our proposed plan, also adheres to the applicable provisions of the Ohio constitution and the United States constitution as well as federal laws, including federal laws protecting racial minority voting rights.

Randall Rout ([06:13](#)):

Each district is compact and composed of contiguous territory. In addition, the boundary of each district is a single non-intersecting continuous line. As you know, section two division, A4A of the article 19 requires the drawing of a district that includes a significant park of the City of Columbus in Franklin county district. One of Senate 237 was the first to be drawn, fulfills this requirement. Section 2A also requires the drawing of districts preserve municipal corporations, townships whose populations exceed 100,000 people, but are less than 786,630 people. This requirement applies to the cities of Cleveland and Cincinnati, under our plan none of these cities are split. Section 2B5 requires that 65 counties be contained entirely within a district.

Randall Rout ([07:11](#)):

18 counties are not split more than once, five counties be split not more than twice, 237 significantly exceeds this standard by preserving 77 counties splitting only 11 counties once and 0 counties twice. Section 2B6 requires the drawing of contiguous districts within counties. All districts created by Senate 237 satisfy this requirement. Section 2B7 requires that no 2 districts can share portions of Ted territory more than one county, but allows for one exception. 0 districts and Senate Bill 237 share more than one County. Section 2B8 requires congressional redistricting plans, shall attempt to include at least one whole county in each congressional district, unless the district is contained entirely within one county.

Randall Rout ([08:12](#)):

Once again, all districts in our plan satisfy this requirement. Section 2C1 describes how splits are to be counted. Senate Bill 237 contains three districts, 1, 3, and 5, which are entirely contained within a county and 0 County splits. Senate Bill 237 also contains 11 additional districts that splits 11 counties and do not split any townships and municipalities. District 12 is composed entirely of whole counties and

with 0 splits of any kind. Finally, there are a couple small technical issues involving splits in one township and district 1, in one precinct in district 6 that leader Yuko and Senator Sykes will amend in the next meeting of this committee.

Randall Rout ([09:04](#)):

Article 19 of the constitution is silent on the requirements of population variants. In *Tenant vs. Jefferson County*, 2012, the U.S. Supreme Court ruled that the U.S. constitution permits population deviations to achieve a legitimate state objective, such as preservation of political subdivisions. In this case, a deviation of 0.79 was deemed acceptable preserved counties. Our amended plan contains significantly lower population variants of 0.2, 2% in order to preserve counties and municipalities, townships to promote communities interest together and to respect anti-gerrymandering purpose of the 2018 constitutional amendment. As you know, should the Ohio general assembly not adopt a plan with sufficient bipartisan support, additional standards apply.

Randall Rout ([09:57](#)):

Section 13 article 19 contains provisions shall apply in such circumstances. Senate Bill 237 satisfies all these standards as well. In particular, a plan that is adopted without sufficient bipartisan support is required under section 13A to not unduly favor or disfavor a political party or its incumbents. To determine what qualifies as favoring or disfavoring a political party, we use a simple vote of each partisan statewide election from 2012 to 2020. This resulted in a ratio of 45.9% Democratic and 54.1 Republican. This means that a congressional map does not unduly favor or disfavor a political party, which would include seven Democratic and eight likely Democratic seats in Senate Bill 237. We're not including toss ups or competitive, we're just doing what's over 50%. That's what we factored that on.

Randall Rout ([10:59](#)):

Okay. Section 13B requires that the adopted plan without sufficient bipartisan support does not unduly split governmental units with an order preference. Senate Bill 237 minimizes splits only to 11 counties with 0 municipal and township splits. Finally, section 13C requires that maps adopted without sufficient bipartisan support, so attempt to be compact, Senate Bill 237 preserves governmental units and makes districts compact. In conclusion, our proposed congressional map fulfills the spirit of the reforms passed overwhelmingly by Ohio in 2018 and adheres to the provisions of article 19 of the Ohio constitution in all possible circumstances.

Randall Rout ([11:45](#)):

It complies with all applicable provisions of both Ohio and U.S. constitution and to federal law, including provisions concerning protection of minority voting rights. This is merely a starting proposal by the members of the Senate democratic caucus. We welcome all improvements and suggestions. As I mentioned already, Senator Sykes will be introducing an amendment to address the technical issues I addressed earlier. At this point, we'll be happy to answer any questions.

Sen. Gavarone ([12:14](#)):

Thank you very much. I'm going to start off with a few questions. In your testimony, you explained that there are a couple small technical issues involving splits that you intend to amend at the next committee meeting?

Randall Rout ([12:25](#)):

Yes.

Sen. Gavarone ([12:25](#)):

Just so the committee members know, are those issues simply user errors or are they geography based issues that all of us need to know about?

Randall Rout ([12:34](#)):

There are a couple precincts that were inadvertently put in the wrong precinct related we put it in the incorrect district. So we attempted to address that error, so we consider that a technical error.

Sen. Gavarone ([12:50](#)):

Okay. Thank you. And this is not a question, but merely a point that I noticed reviewing your 10 years worth of election data that you provided. The total votes you listed for the 2020 election under the ...

PART 1 OF 4 ENDS [00:13:04]

Sen. Gavarone ([13:00](#)):

Total votes you listed for the 2020 election under the Biden/Trump election need to be updated. Biden received 75,484 more votes than what you listed, while Trump received 80,416 more votes... 80,416 more votes than what you listed. I just wanted to make you aware so you can update the information in your files.

Randall Rout ([13:26](#)):

Thank you.

Sen. Gavarone ([13:27](#)):

Okay. In your testimony, you briefly touched upon the issue of population variance.

Randall Rout ([13:34](#)):

Correct.

Sen. Gavarone ([13:34](#)):

For the benefit of the public. What that's referring to is a fundamental one man, one vote rule set forth in the US Supreme Court approximately 50 years ago. And in particular, the question about to what degree any congressional district can differ from the ideal population threshold. If you don't mind, I'd like to dig into the issue just a little bit further. As you know, this decade, the ideal population of each of the 15 congressional districts in Ohio is 786,630. In your map, all 15 districts that you drew, they vary and rather significantly in population from one district to the next. For example, in District 13, there are 743 more people than the ideal population of 786,630, while your District Six has 498 fewer people than the ideal population threshold. In fact, I think from what I saw, not one of your 15 districts is within one person of the ideal population of 786,630. So can you help the committee better understand why that is?

Randall Rout ([14:51](#)):

We used the standard that was established in the tenant decision. We talked about the preservation of political subdivisions. So we did that. We kept political subdivision. We did not split townships, we did not split municipalities. And we felt that was in overriding legitimate state objective for having that population variance.

Sen. Gavarone ([15:15](#)):

So do you believe that it's not possible to preserve the boundaries of counties, cities and townships in Ohio, unless there are such significant population deviations, like the one you have in your proposed map?

Randall Rout ([15:27](#)):

Again, you cannot minimize splits of counties, townships, and municipalities and keep an absolute zero equal population. It's impossible. You have to have some level of split. And that's why you see maps with multiple splits that has equal population, because you're splitting townships, you're splitting municipalities, you're splitting communities. We attempt to keep communities together in our map, and we think that's an overriding state objective.

Sen. Gavarone ([16:03](#)):

Are you aware of that having been a problem in the past when constructing congressional districts in Ohio? And the reason I ask, is because from what I saw looking back over at least 30 years worth of maps in Ohio, the largest deviation has been in a district with seven more people than the ideal population.

Randall Rout ([16:26](#)):

It is our belief that using the tenant decision, once again, Chairwoman, is that we believe an overriding legitimate state objective would be to keep communities together and minimize splits of counties, municipalities, and townships. So we believe in this center that was established in the Supreme Court decision in 2012. And we think we are on good, solid ground on that with our map.

Sen. Gavarone ([16:55](#)):

Are you aware that Oregon, Nebraska, Maine, Colorado, Indiana, Iowa and Texas have all successfully enacted congressional maps within the last couple weeks with near absolute population equality?

Randall Rout ([17:10](#)):

I'm not aware. But what I'm referring to is the splitting of communities to achieve that purpose. Now, I don't know if they did or not. I'm not aware of that.

Sen. Gavarone ([17:21](#)):

Okay. Of the current incumbents in Congress, which would be paired in the same district in your proposed map, do you know which ones would be paired in the same district?

Randall Rout ([17:34](#)):

When we originally drew the map, we were unaware of the pairings. But since leading up subsequently up to this date, we were aware of the pairings more recently. So we do understand in a couple of cases of that we're aware of, like in Cincinnati for example, Chairwoman, that two Congresspeople are within

the same district. While boarding to the Constitution, we have to keep the entire city of Cincinnati together. If both Congresspeople live in the city of Cincinnati, that becomes something that we have to look into this. Because we have to keep the city of Cincinnati within the same congressional district irrespective of where... And we believe we did not unduly favor, disfavor any incumbent in the drawing of our map.

Sen. Gavarone ([18:29](#)):

Okay. Based on my review of the map, it looks like you pair the following in the same district, Steve Chabot and Brad Wenstrup, Bill Johnson, Troy Balderson, and Bob Latta, and Warren Davidson. Is there a reason why only Republicans were bunked together in your proposed map?

Randall Rout ([18:46](#)):

Well, one is there's only four Democrats statewide, so it would be really difficult to pair Democrats in the same district. Because especially the locations of where they're from. So that may be something to do with that. So, geography.

Sen. Gavarone ([19:05](#)):

And you explained that your map would supposedly provide for eight Republican seats versus seven Democrat seats. And coming to that result, you calculated a ratio that look back over the past 10 years of statewide partisan elections in Ohio. Do you agree that Article 19 of the Ohio Constitution does not mention anything about that 10-year look back, unlike Article 11 for legislative redistricting?

Randall Rout ([19:32](#)):

We're aware of it. And the quest to unduly favor one party over and over, we thought the standard established was a solid standard to use in order to look at, in terms of defining districts. Not unduly favoring one party or another, using the standard established there would be an adequate standard to use.

Sen. Gavarone ([20:01](#)):

When do you believe that the unduly favoring language in Article 19 applies?

Randall Rout ([20:06](#)):

Well in our drawing our districts, we believe that because the map closely adheres to the statewide voting preference of the voters over the past 10 years, that would be a sign that that's not unduly favoring one party or another, because our math reflect that.

Sen. Gavarone ([20:34](#)):

Thank you. Are there any other questions for members of the committee? Senator Maharath.

Tina Maharath ([20:41](#)):

Thank you, Chair. And thank you, bill sponsors and Randall for coming in to testify today. I really appreciate your time to provide us an insight of what we, as our caucus, are specifically looking to achieve today. The questions could be directed towards Randall as well, since all three of you have some extensive experience here in a general assembly. But has this process so far met your expectations of how congressional redistricting process should be?

Randall Rout ([21:07](#)):

I will defer.

Sen. Kenny Yuko ([21:09](#)):

You'll defer? Can I take?

Randall Rout ([21:10](#)):

Go ahead.

Sen. Kenny Yuko ([21:10](#)):

Appreciate it. Oh. No, it hasn't. I think what's happened is in 2011, there was a lot of conversation amongst a lot of people, not just legislators. And the conversation... Madam, I'm sorry. I should have addressed to you first. Would be simply for fairness. That's what they asked for. And that was the conversation we had back in 2011. Roll the calendar down a few years. And then 2015, as you know, we addressed the state seats in 2015. And it was done in a process where the Democrats and the Republicans in the Senate and the House all worked together and took it to the vote of the people, which they voted on overwhelmingly. 71%, I believe, in 2015. Then you continue that path down to 2018. And again, we're going to take on congressional redistricting. And as a member of the Ohio Senate, I was very proud of the fact that our vote was 33 to nothing on that particular date. Meaning that we got together as Democrats and Republicans in the Ohio Senate, we worked very hard, we worked very diligently.

Sen. Kenny Yuko ([22:20](#)):

I mean, we worked so hard it got to the point where we got a phone call from Arnold Schwarzenegger to have a drink with us, because we made that type of impression on the nation as to the work that we did. And what did they want? They wanted to make fairness. They wanted to make sure that we had fair maps, that we had fair opportunity, that there's transparency, that the will of the people in Ohio would be best represented by the maps that we would be drawing in the next general assembly's opportunity, which is 2021 now. We passed that. Again, in 2018, we passed it with 74% of the vote, I believe. And like I said, passing it out of the Senate 33 to nothing, I think, was most impressive and a tribute to everybody who served in the Ohio Senate at that time.

Sen. Kenny Yuko ([23:06](#)):

And because of it, I think we gave hope to a lot of people that what we're going to see is a new process in Ohio. One that would be fair and offer us fair districts. And that's what people have been asking for for a long time. And when you look at the numbers and you look at the way we did things in the past, compared to what the new regulations were established in the constitutional amendments that we passed in 2015 and 2018, I think we gave us a tremendous opportunity to do just that. My hopes and my prayers were that we would all work together once again and establish something like this. I realize the impact on our political parties. I realize that as Senate minority leader, my job might have been less tenuous than what Senator Matt Huffman, the Senate president would be going through trying to explain what the potential of all this was.

Sen. Kenny Yuko ([23:55](#)):

I understand that. But I also stand that we represent 11.7 million people in Ohio who voted after reaching out to so many people. And I can't tell you how many meetings we attended in 2015 and in 2018 to discuss this with large groups of people. The interest was there, the passion was there, Ohio was there. And they rely on us as their elected leaders to be their voice. And we take an oath of office. And that oath of office begins with our name and our promise to uphold the Constitution of the United States, and our promise to uphold the Constitution of the state of Ohio. And with that being said, if we take everything we put into fruition in the constitutional Amendments of 2015 and 2018. What we're doing here in 2021, I would think would have some very strict guidelines which we would be expected to follow. Our attempts here with our maps and our conversations is to follow just that.

Sen. Kenny Yuko ([24:50](#)):

And I realize that there's a lot at stake here, I'm not trying to minimize it. And it's not pretty, and it's not going to make anybody particularly happy. But it's the fact, and it's the reality of how things work. And I think what we've done, and we've done our due diligence, and it's hard to draw a map that's fair and doesn't duly favor or unfavor one political party or another, because I know that's been probably the strongest argument I've heard about. How can you say that with a straight face, because it does unduly favor one party or another when you're making these types of significant changes.

Sen. Kenny Yuko ([25:26](#)):

But with that being said, that's what the people of Ohio asked for. Not once, but twice. And as you know, they've been out and very passionate in most recent times. We've seen it when we did the 10 city tour, and we've heard some tremendous testimony, and we've seen it in committees, we've heard it in our offices, we've gotten stacks of postcards. If we all put our postcards on the table in front of you on the counter, we wouldn't see you because there are so many of them. That's because this is what the people are asking for, and this is what we're trying to deliver. Thank you.

Sen. Vernon Sykes ([26:01](#)):

Additionally, I'd like to say that in part...

PART 2 OF 4 ENDS [00:26:04]

Sen. Vernon Sykes ([26:01](#)):

Additionally, I would like to say that part of the proposed constitutional provisions provide for a negotiation between the parties, with the aspirational goal of the parties coming together and negotiating a bipartisan plan for a 10-year period. It's been difficult to do that because the majority has not really presented a map up to now. We're at this third stage of this process and fortunately looked like today, was starting out the first November we're starting out hopefully with the plan and maybe we'll be better able to negotiate a bipartisan deal.

Tina Maharath ([26:50](#)):

Chair, followup? Thank you, Chair. Well, all three of you attended the Redistricting Commission Meetings, so what was the common theme that Ohioans were picking up for those meetings? I'm trying to just get a better understanding of what we can do over in Ohio Senate so that way we can deliver the message that we were promising Ohioans essentially from these meetings.

Sen. Kenny Yuko ([27:14](#)):

Thank you Senator, and to the Chair and to Senator Maharath. Senator Gavarone, I think you were there in Toledo with us.

Sen. Gavarone ([27:22](#)):

Yeah.

Sen. Kenny Yuko ([27:22](#)):

We had a full house at the Toledo Library. And for those of you who are unfamiliar with the facility, it's a gigantic facility, there was room for tons of people, and we did a great job of filling the room. We've heard the testimony, and I think it was overwhelmingly in favor of us creating fair districts that are truly representative of the vote of the people in the state of Ohio. That was our obligation, that was our commitment, and that's what they expect us to do.

Sen. Kenny Yuko ([27:50](#)):

When we don't comply with that, Senator Maharath, then the question comes back to us, "If you can't listen to us, what are you doing? And why? Why is it so difficult to create fair maps? Why is it so easy to draw a gerrymandered map and try to make excuses for it?" Because there is no excuse for it. It's wrong in every sense of the way. We have an obligation to represent the people and what their requests are. The requests have been overwhelmingly in favor of us creating fairer maps, and that's where our intentions are.

Sen. Vernon Sykes ([28:23](#)):

Additionally, the people really want more transparency. They want to be able to understand what the issues are, what the considerations are and they'd like to be involved in the process. So the hearing process helped us to a certain extent, but still many of the decisions were made behind closed doors and they need and would like to have more transparency.

Sen. Gavarone ([28:49](#)):

Are there any further questions? Seeing none, that concludes the first hearing on Senate bill 237.

Sen. Vernon Sykes ([28:56](#)):

Thank you, Chair.

Sen. Gavarone ([28:57](#)):

Committee will stand at ease. Committee will come back to order. The second order of business is the first hearing on Senate Bill 258. We do have a substitute bill to accept as the working document of the bill. The Chair recognizes Senator O'Brien for a motion.

Speaker 2 ([30:47](#)):

Chair Gavarone, I move that we accept 113421062 as a substitute bill.

Sen. Gavarone ([30:58](#)):

Is there any discussion?

Tina Maharath ([31:00](#)):

Yes, Chair. We are just now seeing this bill. This is the first time reviewing this map, so I'd like for objection to this bill, please.

Sen. Gavarone ([31:12](#)):

Okay. Will the clerk please call the roll?

Speaker 3 ([31:15](#)):

Chair Gavarone?

Sen. Gavarone ([31:16](#)):

Yes.

Speaker 3 ([31:22](#)):

Wait a minute. You need to make a-

Sen. Gavarone ([31:24](#)):

Pardon me?

Speaker 3 ([31:24](#)):

... motion. You have to make the motion [inaudible 00:31:27] yeah, yeah. Just stand at ease. Stand at ease. Stand at ease.

Sen. Gavarone ([32:21](#)):

Stand at ease.

Sen. Gavarone ([32:23](#)):

Committee is back in order. The question is, will we accept the substitute bill? Will the clerk please call the roll?

Speaker 3 ([32:31](#)):

Chair Gavarone?

Sen. Gavarone ([32:31](#)):

Yes.

Speaker 3 ([32:33](#)):

Vice Chair O'Brien?

Vice Chair O'Brien ([32:33](#)):

Yes.

Speaker 3 ([32:34](#)):

Senator [Manning 00:32:35].

Sen. Manning ([32:35](#)):

Yes.

Speaker 3 ([32:35](#)):

Senator Kunze?

Sen. Stephanie Kunze ([32:36](#)):

Yes.

Speaker 3 ([32:37](#)):

Senator Maharath?

Tina Maharath ([32:38](#)):

No.

Speaker 3 ([32:39](#)):

Senator Sykes?

Sen. Vernon Sykes ([32:40](#)):

No.

Sen. Gavarone ([32:42](#)):

With the vote of four to two, the substitute bill is adopted.

Sen. Gavarone ([32:46](#)):

Senator McCauley is here to give sponsor testimony.

Sen. Rob McColley ([32:50](#)):

Thank you. Chairwoman Gavarone, Vice Chair O'Brien, ranking member Sykes and members of the Local Government and Elections Committee for allowing me to present testimony today for Senate bill 258, I suppose substitute Senate bill 258, which seeks to fulfill the Ohio General Assembly's responsibility under the Ohio Constitution for redistricting of United States congressional maps within this state.

Sen. Rob McColley ([33:12](#)):

I would like to start by providing an explanation of Article 19 of the Ohio Constitution regarding congressional redistricting and then I will go on to describe the proposed congressional map in substitute Senate bill 58.

Sen. Rob McColley ([33:24](#)):

As you will recall, Article 19 of the Ohio Constitution was added in 2018 by the voters of the State of Ohio after the Ohio General Assembly voted to put the proposed amendment on the ballot. Article 19

prescribes the process by which congressional redistricting shall occur in Ohio. The Article is divided into three sections. And of course, this process is conducted with United States census data gathered in the most recent decennial census relative to Ohio's population, which also determines how many seats the state will be apportioned under Section 2, Article 1 of the United States Constitution.

Sen. Rob McColley ([34:02](#)):

Section 1 of Article 19 describes the methods for adopting a congressional districting plan. From a timeline perspective, there are up to three opportunities to pass a congressional redistricting plan.

Sen. Rob McColley ([34:13](#)):

The first opportunity to pass a congressional redistricting plan shall occur not later than the last day of September ending in year ending in the numeral one. In order to pass a 10-year map at this stage, the Ohio General Assembly must secure the votes of three fifths of the members of each chamber, including the affirmative vote of at least one half of the members of each of the two largest political parties.

Sen. Rob McColley ([34:35](#)):

If the General Assembly is unsuccessful at passing a map by the last day of September, the Redistricting Commission comprised of the Governor's Secretary of State, Auditor of State and a majority and minority party delegate from each chamber shall have the next opportunity to pass a congressional redistricting plan. Just as with the state legislative districts, a plan would require the vote of at least four members of the seven-member commission, including two members from each of the two largest political parties making up the General Assembly in order to create a 10-year map. The Redistricting Commission shall have until the last day of October to do so.

Sen. Rob McColley ([35:12](#)):

If the Redistricting Commission is unsuccessful, the responsibility returns to the General Assembly where the bill must be passed not later than the last day of November. At this stage, a 10-year map can be passed with three fifths of the members of each chamber and at least one third of the members of the two largest political parties in the General Assembly.

Sen. Rob McColley ([35:31](#)):

Alternatively, if the General Assembly passes a congressional redistricting plan with a simple majority from each chamber and not in accordance with the vote threshold previously described, there are several requirements that must be met. The plan shall not unduly favor or disfavor a political party or its incumbents, the General Assembly shall not unduly split governmental units, and the General Assembly shall attempt to draw districts that are compact.

Sen. Rob McColley ([35:57](#)):

Additionally, Section 1 of Article 19 requires a joint committee of the General Assembly to hold at least two public committee hearings regarding a proposed plan.

Sen. Rob McColley ([36:06](#)):

Section 2 of Article 19 specifies additional requirements for the drawing of congressional districts. First, the plan shall comply with the Constitution of Ohio and the United States and federal laws, including federal laws protecting racial minority voting rights. Second, all districts shall be compact. Third, every

district shall be continuous and have a non-intersecting continuous line. It's worth noting that there is an exception to the compactness requirement in the event that a four-year map is passed under that section of the Constitution.

Sen. Rob McColley ([36:38](#)):

Most of the remaining requirements in this section deal with the splitting of political subdivisions in the map. One term to become familiar with is the ratio of representation. This is determined by dividing the state's population determined by the census by the number of congressional seats apportioned to the state. In this case, Ohio's population divided by 15 seats that Ohio was apportioned to turns out to be 786,630 people with some slight rounding in there. I believe it's 786,629.8, if we're being exact.

Sen. Rob McColley ([37:14](#)):

Below is a description of permissive splits of political subdivisions. If a county's population exceeds the ratio of representation, it is of course going to be split in some fashion because it will have too many people to form one congressional district. If such a county exists, which in Ohio's case includes only Cuyahoga, Franklin and Hamilton Counties, the following rules apply. If a city or township within that county also exceeds the ratio of representation, the drawing authority shall attempt to include a significant portion of that city or township in a single district. Currently only the City of Columbus would meet this criterion. If a city or township in that county has a population of greater than 100,000 and it is the largest city or township in that county, the city or township cannot be split. The two cities that meet this criterion are Cleveland and Cincinnati.

Sen. Rob McColley ([38:07](#)):

The remaining criteria regarding splitting up political subdivisions deal with the splitting of counties. Those requirements are as follows, 65 of Ohio's 88 counties shall not be split, 18 counties may be split not more than once and five counties may be split not more than twice. The parts of a congressional district within one county shall be contiguous. No two counties shall be split among the same two districts, unless one of the counties has a population of greater than 400,000. The drawing authority shall attempt to have at least one whole county in each district where possible.

Sen. Rob McColley ([38:43](#)):

Lastly, Section 3 of Article 19 deals with the legal process of channeling a constitutional redistricting plan.

Sen. Rob McColley ([38:50](#)):

Next, I would like to describe the proposed map in substitute Senate bill 258. Only 14 counties are split. You will recall we are permitted to split up to 23 counties, comparatively speaking-

PART 3 OF 4 ENDS [00:39:04]

Sen. Rob McColley ([39:00](#)):

... Are permitted to split up to 23 counties. Comparatively speaking, the 2011 map split 23 counties. This is also the lowest number of split counties in at least 50 years. The 11 counties split once are Delaware, Licking, Lorraine, Lucas, Montgomery, Pike, Portage, Ross, Stark, Summit, and Washington. Only three counties are split twice. We are permitted to have up to five of those such counties. Comparatively

speaking, the 2011 map had five such splits. The three counties split twice are Cuyahoga, Franklin and Hamilton. It is worth noting that each county would be required to be split at least once due to its population.

Sen. Rob McColley ([39:39](#)):

Every district that is not contained entirely within one county has an entire county within it. This map truly balances one person, one vote with 13 districts having exactly 786,630 people and two districts having 786,629. That is as close as we can get as possible to one person one vote and that 786,630 person ratio representation. Our goal for this map was to draw districts that are compact while also keeping Ohio's largest cities whole. It is worth mentioning that the compactness requirement does not only apply to district comprised of urban and suburban areas. It also applies to rural districts.

Sen. Rob McColley ([40:26](#)):

While rural districts will generally be geographically larger than those in urban and suburban areas, the primary reason we decided to split some of the most populous counties in Ohio was to ensure geographic compactness of all districts in accordance with the Ohio constitution. However, even though we split some of the larger counties, we made it a point to keep the largest cities in those counties and the largest cities in the state whole with exception to Columbus, which had to be split because of its population, and with exception to Dublin and Middletown, which straddle county lines, and therefore do not count as splits under the Ohio constitution.

Sen. Rob McColley ([41:03](#)):

Each of the 25 most populous cities in the state of Ohio are kept whole within the proposed map. In fact, only seven municipalities and nine townships within the entire state are split in this proposed map. The map before you complies with the requirements placed upon the general assembly under the Ohio constitution. It is the product of a deliberate effort to draw compact districts while keeping Ohio's largest cities whole. Thank you to Chairwoman Gavarone, Vice Chair O'Brien, ranking member Sykes, and members of the local government and elections committee for allowing me to present testimony on substitute Senate bill 258 and the proposed congressional district map contained therein.

Sen. Rob McColley ([41:44](#)):

I will be happy to take any questions at this time.

Sen. Gavarone ([41:47](#)):

Thank you. Are there any questions for members of the committee? Senator Maharath.

Tina Maharath ([41:52](#)):

Thank you, Chair. And thank you, bill sponsor. I do want to make a correction on your sponsor testimony though. It is I who's the rank member of this committee in that Senator Sykes, but ...

Sen. Rob McColley ([42:01](#)):

I apologize.

Tina Maharath ([42:04](#)):

Yes. So I did want to ask who drew these maps or where did the data come from?

Sen. Rob McColley ([42:09](#)):

So to the Chair, to the ranking member, these maps were drawn primarily through consultation with Senate staff. They are the product of the concepts, I suppose, of a congressional map developed by me. And then those concepts were relayed to Ray DeRossi and he put them through the computer program that we have to draw these maps.

Tina Maharath ([42:35](#)):

Follow up?

Sen. Gavarone ([42:36](#)):

Go ahead.

Tina Maharath ([42:37](#)):

Can we expect Ray DeRossi or any members of the Senate staff who drew up the maps for us to come in and testify?

Sen. Rob McColley ([42:44](#)):

To the chair, to the ranking member, I feel I have a pretty good grasp of the map and the different attributes of it, which is why I'm the one here testifying today. And so I would not expect Ray. It's not out of the question I wouldn't say necessarily, but I would expect that it's probably just going to be me.

Tina Maharath ([43:03](#)):

Okay. And follow up?

Sen. Gavarone ([43:04](#)):

Follow up.

Tina Maharath ([43:05](#)):

So what is the partisan breakdown of this map in front of us today then?

Sen. Rob McColley ([43:11](#)):

Well, part of the reason we didn't include it in the testimony is because as you saw all during the redistricting commission hearings, there are many ways to define competitive, what's not competitive. There are many ways to assign an index to a district based on different data, I would say. So I didn't want to necessarily draw a bright line on that. But I will say this, I can speak with some level of confidence that the the map that's drawn and is proposed in front of you is much more competitive than the current map that we have right now.

Sen. Rob McColley ([43:54](#)):

And the map that is in front of you depending on which index you use, and like I said, there could be a variety of indexes people use to describe whether a map is competitive or not. But depending on which index you use, it could be as many as up to seven or eight districts that would be considered competitive. And so that would potentially leave it up to five Republican seats, eight competitive seats and two solidly Democrat seats.

Tina Maharath ([44:24](#)):

One last follow up?

Sen. Gavarone ([44:25](#)):

Follow up.

Tina Maharath ([44:26](#)):

So did you use any racial data as well into drawing your maps? I'm just trying to get a better understanding of where did his data come from exactly and how did we use any political data if any consideration was placed into these maps?

Sen. Rob McColley ([44:40](#)):

So under most circumstances, we are prohibited from using racial data and drawing and composing districts. And the reason for that is court precedent and federal law states that unless there is legally significant racially polarized voting patterns within the state, and that there has been a presentment of some sort of evidence that that is the case in the state of Ohio. We are not aware of any such evidence and therefore we did not use racial data in drafting these maps.

Tina Maharath ([45:19](#)):

Thank you.

Sen. Gavarone ([45:19](#)):

Yeah. Senator Sykes.

Sen. Vernon Sykes ([45:19](#)):

Thank you, Madam Chair. Thank you for your testimony. Just a question about the maps themselves. Have these map been uploaded to the website for the petitioning commission?

Sen. Rob McColley ([45:34](#)):

To the Chair, to the representative, the plan I believe, and was for to have them uploaded to the website of this committee that we're in, given that we are running this process now through the committee that we are in front of right now, the redistricting commission at this point doesn't have anything to do with the drawing of these maps. And so, it's my understanding that they are potentially already uploaded onto the committee website. And if they aren't, they will be uploaded very shortly.

Sen. Vernon Sykes ([46:04](#)):

[inaudible 00:46:04]. Follow up?

Sen. Gavarone ([46:04](#)):

Follow up.

Sen. Vernon Sykes ([46:06](#)):

Do you have available or make available the shape files or equivalency files so that the public can analyze, have more accessibility to analyze the maps?

Sen. Rob McColley ([46:18](#)):

To the Chair, to the Senator, we will make those files available.

Sen. Gavarone ([46:25](#)):

Follow up.

Sen. Vernon Sykes ([46:27](#)):

The whole campaign dealing with fair districts, the constitutional provisions that were overwhelmingly supported by the people, how does that concept of fairness, how do you incorporate that or present that in your map? What's fairness to you and how is this map fair?

Sen. Rob McColley ([46:52](#)):

To the Chair, to the Senator, primarily what we were looking at when we crafted this map was abiding with the terms of the constitution. The terms of the constitution at this stage in the game primarily have two requirements. One is that we draw compact maps and the other is that we don't have non-contiguous areas within that map. I know there's been some discussion about whether it unduly favors or disfavors a political party or its incumbents. That is not a requirement unless we were to draw a four year map.

Sen. Rob McColley ([47:22](#)):

Additionally, I would say that our goal and our hope is that we get the opportunity to draw a 10-year map. And I think I would applaud frankly the Democrat Caucus in the Senate for proposing their own map and putting that out into the open and this is our proposal as well. And I expect a robust dialogue to occur regarding what we could possibly come up with that could lead to a 10-year map. And I think that's where we come down to whether or not a map is fair is ultimately what we come up with in the confines of the constitution as it was voted on by the voters.

Sen. Rob McColley ([48:06](#)):

And we hope to have that opportunity to do that with bipartisan support.

Sen. Vernon Sykes ([48:10](#)):

Thank you.

Sen. Gavarone ([48:12](#)):

Thank you. Are there any other questions about the bill? Seeing none. Thank you very much.

Sen. Rob McColley ([48:19](#)):

Thank you.

Sen. Gavarone ([48:19](#)):

And this concludes the first hearing of Senate Bill 258. Is there any other business before the committee? Hearing none. We are adjourned.

PART 4 OF 4 ENDS [00:48:28]

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EXHIBIT 12

Chair Wilkin ([00:00:00](#)):

Good morning, everyone. I now call the November 4th House Government Oversight Committee to order. Will the clerk take the role?

Clerk ([00:00:08](#)):

Chair [Wilkin 00:00:08]?

Chair Wilkin ([00:00:09](#)):

Yes.

Clerk ([00:00:10](#)):

Vice Chair White? Ranking Member Brown?

Ranking Member Brown ([00:00:12](#)):

Here.

Clerk ([00:00:12](#)):

Representative [Zebross 00:00:13]?

Rep. Zebross ([00:00:13](#)):

Here.

Clerk ([00:00:14](#)):

Carfagna?

Carfagna ([00:00:15](#)):

Here.

Clerk ([00:00:16](#)):

[Galanski 00:00:16]?

Galanski ([00:00:16](#)):

Present.

Clerk ([00:00:18](#)):

Ginter? Hicks-Hudson?

Hicks-Hudson ([00:00:18](#)):

Present.

Clerk ([00:00:19](#)):

House?

House ([00:00:20](#)):

Here.

Clerk ([00:00:20](#)):

Jones?

Jones ([00:00:20](#)):

Here.

Clerk ([00:00:22](#)):

Kelly?

Kelly ([00:00:22](#)):

Here.

Clerk ([00:00:23](#)):

Plumber?

Plumber ([00:00:24](#)):

Here.

Clerk ([00:00:24](#)):

And Swearingen?

Swearingen ([00:00:25](#)):

Here.

Chair Wilkin ([00:00:27](#)):

With a quorum present, we will operate as a full committee. The chair moves to approve the minutes from the November 3rd meeting. If there are no objections, the minutes will be approved as presented. Hearing none, the minutes are approved. Just a little housekeeping before we get started. If you are here and you wish to testify and you're not listed, I need you to pick up a witness form and fill that out and then we will add you to the end of testimony. And also, I have discussed with the ranking member and while we do not want to limit testimony, we do ask that with the amount of witnesses that we have, that you be concise and to the point on your comments and stick to the bill that is in front of us to be reviewed. With that said, I would like to call up Substitute House Bill 479 for its second hearing. And the chair would call up... And I apologize if I mess this last name up, Carrie Coisman to provide testimony. How bad did I do on the name?

Carrie Coisman ([00:01:38](#)):

Perfect. Coisman it is.

Chair Wilkin ([00:01:41](#)):

One in a row.

Carrie Coisman ([00:01:42](#)):

I have amended testimony. And I apologize, Ranking Member Brown, I wrote Ranking Member O'Brien, as things were being shuffled as I was writing testimony.

Chair Wilkin ([00:02:02](#)):

You may begin when you're ready.

Carrie Coisman ([00:02:03](#)):

All right. Chair Wilkin, Vice Chair White, Ranking Member Brown and all other members of the government oversight committee, my name is Carrie Coisman and I'm the Ohio digital organizer for All On The Line, a grassroots advocacy organization that's working to end gerrymandering. I'm here today testifying, not only on behalf of myself, but also on behalf of All On The Line's numerous volunteers and activists who cannot attend today's hearings, due to the timing at which they are held and the short notice that we knew they would be happening. Today I'm going to speak in strong opposition to HB-479 and our future congressional map, potential future congressional map. I'll be talking about what a fair redistricting process actually looks like and what a fair congressional map must look like to adequately represent Ohioans in Congress. I will also be speaking directly to the map in question.

Carrie Coisman ([00:02:56](#)):

I'm going to firstly speak about the redistricting process. In September, I testified before the Ohio Redistricting Commission, the body responsible for our state legislative redistricting process, and the body that held the pen during the month of October for the congressional redistricting process. The Ohio Redistricting Commission set a poor precedent for a fair and transparent redistricting process, and then the Ohio General Assembly, this body followed suit when you refused to host hearings or propose any maps before your first deadline of September 30th. I hope that this committee, the Ohio House and the entire Ohio General Assembly will honor the reform measures that Ohioans overwhelmingly voted on in 2018, that codified a fair and transparent process.

Carrie Coisman ([00:03:40](#)):

However, just beginning with the scheduling of these hearings this week, I'm given grave concern. The public must have their testimony submitted 24 hours before committee commence, as according to rules. Unfortunately, the sponsor hearings for proposed Democratic and Republican maps were happening within that 24 hour window, meaning Ohioans were required to submit testimony on yet to be publicized maps from Republican leadership. That made it impossible for Ohioans to analyze the maps and to submit testimony speaking to those maps before today's hearing. I was present in this room yesterday, as Rep Oshlinger gave his testimony about the sub bill of HB-479, and I'd like to express my gratitude at this time to Representatives House, Brown, Galanski, Hicks-Hudson and Kelly for your insightful questioning into the nature of how this map came into fruition.

Carrie Coisman ([00:04:32](#)):

I'm also grateful at this time to be able to do this work on redistricting full time. I'm not a parent or a family caregiver. I'm thrice vaccinated and I am not immunocompromised and I live only 10 minutes away from Cap Square. All of these factors make my testimony here today possible. But the way that

these hearings continue to be conducted excludes the voices of thousands of Ohioans. The Ohio General Assembly has the opportunity and the duty to host robust and accessible hearings over the next 26 days. Yesterday's hearing was not what Ohioans voted on in 2018 and it is unconscionable that a map was presented yesterday, less than 24 hours before this hearing, without being made available to the public in an accessible manner for them to review.

Carrie Coisman ([00:05:18](#)):

These hearings were again scheduled outside of daytime work hours. They were not scheduled around the state, there were not maps and there are not virtual testimony options. The Ohio assembly must not keep maps in the can until the last possible moment, with the intent to exclude Ohioan's voices. Again, this is not what we overwhelmingly voted on in 2018. Hiding behind excuses of a census delay or legal action are also not valid, as there have been dozens of maps submitted in people's hearings, hosted by Ohioans and organizations like mine. How are everyday citizens able to do this process so much more efficiently and fairly than the people elected to protect democracy and serve Ohio's constituents on the taxpayers' dollar?

Carrie Coisman ([00:05:59](#)):

Gerrymandering is political cheating, but it is a solvable problem. Constitutional maps are more than possible and nothing less will be accepted. And to take a word from Secretary of State LaRose, especially when what's happening is through an asinine process run by two legislative leaders that exclude Ohioans at every turn, and then result in an unfair map that continues to dilute the political power of Ohioans. I'll now speak to the map. A truly fair map reflects Ohio's partisan balance, provides real pathways to representation for communities of color and keeps our communities together. Ohioans have voted, across the decade, in a rough split of 46% Democrat and 54% Republican partisan.

Carrie Coisman ([00:06:40](#)):

Our current congressional delegation has a partisan split of 25% Democratic and 75% Republican, ensuring that thousands of Ohioans are not having their voices heard in Washington. Ohioans have been grossly misrepresented in Congress, due to the surgical gerrymandering that happened 10 years ago in 2011. The proposed GOP map that we saw yesterday would give 87% of our congressional representation to the Republican party, in a state that, again, votes 46% Democratic and 54% Republican, with 13 Republican seats, two Democratic seats and no competitive seats.

Carrie Coisman ([00:07:16](#)):

While some may claim a deviation of 10 points between 45% and 55% makes a seat competitive, I would argue that a smaller range of 48% and 52% makes a seat competitive, which is a deviation of four points. There are no seats within this range on the map. In order to guarantee real representation as promised by our 2018 reform measures, a fair map should include seven Democratic congressional seats and eight Republican seats, like the map proposed by the Senate Democratic Caucus. These numbers reflect how Ohioan's actually vote. Ohio is a purple state, with voters who have supported both Democratic and Republican voters statewide, as reflected in the reality that we have a Republican Senator and a Democratic Senator, close gubernatorial elections throughout the decade, and different Electoral College showings in 2012 and 2016.

Carrie Coisman ([00:08:04](#)):

Our district should reflect how Ohio's communities vote, including some areas with truly competitive seats in that 4% deviation, instead of entrenching our political future by cracking and packing certain communities. Rather than diluting certain communities' political power, the map should anchor Ohio's major cities and their own districts, ensuring that our communities of color, urban communities and new American communities are able to access the promise of democracy. My home city of Columbus should include as much of our urban core as possible, especially the communities inside of the 270 Outer Belt, some of which are currently drowned out into more rural and suburban districts, like Ohio 12 and Ohio 15.

Carrie Coisman ([00:08:42](#)):

My own community of Clintonville, which again is only 10 miles north of the state house and Ohio state's campus, is pulled up into my hometown of Mansfield and out into the Eastern city of Zanesville. It is absurd that I vote in the same congressional district as my grandparents, who live on the Richland and Morrow county line. While I maintain a lot of fondness for my hometown, I do not need, nor should I vote with them. While yesterday's proposed map by Republicans keeps Clintonville with the Columbus Anchor District, it pulls out similar communities that should be kept in the same Columbus Anchor District. Those communities include German Village, Hungarian Village and the South Side.

Carrie Coisman ([00:09:16](#)):

Those communities are pulled into a district that is anchored by Newark in Licking County. Again, these communities do not belong in the same congressional district. Rather, the Columbus Anchor District should include as much of the urban core as possible, protecting especially the Black and LatinX populations on the south, east and northeast sides of the city for being needlessly gerrymandered. There should also be a second Ohio Congressional District that should contain, in its entirety, the growing Asian-American and Pacific Islander and new American communities in North and Northwestern Franklin County, instead of being pulled out into a rural district that is anchored by Lima. There is no reason that my alma mater of Otterbein University in Polaris Mall and suburban Westerville should be in the same district as Urbana, Bellefontaine and half of Springfield.

Carrie Coisman ([00:10:03](#)):

Additionally, our cities of Cincinnati, Cleveland, Akron, Toledo and Dayton should also anchor their own districts with as much of the surrounding counties or counties as possible. The Republican proposed map splits Hamilton County, home of Cincinnati, into three separate districts with almost all of suburban Warren County. Cuyahoga County, home of Cleveland, is also split into three separate districts, pulling some of Cleveland's suburbs into Holmes County, which is home of the majority of Ohio's Amish communities, Summit County, home of Akron is split into three districts, one of which includes the Hocking Hills region, Lucas County, home of Toledo, is split into two districts, pulling the eastern half of Toledo into a district that docks into Knox County, a central Ohio rural county.

Carrie Coisman ([00:10:42](#)):

Finally, while the Dayton Anchor District keeps Montgomery and Greene County whole. It splits neighboring Springfield into two, diluting the political representation of Black communities in each city. These intentional and surgical decisions in every single one of Ohio's major metropolitan areas demonstrates the Republican party is truly more interested in maintaining power than listening to Ohioans, by upholding the 2018 constitutional reform measures. For the past decade, Ohio has lived under some of the most gerrymandered maps in the country, but this proposed map is somehow worse.

Ohio is a unique, beautiful state full of diversity and people who want a future that is bright, safe, and full of promise.

Carrie Coisman ([00:11:20](#)):

This body has the opportunity to right the ship of democracy for the next decade by drawing districts that reflect our values, instead of districts that ensure partisan power, gained not through democracy, but through the manipulation of political geography. Ohioans deserve both a fair process and a fair map, and we made that clear at the ballot box in 2018. If we have any hope of maintaining our democracy, Ohioans deserve a map that reflects the true partisan makeup of our state, which means our future maps must include seven Democratic congressional seats and eight Republican seats. These numbers reflect how Ohioans actually vote, and we will accept nothing less.

Chair Wilkin ([00:12:00](#)):

Thank you for your testimony. Are there any questions? Representative Kelly?

Kelly ([00:12:06](#)):

Thank you, Mr. Chairman. Thank you for coming in today. From your testimony, I would presume to think that you do not believe that these maps actually follow the anti-gerrymandering rules that are in the constitution, and so I'm wondering, especially in Hamilton County, which is now split into three districts, aside from keeping Cincinnati whole, are there other improvements that you think that we can make in the Southwest corner of the state? I, for instance, wonder if my friends who live in Amberley would think that they had a lot in common with folks who live in Vinton County?

Carrie Coisman ([00:12:46](#)):

Mm-hmm (affirmative). With our major populous counties, so Hamilton, Franklin, and Cuyahoga in particular, the Cincinnati district should be the core of that district, and then your suburban communities should also core a district. I don't know where the specific community in Cincinnati is that you're talking about, but Hamilton County should only be split twice, with Cincinnati making up its own district, and the other half of that county being anchored with suburbs that make more sense, rather than dragging them out into that district that kind of moves along the western border of the state. It should be much more compact, and the way that this current map exists, is it's pulling out a variety of suburbs into those three separate districts, instead of keeping them together as like-minded communities, and that's very purposeful.

Chair Wilkin ([00:13:38](#)):

Followup?

Kelly ([00:13:39](#)):

Thank you, Mr. Chairman. Amberley Village is actually located in the greatest State House District in the entire state of Ohio, the 31st House, present 31st House District, but it's about 15 minutes from downtown Cincinnati. And so it would seem to me that that would be a more natural alignment, and then I thought you said that in your testimony, that a probably more accurate breakdown of the voting behavior in Ohioans would be an eight-seven map. Was that accurate?

Carrie Coisman ([00:14:06](#)):

Yeah, eight Republican, seven Democrat.

Chair Wilkin ([00:14:08](#)):

Representative Kelly, did you want to clarify who represents Amberley Village?

Kelly ([00:14:17](#)):

Mr. Chairman, I am privileged to represent Amberley Village in the State House.

Chair Wilkin ([00:14:22](#)):

Do you have any other followup? Representative Swearingen?

Swearingen ([00:14:27](#)):

Thank you, Mr. Chairman. Thank you for your testimony today. Several questions; does All On The Line receive funding for its operations?

Carrie Coisman ([00:14:35](#)):

Yes.

Swearingen ([00:14:35](#)):

Where does it receive its funding from?

Carrie Coisman ([00:14:37](#)):

We're a project of the National Democratic Redistricting Committee.

Swearingen ([00:14:40](#)):

Okay. Where do you get your money-

Chair Wilkin ([00:14:42](#)):

Excuse me one second, Representative Swearingen, before we get into back and forths, make sure we are going through the chair.

Swearingen ([00:14:46](#)):

Yep, thank you, Mr. Chairman.

Chair Wilkin ([00:14:48](#)):

Asking for followups, and if you don't mind, if you would... Just so we don't get into these back and forth conversations?

Swearingen ([00:14:52](#)):

Yep.

Chair Wilkin ([00:14:53](#)):

Thank you both very much.

Swearingen ([00:14:54](#)):

Thank you, Mr. Chairman. Followup question. Where does the National Democratic Group get its money from?

Carrie Coisman ([00:15:01](#)):

All On The Line gets its money through grassroots donations. Sorry, through the chair, to the representative.

Swearingen ([00:15:08](#)):

Mr. Chairman, followup question?

Chair Wilkin ([00:15:09](#)):

Please.

Swearingen ([00:15:11](#)):

Is it safe to say that All On The Line represents Democratic interests?

Carrie Coisman ([00:15:17](#)):

To the chair, to the representative, All On The Line is committed to fair redistricting. I think it's safe to say that Democrats, as a party, do not need to gerrymander to win. It is obvious that in this state we do have a partisan balance that leans Republican. My goal and interest is not to dilute the political power of Republicans, but rather to ensure that all Ohioans have access to equal representation as codified.

Swearingen ([00:15:49](#)):

Okay. Thank you. Followup question, Mr. Chairman?

Chair Wilkin ([00:15:52](#)):

Followup.

Swearingen ([00:15:53](#)):

Are you in any other states?

Carrie Coisman ([00:15:56](#)):

To the chair to the representative, yes.

Swearingen ([00:15:58](#)):

Followup question, Mr. Chairman?

Chair Wilkin ([00:16:00](#)):

One more.

Swearingen ([00:16:01](#)):

What states are those?

Carrie Coisman ([00:16:03](#)):

To the chair, to the representative, All On The Line exists in Ohio, Georgia, Wisconsin, North Carolina, Texas. I'm missing a few states. Colorado, Florida and there's another, but I can't remember at this time.

Swearingen ([00:16:22](#)):

Okay, thanks. No further questions.

Chair Wilkin ([00:16:25](#)):

Representative Galanski?

Galanski ([00:16:26](#)):

Thank you to the chair and thank you, Ms. Coisman for coming in and testifying today, and also for trying to help us get to a 10-year map and actually to get to a map that's constitutional. Looking at the 13-2 map that was presented by the GOP yesterday, could you tell me, what, if any benefit there would be to splitting the city of Akron and the county so much? Can you talk to me about that?

Carrie Coisman ([00:16:54](#)):

Through the chair to the representative, there is no benefit to splitting Akron into three separate districts. Akron is a unique city in Ohio with a rich history, with a strong minority community that is obviously being split apart to ensure that they don't have adequate representation in congresses. This is not a new attempt at diluting Akron's political power. You can see with the current districts that Akron is still diluted and it is of my opinion that all major Metro cities should anchor their own district, as they are home to the majority of Ohioans, and that includes Summit County and Akron.

Galanski ([00:17:34](#)):

Followup?

Chair Wilkin ([00:17:37](#)):

Please.

Galanski ([00:17:39](#)):

Thank you to the chair, and again, thank you to the witness for testifying. And so as we move toward 10-year map, I've heard that Hocking Hills is beautiful, but can you see any relationship at all, from between Hocking Hills and Akron? And then my final question goes back to something from the Representative Swearingen, again, any relationship at all, as far as you know, between Hocking Hills and Akron?

Carrie Coisman ([00:18:04](#)):

Mm-hmm (affirmative). Through the chair to the representative, no. Akron is a Rust Belt city with a rich history of industry, home of tires and rubber and LeBron James, and I agree that the Hocking Hills are a beautiful region, however, they are a rural, Appalachian region with industry existing in tourism and logging and other things that happen when you are not a major metropolitan area. No, I don't think there's any like community of interest between the two areas, and the fact that they are drawn into one congressional district, by snaking through the state of Ohio, is not fair representative of the folks that live in those two districts.

Galanski ([00:18:50](#)):

And finally, Chair, if I might?

Chair Wilkin ([00:18:52](#)):

Please.

Galanski ([00:18:53](#)):

Thank you. And again, I'm really grateful for you being here, helping us get to a 10-year map. And so just related to Representative Swearingen's questions, which are valid, didn't I hear you say in your testimony that in fact your proposal is that there would be eight Republican seats and seven Democrats, thus indicating that no matter where your funding is from, you're actually very interested in what Ohioans want, which is fairness. Would that be fair to say?

Carrie Coisman ([00:19:25](#)):

Through the chair, to the representative, yes, that would be fair. How I came to those numbers is the fact, the political reality that this state votes 45% Democratic and 55% Republican. We should not send a congressional delegation to Washington that is 87% Republican. That is discounting massive, hundreds of thousands of Ohioans, from having their voices heard in congress. I would also argue, and will die on this hill, sorry to be informal, that all Ohioans should have equal access to the ballot box, regardless of their political affiliation. I love many Republicans. I come from a strong Republican family from rural Ohio. I want them to have the same access to the ballot box that I have. I moved to Columbus to go to school and to start my career and there is no reason why I should be voting in the same district as my grandparents, who have completely different political interests that I do, therefore ensuring that their vote matters more than mine does, based on the way that districts are drawn, now that I live in a progressive community and they live in a rural community.

Chair Wilkin ([00:20:40](#)):

Any followup?

Galanski ([00:20:40](#)):

No, thank you.

Chair Wilkin ([00:20:42](#)):

Representative Hicks-Hudson?

Hicks-Hudson ([00:20:45](#)):

Thank you, Mr. Chair, and thank you so very much for being here to give your testimony. I want to turn your attention to your comments about Toledo and Lucas County and the proposed District Nine. And in your comments, you talked about the differences between the city of Toledo and Knox County. I want to just, if you can, zero in on the configurations, if you know, of how this map is drawn and the lines within the city of Toledo, and how that section of, if you know, that section of Toledo is in comparison with, say, Knox County.

Carrie Coisman ([00:21:24](#)):

Sure. I don't have where the line is in Toledo, but I do know that it splits the urban core in half. Where that exact split is, I would need my laptop right here, but I'm happy to find out exactly where that line is for you. Knox County, whose county seat is Mount Vernon, has a humble population of maybe 40,000 people. It is home to a small Nazarene university. Sorry, 60,000.

Carfagna ([00:21:54](#)):

41,060.

Carrie Coisman ([00:21:55](#)):

I'm so sorry, Rep Carfagna. He's like, "Don't get it twisted." I almost played volleyball at Mount Vernon Nazarene, I should know too. It's a small, rural also community with a small city with Amish communities nearby. It is not similar to Toledo, again, an illustrious, industrious city in Northwest Ohio. There's no reason that the city of Toledo should be split in a way where half of it is drawn into the same district as Knox County.

Hicks-Hudson ([00:22:28](#)):

If I may followup, Mr. Chair?

Chair Wilkin ([00:22:31](#)):

Followup?

Hicks-Hudson ([00:22:32](#)):

Thank you. And still looking at not District Nine, but looking at District Five, which also would pick up a portion of Toledo and Southern Lucas County, and it already has Western Lucas County, how do you compare those communities the Southern part of Toledo and the other part of the urban core with the other parts of District Five?

Carrie Coisman ([00:23:00](#)):

Yeah. Again, you see a city being drawn out into a rural farming community in Northwest Ohio. There is no reason that one city, Toledo, is being split into a Northwest rural region and then a Central Ohio rural region. Toledo should be anchoring its own district. It should be in like communities, and what you're doing is taking Toledo and cracking it apart to dilute the political power of those folks that live in Toledo, by pulling them into two districts; the potential districts in Northwest Ohio and Central Ohio. Those communities are also different and should not be together. Toledo should not be the thing that gets split apart and drawn out into two very different parts of the state, as just one Metro area.

Hicks-Hudson ([00:23:52](#)):

And last question, if I may, Mr. Chair?

Chair Wilkin ([00:23:53](#)):

Please, Representative.

Hicks-Hudson ([00:23:54](#)):

Thank you, Mr. Chair, and thank you for those comments. Could we conclude fair analysis of just Lucas County, Toledo, those two different congressional districts, that they do not meet the constitutional requirements of keeping communities together and having like minded folks... And I don't want to say like minded, per se, but like interests such as urban versus rural, neither one bad, neither one better than the other, but more the dealing with those issues that is what representative government is supposed to do. Is it your conclusion that the current map proposed by the house that's collected to House Bill 479 is not constitutional?

Carrie Coisman ([00:24:41](#)):

Through the chair to the rep, yes, that's my conclusion.

Hicks-Hudson ([00:24:43](#)):

Thank you. Thank you, Mr. Chair.

Chair Wilkin ([00:24:45](#)):

Thank you. Representative Brown? I'm sorry, Ranking Member Brown. Sorry. Excuse me.

Ranking Member Brown ([00:24:49](#)):

Thank you, Chair. Ms. Coisman, thank you for traveling all the way from Clintonville to be here today.

Carrie Coisman ([00:24:55](#)):

It was a trek. There was actually traffic this morning. It was-

Ranking Member Brown ([00:24:58](#)):

It was horrible, I'm sure, to get here, but thank you for being here. It is certainly the desire of the Democratic House Caucus to see that we have a 10-year map that gives fair representation to all of Ohioans. But if by some chance we are not able to arrive at such a map and have to have a map that passes by a simple majority and turns into a four-year map, the Ohio Constitution requires, in Article 19, Section 01, subsection C3, that any such map shall not unduly favor or disfavor a political party or its incumbents, shall not unduly split government of units, giving preference to keeping whole counties, townships and municipal corporations, and that districts should be compact and there should be able to be a demonstration of a reasonable and legitimate attempt to keep districts compact. Based upon your review of the map proposed yesterday that we're discussing today, are any of those constitutional requirements met?

Carrie Coisman ([00:26:05](#)):

Through the chair to the representative, no.

Chair Wilkin ([00:26:09](#)):

Followup? Representative Jones?

Jones ([00:26:15](#)):

Thank you, Mr. Chairman. Thank you for your testimony. I've found some of your comments to be interesting. One of the comments that I keep hearing is like minded individuals in districts. Is that one of the requirements of the new maps that we're supposed to have?

Carrie Coisman ([00:26:35](#)):

Through the chair to the representative, it's not like minded, it's like communities. I would never argue that we should lump people together based on how they think. I do think it's important to keep communities together. I think it's important that this body receive community feedback, like the one that I've given about my own community, about what that means, in the sense that my community of Clintonville, which has a certain community element to it, does not mean that we all agree on every issue or share a brain, should not be pulled into a community that doesn't look the same, doesn't work the same, doesn't live the same kind of... I live a very urban, metropolitan life. My grandparents live a very rural, simple country life. Those are two very different realities. And by lumping us together, you're ensuring that someone is not able to be adequately represented, because they're just so vastly different.

Chair Wilkin ([00:27:30](#)):

Followup?

Jones ([00:27:31](#)):

Thank you, Mr. Chairman. Through the chair, well, you made a comment in your testimony that we're a purple state, which I find a little bit amusing, in the fact that it's appeared to be red, based upon our past elections, and with your comments that you've made, you state that we vote 46% Democratic and 54% Republican. If that's the sign of a purple state, then the 45 to 55% split are competitive seats that we're talking about. Why is there such an issue with that?

Carrie Coisman ([00:28:05](#)):

Through the chair to the representative, a couple of things; one, we are a rigged state, which is why this body is so overwhelmingly one party, because the political power of people in their State House districts are so gerrymandered, so to that point. Secondly, to the point about the 45-55% split, that is by taking statewide elections over the last decade, which includes a presidential election that went to President Obama, two presidential elections that went to President Trump, the 2014 gubernatorial election, which the Republican party won in a landslide, the elections of Sherrod Brown and Senator Portman in... Did I say close gubernatorial elections? That is an average across the decade. It's not picking certain races to get that number. If we just picked the 2012 Obama race, we would be a blue state.

Carrie Coisman ([00:28:59](#)):

If we just picked the 2014 Kasich race, we would be a Republican state. It's important to look at this data across the decade. And then to your question about the 10% versus the 4% competitive ratio, how we vote and what is considered competitive are two different numbers. In Ohio, they happen to be the same, in the sense that 45% Republican, 55% Democrat, and then making the seat defined competitive as that 10%, that's just a coincidence. It's not actually... They're not same numbers. They're different. That 4% number is actually indicative of a swing race, and that 4% is much closer in terms of if you start to look at specific races within that span of a decade. It's just math.

Chair Wilkin ([00:29:55](#)):

Followup?

Jones ([00:29:55](#)):

Mr. Chairman, thank you, and through the chair, I guess I'm going to dispute some of your information or some of your thought process, which is okay, but I'm reading directly from your testimony, "Ohio is a purple state."

Carrie Coisman ([00:30:09](#)):

And that is what I argue.

Jones ([00:30:10](#)):

But you just said it was a red state.

Carrie Coisman ([00:30:12](#)):

I said it was a rigged state. Rigged. R-I-G-G-E-D.

Jones ([00:30:16](#)):

Rigged? Oh, I'm sorry. I wanted to clarify, sorry, Mr. Chairman. And one followup, if I may?

Chair Wilkin ([00:30:24](#)):

Please.

Jones ([00:30:25](#)):

Thank you. And this will be my last one. I hear your concerns about splitting communities, and I think one of the challenges we have in the state of Ohio, and you've already mentioned it, is the diversity of our state. We have a lot of diversity, and coming from a rural part of Appalachia, we've been left out for a long, long time, if you want to get real technical about it. And the thing about it is, is talking about voices being heard, we have a lot more struggles than those people that live in urban and suburban areas, and we choose to live where we choose.

Jones ([00:30:57](#)):

I take offense to the fact that you're sitting here saying that we have to split. Well, sometimes it comes down to population numbers. We have to do things that we don't want to, because, let's face it, Eastern Ohio and Southeastern Ohio makes up 25% of our land mass, but only has, I think, about 19% of the population. We have to do things like that, let's be realistic with each other, to get the numbers where they need to be. And I guess that was more of a statement, Mr. Chairman, but do you have any explanation of how you would fix that?

Carrie Coisman ([00:31:33](#)):

To the chair, to the representative, yes, I agree, and it is a fact that Southeastern Ohio has a small population and a large land mass. The city of Toledo has a small land mass and a large population, so why is it being split into two sprawling districts, as opposed to centralizing its own district and keeping its population as together as possible if that population is closer together? If a population is spread far apart, then the district is going to be a little bit bigger, but in metropolitan cities, people live close

together. That is the nature of the city. There is a constitutional requirement that districts be as compact as possible. I agree with your statement that Southeast Ohio's district might be in a bigger land mass or by area than our metropolitan districts, but there is no reason that our cities are pulled out into these sprawling districts when they have the populations within them and their suburbs to make up their own districts.

Chair Wilkin ([00:32:34](#)):

Representative Hicks-Hudson?

PART 1 OF 9 ENDS [00:33:04]

Mr. Chair ([00:33:03](#)):

Representative Hicks-Hudson.

Representative Hicks-Hudson ([00:33:05](#)):

Again thank you, Mr. Chair. I want to ask you some questions in regards to the statements and questions that you were just asked by Representative Jones. Have you had an opportunity to look at the proposed population numbers attached to the proposed map?

Carrie Coisman ([00:33:31](#)):

I'm sorry, through the chair to the representative. The rule is 710,000, there are a couple of numbers not there, and I don't have them in front of me. There have been a lot of numbers over the last 24 hours. And for that, I apologize.

Carrie Coisman ([00:33:45](#)):

It is true that districts have to be equal in population, there is a deviation allowance that allows some of those to wiggle around. And that is how you get into those conversations of ensuring that districts are not cracked and packed. So packing would mean taking that population requirement to the absolute limit of the deviation in terms of how many people that can be there, as opposed to other districts that might be taken to the other limit. And they should really be as close together as possible while keeping communities together, and that is possible to do so, but there will be some deviation because we can't draw in perfect even squares with perfect population and the constitution has an allowance for that.

Representative Hicks-Hudson ([00:34:32](#)):

Follow up if I may follow up.

Mr. Chair ([00:34:33](#)):

Follow up.

Representative Hicks-Hudson ([00:34:33](#)):

Thank you. And so, I understand what you're saying that each district has to be as close to a certain number as each other, correct?

Carrie Coisman ([00:34:45](#)):

One person, one vote.

Representative Hicks-Hudson ([00:34:45](#)):

And then have you been able to look at these districts that have been proposed to determine the leanings Democrat versus Republican? Have you had a chance to do that yet?

Carrie Coisman ([00:34:57](#)):

Yes. I have looked at them. We, being my boss. Through the chair to the representative. Though how that ends up looking is certain districts, and you can see this all on everyone's favorite tool Dave's Redistricting, where you can see the partisan breakdown of the districts and in the two democratic leaning districts, as proposed in this map, the partisan breakdown is 70% democratic and 30% Republican, which I would argue is not fair, first of all, and ensures that other districts swinging the other way. And really, they need to be closer together, they need to be competitive districts. Of those 13 districts that lean Republican there aren't any within that 4% swing deviation that I talked about.

Representative Hicks-Hudson ([00:35:57](#)):

And one last question, Mr. Chair, if I may.

Mr. Chair ([00:35:59](#)):

Please.

Representative Hicks-Hudson ([00:36:00](#)):

Thank you, Mr. Chair. I appreciate that statement, because I think it does two things and you can correct me if I'm wrong. One, it puts your organization and yourself in a position of truly trying to implement what the citizens voted on to have maps that would be reflective of their voting preferences. Correct?

Carrie Coisman ([00:36:25](#)):

Mm-hmm (affirmative).

Representative Hicks-Hudson ([00:36:26](#)):

Is that a yes?

Carrie Coisman ([00:36:27](#)):

Yes.

Representative Hicks-Hudson ([00:36:28](#)):

And then secondly, again, I'm going to ask this. Based upon your answers to my question, dealing with the issue about the population, as well as the partisan leaning between each and every one of these proposed districts. Is this map constitutional?

Carrie Coisman ([00:36:48](#)):

Through the chair to the representative, no.

Representative Hicks-Hudson ([00:36:50](#)):

Thank you. Thank you, Mr. Chair.

Mr. Chair ([00:36:54](#)):

Representative House.

Representative House ([00:36:58](#)):

Thank you. So, I'm struggling, but can you hear me?

Carrie Coisman ([00:37:02](#)):

Yes.

Representative House ([00:37:03](#)):

Okay. All right. Through the chair, thank you so much for your testimony. One of our colleagues indicated that the Appalachian Southeast Ohio portion, their voice is being lost and they're really struggling. Point of clarification, I've been here, this is my fourth term and we had speaker Rosenberger, Speaker Smith, Speaker [inaudible 00:37:42], which we're all from Appalachian region. Being the speaker of the house, if nothing else you have the ultimate voice. Would you think that it's clear to say if someone is a speaker of the house, they probably have some concern from the place they represent?

Carrie Coisman ([00:38:00](#)):

Yes.

Representative House ([00:38:00](#)):

Okay. And then in looking at your testimony, you talked in Cuyahoga County where we have the Western part of Cuyahoga County that's also split down into Holmes County, which I believe you indicated they are just not have similar interests, correct?

Carrie Coisman ([00:38:26](#)):

Yes.

Representative House ([00:38:26](#)):

Okay. All right. Thank you so much.

Mr. Chair ([00:38:30](#)):

Representative Brown.

Representative Brown ([00:38:32](#)):

Thank you, Mr. Chair. I was looking at proposed district number two and spans from the Eastern and Northeastern suburbs of Hamilton County and includes Claremont, Clinton, Highland, Brown, Adams, Pickaway, Ross, Pike, Scioto, Jackson, and Vinton Counties. Now, I represent Southeastern Franklin County, the Canal Winchester area, which is the most rural part of Franklin County. There are corn fields literally 50 yards from my house. Plus, I grew up in Lawrence County, Ohio down on the river near Ironton, So I know a little bit about Southeast Ohio and its economy and its people and what they're all about. I have family that lives in Vinton County, family that lives in Morgan County, friends and relatives

that live in Jackson County. So I have quite a bit of familiarity with the Southeast Ohio, even though some think of me as a Columbus representative.

Representative Brown ([00:39:39](#)):

Now, in your view, what do the folks who live in the suburb of Indian Hill and suburbs of Kenwood and Madeira in Hamilton County, Indian Hill has million dollar homes, what do those folks have that is in common with the good and hardworking folks of Vinton County?

Carrie Coisman ([00:40:06](#)):

Through the chair to the representative, I don't think much, that they don't have a lot in common. Again, I think that we need to ensure that as many of those voices are able to be heard about these districts as possible. But, I also not from Indian Hills I'm from more of a corn field like region, and I would not want my community being paired if from Indian Hills or from Canal Winchester being paired together, Canal Winchester, and Pickaway County, those kind of outer Columbus counties should be more paired with central Ohio, they're central Ohio counties.

Representative Brown ([00:40:41](#)):

Follow up chair.

Mr. Chair ([00:40:43](#)):

Please.

Representative Brown ([00:40:44](#)):

Thank you, Mr. Chairman, thank you for the answer. Do the folks in Eastern and Northeastern Hamilton County share the same hospitals, are they involved in the same local economies as the folks in Vinton County?

Carrie Coisman ([00:41:03](#)):

Through the chair to the representative, no.

Representative Brown ([00:41:11](#)):

Is it in your... I'm sorry.

Mr. Chair ([00:41:14](#)):

Follow up.

Representative Brown ([00:41:15](#)):

One last follow up. Mr. Chair, thank you for your indulgence. In your estimation is district number two compact and does it keep communities together?

Carrie Coisman ([00:41:27](#)):

Through the chair to the representative, no

Mr. Chair ([00:41:32](#)):

Representative Swearingen.

Representative Swearingen ([00:41:36](#)):

Thank you, Mr. Chairman, and thank you for your continued testimony. One question we're talking about the constitutionality of these maps has All On The Line received an opinion from a constitutional lawyer as to the lawyer as to the constitutionality of the maps?

Carrie Coisman ([00:41:50](#)):

Through the chair to the representative, no.

Representative Swearingen ([00:41:53](#)):

Mr. Chairman followup question.

Mr. Chair ([00:41:55](#)):

Follow up.

Representative Swearingen ([00:41:56](#)):

The testimony here from All On The Line is that the maps should be eight to seven congressionally. How do you arrive at those numbers specifically in terms of the math?

Carrie Coisman ([00:42:08](#)):

Through the chair to the representative, so that first of all includes some competitive districts and those numbers are how we get closer to representing, because some of those democratic, I will add, districts are in that 4% swing number. So if the voters choose a Republican representative, it is way more plausible that they would be able to choose a representative based on elections rather than map drawing. So let me just start there. But then when you question, when you divide seven by eight, you are closer to actual representation then you are when you divide two by 13. So it's again, math and percentages.

Representative Swearingen ([00:42:52](#)):

Two follow up. Two follow up questions, Mr. Chairman.

Representative Swearingen ([00:42:56](#)):

Did All On The Line take into its analysis, the track record at the state level, state Senate, state House, Ohio House, the statewide races. I know we've talked about the presidential race is which is I think important. However, the Democratic Party has not held the Ohio Senate since the 80s, there's a brief period from '08 to 2010, where the Democrats held the House and for the majority Republicans have won statewide in Ohio for a long time, going back to the 90s. Was any of that taken into account in formulating the eight to seven number?

Carrie Coisman ([00:43:34](#)):

Through the chair to the representative, the numbers through statewide elections, which include the fact that we have a Democratic and Republican Senator, and the fact that in 2012, we went to Obama, in 2016, 2020 we went to President Trump. This redistribution process is not about what happened in the

'80s or the '90s, it's about what has happened since the 2010 census and the political realities of Ohioans over the past decade. So I take objection to the point about the '80s and the '90s and who held the Ohio House. And I will refer back to my comment that I made to Rep. Jones about statewide electoral data over the last decade has been dramatically influenced by the gerrymandering that took place during the 2011 redraw, which is how we got into the situation in the first place.

Carrie Coisman ([00:44:22](#)):

So the short answer to your question is the numbers are from statewide elections over the last decade, because that is a more accurate representation of Ohio as a whole than looking at specific districts in specific elections across the last decade, or going back 20, 30 years at this point.

Representative Swearingen ([00:44:42](#)):

One follow up Mr. Chairman.

Mr. Chair ([00:44:44](#)):

Please.

Representative Swearingen ([00:44:45](#)):

This is anecdotal evidence only, I come from a district that was held by Democrats and then switched to Republican. And when I was knocking on doors, there are many Democrats in my district who are now voting Republican, and I'm from one of those more rural districts. And the comment made was we feel left behind by the Ohio Democratic Party. That's the trend in my district. And I feel like that's the trend in districts like Southeast Ohio and other parts of the state that used to be democratic strongholds. I mean, Speaker Riffe was from Southeast Ohio. Do you at All On The Line see this trend across Ohio and have you factored that trend into your analysis of the eight, seven split?

Carrie Coisman ([00:45:25](#)):

To the chair to the representative, if that trend is accurate, that this body should not be afraid of a map that is seven eight with competitive districts.

Mr. Chair ([00:45:37](#)):

Any further followup? Representative Jones.

Representative Jones ([00:45:43](#)):

Thank you Mr. Chairman, and thank you again for your testimony. What is our current percentage of state officeholders today in the state of Ohio? Republican to Democrat [crosstalk 00:45:59]-

Carrie Coisman ([00:45:59](#)):

I'm sorry, through the chair to the representative, I need another cup of coffee, the statewide holders right now are Republican.

Representative Jones ([00:46:06](#)):

Mr. Chairman, follow up.

Mr. Chair ([00:46:08](#)):

Follow up.

Representative Jones ([00:46:08](#)):

Thank you. But what is the percentage?

Carrie Coisman ([00:46:12](#)):

I don't know the exact percentage.

Representative Jones ([00:46:15](#)):

Follow up.

Mr. Chair ([00:46:16](#)):

Please.

Representative Jones ([00:46:17](#)):

So in building off of my colleague's comments, I think that's something that we have to look at. I mean, I understand, I mean, everybody wants an eight to seven, that levels the playing field, but what happens if you get your eight to seven and it still doesn't turn out eight to seven, are we going to have to redraw the lines again?

Carrie Coisman ([00:46:36](#)):

Through the chair to the representative, if the maps are drawn eight seven, and those are fair maps and things shake out in those swing districts where Republican wins, then fairness is what we are aiming for. And if that is what the people of Ohio want, then that's what the people of Ohio want, what I want and what All On The Line wants is the opportunity for Ohioans to pick their elected officials and for elected officials to not pick their voters.

Carrie Coisman ([00:47:07](#)):

In follow up to the statewide comment about our governor, secretary of state, auditor, et cetera. Those races are closer than the races that take place in gerrymandered districts, because Ohio is actually more of a swings state than you are giving it credit for because you are taking your information from gerrymander districts that were drawn in 2011.

Mr. Chair ([00:47:36](#)):

Representative Kelly.

Representative Kelly ([00:47:38](#)):

Thank you, Mr. Chairman. Thank you for coming in. I just have one question. So in if Hamilton County for example, my colleagues sort of anecdotal data is how that district is trending. But I think it further rates the importance of fair districts because in Hamilton County, for example, we are trending more democratic and right now we are drawn into two Republican districts and this map proposes to draw us into three Republican districts. And so I think to have a county whose communities have been split and whose voting preferences do not appear to be taken into account to draw into three separate districts,

seems like something that unduly splits a community and unduly favors a party. So I just wasn't sure if you would agree with that assessment.

Carrie Coisman ([00:48:44](#)):

Through the chair to the representative, I would agree with that assessment and I will go back to the point I just made moments ago where if a map with competitive seats is so distressing to one party then that is evidence that this map is gerrymandered to maintain partisan control.

Mr. Chair ([00:49:07](#)):

Follow up. I would've lost the bet, I thought for sure you would have a follow up. Representative Galonski.

Representative Galonski ([00:49:13](#)):

Thank you to the chair. And again, thank you for being so patient with us as we tried to reach a 10 year map. And specifically, I just wanted to say that I was struck by your testimony when you talked about not operating out of fear. And so with the fear base 13 two map, would you agree that the whole reason that we're here is not about the 20 to 30 years of what happened before, but specifically because we had a census and that we are duly obligated under that census to redraw these lines, would you agree with that? And can you expound on it?

Carrie Coisman ([00:49:53](#)):

Through the chair to the representative, yes we are looking at data from 2010 to 2020, not data from the '80s and '90s. I'm not here to have a political science conversation about the way that parties are trending throughout the nation, or even historically in Ohio. We are talking about what is happening right now. And the reality of what is happening right now is, one, Ohio's population is not growing as quickly as other states of the nation, which is why we lost a seat. Ohio cities, especially Columbus, are growing. Southeastern Ohio, unfortunately, is losing population for a variety of reasons. People move around, we are not stationary animals. I moved from a rural area to a city because I grew up and went to college, my younger brother moved out of state. And so what we have to ensure happens is that where people live now, that those districts represent who they are, that they are fairly represented in Congress. And that we don't try to manipulate the lines to ensure that things do not become reflective of partisan desires instead of actual democratic selection of representatives.

Mr. Chair ([00:51:13](#)):

Follow up?

Representative Galonski ([00:51:13](#)):

No.

Mr. Chair ([00:51:13](#)):

Did you say no?

Representative Galonski ([00:51:17](#)):

No.

Mr. Chair ([00:51:20](#)):

Representative Brown.

Representative Brown ([00:51:22](#)):

Thank you, Chair. Nowhere in the Ohio constitution is the party affiliation of state office holders a criteria for drawing congressional maps in Ohio. Isn't that true?

Carrie Coisman ([00:51:39](#)):

Through the chair to the representative, yes.

Representative Brown ([00:51:41](#)):

Follow up.

Mr. Chair ([00:51:42](#)):

Please.

Representative Brown ([00:51:43](#)):

So that comment from Representative Jones asking about the affiliation of state office holders, party affiliation, has no significance or relevance to the question of drawing of fair congressional maps in Ohio. Does it?

Carrie Coisman ([00:51:59](#)):

Through the representative to the chair, correct. Additionally, I have not argued today that Ohio is a democratic state. I have said that Ohio is a swing state, I understand that because we have a 45-55 split that may mean that we will have a Republican governor, secretary of state, auditor, et cetera. What I am arguing and advocating for is that people that live in democratic stronghold metropolitan areas should be adequately represented in Congress, including communities in Hamilton County, Cuyahoga County, Lucas County, Franklin County, Green and Montgomery Counties. The places where Ohioans live. A lot of Ohioans live in cities, a lot of Ohioans live in rural areas, but what happens is people who live in certain geographies are overrepresented because people who live in cities are pulled out of their communities and drawn out into those rural districts in order to make up that population variance, as opposed to keeping them together and anchoring districts with that equal population requirement in the city. And that leads to inadequate federal representation for Ohioans.

Mr. Chair ([00:53:09](#)):

Follow up. Representative Ginter.

Representative Ginter ([00:53:19](#)):

Thank you, Chair. Thank you for your testimony. I'd like to go back if I could, to proportionality. You mentioned that in the last 10 years, you've taken into account the state law into account the statewide races. Can you tell me what numbers you arrived at when you combined those statewide races over the last decade?

Carrie Coisman ([00:53:38](#)):

Yeah. So that's how we get to that 45-55 numbers. So over the last decade, Ohioans have voted through those races, 45% democratic and 55% Republican.

Representative Ginter ([00:53:49](#)):

Do you have a sample map? You have, over the course of the hearing here talked about eight, seven, do you have a sample map as to what that would look like?

Carrie Coisman ([00:54:01](#)):

Through the chair of the representative, the Senate Democratic Caucus Map.

Representative Ginter ([00:54:04](#)):

Democratic caucus map. Okay.

Carrie Coisman ([00:54:06](#)):

Through the Senate.

Representative Ginter ([00:54:06](#)):

So that then would have into consideration all of the other qualifications and the other standards that are required by the constitution, [crosstalk 00:54:18] as far as separation of subdivisions, proportionality, contiguity, compactness, all those different standards?

Carrie Coisman ([00:54:31](#)):

Through the Chair to the representative, yes. I would also just like to say that I'm not testifying on the Senate democratic map right now, I'm testifying on HB 479.

Representative Ginter ([00:54:42](#)):

Follow up.

Mr. Chair ([00:54:43](#)):

Follow up, please.

Representative Ginter ([00:54:44](#)):

I'm very well aware of that, but it would be helpful for this committee to see what you're talking about when you're arguing so strenuously on behalf of eight seven, and that would help us then to get a picture of it. Thank you, chair.

Mr. Chair ([00:55:00](#)):

Representative Carfagna.

Representative Carfagna ([00:55:03](#)):

Thank Mr. Chair. Thank you for your patience. I've been up at podium for a long time, so I admire the endurance and the good answers.

Representative Carfagna ([00:55:13](#)):

You had mentioned in your testimony. You know, there, there's no reason why Polaris Mall and suburban Westerville should be in the same district as Urbana. So I represent the Polaris Mall in Northern Westerville, I guess it's Columbus, excuse me, Northern Columbus. I've got multiple maps in front of me, I know you don't. When I look at Champaign County, so that's where Congressman Jordan lives, Jim Jordan, who would under this house map be the proposed congressperson for Delaware County and portions of Franklin County. When I'm looking at the map, there's one county separating Delaware County in Champaign County. When I juxtapose that against the Senate Democrats map, and I know you just said you're not here to testify on that, they're actually tethering Perry County and Hawking County in with Champaign County. So I understand you said it's not appropriate to roll Polaris Mall and Southern Delaware County in with Champaign County, but there's a one county separation there, it's two counties over.

Representative Carfagna ([00:56:16](#)):

The Senate Democrat map, on the other hand, has four counties over into Southeast Ohio tethering Champaign County in with Perry County. So I guess my first question is, does it make sense to tether a rural Western Ohio county like Champaign County and with a rural Appalachian county, like Perry County? That's first question.

Carrie Coisman ([00:56:40](#)):

To the Chair to the representative, what I will say about Polaris, Westerville, being paired with Urbana. I lived in Westerville for four years, I love Westerville, proud alum of Otterbein University.

Representative Carfagna ([00:56:51](#)):

Great college.

Carrie Coisman ([00:56:54](#)):

It does not have anything in common with Urbana. Urban doesn't even have a college anymore, sadly. When it comes to rural Appalachia and rural Western Ohio. I think what is important is to keep districts as compact as possible. With this, again, I'm not testifying about the Senate democratic map. I would argue though that the people of Northern Franklin County and Westerville have more in common with Delaware County than they do with Urbana. In terms of electoral data, culture, all the things that go into like-minded communities, I don't feel comfortable speaking directly to Southeastern Ohio up into Urbana County, outside of the fact that they live in rural. I understand that there is a significant cultural difference between those two places. And I would, in terms of compactness, like Representative Jones mentioned earlier, it is just difficult to get 710, 000-ish people into a district when you're talking about rural areas. So I am more comfortable making a strong argument about where you live being paired with Delaware County than I am making an argument about a map that I'm not testifying on that pairs Southeastern Ohio with Champaign County.

Representative Carfagna ([00:58:22](#)):

Follow Mr. Chair.

Mr. Chair ([00:58:24](#)):

Follow up.

Representative Carfagna ([00:58:25](#)):

Yeah. My commentary on that would be, I don't think that all rural counties are the same. I think the rural needs in Western Ohio are drastically different from the rural counties in Appalachia. And I think anyone that would conflate any rural county's rural is rural is rural is sadly mistaken. So I appreciate that.

Carrie Coisman ([00:58:44](#)):

Can I make a follow up?

Representative Carfagna ([00:58:46](#)):

Yeah. Go ahead. I'm sorry.

Carrie Coisman ([00:58:47](#)):

I would make the same argument that Westerville and Urbana are vastly different and pairing a quickly growing, Westerville's growing incredibly fast, and Urbana as like-minded communities is just as equally, if not more egregious as saying rural is rural is rural.

Representative Carfagna ([00:59:09](#)):

Mr. Chairman, follow up?

Mr. Chair ([00:59:10](#)):

Please.

Representative Carfagna ([00:59:10](#)):

Yeah. No. Thank you for agreeing with my critique of the Senate Democrats map. I guess, based off your answer. If the argument that has been out there, and I'm picking on Congressman Jordan, I mean, just because they're proposing to roll him into where I live instead of Troy Balderson. If the argument has been that Congressman Jordan has been able to retain office so long because he has a gerrymandered district, he has a deeply red district. And if we are now introducing as part of this map purple and blue areas into areas that were previously deep red. Is that not the point of trying to make these districts more competitive? Does not Jim Jordan's political power, so to speak, be now weakened by introducing areas that have more progressive precincts, more purple areas, more blue areas into what was previously a deeply red district? Isn't that not the point of trying to make areas more competitive? I mean, I've heard lots of chatter, there are people in New Albany and Westerville and Northern Franklin County and Southern Delaware County like, oh my gosh, don't tie us in with Jim Jordan. But is that not the only way to make things more competitive is to find democratic voters in some of these areas and try to roll them into these deep red districts?

Carrie Coisman ([01:00:38](#)):

Through the Chair to the representative, I find your logic flawed in the sense that you can make districts competitive without pairing Northern Columbus with Champaign County, so that Jim Jordan who represents a rural part of... I will Jim Jordan's district, most of it, is red and should be represented by Jim Jordan. Whereby I take issue is that his district goes up into Lorraine County, diluting the power of people in Lorraine County. And when you pull his district over into Westerville, sure he has more progressive voters but that deviance that I was talking about is not a swing fair, competitive deviance.

All it does is take that community, your community, which is trending, if we're going to talk about political trends, more progressive and drown out into a district that is paired with Lima. Westerville and Lima are not like communities and should not be represented by the same person in Congress.

Representative Carfagna ([01:01:47](#)):

So final follow up, Mr. Chairman.

Mr. Chair ([01:01:48](#)):

Please.

Representative Carfagna ([01:01:50](#)):

Just so I understand, so even though there is a one county separation between Champaign County and Delaware County, what I'm hearing is that in this situation, it is better to leave Jim Jordan's district as a deeply red district, then to try to introduce more competitive areas into that to make it a more fairer district?

Carrie Coisman ([01:02:13](#)):

Through the Chair to the representative, what I am saying is that Jim Jordan, where he lives, where he represents, what his district should look like will be, because of, as I've said, the political realities of Ohio, where we do have a majority Republican state. Not all districts because of the way that Ohio is laid out with where our people live are going to meet that competitive requirement. What I am asking for is a fair shot for our metropolitan areas to not be drowned out into districts that dilute their political power. There are going to be rural district that vote strongly Republican, because that is just how the cookie crumbles. But we should not be splitting up Columbus and its suburbs, Cleveland and its suburbs, Cincinnati and its suburbs, and cracking them apart and pulling them in rural areas in saying that you are making things more competitive. You're not making things more competitive for Jim Jordan by giving him 50,000 progressives that live near the Polaris Mall. What you're doing is you're diluting the political power of those people that live near the Polaris Mall by pairing them with Jim Jordan and having this body pick his voters for him, rather than the voters being able to pick who they send to Congress.

Representative Carfagna ([01:03:34](#)):

Okay. Thank you.

Mr. Chair ([01:03:35](#)):

Representative House.

Representative House ([01:03:38](#)):

Thank you. Through the chair to Miss Coisman. I want to thank you for taking time to testify today. As an everyday Ohioan, you have talked more informative than the actual sponsor of the bill. And I want Ohioans to pay attention, from a long term statesman who indicated he has done this for a long time. So you should be applauded for that.

Representative House ([01:04:09](#)):

As we talk about keeping communities together, larger counties together, large cities together, the one thing people have, in looking at this map, the new proposed congressional district 14, which is for the 2021 House Government Oversight Committee Hearin... (Completed 11/05/21)

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people that live in Parma, I'm going to say, I'm sorry. Because Parma has been taken through the ringer. Currently they are represented by Congresswoman Kaptur, great Congresswoman, whatever, but is Cuyahoga County connected to Lucas County, that don't make sense. But now, we have a map that proposes to move Parma from Cuyahoga, Geauga County, Lake county, and [inaudible 01:04:59] and do you believe this proposed congressional district 14 is in the spirit of the constitution in keeping communities together?

Carrie Coisman ([01:05:08](#)):

Through the chair to the representative, no.

Representative House ([01:05:11](#)):

Thank you.

Mr. Chair ([01:05:14](#)):

Representative Swearingen.

Representative Swearingen ([01:05:16](#)):

Thank you Mr. Chairman. I just have one question pertaining to the constitutional language around congressional redistricting. For redistricting the congressional lines were directed as a legislature to look at article 19 of the constitution. And I think it's-

PART 2 OF 9 ENDS [01:06:04]

Speaker 1 ([01:06:00](#)):

Look at Article 19 of the constitution. And I think it's fair to talk about some of the statewide results, et cetera, like we've done today. However, is there anything in Article 19 in the language of the constitution that requires the general assembly to look at statewide results?

Rep. D.J. Swearingen ([01:06:19](#)):

Through the Chair, to the Representative, I don't have the constitution in front of me, so I don't want to answer that question right now, but I will get back to you with the answer. Yes.

Wilkin ([01:06:31](#)):

Representative Hicks-Hudson.

Hicks-Hudson ([01:06:34](#)):

Thank you, Mr. Chair. Promise, last question, unless something else comes up.

Hicks-Hudson ([01:06:38](#)):

Thank you so much for being here and for withstanding... Because you've been up for over an hour and we appreciate your comments. I want to kind of piggyback off of what my colleague on the other side of the aisle talked about in terms of, for example, Jim Jordan's District and the ability of those voters being able to have a representative that reflects their political leanings. My question to you is; in looking at Toledo Lucas County, if you know, and looking at the fact that it is predominantly a democratic leaning

town, but not necessarily so, and looking at the voting results at the statewide races, what can this map do to those voices and those voters in Lucas County, if this map goes forward? Will their voices be diluted? Will their issues be heard and represented in the halls of Congress or what do you see will be happening based upon this map for the citizens in Toledo Lucas County, Ohio?

Rep. D.J. Swearingen ([01:07:54](#)):

Sure. To the Chair, to the Representative, I have had lots of conversations with a woman who lives on the far Eastern side of Lucas County. And she is gravely concerned about being pulled out of a District that is represented by Congresswoman Kaptur because when the ACA, the affordable care act was up to be repealed, her husband died of cancer. And she was also diagnosed with cancer within a couple of weeks of his passing. He was the holder of their insurance, and she was gravely concerned about being ineligible for state sponsored insurance because of having a preexisting condition. And she was in almost a panic because she was like, Representative Lada does not support and did not support the affordable care act. I live in Toledo, near Toledo. I have lived here my entire life and having my political voice diluted by who represents me in Congress could have life or death consequences for me and for members of my community. And we're going to hear more and more stories like this if an unfair map passes for Ohioans. Not only is it egregious in terms of what we say is democracy as a concept, this is taking democracy and splitting it into half and throwing it in the garbage. It also has impacts for people who live and work in this state and deserve adequate political representation.

Hicks-Hudson ([01:09:44](#)):

Thank you. Mr. Chair, just as a follow up real quickly. So if I understand, you are relaying the story of this lady, is she in District 5 or in District 9?

Rep. D.J. Swearingen ([01:09:59](#)):

She's in Marcy Kaptur's District.

Hicks-Hudson ([01:10:01](#)):

Okay. And so, and because she's in District 9, she believes that she has been heard by her representative?

Rep. D.J. Swearingen ([01:10:10](#)):

Yes, and she was so concerned that she would be pulled into a District represented by somebody who does not care about the interest of Toledo based on the proposed map here today.

Hicks-Hudson ([01:10:21](#)):

Thank you very much. Thank you, Mr. Chair.

Wilkin ([01:10:26](#)):

Thank you. This time there are no more questions. Thank you for your testimony.

Rep. D.J. Swearingen ([01:10:27](#)):

Thank you...

Wilkin ([01:10:41](#)):

I just want to say again for both sides, if we can keep the questions very concise and to the point and as well, if we can keep the answers that way, that would be very much appreciated by all the committee, I believe.

Wilkin ([01:10:54](#)):

So the chair at this time next would call up Andrea [Yugodo 01:11:00]. I've probably messed that one up too.

Mindy Hedges ([01:11:07](#)):

Thank you. My name is actually Mindy Hedges. Andrea Yugodo is in the other hearing right now and she's requested that I speak for her if that's okay.

Wilkin ([01:11:17](#)):

That will be fine. Just please make sure you fill out a witness form for us.

Mindy Hedges ([01:11:20](#)):

Thank you. Chair Wilkin, vice chair, Crutono, ranking member Brown, members of the House Government Oversight Committee, thank you for affording me the opportunity to testify today on House Bill 479. My name, although not Andrea Yugodo, is Andrea Yugodo and I have been a resident of Ohio for 47 years. I am testifying today as a private citizen. I was advised that this testimony was to be submitted by 10:00 AM on November 3rd, 2021, however, as of that time, there is no substance to House Bill 479. So my testimony will be general in nature until such time is the substance of said bill is released to the public. I want to say that I object to the process being employed here, as I believe it is unconstitutional. Article 19.01, section F3G of the Ohio constitution provides in pertinent part, before the general assembly passed a congressional District plan under any division of this section, a joint committee of the general assembly shall hold at least two public committee hearings concerning a proposed plan.

Mindy Hedges ([01:12:33](#)):

It is now November 3rd. And to date, there has not been a map submitted by the Republicans in the state house, although we just had that submitted less than 24 hours, nor has there been any public hearing scheduled by a joint committee on a proposed plan as required by the constitution. Clearly this section of the constitution anticipated that before the hearings, maps and plans would have been circulated amongst the general assembly and that there would be a consensus on whether the general assembly will be able to proceed with a bipartisan plan and map under Articles 19.01B2 approved by three fifths of the general assembly, including one third from each party or a plan under article 19.01B3, passed by a simple majority. I emailed this, November 2nd in the evening. There is proof of the confusion asking whether this is unduly favors or disfavors and whether that kicks in and the representative [inaudible 01:13:46] referred to two hours by the joint committee. So if no joint committee has, what's required, we're just really confused.

Mindy Hedges ([01:14:05](#)):

Sorry.

Mindy Hedges ([01:14:07](#)):

The constitution did not anticipate there would be maps by the different parties and separate hearings rather than hearings conducted by a joint committee on a proposed map. There have been four hearings scheduled for three bills; House Bill 237 submitted by the Democrats in the general assembly with a congressional plan and map and House Bill 479, Senate Bill 258, which have no proposed plans and maps submitted by the Republicans in the general assembly. The first hearings would be the sponsor introductory hearings, and I assume it will not constitute one of the public hearings prescribed by the Ohio constitution. The second hearings for testimony are in conflict. Senate Bill 237 and Senate Bill 258 are scheduled on November 4th at 9.30 in the morning in the Senate and House Bill 479 scheduled in another hearing room at 10:00 AM in the house. Citizens will, in all likelihood be unable to attend and testify at both hearings. Hence, that's why I'm here.

Mindy Hedges ([01:15:16](#)):

This is clearly not what was intended by the Ohio constitution, nor did the constitutional mandate for two hearings anticipate that the citizens of Ohio would have maybe 24 hours to see the proposed plan and map before having to testify. In my opinion, this is another showing of bad faith and an unwillingness by the super majority in the Ohio general assembly to follow the mandates of the Ohio constitution. Under the constitution, all plans and maps must comply with the requirements of Article 19.02, except compactness changes under a simple majority. If a map passes by a simple majority, the requirements of Article 19.02 apply and said plan must not unduly favor or disfavor one party over another nor incumbent, so that's an answer to your question, ...nor incumbents that's C3A and said plan and map may not unduly split counties, municipalities, townships, that C3B and the legislators must attempt to keep Districts compact, that's C3C. Further the general assembly must submit an explanation of how the planned map complies with Articles 19.01 C3A to C. The hearings are meaningless unless Ohio citizens know which requirements are to be applied as to the proposed plan and map. If the plan and map is intended to only pass by a simple majority, citizens have the right to see the explanation of how said plan and map comports to the constitutional requirements. Since, the general assembly ignored the first two deadlines enunciated in the constitution Article 19.01, we are back to the general assembly. There are two avenues at this point, a map that passes with three, five and a third requirements or one that passes with a simple majority. Which map is a general assembly proposing at the hearing schedule for November 3rd and 4th? As of November 2nd, Ohioans have no idea. How can these hearings be meaningful?

Mindy Hedges ([01:17:35](#)):

So article 19.01, section F3H, also provides the general assembly in the Ohio districting commission, shall facilitate and allow for the submission of proposed congressional District plans by members of the public. The general assembly shall provide by law, the manner in which members of the public may do so. Although the reDistricting commission did provide for an avenue for citizens to provide maps, the general assembly has failed to do so. This is mandatory constitutional requirements. The constitution did not merely state that the reDistricting commission shall facilitate a maps submitting process. It specifies the demands that both the commission and the general assembly facilitate the submission of maps. The general assembly has failed to do so. To this point, Senator McCauley, when asked whether the map accompanying House Bill 479 was uploaded to the reDistricting commission. He said, "no, since the commission is no longer involved." Since this general assembly gave no way to submit maps, I would ask that this committee incorporate all maps submitted as part of this hearing today.

Mindy Hedges ([01:18:58](#)):

There was an abundance of testimony at the reDistricting hearings of the state maps about the voting records of Ohioans. Over the last decade, Ohioans have voted approximately 46% democratic and 54% Republican. Yet our present congressional maps unduly favor the Republicans with a 75% Republican versus 25% democratic Districts. This is not a fair map. The present map dilutes the votes of Ohioans, wastes our votes and silences our voices. By way of example, in 2018, DeWine got 50.39% of the vote versus Cordray at 46.38% of the vote. Faber, 49.66% versus Space, 49.28. LaRose, 50.65 versus Clyde, 46.98. I want a plan and a map that reflects the voting patterns of Ohioans, a map that reflects the 54 46 split so that all Ohioans can be represented. Their voices heard for accountability of our congressional representatives in Washington, no more cracking and packing.

Mindy Hedges ([01:20:13](#)):

A fair map should include at least six democratic seats, seven Republican seats, and two toss-ups seats. This reflects how Ohio's actually vote. Ohio's constitution requires major cities to be protected against gerrymandering. Cleveland must remain whole within one congressional District. Cleveland should be the anchor for a District that rests fully within Cuyahoga County. Cincinnati must remain whole within one congressional District. Cincinnati should be an anchor for a District that rests fully within Hamilton County. Hamilton County is too big to be contained within just one District, so we should keep similar communities together. The County's west side rural area should be connected to other rural folks in neighboring counties, in answer to the rural area. And by the way, I live in a rural area as well, so I understand.

Mindy Hedges ([01:21:07](#)):

Columbus is too big to fit into one congressional seat. It has to be split, but Franklin County should only be split into two Districts. One seat including Columbus, so it contains as much of its urban core and surrounding areas as possible. One central Ohio seat that contains the remainder of Franklin County and goes up into Delaware County. Given the population, this seat would lean democratic. In a fair map, Toledo, Akron, and Dayton, Ohio's fourth, fifth and sixth largest cities, should all be kept whole. They should anchor their own congressional districts. Right now, none of these large cities have their own districts. They're all packed and cracked to weaken the power of voters within those committees. It would be cheaper and much shorter process if the GOPs just purged all Democrats from the voting roles as a GOP maps effectively do just that. Thank you. Any questions?

Wilkin ([01:22:17](#)):

Representative Abrams.

Abrams ([01:22:19](#)):

Thank you, Chairman.

Abrams ([01:22:20](#)):

I know that you're reading this for someone else. So thank you for being here and your testimony, but just to correct something. There is a website that the public can submit their maps, and that was actually an amendment specifically in House Bill 92, that the governor signed and specifically it required the reDistricting commission to create a website where the public can come and they can upload maps. They can also mail the maps here to the commission here at the state house. So again, the public can submit their maps and it's reDistricting.ohio.gov. Just for clarification.

Abrams ([01:22:56](#)):

Thank you, chairman.

Mindy Hedges ([01:22:57](#)):

Thank you, may I respond?

Wilkin ([01:22:59](#)):

Thank you. Are there any other questions?

Wilkin ([01:23:01](#)):

I see none.

Mindy Hedges ([01:23:02](#)):

I'm sorry. May I respond?

Wilkin ([01:23:03](#)):

Sorry.

Chris ([01:23:04](#)):

She answering.

Wilkin ([01:23:05](#)):

Oh, I'm sorry.

Mindy Hedges ([01:23:07](#)):

Thank you. Representatives Abrams, Chair.

Mindy Hedges ([01:23:13](#)):

We have seen the maps on several different sites. We have not seen them all consolidated. And in reality, as of three days ago, there was no consistency. And so I understand that they may now all be on there, but they were not as of two or three days ago and for this particular issue. They were for the state. I do understand that, but they were not for the congressional.

Wilkin ([01:23:42](#)):

Representative Abrams.

Mindy Hedges ([01:23:43](#)):

They may now be on there and I appreciate your information. Thank you.

Abrams ([01:23:47](#)):

Okay, thank you, chairman. Again, my point was, it was mentioned that there's no way for the public to submit their maps. Yes, there is. You mentioned that there is no way for the public to submit their maps and I am informing you and the public here in Ohio that yes, you can, through this official website or you

can mail your map here. That's all I was just trying to correct and let the people know that yes, they can send their maps to us through this website. So thank you.

Wilkin ([01:24:15](#)):

Any other questions? See none. Thank you for your testimony. And I apologize. I didn't know that you were still answering. I'm sorry.

Mindy Hedges ([01:24:21](#)):

That's all right. Thank you.

Wilkin ([01:24:21](#)):

The chair would now call up Julia, is it Katano?

Wilkin ([01:24:41](#)):

Hopefully I didn't mess it up that bad that she doesn't recognize what I'm trying to say. All right. We will move on. We'll check again, but the chair would now call up Tony Dambrosio. We'll give just a second in case either one of those are in the overflow room.

Wilkin ([01:25:06](#)):

If not, the next one that would be ready is Chris Travenor. Chris, how did I do with your name? Close?

Chris ([01:25:17](#)):

Close. Tavener

Wilkin ([01:25:20](#)):

Tavener?

Chris ([01:25:22](#)):

Yes.

Wilkin ([01:25:23](#)):

Oh, there is no R, I'm sorry.

Chris ([01:25:24](#)):

It's a common mistake. No worries.

Chris ([01:25:28](#)):

Thank you, chair Wilkin, Vice chair, Katrada, Ranking Member Brown and members of the house government oversight committee. My name is Chris Tavener, staff attorney for the Ohio Environmental Council Action Fund. I appreciate the opportunity to provide opponent testimony on Ohio House Bill 479. Without significant changes, we strongly urge you all to vote "no," on House ill 479. The OEC action fund believes a healthy democracy is foundational to securing protections for the environment. We engage in advocating for policies surrounding reDistricting specifically because partisan gerrymandering can skew representation in government to the degree that Ohioans views on environmental issues are

no longer reflected in decision making bodies, such as Congress or the state legislature. Overwhelmingly Ohioans want clean water, healthy air, vibrant public green spaces and progress on clean energy. A gerrymandered District map is one example of an unhealthy democracy that leads to environmental harm and impacts to public health regardless what party did the gerrymandering.

Chris ([01:26:29](#)):

From the outset of our testimony, we want to emphasize one particular point. A fair map should be the aim for all members of the Ohio general assembly. Unlike other legislation, where compromise means a bit of give and take until a resolution is reached, this legislation calls for a higher bar. When one party negotiates only to be to benefit the interest of its party, the other party has no obligation to budge from its position in order to create a compromise. ReDistricting should be a collaborative bipartisan effort to create congressional Districts, truly representative of all Ohioans from the Ohio river to Lake Erie. My written testimony that you may already have before you, originally focused on process, but that was submitted prior to the maps associated with House Bill 479 that were released yesterday. I will quickly summarize my points on process and then offer reactions and recommendations on the draft maps.

Chris ([01:27:18](#)):

When it comes to legislative reDistricting in Ohio, process is everything. By an overwhelming majority, Ohio voters approved two constitutional amendments that sent a very clear signal. Ohioans, want a fair process in drawing new maps. They want fair maps and they want fair representation in the Ohio general assembly in US Congress. All along the way, the OEC action fund has been advocating for five key elements in this process to ensure a fair process and a fair outcome. Our full thoughts on process are in the original testimony, but I will summarize them here.

Chris ([01:27:48](#)):

Hold hearings and community list sessions immediately throughout Ohio and before and after an official map is proposed. Can't hold those now. We now have an official map, but hopefully there will be additional hearings. I hear that there will be.

Chris ([01:28:01](#)):

Uplift the narratives of communities, especially communities of color and communities significantly impacted by environmental injustices.

Chris ([01:28:07](#)):

Create a map reflective of the partisan makeup of Ohio, approximately eight Republican congressional Districts and seven democratic congressional Districts. The map proposed definitely unduly favors one party over another right now.

Chris ([01:28:19](#)):

Pursue a bipartisan map, only if the map actually reflects the rules outlined in the constitution and the spirit of Ohio's reDistricting reforms and consider utilizing citizen submitted maps as a starting point, rather than a map drawn by partisan interests. There's still time to reverse course on that. For instance, the Ohio citizens reDistricting commission map presents a great map for consideration that was designed to keep communities together.

Chris ([01:28:40](#)):

So as the discussion on this bill and the draft maps ensue, I urge you to keep these key principles in mind. But now we have a map to discuss and I've quickly put together some immediate thoughts. We've only had about 24 hours, so bear with me. Simply put the map is a textbook case of gerrymandering, and it does not follow the direction given by the Ohio constitution. Article 19, I think you all have heard a number of times, so I'm not going to read through it all again, but I turn to the requirements of Article 19, Section 1C3, because the presumption is, a map that receives bipartisan support will achieve those objectives. That's why they're there, if a map does not receive bipartisan support.

Chris ([01:29:18](#)):

So for this plan in each of its Districts, the general assembly should have an explanation explaining how it leans into these values, especially if we are to achieve a bipartisan map. The most infamously gerrymandered Districts in Ohio's history, like the snake on the lake, are now in good company with the map proposed in House Bill 479. The snake on the lake pulls the Eastern sections of Toledo and combines them with sections of Cleveland all along the Lake Erie shoreline dissecting a number of counties and communities along the way. It was specifically designed to combine two democratic Districts into one Democrat District.

Chris ([01:29:51](#)):

In this conversation though, about House Bill 479, I'm not even going to talk about what Districts might lean toward which political party. I think the District speak for themselves, when you look at them. Drawn to divide particular communities and push them into Districts with wildly different geographic experiences, perspectives, in order to achieve a particular objective. So the map raises many questions to me, and I would just like to share some of these.

Chris ([01:30:17](#)):

Let's start with District one. It contains Cincinnati. Why does it sneak through the Northeast corner of Hamilton County to include Warren County? What rationale is there for this District that makes a Hamilton County snake? District two dives into Hamilton County. District eight, similarly dives into Hamilton County. Why isn't the Eastern half of Hamilton County, now in District 2, included in District 1 and then Warren County included in District 2, just for possible ways to change things.

Chris ([01:30:42](#)):

District 10 is drawn to separate Springfield and Dayton. Over the past year, I've conducted a lot of trainings and listening sessions with people from across Ohio and everyone from that region has echoed the idea that Dayton and Springfield should be in the same District. So what rationale is there for separating these two connected communities? District 6 stretches from Ironton at the Southern end of the state, all the way to Youngstown. I'm not so certain that the people of Youngstown and Ironton want to be represented by the same representative in Washington, DC. It might be important to go ask the community members of those two places. So why were Youngstown and Ironton included in the same District?

Chris ([01:31:15](#)):

In District 15, why are Columbus' Western suburbs, Hilliard and Dublin and Southern Columbus represented by the same person as Newark and Lancaster? District 3 is potentially reasonable as a

District, if it wasn't so clearly drawn so District 15 and District 4, can each pull sections out of Franklin County? Why is Franklin County drawn to include three Districts when it could easily include just two? Why does District 4 stretch from Westerville to Springfield, to Lima, to Mount Gilead? District 5 and District 9 together divide Toledo, when Lucas County could easily be entirely within its own District. District 9 could include all of Lucas County while some portions of District 9 join the rest of District 5. So why divide that area? District seven, 11 and 14, all divide Cuyahoga County in haphazard ways, with District 14, also dissecting Summit County. Like District 3 and Columbus, District 11 could possibly make sense for Cuyahoga County, if it wasn't clearly drawn to allow District 7 and 14 to both scoop sections of the County, like Franklin County in Hamilton County, why is Cuyahoga County being divided into three Districts.

Chris ([01:32:16](#)):

In District 12, the people of Logan and Hawking County are now represented by the same person who represents portion of Akron. And finally District 13 goes from just south of Ashtabula down to Warren and over to Eastern Akron in Cuyahoga Falls, joining District 14 and 12 and dividing Summit County. Why is summit County being divided into three Districts?

Chris ([01:32:34](#)):

Many of these new Districts are just simply new versions of the snake on the lake. They are deliberately drawn not to keep communities together. Ohio can do better, Ohioans are watching this process and for good reason, expecting the fair process and outcome that they voted for in 2018. The easiest path to ensuring a fair process, fair maps and fair representation is to listen to Ohio communities, especially communities of color, to identify logical divides that would ensure communities stay together. Similarly, we encourage a close consideration of environmental justice concerns. Many Ohio communities face significant risks from present and legacy environmental harms. Maps dividing these communities apart significantly exacerbates the difficulty of these communities to advocate to an elected representative for a solution to harms they face. Without substantial changes, the Ohio Environmental Council Action Fund strongly urges a no vote on HB479.

Chris ([01:33:21](#)):

Thank you for allowing me to submit this testimony today. I'd be happy to answer any questions at this time.

Wilkin ([01:33:26](#)):

Thank you very much for your testimony. Are there any questions? Representative Hicks-Hudson.

Hicks-Hudson ([01:33:32](#)):

Thank you, Mr. Chair. Thank you so much for sitting through the first part of this hearing. And then for your testimony.

Hicks-Hudson ([01:33:39](#)):

Yesterday, I asked a question about what one of my constituents called; "the new snake in the state," and you were talking about from Ironton to Youngstown or vice versa. Do you have any idea how far in mileage or how do get there from here? So to speak.

Chris ([01:34:04](#)):

Chair, Wilkin, Representative Hicks-Hudson, that's a very good question. So Ironton all the way up to Youngstown, a good portion of that District does have one interesting shared feature, which is the Ohio river. The curve from Pittsburgh stops well south of Youngstown. But I think, looking at it, just eyeballing it, I have a version here, that has to be at least 200 miles, probably closer to 300 miles just by eyeballing it considering that it's three fourths of the height of the state, so.

Hicks-Hudson ([01:34:45](#)):

Follow up if I may, Mr. Chair.

Wilkin ([01:34:46](#)):

Please.

Hicks-Hudson ([01:34:47](#)):

Thank you. So you made reference to the constitution and other things, and yesterday in some of the testimony and conversation about that particular district, they talked about; it is better compact than it than the previous district. My question is; compactness is not just being connected necessarily, but the ability to be closer together. Do you believe that that this particular district meets that criteria of compactness?

Chris ([01:35:29](#)):

Chair, Wilkin, Representative Hicks-Hudson, I would say it's not particularly compact. I'm looking at this map and I see Districts 2, 12 and 6, they all contain significant portions of Appalachia. And now I have issues with some of the ways that District 2 goes into Cincinnati and District 12 goes into Akron, but generally speaking, those three districts together are Appalachia. And you could have three different shapes that are much more compact, composed of those three districts without the parts that are clearly scooping into other communities and have districts that are much more compact and representative where you've got a center point where one representative is able to go to different parts of those districts, much more reasonably than Ironton to Youngstown. I think the best way to get there would be to take 23 up to Columbus and then probably 71 up to Akron and across.

Hicks-Hudson ([01:36:29](#)):

Just one follow up, if I may.

Wilkin ([01:36:31](#)):

Provided there's no more driving directions.

Hicks-Hudson ([01:36:32](#)):

No more driving directions, I promise.

Hicks-Hudson ([01:36:35](#)):

Thank you, Mr. Chair.

Hicks-Hudson ([01:36:37](#)):

Thank you for that because you gave me cities or points to look at, so I was happy for that. My question goes back to your area of expertise, which is environmental, and I'm going to say environmental justice. Do you see that this map in all of its permutations today, meeting that requirement for the citizens of environmental justice, because of the differences between urban brownfields and things like that and contamination in rural areas that are now clumped together?

Chris ([01:37:13](#)):

Chair Wilkin, representative Hicks-Hudson, thank you for that question.

Chris ([01:37:16](#)):

I think one of the important things to think about, a good example for your question is that many cities have significant air pollution concerns, because when you have cities that are lots of people together, lots of cars, industry, factories, there's going to be a lot more air pollution because of the density. And so that is a very particular environmental risk that those communities experience that are not necessarily experienced by people like my parents who live up in Marrow County, north of Mount Gilead, where it's fairly clean air, they live near a lake. They don't have those sorts of air pollution concerns. And so when you think about those sorts of risks that come with increased air pollution, cancer risks, all those sorts of things, those are discreet different experiences. And ensuring that those people that live near those air pollution concerns, those environmental justice communities, especially communities of color that are significantly more impacted by those risks should have a representative that is more focused on those issues for them than someone who has a tiny portion of their district being their community and then it's spread out across larger area.

Chris ([01:38:24](#)):

And that goes for the issue as well, that rural areas should have a representative who is solely focused on their issues as well. There are different environmental legacy justice issues for rural communities, as well as you may...

PART 3 OF 9 ENDS [01:39:04]

Chris Tavenor ([01:39:00](#)):

... as well. There are different environmental legacy justice issues for rural communities, as well, as you mentioned.

Speaker 2 ([01:39:06](#)):

Thank you. [inaudible 01:39:07].

Chair Wilkin ([01:39:06](#)):

Thank you. Representative Brown.

Rep. Richard D. Brown ([01:39:10](#)):

Thank you, Mr. Chairman. Thank for your testimony. I'm going to direct your attention to the proposed district number six, which I think, yesterday I referred to as the purple anaconda. I said purple, not because of the makeup of the constituents of the proposed district implying a closeness of democratic and Republicans, but because it was depicted on the map we were given at a purple hue. These are

generally pretty deeply red counties that we're talking about. Maybe a better description would be the Sliver On the River, I'm not sure, but the point is these are all rural counties, except the county where Youngstown is, Mahoning. The rest of them have small county seats, they're river communities, they're river towns. They have the Ohio River and connection. They're rural. They have that in common. They have the river in common, of course.

Rep. Richard D. Brown ([01:40:10](#)):

They have a lot of small town notions. High school football is important in those areas. Very important in Ironton, where I grew up. So there is some connection in that sense, but in addition to the connectivity of communities, which is one of the requirements, there's also a requirement of compactness. If you look at article 19 of the Ohio Constitution Section 02, Paragraph (B)(2), it says, "Every congressional district shall be compact." And speaking as one who rode a bus from Ironton to Steubenville once, where the Fighting Tigers played the Steubenville Big Red, it was like going to a foreign country. It took seemingly weeks and that's a long drive. And if you get on State Road 52 and or 7 behind a cement truck, you may still be driving. I don't know. So would you say that that is a district which is compact?

Chris Tavenor ([01:41:08](#)):

I would say District Six is not compact.

Chair Wilkin ([01:41:13](#)):

Any follow up? Representative Swearingen?

Rep. D.J. Swearingen ([01:41:21](#)):

Thank you, Mr. Chairman and thank you, Mr. Tavenor for your testimony here today. Just a couple questions. What is the... Is it safe to say the mission of the OEC is to promote clean water, healthy air, green spaces, clean energy in Ohio? Is that safe to say?

Chris Tavenor ([01:41:39](#)):

Yes, the Ohio Environmental Council Action Fund, that would be our mission. Yes.

Rep. D.J. Swearingen ([01:41:42](#)):

Okay. Quick follow up, and this is in line with what Representative Hicks-Hudson said, which was a good question, do you think that this current map would meet that mission?

Chris Tavenor ([01:41:55](#)):

Apologies, this is my first time testimony. So Chair Wilkin-

Rep. D.J. Swearingen ([01:41:58](#)):

You're fine.

Chris Tavenor ([01:41:58](#)):

... Representative Swearingen, I would say that this map cracks apart and packs communities in a way that would make it more difficult for those communities to adequately pursue those objectives.

Rep. D.J. Swearingen ([01:42:15](#)):

Follow up, Mr. Chairman, why?

Chris Tavenor ([01:42:20](#)):

Chair Wilkin, Representative Swearingen, so I think it... We can focus on a bit of a history actually in thinking about what has happened over the past 10 years. There are definitely a member... OEC Action Fund is a bipartisan organization. We work with both Republican and Democrats on a variety of different issues. However, we can look at the past 10 years to see the effect of gerrymandered maps on in both the state house here, but in this context, we were talking about the congressional maps. So at the Representatives from Ohio who go to represent us in Washington and we can look at their positions and how they vote on issues and compare those to the aggregate of how people in Ohio care about those issues.

Chris Tavenor ([01:43:04](#)):

So when you poll them, when you ask them, go talk to them and say, "Hey, what are your perspectives on renewable and clean energy, for instance?" And 70% of Ohioans, roughly, I think that's about the number in the most recent data, it says 70% of Ohioans support increase in access to renewable energy, but we don't necessarily see that sort of desire from a wide number of Ohioans reflected in the votes and actions of our Representatives, whether here in Ohio or in Washington.

Rep. D.J. Swearingen ([01:43:35](#)):

Follow up. Follow up, Mr. Chairman. So your testimony is that this map does not meet Ohioan's objectives when it comes to environmental issues?

Chris Tavenor ([01:43:44](#)):

Yes.

Rep. D.J. Swearingen ([01:43:45](#)):

Follow up, Mr. Chairman.

Chair Wilkin ([01:43:47](#)):

Please.

Rep. D.J. Swearingen ([01:43:48](#)):

And that's because there's more Republicans and Democrats on the map?

Chris Tavenor ([01:43:52](#)):

Chair Wilkin, Representative Swearingen, not necessarily, no. I think it's the reality that these districts are being cracked in a way that the communities that are most impacted by these environmental issues will not have adequate representation. Now, there may be... There are Republicans who advocate for environmental issues. There are Democrats who advocate for environmental issues. There are also both sides who do not. In many cases, historically it has been that there are maybe more Democrats that advocate for environmental issues, but we don't care about the partisan makeup as much as we do

about ensuring that Ohioans are being represented. Now, we do have a constitutional requirement for not unduly favoring one party over the other.

Chris Tavenor ([01:44:33](#)):

And when you have one party that has such an overwhelming sway, then that skews the ability of all Ohioans, whether they are Republicans or Democrats to be properly represented. So that is the philosophy going on that if you have a map that is fairly designed so that it is actually representing people and the communities that they live in, then no matter the issue, they will have an adequate pathway toward representation. When you have maps that are pulling people out of their communities and dividing them in such ways that they can essentially be ignored by their Representative, then that is the sort of thing that is not good for our democracy here in Ohio.

Rep. D.J. Swearingen ([01:45:10](#)):

Final follow up, Mr. Chairman.

Chair Wilkin ([01:45:11](#)):

Final one.

Rep. D.J. Swearingen ([01:45:13](#)):

So isn't it possible though? My district, for instance, I have rural agricultural. I have the lake, I have industry and we have industry that's left and as a result, we have many brown fields that we need to clean up. Isn't it possible for a Representative to care about all of those issues regardless of party and represent his or her constituents adequately?

Chris Tavenor ([01:45:35](#)):

Chair Wilkin, Representative Swearingen, sure.

Chair Wilkin ([01:45:43](#)):

Representative Jones.

Rep. Don Jones ([01:45:47](#)):

Thank you, Mr. Chairman, and thank you for your testimony. I find it a little bit surprising that you're this concerned, and I will share some of my enthusiasm with my colleague over here talking about the 6th congressional district, as everyone seems to be so worried about it, but that trip from Ironton to Steubenville is the same if you make it from Steubenville to Ironton, Representatives. But with that being said, [crosstalk 01:46:16].

Chair Wilkin ([01:46:16](#)):

Representative Jones, let's keep this between you and the witness.

Rep. Don Jones ([01:46:18](#)):

What's that?

Chair Wilkin ([01:46:19](#)):

Keep this between you and the witness.

Rep. Don Jones ([01:46:20](#)):

You're right. I'm sorry. I'm sorry, Mr. Chairman, but just a point, but anyhow, the standards of general assembly must follow if a map is not... The plan is not passed by bipartisan support, it just says, "The general assembly must attempt, but is not required to draw districts that are compact." And I'm going to focus on the 6th District, which I'm a part of and I represent part of. Currently, the 6th District is made up of 18 counties, 13, which are full counties and five, which are partial county counties. The proposed map cuts it from 18 to 11, which 10 are full and one is a half. Would that not be considered a more compact district in your opinion?

Chris Tavenor ([01:47:07](#)):

Chair Wilkin, Representative Jones, while something may be more compact in the number of counties, the shape also matters. But also just because something is more compact doesn't necessarily it meets the criteria of compactness. So you could have something that is... One of the crazy snakes that we've seen in some other states and also here in Ohio, such as the snake on the lake, you could have those crazy designs and everything, and then make it a little bit less bad, but that doesn't mean it's not still bad.

Rep. Don Jones ([01:47:45](#)):

Follow up. Thank you. Thank you. So I appreciate your thought, but I mean, let's be truthful, the current map has the 6th district going from Mahoning County clear over to Scioto. The new one is from Trumbull, which is just a little further north, I'm going to say probably less than 10 to 15 miles and only goes down to Lawrence County. So it is more compact than what the current... I mean, we go from 18 counties to 11 and the distance from top to bottom gets smaller. How is that not more compact?

Chris Tavenor ([01:48:18](#)):

Chair Wilkin, Representative Jones, I think I've already answered that question that even if it is more compact, that doesn't mean that it's sufficiently compact.

Rep. Don Jones ([01:48:28](#)):

Thank you.

Chair Wilkin ([01:48:31](#)):

Representative Brown.

Rep. Richard D. Brown ([01:48:33](#)):

Yeah. The constitution requirement found in Article 19 Section 02 (B)(2) is that every congressional district shall be compact. Now, that requirement is not provisional compactness or comparative compactness or relative compactness. Isn't it compactness?

Chris Tavenor ([01:48:56](#)):

Chair Wilkin, Representative Brown, yeah, I think that's another way of phrasing the discussion that has been occurring here, that I believe the Dave's Redistricting app, as we all heard that name the past few months, has a mathematical formula for determining compactness. Now, I haven't had the chance to

run each of these districts through that sort of formula. I know... So it would be interesting to see how it rates this particular district, but you're absolutely right that it's either compact or not compact.

Rep. Richard D. Brown ([01:49:32](#)):

Follow up, Chair.

Chair Wilkin ([01:49:34](#)):

Please.

Rep. Richard D. Brown ([01:49:34](#)):

Thank you. The fact that there is a change in the existing district, which would correspond with the new proposed District Six and the new District Six, whereby the new District Six is slightly less compact than the ridiculously non-compact existing district doesn't mean that district Six is now compact. Does it?

Chris Tavenor ([01:50:03](#)):

Chair Wilkin, Representative Brown, I think... Can I restate your question to you to make sure [crosstalk 01:50:11].

Rep. Richard D. Brown ([01:50:11](#)):

I withdraw the question. If I may ask another question, would you consider the state of Alaska compact? Yes or no?

Chris Tavenor ([01:50:20](#)):

Chair Wilkin, Representative Brown, other than its little edges, yes. It's got those islands that go very far out.

Rep. Richard D. Brown ([01:50:31](#)):

All right. Well, the notion of compactness is one of size and distance, correct?

Chris Tavenor ([01:50:42](#)):

Chair Wilkin, Representative Brown, yes.

Rep. Richard D. Brown ([01:50:45](#)):

Yes. But you don't have specific information as we are here today with regard to the specific mileage or distances from one far point of sixth to the new furthest point of sixth. Is that right?

Chris Tavenor ([01:51:03](#)):

Chair Wilkin, Representative Brown, no.

Rep. Richard D. Brown ([01:51:05](#)):

Okay.

Chair Wilkin ([01:51:06](#)):

If I can interject, it's five hours and 20 minutes, according to someone in this room.

Rep. Richard D. Brown ([01:51:11](#)):
Driving?

Chair Wilkin ([01:51:12](#)):
Apparently.

Rep. Richard D. Brown ([01:51:14](#)):
That sounds about right.

Chair Wilkin ([01:51:16](#)):
But I did like his answer that Alaska is compact.

Rep. Richard D. Brown ([01:51:20](#)):
Okay. Well, I didn't.

Chair Wilkin ([01:51:23](#)):
Go ahead, Representative.

Rep. Richard D. Brown ([01:51:27](#)):
The point is that the constitution requirement is that a district be compact. Correct?

Chris Tavenor ([01:51:35](#)):
Chair Wilkin, Representative Brown, correct.

Rep. Richard D. Brown ([01:51:37](#)):
And the standard is not relative compactness or compactness of a district compared to a prior district. Correct?

Chris Tavenor ([01:51:46](#)):
Chair Wilkin, Representative Brown, correct.

Rep. Richard D. Brown ([01:51:47](#)):
So that's not a relevant consideration. Would it be?

Chris Tavenor ([01:51:51](#)):
Chair Wilkin, Representative Brown, yes.

Rep. Richard D. Brown ([01:51:52](#)):
No further questions.

Chair Wilkin ([01:51:54](#)):

Okay. At this point, the chair is going to interject and just say that we agree that we disagree on the compactness of... My favorite was the Sliver by the River. I don't remember what the other ones were, but so we can leave that at rest for the rest of the witnesses. There's a disagreement on if more compact now is better than it was, or if it's compact. At this time, the chair would recognize Representative Ginter.

Rep. Timothy Ginter ([01:52:22](#)):

Thank you, Chair. Well, actually I was going to read the definition of compactness, so from the guidance and the direction from the constitution. So I will not pursue that. I was also going to pursue the Democrat's proposed constitution, or excuse me, congressional map of the Senate, and I was going to look at this District 12 and compare District 12 of the proposed answer to all of our problems that has been submitted by the Democrat map. And I was going to say that there are 16 counties and that between Batavia and Jerusalem, it's Ohio. It's 250 miles. So I would have, had I asked the question, asked how that met the criteria of compactness, but I will not ask that and I will yield, Chairman-

Chair Wilkin ([01:53:20](#)):

Thank you.

Rep. Timothy Ginter ([01:53:21](#)):

... to the next person.

Chair Wilkin ([01:53:22](#)):

Representative Hicks-Hudson.

Rep. Paula Hicks-Hudson ([01:53:25](#)):

Thank you, Mr. Chair. And again, this is my last set of questions, or maybe I'll just make it a compound complex question for you for in this. And it goes to more and to more or less, the idea that we're supposed to be looking at and comparing these maps and the map that is presently before us is the House's GOP map not comparing necessarily what the Senate is doing just yet. That I think should be left up to the conference committee when we get through our due diligence here, but in looking at the map that has been presented to us as attached to the House Bill 497, does it keep our largest counties whole?

Chris Tavenor ([01:54:16](#)):

Chair Wilkin, Representative Hicks-Hudson, no, it does not.

Rep. Paula Hicks-Hudson ([01:54:20](#)):

And does it ensure that communities are similar in the ways that they operate and the issues that they face? Does this map keep those together?

Chris Tavenor ([01:54:34](#)):

Chair Wilkin, Representative Hicks-Hudson, no, it does not.

Rep. Paula Hicks-Hudson ([01:54:37](#)):

And lastly, does it... I'm sorry, through the chair. I did my preliminary things. Please forgive me.

Chair Wilkin ([01:54:45](#)):

I know you wrote it all.

Rep. Paula Hicks-Hudson ([01:54:47](#)):

And then lastly, does this map really reflect the voters' preference that got us here in the first place with this process?

Chris Tavenor ([01:54:58](#)):

Chair Wilkins, Representative Hicks- Hudson, on that question over the past six or seven months or so, I've actually had the privilege to be a member of the Ohio Citizens Redistricting Commission, where we spent many months listening to Ohioans from across the state, talk about what they wanted to see in their congressional districts. And I would encourage the general assembly to consider holding more hearings out in the state to hear those sorts of things. We had to do them virtually because of the pandemic, but my point being that all of the things that we heard from all of those people over the past six months, and I've tried to channel some of those thoughts into my testimony here today, this map does not reflect what Ohio voters expected in 2018 when they voted for a new redistricting reform measure.

Speaker 2 ([01:55:43](#)):

Thank you. Thank you, Mr Chair.

Chair Wilkin ([01:55:45](#)):

Thank you. Are there any other questions? Seeing none, thank you for your testimony.

Chris Tavenor ([01:55:48](#)):

Thank you.

Chair Wilkin ([01:55:49](#)):

Chair would now call up Aaron Ryan. If you're wondering why I'm not waiting for anybody from the overflow room is I peeked in, there's no one in there, in my last check. So is Aaron Ryan available? Committee, just stand at ease for a second. We will now call government oversight after a short break, back to order. I think the last name I said was Aaron Ryan and I know there may be some testimony going on in other places, when we finish, if they're here, we will circle back. Is Aaron here? Aaron Ryan? The only easy name they've given me so far and they're not here. Sha'Tisha Young or Sha'Tisha, probably. I bet messed that one up.

Sha'Tisha F. Young ([02:05:36](#)):

It's Sha'Tisha. You were close to that. I'm used to it. You're fine. All right.

Chair Wilkin ([02:05:41](#)):

Welcome, and you may begin when you're ready.

Sha'Tisha F. Young ([02:05:44](#)):

So in 2015, in 2018, Ohioans across all 88 counties voted for creating a fair and transparent system for redrawing our heavily gerrymandered district lines. We expected honesty and swift action from our lawmakers, but that is not what you all have given us so far. I live in a predominantly white, conservative, rural community, yet the people elected to represent my community also represent parts of Dayton. Dayton, one of the largest cities in Ohio, does not anchor its own district, but is instead packed and cracked into the surrounding predominantly conservative area as a means of weakening Dayton's voting power, as our many Democratic leaning cities like it. The maps and ideas I have seen thrown around by certain members of our legislature, particularly those most recently proposed in House Bill 479 would only worsen the issue and weaken some communities even further.

Sha'Tisha F. Young ([02:06:37](#)):

The currently proposed maps in HB 479 are somehow worse than our currently gerrymandered districts, giving 13 seats to Republicans and only two to Democrats. This is unacceptable and flies in the face of what we voted for. The laws we've seen pushed by Republicans so far this year, including my own state Representative, have only served to highlight the critical need for fair maps and fair representation in this state. From blatant attempts to restrict voting rights to our school board's recent decision to repeal an anti-racism measure with no pushback from the majority of our lawmakers, it is clear that the elected officials in this state do not represent the majority of Ohioans. The majority of Ohioans support basic tenements of gun control, abortion rights, and climate action, and we need lawmakers and maps who will truly reflect that. Ohioans deserve this. We did the legwork in 2015 and 2018. Now, it's time for our lawmakers to uphold their end of the bargain. A fair map will include at least six Democratic seats and two toss-up, with a maximum of seven Republican seats.

Sha'Tisha F. Young ([02:07:46](#)):

This is my second time testifying on this matter now, because while our lawmakers continue to let us down, this matter remains critically important to Ohioans. We will continue to watch the situation closely, and we expect to see maps that truly reflect the way that Ohioans vote and that keep communities together rather than cracking them apart to fit the needs of one political party or another. Thank you.

Chair Wilkin ([02:08:09](#)):

Are there any questions? Thank you. Member Brown?

Rep. Richard D. Brown ([02:08:15](#)):

Thank you, Chair. Thank you, chair. Can you tell me what county that you currently reside in?

Sha'Tisha F. Young ([02:08:22](#)):

Yes, I live in Green County.

Rep. Richard D. Brown ([02:08:24](#)):

Green?

Sha'Tisha F. Young ([02:08:24](#)):

Yes.

Rep. Richard D. Brown ([02:08:24](#)):

Could you say thank you? Follow up, Chair.

Chair Wilkin ([02:08:26](#)):

Please.

Rep. Richard D. Brown ([02:08:29](#)):

It's the desire of house Democrats to see a bipartisan tenure map that we would like to see that and one that would keep our largest counties whole, one that would ensure that communities that live and work together stay together, one that is compact and districts that reflect the preferences of Ohio voters. Do you believe that the map that we're talking about today doesn't does any of those things?

Sha'Tisha F. Young ([02:08:55](#)):

No. I did the research on the voting demographics of each of the counties that would be in my district in this proposed map and Montgomery would be severely weakened in terms of who they're paired with. The surrounding counties are all heavily Republican, whereas they lean Democrats. So they would again have their vote weakened.

Chair Wilkin ([02:09:21](#)):

Follow up? Representative Kelly.

Rep. Brigid Kelly ([02:09:25](#)):

Thank you, Mr. Chairman. Thank you for coming in. So I thought I heard you talking about how communities have been split unnecessarily in your response to Representative Brown. So do you have other specific suggestions on the 10th congressional district and how you think it could be more Representative of the folks who live in that part of the state?

Sha'Tisha F. Young ([02:09:51](#)):

Yeah. I mean, I think the short answer would be being mindful of the types of community that are going to be included. So for example, Green, Clark, and Fayette County are all more rural, whereas Montgomery is obviously more urban, leans more towards Black and Brown populations. So anything that would pay mine to that would be better.

Chair Wilkin ([02:10:19](#)):

Follow up.

Rep. Brigid Kelly ([02:10:20](#)):

Thank you, Mr. Chairman. Thank you for that. So in splitting apart some of these communities, how do you feel like that... This isn't a congressional map that's going to last one election cycle. This is map that could last four years. It could last 10 years. What kind of impact do you think that that will have on the people who live in your community if they have been unduly cracked apart and placed with communities that are perhaps, disparate from them? What do you think the impact will be on your community?

Sha'Tisha F. Young ([02:11:01](#)):

Yeah. One issue that always immediately comes to mind because this is what I grew up in and my organizing was around abortion. So for example, there is one planned parenthood clinic in Montgomery County, and the majority of the voters in Montgomery County do support abortion rights and things like that, whereas again, in the surrounding Green and Fayette County, you see those conservative, rural ideas. So for me, personally, I'm very worried that the beliefs of this-

PART 4 OF 9 ENDS [02:12:04]

Speaker 3 ([02:12:00](#)):

Personally, I'm very worried that the beliefs of this conservative community will impact the reproductive health of people in Montgomery County.

Chairman Wilkin ([02:12:12](#)):

Okay. Representative Gillansky.

Representative Gillansky ([02:12:16](#)):

Withdrawn.

Chairman Wilkin ([02:12:20](#)):

Representative Hicks-Hudson.

Representative Hicks Hudson ([02:12:24](#)):

I have to give you a special wave so you can see me. Thank you. Thank you, Mr. Chair. Thank you for your testimony. So you live in Green County, is that correct?

Speaker 3 ([02:12:33](#)):

Yes.

Representative Hicks Hudson ([02:12:35](#)):

Looking on your written statement, it says Xenia, Ohio.

Speaker 3 ([02:12:39](#)):

Yes.

Representative Hicks Hudson ([02:12:39](#)):

Okay. So when we look at the proposed map for District 10... I don't want to put it real flippant, but why do you care about Montgomery county or Dayton, per se, since you're in Xenia, Green County?

Speaker 3 ([02:12:56](#)):

So I actually spent a large portion of my childhood in Dayton, Ohio, and moved to Xenia when I was about 12. So I'm very intimately aware of the differences in those communities, their needs, their interests, their resources, things like that.

Speaker 3 ([02:13:14](#)):

And I'm very familiar with the people in Xenia, Ohio. And so I think that sometimes people in my community hold ourselves back from progress, and I don't want us to do that to other communities, if that makes sense.

Representative Hicks Hudson ([02:13:33](#)):

It does. Thank you. Follow up, Mr Chair, please.

Chairman Wilkin ([02:13:35](#)):

Follow up.

Representative Hicks Hudson ([02:13:36](#)):

And just one real last question. The way that this district map is created, do you think that the exclusion of City of Springfield in... Is that Clark?

Speaker 3 ([02:13:53](#)):

Yes, Clark.

Representative Hicks Hudson ([02:13:53](#)):

I forget, because I used to live in Xenia as well. But that the exclusion of Springfield from this particular district... Do you think that Springfield is closer to Montgomery County, Dayton, Ohio, and then parts of Green County... Because of Wright-Patt, is what I'm trying to get to.

Representative Hicks Hudson ([02:14:15](#)):

So can you give me your reaction to, how is this keeping the way this map is really keeping like communities together?

Speaker 3 ([02:14:24](#)):

Yeah. I will say from my personal experience, I see a lot more overlap between the communities in Clark County, say like Springfield, Ohio, with places like Xenia, Fairborn, places in Fayette County, like Washington Courthouse.

Speaker 3 ([02:14:41](#)):

I see a lot more similarity there, in terms of, again, their needs, their interests, the resources available. And also just the voting records. When you look at the voting breakdown, just in the presidential election only, Fayette, Clark and Green County are all in a much closer range than Montgomery County.

Speaker 3 ([02:15:08](#)):

And again, in terms of demographics and populations, there's a lot of similarities there as well.

Representative Hicks Hudson ([02:15:13](#)):

And one last question, if I may?

Chairman Wilkin ([02:15:15](#)):

Please.

Representative Hicks Hudson ([02:15:16](#)):

And I do mean this is the last question. Not like I'm a preacher or anything, but my question is, in looking at the... You mentioned demographics... There is, I would say, in terms of racial demographics... Could you respond or react to the way that this map is looking, versus Montgomery County, Xenia, and some of the minority populations in those areas?

Speaker 3 ([02:15:43](#)):

I will be honest. I did not get these maps with enough time to really dive into all of those different aspects, and what pieces of data the Republicans use to draw those.

Speaker 3 ([02:15:57](#)):

But again, I will say that Montgomery County has a much higher black and brown population than these other three counties that are being lumped in together. And so that, for me, raises a lot of concerns, in terms of who's representing us.

Chairman Wilkin ([02:16:13](#)):

Any other questions? See none. Thank you for your testimony.

Speaker 3 ([02:16:16](#)):

Thank you.

Chairman Wilkin ([02:16:18](#)):

Chair would now call up Desiree Tims. Welcome to committee. Did I get that correct, the first name?

Desiree Tims ([02:16:32](#)):

It's Desiree. Close.

Chairman Wilkin ([02:16:33](#)):

I even thought say Desiree.

Desiree Tims ([02:16:35](#)):

Close. It's French.

Chairman Wilkin ([02:16:36](#)):

Two E's threw me off. You may begin when you're ready.

Desiree Tims ([02:16:40](#)):

Thank you. Chairman Wilkin, Vice Chair [inaudible 02:16:45] Ranking Member Brown, and members of the house government oversight committee, thank you for allowing me to testify today.

Desiree Tims ([02:16:52](#)):

My name is Desiree Tims, and I am a native Daytonian, and currently serving as president and CEO of Innovation Ohio. Innovation Ohio is proud to be a member of the Equal Districts Coalition.

Desiree Tims ([02:17:06](#)):

The Equal Districts Coalition is a unified group of over 30 advocacy organizations, labor unions, and community leaders, fighting for fair maps. It is our goal to see an end to a gerrymandered Ohio.

Desiree Tims ([02:17:22](#)):

Over the past 10 years, Ohio has voted about 55% for Republicans and 45% for Democrats. Seats in government should reflect this breakdown. A fair map that is representative of the people would consist of about seven Democratic seats and eight Republican seats.

Desiree Tims ([02:17:43](#)):

Ohio's current congressional map has been gerrymandered to give unearned power to one party. Gerrymandering is defined by the Brennan Center for Justice as the practice of drawing districts to favor one political party or a racial group. It skews election results, makes races less competitive, hurts communities of color and thwarts the will of the voters.

Desiree Tims ([02:18:09](#)):

Gerrymandering leads many Americans to feel their voices do not matter. My question for legislators and map drawers is, why do you feel that certain Ohioans' voices matter more than others?

Desiree Tims ([02:18:27](#)):

Under the maps proposed by Republicans yesterday, Republicans would likely end up with about 87% of Ohio's congressional seats, even though Republicans only win 55% of the votes. That is flagrant partisan gerrymandering, and it is despicable.

Desiree Tims ([02:18:48](#)):

It is also inadequate to draw a few token districts where and brown voters are packed together, to stifle their power. And it is inadequate to intentionally divide black and brown communities, in order to secure an outcome that is the opposite of representation for this group.

Desiree Tims ([02:19:07](#)):

The solution is simple. Draw fair districts that give black and brown Ohioans a real shot at representation all over the state. Under the Republicans' proposed maps, voters in Akron would be cracked apart and combined with voters all the way down with areas like Hawking Hills.

Desiree Tims ([02:19:28](#)):

Draw fair districts that represent and that respect voters' wishes by keeping communities with similar needs and interests together. Ohio's major cities should be the anchors of their own congressional districts.

Desiree Tims ([02:19:41](#)):

Cleveland should be the anchor for a district that rests fully within Cuyahoga County. Cincinnati should be the anchor for a district that rests fully within Hamilton County. Toledo, Akron and Dayton, Ohio's fourth, fifth, and sixth largest cities should each anchor their own congressional districts as well. There is no excuse for breaking up major population centers, but for cheating.

Desiree Tims ([02:20:07](#)):

For 10 years, Ohio's congressional districts, the second worst gerrymandered congressional map in the nation, have suffocated the voices of millions of Ohioans. Our current map is a stain on history and an insult to democracy.

Desiree Tims ([02:20:24](#)):

The founders and framers of the constitution would shame you for continued efforts to reverse democracy, as do I. Thank you again for the opportunity to testify today. Any questions?

Chairman Wilkin ([02:20:39](#)):

Thank you for your testimony. Are there any questions? Representative Kelly.

Representative Kelly ([02:20:43](#)):

Thank you, Mr Chairman. Thank you for coming in. I thought you mentioned it in your testimony, but could you say testimony, but could you say again, what do you think a more fair split would be between the number of districts?

Representative Hicks Hudson ([02:20:54](#)):

It should be about 8/7, which is the 55/45 split.

Chairman Wilkin ([02:21:00](#)):

Follow up.

Representative Hicks Hudson ([02:21:01](#)):

Thank you, Mr Chairman. And I know that you had also mentioned the idea of cities anchoring their own congressional districts. Can you talk about how this idea of cracking apart like communities, specifically, suburbs, exurbs, that I think are much more similar to the cities that anchor them than some of the places where they've been drawn out? I mean, especially in a place like Hamilton County, for example.

Desiree Tims ([02:21:35](#)):

Sure. Chairman and Rep. Kelly. So I can talk about Cincinnati because I'm a proud Xavier alum.

Representative Hicks Hudson ([02:21:42](#)):

Me too.

Desiree Tims ([02:21:45](#)):

And it's so important that we think about people who live in communities, where they go to church, where they go grocery shopping. And so people in Norwood or people downtown Cincinnati may shop

at a Kroger that's in OTR, or one that's in Western Hills, and people who are in Mason may go to the Kroger in Mason or Westchester, and vice versa.

Desiree Tims ([02:22:10](#)):

None of those people are driving, or getting a taxi or a friend to take them 45 minutes outside of the city for groceries. And so when I think about keeping communities together, I'm thinking about the activities that people participate in on a day-to-day basis.

Desiree Tims ([02:22:29](#)):

Suburban communities like in Dayton, for example, the Fairfield Commons Mall is in Beaver Creek. People in Dayton drive to the mall. People who work at Wright-Patt live in Dayton and vice versa. But no one who lives in Dayton is driving out to Washington Courthouse for groceries. Is it unlikely.

Chairman Wilkin ([02:22:52](#)):

Follow up. Any other questions? I'm waiting on the special wave. Representative Hicks-Hudson.

Representative Hicks Hudson ([02:23:02](#)):

Thank you, Mr Chair. Thank you again for being here and for your testimony. I don't know if you heard my previous question about Montgomery County being connected to the other counties, and what that effect will have on communities of color.

Representative Hicks Hudson ([02:23:22](#)):

If you know, could you give your reaction to how that particular map for... I think it's District 10... I'm not sure.

Desiree Tims ([02:23:31](#)):

Sure, Chair Wilkin and Rep. Hicks-Hudson, so when we look at Montgomery County... Montgomery County went blue for Joe Biden... When we look at the different school districts that are located within Montgomery County, Dayton Public Schools is primarily students of color, or working class, or underprivileged backgrounds.

Desiree Tims ([02:23:54](#)):

When I look at communities in Xenia, for example, in Green County, we have two historically black colleges and universities, Central State and Wilberforce.

Desiree Tims ([02:24:02](#)):

And when I look at communities in Springfield, a lot of commonality with Wright-Patt Air Force Base, but also we all watch Channel 7 News, right? But when you travel out to Fayette County, Washington Courthouse, for example, they don't see Channel Seven News. It's very different.

Desiree Tims ([02:24:26](#)):

And so when we're looking at districts, and we're looking at how we talk to people, and how we get the resources to them, that they need, and information to them, to black and brown communities, to poor communities, to communities who lack access to broadband and internet, it's, how are we going to

communicate to them in the best way possible? And so much as a news update would be the difference. A tornado warning would be the difference.

Desiree Tims ([02:24:53](#)):

And so it is very important that we think about people, and how they live their everyday lives. Again, where they worship, where they go to school, where mom and dad work, where they go see grandma, where they pick up groceries. All of these things are important. And imagine if every time you travel to another area to run an errand on a weekend, there's a different member of Congress.

Desiree Tims ([02:25:17](#)):

Or if you live in Fayette County, for example, and you don't have adequate transportation, if you want a meeting with your member of Congress, you have to get a ride all the way to Dayton... Downtown Dayton, to be exact... For that meeting.

Desiree Tims ([02:25:34](#)):

And so it is a hardship on both sides. That is why gerrymandering does not discriminate based on party affiliation or identification. It is based on fairness for all people.

Representative Hicks Hudson ([02:25:46](#)):

Thank you, Mr Chair.

Chairman Wilkin ([02:25:49](#)):

You're welcome. Representative Plumber.

Representative Plumber ([02:25:54](#)):

Thanks, Chair. Thank you for testifying today. We're hearing you loud and clear about fairness. People that think alike, vote alike should be together. But can you explain to me how, if this is about the people, the people of certain districts, why do we have so much outside of the State of Ohio money coming in, trying to influence these elections?

Desiree Tims ([02:26:16](#)):

Chairman Wilkin and Representative Plumber, outside money coming in to influence elections happens all around the country, but that doesn't have anything to do with redistricting. When we are talking about redistricting, we're talking about a process where all people can be heard.

Desiree Tims ([02:26:35](#)):

When you look at voter roles, you actually see people who are registered as Democrats and Republicans, and a lot of people independents, right? It is important that we give everyone a fighting chance to choose who represents them and not the other way around.

Chairman Wilkin ([02:26:50](#)):

Follow up.

Representative Plumber ([02:27:09](#)):

[inaudible 02:27:09] outside the state of Ohio. [inaudible 02:27:10] people think like you, with policies like yours [inaudible 02:27:13] state of Ohio [inaudible 02:27:13] like Ohioans?

Desiree Tims ([02:27:12](#)):

Chairman Wilkin, Representative Plumber, I ran for Congress because I'm a proud Daytonian. I grew up in West Dayton. I'm the granddaughter of sharecroppers. Half of my family grew up on a farm and the other half in the city.

Desiree Tims ([02:27:29](#)):

I was fortunate enough to work my way through college and law school, knocked doors for President Obama in Cincinnati and Middletown in Dayton. And when I came home after freshman year of college, I saw all the jobs leaving my town.

Desiree Tims ([02:27:47](#)):

When I ran for Congress, it was about helping people, helping people in my neighborhood who worked at General Motors, making 25, \$30 an hour in the nineties, get back on their feet. We are not there yet. I am not wealthy. I do not come from wealth. I don't have family members who I can call for a max out donation. I raised money from everyday people across Ohio and in Dayton because they also had the same vision I had.

Desiree Tims ([02:28:18](#)):

I am not advocating here today for a congressional district that is drawn around the city of Dayton. It wouldn't be enough people to make that legally possible. I am advocating here today for a congressional district in a map across Ohio that allows everyday people like me to have a fighting chance at choosing who represents them, and not the other way around.

Desiree Tims ([02:28:46](#)):

That is what this is about. This is about looking at a map right now that was submitted very late, last minute, before we were able to... Our testimony was due prior to looking at the maps... And we have maps that don't reflect the true diversity and values of our communities across the state, values for people like me and my family, who believe in this state, the power of community, and our ability to move forward, bring those good paying jobs back, make sure everyone has access to someone who represents them, freedom to vote, freedom to walk down the street, and live, a good education, good healthcare, quality jobs. The same thing that everyone here wants for their families.

Desiree Tims ([02:29:29](#)):

This is not a Republican or democratic issue. This is about justice, and it is about fairness is about fairness.

Chairman Wilkin ([02:29:35](#)):

Follow up.

Representative Plumber ([02:29:37](#)):

Follow up. Like you, I grew up in Dayton and represent a good part of Dayton right now. And I've seen the demise of Dayton also. I've seen jobs leave, I've seen our schools failing, I've seen crime increase.

Representative Plumber ([02:29:48](#)):

Unfortunately it's under single party rule. So I think we need to be honest with ourselves. If we're going to think like each other, act like each other, have the same philosophies and beliefs, we need to work together.

Representative Plumber ([02:30:01](#)):

But working together should include members of your system finance you, not members of outside of the state of Ohio, finance certain elections. [crosstalk 02:30:12] Do you agree with that?

Speaker 4 ([02:30:13](#)):

Point of order.

Representative Kelly ([02:30:14](#)):

Excuse me. I'm not finished with my question.

Speaker 4 ([02:30:16](#)):

My point of order is that the purpose of this meeting is to talk about [inaudible 02:30:23]

Representative Kelly ([02:30:22](#)):

Chair, can I finish my question?

Chairman Wilkin ([02:30:24](#)):

At this point I want to make sure that we are sticking to the topic at hand, which is House Bill 479, please.

Speaker 4 ([02:30:31](#)):

That's all I wanted. Thank you.

Representative Kelly ([02:30:33](#)):

Okay, let me let regroup here since I was rudely interrupted during my question. So like you, I grew up in Dayton. We want what's best for Daytonians, right? We can agree on that.

Desiree Tims ([02:30:44](#)):

Chairman Wilkin, Representative Plumber, I absolutely want the best for Daytonians and Ohioans all over the state.

Representative Kelly ([02:30:51](#)):

Okay. Well, I'm with you on that. Thank you.

Chairman Wilkin ([02:30:56](#)):

Representative Brown.

Representative Brown ([02:31:00](#)):

Thank you, Chair. The Democratic caucus at the house Democrats and we believe most Ohioans would like to see a bipartisan ten year map, one that keeps our largest counties whole, one that ensures communities that work and live together stay together, one that has districts that are compact, and a map that reflects the preferences of Ohio voters. Do you believe that the map which has been proposed with regard to Sub Bill 479 embraces those desires and concepts?

Desiree Tims ([02:31:41](#)):

Chairman Wilkin, Representative Brown, I think the map that the Republicans submitted is a map that will cheat Ohioans out of democracy. It waters down communities' voices.

Desiree Tims ([02:31:57](#)):

For example, the maps that we've been dealing with the last 10 years, there's a woman in Cincinnati where the district lines are drawn down her home, in her living room. And so she votes for one person on her district, but when she needs services and resources, and constituent services, they're sending her to someone else who wasn't even on her ballot because of the way the lines are drawn.

Desiree Tims ([02:32:19](#)):

They're drawn so unfairly that people don't have an opportunity to meet and talk to the people who represent them. And that's what a representative democracy is all about, and Ohioans deserve to have one.

Chairman Wilkin ([02:32:31](#)):

Follow up. Representative Swearingen.

Representative Swearingen ([02:32:35](#)):

Thank you, Mr Chairman, and thank you for your testimony today. I have two questions. One in regards to your testimony. What provisions of Article 19 of the constitution did you rely upon for formulating your testimony here today?

Desiree Tims ([02:32:51](#)):

Chair Wilkin, Representative Swearingen, my testimony is based on my assessment of what's been happening in the state, and where we need to go. When we look at the vote share of people, we know that it's 55/45.

Desiree Tims ([02:33:12](#)):

What we continue to see is the voices of people who don't have the same party affiliation as you, their voices are drowned out, watered down, cracked apart, packed together, disassembled and ignored.

Chairman Wilkin ([02:33:32](#)):

Follow up.

Representative Swearingen ([02:33:33](#)):

[crosstalk 02:33:33] Mr Chairman. You mentioned the vote share, and the split between eight seats and seven seats congressionally. What portions of Article 19 did you rely upon to come to that conclusion?

Desiree Tims ([02:33:47](#)):

So this is about looking at how Ohioans vote, right? And so we have, for example, Senator Sherrod Brown and Senator Rob Portman. In 2012, Ohio voted for president Barack Obama. In '16, President Trump.

Desiree Tims ([02:34:10](#)):

This is about making sure that we are listening to voters. And I am coming and approaching this process, not as a legislator or a lawmaker or a map drawer. That's your job. My job as a citizen, as an Ohioan, is to voice concern about the maps that I've been seeing, from Republicans, that doesn't replicate resonate with the way Ohioans vote, and our values. That is what this is about.

Desiree Tims ([02:34:41](#)):

Anything with map drawing, and drawing the lines, and following the guidelines, that's on you. My job is to hold you accountable, and to voice concerns based on what I think, and what I feel, and based on my community. So I am up here in my individual capacity, as a citizen, as a resident of Ohio, as the president and CEO of a think tank public policy organization, to tell you that the map that it is presented by Republicans is unsatisfactory.

Chairman Wilkin ([02:35:21](#)):

Follow up.

Representative Swearingen ([02:35:24](#)):

One final follow up, Mr Chairman. The notion that we have to consider the statewide vote... That may be your opinion, and I understand that... Is it actually in the text of Article 19 of the Ohio constitution?

Desiree Tims ([02:35:38](#)):

Chairman Wilkin, Representative Swearingen, the maps and the vote share doesn't match what you all presented. What I'm talking about is not one congressional district. I'm talking about the entire state. The maps that you have presented does not represent the values and the voting pattern of the people of Ohio.

Representative Gillansky ([02:36:13](#)):

Thank you to the chair and thank you so much for being here. And of course, as you know, and so Representative Swearingen certainly knows that it's actually Section 1C3, unduly partisan, that talks about whether or not we should have the 13 2 [inaudible 02:36:32] map, which is unconstitutional.

Representative Gillansky ([02:36:33](#)):

And so without necessarily knowing what section... And I don't have the constitution in front of me either... Wouldn't you agree that we are charged, as legislators, with actually developing a map, looking toward a 10 year map, that would act indicate that we are not unduly partisan? And wouldn't you agree that that's our goal, whether or not you know a section number?

Desiree Tims ([02:36:57](#)):

Chairman Wilkin, Representative Gillansky, I don't have the constitution in front of me. And I assume, given that the wrong number was cited, your colleague doesn't have the constitution in front of him, and you don't have the constitution in front of you. And I'm not a legislator or a lawmaker. I am simply here advocating for a fair map.

Desiree Tims ([02:37:17](#)):

And I would agree that a map that is drawn for 10 years, that is fair, that represents the vote share of Ohioans is something that we all want. We all want fair maps. I'm not advocating for an entirely blue map or an entirely red map. I'm advocating for a fair map. And that is what we all want.

Chairman Wilkin ([02:37:35](#)):

Follow up.

Representative Gillansky ([02:37:35](#)):

Thank you, no.

Chairman Wilkin ([02:37:39](#)):

Representative Brown, do you have a question?

Representative Brown ([02:37:39](#)):

Yes, I do.

Chairman Wilkin ([02:37:41](#)):

Representative Brown.

Representative Brown ([02:37:41](#)):

Thank you, Chair. I do have the constitution in front of me. And it's Article 19, entitled Congressional Redistricting, Section 01, Method of Adopting Congressional Redistricting Plan, Section C, Paragraph Subsection 3.

Representative Brown ([02:38:03](#)):

'In situations where a plan is passed by a simple majority of the house, where there's not a bipartisan map, the general assembly, if a pass by simple majority, the map shall...' Well, it says, 'All of the following shall apply.'

Representative Brown ([02:38:24](#)):

So these three criteria must apply when there is a four year map that's been proposed and passed. 'The general assembly shall not pass a plan that unduly favors or disfavors a political party or its incumbents. There shall be no undue splitting of political subdivisions, with a preference to keeping counties whole, and then townships and municipal corporations. And then there should be an attempt to draw compact congressional districts.'

Representative Brown ([02:38:58](#)):

So those are the constitution requirements of a four year map. In your estimation, would this proposed Republican map accomplish any of those things?

Desiree Tims ([02:39:10](#)):

Chairman Wilkin, Representative Brown, the Republican map does not accomplish any of those because it is a map that waters down the voices of Ohioans across the state. It is not a map drawn for compactness, to make sure people and communities of color, of similar interests, are considered. It is a map drawn to cheat.

Representative Brown ([02:39:31](#)):

Thank you. No further questions.

Chairman Wilkin ([02:39:36](#)):

Any other questions? See none. With a wife that is a former Xavier grad as well, as representing Kelly and yourself, thank you for your testimony.

Desiree Tims ([02:39:42](#)):

Thank you.

Chairman Wilkin ([02:39:45](#)):

Chairman now call up Kobie Christian. Mr Christian, please tell me I got that one right.

Kobie Christian ([02:39:58](#)):

You did.

Chairman Wilkin ([02:39:59](#)):

Welcome to committee. You may begin when you're ready.

Kobie Christian ([02:40:01](#)):

Thank you. Good afternoon. My name is Kobie Christian, communications director for For Our Future Ohio, a member of the Equal Districts Coalition. We do a lot of work around the state, and we've been doing a lot of work around the redistricting process. And you know, we're not here asking for much, just that we stop being cheated. We're asking for [crosstalk 02:40:23].

Chairman Wilkin ([02:40:23](#)):

Mr Christian, if I can interrupt you just for one second, is there any way to get the mic just a little closer? I'm having trouble hearing.

Kobie Christian ([02:40:29](#)):

There we go. Is this better? No? Is this better?

Chairman Wilkin ([02:40:33](#)):

Yes. Thank you.

Kobie Christian ([02:40:34](#)):

There we go. We're asking for congressional maps that reflect Ohio's partisan balance, that allow for pathways of representation for communities of color, and that keep those communities together. We just want fair maps.

Kobie Christian ([02:40:47](#)):

What do we mean by fair? Well, the first thing is that it would reflect Ohio's partisan balance. I don't think that a party with fewer votes should have more seats, but I also don't think that a party should get more seats than the voting outcomes would reflect.

Kobie Christian ([02:41:03](#)):

That means in Ohio a fair map would give Democrats seven seats and Republicans eight seats. More than just one of these seats should be competitive. The people of Ohio have suffered for 10 years under the maps resulting from partisan gerrymandering carried out by Republicans.

Kobie Christian ([02:41:19](#)):

How do we know they were gerrymandered? Because Republicans are somehow able to hold 75% of the current congressional seats while only winning about 55% of the votes. And the recently proposed maps are even worse. They would give Republicans about 87% of congressional seats, with only 55% of the vote.

Kobie Christian ([02:41:41](#)):

Now, that's not representative of the will of Ohio's voters. It forces me to wonder whose will it is representative of. We all know Ohio is a purple state with voters who have supported both Democratic and Republican candidates state wide.

Kobie Christian ([02:41:56](#)):

Districts would reflect how Ohioans vote, and that would make some real competitive seats. But as it stands, Ohio isn't a red state, it's a rigged state. Ohio is more purple than unfair maps allow it to be. And it's not just unfair to the other side.

Kobie Christian ([02:42:11](#)):

If Republicans can just give themselves an extra 20, or in the new maps, 30% or more seats than the voting results gave them, that allows them to escape accountability from all voters.

Kobie Christian ([02:42:24](#)):

It's important that fair maps provide communities of color with pathways to political representation. We can do this by reversing the current gerrymandering that dilutes the voting powers of communities across the state.

Kobie Christian ([02:42:37](#)):

There are some specific characteristics that a fair map would have. I live in Columbus. Columbus is too big to fit in just one congressional seat, so it has to be split, but Franklin County should only be divided into two districts, one seat anchored in Columbus that contains as much as the urban core and

surrounding areas as possible, protecting especially the black and Latinx populations from being needlessly gerrymandered. The second central Ohio district needs to hold the entirety of the growing AAPI and new American communities in north and northwestern Franklin County.

Kobie Christian ([02:43:11](#)):

I used to live in Cincinnati. The Cincinnati anchored district should include black communities in the eastern half of the county, like Forest Park, Woodlawn, and Lincoln Heights, to ensure they're paired together with similar communities around Cincinnati.

Kobie Christian ([02:43:25](#)):

Fair maps would keep our communities together. They do not divide and separate us to weaken our voices and our votes like our current congressional maps, which crack and pack our big cities. This absolutely needs to be reversed because it's essential for adequate political representation.

Kobie Christian ([02:43:41](#)):

By making sure communities are kept together in our two major metro areas, map drawers would achieve the statewide ideal of a partisan fairness, a world in which the number of seats a party holds reflect the number of votes they've won.

Kobie Christian ([02:43:55](#)):

House Republicans unveiled their proposed maps just before this hearing. It doesn't take an expert to see that these maps are even worse than the gerrymandered maps Ohioans have been living under.

Kobie Christian ([02:44:07](#)):

These maps fail to meet the simple qualities of a fair map that I've already mentioned. They dilute the representation of communities of color, crack apart communities of interest, and they do not reflect Ohioans' partisan makeup at all.

Kobie Christian ([02:44:21](#)):

It's plain to see these maps heavily favor Republican politicians over Ohio voters. And I'll say it again. We're not asking for much, just fair maps. Thank you.

Chairman Wilkin ([02:44:32](#)):

Are there any questions? Representative Kelly.

PART 5 OF 9 ENDS [02:45:04]

Rep. Shane Wilkin ([02:45:00](#)):

Are there any questions? Representative Kelly.

Rep. Brigid Kelly ([02:45:04](#)):

Thank you, Mr. Chairman, and thank you for coming in. By the sound of your testimony, it sounds like ... Are you of the opinion that this map unfairly takes apart communities?

Speaker 5 ([02:45:21](#)):

The Republican proposed maps?

Rep. Brigid Kelly ([02:45:21](#)):

Yes.

Speaker 5 ([02:45:21](#)):

They do. Yes.

Rep. Brigid Kelly ([02:45:22](#)):

Okay. Mr. Chairman, could I just follow up?

Rep. Shane Wilkin ([02:45:24](#)):

Follow up.

Rep. Brigid Kelly ([02:45:26](#)):

I was struck by some of the neighborhoods that you mentioned in Hamilton County. Being from Cincinnati myself, I thought it was interesting some of the places that you had mentioned. Forest Park, which would move into the new eighth congressional district is, and since Rep Hicks-Hudson isn't here, I'm going to steal her thunder on some of her questions, 55.9% African American population. Going to a district that includes Butler County, 9.2%, Preble County 0.8%, Darke County, 0.7%, Miami County 2.4%, and Shelby County, 2.3%. Then we also have Lincoln Heights, which is 86.67% African American and Woodlawn, which is 55.42% African American going to the new first congressional district, which is shared between one of the three portions of Hamilton County and Warren County. That district is 18.88% Black. My question is, how do we go to those people and say, "Oh, yeah. You're definitely going to be represented fairly and these maps are fair for you," when we have something like this, where they're clearly being lumped in with communities that are very dissimilar to their own?

Speaker 5 ([02:46:57](#)):

I think it'd be very difficult to convince them that they're being represented adequately.

Rep. Shane Wilkin ([02:47:05](#)):

Please.

Rep. Brigid Kelly ([02:47:07](#)):

Thank you, Mr. Chairman. Given the fact that you've lived in Cincinnati, you know what Hamilton County is like, you've said that communities have been unfairly split apart. Do you think that people in Hamilton County are being best served by having it split into three separate congressional districts?

Speaker 5 ([02:47:24](#)):

Absolutely not.

Rep. Shane Wilkin ([02:47:28](#)):

Any other questions? Hearing none. Thank you for your testimony.

Speaker 5 ([02:47:31](#)):

Thank you.

Rep. Shane Wilkin ([02:47:35](#)):

Just a real quick note as we go through our testimony. I do believe that Cincinnati proper is located in one district, although it is not in just one county. Cleveland is in one district, all in Cuyahoga County. Then, as the gentleman just mentioned, Columbus is too big to be in one, but it is as much as they could. At this point, I would call up Gary [Gale 02:48:01].

Rep. Stephanie Howse ([02:48:01](#)):

Clarification. Chairman, Chairman-

Rep. Shane Wilkin ([02:48:04](#)):

Yes, ma'am.

Rep. Stephanie Howse ([02:48:04](#)):

Yeah. As you just noted about Cuyahoga County, when looking at the map again, and as I've indicated, where both Cleveland and Parma, which are next to each other, which Parma I believe is the seventh largest city in the state of Ohio.

Rep. Shane Wilkin ([02:48:31](#)):

I'm going to ... I'm having a very difficult time understanding you.

Rep. Stephanie Howse ([02:48:35](#)):

I said, Parma is the seventh largest city, seven, and they're right next to each other in the same county. But Parma, according to this map, is now a part of four counties: Cuyahoga County, Geauga County, Lake County, and Ashtabula County. Ideally, you would think two cities that are next to each other, where you have communities and the people who live in Cleveland and Parma do a lot of things together, that they would be in the same congressional district. We are advocating, and which should be the intention, is to have communities together. Again, our larger counties, cities, communities together, not separated and apart. I just wanted to put that clarification. As you mentioned, Cleveland, there's Parma here too, and there are other communities that are separated and it is not in the spirit in the vein of redistricting.

Rep. Shane Wilkin ([02:49:42](#)):

Thank you. Gary Gale.

Gary Gale ([02:49:46](#)):

Bear with me just a moment. Having a little bit of technical difficulties. I did bring a paralegal today. I think I got that right yet. No. Fortunately, it's my brother who went to MIT. Okay I could [inaudible 02:50:04] map. Would you prefer the map ... That's good. [inaudible 02:50:20] There we go. Would you prefer the map faces the committee, or the audience? Your choice.

Rep. Shane Wilkin ([02:50:24](#)):

I ask, if you're going to refer to the map, committee's going to need to see it.

Gary Gale ([02:50:29](#)):

Okay. My map was included with the-

Rep. Shane Wilkin ([02:50:36](#)):

Sir, you're going to have to get to the mic because I don't think the committee knows the-

Gary Gale ([02:50:37](#)):

I'm terribly sorry about that. I should know better. I have testified a number of times before. Now I lost the question. Okay. We'll start this way and I can turn it later. This is the map that I authored. It was sent to the committee. I see that the young lady who was staffing the commission at their hearings last week is here. She would've received it last week as well. I do a congressional map that ... Okay, I ought start again. My name is Gary Gale and I live in Stark County, which was butchered in the last congressional redistricting. We hear a lot about the people from Summit County complaining about how they were butchered, but since they have 200,000 more people than we do and they were in four districts, whereas we were at three, I would maintain that our butchering was worse.

Gary Gale ([02:51:43](#)):

I testified earlier this year before the districting commission in Akron on a three county congressional map favored by my local Democratic party leadership, which was Stark, Mahoning, and 90% of the voters in Trumbull. We share common ancestry. We share common economic malaise. We share job loss. We share educational attainment the same. If you're talking about a community of interest, this is us. We would like you to refer to our prior testimony about that. I will move on from the one district that I actually know something about. I, unfortunately, was working yesterday so I did not see the map until when I arrived in my hotel last night in Columbus. I don't really have anything that is not included in any of my written things. I would like to clear up a few things that I've heard today as I was sitting here.

Gary Gale ([02:52:44](#)):

I've heard Mr. Swearingen talk about people's Democratic roots. For 36 years, I voted in Republican primaries. I was elected as the delegate at a state convention, as a delegate to the Republican Convention ... No, excuse me, as an electoral college elector in 2016. One year I had a motion passed at the state Republican Convention, because the Democrats were refusing to redraw the Illinois Supreme Court, which is done by districts. They did not redraw it for 50 years, which was clearly excessive. Most of those 36 years, I was an active Republican involved in Republican campaigns, electing Republicans. Most times. Sometimes we lost. However, that was then. I moved back to Ohio after about an absence of 47 years.

Gary Gale ([02:53:58](#)):

The map that I drew has five Democratic districts, six Republican leaning districts, and four competitive districts, with two of the competitive districts having Republican votes of 51.33 and 52.55, and two having Democratic votes of 50.44 and 50.29. Whether that would be 10 to five, six to nine, depends on the election, depends on the campaigns that you run. There are always things beyond anybody's control in a campaign. The map that I drew split none of Ohio's 65 congressional districts, because I took the release from State Senate President Huffman, and Speaker pro tempore the time Kirk Schuring, who was my current State Senator of January 29th, 2018 saying when they needed to think that they were enhancing protections for regions, cities, and counties by keeping counties from being split more than

twice. In fact, the updated plan calls for at least 65 counties to be kept whole and allows only five counties to be split twice. The proposals are required the cities of Cleveland and Cincinnati be kept whole inside districts in Columbus to be the base of its own district. I did that.

Gary Gale ([02:55:40](#)):

If you are protecting communities and protecting regions, it stands to reason that you need to protect the smallest. The idea that you are going to split counties with 25,000 people, the Republican House map split two counties with less than 50,000 people, excuse me, with less than 50,741 people and 131,259 people, whereas there was no need to do that. If I could draw a map that didn't split any of the 65 counties, the Ohio Republican Caucus should be able to do so. I also know we've had a lot of talk about Article 19, which in my testimony is referred to as Ohio Senate Joint Resolution 5, about how we're not supposed to unduly split government units, given preference, keeping in whole in the ... But nobody today has used the phrase, which is in the legislation, in the order named: counties, then townships, and municipal corporations. When I looked through the maps that I've seen online, I have found nearly universally that there was a splitting of counties and then municipal. That they they kept counties intact and they kept municipal corporations intact, but for the people like me who live in townships, they didn't care.

Gary Gale ([02:57:15](#)):

When I asked the young man from the Environmental Council last week, "Which part of Stark County were put into their district that they paired with Summit," I was told, "Canton and North Canton." When I told them that there was 157,000 more people according to the numbers needed, the staffer who was with him gave me this deer in the headlights look. I have no confidence at all that if you look at their maps, did they follow township lines. Cities they followed, counties they followed. The rest of us, they didn't seem to give a damn. I think there's a violation of Article 19. Also, Article 19 does not allow for the favoring of either a political party or its incumbents. As of earlier this week, there was a new incumbent in the 11th Congressional District. Most of the districts that I've seen unduly favor the newly elected Congressman, Shontel Brown, over the person that she beat in the primary, Nina Turner.

Gary Gale ([02:58:27](#)):

Precincts where Shontel Brown lost to Nina Turner are not in this new district. Nina Turner carried the Summit County portion in that district. It's gone. Instead, they added precincts that were in the far eastern end of Cuyahoga County, which are currently in the 14th Congressional District, which are adjacent to and in some cases in the same suburbs as communities where Shontel Brown won by 50 points. That, in my view, is favoring something. I will admit that I contributed to Shontel Brown and not Nina Turner. But I am offended by the attempt by some people within the Democratic party, and given who drew the map that then we ... I won't go there. I think that you know who drew the prize winning map from the fair districts. I think you know his background. I think that you understand the fact that Shontel Brown is the Chairman of the Chicago County Democratic Party, that there was what we call in personal injury lawyer, a secondary gain motive. But that's [crosstalk 02:59:55]-

Rep. Shane Wilkin ([02:59:54](#)):

Sir, if you can just do me one favor and stick straight to the bill that we're talking about.

Gary Gale ([02:59:59](#)):

Oh, okay. Thank you. All right. Going back to your map, my map had 100% ... All right, I'm getting myself lost here. I apologize. Proportionality, the House map that I read on online last night at the hotel room had a 0% proportionality. I find it hard to believe that that was not intentional. I think that I split 10 counties, they split 12. That's not a significant difference. I don't understand why they found it necessary to split 63 precincts that, if you follow what was in the memorandum from Senate President Huffman, and then Speaker pro tempore Schuring, now Senator Schuring, that it was not necessary to have complete numerical equality. They did it that way. That did not make any sense to me. I don't think that it was necessary to split 63 precincts.

Gary Gale ([03:01:13](#)):

Anything else of use here? Okay. I don't know how I ended up splitting one. I don't think that the Senate map ... Excuse me. I don't think that the House map as introduced, nor the GOP Senate map, is actually a good representation of Ohio's political divide which, let's face it, is not a racial divide, but is an urban/rural divide. I would certainly hope that counties like mine which, according both to the USOMB and the map put out by the State of Ohio as an urban county, should be immersed in a rural county as it was in the current map that we have today, where 171 of our 220 precincts are in a primarily suburban district where the congressman is the former chair of the U.S. House of Agriculture, excuse me, the Ohio Farm Bureau. My mistake. All right. Any questions? I'm done.

Rep. Shane Wilkin ([03:02:20](#)):

Any questions?

Gary Gale ([03:02:21](#)):

None?

Rep. Shane Wilkin ([03:02:22](#)):

Seeing none. Thank you for your testimony.

Gary Gale ([03:02:23](#)):

Thank you.

Rep. Shane Wilkin ([03:02:26](#)):

Chair now calls David [Helmick 03:02:28]. Mr. Helmick here? Chair will then call Sandy [Balzinias 03:02:36].

Sandy Balzinias ([03:02:36](#)):

Balzinias, yes. Yes.

Speaker 6 ([03:02:48](#)):

[inaudible 03:02:48].

Rep. Shane Wilkin ([03:02:48](#)):

Making it rough on a poor guy from Southern Ohio, that name.

Sandy Balzinias ([03:02:52](#)):

Even my family-

Rep. Shane Wilkin ([03:02:53](#)):

All the names I've got. Welcome to committee. You may begin when you're ready.

Sandy Balzinias ([03:02:56](#)):

Thank you. Even my family doesn't say it all the same way, pronounce it all the same. Anyway, thank you for holding this hearing today, and I mean that, and welcoming my testimony. My name is Sandy Balzinias and I'm here to urge you to give democracy a fighting chance in Ohio because in a democracy it is vital that the people are fairly represented. I am not here to argue for districts that will give decisive victories to any one party. My focus is ensuring that Ohioans, wherever they live, rural areas, cities, townships, have maps with districts that fairly represent the people and their issues and concerns. I believe that is possible in S.B. 237, whose map meets the criteria that Ohioans have overwhelmingly demanded time and time again. This includes districts along lines of how Ohioans tend to vote while avoiding a few carved out token districts for people of color.

Sandy Balzinias ([03:03:59](#)):

Then there's S. B. 258 which, I'm sorry to say, looks like a desperate attempt to retain heavily gerrymandered districts. It inevitably invites questions about the influence of ALEC and other big money enterprises over the interest of the people. It also invites, to our detriment, distrust of the democratic process in Ohio. Look at our current districts right here. S.B. 258 is even more heavily gerrymandered than that. We, in this room and really across the state, challenge you to do what is right. Really, that's the whole thing here. Please do what is right. Please vote on a map in which Ohioans may choose our representatives and not our representatives choose their voters. Again, clearly, the latter is the point of this last map and the new one proposed.

Sandy Balzinias ([03:05:11](#)):

I just don't know how to impress upon you any more than these others speakers who have had far more in depth discussions than I have. But I don't know how to impress upon you how this momentous responsibility, that's laid upon you, deserves the most integrity, putting aside any kind of donors, and thinking about the people of Ohio, the future of Ohio, for that matter future of this nation. Without a fair and democratic process, Ohioans do not have a government of, by, and for the people. That's what I understood, since I was a little kid, that's what made this country a great place to live. But there's lots of doubts right now. I'll end it there. Thank you very much.

Rep. Shane Wilkin ([03:06:13](#)):

Thank you very much for your testimony. Representative Galonski.

Rep. Tavia Galonski ([03:06:16](#)):

Thank you to the Chair and thank you for coming in to testify. Have you had the opportunity to review Amended House Bill 479 and the maps proposed, 13-2 map proposed by the Republicans?

Sandy Balzinias ([03:06:34](#)):

I've looked at. I've got some papers here. I was looking at it. Again, before I wrote my testimony, I was looking for both maps. I saw the one that was put forward by the Democrats. Believe me, for me it's not a Democrat Republican thing. It's about fairness. If fairness meant that most of the people in Ohio voted against what I feel is what I would like, you know what, power to the people.

Rep. Tavia Galonski ([03:07:08](#)):

I really appreciate that. Just a follow up.

Rep. Shane Wilkin ([03:07:10](#)):

Follow up.

Rep. Tavia Galonski ([03:07:12](#)):

Are you able to say here today, for the room, if you believe that the map presented under House Bill 479 is fair?

Sandy Balzinias ([03:07:24](#)):

What I saw, it was highly more gerrymandered than this map.

Rep. Tavia Galonski ([03:07:29](#)):

Would that be a no, it's not fair?

Sandy Balzinias ([03:07:31](#)):

Right.

Rep. Tavia Galonski ([03:07:31](#)):

I don't want to put words in your mouth.

Sandy Balzinias ([03:07:33](#)):

It is no.

Rep. Tavia Galonski ([03:07:33](#)):

Thank you.

Sandy Balzinias ([03:07:35](#)):

Thank you.

Rep. Shane Wilkin ([03:07:38](#)):

Any other questions? Seeing none. Thank you for your testimony.

Sandy Balzinias ([03:07:42](#)):

Thank you very much.

Rep. Shane Wilkin ([03:07:46](#)):

Chair now calls up Susan O'Donnell. Susan here? The Chair would then call up Whitney and I am not going to make an attempt at the last name. Help me out.

Whitney Sadiqi ([03:08:06](#)):

It's not as hard as it looks. It's Siddiqi.

Rep. Shane Wilkin ([03:08:10](#)):

Siddiqi. Okay. Sorry.

Whitney Sadiqi ([03:08:11](#)):

Yeah. It's okay. Thank you.

Rep. Shane Wilkin ([03:08:13](#)):

Welcome to committee. You may begin when you're ready.

Whitney Sadiqi ([03:08:15](#)):

All right. All right. Thank you. Good afternoon now, Chair Wilkin, Vice Chair White, Ranking Member Brown, and members of the House Government Oversight Committee. My name is Whitney Siddiqi and I'm the community affairs director for the Ohio chapter of the Council on America and Islamic Relations known as CAIR Ohio. I'm from Cincinnati, the 31st District. Representative Kelly is my representative. I am here today testifying on behalf of CAIR Ohio. Thank you for the opportunity to appear before you to present this opposition testimony for H.B. 479. CAIR is America's largest civil liberties and advocacy organization for American Muslims. At CAIR Ohio we defend the rights of Ohio Muslims, including their voting rights. That is why we have been working since the beginning of summer to fight for fair maps. It is critical, as a community that so often experiences institutional discrimination and is so often either ignored or vilified by elected officials, that we have access to fair representation and our votes are not diluted through gerrymandering. Yet, despite these efforts and despite the reforms Ohioans overwhelmingly voted for to secure a fair redistricting process this year, our leaders have failed us. The state legislative redistricting process was bad enough, but the congressional map drawing process has proven to be a complete failure thus far: ignoring constitutional deadlines, giving very little notice to the public for these hearings, ensuring they are not accessible to the majority of Ohioans and allowing the public and mapping experts less than 24 hours to review one of the proposed maps before, again, the poorly scheduled hearing. These are just a few of the most egregious examples. I just want to state that I'm here on behalf of CAIR Ohio. I am not an attorney. I'm not an expert on population and redistricting and a constitutional expert, but I don't think you have to be an expert to look at this map and see the issues. I also don't think you have to be an expert to come before this committee and present concerns.

Whitney Sadiqi ([03:10:35](#)):

The redistricting process has crucial implications for future elections and policies that fundamentally shape our lives as Ohioans. Such an important responsibility necessitates a thorough engagement process that is measured, not rushed, with perspectives from everyday citizens who know their communities best and third party mapping experts who understand the constitutional criteria under which to draw maps. I would ask at that point, also, if we can have more hearings. I would ask the committee to please schedule additional hearings so that all those who could not be here today would be able to be present. Unfortunately, the map proposed in H.B. 479 violates the constitutional criteria

and the reforms Ohioans passed to limit gerrymandering. Districts are gerrymandered in this map to favor one party overwhelmingly over another. When we look at what a fair map would be, we believe this map would have eight Republican leaning seats and seven Democratic leaning seats, because that is consistent with the way that Ohioans vote.

Whitney Sadiqi ([03:11:48](#)):

This map also divides Hamilton County, where I live, into three congressional districts and lumps Cincinnati in with Warren County. Another question I would ask the committee is why. Much of Warren County, and then Cincinnati, are quite a bit different in terms of issues, voting preferences, demographics. By doing that, again, as in the current congressional map, Cincinnatians and people across Hamilton County, their voting power will be diluted, especially communities of color. Furthermore, that proposed district, District 1, as well as proposed District 14 are not compact as required by the constitution. Near Columbus, Hilliard and Dublin, where one of Ohio's largest mosques is located and a large Muslim community lives in neighborhoods around that mosque, and I will note party control is a bit of a toss up in those areas, have been lumped in with communities like Breman over an hour away. It's 94% white and 73% voting Republican, according to good old Dave's redistricting.

Whitney Sadiqi ([03:13:10](#)):

With just a few hours to analyze this map and prepare this testimony because, of course, I think many of us worked a full day yesterday. We saw the news come out about the map. We rushed to look at it as best as we could and put this together. I drove from Cincinnati early this morning. I've spent my work day here. Again, I haven't had the time to do a deep dive into the map but, just by looking at it, clearly Toledo, another area where a large Muslim community lives, and other areas across the state have been gerrymandered in this map. I think we can all see the pattern here. No matter which party you or your community is affiliated with, your vote should have the same power as your neighbors', your colleagues', your family members'. But this map suppresses the votes of too many people, too many in urban areas, people of color, and those voting against the party which is currently in power.

Whitney Sadiqi ([03:14:06](#)):

It is clear this map was drawn with one goal, to keep one party in power, not to create districts in which voters choose which party receives power. I've shared this before in previous testimony, but I will say it again. We are constantly hearing about the extreme divides in America. I don't believe this would be the case if our districts were drawn fairly, if our elections were truly competitive, if every vote, especially those of marginalized communities like the Muslim community, had equal voting power. Advocates and Ohioans like myself are tired and we're frustrated, but we're not giving up. I oppose this map and any gerrymandered map that violates the Constitution and suppresses Ohioans' voting rights. Again, I would ask this committee to put forth for public feedback and pass a 10 year bipartisan map to please schedule additional hearings so that you can hear from Ohioans across the state. Thank you for your time. That concludes my testimony.

Rep. Shane Wilkin ([03:15:12](#)):

Thank you for your testimony. Representative Kelly.

Rep. Brigid Kelly ([03:15:15](#)):

Thank you, Mr. Chairman. Thank you for being here. I wanted to talk about what you said about Hamilton County. To the Chairman's point, the City of Cincinnati is kept together. But just because the 2021 House Government Oversight Committee Hearin... (Completed
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City of Cincinnati is kept together, doesn't mean the community hasn't been split apart. In a place like Hamilton County, where we have Cincinnati in one district that also includes all of Warren County, but then you have suburbs like North College ... Well, they wouldn't consider themselves a suburb, for the record. North College Hill, Mount Healthy, Springfield Township, going in a district that goes clear up the west side of the state, and then you've got communities like Amberley, Silverton that are in a district that goes farther east. Can you talk about the impact that that's going to have? Because while the City of Cincinnati may be kept whole, the community is split apart.

Whitney Sadiqi ([03:16:14](#)):

Yes. Chair Wilkin and Representative Kelly, I think that it's important to, when looking at this map, look at all of the issues present at once. It's not just that Cincinnati is together so this district is great. It's also how we're combining communities with other communities. Combining Cincinnati, although it's kept whole in this, with Warren County just does not make sense. It dilutes the voting power of Cincinnatians. Cincinnatians have felt for some time that they're not being represented in Congress adequately. We are currently split apart but with a similar goal to dilute those votes from the past round of redistricting. By either splitting apart communities or combining communities with other areas who do not share the same issues, who do not have the same interest, or even just logically those are not similar communities, they're not connected in those ways, it dilutes the voting power of those people. When we're talking about Cincinnati, which is urban area, it has much larger communities of color combined with something like-

PART 6 OF 9 ENDS [03:18:04]

Speaker 7 ([03:18:00](#)):

As much larger communities of color, combined with something like Warren County, or to some of those counties to the east, completely different. Those counties are majority white. They're voting majority Republican.

Speaker 7 ([03:18:12](#)):

And so by doing that again, you're taking away people's voting power and kind of cracking and packing, like everyone's been talking about today. I don't know if that answered your specific question.

Chairman Wilkin ([03:18:25](#)):

Follow up.

Speaker 8 ([03:18:26](#)):

Thank you, Mr. Chairman. No, thank you for that. So I guess my follow up would be, do you think that the citizens of Hamilton County would be better served to have a Cincinnati anchored congressional district that includes most of Hamilton County? Or by a district that splits the county into three separate districts, as is being proposed right now?

Speaker 7 ([03:18:52](#)):

Sure. [inaudible 03:18:53] Representative Kelly. I do not think Hamilton County is best served by splitting up the county, and combining them with different communities that do not share the same interest.

Chairman Wilkin ([03:19:09](#)):

Any other follow up? Are there any other question... Representative Swearingen, sorry.

Rep. D.J.Swearingen ([03:19:11](#)):

Thank you, Mr. Chairman, and thank you for your testimony today. One question specifically in your testimony that's written at the top of page two, it says, "Constitutional criteria states that districts must be proportionally consistent with vote totals." Where in Article 19, does it say that?

Speaker 7 ([03:19:32](#)):

Yes, Chair Wilkin and Representative Swearingen. So, I do have an amended copy of my testimony, which I will email to you all. And the emailed copy, that does include that. I did not state that verbally today because it is missing a point about the four year map.

Speaker 7 ([03:19:50](#)):

And so I think what we've already achieved in this room of landing on the actual constitutional criteria is that if a bipartisan ten year map cannot be passed, and a four year map is passed with simple majority vote, then the constitutional criteria does state that the maps cannot unduly favor one party over another.

Speaker 7 ([03:20:18](#)):

And so that is an edit in my testimony that I will submit an amended written version. I would argue that that goal, either way, remains the same. So either a 10 year bipartisan map needs to be passed, or a four year map that does not unduly favor one party over the other. And so either way, when we're looking at this map right now, I don't believe it's going to be passed through a bipartisan vote. And I do believe that it unduly favors one party over another.

Speaker 7 ([03:20:53](#)):

And so if that were to be the case for this map to be passed for this map to be passed for four years, I do believe it would then be violating constitutional criteria. I'm not a constitutional lawyer, but that is my understanding of the criteria.

Chairman Wilkin ([03:21:07](#)):

Follow up.

Rep. D.J.Swearingen ([03:21:07](#)):

Quick, follow up Mr. Chairman. When it comes to article 19 in the four year map, if that was a route that this happened to go, constitutionally, can one party be favored over another, under that map?

Speaker 7 ([03:21:24](#)):

Sorry, Chair Wilkin, Representative Swearingen, can you repeat the question?

Rep. D.J.Swearingen ([03:21:28](#)):

Under Article 19, if there's a four year map, it says that you can't have anyone a party unduly favored, but wouldn't that be fair to that one party can be favored?

Speaker 7 ([03:21:40](#)):

Chair Wilkin, Representative Swearingen. Yes, so I believe that if it reflected Ohioans voter preferences, then yes, one party would be favored slightly, the Republican party. And so that is all many advocates are asking for is just that it reflects the state's voter preferences, that it is fair.

Speaker 7 ([03:22:03](#)):

It's not that Democrats should have more over Republicans. It's not that Republicans should have more than Democrats. It's just that it is fair. And so fair based on our state's history, our voter preferences, would be that Republicans would be slightly favored over Democrats.

Chairman Wilkin ([03:22:22](#)):

Representative Jones.

Re. Don Jones ([03:22:26](#)):

Thank you, Mr. Chairman, and thank you for your testimony. I've got a couple questions and I think they're straightforward questions. As I've read through your testimony, and we've heard so many numerous times, everybody wants to keep like-minded people together. And I've asked a question, is that a criteria for drawing maps? Yes or no?

Speaker 7 ([03:22:53](#)):

Chair Wilkin and Representative Jones. So I don't know that I actually specifically said like-minded. If we have recording, someone can correct me. I do know that what we've been advocating for is that communities have shared interest. Communities with shared issues, who for instance, might have an issue of pollution in their community. That's a shared interest, right? And so that may not just be this neighborhood, that could be this neighborhood over here.

Speaker 7 ([03:23:26](#)):

And so, you're looking at many different criteria. I did not say that is necessarily a constitutional criteria. But what we've been advocating for is when we're talking about fair maps, and districts that represent the people of Ohio, and that fulfill the spirit of reforms that Ohioans overwhelmingly voted for, we are looking at keeping communities of shared interest together. Making sure that especially people of color are not cracked apart. I would argue that intentionally, and strategically, cracking apart communities of color would go against the Voting Rights Act. Again, I'm not a lawyer. And so I would have to get more into that. But I would argue that that would be a true issue to deal with because communities of color have to have the right to elect representatives of their choosing, right?

Speaker 7 ([03:24:22](#)):

And if we are strategically and intentionally cracking apart, packing different communities, drawing the lines in that way, then that does go against the Voting Rights Act. But to sum it up, I would just say that we can argue all day long about what like-minded means, or if that's the correct phrasing to use. I don't think I used that phrase.

Speaker 7 ([03:24:43](#)):

But it would be very disappointing, I think, if this committee and the joint committee that ends up coming together to hopefully pass this map, if we simply try to get by with the bare minimum of what is required.

Speaker 7 ([03:25:03](#)):

And even still, there are many of us who don't think that a map like this would meet those requirements in other ways. So for instance, several districts are not compact. That is a clear, constitutional criteria, and listed.

Speaker 7 ([03:25:22](#)):

But if that is all we're looking at, if we don't care about drawing a map that fairly represents Ohioans, that allows Ohioans to truly pick who represents them to elect their officials, not the other way around then I think that presents a situation that that is really disheartening. And is not what this committee should be aiming for.

Chairman Wilkin ([03:25:50](#)):

Follow up.

Re. Don Jones ([03:25:51](#)):

Thank you, Mr. Chairman, through the chair of the witness. That was, I guess, a drawn out... You may not have said like-minded people in your testimony. I will clarify that and give you that. But one of my frustrations as I've listened to testimony today, we found reasons not to agree what's fair.

Re. Don Jones ([03:26:11](#)):

And you've brought up a point about the positioning of mosques, and different communities of faith, which I respect. But, I think we can all agree that we can sit here and have conversations all day long. We're not going to meet all these criteria that we are making up. And there are a bound set of criteria that was passed by the voters.

Re. Don Jones ([03:26:32](#)):

And I think we're getting away from that. And we're trying to let our personal preferences muddy the water, so to speak. But my question to you is this, and this is one that's been burning in me. If you would take a poll of most of the people in the state of Ohio, and ask let's say 10 people who their US Congressman is, how many do you think would know who their Congressman is?

Speaker 7 ([03:26:57](#)):

Chair Wilkin, Representative Jones. I have no idea what people would respond to that. That's a... I'm not sure what that has to do with the map at hand. I'm just not sure. I don't want to speculate. It depends on who you talk to.

Re. Don Jones ([03:27:13](#)):

Follow up, Mr. Chairman?

Chairman Wilkin ([03:27:15](#)):

Please.

Re. Don Jones ([03:27:16](#)):

Well, I guess my point is this, I mean, we all are here today for the sake of trying to get fair maps, or what we believe are fair maps. And I think we can all agree that we're going to disagree. And my question of asking you that is in my time I've spent, most people do not even know who their state representatives are, if you're out on the street asking that question.

Re. Don Jones ([03:27:37](#)):

And I'm saying this in terms of this, we can set here and split hairs all day. We can have disagreements. But we have to remember, there are criteria that we have to adhere to. And sitting here saying, we want to be able to keep communities together. I agree with all that, but sometimes it is totally impossible to make these lines the way we want them to be.

Re. Don Jones ([03:27:59](#)):

And that's just the reality. And I think we're getting too far away from that. And I mean, in your testimony, you bring up some very valid points and I respect them. But I think the point I'm asking is where do we stop and say, "Look, this is the best we're going to get based upon what we have. How much time can we spend?"

Speaker 7 ([03:28:20](#)):

Chair Wilkin, Representative Jones. I understand that not every single community or Ohioan will be pleased with the outcome of any map. That's not, I think, what any of us here are asking for today. Well, first, I think we can start with actually just presenting a map that meets constitutional criteria. That has not happened yet.

Speaker 7 ([03:28:50](#)):

At the very basic level, we can start with that. But following that, the process itself has been a failure. I think when we are talking about, well, we just need to talk it up to not, everyone's going to be satisfied. We've been working for months to try to make this a better process to actually help this committee and whatever committee comes together to pass this map to have real data, to have community input.

Speaker 7 ([03:29:26](#)):

Not to please every single person, but to do this in a transparent, fair, well thought out, strategic way, which is what Ohioans voted for. That has not happened.

Speaker 7 ([03:29:42](#)):

And so we're not here asking draw the map exactly this way to please every single person in Ohio. But there have been no good faith efforts made, to be honest. Like no good faith efforts have been made on the part of our leaders to put forth a map that even attempts to draw districts that fairly represent Ohioans.

Speaker 7 ([03:30:11](#)):

And so I just think that that is a scapegoat to say, we can't please everyone. And we need to move on. This map at hand does not even attempt to fairly represent Ohioans. It clearly violates constitutional

criteria. There are at least two districts. Again, I haven't had the time to like dive in immensely into the map, but there are at least two districts, including Cincinnati's district that are not compact. I mean, that's like basic constitutional criteria, 101, right there, just need to be compact.

Speaker 7 ([03:30:46](#)):

Okay, well, we already aren't meeting that. And then we look at what other things do we need to meet? It may not be spelled out exactly there, that communities of color don't need to be split up. But it does say that communities of color, in the Voting Rights Act, need to be able to elect people of their choice.

Speaker 7 ([03:31:05](#)):

If we are gerrymandering the state of Ohio, people of color, can't do that. And so that is violating the Voting Rights Act. And so I don't know how else to convince or to present why it is needed, that we actually make a good faith effort to draw these districts in a fair way. But drawing the districts in a way in which some analysis say 13, two, different analysis, but overwhelmingly are favoring one party. And they're drawn strategically to do that. That is gerrymandering. And that is what Ohioans voted against.

Chairman Wilkin ([03:31:50](#)):

Representative Jones, I'll give you one more follow up. Now, please be concise in your question and concise in your answer.

Rep. D.J.Swearingen ([03:31:55](#)):

No, no, no. Thank you. Mr. Chairman.

Chairman Wilkin ([03:31:58](#)):

Representative Brown.

Rep. Richard D. Brown ([03:31:59](#)):

Thank you, Chair. I'll be brief. Our Constitution Article 19, Section 01, Section C, paragraph three, subparagraph B, states, essentially that in a four year map, there shall not be an undue split of governmental units, giving preference to keeping whole counties, then townships, and municipal corporations.

Rep. Richard D. Brown ([03:32:26](#)):

So just focusing on the county's part of this, does the proposed map keep Hamilton County, whole?

Speaker 7 ([03:32:34](#)):

Chair Wilkin and Representative Brown. I believe, no, it does not. It splits Hamilton County into three districts.

Rep. Richard D. Brown ([03:32:41](#)):

And follow up, Chair. Does the map keep Summit County whole?

Speaker 7 ([03:32:47](#)):

Say that again?

Rep. Richard D. Brown ([03:32:48](#)):

Does the map keep Summit County whole? Akron?

Speaker 7 ([03:32:51](#)):

Chair Wilkin, and Representative Brown. I believe it does not. No.

Rep. Richard D. Brown ([03:32:54](#)):

Does the map keep Cuyahoga County whole?

Speaker 7 ([03:32:57](#)):

No.

Rep. Richard D. Brown ([03:32:58](#)):

No further questions.

Chairman Wilkin ([03:33:02](#)):

Any other questions? See none. Thank you for your testimony. Chair now calls Tim O'Hanlan. Is Tim here? Chair recalls Susan Cavanaugh.

Susan Cavanaugh ([03:33:14](#)):

Thank you. I do have... Oops. I do have testimony to hand out. Can I have a different mask to put on? Oops. Excuse me. You checked everybody, but also wanted you to hear. So testimony-

Chairman Wilkin ([03:33:41](#)):

Please just hand them to the first Representative, or... Thank you, Fred. Ma'am, welcome to committee. You may begin when you're ready.

Susan Cavanaugh ([03:33:54](#)):

Yes. Thank you. Chair Wilkin, Ranking Member Brown, and members of the Ohio House Of Representatives, Government Oversight Committee. Well, first I should say I'm Susan Cavanaugh, C-A V-A-N-A-U-G-H. Thank you for the opportunity to testify regarding redistricting and House Bill 479. And I'll also add, I'm here as a citizen.

Susan Cavanaugh ([03:34:20](#)):

I'm a lifelong resident of Ohio. Born in a small town. Grew up on a small farm. Lived in a medium sized city. And for the past 45 years, I have lived in the Downtown Columbus zip code of 43215. For many of those years, I lived in a community called Victorian village in District Three, 2.1 miles from where I am now standing. Then I moved to the short north, a half mile closer. Imagine my surprise, when a farmer outside of Chillicothe, and a city council member from Athens, Ohio, started writing to me wanting to be my congressional representative.

Susan Cavanaugh ([03:35:09](#)):

I had moved to their district. Now, I live about a 12 minute walk Southwest of the Capitol, and I'm back in district three. I refer you to addendum one, to see these current gerrymandered districts. I've heard a 2021 House Government Oversight Committee Hearin... (Completed 11/05/21)

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lot about, I don't understand what jury don't understand what gerrymandering is. Well, just look at the shapes of these. This is gerrymandering.

Susan Cavanaugh ([03:35:41](#)):

I was among those who worked hard on redistricting; collecting signatures. I was skeptical when told that the Republicans were taking care of it for the congressional district and that they, too, wanted to end gerrymandering. Seeing the map introduced yesterday tells me I was right to doubt that you were serious. This proposed map is totally dismissive of all those who worked to end gerrymandering. It is totally dismissive of anyone living in any city in Ohio.

Susan Cavanaugh ([03:36:18](#)):

If you look at addendum two, you'll see how House Bill 479 splits Franklin County into three districts. And the shapes of those three districts. Now, the population of Franklin County is over 1.3 million, that could equal 1.8 representatives in Congress. It would be very easy to add two to 300,000 people by looking at any number of bedroom communities that surround Columbus.

Susan Cavanaugh ([03:36:57](#)):

Instead, your map makes one Democratic District and divides the rest of Franklin County into two other districts. Adding enough rural counties to each to ensure two Republicans are elected. This is gerrymandering. By looking at the map, I can't tell if I'll be in district three, urban, or 15, with farmers in Licking and Fairfield counties.

Susan Cavanaugh ([03:37:24](#)):

It makes no sense to me that, I, living in the middle of the largest city in the state could be in a farming district. It's worse for my friends who live in the Northeast part of Franklin County. Their new district would extend to Lima, Wapakoneta, and Mount Gilead. This is gerrymandering.

Susan Cavanaugh ([03:37:46](#)):

I won't go into detail, but if you look at the Republican map in addendum three... Oops, [inaudible 03:37:54] that up there, it's clear that Cleveland, Cincinnati, Toledo, Akron, Akron Canton, have all been gerrymandered. It's contemptuous of anyone living in an Ohio city. Telling me this map is fair, tells me you think I'm stupid, and I'm not.

Susan Cavanaugh ([03:38:18](#)):

Now, if your plan... And I just thought about this kind of walking over here this morning. I thought maybe there is a reason. If your plan is for Ohio to continue to lose population, especially among young people, and how the brain drain increase, I think you'll succeed with this map. I thank you for the opportunity to testify. I hope you'll have more hearings, and I'd be happy to answer any questions.

Chairman Wilkin ([03:38:45](#)):

Any questions? See none. Thank... Oh, Representative Hicks-Hudson.

Rep. Paula Hicks-Hudson ([03:38:54](#)):

Thank You, Mr. Chair. I want to just thank you for your testimony, for being here at the very beginning, sitting through where we are today. And I do agree with your analysis and looking at how these maps affect you as a citizen. So I just wanted to say thank you for that.

Susan Cavanaugh ([03:39:17](#)):

You're welcome.

Chairman Wilkin ([03:39:19](#)):

Thank you for your testimony.

Susan Cavanaugh ([03:39:20](#)):

Thank you.

Chairman Wilkin ([03:39:20](#)):

The Chair would now call up Michael Ahern.

Michael Ahern ([03:39:34](#)):

Hi, I'm Michael Ahern. I live in Blacklick and I do know who my state representative is. Before I get started with my testimony that I had prepared. I do want to say that the process associated with considering this bill seems to me to be extremely rushed when it does not need to be. I really want to have additional hearings on this bill, particularly in other parts of the state.

Michael Ahern ([03:40:07](#)):

Those of us that live in Central Ohio, at least we can get here with 24 hours notice. But if you want meaningful public input, which I think the reforms that are in our constitution really are driving towards in terms of process, you certainly are not meeting that bar through the process that has unfolded so far. And I think it's very disappointing and it does a service to the voters of Ohio; and actually all citizens, whether they vote or not.

Michael Ahern ([03:40:42](#)):

In addition, one other item, procedurally, through the redistricting commission process, there were an awful lot of excellent maps that were submitted by very thoughtful people with rational arguments, for why they drew the maps, the way that they did. In the 24 hours that I've had to take a look at the map that we're talking about today here, I can't find much rationality, other than gerrymandering in that map.

Michael Ahern ([03:41:13](#)):

If you are really interested in meeting the requirements, and the spirit, of the redistricting reforms, then you would have a portal for citizens to be able to submit the maps. I heard yesterday that the commission's portal at this point in the process is not the mechanism to submit maps. It's not going to be considered by the legislature. Those maps aren't going to be considered. The arguments, the underlying documentation, and so forth is not going to be considered by the legislature, and that needs to occur and is part of the process.

Chairman Wilkin ([03:41:46](#)):

If can I interrupt for just one second, if you can just please address the House Bill in front of us right now? Anything to do with the commission is not part of this right now. It's just the bill.

Michael Ahern ([03:41:56](#)):

Correct. And I'm only mentioning that in context, that there was a process and a portal for the public to meaningfully participate. Whereas, right now associated with this bill, there is not. Now, to go to my testimony. For the past couple years, I've been a poll worker, and I'm an unaffiliated voter. So I'm not part of either of your parties. And I end up having to vote for whoever makes it through your primary, through gerrymandered districts. But at the board of elections across Ohio, there are Republicans and Democrats, and unaffiliated people like myself. And we go there and we make the sausage of the voting process. And we do that in a nonpartisan fashion.

Michael Ahern ([03:42:56](#)):

They take their hats off. They watch each other. They're together throughout all the steps of the process. And they make sure that every vote counts, literally. But in gerrymandered districts, it's a foregone conclusion for some voters before they even enter the voting booth. This is the only part of our voting process across the nation where partisanship seems to take precedence over the vote of any individual. And that is what the redistricting reforms we're trying to address.

Michael Ahern ([03:43:40](#)):

I want to show you this picture here. Okay? And I know it's difficult for you to see. You can't tell the two people who were suited up last November at the Franklin County Board Of Elections for early voting. You can't tell which one is the Democrat and which is the Republican. Whether I brought it right up to you, or not, okay?

Michael Ahern ([03:44:01](#)):

They did their job in a nonpartisan fashion. They put their lives on the line so that people could come and vote. And so that the votes could count. You should do the same thing here. You should take your party hats off, and act as legislators, and draw fair maps and district maps and districts that are competitive, that are compact, represent communities. And the map associated with substitution House Bill 479 does none of that, in my opinion.

Michael Ahern ([03:44:31](#)):

Now, I would love to be able to give you some detailed comments on that map, but because of this rushed process, I'm not able to do that. Because of the fact that when the maps were first introduced, it was just a PDF file and not the shape files. I'm not able to do that analysis and give you good input. So I'm here today to represent the average Ohioan that wants to be involved in this process, that wants their vote to count. That wants fair maps that are consistent with the reforms. And so I'm here to ask you, in fact, demand of you, to do your jobs under the requirements of the reforms. Thank you.

Chairman Wilkin ([03:45:16](#)):

Are there any questions? See none. Representative Howse.

Rep. Stephanie Howse ([03:45:23](#)):

It's getting worse. So, okay. What if I whisper? Can you hear me better? Nevermind. I'm trying to get through the Chair. To the sponsor of the Bill, earlier in testimonies, I thought I heard a representative say that people can send a map to the State House or go to the redistricting website. Was that correct, Chair? I just wanted to get some clarity.

Chairman Wilkin ([03:45:57](#)):

I don't recall for sure.

Rep. Stephanie Howse ([03:45:58](#)):

Okay. Well, I'm pretty certain, it was Representative Abrams who indicated that people can go to the Redistricting.Ohio.gov website or just send it in. And when you go to this website, it doesn't talk anything about the congressional maps.

Rep. Stephanie Howse ([03:46:15](#)):

And so I just want to reiterate what you said. There is no opportunity, even though we voted on an amendment to allow Ohioans, to submit maps. We have not established a process for people to do that. And so I guess through the Chair, can you explain how can Ohioans fully participate in this process and to submit maps for this process?

Chairman Wilkin ([03:46:44](#)):

Representative Howse. I misunderstood. I thought you said the bill sponsor said that yesterday.

Rep. Stephanie Howse ([03:46:47](#)):

Well, I was talking about today.

Chairman Wilkin ([03:46:49](#)):

Do you believe that Representative Abrams did make a comment today and I'll recognize Representative Abrams to answer that question.

Rep. Cindy Abrams ([03:46:55](#)):

Thank you, Chairman. Through the Chairman to the Representative. If you go to Redistricting.Ohio. gov, you go to the menu, you'll click on public input. Then at the top, in a red button, contact the commission or submit map.

Rep. Stephanie Howse ([03:47:15](#)):

Through the Chair. This is regarding the redistricting commission. The process for congressional maps is through the Ohio general assembly, not through the redistricting commission. So clarification through the Chair, again, how are people supposed to know when it is not stated through the congressional process, again, for the Ohio General Assembly, which is a different process than the redistricting commission.

Chairman Wilkin ([03:47:44](#)):

Representative Howse, if I can, I would say, sir, if you have a map to present, you can send that through the Chair's Office and we'll distribute it to the committee.

Re. Don Jones ([03:47:52](#)):

Thank you, Chair. Sorry.

Chairman Wilkin ([03:47:55](#)):

Representative Abrams.

Rep. Cindy Abrams ([03:47:56](#)):

Thank you, Chairman. Just to clarify. Again, if you go to the... When you click submit your map, you can choose general assembly or congressional. Okay? On the computer here. Furthermore, we all voted on this. It was an amendment to House Bill 92 that was signed by the governor.

Rep. Cindy Abrams ([03:48:12](#)):

Again, to be able to have the public input on this. So, everybody in the room here voted for that. Again, House Bill 92. So the public can submit right here. I'm looking at it, again, on the website that we both agreed to, the same one; Redistricting.Ohio.gov.

Rep. Stephanie Howse ([03:48:29](#)):

Point of clarification. Again, I am on the website. You had the Redistricting Commission, which was responsible for the process regarding our legislative house districts. We are now still in the phase where the Ohio General Assembly is supposed to be collecting input, right?

Rep. Stephanie Howse ([03:48:53](#)):

As me, as a State Legislator, how am I supposed to get access to these maps? I'm not a part of the Redistricting Commission, and this is not what this says. It is not outlined like that for everyday Ohioans. And the sponsor just indicated that again, it was communicated to people that they are not considering the maps submitted on this commission website. So clarification and the question to the Chair, how is it outlined? And what are Ohioans supposed to do to submit their ideas of how Ohio's congressional maps should be done?

Chairman Wilkin ([03:49:30](#)):

Representative Howse, I've just made the offer. If he would like to submit a copy of a map to us, we will distribute it to the committee. Are there any questions for the witness?

Rep. Stephanie Howse ([03:49:37](#)):

A point for clarification, what about everybody else? What about Ohio's?

Chairman Wilkin ([03:49:42](#)):

I'm sorry?

Rep. Stephanie Howse ([03:49:43](#)):

What about... I understand the sponsor. I mean, the gentleman, I appreciate you, and he can submit it to the Chair. What about all other Ohioans and how are we communicating that in the public forum to submit their maps?

Chairman Wilkin ([03:50:00](#)):

I think I've been clear in saying if they want to submit it to us through the Chair, we will do our best to get everything out.

Rep. Stephanie Howse ([03:50:05](#)):

Can we get that on-

Chairman Wilkin ([03:50:06](#)):

Actually, the Chair is going to move on. Sir, are there any questions for the way the witness? Hearing none. Thank you for your testimony.

Michael Ahern ([03:50:15](#)):

Thank you, sir. Chair would now call, is it Katie Shanahan?

Katie Shanahan ([03:50:29](#)):

Good afternoon, Chairman Wilkin. I appreciate the opportunity to testify today. I didn't realize that I'd be able-

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Katie Shanahan ([03:51:00](#)):

I appreciate the opportunity to testify today. I didn't realize that I'd be able to do both the Senate and the House so I appreciate my late submission and I will follow up with an email to your office with my testimony in writing. Just a very quick point about the... Oh, I'm sorry.

Chair Wilkin ([03:51:15](#)):

Can I interrupt you just one second? And this is only because I forgot. If anybody that has come in and just signed up. If you have your testimony, you wish to email to make it part of the record of my office, we will do that. So thank you for reminding me.

Katie Shanahan ([03:51:26](#)):

Thank you. Just a quick point to follow up on Representative House's questions. The website that you're pointing to says at the top the Ohio Redistricting Commission and so I would just note that it's perhaps confusing to everyday Ohioans who travel to that despite the bill that you passed to set up that as a technical way for people to submit maps. Perhaps it could be updated to reflect where the process is now, which is not in the redistricting commission, which is disbanded as of Sunday, but could perhaps reflect that it's actually to the Ohio legislature that people are submitting maps. Just a tip, perhaps to make the process more accessible for everyday Ohioans. I appreciate that people could either mail it to the state house or to email it to you, Chair Wilkin. My name is Katie Shanahan and I'm the Ohio State Director for All On the Line, a grassroots advocacy organization that's working to restore fairness to our redistricting process and to end gerrymandering.

Katie Shanahan ([03:52:20](#)):

For the last decade, Ohioans have lived under some of the most gerrymandered congressional districts in the country. Our district lines carve apart our neighborhoods, dilute our political voice and diminish the power of our votes. Our current map is not fair, but this year you all have a chance to rectify that. In fact, you have a duty to do so. Unfortunately, the Republican proposed map is even more gerrymandered than our current one. It is, to borrow a word from Secretary of State LaRose, asinine to suggest that it complies with either the promise of our 2018 reform measure or the letter of the law. The Republican proposed map is not a fair one and it should be rejected wholesale. What does a fair map for Ohio actually look like? To us at All On the Line, a fair map is one that keeps our communities together.

Katie Shanahan ([03:53:08](#)):

It provides real pathways to political representation for Ohio's communities of color, and it reflects how we actually vote. A fair map, like I said, would keep Ohio's communities together as much as possible, particularly those in and around the state's largest cities to ensure adequate political representation for everyone. Our current map does a masterful job at carving apart especially our big cities with the purpose of undercutting our political power. My own congressional district is a perfect example of this practice. I live in Clintonville, which is an urban and progressive Columbus neighborhood, about a 10 minute drive from the state house here. And the bulk of my life revolves around Columbus. I grew up here. I went to school here. I work in and around downtown Columbus and it's surrounding suburbs, but my congressional district lines take me out of Columbus and into a seat that stretches an hour north to Mansfield and an hour east to Zanesville. That is otherwise a district that is rural and conservative. Under the Republican proposed map, my community is packed into just one of the three democratic congressional seats for Franklin County, a county that is overwhelmingly Democratic, and yet would only be represented with one Democratic congressional member and two others who are Republicans. In a wild twist, another Franklin County district includes the Ohio State House, which is in central downtown Columbus with cities like Newark and Lancaster.

Katie Shanahan ([03:54:33](#)):

I can't imagine anyone with a straight face can argue that that map lives up to what Ohioans demanded when we asked in 2018 for new maps that actually protect our communities. The proposed map splits Columbus into three different districts despite language in the Ohio Constitution calling on all of you to keep most of the city hall. The map also pairs Dublin, a Columbus suburb with Lancaster. Other parts of suburban Columbus with Lima. Akron with Hawking Hills. Lorraine, a city on Lake Erie with Millersburg. Cincinnati with Portsmouth. And Shelby County or Warren County, depending on which of the three districts Hamilton County is carved up in. It splits Toledo in half paring it with Mercer County in one district and Knox County in another.

Katie Shanahan ([03:55:19](#)):

And it splits Cuyahoga and Hamilton into three districts and some into four districts, again, relegating it to another decade of no representation. That level of cracking is surgical in nature and with cruel in intention, to drive us apart, to deny our community's real representation and to dilute the power of our vote. A fair map would reverse that sort of cracking. It would anchor congressional districts in each of Ohio's major cities: Cleveland, Cincinnati, Columbus, Toledo, Dayton, and Akron, to ensure that each of them is represented wholly and not just in part. It would minimize county splits to maximize community representation and special attention should also be paid to their surrounding suburban areas to avoid what happens under current lines with them being cracked apart and drowned into otherwise rural

districts. By prioritizing keeping communities together in these Metro areas, map drawers will also be able to achieve the statewide ideal of partisan fairness. By not cracking and packing these areas, a new map would help ungerrymander the currently enacted map and provide real representation that is more in line with the state of Ohio.

Katie Shanahan ([03:56:29](#)):

Additionally, it's important that a future map ensures that each Ohioans vote is fully realized. To live up to the constitutional promise of one person, one vote, our district should be drawn so that no one person's vote holds any more or less power than any other person's vote. But redistricting is a balancing act. There are always multiple important issues at it, sorry important interests at issue, but ultimately maximizing community representation is key. Any attempt to use one person, one vote as a smoke screen for an unfair map actually defeats the goals of fair representation behind one person, one vote. A fair map would also provide communities of color real pathways to political representation by reversing the current gerrymandering that dilutes their voting power across the state. Anchoring districts in and around especially our major cities will not only better serve those communities overall, but it also serves as an important protection against gerrymandering for communities of color.

Katie Shanahan ([03:57:32](#)):

Unfortunately, the Republican proposed map also fails in this regard. For example, the black and Latino communities in Cuyahoga County are packed into just one district while the AAPI communities are cracked apart into separate ones. Franklin County's black communities are split into three different districts. Toledo's black communities are split into two different districts. Black communities in Springfield are carved apart from more similar communities in Dayton and Montgomery County. And the map split apart Cincinnati's black and AAPI communities into different districts. Again, that sort of surgical carving apart of communities causes grave concern because the ultimate impact is that it dilutes the political power of Ohio's communities of color and denies them real pathways to political representation. Special attention must also be paid to the areas in our state where we have seen considerable growth and shifts in especially immigrant and new American communities like the Somali and East Asian communities in and around my hometown of Columbus. Where we have seen the biggest growth in population and in diversity, we should also see a growth in real political representation.

Katie Shanahan ([03:58:38](#)):

It's also important to note that fair districting does not require us to be color blind. A fair congressional map for Ohio is one that actually reflects the diversity of our state. And just as going outside in a thunderstorm with your eyes closed won't keep you from getting wet, drawing maps with racial data turned off won't keep you from being held responsible if ultimately your map dilutes the political power of communities of color. Fair redistricting must include the acknowledgement of how diverse communities actually need and want to be represented. As part of the work that you all are doing to develop district maps that are both responsive to and reflective of our communities. As mentioned before, our current congressional map is one of the most gerrymandered in the country. Despite the fact that Republicans have only won 54% of the statewide share of our votes in the last decade, they occupy a staggering 75% of our congressional seats. That sort of discrepancy between how we actually vote and who gets elected means that we as voters are essentially taken out of the political equation.

Katie Shanahan ([03:59:40](#)):

It is not we the people who elect our representatives, it is our gerrymandered maps that do so. That's not how democracy should work. The Republican proposed map also fails in this regard, as it would award 13 of our 15 seats to Republicans giving them 87% of our congressional seats and even more gerrymandered district lines than the ones that we have now. The map additionally fails to reflect the competitive nature of our state, affording no competitive seats that fall within a 48 to 52% range that would favor one party over the other. All in all, this map, again, puts politicians over people, manipulating district lines to serve partisan interests and not those of the communities these lines are meant to serve. A fair map would rectify partisan gerrymandering and would instead reflect our partisan balance with seven Democratic seats and eight Republican seats. Among those, the map would also contain multiple competitive seats to actually reflect where in our state we actually have swing votes.

Katie Shanahan ([04:00:43](#)):

Ohio is a purple state with voters who have voted for both Democratic and Republican candidates statewide across the last decade. And our district should reflect how we actually vote, including some areas with truly competitive seats. For more than two years, my job has been to lead our organizing efforts to prepare Ohioans to engage at every step of the redistricting process because redistricting is after all ultimately about the people, which means it's all of us who should be centered in any conversation that you have about what our districts look like that will impact our political future for the next decade. Unfortunately, this hearing is inaccessible to most Ohioans. We were all required to submit testimony before even seeing the Republican proposed map. Nevertheless, Ohioans have met and will continue to meet the moment to continue to show up and fight for the fair process and maps that we deserve.

Katie Shanahan ([04:01:38](#)):

Our activists, many of whom would've loved to have been here today but couldn't given time and location constraints, are dedicated to a future in Ohio where our government works for, serves and actually represents all of us. They are committed to fighting for our communities to ensure that they have the political representation that they deserve and that ultimately our democracy in Ohio is strong. From day one, All On the Line and our activists have advocated for just two things: an open, transparent redistricting process and fair maps for Ohio, maps that keep our communities together, that provide real pathways to political representation for communities of color. And that actually reflect how we vote. In other words, we are asking for maps that look nothing like our current ones or like the ones that the Republicans proposed yesterday. Our congressional redistricting process to date has been, to put it lightly, disappointing.

Katie Shanahan ([04:02:34](#)):

Despite the resounding message that Ohio's voters delivered to all of you in our 2018 reform, this process has not been open. It has not been transparent. It has not been accessible to most Ohioans. And I fear that ultimately the outcome will not be a fair map. In 2018, Senate President Matt Huffman said that he was "confident that all of you could develop a process that reflects the will of Ohioans and provides a way for everyone to be fairly and equitably represented in Congress."

Katie Shanahan ([04:03:01](#)):

That is not what you all have done to date, either with the process for drawing maps or in the map that you have proposed. Drawing maps behind closed doors without any real regard for public input and with incredibly gerrymandered lines does not reflect the will of the 75% of Ohio's voters who demanded a

fair map in 2018. And a 13-2 map is certainly not one that provides a way for Ohioans to be fairly and equitably represented in Congress. In the next 26 days, though, you all have an opportunity to deliver for Ohio, to offer robust public engagement opportunities through hearings with accessible maps across the state, outside of daytime working hours, and with virtual testimony options to deliberate in the open about how best to draw maps that reflect our communities and to adopt a map that is fair, not just for one party or the other, not just for a group of special interests, but for all Ohioans. We will be here fighting every step of the way.

Katie Shanahan ([04:03:59](#)):

And we ask only that you join us in the fight for fair maps. Thank you. I'm happy to take any questions.

Chair Wilkin ([04:04:04](#)):

Are there any questions? Representative Hicks-Hudson.

Paula Hicks-Hudson ([04:04:09](#)):

Thank you, Mr. Chair. Before you gave your testimony, you talked about maybe a suggestion as to how we can get the public could have a stronger input into this process. Do you have any ideas as, I mean, there's been some confusion I think about the Ohio redistricting commission and whether or not their website is doable or not. Do you have a suggestion that we might be able to use in addition to having maps or testimony sent to the chair on how this might be an easier way to do?

Katie Shanahan ([04:04:47](#)):

Through the chair, to the representative, I would repeat my request that the header of that website be changed to actually reflect the body that's now in charge of the redistricting process, which is not the disbanded redistricting commission, but the Ohio legislature. And I would also encourage that there be a place for people to leave, not just maps, but also public comment on the maps. Drawing maps is not something that is accessible to everybody. I'm paid to do this work, and I don't even draw maps. So having a way for people to engage in this process that is not just relegated to either showing up in person at the state house during daytime working hours or in drawing a map that gets submitted to a portal that we hope you all are also looking at, even though it was originally made for the commission. There needs to be real accessible ways for folks to give input in various medium.

Chair Wilkin ([04:05:34](#)):

Follow up?

Paula Hicks-Hudson ([04:05:37](#)):

Follow up, but it's more to the chair. And I really was hoping not for us to talk so much about process today, but I think that this is highlighting another need for us as this committee to be moving forward. So I'd ask the chair to see if there is a way that we can do two things. One, which is to be able to, which I don't know if we can, since the commission has, I won't say they've decommissioned themselves, but I'm not really sure if we can have access to that information as members of this committee. That's number one. If we can find that out and if so to make it available both ways for the public to be able to give us that information that we need and that we also have access to it so that we can look at it in the middle of the night if we need to in preparation for our hearings that are coming up next week.

Chair Wilkin ([04:06:37](#)):

I [inaudible 04:06:38] Hicks-Hudson. My understanding that House bill 92 has set up that domain for the public.

Paula Hicks-Hudson ([04:06:43](#)):

So is there any way that we can get that information out to the public and to us members so that we can spread this information around please? Because this is the first time I've heard anything about that. And I know that this is only our second committee hearing, but we need to be really engaged in such a way so that while we're dealing with these maps and we have differences of opinions as to their gerrymandering and their validity and meeting with the constitution, but we should be on the same page with the same hope of having input from the citizens on these maps, on this process, so that we can do our jobs and that we can also be prepared. So thank you, Mr. Chair for that.

Chair Wilkin ([04:07:29](#)):

Thank you. Are there any other questions for the witness? Representative House?

Representative House ([04:07:35](#)):

Thank you, through the chair. So I don't have a question for her. You know what? I don't have a question for her. I'm going to wait till after the witnesses because I would like to engage in this conversation regarding the website, but I'm going to wait till after the witnesses and go back to it because we need to get some understanding. Would you like for me to do it now or would you like for me to wait?

Chair Wilkin ([04:07:53](#)):

I'm not even a hundred percent sure what you said.

Representative House ([04:07:54](#)):

Okay. So let me say this. When we look at the process that we have outlined for congressional redistricting, as it is stated in outline, the general assembly had an opportunity by September 30th to pass a map. After that point, the Ohio redistricting commission had up until October 31st to come up with a map, which we did not do. Today is November 4th, right? Which is now the responsibility of the Ohio general assembly. At this moment, when we talk about the redistricting website, which you have indicated the Ohio redistricting commission is not in existence anymore. So A, Mr. Chairman, I am going to ask if you can work with whoever the Republican party or Republican leadership to get an updated website that articulates we are now in the process with the Ohio general assembly dealing with congressional maps and people need to submit the information however we going to submit it.

Representative House ([04:09:12](#)):

And to ensure that all of us as legislators can have access to that information because it is not a thing as what happened during the redistricting process, to our understanding, the Democratic members didn't have access to stuff at the same time. And as a member of the Ohio general assembly, it is my expectation, I'm not going to be a backup singer. We all sing it at the same time. And so we need to have the information at the same time. So if you can help do that based on where we are on November 4th and where we're supposed to be in this congressional redistricting process, that would be really helpful to allow Ohioans to fully participate and then give input to congressional maps.

Chair Wilkin ([04:09:57](#)):

Representative House, based off of House bill 92, that domain is set up and you are welcome to send that information out. It's available to everyone. You're welcome to send that information out.

Representative House ([04:10:06](#)):

I'm sorry. Chairman, how is that domain, this domain, this website set up for congressional redistricting when the redistricting commission is not in existence anymore? How?

Chair Wilkin ([04:10:21](#)):

The website is still available though, is it not representative?

Representative House ([04:10:22](#)):

Again, how is this website available to Ohioans when the redistricting commission is not in existence anymore? And we are now in a process, congressional redistricting is the responsibility now of the Ohio general assembly.

Chair Wilkin ([04:10:40](#)):

Representative House, House bill 92 specifically kept that domain open. That's what we voted on.

Representative House ([04:10:45](#)):

It might have kept the domain open, it does not state that. Constitutionally, the Ohio general assembly is responsible. And this is not what it states on the website. I can read. Let me read it to you because-

Chair Wilkin ([04:10:57](#)):

Representative House, I'm not going to get into a back and forth anymore on this.

Representative House ([04:11:00](#)):

You don't have to get into a back and forth.

Chair Wilkin ([04:11:02](#)):

Representative House, I'm not going to get into a back and forth.

Representative House ([04:11:04](#)):

Chairman [crosstalk 04:11:05].

Chair Wilkin ([04:11:04](#)):

Moving on, are there any questions for the witness?

Representative House ([04:11:09](#)):

I'm sorry. Point of order.

Chair Wilkin ([04:11:10](#)):

Chair recognizes Representative Galanski.

Representative House ([04:11:12](#)):

Well, no, point of order, because again-

Chair Wilkin ([04:11:14](#)):

Point of order is not recognized.

Representative House ([04:11:16](#)):

Okay, well we have to come up with something. Because again, how are we... People are not being able to communicate.

Representative House ([04:11:22](#)):

(silence).

Chair Wilkin ([04:11:54](#)):

That website is still open. There were things sent in from a gentleman who testified today and there's one I believe was sent in yesterday. Thank you, Representative [inaudible 04:12:03] for that information. At this time, the chair has recognized Representative [crosstalk 04:12:06].

Representative House ([04:12:05](#)):

Point of order. Chairman, the website says if you are testifying in person and are submitting [inaudible 04:12:12] testimony for our regional hearing of the redistricting commission, email a completed witness information form to testimony every district in ohio.gov. We are not at a regional hearing. We are here.

Chair Wilkin ([04:12:25](#)):

Representative Galanski, do you have a question?

Representative House ([04:12:28](#)):

Again, just because you don't like what I'm saying, you can't ignore me, like seriously, like how people supposed submit the information. This is what the website say Chairman.

Chair Wilkin ([04:12:39](#)):

Committee's going to stand at ease.

Chair Wilkin ([04:12:40](#)):

(silence).

Chair Wilkin ([04:13:29](#)):

Committee will come back to order. At this time, representative Galanski, do you have a question for the witness? See none. Thank you for your testimony. Is there anyone else here to testify on House bill? I was told Tim O'Hanlon has arrived.

Tim O'Hanlon ([04:13:49](#)):

Thank you. I will dispense with the lengthy salutations due to the time crunch here and just say Mr. Chairman, members of the committee, good afternoon. My name is Tim O'Hanlon. We live in the sliver of Columbus that was cracked into the meandering and very gerrymandered 15th congressional district, a district that meanders over 12 counties. Thanks to extreme gerrymandering, we've been disenfranchised for a decade. And now, as a further insult to representative democracy, our Congressman for the next year will be a Murray Energy coal lobbyist who is at the table when notorious House bill 6 was taking shape. Needless to say, ah, you'd have to look pretty hard to find any kind of common interest between the people in my community and our soon to be representative. The only transparency in the redistricting process thus far has been the blatant defiance of constitutional mandates voted by over 70% of Ohio voters in the 2015 and 2018. The congressional map, and I'm referring to the House map here, I didn't even find the Senate one until a few hours ago.

Tim O'Hanlon ([04:15:37](#)):

That magically appeared on November 3rd, offers a new variety of disenfranchisement by gerrymandering. This time we, and I'm referring to myself and my family and neighbors, would be packed into an overwhelmingly Democratic district three, almost impossible to lose there, in exchange for reducing Ohio's democratic congressional delegation from 4-2. A fair and proportional congressional map would reflect the percentage of Republican and Democratic voters in statewide elections over the past 10 years. It's a pretty yardstick. A proportional Ohio congressional map at minimum would produce eight Republican leaning districts and at least six districts that lean Democratic. The remaining district might be, would be a highly contested one with a slight Democratic tilt, but clearly winnable by the most effective candidate from either party. That would be proportional representation.

Tim O'Hanlon ([04:17:06](#)):

And despite the parade of disingenuous public statements, the leaders of the majority party in the Ohio Senate and House are well aware that political scientists commonly employ the percentage of Republican and Democratic votes in analyzing the degree of proportional representation in state legislative and congressional district maps. It's a commonly used, almost unanimously used, there are other little statistical wrinkles, but that is the standard definition of proportional representation. To pretend otherwise is simply to deny reality. Have a lot of that going on. But as with the Ohio Senate and House maps, the majority leadership is either advancing a bizarre definition of proportionality that no one else besides them recognizes as valid, witness the assertion that proportional representation didn't reflect the percentage of votes by the two major parties, but the number of elections won, the percentage of elections won over the past 10 years.

Tim O'Hanlon ([04:18:25](#)):

Now nobody that I've read in the political science community accepts that as a reasonable definition of proportional representation. And I dare say that the Republican majority leadership, some of whom were present during the crafting of these amendments, constitutional amendments, are well aware of that. To say otherwise, as I mentioned, is just disingenuous. It's either that, that they're honestly to advance the same sort of strange criteria for proportionality or just shamelessly abandoning any pretensive democratic representation altogether. Now the two are not mutually exclusive so I suspect it's a little or a lot of both. Like the Ohio Senate and House maps, this newly hatched congressional map represents nothing less than an attempt by the Republican leadership to draw their way to a congressional majority where issues that matter to the of Ohioans can safely be ignored and the only people that need to be listened to are a vocal minority. This has been going on for a decade. I remain

hopeful that we can produce something in the way of representative democracy for the next 10 years. Thank you very much.

Chair Wilkin ([04:20:12](#)):

Any questions for the witness? Representative Plummer.

Representative Plummer ([04:20:16](#)):

Thanks Chair. Sir, thanks for your testimony here, but let's talk about reality. So in your testimony, which is a public record, you indicated that we have a Congressman who was at the table during the corruption and House bill 6. Now being elected officials, do you have any evidence to back up this claim, sir?

Tim O'Hanlon ([04:20:38](#)):

Well, this is my own reading. I'm not, and perhaps it's good that you ask that question. I'm certainly not accusing the recent Congressman elect of any kind of corrupt activity. I do know from news reports that he was involved in when that bill was being formulated. The extent of his involvement beyond that, I don't know. I was offering that as an example of when you create a district that wanders over one third of the state, you don't get commonality of interest and we've been represented. We've been stuck in a district that has very little to do with daily life in my part of Columbus.

Chair Wilkin ([04:21:33](#)):

Follow up?

Speaker 9 ([04:21:34](#)):

Follow up.

Representative Plummer ([04:21:36](#)):

Well, sir, just for the record, we have all read every public document pertaining to the House bill 6. We've seen numerous people indicted. I fail to see this particular Congressman's name in any indictment. So just for the record, your statement is you're not implicating him in any criminal activity, you're just using this as an example?

Tim O'Hanlon ([04:21:56](#)):

Of course not. I don't know that. And I'm sorry if I insinuated that. I know that Murray Coal and he is a lobbyist was engaged with energy issues.

Chair Wilkin ([04:22:13](#)):

Excuse me, sir. At this point, we are going to stick to House bill 479. If you want to address specifically that, that's what we're going to talk about.

Tim O'Hanlon ([04:22:21](#)):

I apologize to the chair and to the committee if I insinuated. I was trying to illustrate the lack of common interests in our newly minted congressional representative for the next year. That's all. Point well taken, Representative Plummer.

Chair Wilkin ([04:22:47](#)):

Any there any other questions? Representative Swearingen.

Representative Swearingen ([04:22:52](#)):

Thank you, Mr. Chairman, and thank you, sir, for your testimony today. Two questions. You mentioned proportional representation and commonality of interest. Where in article 19 of the Constitution that governs the congressional district map making does it say those things?

Tim O'Hanlon ([04:23:11](#)):

Unlike the constitutional amendment that governed the creation of state, Senate and House legislative districts, there is no specific requirement for proportional representation.

PART 8 OF 9 ENDS [04:24:04]

Speaker 10 ([04:24:00](#)):

... requirement for proportional representation, as operationalized by the percentage of the two parties' votes in statewide elections over a period of time. I was making two points there. There is no gerrymandering provision in the constitutional amendment dealing with... It said it should not favor one party over another. I do believe that is in both constitutional amendments. So I was trying to make that point, that a 13 to two ratio of the Republican delegation to Democratic, on its face, is suspect in terms of proportional representation.

Speaker 10 ([04:24:59](#)):

And there's evidence. I've had two hours to go over this map. So there's a lot that needs to be unpacked here. But, clearly, the two majority Democratic districts are a prime example of what political scientists refer to as packing, where you've got majorities, Democratic majorities, of 70% or more. That is a tactic used to dilute or to pack all of the opposition into one district, essentially, or a few districts.

Speaker 10 ([04:25:45](#)):

So based on that... Oh, and the third point was that, in looking at proportionality... I know there are various... It's far beyond my expertise, but, in looking at the way proportionality, proportional representation, is operationalized by political scientists who are involved in this area, the percentage of statewide voting patterns between the two parties is commonly used in determining the degree of proportionality. Now, there are other criteria as well, but not the percentage of electoral wins by one party over another. I've never seen that.

Speaker 10 ([04:26:52](#)):

So those were my points. That's my reason for saying that, certainly by implication, the constitutional amendment implies proportional representation, even though it doesn't say it is explicitly, as the 2015 constitutional amendment referring to state legislative districts does. But to say that a 13 to two party lean in any way reflects the expectations in that constitutional amendment, given that no gerrymandering, no advantage to one party over another, or no unfair advantage or whatever it says... On its face, that is a non-proportional map, in [inaudible 04:28:06], to actually lead to the reduction in a Democratic delegation from four out of 16 the two out of 15. And you can say, just on the face to it, the

way it was done... As I say, this popped up on November 3rd, so I really haven't had much time to look at things like majority opportunity areas and other things and compactness and all the rest. But-

Chair ([04:28:39](#)):

Sorry. If I can interrupt for just a second. Representative Stewart, has he answered your question?

Representative Stewart ([04:28:41](#)):

I think it's a "no" to my question.

Chair ([04:28:43](#)):

Okay. Do you have another follow up? All right. Representative Golanski?

Representative Golanski ([04:28:49](#)):

Thank you to the chair, and thank you, sir. I just wanted to thank you for your testimony. And also, if I can bring it down here, when you were describing where you live in the Columbus area and based upon the maps that have been proposed and amended 479, would you say that the 13/2 map offered by our colleagues is actually unduly partisan?

Speaker 10 ([04:29:19](#)):

Oh, sure. Of course. Of course, I would. It'd be nice for all 70% of us to contact our representative about issues we care about, but in a delegation of 13 to two, the ability of my congressman to be under this map would be quite limited in terms of influence with a 13 to two Republican majority. That is no way representational, proportionally.

Chair ([04:29:59](#)):

Follow up?

Representative Golanski ([04:30:01](#)):

No, thank you. Thank you.

Chair ([04:30:03](#)):

Any other questions for the witness? Seeing none...

Speaker 10 ([04:30:08](#)):

Thank you.

Chair ([04:30:08](#)):

Representative Ginter?

Representative Ginter ([04:30:09](#)):

Thank you. Thank you for your patience. Thank you for your testimony. I would just like to talk with you for a moment if I could and ask a question. I listened to your concern about public input, and I've heard that over the last four hours and a half, roughly, that we have listened to testimony and interacted with individuals from the state of Ohio. As you well know... It sounds like you're very learned in the process.

You recognized that the redistricting commission had until the 31st of October to complete or come up with some type of a map. That is on Sunday. That kicked it over, then, to the Ohio legislature. And it seems to me that we did not waste any time, nor did leadership, in beginning the process that is required of us, that we move forward with the development of a map.

Representative Ginter ([04:31:02](#)):

So October 31st was Sunday. November 3rd was the first hearing. We kept within the timeframe. My understanding was, in the announcement that is required for public hearings in the state house, that was followed. And so, I guess my question to you is how could we have, following the process that has been laid out for us, of which we are following, and within mind, that we moved as quickly as possible from the 31st to a first hearing on the 3rd, a Wednesday, which is a normal hearing day for a committee in the state of Ohio, how could we have moved any quicker to have brought the public and the public in and public comment into this process of which, again, I would remind you is going on for several hours now at this point?

Speaker 10 ([04:31:57](#)):

And I really appreciate that. I was to be here this morning, but family emergency. And I appreciate the opportunity. I know you've been here for a long time. I guess, first of all, I was saying there's... The first two iterations of the first two deadlines, there were no maps at all. There was one produced by the Democrats, but there were no maps, period.

Speaker 10 ([04:32:27](#)):

This time... and this has come up several times... My experience was that a hearing is announced before there's an available map to look at. And so, finding out there was a hearing, I had no immediate access to a map that was presented. I wanted to participate, so I threw in some general remarks. Then I found out, later in the day, oh, whoops, there is a map. But the testimony is about that map tomorrow.

Speaker 10 ([04:33:07](#)):

And so, I think it's a matter of... I don't know if it's possible. Someone, this morning... I was watching on Ohio Channel... mentioned a joint legislative committee that could have some dialogue in presenting a map. And mainly, that maps be available to the public with a sufficient amount of time... and I'm not talking about weeks. I'm talking about days... to coincide with the hearing. It's almost backwards. You find out about a hearing, but there's no map. And then there's a map, but it appears at the 11th hour, and people feel caught off guard. They have to amend their testimony. So that's the primary thing. It's great that... And I think you're to be commended, the legislature to be commended, for getting on this right away because God knows that hasn't happened in the first two rounds of this. But somehow, and I think this point was made earlier by Representative Howse, if people could have access to maps with sufficient time so their testimony would be more targeted toward the actual map that's being produced.

Representative Ginter ([04:34:44](#)):

Mr. Chair, may I follow up?

Chair ([04:34:48](#)):

Please.

Representative Ginter ([04:34:48](#)):

Thank you. So thank you. And so, I guess a yes or no would be helpful in light of the time. You do understand that we have until November 30th for this process to bear itself out?

Speaker 10 ([04:35:03](#)):

Yes.

Representative Ginter ([04:35:04](#)):

Very good. And do you feel that you have had sufficient opportunity to voice your opinion in this process and your opinion regarding the current proposed map?

Speaker 10 ([04:35:14](#)):

Yes and no. I'm grateful for the openness because I know God knows you must be tired of hearing people like me yak all day. On the other hand, I felt there wasn't enough time to prepare for this, really, in any kind of depth.

Representative Ginter ([04:35:39](#)):

Sir, unless you're tied up from now until November 30th, then you have more days and weeks to provide input into this process. You do understand that? Correct?

Speaker 10 ([04:35:51](#)):

May I ask you a question? Not to prolong this, Representative Ginter, through the chair. I guess a lot of us picture an ongoing dialogue here. I know everything can't be public, but an ongoing dialogue where... Is this going to be the final version of the map that the majority is going to insist on? Or is it going to be amended along the way? So there would be a kind of dialogue. I realize time is short, but you really don't know. Several times, something has been proposed, and then it completely disappears until the 11th hour. And we don't know what's going on in terms of is it being amended? Who's being listened to? Is this a second iteration of this? How do you like it now? Better? Worse?

Speaker 10 ([04:37:10](#)):

And then, obviously, the decision has to be made, 10-year map, four-year map. But this has been lacking all along, a kind of progressive... Okay, you got a good earful about what people who oppose a map don't like about it. Now, what's going to happen? There's no sense of what's going to happen next. Is this going to, now, disappear until November 29th, which has happened? The whole commission thing was like that. It was like peek-a-boo. It popped up on the very day of the deadline.

Speaker 10 ([04:37:52](#)):

Or is there going to be something else produced now, as a result of these hearings, where feedback, whether it's in the form of public hearings or not, so that the public is carrying on some sort of a dialogue? This is so important. I mean, my God, it's 10 years. The public is carrying on a dialogue with the legislature. And you've got the power. You don't have to... All we can do is try and persuade. But, at least, to know where things stand before it's too late. And that's been our unfortunate history so far. It becomes too late to do anything about. And it ends up with the Supreme Court.

Chair ([04:38:43](#)):

Representative Ginter, I'll let you address that. And then we're going to move on.

Speaker 10 ([04:38:46](#)):

Okay. Thank you for your indulging me. I appreciate that.

Chair ([04:38:49](#)):

Go ahead, Representative Ginter.

Representative Ginter ([04:38:51](#)):

Thank you, chair. I will say this, that this is a process. There's been no indication that this input is not being evaluated nor will not have any impact. And so, I will tell you that, again, there is nothing that is being set in stone at this point. And so your input is being heard.

Speaker 10 ([04:39:14](#)):

Thank you. And the reason for... It hasn't happened to this point. This would be a refreshing change because the previous legislative maps... That clearly did not happen. And it's made witnesses very wary of the process. I'm sure you heard an earful of that today. So, if some sort of back-and-forth dialogue could take place, it would enhance things greatly. Thank you. And thank you for indulging me to time. I really appreciate that.

Chair ([04:39:53](#)):

Sir, I think we have one more question. Representative Howse?

Representative Howse ([04:39:56](#)):

Thank you to the chair. Good afternoon. So a quick question.

Chair ([04:40:01](#)):

Sir?

Speaker 10 ([04:40:04](#)):

[crosstalk 04:40:04].

Representative Howse ([04:40:04](#)):

Yes, it is for you. Just a quick question. Did you hear about the general assembly inviting Ohioans to submit maps in September to meet the original deadline of September 30th?

Speaker 10 ([04:40:22](#)):

Oh, yeah.

Representative Howse ([04:40:23](#)):

You heard... did we go through this... Was there a map released for congressional redistricting?

Speaker 10 ([04:40:29](#)):

Well, the Ohio Democrats have got a map in right before the deadline. The problem... our experience with... once again, this is the 2015 constitutional amendment and the Ohio redistricting process... was that there were a boatload of alternative maps submitted. People were invited to submit maps, but there was no public debate about any of them, their merits and demerits. So I have no idea what happened to them. There was an Ohio citizens redistricting commission, which has all sorts of academics and other on it.

Chair ([04:41:22](#)):

Sir, once again, if I can interrupt, we just want to make sure we stay on 479. And I want to give Representative Howse a chance for a follow-up.

Speaker 10 ([04:41:28](#)):

So, yeah, I did. But the question in our minds is does anybody pay attention to those?

Representative Howse ([04:41:35](#)):

Yes.

Speaker 10 ([04:41:35](#)):

We don't know whatever happens to those.

Representative Howse ([04:41:37](#)):

Yes. So, through the chair to the gentleman. I'm sorry. As you were indicating, the map that was released was from the Ohio... like a caucus... and not officially through the Ohio general assembly. And so this process that we are just now going on, we missed two deadlines and are just now engaging in a process 60 days later. So I just wanted to point that out, that, as we are starting this week, November 3rd and November 4th, we, as the general assembly, have failed Ohioans by not engaging in this process in September, which we should have done. That's all. But thank you.

Speaker 10 ([04:42:25](#)):

I'd love to see a discussion of the two maps, side by side. We would really benefit for that. What would the arguments be? And neither one of them might be acceptable, but it would really be instructive to the public, which has such a huge stake in this. And thank you. Once again, I should [crosstalk 04:42:52] out of here.

Chair ([04:42:52](#)):

Thank you for your-

Representative Howse ([04:42:53](#)):

Thank you.

Chair ([04:42:53](#)):

Thank you. The chair would now call Joseph [Bluebaugh 04:43:04].

Joseph Bluebaugh ([04:43:03](#)):

Thank you. Good afternoon.

Chair ([04:43:05](#)):

Welcome to committee.

Joseph Bluebaugh ([04:43:06](#)):

My name's Joseph Bluebaugh. I live in North Canton, Ohio. So my Senator is Senator Schuring. My representative is Oelslager. Last night, I realized I had time today to drive down from North Canton for this hearing. Workwise, I was able to move stuff around. And so I was just playing with the numbers. And I just wanted to mention I'm testifying in opposition to the House Bill 479. The constitutional amendments that were voted on overwhelmingly by Ohioans a number of years ago, the idea was that no party would be unduly favored by the maps. And I think it's pretty clear that Ohioans are pretty much, 55/45 split... 55 Republican, 45 Democrat... in the past 10 years. So the goal would be to get somewhere around 55/45, I would think, to follow that idea of unduly favoring a party.

Joseph Bluebaugh ([04:44:18](#)):

And the map that was presented by this committee is 13 to two. So doing the math, that comes out to 87% Republican, which is 32% more than the 55 that it should be. And whereas the Senate Democrats submitted a map that, based on my calculations... I'm not an expert on this... but it's leaning... Which districts are leaning Republican or Democrat and then which ones are more competitive are kind of just split between the different parties. And so, when I come up with that Senate Democrat map that was presented, by my calculations, comes out to about 60% Republican, 40% Democrat, which is still 5% above what it should be, Republican, and 5% below what it should be, Democrat.

Joseph Bluebaugh ([04:45:11](#)):

But if y'all could just discuss that Senate Democrat map that was presented and vote on it, I think most of the people in the state would be satisfied that you've achieved what we voted on in... whenever that was... 2015, with the constitutional amendments. I think we'd all be satisfied with a 60 40 split, even though the goal is 55/45. So I'd just like to ask you to do that. Thank you.

Chair ([04:45:43](#)):

Thank you very much for your testimony. Are there any questions? Seeing none, thank you for your testimony. At this time, is there anyone else that wishes to provide testimony on House Bill 479? All right. Seeing none, the chair recognizes ranking member Brown.

Representative Brown ([04:46:00](#)):

Chairman, there's one housekeeping matter I'd like to point out before we talk about the other issue. If you look at the iPad or tablet or whatever these things are, there are seven written testimonies listed, for the record.

Chair ([04:46:15](#)):

That's correct. I'll get to that.

Representative Brown ([04:46:20](#)):

And one of them is the written testimony of Dr. Mark Ryland, and it's listed as proponent testimony. And I understand why it's listed that way because he typed on the top of his form, on the top of his statement, "proponent testimony." But it's proponent testimony of Dr. Ryland in support of Fair Maps in Redistricting. And if you look at the body of his testimony, he comments that "You should be ashamed of yourselves. I personally feel your inaction has been intentional and guided by partisan politics and ultra-conservative beliefs, and that you should all resign." So I take it that he is probably an opponent, and I would ask that this be clarified and corrected to show him as an opponent.

Representative Brown ([04:47:06](#)):

And then, with regard to the other matter, the issue of maps and where folks can see them and present them for the consideration of this committee. We were directed by Representative Abrams... There was a mentioning of [redistricting.ohio.gov](#). And when you go to that website, it says... At the bottom, there are some icons you can click on. One is public input. You click on there. And it says, "If you're testifying in person and/or submitting written testimony for a regional hearing of the redistricting commission, email a completed witness information form to such and such." And then there's a link below, submit your map. And you can submit your map with your name, your last name, and the organization. And then submit the map in a zip file form, indicating either whether the map pertains to a congressional map or a map for the state legislature.

Representative Brown ([04:48:18](#)):

And, of course, the Ohio Redistricting Commission is no longer in existence. We are now the Ohio general assembly. So the question that I have, and I think was attempted to be communicated before, was, if you're a citizen out in the state of Ohio, and you're interested in commenting upon House Bill 479, and if you have a map that you would wish to submit for consideration of this body, of this committee, can you still do so by utilizing this [ohioedistricting.gov](#) website? And will we then see it and be able to see it? And if the answer is yes, that's fantastic. But then the question is, how do folks out there know that they can do this? Because they may be confused. I can see where the folks may be confused, saying, "Well, wait a minute. I know the redistricting is over. The commission part is over. You guys are the GA." Would they know to go to this website? That's the question that I think folks are trying to understand.

Chair ([04:49:22](#)):

Thank you, ranking member Brown. And I am happy to give you your fantastic answer of yes. They can. And I will follow up with leadership and make it clear that the redistricting website, that the same website, has been designated by law in House Bill 92 for the public to submit congressional maps. And I would encourage any representative, as far as communicating that out there through their districts, to do so.

Representative Brown ([04:49:47](#)):

Mr. Chair, I appreciate that clear answer. And I think that does clarify things. And for anyone who may be watching on the Ohio Channel, please feel free that you can use this website to download your maps. And we will, pursuant to House Bill 92 law, be able to see them. They will be considered by this body, and you do have an input into this process. So, thank you, Mr. Chair.

Chair ([04:50:13](#)):

This transcript was exported on Nov 28, 2021 - view latest version [here](#).

Thank you, ranking member Brown. Seeing there's no one else to testify on House Bill 479 and with no further business, committee is adjourned.

PART 9 OF 9 ENDS [04:50:46]