Supreme Court of Ohio Clerk of Court - Filed March 21, 2022 - Case No. 2022-0298

IN THE SUPREME COURT OF OHIO

Meryl Neiman, *et al.*, **Relators,** **v.** **Secretary of State Frank LaRose, *et al.*,** **Respondents.**	**Case No. _____** Original Action Filed Pursuant to Ohio Constitution, Article XIX, Section 3(A) and Article IV, Section 2(B)(1)(f) *Expedited Election Matter Under S.Ct.Prac.R. 12.08*

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Exhibit 41

As congressional redistricting deadline looms, Ohio Senate Republicans head to sunny Florida for top-dollar fundraiser

By Laura Hancock, cleveland.com

COLUMBUS, Ohio -- With just weeks until the legislature needs to turn in a new congressional redistricting map to the Ohio Supreme Court, Senate Republicans will blow this popsicle stand for sunny Florida.

On Thursday and Friday, the caucus' political fundraising arm, the Ohio Senate Campaign Committee, is hosting events for well-heeled donors and lawmakers in Amelia Island, outside of Jacksonville, according to a copy of the invitation obtained by cleveland.com and The Plain Dealer.

The event includes a VIP reception at 5 p.m. Thursday for people who donate $20,000 or $10,000 to the campaign committee. At 10 a.m. Friday, the donors who gave $10,000 or $20,000 will play golf at the Oak Marsh Golf Course at the Omni Amelia Island Resort.

The main event is 6 p.m. Friday, which is relatively less expensive, at the Oceanview Room & Terrace at the Omni. People can get in for contributing as little as $1,000.

Conde Nast Traveler named the Omnia Amelia Island Resort one of the top 121 golf resorts and hotels in 2012. The resort overlooks the Atlantic Coast.

Hanging over lawmakers this year is the deadline for the congressional redistricting map.

On Jan. 14, the Ohio Supreme Court struck down the map as an unconstitutional gerrymander. The legislature has until Feb. 13 to draw new maps, said Ohio Senate President Matt Huffman.

If it is unable to submit a new map, the Ohio Redistricting Commission can take a crack at it. But that may pose issues with the deadline for congressional candidates to get on primary ballots, which is in early March.

Huffman, who would lead the legislature in the redrawing of the map and is also a member of the Ohio Redistricting Commission, said he'd be in Florida.

"I don't think one has anything to do with the other," he said. "...The legislature isn't going to be considering a congressional map because we don't have one drawn."

Huffman said he expects the legislature would start debating and potentially voting on a new map in the week starting Monday, Feb. 7.

Huffman expects the new map will be considered in Senate Bill 286, a newly introduced bill with no text yet. Huffman assigned the bill to the General Government Budget Committee because the committee that usually reviews maps, the Local Government and Elections Committee, is chaired by Sen. Theresa Gavarone, who is running for Congress.

If all goes according to plan, Huffman said SB 286 would be passed as an emergency measure, making it go into effect faster than regular bills.

If the legislature fails to pass a map, Huffman said the Ohio Redistricting Commission would likely begin to consider it the week starting Monday, Feb. 14.

The Florida "event shouldn't collide with anything, but if it does, my duty would be to be here,"

he said.

Each year, the Ohio Senate Campaign Committee hosts an event in Florida when Ohio is in the dead of winter. No taxpayer money is used for the trip. The Ohio Senate Campaign Committee and senators' individual campaign committees pick up the tab.

For instance, in February 2020, Republican senators went to Key West. At the time, lawmakers were debating a bill that changed the EdChoice private school voucher program. A public hearing had been scheduled for people to testify on all sides of the voucher debate while lawmakers were in Florida.

Some wealthy Ohioans have second homes in Florida. After the fundraising events, lawmakers usually stay over the weekend, meeting privately with lobbyists and other supporters, fishing and participating in other activities.

Note to readers: if you purchase something through one of our affiliate links we may earn a commission.

Exhibit 42

As Introduced

134th General Assembly
Regular Session
2021-2022

S. B. No. 286

Senator McColley

A BILL

To declare the General Assembly's intent to enact legislation establishing revised congressional district boundaries for the state based on the 2020 decennial census.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. The General Assembly intends to enact legislation establishing revised congressional district boundaries for the state based on the 2020 decennial census.

Exhibit 43

Senate Bill 286

Primary Sponsors

Rob McColley
District 1

HISTORY

DATE	CHAMBER	ACTION	COMMITTEE
1/26/22	Senate	Introduced	

Learn More : Glossary of Terms | The Legislative Process

The online versions of legislation provided on this website are not official. Enrolled bills are the final version passed by the Ohio General Assembly and presented to the Governor for signature. The official version of acts signed by the Governor are available from the Secretary of State's Office in the Continental Plaza, 180 East Broad St., Columbus.

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Exhibit 44

Movement on new Ohio Congressional district map not expected for another week

The Statehouse News Bureau | By Andy Chow

Published January 28, 2022 at 3:02 PM EST

Voter rights advocates scrutinize the Congressional district map proposed by Republican lawmakers.

The Ohio House and Ohio Senate must redraw the state's 15 congressional districts after the supreme court ruled the previous map unconstitutionally gerrymandered in favor of Republicans just under two weeks ago. Senate President Matt Huffman said the legislature will potentially start taking action on a new Congressional map the week of February 7.

The previous map created 12 out of 15 districts that heavily favor or lean in favor of Republicans in a state that has voted about 54% Republican and 46% Democratic, according to an average of statewide race results over the last 10 years.
While the legislature has first crack at approving a new plan, they have a new hurdle to deal with.

Huffman said this time around the legislature will have to pass a new Congressional map with two-thirds of the vote in order for it to go into effect before the primary, which means getting Democratic support.

"Hopefully we can get a resolution where, you know, again, the issue is largely in the house where they could get a two-thirds vote on emergency clause with that bill," said Huffman.

If not, the process goes back to the Ohio Redistricting Commission where Republicans can pass a four-year map without Democratic approval.

Republicans will be at a fundraiser in Florida next week, but Huffman doesn't think that'll conflict with redrawing the maps and said he will cancel the trip if he needs to.

The Senate created a placeholder bill, SB286, to begin working on the new map.

The previous map created 12 out of 15 districts that heavily favor or lean in favor of Republicans in a state that has voted about 54% Republican and 46% Democratic, according to an average of statewide race results over the last 10 years.

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Tags

Andy Chow is a general assignment state government reporter who focuses on environmental, energy, agriculture, and education-related issues. He started his journalism career as an associate producer with ABC 6/FOX 28 in Columbus before becoming a producer with WBNS 10TV.

Exhibit 45

Ohio House of Representatives

ANNOUNCEMENT OF COMMITTEE MEETING

2nd Revision

COMMITTEE: Government Oversight
CHAIR: Shane Wilkin
DATE: Tuesday, February 8, 2022
TIME: **10:30 AM**
ROOM: Room 018
NOTATION: Agenda revisions

AGENDA

BILL	SPONSOR	TITLE	STATUS
Sub. S. B. No. 215	Sen. Johnson	Regards concealed handgun licensee duties	1st Hearing Sponsor
H. B. No. 325	Rep. Wiggam	Regards emergency powers when suppressing a riot; firearms rights	4th Hearing Poss. Vote Prop/Opp/IP
S. B. No. 9	Sen. McColley, Sen. Roegner	Reduce regulatory restrictions in administrative rules	6th Hearing Poss. Vote Poss. Am. Prop/Opp/IP
H. B. No. 487	Rep. Young, T.	Regards ballot printing and contracts for printing ballots	2nd Hearing Proponent
H. B. No. 455	Rep. Stoltzfus	Avoid carrying weapon where prohibited charge if leave on request	2nd Hearing Proponent

Cc: House Clerk
Committee Clerk
Assistant Majority Floor Leader's Office
Bill Sponsor
LSC
Minority Leader's Office
Committee Members
Speaker's Office
Caucus Staff
Legislative Information Systems
Press Room

Cc: House Clerk
Committee Clerk
Assistant Majority Floor Leader's Office
Bill Sponsor
LSC
Minority Leader's Office
Committee Members
Speaker's Office
Caucus Staff
Legislative Information Systems
Press Room

Exhibit 46

GENERAL GOVERNMENT BUDGET COMMITTEE
COMMITTEE NOTICE

To: Members of the General Government Budget Committee Committee
From: Bob Peterson, Chair
Date: February 5, 2022

Tuesday, February 8, 2022
3:00 PM
South Hearing Room

AGENDA

S. B. No. 286 **McColley**	Declare intent to revise congressional district boundaries	1st Hearing, Sponsor/Proponent/ Opponent/Interested Party

Governor's Appointments:

Robert Winter, Ohio Cemetery Dispute Resolution Commission
William Wappner, Board of Embalmers and Funeral Directors

*Possible Vote

Exhibit 47

GENERAL GOVERNMENT BUDGET COMMITTEE
COMMITTEE NOTICE

To: Members of the General Government Budget Committee Committee
From: Bob Peterson, Chair
Date: February 5, 2022

Wednesday, February 9, 2022
10:00 AM
South Hearing Room

AGENDA

S. B. No. 286* **McColley**	Declare intent to revise congressional district boundaries	2nd Hearing, Proponent/Opponent/ Interested Party (Possible Amendments)

*Possible Vote

Exhibit 48

Josh Rultenberg
@JoshRultNews

JUST IN: Both congressional map hearings have been canceled today. @SpectrumNews1OH

9:18 AM · Feb 8, 2022 · Twitter Web App

19 Retweets **4** Quote Tweets **21** Likes

Exhibit 49

Josh Rultenberg
@JoshRultNews

I just spoke with @bobpetersonfarm who chairs the Ohio Senate General Government Budget Committee. He says because there are not 66 votes in the Ohio House, there is not a map that can be put forward at this time. @SpectrumNews1OH

9:19 AM · Feb 8, 2022 · Twitter Web App

12 Retweets **5** Quote Tweets **25** Likes

Exhibit 50

Josh Rultenberg
@JoshRultNews

INBOX: The "if needed" House session Thursday has been canceled. @SpectrumNews1OH

10:10 AM · Feb 8, 2022 · Twitter Web App

1 Retweet **1** Quote Tweet **3** Likes

Exhibit 51

Josh Rultenberg
@JoshRultNews

Here is the map. @OHHouseDems @OhioSenateDems @SpectrumNews1OH

SB 237 Revised Feb 2022

index uses statewide partisan elections 2016-2020

Population	18+ BVAP	18+ HVAP	18+ AVAP
786,630	5.71%	3.43%	4.07%
786,630	4.87%	1.73%	1.96%
786,630	3.96%	4.12%	1.20%
786,630	2.64%	1.37%	1.38%
786,630	3.18%	1.50%	1.17%
786,630	3.21%	2.34%	1.19%
786,629	8.60%	2.60%	1.31%
786,629	17.87%	3.18%	2.90%
786,630	5.61%	3.25%	3.78%
786,630	13.66%	2.21%	3.39%
786,630	6.56%	3.81%	9.05%
786,630	15.10%	7.41%	1.64%
786,630	26.14%	3.57%	3.47%
786,630	33.25%	6.88%	4.42%
786,630	43.63%	7.42%	3.27%

11:20 AM · Feb 8, 2022 · Twitter Web App

21 Retweets **11** Quote Tweets **42** Likes

Dems SB 237 Congressional Plan – Revised 2022

SB 237 Revised Feb 2022

index uses statewide partisan elections 2016-2020

District	Region	Population	18+ BVAP	18+ HVAP	18+ AVAP	REP 16-20	DEM 16-20
6	West	786,630	5.71%	3.43%	4.07%	69.78%	30.22%
13	South Central	786,630	4.87%	1.73%	1.96%	68.93%	31.07%
15	NW	786,630	3.96%	4.12%	1.20%	67.79%	32.21%
12	South	786,630	2.64%	1.37%	1.38%	65.98%	34.02%
8	East Central	786,630	3.18%	1.50%	1.17%	65.48%	34.52%
14	NE Central	786,630	3.21%	2.34%	1.19%	64.50%	35.50%
11	NE	786,629	8.60%	2.60%	1.31%	53.20%	46.80%
9	Montgomery	786,629	17.87%	3.18%	2.90%	53.08%	46.92%
4	Cuyahoga	786,630	5.61%	3.25%	3.78%	49.03%	50.97%
7	Summit	786,630	13.66%	2.21%	3.39%	47.14%	52.86%
2	Franklin	786,630	6.56%	3.81%	9.05%	45.79%	54.21%
10	Lucas	786,630	15.10%	7.41%	1.64%	44.61%	55.39%
5	Cincinnati	786,630	26.14%	3.57%	3.47%	44.56%	55.44%
1	Columbus	786,630	33.25%	6.88%	4.42%	33.94%	66.06%
3	Cleveland	786,630	43.63%	7.42%	3.27%	21.66%	78.34%

Exhibit 52

Josh Rultenberg
@JoshRultNews

.@SpeakerCupp on the strategy of trying to get Dem support but not showing them the map:
"It's pretty clear there's not going to be a two thirds vote. So we'll just go where we can get it done so that we can have a primary election when it's scheduled in May." @SpectrumNews1OH

12:30 PM · Feb 8, 2022 · Twitter Web App

7 Retweets **8** Quote Tweets **9** Likes

Exhibit 53

Josh Rultenberg
@JoshRultNews

.@OhioSenateDems, in which Ohio Redistricting Commission Co-Chair @DrVernonSykes is an obvious member of, say they still have no idea what today's agenda is. @SpectrumNews1OH

> **Josh Rultenberg** @JoshRultNews · 4h
> I never received an update after this message. Still no clue what today's agenda is. @SpectrumNews1OH twitter.com/JoshRultNews/s...
> Show this thread

9:37 AM · Feb 22, 2022 · Twitter Web App

10 Retweets **4** Quote Tweets **27** Likes

Exhibit 54

OHIO REDISTRICTING COMMISSION

ANNOUNCEMENT OF COMMISSION MEETING

TO:	Members of the Ohio Redistricting Commission
FROM:	Speaker Robert Cupp, Co-Chair Senator Vernon Sykes, Co-Chair
DATE:	Tuesday, February 22, 2022
TIME:	12:00 P.M.
LOCATION:	Ohio House Finance Hearing Room (Room 313) Ohio Statehouse 1 Capitol Square Columbus, Ohio 43215-4275

AGENDA

The Ohio Redistricting Commission will convene at 12:00 P.M. in the House Finance Room 313 regarding Congressional redistricting.

Senate Contact: Mallory Golski, (614) 466-5899
House Contact: Aaron Mulvey, (614) 466-8759

Exhibit 55

Redistricting 2.22.2022 MASTER CC-480-20220222-125443.mp4

Co-Chair Speaker Bob Cupp [00:00:01] Staff to please call the roll.

Staff [00:00:05] Speaker Co-Chair Cupp.

Co-Chair Speaker Bob Cupp [00:00:07] Present.

Staff [00:00:08] Senator Co-Chair Sykes.

Co-Chair Sen. Vernon Sykes [00:00:09] Present.

Staff [00:00:10] Governor DeWine.

Governor Mike DeWine [00:00:10] Here.

Staff [00:00:12] Auditor Faber.

Auditor Keith Faber [00:00:12] Here.

Staff [00:00:13] President Huffman.

Senate President Matt Huffman [00:00:14] Here.

Staff [00:00:15] Secretary LaRose.

Sec. of State Frank LaRose [00:00:16] Here.

Staff [00:00:17] And Leader Russo.

House Minority Leader Allison Russo [00:00:17] Here.

Staff [00:00:19] Mr. Co-Chair, a quorum is present.

Co-Chair Speaker Bob Cupp [00:00:21] We do have a quorum, so we will meet as a full commission. In your folders are the minutes from the previous meeting of the Commission on February 17th, 2022. Is there a motion to accept the minutes?

Co-Chair Sen. Vernon Sykes [00:00:42] So moved.

Co-Chair Speaker Bob Cupp [00:00:43] It's been moved, and is there a second. The house - moved and seconded. Are there any corrections, additions, deletions or objections to the motion, to the motion to approve the minutes? Hearing none, the minutes are accepted without objection. At this time, this is the, the first meeting of the commission that is undertaking the task of drawing congressional district maps. This is the first time this constitutional provision has been utilized. The General Assembly has passed a congressional district map. The Supreme Court has reviewed the same and found it to be wanting in some constitutional elements. The General Assembly did not have time remaining in order to adopt a congressional district map that could be in effect for the primary election because it would take 90 days for such a bill to go into effect, which would be past the primary date. The Redistricting Commission's map, once approved, can go into effect immediately, so that provided the opportunity to try to maintain our May 3rd primary

date. So this is now, as I had mentioned the first time that this provision of the Ohio Constitution has been utilized since it is a new provision. And this is the first time that the redistricting commission has met to consider adopting or drafting and adopting congressional district maps. So I think the Co-Chair and I want to state on the record that we have asked our staffs to begin working together to take a look at drafting a constitutionally compliant congressional district map. There are a number of maps that are available that elements could be pulled for if appropriate. And so we're asking that the process be set in motion. Are there other members that wish to make any comments at this time? All right, the next item then would be scheduling public hearings. The Co-Chairs will be working together to schedule public hearings on congressional districts. We would anticipate doing that in a fairly prompt and expeditious manner and notice from that will be be forthcoming. [indecipherable] Yeah, I think that's good. [indecipherable.]

Co-Chair Sen. Vernon Sykes [00:04:04] Mr. Co-Chair, I just want to make a note to, in scheduling of the public hearings, we will be inviting individuals and organizations to submit plans that they've already submitted. So it will be a somewhat limited list of those persons who have submitted full plans to the, to the Commission, to help us address or receive some additional suggestions and recommendations how we can comply with the Constitution. And also since we have a court order, how we can comply with the court order as well. So it will be a limited public hearing to those who have submitted maps.

Co-Chair Speaker Bob Cupp [00:04:52] That is correct. Is there any further business to come before the Commission?

Governor Mike DeWine [00:05:02] Mr. Chairman?

Co-Chair Speaker Bob Cupp [00:05:05] Governor DeWine.

Governor Mike DeWine [00:05:08] Mr. Chairman, thank you, I want to return, if we could, to the issue of legislative district lines and want to repeat what I said at our last session. And that is that we have an obligation to follow the Constitution. We have an obligation to follow the court orders, the two court orders. And finally, we have an obligation to produce a map. This is, I think, a question of following the law, the rule of law, respect for law and I again would want to state that that's where we should head. It's my understanding that we have some progress being made on that, but I think it's, I just want to state again publicly, this is what we we have an obligation to do. We have an obligation to produce a map and we need to do that forthwith.

Co-Chair Speaker Bob Cupp [00:06:09] Senator Huffman.

Senate President Matt Huffman [00:06:10] I echo the Governor's comments.

Co-Chair Speaker Bob Cupp [00:06:16] Any - Auditor favor?

Auditor Keith Faber [00:06:18] As do I. I would go further and make a motion that this body reconvene either tomorrow, I believe four o'clock would be a time that we would be available, or Thursday morning, 9:00 a.m. or thereabouts. And I guess my motion would give the Co-Chairs some discretion to check with everybody's calendars and see what we can do, for the purposes of either discussing a map that I believe may be being discussed and/or prepared, or at the alternative, the Roden 3 [?] map.

Sec. of State Frank LaRose [00:06:49] I would second the Auditor's motion.

Co-Chair Speaker Bob Cupp [00:06:52] All right. Is that limited to a General Assembly map, or are we talking about also a public hearing on the congressional?

Auditor Keith Faber [00:07:00] I'm talking about General Assembly maps.

Co-Chair Sen. Vernon Sykes [00:07:11] Can we stand at ease?

At Ease [00:07:13] [The Commission is at ease]

Co-Chair Speaker Bob Cupp [00:07:18] Auditor Faber, if we might take your motion as a request and we will attempt to schedule a meeting of the commission tomorrow afternoon for a dual purpose to begin hearing on the congressional map, the two hearings that are required, as well as to report on any progress that may be made on a General Assembly district map.

Auditor Keith Faber [00:07:43] Can we also- Mr Speaker, and to the other vice chair, I would propose that, because I know that there is some discussions going on on a legislative maps, I would propose that we also schedule a meeting for Thursday. And again, I leave you guys to coordinate calendars because I know all of us have a very busy, busy schedule. Some things can be moved, some things can't. But I would, I just think it's important that we move forward on discussing either A or B or C or D, but I would propose that we schedule those meetings to do that.

House Minority Leader Allison Russo [00:08:24] Mr. Chair.

Co-Chair Speaker Bob Cupp [00:08:27] Leader Russo.

House Minority Leader Allison Russo [00:08:28] Thank you. I would also, there's been mention of discussions, ongoing discussions about potential proposed maps for the state legislative districts. I would note that the minority members of the commission have not so far been involved in if there have been any recent discussions. So I would ask that commissioners make their staff available for us to have those discussions that have not yet taken place, if there are indeed additional legislative maps that the commission would like to put forward either tomorrow or Thursday in regard to the state legislative maps.

Co-Chair Speaker Bob Cupp [00:09:09] All right, any further business? If not, the commission will stand adjourned, and we will meet again on Wednesday and Thursday.

Exhibit 56

Frank LaRose
Ohio Secretary of State

The Honorable Matt Huffman
President, The Ohio Senate
1 Capitol Square, Rm 201
Columbus, OH 43215

February 22, 2022

President Huffman,

Thank you for the thoughtful and ongoing conversation in response to the letter I sent you on February 14, 2022, outlining the serious risks presented by redistricting litigation to conducting a secure, accessible, and complete primary election on May 3, 2022.

Since that communication, new developments have introduced even more uncertainty to an already unprecedented election calendar. Among them, as you know, the Ohio Redistricting Commission adjourned after reaching an impasse on a General Assembly district plan, and related litigation continues in the Ohio Supreme Court and now in federal court. Most notably however, is that with each passing day we miss critical legal and administrative deadlines essential to the administration of a successful May 3, 2022, primary election. Nevertheless, I have directed our 88 county boards of elections to proceed with and prepare for an election on that date for offices that are not impacted by redistricting, specifically contests for statewide and local offices.

As this preparation continues, my duty requires me to outline additional problems caused by the current timeline with legally, securely, and accurately administering an election for the offices of General Assembly, United States House of Representatives, and political party state central committees.

Current law requires me to certify *today* to the boards of elections the **form of the official ballot** for the May 3, 2022, primary election. After consulting with the Ohio Attorney General, I am issuing this directive *only for those races not impacted by redistricting litigation.* Unfortunately, due to the Ohio Supreme Court's orders invalidating two General Assembly district plans as well as the court's order and subsequent lack of finality on a congressional district plan, the boards cannot begin petition validation and candidate certification on those races, let alone include them in ballot preparation. We can only proceed with the districts and data we have available to us, and the boards will need adequate time to program, proof, and print ballots, as well as conduct logic and accuracy testing to ensure those ballots are correct and can be tabulated accurately. Many of the important steps on the election calendar and administrative check list cannot happen until I issue this directive.

Just last week, my Office issued the **Election Night Reporting ("ENR")** schedule to all county boards of elections. ENR is the system used to securely transfer the results of the election in each county to my Office to review, aggregate, and publish the unofficial canvass in real time to the public, as required by law and as expected by Ohioans on Election Night. Testing of the system requires a significant amount of time due to its complexity and sophistication, as any failures can lead to significant distrust in the results on Election Night. Because of these requirements, the ENR testing and mock election schedule should have begun on January 23, 2022, but we are now almost a full month behind in this preparation due to delays in

the redistricting process and subsequent litigation. This is yet another key step in ensuring a secure, accurate, and accessible election, but we are only able to proceed at this point with testing statewide and local races not impacted by redistricting litigation. Any further delay to await final approval of General Assembly and congressional district maps simply will not allow adequate time to complete the programming, testing and mock election schedule prior to the May 3, 2022, election. **Let me be clear on this point: it is impossible to see a scenario in which these maps are favorably passed by the Redistricting Commission, challenged by litigants, reviewed by a court, and given final approval within a timeframe conducive to a May 3, 2022, primary election date.**

Even after the maps receive final approval, as you know, H.B. 93 set forth a series of requirements that the boards of elections must do to verify the **validity of signatures on candidate petitions**. Part of the analysis the boards must conduct for General Assembly candidates includes identifying whether the signer of a petition resides in a county that has territory in the House or Senate district the filer seeks to represent. Again, pursuant to a majority opinion in the Ohio Supreme Court, constitutional districts do not yet exist. Therefore, it is not possible for the boards of elections to conduct the required analysis pursuant to H.B. 93 until there are final district maps.

Additionally, the deadline to determine the **validity and sufficiency of partisan candidate petitions by the most populous county board of elections** for the offices of U.S House of Representatives, Ohio House, Ohio Senate, and state political party central committees is March 9, 2022, and the protest deadline for those petitions is March 11, 2022. Aside from not knowing these districts, the 88 county boards of elections also do not yet know the most populous county board of elections. Therefore, without final district maps, candidates also lack that critical information to properly file their petitions.

The boards of elections need at least two to three weeks to **reprogram their voter registration systems** to even begin to conduct the signature validity analysis on any of the candidate petitions impacted by redistricting. Currently, we are less than two weeks *before* the filing deadline for U.S. House of Representatives and about two weeks *before* the petition certification deadline, and we still do not have final district maps. **Therefore, it is administratively impossible for the boards of elections to meet those deadlines as they currently stand, which are *already* expedited.** An attempt to do so would undoubtedly lead to confusion, unintentional mistakes, potential additional litigation outside the protest process, as well as chaos for election officials, candidates, and most importantly voters.

Finally, Section 9(C) of Article XI of the Ohio Constitution provides that when the Ohio Redistricting Commission adopts a new district plan pursuant to an order of the Ohio Supreme Court, as is currently the case, a General Assembly candidate is allowed up to 30 days to **change their residence** to be eligible for election in a district in which the candidate may not currently reside. Thirty days from January 22, 2022 (the date the Ohio Redistricting Commission passed the last map) is today, February 22, 2022. Presumably, the 30-day clock will restart when a map is passed and deemed constitutional by or not challenged in the Ohio Supreme Court. Of course, we do not know when that will be and thus it is imperative that an additional 30 days is considered as an added challenge to the election calendar given the requirement in the Ohio Constitution to permit candidates to move.

As you can see, these are only some the challenges making it impossible to conduct a complete primary election on May 3, 2022, which includes contests for the Ohio General Assembly, U.S. House of Representatives, and political party state central committees. I have attached to this letter a copy of a letter from the Attorney General to the Governor and to the legislative leaders in which the Attorney General

clearly articulates my legal duty to prepare for the primary election on May 3 without these district-based contests appearing on the ballot. I also recognize that proceeding without these contests presents the General Assembly with some difficult decisions, including whether to move the primary election for all contests to a later date on the calendar or to proceed with a bifurcated primary in which statewide and local elections would be held on May 3 and the other contests held at a date to be determined in August. Under a bifurcated primary scenario, the boards of elections will need at least 120 days to conduct an election, including 90 days to prepare and 30 days to complete each one.

I humbly ask the General Assembly to consider this information in determining its next steps, as we mutually work to ensure Ohio voters a secure, accurate, and accessible election process that fulfills our obligation to the constitution and the law.

Yours in service,

Frank LaRose
Ohio Secretary of State

cc: John Barron, Chief of Staff, Ohio Senate

The Honorable Robert Cupp, Speaker, Ohio House of Representatives

Christine Morrison, Chief of Staff, Ohio House

Exhibit 57

DAVE YOST
OHIO ATTORNEY GENERAL

Administration
Office 614-728-5458
Fax 614-466-5087

February 22, 2022

Honorable Mike DeWine
Governor, State of Ohio
77 South High Street, 30th Floor
Columbus, Ohio 43215

Honorable Allison Russo
House Minority Leader
77 South High Street, 14th Floor
Columbus, Ohio 43215

Honorable Matt Huffman
Senate President
Ohio Statehouse
Columbus, Ohio 43215

Honorable Kenny Yuko
Senate Minority Leader
Ohio Statehouse
Columbus, Ohio 43215

Honorable Robert Cupp
Speaker of the Ohio House
77 South High Street, 14th Floor
Columbus, Ohio 43215

The Ohio General Assembly
Columbus, Ohio 43215

Dear Colleagues:

What happens now? This letter is to outline some answers to that question, and to identify possible actions—and the probable outcome of inaction.

I am writing to you on behalf of my client, the State of Ohio. However, this is not a legal brief, and my aim is to lay out the law in plain English to assist you in your duties. You do not answer to me, but to the people of Ohio...as do I. We have parallel duties to the same superior.

Maps for the General Assembly have been rejected twice by the Ohio Supreme Court. The Court's deadline to produce a third came and went without a new map and last Friday the Court issued a short entry requiring the Redistricting Commission to show cause by this Wednesday as to why it failed to comply with the Court's earlier order to produce a new state legislative map proposal.

The Congressional map is not as far along, but the first federal map was rejected by the Ohio Supreme Court and time ran out on a second without action by the General Assembly. Though that matter is pending before the Redistricting Commission, no action has yet been taken.

The result: there are no maps as of today for state or federal legislative districts, or the offices that are dependent on them, such as the State Board of Education or the state central committees of the political parties. This presents an unusual legal problem, because lawfully enacted, Constitutional maps are what lawyers call a *condition precedent* to the ballot. That is, legislative district maps have to happen before the ballot.

That bit of legal logic takes on special importance today, because today is the statutory deadline for the Secretary of State to certify the ballot for the 2022 Primary Election. Without valid maps, he cannot certify candidates to county board of elections, because there is no way to tell which

precincts are in which districts—or, for that matter, which candidates are in which districts, because there are no districts.

Yet Ohio law requires a primary election to be held on May 3, and the General Assembly has reserved the power to move that date to itself—a decision properly within the Legislature's authority. Neither court nor executive may change that.

So, a primary election will be held, and the Secretary of State will certify a ballot today without legislative candidates, because no certification is possible without maps. For each and every one of you, your voters will go to the polls on May 3—and they will not see your name. Indeed, none of you even know who your voters are. The Secretary of State will have fulfilled his statutory duties, but few would view this outcome as sufficient.

The General Assembly granted the power to the Secretary of State to move certain statutory deadlines leading up to the primary election for races impacted by redistricting, and the ballot certification deadline is one of them. Statewide and county office races are not impacted by redistricting, the Secretary has no authority to move deadlines related to them and he will be certifying that ballot today. As for statehouse and congressional races, the Secretary of State informs me that necessary actions between these deadlines form a "critical pathway" of tasks that take a certain amount of time, and must be done in order. He does not feel he can move this deadline and still complete the necessary work prior to May 3, 2022. I have no reason to doubt him.

It has been suggested that the Secretary could use the existing 2011 maps until new maps are qualified. However, because of the decennial census, the 2011 maps are now "malapportioned"—some districts have too many voters and others have two few. This violates existing case law applying the Fourteenth Amendment to the United States Constitution.

It is true that the 2011 maps, perhaps, could be adjusted by a federal court, and there is a brand-new lawsuit seeking to invoke federal court jurisdiction. But that lawsuit seeks to use the map passed on January 22 and invalidated by the Ohio Supreme Court on state constitutional grounds, not the 2011 map. The federal court may not order the use of a map that was rejected by the Ohio Supreme Court, where the underlying provision of the state constitution has not been found to violate the federal constitution. In any event, any action by the federal court is unlikely to come early enough to cure the May 3 ballot.

The uncertainty does not end in May. Without a primary election decision on party nominations, it is unclear what the general election in November would look like. Assuming valid maps exist by then, do all candidates run in a field? A thousand other questions arise, and there is no clear view from this place in time of how it would sort out.

Unless you act.

The General Assembly has the authority to fix this. An obvious solution is to move the primary date, though that would take a two-thirds vote of both chambers and the Governor's signature because it would require an emergency clause. If a primary election ballot largely without one of the three branches of government does not constitute an emergency, what does? (Obviously, the maps do not impact primary races for the United State Senate.)

I personally have immense distaste for moving the date of the primary. Government should favor regular order, and predictability is one indicia of trustworthiness. Yet here we are, with an intractable situation not of your design that demands a solution.

Other, less-obvious solutions are possible. A second, separate primary process could be put in place for districted legislative offices only. Some sort of ranked-choice voting could be enacted, or a post-November runoff process. In federal law, the *in extremis* statutory provision is that all congressional candidates run at-large, state-wide.

Our constitution invests you—my distinguished colleagues in both parties—with the authority to act, and your good minds may find other solutions. But a solution must be found.

The federal deadline for mailing primary ballots to overseas and military voters is fast approaching. Obviously, the General Assembly is without authority to move it. I would urge you to consider it in your deliberations, and consider how it might be collaterally impacted by the current situation.

This is not fundamentally about the map-drawing process. Maps will eventually emerge as the legal reviews continue, and it is to be hoped, those charged with the responsibility continue to negotiate and deliberate toward a resolution.

This is about running a primary election that includes the nominating process for the legislative branch, which is most directly reflective of the will of the people. It is up to you to give them their voice.

Yours,

Dave Yost
Ohio Attorney General

cc: Frank LaRose, Secretary of State
Keith Faber, Auditor of State

Exhibit 58

OHIO REDISTRICTING COMMISSION

ANNOUNCEMENT OF COMMISSION MEETING

TO:	Members of the Ohio Redistricting Commission
FROM:	Speaker Robert Cupp, Co-Chair Senator Vernon Sykes, Co-Chair
DATE:	Wednesday, February 23, 2022
TIME:	4:00 P.M. – 6:00 P.M.
LOCATION:	Ohio House Finance Hearing Room (Room 313) Ohio Statehouse 1 Capitol Square Columbus, Ohio 43215-4275

AGENDA

The Ohio Redistricting Commission will convene for the purposes of hearing testimony from sponsors of complete, statewide Congressional plans, subject to time limitations as set by the Co-Chairs within the allotted two hours.

Witnesses should complete the attached witness form and either:

(1) Submit it electronically with a copy of their testimony to info@redistricting.ohio.gov up to one hour before the commission meeting begins, or;
(2) Bring the completed witness form and a copy of their testimony to the commission meeting.

Note: Witnesses are strongly encouraged, but not required to submit written testimony. Witnesses may bring 10 copies of their testimony to give to staff at the beginning of the meeting if they wish commissioners to have a copy of their testimony.

Witnesses should also indicate:

(1) Which plan they sponsored and submitted;
(2) That their plan is a complete, statewide Congressional plan.

Senate Contact: Mallory Golski, (614) 466-5899
House Contact: Aaron Mulvey, (614) 466-8759

Exhibit 59

RC audio 0223.mp3

Co-Chair Sen. Vernon Sykes [00:00:00] Will the staff please call the roll.

Staff [00:00:03] Speaker Cupp.

Co-Chair Speaker Bob Cupp [00:00:04] Present.

Staff [00:00:05] Co-Chair Senator Sykes.

Co-Chair Sen. Vernon Sykes [00:00:07] Present.

Staff [00:00:07] Governor DeWine.

Governor Mike DeWine [00:00:08] Here.

Staff [00:00:09] Auditor Faber.

Auditor Keith Faber [00:00:09] Here.

Staff [00:00:10] President Huffman.

Senate President Matt Huffman [00:00:11] Here.

Staff [00:00:12] Secretary LaRose.

Sec. of State Frank LaRose [00:00:12] Here.

Staff [00:00:13] Leader Russo.

House Minority Leader Allison Russo [00:00:14] Here.

Co-Chair Sen. Vernon Sykes [00:00:16] A quorum is present. We will meet as a full committee. In your folders, you have a copy of the minutes of the February 22nd meeting. Is there a motion to accept the minutes?

Co-Chair Speaker Bob Cupp [00:00:29] I'll move the minutes be accepted.

Co-Chair Sen. Vernon Sykes [00:00:31] Is there a second?

Senate President Matt Huffman [00:00:34] Second.

Co-Chair Sen. Vernon Sykes [00:00:35] Minutes have been moved and seconded. Are there any additions or exceptions to the minutes. Any objections to the minutes? If not, we'll accept the minutes as presented. One item that we have is to pay some bills for the commission. We do have a budget and it's $11,125.79 to the Dispatch Media Group and $5,087.55 to the Inquirer Media Group. This is for the November public notice of the adopted General Assembly plan, that the commission should pay based on rule number 11. Is their motion to approve these expenditures?

Co-Chair Speaker Bob Cupp [00:01:36] Mr. Chairman, I'll move to approve the expenditures.

Co-Chair Sen. Vernon Sykes [00:01:40] Is there a second?

House Minority Leader Allison Russo [00:01:42] Second.

Co-Chair Sen. Vernon Sykes [00:01:45] Any discussion? Will staff please call the roll.

Staff [00:01:56] Speaker Cupp.

Co-Chair Speaker Bob Cupp [00:01:57] Yes.

Staff [00:01:57] Seqqnator Sykes.

Co-Chair Sen. Vernon Sykes [00:01:59] Yes.

Staff [00:01:59] Governor DeWine.

Governor Mike DeWine [00:02:00] Yes.

Staff [00:02:02] Auditor Faber.

Auditor Keith Faber [00:02:02] Yes.

Staff [00:02:03] President Huffman.

Senate President Matt Huffman [00:02:04] Yes.

Staff [00:02:05] Secretary LaRose.

Sec. of State Frank LaRose [00:02:05] Yes.

Staff [00:02:06] Leader Russo.

House Minority Leader Allison Russo [00:02:08] Yes.

Co-Chair Sen. Vernon Sykes [00:02:11] The motion is adopted. At this time, the commission will hear public testimony from sponsors of complete state wide congressional plans. These proceedings will be recorded and broadcast by the Ohio Channel so that the board, in its deliberations, may consider things said here today. We asked our audience today to refrain from clapping and other loud noise out of respect for the witnesses and persons watching the proceedings remotely. If you are here to testify, piece complete a witness slip and give it to one of our staff. If you have written testimony, please give a copy to our staff so they can include it in the official record of the proceedings. A witness slip, a witness may testify before the commission for up to 10 minutes, subject to the limitations that may be placed by the co-chairs. Witnesses should limit their testimony to, their testimony should be complete and deal with statewide congressional plans that they have submitted. At this time, we will begin with the testimony. We have four persons that have submitted written testimony only and we have at this time three persons that will want to testify in person. The first person to testify will be Mr. Gary Gale. Mr. Gary Gale. [indecipherable] I understand he is on his way and we'll will hopefully pick him up later in the in the meeting. The next speaker is Mr Paul Miller. Mr. Miller, you come forward, please state, and spell your name clearly, for the record. You have 10 minutes.

Paul Miller [00:04:21] Paul Miller, P-A-U-L M-I-L-L-E-R.

Co-Chair Sen. Vernon Sykes [00:04:24] Thank you.

Paul Miller [00:04:27] Members of the commission, at the hearing at the end of October, I presented you a map which was completely free of any kind of gerrymandering. I explained what gerrymandering actually entails and provided a sound mathematical metric for determining the amount of gerrymandering in any given redistricting plan and assign numerical values to a variety of plans presented before you so you could judge objectively. I argue that, as I was the only person to submit a map without partisan bias, you had no other choice but to accept my proposal as it was, or to hand the baton over to the General Assembly, which you did. While are the liberal activists proclaimed you would not do the right thing and that you were actually incapable of it, I stood here and predicted that you would. You did the right thing then, and I believe you will do the right thing again. Only this time, the right thing for you to do is to follow the Supreme Court's order to produce a map. And while the court has no authority to tell you how you should go about it, the intent of the constitutional amendment, which was put to referendum in which created the ORC was to make it a transparent and public process, so the court's suggestion that you adopt a plan from the public is merited, although not binding. And that brings us back to where we started. Once again, your choices are to adopt my proposal or draw your own map in an expeditious manner so that it will go into effect not more than 90 days in advance of May 3rd, which we all know is not going to happen because the minority parties demonstrated that it is obsessed with partisan gerrymandering overreach and has no desire either to compromise or to adhere to the rules set down in the Constitution. In effect, nullifying the purpose of the commission and vacating any plan which it could produce. The activists have already told you that they won't stop fighting until they get what they want, and what they want is anything but fairness. They're doing it because they believe they can legislate from the bench as part of a national nationwide strategy orchestrated under their party's national redistricting committee, As I've already expose and explain several months ago. But Ohio is a predominantly Republican state, and those of us who voted in favor of the referendum to end gerrymandering did not vote to enable the Democrats to gerrymander our legislative and congressional districts maps in their favor, We voted to prevent it. The questions you need to consider are these: 1) What are the statewide preferences, how do we evaluate them and what does it mean to closely follow them? 2) How many seats for each party can be artificially created within the bounds of fairness before it becomes an unconstitutional partisan gerrymander? And 3) which constitutional criteria should be sacrificed to meet the goal of following the statewide preferences? As for how the statewide preferences should be evaluated, my opinion is that the Constitution is too ambiguous on this point to be of any use, and voters who saw the ballot initiative were too uninformed to properly consider the ramifications. So while the court has ruled this way in the present, it would be a terrible precedent for the ORC to completely overhaul the process as being actually the least essential and most open to interpretation of all the constitutional criteria. The court will surely reverse its opinion the moment the matter comes before it again, when the balance has tipped in favor of textualist, which could easily happen before the next cycle. In other words, don't throw caution to the wind. Also, for congressional races, you should be looking at elections data which exclude presidential elections and focus on midterms where the congressional race is top of the ticket. Otherwise, you're liable to make a mistake, which will determine the outcome in a close race. The court has also made suggestions, but has no say in the process and didn't give you any specific guidelines to follow. So because it arbitrarily made the same determination with regard to the congressional redistricting process outlined in Article 19,

as it did with the General Assembly process outlined in Article 11, the court has interpreted its role in each situation interchangeably, which means it is limited under Article 11, Section 8, paragraph C-2, to ordering remediation for legal defects, which it has identified but shall include no other changes to the previous plan other than those made in order to remedy those defects. The court's majority offered an opinion about how you might go about this, but the portion which is binding is the limitation on the court's role. The media can tell us that the plan, which the General Assembly passed as Senate Bill 258, has been struck down. But this is not the case. Only the portion of the plan which the court decided doesn't follow the Constitution, is invalid. That is, changes cannot be made to SB 258 other than those which are necessary to fix the problem and to argue otherwise is to present an argument other than the one which the court ruled on. The Democrat activists, however, have taken it upon themselves to redraw the map altogether, with the court's ruling as a blanket justification. Yet the Constitution doesn't allow this. For instance, while SB 258 breaks up District 9 snake on the lake, but gives the incumbent a 50-50 chance to retain her seat in Toledo, the Democrats have gerrymandered the district to give it an unfair advantage. One could argue that this is still within the bounds of fairness based on the court's ruling. However, in order to do it this way, they've all decided that the other constitutional criteria don't apply. There are a lot of Democrats in Wood County, so it's easy to include Wood with Lucas to keep District 9 safe for the Democrats. But to do that, you have to move Bob Latta out of his District 5 into a safe Democrat district. This clearly unnecessarily unduly does favors both a political party and one of its incumbents. But that's not enough for them. They also want to force Congressman Warren Davidson and Jim Jordan, both popular Freedom Caucus members, into a primary against each other in Bob Latta's district, the seat of either of which is some 116 miles from the residents of Pioneer who've been gerrymandered into their backyard. In other words, the Democrats want to illegally, illegally create another situation which created the snake on the lake while denying half the state's residents representation. At best, they're encouraging carpetbagging, which is bound to become a problem for both of the major parties and as much of a concern for Ohio voters as gerrymandering ever was. And they've also done the same in the southeast by pitting Bill Johnson and Troy Balderson against each other. Both fair districts Ohio and the Ohio Citizens Redistricting Commission intend for you to adopt the plan, which necessarily just favors half the Republican incumbents because it's the only way for them to achieve their aim of hijacking requisite number of congressional seats, which is all they've ever truly cared about. Even the plans submitted by David Helmick, which he billed as a compromise and allows the Democrats no more than five seats, makes the same mistake of writing Congressman Latta out of his district and forcing Jordan and Davidson to either move, retire or run against each other. The answer to the question of how many seats for each party can be artificially created within the bounds of fairness before it becomes an unconstitutional partisan gerrymander? Is zero. And the answer to the question of which constitutional criteria should be sacrificed to meet this goal is none. You're either following the Constitution or you're not following the Constitution. The court's order only applies as far as the Constitution limited, which is to say, the upper bound of fairness in favoring the Democrats. When I testified in October, I gave you a map which set the lower bound at two safe Democrat seats, as that's what they're entitled to, and anything beyond that is a deviation from the rest of the state wide margin, favoring Republicans by nearly 20 points. And you can't legally break up the urban to rural concentration gradient. As Senator Huffman rightly pointed out last week, racial gerrymandering is illegal, and as Auditor Faber pointed out, the Democrats' plan use cracking and packing to even at the margins. This is inevitable for what you want. But let's assume that the Supreme Court's majority opinion invalidates the Voting Rights Act or that an excuse can be made for it. For example, I've opened up a new safe democratic district outside Cleveland's District 11 for Chantelle Brown. So the inevitable racial

gerrymandering is offset for African-Americans in the east of Cuyahoga County by virtue of the fact that they already have representation there should her party reelect her. I think this is a good solution to a difficult problem. In any case, the lower bound of fairness for safe Democrat districts is clearly two. But the upper bound, which the court has forced you to consider, is four. Four is exactly the number of seats which the Democrats should have by a strict adherence to the statewide preferences as determined by the last 10 years of elections. Anything beyond this is an intentional gerrymander, especially since Ohio is losing a seat and the GOP has to suffer it. But highly competitive districts, which neither favor nor disfavor the incumbents, are also fair. So we can add two more of those within the bounds of fairness, which gives the Democrats a chance to secure between four and six seats fairly assuming these other elections are not rigged, which is already an assumption which the majority of Republican voters in Ohio are not willing to make given the recent elections. Republicans will only, however, have one congressional seat in the state of Oregon because Democrats don't believe in fairness or even in proportionality. They won't give up. Any of their 14 out of 17 districts in Illinois, which is only 55 percent Democrat or any of their nine out of nine seats in Maryland. But don't expect the League of Women voters to challenge them because their cause is as partisan and disingenuous as it is unjust. A nine to four spread with two hyper competitive districts is a great, is as great a concession as the GOP can make without blatantly violating our state's constitution in several ways. And that's what I have given you. If the Democrats are smart, they will take it and be happy with the victory. If not, then the commission still needs to produce a map, which means it'll be up to the Republican majority to do what they think is best without caving in to the other party's intransigence. After all, it motivated Republican might challenge a map proffered by the Democrats on the grounds that it is necessarily unconstitutional. I've given you everything you need in the part of my testimony that I don't have time to read. You have an explanation of the rationale, which I've used to determine how the districts should be drawn and an itemized list of how I've drawn each district in accordance with these steps, so that you can include a statement explaining what the commission determined to be a statewide preferences of the voters of Ohio. Another, and neither party can cry foul when there is no foul, or otherwise be left in the dark. I've done everything painstakingly by the book, and I honestly don't care which party gets the upper hand. But let's not continue to give people a reason to mock Ohio by our elected officials pursuit of corrupt political practices, including partisan gerrymandering. If you decide there's a better map for your consideration than the one I've given you or that you can do better yourselves, that's fine. But it's time for you to choose so we can all move on with our lives. Thank you. That's all I ever say. Any questions?

Co-Chair Sen. Vernon Sykes [00:14:05] Thank you, Mr. Miller. Are there any questions?

Co-Chair Speaker Bob Cupp [00:14:09] I'm going to have a few questions. Good, thank you, Mr. Chairman, I just want to ask some questions in regard to the constitutional standards, which I would intend to ask to anybody that is presenting a map. The first relates to the congressional ratio of representation. And as I'm sure you're aware, Article 19, section 282 of the congressional ratio of representation is 786,630 person s. So did you apply a standard of strict mathematical equality for the population of each district? Or did you deviate from the ratio of representation for any district?

Paul Miller [00:14:54] Yes, Chairman, I used the plus or minus one population deviation as my guide in each district.

Co-Chair Speaker Bob Cupp [00:15:00] One, one person.

Paul Miller [00:15:01] One person. And that accounts for the the splits, there are four precincts they're split in 13 counties and uses minimal amount of splits as I could, but some to get the population deviation to within one or zero. I had to make some splits.

Co-Chair Speaker Bob Cupp [00:15:22] All right. Let me let me pursue that a bit. Prior to drawing district, did you determine which counties had population that exceeded the ratio of representation pursuant to Article 19 section 2b4?

Paul Miller [00:15:35] Yes, and right here it says single county districts max possible, three, that's the Hamilton. Franklin and Cuyahoga each have their own district.

Co-Chair Speaker Bob Cupp [00:15:44] And in any of those counties, were there any cities or townships whose population exceeded the congressional congressional ratio of representation?

Paul Miller [00:15:53] Columbus, yeah.

Co-Chair Speaker Bob Cupp [00:15:56] And did you follow the rules under 2B-4A to include significant a significant portion of that political subdivision in one district?

Paul Miller [00:16:04] Yes, I did. It's basically the southeast corner of Franklin County.

Co-Chair Speaker Bob Cupp [00:16:11] All right. I'm returning to the continue with the county that is population exceeded the racial representation. Were there any cities or townships that were larger than a hundred thousand persons, but less than the congressional ratio of representation?

Paul Miller [00:16:24] I'm not sure about the populations of of Hilliard and the other cities in Franklin County, but I kept them all intact in District 15. The only ones that are the exception are are the ones that are within the bounds of Columbus.

Co-Chair Speaker Bob Cupp [00:16:42] So did you follow the rule under 2B-4B by not splitting that political subdivision?

Paul Miller [00:16:49] Correct.

Paul Miller [00:16:50] The only municipalities that I split are there are three of them. They're all under population of 20,000 Cuyahoga County, and I think it was Warren or or Dayton, around Dayton.

Co-Chair Speaker Bob Cupp [00:17:05] Can you tell me how many counties in your plan are whole and in one congressional district?

Paul Miller [00:17:13] The answer to that is written here somewhere. I've split 13 counties, 14 times, the only county that is split twice as Cuyahoga. So that means that there are minus 13 from 88. So 75.

Co-Chair Speaker Bob Cupp [00:17:37] Well, let me just kind of take these one at a time. How many counties in your plan are split once?

Paul Miller [00:17:43] 12.

Co-Chair Speaker Bob Cupp [00:17:43] OK? And how many counties in your plan are split twice?

Paul Miller [00:17:47] One.

Co-Chair Speaker Bob Cupp [00:17:49] And how many counties in your plan are split more than twice.

Paul Miller [00:17:53] Zero.

Co-Chair Speaker Bob Cupp [00:17:53] And is it your assertion that these numbers comply with Article 19 section 2B-5 regarding counting splits?

Paul Miller [00:18:03] Yes.

Co-Chair Speaker Bob Cupp [00:18:05] Does your plan comply with Article 19 section 2B-6 in that if a district contains only part of a county, the part of the district that lies in that district is contiguous with the boundaries of that county.

Paul Miller [00:18:21] Yes.

Co-Chair Speaker Bob Cupp [00:18:27] Prior to drawing your district, did you determine which counties had populations that exceeded 400 thousand persons?

Paul Miller [00:18:34] Yes.

Co-Chair Speaker Bob Cupp [00:18:35] And can you tell us what those are?

Paul Miller [00:18:38] To wit, under their apportionment or just above, 400,000.

Co-Chair Speaker Bob Cupp [00:18:45] Exceeded 400,000.

Paul Miller [00:18:46] So Hamilton, Franklin, Cuyahoga, Lucas, Summit, and Stark, I think.

Co-Chair Speaker Bob Cupp [00:18:56] What about Montgomery?

Paul Miller [00:18:58] Oh, I'm not very familiar with Montgomery. Yeah, I did not split Montgomery.

Co-Chair Speaker Bob Cupp [00:19:05] So does your plan comply with Article 19 section 2B-7 that in that no two Congressional District shall share portions of the territory of more than one county, except for those counties whose population exceeds 400,000.

Paul Miller [00:19:19] Yes.

Co-Chair Speaker Bob Cupp [00:19:22] And did you attempt to include at least one whole county in each congressional district?

Paul Miller [00:19:27] I did include one county in each congressional district, with the exception of of the the districts that were entirely within one county.

Co-Chair Speaker Bob Cupp [00:19:38] All right. Thank you.

Co-Chair Sen. Vernon Sykes [00:19:43] Senator Huffman,

Senate President Matt Huffman [00:19:46] Thank you, chairman. So, Mr. Miller, I'm looking at your testimony. And is there a paper hand out of your map? I guess, it's on the website we can look at if we need to

Paul Miller [00:19:59] It's or is it it's on the website. And unfortunately, I don't have a paper handout.

Senate President Matt Huffman [00:20:03] Yeah, that's fine. That's fine. I think I was able to look at it on the phone there

Co-Chair Speaker Bob Cupp [00:20:07] Senator, we have one copy there.

Senate President Matt Huffman [00:20:09] Oh, OK, thank you.

Senate President Matt Huffman [00:20:13] Yeah, somebody want to make copies of that? So I was looking on the back page. This just a statistical summary or I guess, gerrymandering, proof of proof of gerrymandering. And you didn't go over that your testimony, did you? Or at least you didn't read this part, right?

Paul Miller [00:20:29] I went over it in October, so I assume that you're familiar with it. I'd be happy to read.

Senate President Matt Huffman [00:20:35] Yeah. And and to the extent that it would be helpful. So explain explain these ratings, and I'll just draw attention to commission members to the last page of the testimony. And it appears to be a ranking of. Well, I guess you call it the range of fairness for these, these various plans. Could you explain how you how this was created? What what's the math that goes into it?

Paul Miller [00:21:05] In order to establish a gerrymandering index, as I described in my first paragraph here?

Senate President Matt Huffman [00:21:10] Mm-Hmm.

Paul Miller [00:21:11] I use statistical variance as in with regard to the margins of the districts for a congressional plan. For example, you have a normal would be Republican. Fifty two Democrat. Forty five. That would be a margin of seven points. You plug all of those values in the 15 districts into a standard deviation calculator. It gives you statistical variance, which is evidence of artificial manipulation.

Senate President Matt Huffman [00:21:40] And so in terms of what you plugged into, is this the information that's available on the public websites that that's where you plugged it into the Dave's Redistricting or whatever it is?

Paul Miller [00:21:52] I've used the the official. So the Ohio House GOP and Senate GOP and Democrats plans are available on Dave's Redistricting, and I use the the statistical data from from that site. But I had to create and that's why I said the fair district Ohio proposal that they've submitted recently is approximate because I couldn't couldn't get the

map to load on that, so I had to recreate it by myself. So that's not exact, but it's fairly close.

Senate President Matt Huffman [00:22:20] OK. So according to your I guess, the these the statistics, the actual math, if if what we're saying is fairness is based on the actual results of the election where it goes, the fair district Ohio proposal is the most unfair of all the plans that we have seen. Is that what your testimony is?

Paul Miller [00:22:44] Of the ones that I've evaluated? Certainly, yeah. But I can't speak on ones that I haven't looked at. Yeah.

Senate President Matt Huffman [00:22:49] Well, I'll just I mean, the ones that we have there's there's eight of these listed and in the the least fair, according to your statistical analysis, the four least fair out of these eight are the Ohio Senate Democrats Plan and Senate Bill 237, the Ohio House Democrats Plan House Bill 483 the the redistricting commission's proposal, the previous one, and then the least fair is the Fair District Ohio proposal, and I guess the current Ohio Senate plan is ranks second to House apparently beat us out as being more fair. Congratulations. Speaker Cupp but then your plan is is ranked third, or just about the same as the Ohio Senate GOP plan a GOP plan. Can you comment just on how, I guess, you know, fairness is always in the eye of the beholder and clearly the Fair District Ohio plans is by far the least unfair of all of these plans. But do we need to get better than the ranking, the 608 ranking in order to get fairness in order to be a good map, an acceptable map, a policy map that is acceptable to Ohioans?

Paul Miller [00:24:16] So the reason I included my original proposal was to provide a standard for what in a completely un-gerrymandered map will look like if it's done right. So the value, which is almost identical to Senate Bill 258, I think, is shows that 258 was fine the way that it is statistically, but the deviation that you have to apply to the map in. In order to get the proportionality that the court has ordered is it means you have to necessarily gerrymander, it means you necessarily have to to break up a good map by necessity. So the extent to which you can do that, which is still within the bounds of fairness, I think based on, you know, my months of of doing this, I think is approximately what I wind up with here. Now you could argue, maybe that, like I mentioned, the David Helmick plan that has one less hyper competitive district, which leans Republican than than my plan. I would consider that a good map, except for the reasons that I've already outlined.

Senate President Matt Huffman [00:25:24] Does the fact that the House plan have a lower score in your mind mean it's more fair?

Paul Miller [00:25:31] No, I don't actually like the House plan very much. I don't. I'm from, I'm from Lucas County. I don't think Lucas County should be split, and they split Toledo right down the middle. But it's, that's not my decision to make so.

Senate President Matt Huffman [00:25:45] Sure. Well, yeah, I know there's always discretion in here. That's why we got elected to do these jobs, I guess. One final question if I could, Mr. Chairman, I guess I find it remarkable that your original proposal, the standard of fairness is almost an identical score to the current Senate GOP plan. Is that Senate Bill 258 or both 608 and .8 or .9? Could you just respond to that? How? I don't think you are working with our map makers. It just happened to be that way. Is that right?

Paul Miller [00:26:16] It happened to be that way. And I can't get Senator McCaulley to talk to me about it either. So,.

Senate President Matt Huffman [00:26:20] Oh, that's-

Paul Miller [00:26:21] But no, I in response to that question, Senator. Yeah, I think that it was a good map. I was actually surprised when I saw it because at the time I thought I had the best maps submitted to the ORC. And I think that was a better map than the one that I originally produced. So I had to up my game and do fewer county splits and fewer township splits. But it was that map that proved to me that it could be done.

Senate President Matt Huffman [00:26:44] OK, thanks. Thank you very much, Mr. Chairman,.

Co-Chair Sen. Vernon Sykes [00:26:49] Leader Russo.

Minority Leader Rep. Allison Russo [00:26:52] Thank you, Mr. Chairman. Thank you, Mr. Miller, for being here. I want to go back to this gerrymandering proof that you presented on the back. What is the source of this proof? Can you explain to me a little bit about how you came up with this? Is this yours? Is it something that you are using from an accepted measure of fairness? I'm just trying to understand your calculation

Paul Miller [00:27:23] Leader Russo, statistical variance is used by people in academia, by mathematicians and statisticians and scientists, and I'm familiar with it because of my educational background. But it's applied in a large variety of academic fields, and I felt that it would be appropriate to address this issue because there's so much uncertainty about what gerrymandering is, what it entails, what it looks like on a map versus what it really is, which is the intentional favoring or dis favoring of political party or its incumbents. So I decided that I would try to use this objective measure in this situation.

Minority Leader Rep. Allison Russo [00:28:02] So quick follow up. I understand what statistical variances. But am I understanding correctly that this your addition of statistical variances from individual districts? This is a measure that you have created as a measure of quote unquote fairness, as am I understanding that correctly?

Paul Miller [00:28:22] No, I have not created standard deviation formulas. I've just applied them here.

Minority Leader Rep. Allison Russo [00:28:30] But your overall measurements, for example, 549, 608, et cetera. You took statistical variances from individual districts correct in each of these maps.

Paul Miller [00:28:43] Yes.

Minority Leader Rep. Allison Russo [00:28:43] And in you've added those up.

Paul Miller [00:28:46] The margins. Yes.

Minority Leader Rep. Allison Russo [00:28:47] So your measure that you're using is a proof that you have created. It's not something that other that is widely used by other mapmakers, correct?

Paul Miller [00:28:57] Probably not widely used no. But but I didn't. I would say that I didn't create it. It's just something that was there and hasn't been utilized.

Minority Leader Rep. Allison Russo [00:29:05] A quick follow up. But but I guess I'm asking, is this your method for evaluating?

Paul Miller [00:29:12] I don't know how to answer that. I don't. I don't claim it as mine. So.

Minority Leader Rep. Allison Russo [00:29:16] OK

Paul Miller [00:29:16] I would I would like to see more people use it because because it's an objective measure.

Minority Leader Rep. Allison Russo [00:29:21] OK, thank you. One other quick follow up and I understand it because I don't have the statistics. I don't think for your districts, am I understanding correctly that there are four quote unquote Democratic safe districts, 10 Republican district or no how many nine? Can you talk to me a little bit about the breakout you have 4 safe Democratic seats? One. Two.... I think nine.

Paul Miller [00:30:00] OK, so the the argument that has been put forth to this committee, I know Senator Huffman asked everyone who was up here in the fall to my to my memory about about what a what a what competitive means and numerically. And so the consensus is anything within three points of of a margin of 50 for either party is competitive. Some people extend that out to maybe five percent. Dave's Redistricting includes that as competitive scores. And so the Senate Bill 258 does not provide Democrats a close enough margin in different districts in the ones that would be considered competitive for them to actually be competitive. The expectation is that the Democrats will lose all of those elections except for, you know, three and 11. So my solution to that is if we really want fairness to make them 50 50 right down the middle. So what I've done in District 15, Mike Carry's spot because because I don't want to disfavor an incumbent and he's an incumbent instead of creating a safe Democrat district there, I've just made it 50-50 right down the middle. Senate Bill 258 already did that with District nine, so those are two hyper competitive districts. Instead of arguing about is a 52 percent advantage for Republicans, a competitive district. Let's just make it 50-50.

Minority Leader Rep. Allison Russo [00:31:34] OK, so quick follow up. So I'm understanding that this you essentially have nine Republican leaning districts, four Democratic leaning districts and then, two quote unquote competitive in your measured competitive, is 50-50.

Paul Miller [00:31:46] That's correct.

Minority Leader Rep. Allison Russo [00:31:47] OK, thank you.

Co-Chair Sen. Vernon Sykes [00:31:52] Are the other question. Just one. Just one follow up to Leader Russo, the method that you're using to determine fairness. You indicated that it wasn't frequently used. Do you know if anyone else is using this method?

Paul Miller [00:32:10] To my knowledge, no. And I would also add that the methods that are being used by other people are also not accepted. The proportionality argument has never been accepted, it's just used.

Co-Chair Sen. Vernon Sykes [00:32:23] Any additional questions? Yes.

Auditor Keith Faber [00:32:26] So help me understand your numbering system because the map that we got, I can't figure out which districts are which. So can you walk me through how you numbered your districts on the map?

Paul Miller [00:32:36] OK, so that's in this portion

Auditor Keith Faber [00:32:40] Let's just start, number 1, is that the Cincinnati district?

Paul Miller [00:32:43] Yes. And the thinking in that is that the the referendum, because the only the only city that would change or the only district that would change be flipped by the referendum, that part of the referendum that deals with the population of the city with a certain population, the only one that would change the district is Cincinnati. So the intent of the referendum, at least part of it was to give Democrats a safe district in Hamilton County. That's my belief. And I think probably that's what all of the the activist groups would also contend.

Auditor Keith Faber [00:33:16] Which ones is number 2?

Paul Miller [00:33:18] The one on the bottom there in order to keep a seat for a Bill Johnson, I had to move what was District six. His seat is now in the south, where -

Auditor Keith Faber [00:33:30] So two is just southern Ohio district?

Paul Miller [00:33:32] Yes

Auditor Keith Faber [00:33:32] What's 3?

Paul Miller [00:33:34] In Columbus.

Auditor Keith Faber [00:33:38] Which one Columbus?

Paul Miller [00:33:40] Sorry, the blue one there.

Auditor Keith Faber [00:33:41] Your map colors are different than the map colors we have on the copy.

Paul Miller [00:33:46] This one here.

Auditor Keith Faber [00:33:46] So it's the-

Paul Miller [00:33:47] Democrat District in Columbus.

Auditor Keith Faber [00:33:48] So that's 3? What's 4?

Paul Miller [00:33:53] This purple one here to the west of Franklin.

Auditor Keith Faber [00:33:55] What's 5?

Paul Miller [00:33:57] This red one.

Auditor Keith Faber [00:34:00] 6?

Paul Miller [00:34:08] I'm sorry, I misspoke. Sorry, what was, 2, is now 6.

Auditor Keith Faber [00:34:14] OK, what's 2?

Paul Miller [00:34:16] Up here

Auditor Keith Faber [00:34:17] All right. So 3, 4, 5, 6...7?

Paul Miller [00:34:24] 7, is this orange one. That's Lorain and Medina and part of Wayne and Cuyahoga.

Auditor Keith Faber [00:34:32] 8?

Paul Miller [00:34:34] Same as before.

Auditor Keith Faber [00:34:34] Historically, that's the Warren Davidson district.

Paul Miller [00:34:37] Yes.

Auditor Keith Faber [00:34:41] 9?

Paul Miller [00:34:42] Northwest.

Auditor Keith Faber [00:34:45] Marsha Kaptur. 10?

Paul Miller [00:34:47] Montgomery and Warren.

Auditor Keith Faber [00:34:52] 11?

Paul Miller [00:34:54] That's historic. Cleveland, yes.

Paul Miller [00:35:01] And that's the one you made minority influenced.

Paul Miller [00:35:05] One of the two. Yeah, it depends on what your definition of minority influence is. The courts historically have regarded 50 percent as majority minority district, but anything over thirty five percent is is usually regarded as that. So I've got I've got four that are above thirty and two that are above 40.

Auditor Keith Faber [00:35:27] 12?

Paul Miller [00:35:31] The green one there.

Auditor Keith Faber [00:35:32] 13?

Paul Miller [00:35:37] That's Summit and a portion of Cuyahoga.

Auditor Keith Faber [00:35:41] 14?

Paul Miller [00:35:42] Lake and upper Ashtabula.

Auditor Keith Faber [00:35:45] And 15? Probably the only one left to see in Columbus.

Paul Miller [00:35:53] The orange one.

Auditor Keith Faber [00:35:53] And that one you've got going, Columbus, Franklin County, Delaware County? And it looks like Knox County, no-

Paul Miller [00:36:01] That's Morrow County.

Paul Miller [00:36:06] OK, so 15 is Delaware, Knox, or Delaware, Morrow and part of Franklin?

Paul Miller [00:36:12] Yes.

Auditor Keith Faber [00:36:15] OK. Mr. Chairman, let's follow up. They've asked you a lot about your statistical variance calculations. How did you? Could you walk me through that calculation so that we can have some understanding of it? I think that's essentially what I interpreted other questions trying to get to to see how you did that calculation. But could you walk us through how you calculated it? Did you do it by district and then aggregate it for the maps? Or how did you come up with that conclusion?

Paul Miller [00:36:45] District for each district, there's a margin add all the margins in the district, plug them into a standard deviation calculator to give you an answer.

Auditor Keith Faber [00:36:55] How do you calculate the margin for a district?

Paul Miller [00:36:58] As I said, if you have a 52 percent Republican voter turnout and 45 percent Democrat, that would be a seven point margin for for the Republicans.

Auditor Keith Faber [00:37:10] OK, so so if if you had a district that was seven, you'd then calculate that against the standard deviation.

Paul Miller [00:37:20] If you had if every district was about seven, then there would be very little deviation. It would be it would be a perfectly homogeneous map

Auditor Keith Faber [00:37:31] and your benchmark for an election turnout was the last ten years or was it what was the what was the benchmark for elections?

Paul Miller [00:37:38] The statistical summaries that I that I these are numbers that I calculated mostly back in in the fall, and I used the statistical summaries on Dave's Redistricting app. Generally, their composite scores are 2016 to 2020. So the last prior three elections, I had to, I did this index as a as a rough estimate and I did not, it was not part. It was not my intention to use this gerrymandering index to draw up a new map.

Auditor Keith Faber [00:38:12] So one of the problems that we've all seemed to be finding, and I think both the Republicans and the Democrats, all of us in drawing the maps is is that there's just not real good election data beyond 2016,.

Paul Miller [00:38:25] Right? Because things changed a lot in the last few years.

Auditor Keith Faber [00:38:28] And I'm not sure the data was kept by precinct level data. It's my understanding talking to map drawers that it's virtually impossible to find valid data

beyond that time period. So we seem to have all agreed on this somewhat shortened time period. So you used the 2016 to 2020 period?

Paul Miller [00:38:48] Mostly yes, where it was available.

Auditor Keith Faber [00:38:54] All right. If you could, it would be helpful to the at least to me, submit to the committee as a follow up your sample calculations and reaching your your maps here so that we can see them and flow through them to understand where the data that you came in for the comparison was. I don't need it today if you can just submit it to the redistricting site so that we can understand that for future reference.

Paul Miller [00:39:21] I could do it.

Auditor Keith Faber [00:39:22] All right. Thank you, Mr. Chairman.

Co-Chair Sen. Vernon Sykes [00:39:28] Any other questions? Mr. Miller, thank you very much. I believe Mr. Gary Gale is in the room at this time, sir.

Gary Gale [00:39:55] Mr. Chairman, err, co-chairman. I didn't get here on time because I was takes a little while to get it from Massolin. And we had a client come in at one o'clock.

Co-Chair Sen. Vernon Sykes [00:40:05] So if you state your name and spell, please for the record

Gary Gale [00:40:12] G-A-R-Y G-A-L-E What is the time limit? So I.

Co-Chair Sen. Vernon Sykes [00:40:13] 10 minutes.

Gary Gale [00:40:14] Ten minutes. OK, I will try not to be a fast talking lawyer today. My name is Gary Gale and I live in Stark County. I am appearing on behalf of the Stark County Democratic Party and its chairman, Sam Ferruccio Jr.. Prior to drafting this testimony, I consulted yesterday afternoon with both Chairman Ferriccio and Representative West of Democrat of Canton. On October 26, 2021, I submitted a 15 district statewide congressional map to the commission, and I believe that under those, I don't know what was laid out in the announcement. I met the prerequisites to testify. OK, so I've testified before the commission three times. All of you have heard twice before and before several House committees, except for Leader Russo, who has never met me. I'll try not to be too too verbose. I originally drew a map that included three counties that in northeast Ohio that were similar in education economics problems. But after receiving the, the decision and reviewing it in the Adams case, we decided that that was no longer feasible because the Adams case required, at least by our reading of it, that there would not be a splitting of some of Summit County at all and that there would not be a splitting of Cuyahoga County more than once. So we gave up on what we were doing. We looked at all of the other maps and decided from our standpoint, the best alternatives that we could find were the Democratic House and Senate caucus map presented on February 22 and on the OCRC Unity map. Not the Fair Districts model congressional map. I'm going I'm presenting you with an inconvenient truth. That the Akron based districts 13 in the Fair Districts model map due to the power of incumbency in the power of money is not a competitive district, as it's claimed. And how that can be remedied. I'll explain to you why that is what we believe. First, the Fair District map is out of compliance with the wording in Pages 37 through 39 of the Adams vs. DeWine decision, because that map splits Cuyahoga County three times now twice into three separate districts and splits Summit

County once at least my reading and I will defer to the former Supreme Court justice, who's probably much better at reading decisions than I am that that is impermissible. There were five Summit County precincts in the Clinton area in the southern border of some accounting that were placed in the rural dominated 7th District in the Fair Districts map. And then there were five precincts around Chagrin Falls from Cuyahoga County. They were placed in the Akron based district. We think that when you violate a court order, you violate a court order. It's just like you can't be a little bit pregnant. Stark County is the only single county adjacent to Summit other than Cuyahoga. There's a large enough population to provide the two hundred forty five thousand eight hundred fifty eight residents that, when combined with Summit County, would be necessary to reach the desired district population of 786,630 and is more compact than the model map of Summit Portage and Geauga, and therefore is a better meets the requirements of Article 19. Where the black community in Geauga counties, county is virtually nonexistent, 1.2 percent, and the Portage County is only four point one eight percent, with Stark County's population being eight percent black. As a result, the black population when Stark County is included in the Akron district is twenty one thousand greater 289 people than when you have a black population from Geagua. Portage and Summit reducing the black population in that district from fifteen point seven percent to thirteen point oh percent and the five hour gerrymandering course I took from the NAACP this past summer. That's an example of what they would call cracking. It would be a violation of the Voting Rights Act Section two. Additionally, the black community in Stark is more compact than that of Portage. There would not appear to me, many, if any, black majority precincts making it much more difficult to organize. If you put Portage and Geauga in the district with Akron as opposed to Stark where it's more concentrated. in Stark County, there are there are black elected leaders, including Representative West, who not only is a member of the House, but as the assistant minority leader in the House and the president of the Ohio Black Legislative Caucus. Like that, right? Thank you. There are also three black members of the Canton City Council and one black member of the Canton City School Board. When you have local elected officials, it is easier to organize. Take it from someone who's run campaigns. Summit County and Clark in Stark County also have close governmental, educational, medical, economic and charitable ties. The Akron-Canton Airport, is governed by the airport authority, which is a political subdivision of the state of Ohio, with trustees appointed. From each county, Stark state has a location in Akron, both Akron Children's and Crystal Clinic locations in Stark, the Akron Canton Area Agency in Aging is designated as an aging disability resource. By the Ohio Department of Aging, and then there was the Akron-Canton Food Bank. Additionally, the Fair Districts Model Map Akron-anchored district errects a significant obstacle to to a competitive district because it is the home county and base of Congressman Dave Joyce and the county where where before going to Congress, he was elected prosecutor. I know you don't get Cleveland TV down here, but the Cleveland NBC affiliate this week is running twice a day. Stories about the Chardon School massacre that Congressman Joyce handled when he was a state prosecutor in Geauga County. And even even with the Democratic success in 2018, in the last four election cycles nationally, ninety four and a half percent of all congressmen who ran for reelection won here in Ohio, it's been a hundred percent. Congressman Joyce, according to a February 3rd, 2022 edition of Cleveland.com. Per the most recent FEC filings, has one million, three hundred and seventy nine thousand one hundred ninety seven dollars cash on hand as of the end of last year. How would any of you like to start a campaign against somebody sitting at one point four million? Congressman Joyce has for the last decade won in two hundred and five precincts in the new congressional district. If you follow the model maps configuration again, that would give them a significant advantage against any anyone else running against him in a general election you had. He has identified voters. For the complication in electing an opponent is a disparity in turnout,

using the 2020 turnout as the basis for comparison, Geauga County, where Joyce is from and where he's been elected county prosecutor prior to going to Congress. He had an eighty three point seven percent turnout rate, compared to seventy six point six six percent in Portage and seventy four point six seven percent in Summit. That is in contrast to the turnout, and Stark with a turnout is only seventy five point six percent, which is more in line with the turnout in Summit. There is no advantage between the counties that way and was also explained why Stark County does not want to be sequestered in the Fair Districts' 7th Congressional District When I interned for Lou Stokes and was a staffer for Arnold Pinckney's second mayoral race. I learned that in America, race matters. We've learned nothing else in the past few years, up to and including the civil rights case in Georgia that was decided yesterday. That is still the case. Despite Stark having an eight percent population and eight percent black population were placed in a congressional district in the Fair Districts' map with a paltry four point eighty six percent black voting age population, the fourth least of any congressional district in the state of Ohio. In comparison, the Democratic caucus map puts sixty five percent of our population in a district that is fifteen point seven percent black and the remaining 35 percent of the district's targets.

Co-Chair Sen. Vernon Sykes [00:50:00] Mr. Gale, you have a few seconds left.

Gary Gale [00:50:06] Ok, Our problem is that we feel that the district they were in, besides the fact that the Akron based district would not be competitive. We feel that the district that we are being shoved into by the fair districts map would be, racist. Brass tacks. There was no other county in there. It has more than 1.6 percent black. Well, despite intent or lack of intent, a racial gerrymander is a racial gerrymander.

Co-Chair Sen. Vernon Sykes [00:50:38] Thank you. Thank you. Thank you very much. Are there any questions to Mr. Gary Gale? We had some technical difficulties with this map and we don't have a copy in front of us

Gary Gale [00:50:52] it was an e-mail from my law office earlier today. There were maps of the kind of the counties I understand. The map that I drew earlier because of the Adams decision was not going to work and I did not draft a new one in the interim.

Co-Chair Sen. Vernon Sykes [00:51:11] Ok. Are there any questions? Hearing and seeing none, thank you so much.

Gary Gale [00:51:19] Thank you.

Co-Chair Sen. Vernon Sykes [00:51:19] Appreciate it. The last witness we have so far that is signed up is Miss Catherine Turcer. Hello. Would you pronounce and spell your name, please?

Catherine Turcer [00:51:39] Sure My name is Catherine C-A-T-H-E-R-I-N-E, Turcer, T-U-R-C-E-R I don't know if you remember Vanna from the last time we were here in October. This is this is Trevor. So one of the Trevor Martin, T-R-E-V-O-R M-A-R-T-I-N and we're both here from Fair Districts Ohio. And the reason Trevor is with me is our map is a product of a bunch of different people, and there may be things that I will have some challenges answering. So he is here to help you with that. And do you want me to go ahead?

Co-Chair Sen. Vernon Sykes [00:52:13] Yes, please.

Catherine Turcer [00:52:13] All right. Well, thank you. I just once again wanted to say thank you for this opportunity to talk to you. Minority Leader Russo, I did a map in October 28th where I basically went over the three winning maps for the Fair District competition. And you know, this was an opportunity, you know, before they took it up in the state legislature to talk about, you know, what made these maps good and why they would be worth considering as congressional maps? And there were pros and cons. You know, you as you go go back and forth between the three, their pros and cons for each of them. And I don't know about you, but I got super tired of waiting and I realize you're part of the redistricting commission. But for the congressional map, when there was this redraw, I thought, OK, this is an opportunity. This is this wonderful opportunity, and it just never happened in the state legislature. And once they had made this announcement, you know that there was a bill that was just an intention to create a congressional map. I said, OK, well, I've gotten tired of waiting. And I brought together a bunch of Fair Districts folks who had done maps to take the three congressional maps that were winners in our map making competition and to merge them into one. The whole notion of Hey, let's give you an opportunity to look at what we consider to be the best model map. Now the folks you know, folks from all over Fair D istricts actually had conversations about these maps. But the key mapmaker is a guy named Paul Nieves. Now Paul is from Yonkers, New York. He's part of the Princeton Gerrymandering Project. It's, you know, there's a mapping core. So he won second place for both the state legislative map making competition and the congressional. And then we have folks like Mike A'Hearn, who you often will see here, who's from Blacklick. He works in zoning. And he was very interested in like, Well, how do we take these maps and think about them as the way you would think about regional planning? So let's think about rural planning organizations. Let's think about metropolitan planning organizations. Let's see how this all map matches up. Trevor focuses on community map making. So in other words, all through 2021, he went through this process where he heard from different folks about like, Well, what makes you know what makes for a good map? You know, yes, you're going to have district lines. Sometimes you're not going to like those district lines, but you have to focus on population. So let's have a conversation if you're going to divide a county. Let's talk about how you want to keep your community together. And so as we look at this map. So you should both have a bigger map, which I think is useful if you're somebody like me that wants to take a deeper dive, the Bitlee, the Bitlee/Model map, you can actually go in and you can get down on Dave's Redistricting app. Now, you know, Dave has been very helpful to all of us citizen map makers. And so, you know, as we went into this, we were really focused on, you know, keeping those counties whole as building blocks. Now we know that in this in these districts, as you look at this, there are 14 counties that are split. We focused on creating, how can we think, coherent representation. So the goal here was as much as possible to keep communities together. And clearly population is going to divide some things. But we were really focused on making sure that communities as much as possible were kept together and regions were kept together. So you'll see that the greater Toledo area, including Wood County and the western Erie shoreline, is is a district. You'll notice the north central Ohio region, including the cities of Tiffin, Mansfield and Marion. They're all in the same congressional district. And then we focus on keeping the Appalachian area as well together. So you're talking about that southeastern portion right along the Ohio River Valley. Now, as we all know, I think the last time I saw Speaker Cupp was talking about how it's hard to make these maps. I think that's true. But we fortunately, we're not talking about 99 better than thirty three, and this is going to be much simpler. So, you know, as we look at this, we focused on keeping the population basically as close to the same as possible, so we have the difference of one person. So some of them are seven hundred and eighty six thousand six hundred twenty nine, some seven hundred eighty six thousand six hundred thirty. But they're as much as possible equal population. Now, in order to avoid

favoring and dis-favoring incumbents. This map was drawn blind, meaning we didn't include the knowledge or consideration of incumbents or challengers addresses. We said, Well, this way the chips fall where they're going to. We know that you can't favor disfavor candidates. Let's just do that blind. I wanted to highlight that the Fair Districts model map is compact. It was rated good by our friend Dave, and I included the scores on REAC and the pompously paper as well in your written material. We focused, of course, on thinking about representational fairness for many of us. We know this is not part of what's a requirement for the congressional maps or what is an aspirational, you know, an aspirational criterion for making these congressional maps. But it is a good criteria for identifying gerrymandering. And so as we looked at this, you will see that the district lines are, I'm going to pull this up. You'll look at this chart. You can actually see that there's good proportionality, meaning representational fairness. So the districts are about, you know, eight Republicans to some of the Democrats, maybe nine Republicans to six Democrats. There are six districts that are around three points. I think we can have some debates about what exactly is competitive. I think Dave gives a broader sense of what's competitive, but there are three that are within three points. And now on to the sections. I'm going to start with Franklin County. So what we did with Franklin County is it's divided into two districts. You know, this is going to happen. Every single one of the maps Just because of population, we focused on keeping a minority communities of western and southern sections of Franklin County together to create an opportunity district. With Congressional District 12, we adjoined to the neighboring counties of Union and Delaware. This division keeps the northern suburb of of Dublin, which is where I'm from, all in the same congressional district and keeps the school district intact. It also keeps nearby Hilliard, Worthington and Powell in the same congressional districts. Now, one of the things that I think is important to us, you're looking at this is to also think about the other side. So you've got the northwestern section in the north eastern section where Westerville is, it keeps Westerville whole at the center, includes all of Westerville city schools, straddles Franklin and Delaware counties and includes adjacent Genoa and Blendon townships, Minerva Park and parts of Northeast Columbus. On to Hamilton County. So in Hamilton County, this has just districts that is wholly and Franklin, I'm sorry, wholly in Hamilton County and keeps the city of Cincinnati whole. And it's something that advocates really passionately called for minority communities in the northern part of the county, including North College Hill, Forest Park, Springdale, Woodlawn and Lincoln Heights are kept together, ensuring a strong opportunity district. And then let's move on over to Cuyahoga County now. You know, we've often heard when you see you can look at gerrymandering, you're going to know it just by looking at it because it's kind of

Co-Chair Sen. Vernon Sykes [01:00:38] You've got approximately a minute left.

Catherine Turcer [01:00:40] Ok, Oops. So to wrap this up, I would encourage you to go through the different areas here and to take a look and see the different ways that we created this so that we were reflecting what it was that different folks around Ohio said that they wanted. We looked at these community maps. I included links. And when you get to the, you know, the documents on electronic rather than written so you can actually look at the district maps as well. And so I am hopeful that you will consider this map and thank you.

Co-Chair Speaker Bob Cupp [01:01:19] Yes, Mr. Chairman, if I might, I want to ask the technical questions here, you touched on some of them, but maybe you can repeat them if necessary. The first the congressional ratio of representation, as you know, Article 19, Section 2A-2 the congressional ratio of representation is seven hundred eighty six thousand six hundred and thirty. And I think you touched on this. But if you would maybe

repeat it, did you apply a standard of strict mathematical equality for the population of each district? Or did you deviate from the ratio of representation for any district?

Catherine Turcer [01:01:57] So we did our absolute best to be absolutely even. Now, of course, that's nearly impossible. So some will have one extra person or one less person.

Co-Chair Speaker Bob Cupp [01:02:08] So plus or minus one person?

Catherine Turcer [01:02:10] Plus or minus one person.

Co-Chair Speaker Bob Cupp [01:02:11] All right. And what objective were you trying to reach by deviating?

Catherine Turcer [01:02:20] By one person?

Co-Chair Speaker Bob Cupp [01:02:21] Yeah.

Catherine Turcer [01:02:23] Um, so -.

Co-Chair Speaker Bob Cupp [01:02:24] Just referring to the Supreme Court case?

Catherine Turcer [01:02:27] Oh I'm sorry. So, so I looked at so. So one of the things that we know is that as much as possible, you want to have equal population one person, one vote. Now, sometimes there are circumstances where there might not be exactly equal because there might be a real benefit to a community or to a district. And let's say you hear testimony you it doesn't, you know, you don't have to be absolutely perfectly even. But it seemed to us that if we presented a map to you where the population was as close to equal, it would give you a good place to start.

Catherine Turcer [01:03:06] What a legitimate state objective. Were you attempting to achieve by population deviation? I mean, if you give example, you said you had some words.

Catherine Turcer [01:03:18] Of one person, OK, we seriously we tried to be. We tried. I'm sorry. Sorry. co-chair, I we tried to be as much as possible as close to one person, one vote if there was a difference of one person in the district. It's because we couldn't achieve it. For example, let's take let's take Senator Sykes. He lives in a house with his wife. She might be that additional person. So that's our objective was to be as equal as possible. But sometimes you couldn't do it.

Catherine Turcer [01:03:50] All right. That's fine And district requirements and splits of political subdivisions under Article 19, Section 2B-4 prior to drawing districts did you determine which counties had populations that exceeded the ratio of representation pursuant to that article.

Catherine Turcer [01:04:05] So, so yes, thank you, co-chair. One of the things that the mappers spent a lot of time doing is making sure that this as much as possible was matching the ratio of representation that the splits were appropriate. Now I think as your go ahead thinking about your congressional map, I think the I think that as you look at our map, it may be helpful as you think about how to do splits.

Catherine Turcer [01:04:33] Do you know which counties exceeded the ratio of representation that you had to focus?

Catherine Turcer [01:04:37] OK, so OK? He says the three C's I was like, All right, Franklin County, Hamilton County and Cuyahoga.

Co-Chair Speaker Bob Cupp [01:04:48] In any of those counties, were there any cities or townships where whose population exceeded the congressional ratio of representation?

Catherine Turcer [01:04:55] Oh, Columbus.

Co-Chair Speaker Bob Cupp [01:04:58] And did you follow the rules to include a significant portion of that political subdivision in one district?

Catherine Turcer [01:05:04] Yes, as much as possible.

Co-Chair Speaker Bob Cupp [01:05:06] And returning to the counties whose populations exceeded the ratio of representation? Were there any cities or townships? There were larger than 100000 persons, but less than the congressional ratio of representation.

Catherine Turcer [01:05:22] Here I'm going to have Trevor.

Trevor Martin [01:05:26] No, co-chair

Co-Chair Speaker Bob Cupp [01:05:31] And district requirements and counties splits how many counties in your plan are whole and in one congressional district.

Catherine Turcer [01:05:38] It's funny. I have the I have the 14 memorized, so I guess we just have to do the math.

Co-Chair Speaker Bob Cupp [01:05:45] How many counties in your plan are split once?

Catherine Turcer [01:05:48] 14.

Co-Chair Speaker Bob Cupp [01:05:49] How many counties in your plan are split split twice?

Catherine Turcer [01:05:52] Oh, 13 and one. I'm sorry. My apologies.

Co-Chair Speaker Bob Cupp [01:05:56] So split once it's 13. OK and twice as one, correct? Do you believe that these numbers comply with Article 19 section 2B-5 regarding county splits?

Catherine Turcer [01:06:07] I do believe that this map does meet those requirements

Co-Chair Speaker Bob Cupp [01:06:12] and contiguity of split counties. Does your plan comply with Article 19 section 2B-6 in that if a district contains only part of a county, the part of the district that lies in that district is contiguous with the boundaries of that county?

Catherine Turcer [01:06:27] Yes. One of the things that we did with this is, you know, I was praising Dave's redistricting app, but one of the things that we did is we worked with Common Cause National that has access to Maptitude for Ohio. And so, you know, one of

the things we know is they don't always exactly align. And so we did use Maptitude to ensure that we were not somehow missing something.

Co-Chair Speaker Bob Cupp [01:06:51] We've discovered that Maptitude and Dave's Redistrict don't always align. And that's correct. That's our experience as well. Portions of the territory of more than one county prior to drawing the districts did you determine which counties had population that exceeded 400000 in population.

Catherine Turcer [01:07:08] Yes.

Co-Chair Speaker Bob Cupp [01:07:09] And can you tell us which ones you've discovered determined?

Catherine Turcer [01:07:14] I'm sorry. I'm sorry. I did not come with the list of the counties, and that is my apology.

Co-Chair Speaker Bob Cupp [01:07:20] That's all right. We're just trying to get the technical requirements on the record here, so.

Catherine Turcer [01:07:24] And one of the things that I can do is I can follow up in writing with any anything that you feel like. We didn't sufficiently answer and my apologies

Co-Chair Speaker Bob Cupp [01:07:31] That would be fine. Does your plan comply with Article 19 section 2B-7 in that no two Congressional District shall share portions of the territory of more than one county, except for those counties whose population exceeds 400,000.

Catherine Turcer [01:07:46] Yes.

Co-Chair Speaker Bob Cupp [01:07:49] Portions of the territory of more than one county did you attempt to include at least one whole county in each congressional district in compliance with Article 19, Section 2B-8?

Catherine Turcer [01:08:00] Yes.

Co-Chair Speaker Bob Cupp [01:08:00] Were you successful?

Catherine Turcer [01:08:02] Yes.

Co-Chair Speaker Bob Cupp [01:08:04] All right. And that is all the questions I have for you at the moment.

Catherine Turcer [01:08:08] Thank you so much for your patience.

Co-Chair Sen. Vernon Sykes [01:08:12] Thank you for your answers. Are there any additional questions? If not any additional information you'd like to share with us, please send it to the co-chairs and the website. We thank you so much.

Catherine Turcer [01:08:29] Thank you so much, I appreciate it

Co-Chair Sen. Vernon Sykes [01:08:35] Well, that concludes all of the witnesses and testimony we have today, are there any other witnesses present that would like persons

present that would like to testify? On a complete state map, yes. If none, as noted, we have four witnesses that submitted a written testimony that will be published on the website. One question that I have as we go into any other business to be brought before the committee, um this meeting was scheduled, initially two meetings for today and tomorrow for the purpose, we thought, of presenting a map for the state district. And so just wondering if the progress is being made on that or if the map is going to be introduced tomorrow.

Co-Chair Speaker Bob Cupp [01:09:46] Mr. Co-Chair, work is continuing on that. I believe progress is being made and the map will be made available as soon as possible and we are trying to do that soon.

Co-Chair Sen. Vernon Sykes [01:10:04] Is soon tomorrow?

Co-Chair Speaker Bob Cupp [01:10:06] I don't know. I do not know.

Co-Chair Sen. Vernon Sykes [01:10:11] OK.

Co-Chair Speaker Bob Cupp [01:10:11] Maybe somebody else has an idea.

Co-Chair Sen. Vernon Sykes [01:10:12] Leader Russo.

Minority Leader Rep. Allison Russo [01:10:17] Thank you, Mr. Chair. I would also note that in the briefs that were filed today by the Speaker and the President of the Senate, that it was noted that we would, as a commission, be in a position to vote on a new plan for the state legislative districts this week. And so if there is work being done on a map, I would ask that the majority caucuses please make their staff available to us and for our staff to be able to meet to discuss what these maps may look like. And I would also ask if it's anticipated if we will be meeting Friday, Saturday, Sunday to meet what was stated in the brief that was filed today with the court.

Co-Chair Sen. Vernon Sykes [01:11:12] Any clarifications?

Co-Chair Sen. Vernon Sykes [01:11:13] To be, to be determined, Mr. Chair, if I might ask a question - is are you aware of any map that may be in in process or in anticipation of being presented to the commission?

Co-Chair Sen. Vernon Sykes [01:11:35] No. Is there any other business at this time? Seeing no further business, what we're going to do is recess until tomorrow at 11:30, so we stand at recess until 11:30 a.m. tomorrow.

Exhibit 60

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

Co-Chair Speaker Bob Cupp [00:00:00] The Ohio Redistricting Commission will reconvene pursuant to the recess. I will ask first that the staff please call the roll.

Staff [00:00:13] Co-chair Speaker Cupp.

Co-Chair Speaker Bob Cupp [00:00:15] Present.

Staff [00:00:16] Co-chair Senator Sykes.

Co-Chair Sen. Vernon Sykes [00:00:17] Present.

Staff [00:00:18] Governor DeWine.

Gov. Mike DeWine [00:00:18] Here.

Staff [00:00:19] Auditor Faber.

Auditor Keith Faber [00:00:20] Here.

Staff [00:00:20] President Huffman.

Senate President Matt Huffman [00:00:21] Here.

Staff [00:00:22] Secretary LaRose.

Sec. of State Frank LaRose [00:00:23] Here.

Staff [00:00:24] Leader Russo. Mr. Co-Chair, you, are a quorum is present.

Co-Chair Speaker Bob Cupp [00:00:29] With a quorum present, we'll resume our meeting as a full commission. At this time, the commission will hear public testimony from sponsors of complete statewide congressional plans. These proceedings will be recorded and broadcast by the Ohio Channel, so the board, in its deliberations, may consider things that are said here today. We ask our audience to refrain from clapping or other loud noise out of respect for the witnesses and persons that may be watching the proceedings remotely, because that sort of noise does interfere with the the sound for those who are listening remotely. If you are here to testify and have not done so already, please complete our witness slip and give it to one of our staff. If you have written testimony, please submit a copy to our staff so it can be included in the official record of proceedings. As previously agreed with the Co-Chair, a witness may testify before the commission for up to 10 minutes on the plan they are testifying about, subject to any further limitation by the Co-Chairs. Witnesses should limit their testimony to the complete statewide congressional plan that they submitted. We will now begin with our first witness here today whose name is Trevor Martin. So please come forward. Is Trevor Martin here? Not here yet. OK, well, we'll skip over him and come back later. So our first witness will be Linus Beatty. Mr. Beatty, come forward and please state and spell your name for the record. Speak clearly, loudly enough for this panel to hear and for the audience as well. Welcome.

Linus Beatty [00:02:21] Thank you so much. My name is Linus Beatty, L-I-N-U-S B-E-A-T-T-Y. First, I'd like to thank all of the commissioners, the media that's present and all the

public for giving us your time today to hear my plan. Like many in our state, I have been deeply disappointed in how the process has worked so far for redistricting. However, I'm not here today to talk about the process so far. Instead, I'd like to talk about a plan that I have that can help move the state forward that I believe is fair and compliant with the Constitution. This map, which I've submitted. It has a nine six breakdown, which I believe is in line with what the Supreme Court has asked this commission to do. Furthermore, it avoids double bunking any incumbents who have who have signaled that they are seeking reelection. I believe that my map does an excellent job of maintaining communities of interest, particularly when compared to the map from last decade. The example that I would give is examining last decade's 12th and 15th districts, both of which went into Franklin County before going eastward into Appalachia. I don't need to tell you guys that these communities aren't that similar in their culture and the economic realities that they face. And as a result of that, not being what it is, several parts of Appalachia were represented by two members from Franklin County for a decent chunk of the decade. My map, however, splits Franklin County only twice, the minimum number needed to comply with the Constitution. It keeps the 15th district, which is currently occupied by Joyce Beatty, entirely within Franklin County and the 12th District, which goes up into Delaware County and slightly over into Licking, stays entirely within the Columbus metropolitan area. Furthermore, the 10th district, which would be occupied by Troy Balderson right now, is about half contained within Appalachia, and the other half is in rural and ex-urban communities near Columbus. This, in addition to keeping the 6th district entirely within Appalachia, and the 2nd district mostly within Appalachia, will help ensure that this region is accurately represented in Washington. I don't know if you guys have the district statistics, I submitted them, but -

Co-Chair Speaker Bob Cupp [00:04:48] I believe they have been distributed to members folders. Yes, I have them.

Linus Beatty [00:04:52] So as you can see, it will most likely function as a nine six, nine Republicans, six Democrats. The statistics there are from 2016 to 2020 composite, and I believe that this map. Avoid splitting counties whenever possible, there are only 14 counties splits the minimum needed, and there are only 13 counties that are split, with Cuyahoga being split twice. As I wrap up my opening statement, I would like to leave this commission with one thought that I feel justified is where we're at right now. I ask each and every one of you, do you weigh your own political future and your own political fortune over the values of our republic and the strength of our democracy? I think that is a question that every single public servant should ask themselves before any action. And I ask that before every single vote, whether it's for my map or another map, you will do the same. Thank you very much and I yield for any questions related to my map.

Co-Chair Speaker Bob Cupp [00:06:00] Thank you very much for taking the initiative to to draw a map and come here in and submit it and to testify. I don't know if you watched the hearings yesterday, but we do have some basic questions that they're constitutional requirements to go through to see whether, if your map, to ask you whether your map complies with those. The first is the congressional ratio of representation and that is in Article 19, section 2A-2. The ratio of representation is 786,630.

Linus Beatty [00:06:37] Yeah.

Co-Chair Speaker Bob Cupp [00:06:38] Did you apply a standard of strict mathematical equality for the population of each district, or did you deviate from the ratio of representation?

Linus Beatty [00:06:48] No district deviates more than two people from that, and if I had better software, I could probably make less. I did it on Dave's.

Co-Chair Speaker Bob Cupp [00:06:56] Two is pretty good. And one yesterday was pretty good, too. Do you believe your district populations meet the constitutional standards set out in the federal case law for one person, one vote?

Linus Beatty [00:07:07] I believe so.

Co-Chair Speaker Bob Cupp [00:07:09] Right? Next is regarding the split of political subdivisions. Prior to drawing districts, did you determine which counties had populations that exceeded the ratio of representation pursuant to Article 19, Section 2B-4?

Linus Beatty [00:07:25] Yes.

Co-Chair Speaker Bob Cupp [00:07:26] And can you tell us what those are?

Linus Beatty [00:07:29] They are Franklin County, Cuyahoga County and Hamilton County.

Co-Chair Speaker Bob Cupp [00:07:33] In any of those counties, were there any cities or townships whose population exceeded the congressional ratio of representation?

Linus Beatty [00:07:40] Columbus does.

Co-Chair Speaker Bob Cupp [00:07:42] And therefore, did you follow the rules in section 2B-4A to include a significant portion of that political subdivision in one district?

Linus Beatty [00:07:50] Yes.

Co-Chair Speaker Bob Cupp [00:07:50] I think you testified to that. Returning to those counties whose population exceeded the ratio of representation, were there any cities or townships that were larger than 100,000 persons, but less than the congressional ratio of representation

Linus Beatty [00:08:06] Parma would be, I believe, above that, in Cuyahoga County, I did not split that. And then, oh wait, over a hundred thousand?

Co-Chair Speaker Bob Cupp [00:08:17] Yes.

Linus Beatty [00:08:18] Then I guess it just would be Cincinnati and then Cleveland, which are all controlled. Sorry. That's my bad.

Co-Chair Speaker Bob Cupp [00:08:22] But then did you follow the rule about not splitting?

Linus Beatty [00:08:26] Not splitting, no those cities are not split.

Co-Chair Speaker Bob Cupp [00:08:28] All right. Thank you. How many counties in your plan are whole in one congressional district?

Linus Beatty [00:08:37] It would be seventy five.

Co-Chair Speaker Bob Cupp [00:08:39] And how many counties in your plan are split once?

Linus Beatty [00:08:42] It would be twelve.

Co-Chair Speaker Bob Cupp [00:08:44] And how many counties in your plan are split twice?

Linus Beatty [00:08:48] One.

Co-Chair Speaker Bob Cupp [00:08:50] That would be Cuyahoga County. Right? How many counties in your plan are split more than twice?

Linus Beatty [00:08:56] None.

Co-Chair Speaker Bob Cupp [00:08:58] And so, do you believe these numbers comply with Article 19 section 2B-5 regarding county splits?

Linus Beatty [00:09:05] I do.

Co-Chair Speaker Bob Cupp [00:09:06] In regard to the contiguity of, contiguity? Yeah. Keeping them together. Does your plan comply with Article 19 section 2B in that if a district contains only part of a county, the part of the district that lies in that district is continuous within the boundaries of that county.

Linus Beatty [00:09:27] It does.

Co-Chair Speaker Bob Cupp [00:09:28] All right. And then portions relating to, question relating to portions of the territory more than one county. Prior to drawing the districts that determine which counties had population that exceeded 400,000 in population.

Linus Beatty [00:09:41] Yes.

Co-Chair Speaker Bob Cupp [00:09:43] And those would be?

Linus Beatty [00:09:44] They would be, let's see if I can remember all of them. They would be Lucas, Montgomery, Hamilton, Cuyahoga, Franklin and then Summit. I believe I got all of them.

Co-Chair Speaker Bob Cupp [00:09:56] And does your plan comply with Article 19, Section 2B-7, inthat no two congressional districts shall share portions of the territory of more than one county, except for those counties whose population exceeds 400000 persons?

Linus Beatty [00:10:13] Yep.

Co-Chair Speaker Bob Cupp [00:10:13] And did you attempt to include at least one whole county in each congressional district in compliance with Article 19, Section 2B-8?

Linus Beatty [00:10:21] Yes, I did.

Co-Chair Speaker Bob Cupp [00:10:22] All right. That's all the questions I have. Are there any members of the commission who have further questions? Hearing none, thank you very much for your testimony. Oh, I'm sorry. Auditor Faber.

Auditor Keith Faber [00:10:36] I just had one and I appreciate your work in putting this together because I know this took you a lot of time, especially with the detail you paid to try and keep communities of interest, and it looks like incumbents and minimize the splits. But as I look at District 9, it looks a lot like the famed snake on the lake that we've heard a lot about. Can you explain that distinction and why we have so much concern about that? But yet this isn't it.

Linus Beatty [00:11:03] So one thing that I would note is that the snake on the lake does, it splits Ottawa and Erie to go basically very narrowly along the lake and does the same in Lorain before growing out and taking western Cleveland, which is very strongly Democrat, to make it into a vote sink. When I designed my map, I tried to avoid splits and furthermore, I looked at previous maps, including ones before this last congressional map to see what counties were often kept together. For example, I put Sandusky County with the 5th because that had been with the 5th going back to the 70s prior to this configuration. Does that answer your question, or would you like more clarity?

Auditor Keith Faber [00:11:51] I guess it's as good as any. I can't tell the details, but it looks like you chose to slice Lorain County in half and made some other adjustments. But again, I just I'm just curious.

Linus Beatty [00:12:02] I would note that this is pretty much the 9th District that existed prior to this decade. It's the same one that was in the 2000s. Lorain's not split the exact same way, but that is where that comes from.

Co-Chair Speaker Bob Cupp [00:12:18] Is there any further questions? There being no further questions, we thank you for coming in and making your presentation.

Linus Beatty [00:12:25] Thank you.

Co-Chair Speaker Bob Cupp [00:12:28] So we also have Trevor Martin checked in, is Trevor Martin here today? Trevor.

Trevor Martin [00:12:45] Good afternoon, thank you, Co-Chairs, members of this commission, for giving me this opportunity to speak. My name is Trevor Martin. I'm a community organizer, a member of the Fair Districts Ohio Coalition. I have trained over 80 individual community members to use mapping software, specifically Dave's Redistricting Tool and Redistricter, to participate in the '22 Ohio redistricting process by creating informative, descriptive and meaningful community maps that Ohio citizens can share and thereby advocate for fair and representative districts. In addition, I have either facilitated or sat in on dozens of community mapping sessions organized and hosted by community members throughout Ohio. In doing so, I've heard from hundreds of community members from all over the state, and I've seen hundreds of community maps made by Ohio citizens that reflect a vision of their community, how they define their community and how they would like to see these communities represented. I was hoping to address some of the critiques made yesterday, February 23rd, 2022, in front of this party regarding the Fair Districts Ohio model map. First and foremost, the assertion that the Fair Districts model map is least fair of all proposals submitted to this commission. The fact is that the Fair

Districts Model Map scores the highest of all submitted proposals on Dave's Redistricting cumulatively, cumulatively and in nearly every metric of fairness that we can observe, scoring very high in proportionality, splitting and minority representation. It is the most compact and the most competitive of any plan that has been presented to this body during public testimony. I would like to point out that the Fair Districts Ohio Model Map is the only truly nonpartisan map that had been presented to this commission yesterday, February 23rd, 2022. Unlike other proposals that had been presented on behalf of particular party, the Fair Districts Model Map is a product of many people from across many walks of life. It is a matter of fact that voting members of the Republican Party in Ohio had participated in our community mapping and in our district drawing competitions. I myself sat in on a mapping session in Wyoming, Ohio, down by Cincinnati, that had several Republicans in attendance, including the chair of the Wyoming, Ohio Republican Club. I was also present at a heated discussion in Portage County that was attended by both liberal and conservative Ohio voters. The Fair Districts Model Map is a collaboration of multiple community maps created by self-proclaimed Democrats, Republicans and unaffiliated Ohio citizens. To say that it unduly favors any party is preposterous. More specifically, the district variance calculations presented by witness Paul Miller at the February 23rd, '22 meeting of the Ohio District Commission should not be used to determine the constitutionality of any district plan being considered by this commission. In short, statistical variance measures the proximity of each data point, in this case a congressional district, in relation to an identified target outcome. In the case of Mr. Miller's analysis, his target outcome is a 50-50 Republican to Democrat vote total per district and what he categorizes as a fair district. This is how Mr. Miller concluded that the GOP congressional plans were the fairest because those maps gerrymandered certain communities to produce a map with a higher number of districts with a relatively low partisan index. But this argument was rightly struck down by the Supreme Court as a map that unduly favored the GOP because it was specifically democratic counties that were split in such a way to create an artificially competitive environment. This is a highly flawed metric for identifying gerrymandering for several reasons. First, Ohio's political geography is not conducive to a 15 district, 50-50 split map. This is obvious to anyone who has spent even a marginal amount of time looking at the state. In fact, producing a map with little variance between districts requires gerrymandering. Think about it How do you produce a 50-50 district in Cuyahoga County or along Ohio's western border? You can't unless you specifically crack and pack together distant communities to construct a single district. We know some districts in Ohio are going to be solid Republican and others will be solid Democrat. That's just reality. A higher level of variance between districts is a sign that communities of interest are being respected. The Fair Districts model map inherently scores lower using Mr. Miller's approach precisely because it does represent communities of interest, keeping them together and within a given district. To be sure, the fair districts model map just does address competitiveness, but it does so within the areas of the state with a natural distribution of population and partisan spread of voters is competitive rather than the artificial application of competitiveness across all districts. Second, statistical variance analysis was never put forth as evidence during any of the court proceedings challenging the constitutionality of either the General Assembly maps or congressional maps. This is striking considering Mr. Miller's analysis concluded the GOP maps were the fairest. If the methodology of statistical variance had even a fraction of legitimacy of other measures for identifying gerrymandering, for example, the efficiency gap, the vote ratio or mean median analysis, then I'm sure lawyers representing the defendants in these cases would have made this analysis a central component to their legal arguments. Instead, they did not even mention this form of analysis in their court filings. I would also like to confront the accusation made yesterday that the Fair Districts model map is racist. I and my fellow colleagues and citizen map makers who put much work into this map found it to be utterly

disrespectful, offensive and patently false. The Fair Districts Model Map is a product of dozens, if not hundreds, of diverse individuals and organizations throughout the state, including members of black fraternities and sororities, including Alpha Kappa Alpha, in the Cleveland area. The model map scores a 50 for minority representation in Dave's Redistricting Tool, to which is equal to or higher than any other map that has been presented to this commission that I am aware of. The Fair Districts model map preserves the majority minority district in CD 11 and creates a second opportunity district and CD1 and Hamilton County, in addition to the already present opportunity district and Franklin County, Congressional District 3. In comparison, other proposals submitted to this body yesterday dilute CD 11 so that it is downgraded from a majority minority district to an opportunity district, which could run afoul of the Federal Voting Rights Act. They also provided fewer or weaker opportunity districts than the Fair Districts Model Map does. Therefore, to say that the Fair District Model map is racist, though very offensive, that declaration, the declaration is laughable and demonstrably false. Furthermore, the claim that the model map is out of compliance with the court's opinion and Adams V. DeWine, is also incorrect. The assumption is based off of misreading of the text. Splitting Summit County is permissible. The court found that the stripped down Senate bill 258 splits of Summit in Cuyahoga counties unduly favored Republicans, conferring a partisan advantage. Thus, it was not that these counties were split, but rather how they were split. The splits that are present in the Fair Districts Model Map confer no such advantage for either party and are there solely to preserve community boundaries, school districts or other such nonpartisan criteria. Now, as a community member or community organizer myself, I have a keen interest in keeping communities of interest together and to advocate for fair representation of those communities. The definition of community can mean a lot of different things to a lot of different people, and each individual can be a member of multiple communities. Believe me, this came up often in my discussions with Ohio voters about community and who the people were supposedly representing these communities. Though what these community made maps do show is where these people live, where they work, where their children go to school, where they shop, where they eat, their parks, their trails, their community centers, their places of worship. These community maps tell stories of community concerns, what they consider important to them and how decisions should be made when drawing district lines that will affect their day to day lives. Now in conclusion, I would like to assert that the Fair Districts model map keeps political subdivisions and communities together as much as possible and more accurately reflects the partisan balance of this great state of Ohio. Fair Districts Ohio urges you to adopt this nonpartisan, constitutionally compliant map that prioritizes voters. And please remember, that the Ohio vote, Ohio voters overwhelmingly approved a new process to put an end to partisan gerrymandering. Thank you.

Co-Chair Speaker Bob Cupp [00:22:05] Are there questions for Mr. Martin? I do not believe they are. So thank you for coming in and making your presentation. I think I asked about the map yesterday, the constitutional requirement, so we don't need to repeat that today.

Trevor Martin [00:22:21] I appreciate it, thank you.

Co-Chair Speaker Bob Cupp [00:22:22] That is all of the witnesses that we have checked in to testify to submitted whole state congressional redistricting maps at this at this time. At this time is there further business to come before the commission? Chair recognizes Senator Huffman.

Senate President Matt Huffman [00:22:50] Yeah. Thank you, Mr. Speaker and members of the commission. As I think all commissioners know, we've been working low these past several days to try to resolve the General Assembly maps. We have had a map which we, we believe comports with all of the requirements of the Supreme Court, 54, what we will call, I think, the Republican 54-18 map, that I believe that's been presented at a session with the Democratic commissioners and their various experts. My understanding is that all of the Republican commissioners have had an opportunity to review that and look at it. Unfortunately, at the moment, there's there, there are not paper copies. We're doing this as quickly as we can. And also, I understood that at the request of Senator Sykes, there was going to be some sort of break between this hearing and full consideration of that map. So I don't have anything more than that other than we believe it comports with everything the Constitution and in the dictates that the court has given us. So at that, the point in time when I have, at six o'clock after the requested three hour break, I'll present that and and talk in detail.

Co-Chair Speaker Bob Cupp [00:24:20] Any further questions coming?

Co-Chair Sen. Vernon Sykes [00:24:24] One question, Mr. Co-Chair, is this map or plan been distributed or made available to the public?

Senate President Matt Huffman [00:24:36] My understanding it has not been, it's about to be shortly, it's kind of gotten getting in final form, and I'm not sure how quickly it can be loaded up to the website, but hopefully that'll be in - oh, apparently in the next half an hour or so, so well before the the hearing here in a few hours.

Co-Chair Sen. Vernon Sykes [00:24:58] Were all the members, were all the members, majority members of the commission, were they involved in the drafting of this of this plan?

Senate President Matt Huffman [00:25:12] You know, Senator, I don't I don't have a daily logger diary of what each of all the other six members of the commission did. Everyone's had a chance to see it, make comments, suggestions, whatever it may be. So I don't know the detail of what everybody said and did and when they did it.

Co-Chair Sen. Vernon Sykes [00:25:36] We have questions.

Co-Chair Speaker Bob Cupp [00:25:39] All right. Without objection, the commission will recess until six o'clock. In the meantime, the the proposed map will be uploaded to the public website and maps will be printed and made available as quickly as possible, so the committee will recess until six p.m..

Recess [00:26:05] [Recess].

Co-Chair Speaker Bob Cupp [00:26:05] The Commission will come back to order pursuant to the recess earlier today. I would note, for the record, that all members of the commission are present here as we have reconvened. Is their business to come before the commission? Chair recognizes Senator Huffman.

Senate President Matt Huffman [00:26:22] Thank you, Co-Chair Cupp. At this time, I would move that the commission adopt the plan that is submitted on the commission's website known under the name Paul DeSantis, and that that is my motion and I'd like to speak to the motion.

Co-Chair Speaker Bob Cupp [00:26:41] I'll second the motion. Senator Huffman.

Senate President Matt Huffman [00:26:44] Thank you, Mr. Chair. Just briefly and obviously happy to answer any questions. This plan is a plan that designates 18 Republican Senate seats and 54 House Republican seats, or an 18-15 54-45 map, which was designated in the Supreme Court's decision. I'd note the democratic maps submitted last week had the same number as I believe the Roden map referred to in the Supreme Court's decision in 18-57 map. I did want to comment that this, these maps, all of them were drawn, or at least I think the Glassburn Map, Democratic Map and ours were done pursuant or with the data that was provided by Ohio University pursuant to the contract that was issued by the redistricting committee in the commission. In other words, the census data is sent to Ohio University, and that's the data that was used and agreed to be used by everyone. I think since at least in the last few hours, some folks have said, well, there may be districts on third party websites or opinions on third party websites that use different data. I think we've had a lot of testimony about how a lot of that is inaccurate or not, quite, according to Hoyle. So these are these are this the the indexes in the total are pursuant to the official data from Ohio University that the map makers on both sides of the aisle have been using. So it's an 18-54 map. The other requirement that the Supreme Court indicated in its second opinion is the issue regarding symmetry. The I'm going to talk a little bit more about Senate map, allow Speaker Cupp to talk about the House map, but there are the issues or districts regarding assymetry are two in the Senate and five in the House. This is identical to again to the Democratic map that was submitted last Thursday. And otherwise, this map follows all the other technical line drawing rules provided in the Constitution, and I think that's the extent of my remarks. Obviously, we're all interested in getting this done quickly. And as we've got to May 3rd primary, I'll let Secretary LaRose, talk about that, if he chooses, regarding the the urgency, perhaps talk even more than he already has. I think he's he's put the commission in a pretty good place, knowledge wise, about it. So those are the extent of my remarks now. Mr. Speaker, I'd be happy to answer any questions at this time.

Co-Chair Speaker Bob Cupp [00:29:41] Before you do that, let me just talk a bit about the House map. So I want to first say that I honestly believe that all members of the redistricting commission have worked long and hard to achieve a new General Assembly district plan that is in compliance with all the requirements of the Ohio Constitution. The fact is that it is a new constitutional provision that has never before been utilized or navigated or litigated, and as such, natural results in differing opinions and understanding about what is required. Decisions of the Ohio Supreme Court have subsequently filled in some of the meaning of certain constitutional provisions. Thus, the map this map before us now start anew with a goal of meeting those provisions as adjudicated. The House districts in this new General Assembly plan proposal, I believe, meets the requirements of the Ohio Constitution as interpreted by the Ohio Supreme Court, including those requirements that the court has ordered beyond those expressly stated in the text of Article 11. In regard to partisan proportionality, the Supreme Court has held that the appropriate ratio based on the percentage of statewide votes for each major political party in statewide elections over the last 10 years translates into 54 Republican leaning House districts and 45 Democrat Party leaning House districts, provided other requirements of the Ohio Constitution are not violated in drawing districts to meet this proportionality. The district plan, approved by the commission in January of this year, included 57 Republican leaning districts and 42 Democrat leaning districts. The proposed new district map before us has 54 Republican leaning seats and 45 Democratic leaning seats. I would point out that this was very difficult to achieve, and it was time consuming to navigate the constitutional limitations on splits and divisions of political subdivisions in the state. But after months of trying and retrying

and trying again and after several court decisions refining the meaning of the terms of the Constitution, the target partisan proportionality, as determined by the court, has been achieved in this proposed map. The House plan, House part of this plan, approved by this commission in January, included 12 so-called asymmetrical districts, as defined by the court. This new plan includes only five asymmetrical districts, which is the same number of asymmetrical districts as contained in the House plan that Representative Russo moved to adopt and have this commission, have this commission to adopt, on Feb. 17. I have used the term new plan several times because this General Assembly District Plan has been developed anew. Approximately 70 percent of the House districts are different from the districts approved by the commission in January, and taken together, approximately 73 percent of all a hundred and thirty two General Assembly districts are new. That will conclude my overview of the House districts of the plan and would be happy to respond to any questions that I may be able to answer. So, the floor is open.

Co-Chair Sen. Vernon Sykes [00:33:25] Mr. Co-Chair, you know, I am just disappointed. You know, not so much for myself, but disappointed in the for the court and for the people of the state of Ohio. Particularly as it relates to, you know, just the process. You know, I'm the sponsor of Ohio's open meetings law and, you know, we have some guidelines to try to make sure that the people's business, that they have access to it have information about it. They have a chance to petition us, to to hold us accountable. To give input, whether that's through a public hearing or even just the telephone call. We've been told that you've been working on this since February the 11th. And we have not had a chance, an opportunity to give any input or have any knowledge about what you're doing. So we're just wondering, uh, do you expect us to vote on this? We just got it, the information about this, just a few hours ago. We've been deliberating over districts and redistricting issues since the summer. But now, with just a few hours notice, you want us, do you want us to vote on this today?

Co-Chair Speaker Bob Cupp [00:35:00] What's the pleasure of the commission?

Senate President Matt Huffman [00:35:05] Yeah. Well, a couple of things. I mean, I don't think, I appreciate what you're saying and and, you know, Senator Sykes, there are many, many, many meetings that are productive meetings that are don't take place. Are, you and I talked about this issue in your office and the press and the public weren't part of that. And I had phone conversations, things like that. So sometimes that, those are productive meetings. I don't think these issues are new to anyone sitting here on the commission. Much, you know, much of this playing are actually adoptions from the democratic map and not in whole, but at least in concept. And I would prefer to vote on the the plan tonight for a couple of reasons. One is, the Supreme Court has made it clear as to the urgency of of responding to them. And more importantly, I think, as importantly, is that we have a May 3rd election and the Secretary has made clear, and I'll let him speak to the specifics of it, about the importance of having this and hopefully still possible having these General Assembly district elections on May 3rd. And you know, all of the other options are bad. Two primaries? Bad idea because I happened to suggest it and people let me know. Pushing back the primary, people are not in favor of that also. So I don't know, you know, I think at this point- a while ago, days mattered, at this point, hours matter. And so I would prefer to vote on it tonight. And those are the reasons why. So those are my comments about the timing.

Co-Chair Speaker Bob Cupp [00:36:55] Mr. Co-Chair, the court has instructed us to work on a commission plan, and have the commission work on the plan, not to have a Democratic plan or Republican plan. And so what is your rationale, since we have reached

out to you to be involved or to offer input, but we haven't been given any information, just the map, once you finish and complete it, how is that complying with the directive of the court?

Senate President Matt Huffman [00:37:25] Well, if I could, we're here now and we can talk about it. I'm not sure how else the commission can meet and talk about it unless we notice up a meeting and we're all here to do that. So we have a meeting. We can talk about it now, things you like or dislike or whatever it may be.

Co-Chair Sen. Vernon Sykes [00:37:48] Well, you know, we did have an opportunity in the last few hours to take a look at the map, and it looks like it puts the minority party in a more inferior position than before, with only six, twenty six, districts that are that would be most likely won by Democrats and in the House and only eight districts that would most likely be won by Democrats in the in the Senate. And so, you know, we don't believe that this, we appreciate the idea that you maybe embrace the concept that you need to comply with the proportionality guidelines. But the court also indicated that symmetry was also important. And we do not believe that you comply with it. We believe that you've made that worse.

Co-Chair Speaker Bob Cupp [00:38:49] If if I might ask, what is your rationale for that?

Co-Chair Sen. Vernon Sykes [00:38:58] Rationale, you have in the plan that was turned down by the court, in the House, districts that had a DPI from 50 to 52. There were 14 leaning Democrat. And this plan you have 19, for the House, and for the Senate, you have, in fact five in the plan that was turned down by the, by the court and then you have seven and the one being presented here today between 50 and 52. And so we believe that that place the minority party in a more inferior position.

Co-Chair Speaker Bob Cupp [00:39:51] Well, if I if I might respond to that, I actually I read the Supreme Court decision again today. Decision number two and specifically looked at the the asymmetry question and it when the court addressed asymmetry, they discussed the districts that were 51 percent or less Democrat leaning. And that's the as my understanding is the the point where the court took issue. It did not take issue with any of the districts that had a greater than 51 percent partisan lean in this map. As I've already indicated, it does have five districts that are asymmetrical. That is the same number of asymmetrical districts, districts that were in the map that that that Representative Russo moved and you seconded just a week ago to to adopt. So I'm not sure I understand your issue unless you're saying that you don't believe districts that are over 51 percent leaning democratic based on the the ratio that were required to use are not winnable. So I completely don't understand, because clearly the percentage is leaning Democrat, it's certainly not leaning Republican and it's certainly not neutral.

Co-Chair Sen. Vernon Sykes [00:41:23] Well, the point that we're making is that all of these districts 52 or less, 52 percent with the Democratic Index or less all Democratic districts, none zero in the Republican area. And so we're just concerned the concern about it.

Co-Chair Speaker Bob Cupp [00:41:46] Is, is this a new issue you're raising because that was not 52 percent was not something the court addressed between 51 52. They addressed it between 50 and 51. This is what I read. Rep. Russo, did you? Go ahead.

House Minority Leader Allison Russo [00:42:06] Thank you, Mr. Co-Chair. I'm just going to be frank here, I think this discussion and claiming that you addressed asymmetry is smoke and mirrors here, I'm going to read paragraph 40 from the decision itself so that we're not interpreting what the court said. We're actually reading the words. In paragraph 40, it says, "article six, Section 6B, provides that the commission shall attempt to draft a plan in which the statewide proportion of districts whose voters favor each political party shall correspond closely to the statewide preferences of the voters of Ohio." Emphasis added. "Yet the commission knowingly adopted a plan in which the House districts whose voters favor Republicans do so at vote, shares a fifty two point six percent and above. While more than a quarter 12 of 42 of the House districts whose favor Democrats do so at a vote share between 50 and 51 percent, meaning that a one percent swell in Republican votes shares would sweep 12 additional districts into the Republican column. Nine of those districts favor Democrats at a level under fifty point five percent." So that has been pointed out. But it goes on further to say "while the Constitution does not require exact parity in terms of the vote share of each district, the commission's adoption of a plan in which the quality of partisan favoritism is monolithically disparate is further evidence of a Section 6A violation. In other words, in a plan in which every toss up district is a democratic district, the commission has not applied the term favor as used in Section 6B equally to the two parties. The commission's adoption of a plan that absurdly labels what or by any definition, competitive or toss up districts as Democratic leaning, at least when the plan contains no proportional share of similar Republican leaning districts, is demonstrative of an intent to favor the Republican Party." So I will go back to the maps that you have submitted claiming that you have addressed this issue of symmetry. And in fact, what you have proposed is a 26 five-four split for the house because you have 19 districts that fall between 50 and 52. Amazingly, you've actually created a bigger problem because previously you only had 14 that fell within that range. Now you've created 19 and claim that you have addressed symmetry. The same is true in the Senate districts. You created a map that has seven districts that fall between 50 and 52. Amazingly expanding the issue, whereas previously there were five and the messa, in the district, in the map that was declared unconstitutional and thrown out by the courts. So you know, this argument that you somehow have addressed asymmetry by creating fewer districts between the 50 and 51 percent range seems to ignore what the court was saying in its decision. So I asked the question How have you addressed asymmetry given the full reading of the court's decision and paragraph forty?

Co-Chair Speaker Bob Cupp [00:45:29] Rep. Russo, I'd ask you how many Democrat leaning districts are between 50 and 51 percent? Which is what the court addressed.

House Minority Leader Allison Russo [00:45:40] In which map?

Co-Chair Speaker Bob Cupp [00:45:42] The the house map.

House Minority Leader Allison Russo [00:45:44] In the house map that has been moved to be adopted, it is five and you are correct that there were five in the Democratic district. But again, the court decision is pretty clear that when you have monolithic asymmetry, regardless of whether we're using a threshold of fifty point five, fifty point eight, fifty one, fifty one point five, fifty two, the important piece of this is that you have zero Republican districts that fall within those ranges. Nineteen on the House side versus zero on the Republicans and in the Senate, seven that are between 50, 52 for Democrats and zero on the Senate. So in my view, I don't think that this at all addresses what the court noted was the issue as a violation of Section 6A and 6B in their decision.

Co-Chair Speaker Bob Cupp [00:46:43] Oh, I guess you and I are reading that differently. Any further discussion, questions? I think the question the issue you through out is, when do we vote? So do we go ahead and vote now or what?

House Minority Leader Allison Russo [00:47:04] Mr. Speaker, I do have another question. Thank you. I would ask the commissioners, do the majority of the commissioners believe that this map, which actually worsens partisan asymmetry, it does not improve it, will satisfy the court and show that the commissioners, each member of this commission, when we appear on Tuesday before the court is not contemptuous of the court and does not remain in contempt? Or possibly in contempt.

Co-Chair Speaker Bob Cupp [00:47:37] Well, as I've indicated to the press, I'm not commenting on pending litigation, and I don't think it's wise for anybody to do that.

House Minority Leader Allison Russo [00:47:50] Mr. Co-Chair, I'm sorry, but we're sitting here because of pending litigation discussing these maps. So I would disagree with that assessment.

Co-Chair Speaker Bob Cupp [00:48:05] All right, if there's no further discussion, are we? Is the motion on the floor and the second. Are we... Clerk called the roll, please, staff, call the roll.

Staff [00:48:19] Co-Chair Speaker Cupp.

Co-Chair Speaker Bob Cupp [00:48:21] Yes.

Staff [00:48:22] Co-chair Senator Sykes.

Co-Chair Sen. Vernon Sykes [00:48:23] No.

Staff [00:48:24] Governor DeWine.

Gov. Mike DeWine [00:48:25] Aye.

Staff [00:48:27] Auditor Faber.

Auditor Keith Faber [00:48:27] No.

Staff [00:48:29] President Huffman.

Senate President Matt Huffman [00:48:30] Yes.

Staff [00:48:31] Secretary LaRose.

Sec. of State Frank LaRose [00:48:32] Yes.

Staff [00:48:33] Leader Russo.

House Minority Leader Allison Russo [00:48:34] No.

Staff [00:48:37] Co-Chair, it's four to three.

Co-Chair Speaker Bob Cupp [00:48:40] The vote is four to three. The motion does pass. It is not passed by the required majority to be a 10 year district plan, so it passes as a four year district plan. Secretary LaRose, did you have a motion?

Sec. of State Frank LaRose [00:48:59] Yeah, I do. Thank you, Mr. Co-Chair. And I do want to re-emphasize that which I have said many times from the seat and that which I've said many times in letters that I've sent to the members of the General Assembly and to the leadership that we are in one heck of a time crunch. And as it relates to conducting the election on May 3rd, I'm duty bound to make sure people understand really what's at peril for any further delay. I'm glad that we've just conducted this, this vote, by the way. But one other thing that I thought we should consider here as we wrap up the work of this commission, having just adopted what I believe are constitutional maps, is to take a look at the Section 9C provision that says in part, a General Assembly district plan made pursuant to this section shall allow again shall allow 30 days for persons to change residence in order to be eligible for election. My read of that is that the plan that we just adopted shall allow 30 days for persons to chain change residents in order to be eligible for the election. Of course, what that means is that a candidate who filed their petitions back on February 2nd to run for the House or Senate must now from today from adoption of this plan, have an additional 30 days to notify the Board of Elections that they intend to move and then to in fact move to a new residency and be eligible for the ballot. Because of that provision, the county boards of elections may read that to mean that they just have to wait 30 days now for that to happen. My hope is to give them more clear guidance than that and in fact, ask candidates to notify the Board of elections of their intention to move. My guess is there may be very few that do so, but in the case where your county has somebody who has notified you that there's that intention, then the board would know how to deal with that based on the directive I would give them. Of course, that would take, if they did just simply wait for 30 days, that would mean that they can't certify any petitions until March 26th. March 26th is a date long after the overseas and military ballots are required to go out, in fact I'll remind us that we have three weeks until overseas and military ballots go out. That's three weeks from tomorrow until I'm required by law to mail out overseas and military ballots to our men and women serving overseas and to their families and those who are studying abroad, etc. That is effectively the beginning of the election. Of course, Election Day is on May 3rd, but voting begins starting three weeks from now, and that is the time crunch that we're operating under. And to get this work done in those three weeks is nearly unimaginable, perhaps possible with some really amazing work by our county boards of election. So back to the matter at hand, because of the severely compressed timeframe, we now have to hold primaries for these races, potentially, you know, under a very compressed timeframe. What I'm asking the members of the commission to consider is simply adopting a statement that I have distributed to all of you, and I'll read it, it says, "The General Assembly district plan that this commission just adopted would authorize me as Secretary of State to issue to the boards of elections directives by which House and Senate candidates who have filed to run shall comply with Article 11, Section 9C, if any candidates wish to do so." Again, that they would have the opportunity to meet that 30 day residency requirement under the rules that I would send to the boards of elections by directive and that we are adopting this as part of the plan that we just passed.

Auditor Keith Faber [00:52:42] Second.

Co-Chair Sen. Vernon Sykes [00:52:43] Point of order?

Co-Chair Speaker Bob Cupp [00:52:45] Mr. Co-Chair.

Co-Chair Sen. Vernon Sykes [00:52:46] Yes, Mr. Co-Chair, I, you know, I don't think we have the authority to authorize the Secretary of State to do that, but this motion exceeds the authority of the Commission and the residency deadline is both a constitutional and a statutory issue. And I don't believe that the Commission has the authority to change the election law to accommodate the 30 day residency requirement. This motion will not resolve the issue raised by the Secretary of State and Attorney General.

Sec. of State Frank LaRose [00:53:21] I'd like to respond to that, Mr. Co-Chair.

Co-Chair Speaker Bob Cupp [00:53:23] Secretary LaRose.

Sec. of State Frank LaRose [00:53:25] First of all, arguably, I have the directive authority already to tell the boards of elections how to comply with this part of the Constitution. But I would argue that we as a commission have the duty to include this language in the plan that we're adopting right now, because what the Constitution says again is that a General Assembly plan adopted pursuant to this section, the plan that we just adopted, pursuant to this section, shall allow 30 days for persons to change residents. By adopting the statement that I just read into the record, we are allowing as part of this plan that we just adopted the 30 days for candidates to change residents in order to be eligible for election.

Co-Chair Speaker Bob Cupp [00:54:10] Auditor Faber.

Auditor Keith Faber [00:54:12] Thank you. I tend to believe the Secretary already has this authority. I believe the Constitution makes it clear without regard to whether we give authority or don't give authority, that somebody gets 30 days to move in to the district once the district maps are final. Regardless of when they're on the ballot and candidly, I suggest the Secretary could just issue guidance saying that, file a statement if you intend to relocate and then verify that relocation when you certify the election, I think that certainly would be within his discretion and certainly comply with the Constitution. And for that reason, I support this motion because I think it just makes it clear to everybody that that is the intent of what should happen to comply with the Constitution. So in that regard, I think this is only a statement of intent. I don't know that it gives him any new authority, but I think it certainly is appropriate to make it clear to everybody that we believe people who may have already filed for one district in something that changed a line adjustment. I think it's only fair for them to know that they can move under the Constitution, which the Constitution already gives them that right, within 30 days. So I have no problem putting that statement in for that reason.

Co-Chair Speaker Bob Cupp [00:55:24] Senator Sykes.

Co-Chair Sen. Vernon Sykes [00:55:25] Yes, if I can ask the question on the motion. What about those persons who had not filed already, but based on the new configuration of the districts decided they want to run? Will they be given a constitutional right to for 30 days to move into the to file?

Sec. of State Frank LaRose [00:55:48] That's a question, Co-Chair, that only you and your colleagues in the General Assembly can answer. I don't have the power to do that right now. As you know, my Boy Scout handbook is Title 35. I do what you all tell me to do, and that is follow the law. The law currently says that the petitions that were filed are the only ones that are being filed, and those were filed back on February 2nd.

Co-Chair Speaker Bob Cupp [00:56:11] Chair Sykes?

Co-Chair Sen. Vernon Sykes [00:56:12] How does that comply with the Constitution giving someone 30 days, in fact, to move into the district?

Sec. of State Frank LaRose [00:56:20] Mr. Co-Chair, two separate matters, one relates to residency, the other one relates to declaring yourself a candidate for the ballot. The candidates, those who declared themselves a candidate for the ballot on February 2nd, are a fixed group of people. We know who those are. What the Constitution says is that group of people now have the ability to move if they find themselves living in a place that is not where they intended to run or the district for which they intended to run. That's what 9C of Article 11 allows for.

Co-Chair Sen. Vernon Sykes [00:56:53] I respectfully disagree.

Co-Chair Speaker Bob Cupp [00:56:57] Chair recognizes Senator Huffman.

Senate President Matt Huffman [00:57:01] Thank you, Co-Chair. I think some similar questions were raised last Thursday. There was a creation and I'm not sure there may have been some House districts of at least one Senate district where there would have been no one who had filed and no one who had the correct number and signatures. And I think Representative Russo raised a number of potential solutions, including a write in ballots and other, perhaps legislative fixes. And I guess I would say regarding these kinds of issues, you know, from from the my perspective, can't I can't speak for the other thirty two members of the Senate, but perhaps I can tentatively speak for my caucus. We would be certainly interested and willing to draft legislation on an emergency basis next week to make the whatever rules are necessary for basic fairness to allow folks to go ahead and file for the various districts. Obviously, the timing of this has been difficult and everyone. So if there are changes, you know, maybe we can even get to work on that this weekend.

Co-Chair Speaker Bob Cupp [00:58:22] The motion has been made and seconded, I believe it's been seconded.

Sec. of State Frank LaRose [00:58:28] Yes.

Co-Chair Speaker Bob Cupp [00:58:29] OK, thank you. All right. Any further discussion? If not, the staff will call the roll, please.

Staff [00:58:37] Co-Chair Speaker Cupp.

Co-Chair Speaker Bob Cupp [00:58:38] Yes.

Staff [00:58:39] Co-Chair Senator Sykes.

Co-Chair Sen. Vernon Sykes [00:58:40] No.

Staff [00:58:41] Governor DeWine.

Gov. Mike DeWine [00:58:42] Aye.

Staff [00:58:44] Auditor Faber.

Auditor Keith Faber [00:58:44] Yes.

Staff [00:58:45] President Huffman.

Senate President Matt Huffman [00:58:46] Yes.

Staff [00:58:46] Secretary LaRose.

Sec. of State Frank LaRose [00:58:47] Yes.

Staff [00:58:48] Leader Russo.

House Minority Leader Allison Russo [00:58:48] No.

Staff [00:58:52] Five to two, Mr. Chair.

Co-Chair Speaker Bob Cupp [00:58:53] Vote is five to two, the motion has carried. [indecipherable] You would have moved, it's submitted, and I'll second.

Co-Chair Sen. Vernon Sykes [00:59:03] Mr. Co-Chair, I'll move that we accept the written testimony for Kathleen Clyde, who had planned on testifying here today. But we changed the time period and she was not able to stand, stand around and wait. And so I respectfully submitted on her behalf.

Co-Chair Speaker Bob Cupp [00:59:22] And I would second that and without objection, it will be submitted into the record from the testimony for this afternoon this afternoon. Now is there any further, excuse me, is there any further business to come before the commission this evening?

Auditor Keith Faber [00:59:37] Are we-.

Co-Chair Speaker Bob Cupp [00:59:37] Auditor Faber.

Auditor Keith Faber [00:59:38] Thank you. Do we have an intention to set dates to continue our work on the congressional for next week? Or do we have an idea of what we're looking at?

Co-Chair Speaker Bob Cupp [00:59:52] I think probably next Tuesday. That doesn't prevent any plan from being circulated before that time. Does that sound satisfactory or do you have something else in mind?

Co-Chair Sen. Vernon Sykes [01:00:12] It's finec.

Co-Chair Speaker Bob Cupp [01:00:14] All right. We'll schedule a commission meeting for for next Tuesday, and we may do it or we have session next Wednesday as well so we can get this congressional districts done. Wrap that up, at least our end of it very quickly.

Co-Chair Speaker Bob Cupp [01:00:32] So, Mr. Speaker, are are we going to do 8C2 statements from the majority and from the minority?

Co-Chair Speaker Bob Cupp [01:00:44] All right. We will, but I think we're going to need to recess to to prepare the statement. How much time do we think we're going to need? [indecipherable] I am advised that it would probably take one hour.

House Minority Leader Allison Russo [01:01:21] To clarify, you're going to recess for an hour.

Co-Chair Speaker Bob Cupp [01:01:23] Yes. If I'm hoping to so we can comply with that portion that we're required to comply with.

House Minority Leader Allison Russo [01:01:31] OK, great. So we're reconvening this evening.

Co-Chair Speaker Bob Cupp [01:01:34] Yes.

House Minority Leader Allison Russo [01:01:34] OK.

Co-Chair Speaker Bob Cupp [01:01:35] All right. All right. Without objection, the commission will be in recess for one hour by my clock. That means it would be 10 minutes till 8:00 and we reconvene.

Recess [01:01:50] [Recess].

Co-Chair Speaker Bob Cupp [01:01:50] Pursuant to the recess, the Ohio Redistricting Commission will come back to order. I would note that all members of the commission are present. Is there any, do we have a motion for the required statement. Well, we don't have one. All right, well, in order to, all right. Well, I guess there's nothing wrong with doing this in what might be considered reverse. So Representative Russo, are you ready with your statement?

House Minority Leader Allison Russo [01:02:27] Yes, thank you, Mr. Chair. First, I'd like to say that the maps approved by the majority commissioners tonight yet again failed to meet the Ohio Constitution and failed to meet the directive of the Ohio Supreme Court. We have had several opportunities to work together as a commission to draw maps, and each time the majority commissioners have squandered the chance to do so. We would ask the commission, have we learned nothing after two court orders? We have been directed to work together and put aside partisan interest in order to draw maps that meet the Constitution of the State of Ohio, something that we are both duty and oath bound to uphold. Instead of working together, this map that was passed this evening was drawn entirely by Republican legislators on the commission, without our involvement and without allowing feedback or changes. The court has told us that this is problematic and a sign of partisan intent. In fact, they state in their decision in paragraph 31, we observed that when a single party exclusively controls the redistricting process, it should not be difficult to prove that the likely political consequences of the reapportionment were intended. We should not repeat the same mistake again. And while the majority commissioners may claim that these maps meet the requirements of Article 11, Section 6, in reality, they fall short of that metric. Unequivocally, the Ohio Supreme Court has directed us to draw that closely, maps that closely match statewide voter preferences and, as the court noted in paragraph 40, in fact, the most recent invalidate an unconstitutional map had 14 Democratic leaning House seats in the 50 to 52 percent democratic index range. Today's plan has 19, five more. There are zero Republican leaning House seats that are in the 50 to 52 percent range. The most recent invalidated, unconstitutional map had five Democratic leaning Senate seats in that range. And today's plan actually increases that asymmetry with seven districts between 50 and 52 percent. There are zero Republican leaning Senate seats that are in the same 50 to 52 percent range. It is not hard to see that

these maps do not meet the court's direction on partisan symmetry and are yet again in violation of Article 11, Section six. Even with a contempt hearing on the horizon, the majority commissioners continue to show their contempt for the court, the Constitution and the rule of law. And to go back in state exactly what the language is in paragraph 40, it says "while the Constitution does not require exact parity in terms of the vote share of each district, the commission's adoption of a plan in which the quality of partisan favoritism is monolithically disparate is further evidence of a Section 6A violation. In other words, and a plan in which every toss up district is a democratic district, the commission has not applied the term favor as used in Section 6B equally to the other two parties. The commission's adoption of a plan that absurdly labels what are by any definition competitive are toss up districts as Democratic leaning, at least when the plan contains no proportional share of similar Republican leaning districts is demonstrative of an intent to favor the Republican Party." Again, those are not my words, those are the words from the court's decision. With time and collaboration, we could amend these maps to make them compliant with the law and the court's orders. We know that it is possible to put forward constitutional maps for this body to consider. We developed these maps in a process where we continually, we being the Democrats, continually invited feedback from other members of the commission. Unfortunately, the majority members of the commission voted them down and would not work with us. The public has been completely shut out of any meaningful opportunity to analyze these maps, let alone provide testimony. This was not the process contemplated, contemplated by Ohio voters in passing this constitutional reform. Instead of proportional and fair maps, Ohioans are once again left with maps that fail to meet the Constitution. It is disappointing that instead of simply working together, the majority commissioners are flagrantly ignoring Ohio voters and the Supreme Court of Ohio in an attempt to tighten their unyielding grasp on their supermajority power. Thank you, Mr. Chair.

Co-Chair Speaker Bob Cupp [01:07:47] Without objection, the the statement that that is authorized by the Constitution will be considered submitted, for the record. Is there further motion?

Senate President Matt Huffman [01:08:10] Mr. Chairman, the Section 8C2 statement has been presented to the commissioners for their review, and I would move that it be accepted.

Co-Chair Speaker Bob Cupp [01:08:22] I'll second that, is there any discussion on that statement? All right. I guess in the interest of symmetry, I probably should read this statement. So it's the Section 8C2 statement required under the Ohio Constitution in League of Women Voters versus DeWine's opinion. No. 2022-Ohio342. The Ohio Supreme Court ordered the commission to draft and adopt an entirely new General Assembly district plan that conforms with the Ohio Constitution, including Article 11, Section 6A and 6B. The redistricting commission did so. The commission drew an entirely new plan in which the statewide proportion of Republican leaning to Democrat leaning districts precisely corresponds to 54 percent Republican leaning and 46 percent Democrat leaning districts. In doing so, the commission was mindful that all of Section 6, Article 11 of the Ohio Constitution was to be complied with not just certain sections. Plus, no one division of Section 6 is subordinate to another. The commission was also mindful of compliance with Section 6 shall not result in violations of section 2, 3, 4, 5, or 7 of Article 11 of the Ohio Constitution. All members of the commission, through their respective staff and individually were given the opportunity to meet with the map drawers to express concerns. Make suggested edits and otherwise participated in the map making process in a collaborative fashion. The final adopted plan contains input from those members of the

Commission directly or through their staff who chose to participate. The final adopted House District Plan contains 54 Republican leaning districts. This corresponds to approximately 55 percent of the total number of House districts. The final adopted Senate district plan contains 18 Republican leaning districts. This corresponds to approximately 54 percent of the total number of Senate districts. In total, the final adopted General Assembly district plan contains a total of 72 Republican leaning districts and 60 Democrat leaning districts. This corresponds to approximate 54 percent Republican leaning districts and approximately 45 percent Democratic leaning districts. These percentages meet strict proportionality. The Redistricting Commission addressed the asymmetry holding asymmetry holding identified in League of Women Voters two. Only five of the ninety nine House districts have a partisan lean between 50 and fifty point ninety nine percent. All other districts have a partisan lean greater than 51 percent. In the Senate map, only two districts have a partisan lean between 50 and fifty point ninety nine percent. This is the exact same number of asymmetric House and Senate districts found in the Sykes Russo House proposal map. The commission believes that the number of Republican leaning districts and Democrat leaning districts meets the strict proportionality despite the distribution of voters and geography of Ohio. Moreover, the final adopted General Assembly plan does not contain any violations of Section 2, 3, 4, 5, or 7 of Article 11 of the Ohio Constitution and complies with Section 6 of Article 11 of the Ohio Constitution. Any objection to submitting this as the 8C2 statements? Hearing no objection it's considered admitted. [indecipherable] The secretary will now call the roll.

Staff [01:11:57] Co-Chair Speaker Cupp.

Co-Chair Speaker Bob Cupp [01:11:59] Yes.

Staff [01:12:00] Co-Chair Senator Sykes.

Co-Chair Sen. Vernon Sykes [01:12:01] No.

Staff [01:12:02] Governor DeWine.

Gov. Mike DeWine [01:12:02] Yes.

Staff [01:12:04] Auditor Faber.

Auditor Keith Faber [01:12:09] For the purposes of having that submitted as a statement, I guess my answer is yes.

Staff [01:12:15] President Huffman.

Senate President Matt Huffman [01:12:15] Yes.

Staff [01:12:16] Secretary LaRose.

Sec. of State Frank LaRose [01:12:17] Yes.

Staff [01:12:18] Leader Russo.

House Minority Leader Allison Russo [01:12:21] No.

Staff [01:12:21] Five - two, Mr. Chair.

Co-Chair Speaker Bob Cupp [01:12:22] The vote is five to two. The statement is adopted and submitted with the record. Any further buiness to come before the commission this evening? Auditor Faber.

Auditor Keith Faber [01:12:31] Thank you, Mr. Speaker. I want to make it clear on the record that the Minority Report issued by Senator Sykes and House Minority Leader is not a report that I concur with.

Co-Chair Speaker Bob Cupp [01:12:46] Any further business? Hearing no further business the commission is adjourned for tonight.

Exhibit 61

Ohio Association Of Election Officials
The Election Professionals

February 28, 2022

The Honorable Matt Huffman
Statehouse
Columbus, OH 43215
VIA ELECTRONIC MAIL

Dear President Huffman:

We want to thank you for the continued dialogue regarding the 2022 primary election and your thoughtful approach to considering the options before the legislature. As indicated in our last correspondence, we wish to continue to share our perspective with you and your members as you work through these options.

OAEO is in receipt of the letter dated February 22nd from Secretary LaRose to your office as well as the accompanying letter from Attorney General Yost. The letters point out concerns that are being vigorously discussed by local election officials. We urge you to give due consideration to the issues they raise.

There is a saying among election officials that "It takes three things to run a successful election: time, money and people. You can always get more money and more people, but you can't get more time." This saying looms large for Ohio's 88 boards of elections right now. Although we would be grateful to have additional money to hire more people to complete the myriad tasks before us, what we really need is more time. And only you, as legislators, can help us with that.

We just received state legislative maps on Saturday and still do not have the legal descriptions, which are necessary for boards of elections to begin implementing the new districts. (District maps closely approximate the actual districts, but they do not correspond exactly to the legal descriptions.) Moreover, these maps are subject to further proceedings in the Ohio Supreme Court, the result of which likely will not be known until next week. Congressional maps are still being debated by the Commission and must be completed before election officials can begin our internal process of redrawing district lines and assigning voters to those districts. Given these facts, our ability to administer a fair and accurate election has been compromised. Critical functions such as ballot proofing and testing of equipment will necessarily be delayed and then rushed. The result will likely be mistakes in the election. This is not how we want to do business, but it is the only option currently left open to us. This confluence of circumstances causes grave concerns on the part of election officials. As the ultimate arbiter of the time, manner and place of elections in Ohio, the General Assembly should be concerned as well.

Many counties around the state no longer have the ability to run a successful May 3rd election, and more counties lose that ability each day that we do not have final maps and the legal descriptions we need to implement them. Although HB 93 gave the Secretary of State needed flexibility to move state election deadlines, no one in Ohio can change the federal deadline to mail ballots to our military and overseas voters on March 18th. We are aware that the Secretary of State has requested a waiver of this deadline,

but as election officials we cannot count on that occurring as we do our internal planning. Missing this deadline will inevitably lead to litigation and additional confusion for voters, election boards, and the candidates seeking office this spring.

Rather than face this seeming inevitability, we ask you to consider delaying the May 3rd primary for all contests. Please rest assured that we do not ask this lightly. Our strong preference has always been to hold the election on the day it was originally scheduled. However, we feel obligated to share our concerns about the consequences of maintaining our current course.

Again, we greatly appreciate the ability to share our thoughts with you. As Ohio's election professionals, we are happy to provide any additional information you or your colleagues may require.

Sincerely and respectfully,

Brian Sleeth

Brian Sleeth, President
Ohio Association of Election Officials

Sherry Poland

Sherry Poland, First Vice-President
Ohio Association of Election Officials

CC: Speaker Bob Cupp
Minority Leader Allison Russo
Minority Leader Kenny Yuko
Secretary of State Frank LaRose

Exhibit 62

OHIO REDISTRICTING COMMISSION

ANNOUNCEMENT OF COMMISSION MEETING

TO:	Members of the Ohio Redistricting Commission
FROM:	Speaker Robert Cupp, Co-Chair Senator Vernon Sykes, Co-Chair
DATE:	Tuesday, March 1, 2022
TIME:	2:00 P.M.
LOCATION:	Ohio House Finance Hearing Room (Room 313) Ohio Statehouse 1 Capitol Square Columbus, Ohio 43215-4275

AGENDA

The Ohio Redistricting Commission will convene regarding Congressional redistricting.

Senate Contact: Mallory Golski, (614) 466-5899
House Contact: Aaron Mulvey, (614) 466-8759

Exhibit 63

Josh Rultenberg
@JoshRultNews

CONGRESSIONAL REDISTRICTING: @SpeakerCupp says we will see a Republican map today in the 2pm hearing and a vote will likely take place tomorrow. @SpectrumNews1OH

12:25 PM · Mar 1, 2022 · Twitter Web App

17 Retweets **7** Quote Tweets **32** Likes

Exhibit 64

Josh Rultenberg
@JoshRultNews

.@SpeakerCupp says the vote will likely place tomorrow morning. The Republican proposal has yet to be sent to Democrats. @SpectrumNews1OH

12:28 PM · Mar 1, 2022 · Twitter Web App

7 Retweets **5** Quote Tweets **16** Likes

Exhibit 65

Josh Rultenberg
@JoshRultNews

.@Russo4Ohio says Democrats have not seen the Republicans congressional map proposal and remains skeptical about the process moving forward. @SpectrumNews1OH

12:51 PM · Mar 1, 2022 · Twitter Web App

4 Retweets **12** Likes

Exhibit 66

Josh Rultenberg
@JoshRultNews

This is the GOP congressional district map. Data shows it has 10 safe Republican districts, 3 Democratic safe districts and 2 tossups that lean Democratic. 10-5 GOP map. @SpectrumNews1OH

11	786,630	0	0.00%	44.34%	6.88%	3.64%	20.15%	79.85%
3	786,630	0	0.00%	26.85%	5.30%	6.54%	31.09%	68.91%
13	786,630	0	0.00%	13.35%	2.16%	3.42%	47.83%	52.17%
1	786,630	0	0.00%	21.28%	3.19%	4.55%	49.01%	51.00%
9	786,630	0	0.00%	12.63%	5.88%	1.72%	49.75%	50.25%
10	786,630	0	0.00%	17.93%	3.13%	3.12%	53.32%	46.68%
15	786,630	0	0.00%	11.87%	5.12%	4.64%	54.31%	45.69%
7	786,630	0	0.00%	3.58%	3.05%	3.38%	54.41%	45.59%
14	786,630	0	0.00%	5.68%	2.52%	1.50%	54.83%	45.17%
6	786,630	0	0.00%	6.95%	2.58%	0.74%	59.06%	40.94%
5	786,630	0	0.00%	4.71%	6.02%	1.25%	61.35%	38.65%
8	786,629	-1	0.00%	11.29%	4.07%	3.93%	62.44%	37.56%
12	786,630	0	0.00%	4.50%	1.59%	1.84%	63.33%	36.67%
4	786,630	0	0.00%	5.64%	2.04%	3.17%	67.87%	32.13%
2	786,629	-1	0.00%	2.70%	1.20%	0.82%	69.74%	30.26%

2:06 PM · Mar 1, 2022 · Twitter for iPhone

28 Retweets **30** Quote Tweets **45** Likes

Republican March 1, 2022 Congressional Map
9
11
14
5
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13
4
6
8
3
12
15
10
1
2

Republican March 1, 2022 Congressional Map

District	Population	Deviation	Deviation%	18+ BVAP	18+ HVAP	18+ AVAP	REP 16-20	DEM 16-20
11	786,630	0	0.00%	44.34%	6.88%	3.64%	20.15%	79.85%
3	786,630	0	0.00%	26.85%	5.30%	6.54%	31.09%	68.91%
13	786,630	0	0.00%	13.35%	2.16%	3.42%	47.83%	52.17%
1	786,630	0	0.00%	21.28%	3.19%	4.55%	49.01%	51.00%
9	786,630	0	0.00%	12.63%	5.88%	1.72%	49.75%	50.25%
10	786,630	0	0.00%	17.93%	3.13%	3.12%	53.32%	46.68%
15	786,630	0	0.00%	11.87%	5.12%	4.64%	54.31%	45.69%
7	786,630	0	0.00%	3.58%	3.05%	3.38%	54.41%	45.59%
14	786,630	0	0.00%	5.68%	2.52%	1.50%	54.83%	45.17%
6	786,630	0	0.00%	6.95%	2.58%	0.74%	59.06%	40.94%
5	786,630	0	0.00%	4.71%	6.02%	1.25%	61.35%	38.65%
8	786,629	-1	0.00%	11.29%	4.07%	3.93%	62.44%	37.56%
12	786,630	0	0.00%	4.50%	1.59%	1.84%	63.33%	36.67%
4	786,630	0	0.00%	5.64%	2.04%	3.17%	67.87%	32.13%
2	786,629	-1	0.00%	2.70%	1.20%	0.82%	69.74%	30.26%

Exhibit 67

Ohio Redistricting Commission - 3-1-2022.mp4

https://ohiochannel.org/video/ohio-redistricting-commission-3-1-2022

Co-Chair Senator Vernon Sykes [00:00:01] Meeting of the Ohio Redistricting Commission to order, will the staff please call the roll?

staff member [00:00:08] Co-Chair Speaker Cupp?

Co-Chair Speaker of the House Bob Cupp [00:00:09] Present

staff member [00:00:09] Co-Chair Senator Sykes?

Co-Chair Senator Vernon Sykes [00:00:13] Present

staff member [00:00:12] Governor DeWine?

Governor Mike DeWine [00:00:14] Here

staff member [00:00:14] Auditor Faber?

Auditor Keith Faber [00:00:15] Yes

staff member [00:00:16] President Huffman?

Senate President Matt Huffman [00:00:16] Here

staff member [00:00:17] Secretary LaRose?

Secretary of State Frank LaRose [00:00:18] Here

staff member [00:00:18] Leader Russo?

House Minority Leader Representative Allison Russo [00:00:19] Here

Co-Chair Senator Vernon Sykes [00:00:21] With a quorum being present, we will meet as a full committee. The minutes are in your folder from a previous meeting. Is there a motion to accept the minutes?

Co-Chair Speaker of the House Bob Cupp [00:00:33] I'll move the minutes be accepted.

Co-Chair Senator Vernon Sykes [00:00:35] is there a second?

Senate President Matt Huffman [00:00:39] second

Co-Chair Senator Vernon Sykes [00:00:42] Are there any changes to the minutes? Any objections to the minutes? We will accept the minutes as presented, at this time we have before the commission another item The Tribune, The Chronicle, an expense that's eligible to be paid by the commission, is their motion to approve this expenditure,

Co-Chair Speaker of the House Bob Cupp [00:01:17] I'll move to approve the payment in the amount of $7004.61 for the advertisement.

Co-Chair Senator Vernon Sykes [00:01:27] Is there a second?

Co-Chair Speaker of the House Bob Cupp [00:01:29] or notice I guess, rather an advertisement.

House Minority Leader Representative Allison Russo [00:01:34] Second

Co-Chair Senator Vernon Sykes [00:01:37] Any the comments or questions on the motion? Are there any objections to approving this expenditure? Seeing and hearing none, we will accept the expenditure approved the expenditure. The next item on the agenda will be presentations of congressional maps, this proceeding will be recorded so that we can deliberate over it and it will be archived. We ask that the audience today, refrain from clapping or the loud noise out of respect for the witnesses and the persons watching the this remotely. If you want to testify, please complete a witness slip and we'll take care of that. The witnesses can testify up to 10 minutes is regulated by the co-chairs. The first person to testify and present a plan is Ryan Brune. Can you state and spell your name for the record, please?

Ryan Brune [00:03:00] Yes. My name is Ryan Brune, R-Y-A-N B-R-U-N-E

Co-Chair Senator Vernon Sykes [00:03:05] You have 10 minutes sit, thanks.

Ryan Brune [00:03:08] How many minutes?

Co-Chair Senator Vernon Sykes [00:03:09] 10.

Ryan Brune [00:03:10] All right. So I had some prepared remarks which you find in front of you today. I'm going to change it up a little bit, though, given the the new map that I see will be vote well, not voted on today, but likely tomorrow. Before we begin, though, I'd like to say that it's an incredible experience to be before all of you. I've never seen the governor, I've never seen the auditor. I've never seen the majority of the minority leaders have never seen the secretary of state. The fact that that's possible is truly awesome and that maybe one of the better things about this commission, which is obviously had some problems. So the map that I made and present before you is not my favorite map. It is not an ideal map. In my opinion. An ideal map would be a proportional map, but I think everybody, everybody here knows that's not in the cards. If you want a map that I think is ideal, I would look at the League of Women Voters map. But the map that I have before you here today has a slight Republican bias, but I think does not disfavor any political party too much one way or the other. I would note that unlike the legislative maps, there are no there are no constitutional requirements for a strictly proportional map. But as Maureen O'Connor said in her, in her and her brief, it's a starting place to where to look. My map has, you know, it varies a little bit throughout elections and the 2020 presidential election. Trump won 10 districts, Biden won 5, but Biden was 0.1 percent short, carrying a 6th, 2% short of carrying a 7th. The 2018 gubernatorial election Cordray, DeWine's 2018 opponent, won 7 to DeWine's 8. You can vary around a little bit. Also, I went to great lengths to ensure that incumbents should be pretty happy with this map. No incumbents that are running for reelection are double bunked with the exception of Lada and Kaptur and the 8th, You know, maybe you think of it as the 9th, but I call it the 8th. But in that district, it is narrowly democratic by composite, but is actually Trump, Trump won it in 2020. It's, you know, about as even of a district as you can possibly have, it would be a fair fight between the two of them. I think that's the most reasonable way to have an incumbent non-incumbent matchup. You can look through the document I provided for

specific partisan breakdowns between the 2020 presidential and 2018 gubernatorial elections. It's not a perfect map. It's a good map, in my opinion, satisfies all the constitutional requirements that are laid out. And I think it's a reasonable map in that I would hope that you guys would be able to accept it. I mean, I'm just looking at this new map that you have here, and I'm sure it follows all the requirements regarding splitting not, you know, not splitting cities, et cetera, et cetera, et cetera, zeroed out population like everything like I have. But I hope I hope the commissioners here know like, I'm sure this is going to pass tomorrow, but there's no way that the Supreme Court is going to accept this map. Like it's just a fact. I mean, like, it's just going to create more chaos. If you if you pass your map, it's they're not. I mean, there's even like a chance of a special master, unlike for the legislative redistricting where I believe Section 5 strictly prohibits the court for ordering a specific map. Or drawing a map themselves, there's no such requirement for the Supreme Court in this case. I mean, if you draw this map, I think there's a strong chance that incumbents from both parties are going to be drawn in in a court ordered map into districts together, and everyone's going to be unhappy. I'm offering a map, in my opinion, where I think both parties aren't exactly happy, but both parties, you know, can live with it. I mean, that's what I'm trying to offer a map. You can live with. The map that's going to pass tomorrow isn't going to be the map. I mean, I'm convinced of that. But I will take questions.

Co-Chair Senator Vernon Sykes [00:07:08] Thank you. Appreciate it. Any questions.

Co-Chair Speaker of the House Bob Cupp [00:07:10] I have a question

Co-Chair Senator Vernon Sykes [00:07:11] Yes.

Co-Chair Speaker of the House Bob Cupp [00:07:12] Thank you, Mr. Chairman. I have a question. Ryan, what, what got you interested in this and what is your occupation or or status?

Ryan Brune [00:07:24] Sure. So I work at Huntington Bank as a model risk analyst. I'm also pursuing a master's degree at Ohio State University in statistics.

Co-Chair Speaker of the House Bob Cupp [00:07:31] And what got you interested in this statistics? Modeling?

Ryan Brune [00:07:36] I don't know. I don't exactly know what started, but I run a Twitter account @BruheElections which has nearly 10,000 followers now, so it's kind of a passion.

Co-Chair Speaker of the House Bob Cupp [00:07:48] Have, have you met all of the constitutional requirements about in terms of not splitting or splitting and keeping districts within certain counties and not, sure you're familiar with those?

Ryan Brune [00:08:02] Yes.

Co-Chair Speaker of the House Bob Cupp [00:08:05] Great, That was it

Co-Chair Speaker of the House Bob Cupp [00:08:07] Are there any additional questions? If not, we'd like to thank you very much. Appreciate it. Hope you had a good opportunity here to meet everybody.

Ryan Brune [00:08:16] Yeah

Co-Chair Senator Vernon Sykes [00:08:17] You didn't mention my name, but that's all right.

Ryan Brune [00:08:24] ok, I'm so sorry, Mr. Sykes.

Co-Chair Senator Vernon Sykes [00:08:31] Next, we have David Helmick, who is written testimony only and then Michael Metzinger. Michael Metzinger. He's not here. OK? Is there any other business to be brought before the commission? Commissioner Huffman.

Senate President Matt Huffman [00:09:08] Thank you very much. Co-Chairman Sykes I would like to present, although I think we're going to wait till tomorrow's hearing to make a motion. I understand that's the preferred procedure for from the chair like to present the map. I think it's styled now on the website as Strigari 2022 Congressional Map. Certainly, we get the name right, but it might be a little bit longer, but so present that at the time it is present on the website pursuant to requests from Leader Russo that was presented to, I believe, to the at least leader Russo and Senator Sykes earlier today for their examination. And I'm not. I'm not sure, frankly, about the other commissioners. I think they've had an opportunity to look at it. As I mentioned in my letter of last week, I invited all the commissioners and or their staff to visit, at least with the folks who are working on the map for the Senate. I believe that happened with the House also, so it's been about a five day process. So this is the map that I'm presenting to the commission today. And again, I understand that the formal motion and vote would be tomorrow and the map is there, the index and then all of the specifics. If people want to look at particular counties or townships or what have you, that's all they can do that on the the commission website. So I'll be happy to answer any questions now. Or perhaps that's better for tomorrow. Whatever the preference of the members,.

Co-Chair Senator Vernon Sykes [00:10:57] Leader Russo?

House Minority Leader Representative Allison Russo [00:10:59] Thank you, Mr. Co-Chair. Thank you. Commissioner Huffman, I do appreciate the invitation on Friday from both you and Speaker Cupp. I believe our staff were able to meet on Sunday and we there was not a map to share at that point. And I appreciate you honoring my request this morning to send over. I think we got it at about 12 o'clock, so we have had just a few minutes to look over the map before coming in here. And I guess my first, you know, a couple of questions for you. And again, I know we will have more questions tomorrow because we've had a very limited amount of time so far to look at the details of this. But when I look at Hamilton County, currently the Hamilton County district that you've drawn here, which looks like it's got a Dem index, well, I would call it maybe a Warren County, Cincinnati district of 51% Is there a reason that this a congressional district for Hamilton County was not drawn to be included entirely within Hamilton County is their reason to split Hamilton County? I mean, we have kept at least the city of Cleveland, all within Cuyahoga County. We've in a Cuyahoga County district. We've kept Columbus entirely within a Franklin County district. Is there a reason that we're not keeping Cincinnati within a Hamilton County district and in moving it up and to Warren County?

Senate President Matt Huffman [00:12:43] Well, the first, Mr. Chairman, Co-Chair Sykes, I can proceed?

Co-Chair Senator Vernon Sykes [00:12:48] Yes

Senate President Matt Huffman [00:12:48] Thank you. First thing is, you know, the first thing that we tried to do as pursuant to the Constitution, which is section 3B-2, is remedy any legal defects in the previous plan identified by the court, which include no other changes. Everyone can read the rest of the language there if they want to that's relevant. And the court did identify Cuyahoga County and Hamilton County as two problematic areas. I guess I'll put it, I'm not sure. I don't think they used that word, but those are two things that they did. So part of this is trying to draw draw a map, and that, first of all, comports with what the Supreme Court directed. We think that it does that now. After that, there are still policy preferences and choices that commission members make. We, of course, are bound by the Constitution, and the law in this case is the Supreme Court identifies it. But I don't think that simply means that the commission members individually and then collectively as a body, don't have any separate preferences, so it may be your preference that it's all inside Hamilton County. We think this is a better version of the map

House Minority Leader Representative Allison Russo [00:14:17] and follow up?

Co-Chair Senator Vernon Sykes [00:14:19] Yes.

House Minority Leader Representative Allison Russo [00:14:20] So looking back at the decision specifically about Hamilton County, I believe the concern of the enacted plan, I think it was justice, Donnelly concluded. Carves out the Hamilton County's northern black population from its surrounding neighborhoods and combines it with mostly a rural district that ends 85 miles to the north in Cincinnati from its immediate inner ring suburbs and combines the city proper with Warren County. Do you think that this map addresses the concern about carving out another the northern black suburban populations and Hamilton County from the surrounding neighborhoods in Hamilton County by drawing it upward with Warren County? Would it be more compact, for example, to draw this district entirely within Hamilton County?

Senate President Matt Huffman [00:15:11] through the chair, I'll try to answer each of those. As I've indicated, throughout this process, we did not use racial data when drawing these maps. And so, you know, obviously that was not an intent or motive of any kind. And you know, again, I think, you know, each of us can have policy preferences. Perhaps somebody from Hamilton County is in a better position to say what goes with what. As you know, in the multiple public hearings we had on the General Assembly map in this map, keeping that some people talked about splitting up various communities, but you know, at some point you have to draw a line someplace. And I think this is appropriate, but certainly didn't have anything to do with racial data since we didn't have we didn't use that.

House Minority Leader Representative Allison Russo [00:16:11] Thank you.

Co-Chair Senator Vernon Sykes [00:16:12] Yes.

House Minority Leader Representative Allison Russo [00:16:12] Mr. Co-Chair, I have a couple of other questions. And thank you, Commissioner Huffman. You know, I would say just about the Hamilton County District. If we're making a list of recommendations, at least from me as a commissioner, it would be to consider drawing a district that is entirely within Hamilton County. And I think that that is achievable. My second question is in northwest Ohio specifically is there we seem to have two districts, nine and five that are quite extensive. And I'm trying to understand why Lucas County, for example, in District 9, to make it more compact, would not be drawn over to Lorain County to create one district, which would certainly be more compact than I think what we currently see for 9 I know. I

don't remember if it's you or Auditor Faber in the past has brought up concerns about the Snake-on-the-Lake Districts. This, you know, doesn't seem really to solve at least the appearance of that. I believe it's less compact than it should be or could be.

Senate President Matt Huffman [00:17:33] Through the chair, I guess I respond to a variety of things there, if I could, just so I know that I covered this, Mr. Chair. The map is uploaded under the name Frank Stigari it is called March 1st, 2022. For those who the public who may be looking for that. So back to the comments regarding the congressional district number 9. You know, one of the things that we tried to do and I think we did a pretty good job accomplishing this is to try to keep areas together where there were there are some central cities now. Some may say, well, you know, Warren County and in parts of Hamilton County. Certainly, if you look at population growth and these are just these are just observations. A lot of the folks who live in Butler and Warren and Claremont County at some point lived in Hamilton County. That's not necessarily true for everyone. But when you look at Toledo, folks from Toledo look at Toledo as the central core city for what we call the lakefront in northwest Ohio. Now folks in Lima don't consider themselves in northwest Ohio. We're in west central Ohio. And but everybody has their own versions of what regions there are. And the I'm not sure who first term the the District 9 is the Snake-on-the-Lake. That was maybe Jim Province did, I would guess it's clever enough that he probably did it. But the that, of course, district was created because there was a deal that Democrats wanted to make in 2011 to make sure that Dennis Kucinich couldn't run and beat Marcy Kaptur. So we consented to that, and that's how we ended up getting Democrat votes for the map in 2011. This map doesn't do that, although all of these districts, with the exception of Defiance County, are either on the lake or on on the Michigan border. So if you're traveling in those parts, if you're traveling on the interstate or traveling on Route 20, I think it is. It goes through that those are all convenient places to go to and from Lorain's a little bit further away, obviously. So, you know, again, choices, wherever you start drawing the line, someone can say, well, it would be better to include this county here. And as you know, this is a little bit like a, you know, the toy where if you push down here, another another part pops up. But for the folks who would represent District 9, it's it's a pretty consistent part of the state.

House Minority Leader Representative Allison Russo [00:20:26] Thank you, Mr. Co-Chair. Thank you, Commissioner Huffman, for answering that question. You know, again, the decision to not include Lucas County with going towards the East with Lorain County not only makes it more compact, but frankly, you know this drawing this decision seems to unduly favor Republicans and disfavor Democrats because it frankly drives the DPI down. My second my third question is in again, you know, this would be another recommendation that I would add that you consider redrawing this, these two districts, so that they are more compact in these areas. My third question here regards Franklin County and District 15 in Franklin County. And at this point, we've got Franklin County, of course, paired it goes almost all the way over to the western side of the state. Just looking at this map, I'm not entirely sure what counties those are. But is there a reason that the decision was made not to make this district more compact, for example, by pairing it with Union County or Delaware County or some combination of both?

Senate President Matt Huffman [00:21:55] Yeah, and through the chair, Senator Sykes, just real quickly on District 9, I think that district remains unchanged from the previous map, and the court did not comment on that map or on that district. And again, the constitutional charge is to to try to to make changes or remedy the defects that a court identifies in their opinion. So back to your question regarding 15, however. So one of the phenomenon is as you try to draw compact districts in districts that don't carve up counties

in as most of these districts don't at some point really as a necessity, you end up with what I would call a maybe a Frankenstein district or a district that is the parts that are left over. And we've largely avoided that in this map, as you can see on the new District 13, all of Summit County and a portion of Stark County. We've eliminated the where previous. I think the current map maybe has four splits in Summit County. We've taken that down to one or four districts. We're taking it down to two. So Summit County had two or three divisions in it. It's a whole Stark County with only one in. As you look around, you can see this is just a much different looking map than there was before. But as you try to do that, you know you have to make choices in particular places. So, for example, in the 10th District, which includes Montgomery and Greene County and the request from ten years ago from Republicans and Democrats and independents alike is that Wright-Patterson Air Force Base should be in the same district because part of it is in Greene County and part of that Montgomery County. If those two are combined, there have to be with our equal population requirement, those. There has to be folks who come from somewhere. So those trying to keep each of these districts and not divide counties at some point, I think you have to have a district where there are. That certainly is less compact than other districts and that's what you have with 15. But again, going back to the court's decision in the Constitution, what we've done in this map is remedy those things that the court pointed out.

House Minority Leader Representative Allison Russo [00:24:19] Through the co-chair. Thank you, Commissioner Huffman. You know, I would say again, 15 looks pretty much like a Frankenstein district to me when you could simply go north into Union and Delaware County, and it certainly would look prettier and would be more compact. And there is an argument, particularly for that north western corner of Franklin County, which shares, in fact, even a school district with some of Union County and Delaware County. And again, you know, the decision, I think not to do that to me represents a potential example where the Republicans were unduly favored and the Democrats unduly disfavored. My fourth question is about Cuyahoga County. You have a second district that is drawn in Cuyahoga County. I do appreciate that at least the Cleveland district was included entirely in Cuyahoga County, but that Second District has the western and southern suburbs of Cuyahoga County going all the way into Amish country? That seems like very dissimilar communities there. Is there a reason, you know, to me, there were a couple of choices that could have been made. You could have gone to Lorain, Geauga County, you could have gone to Lake and Ashtabula County. That certainly would have perhaps made the district more compact and kept areas that were a little bit more similar together. Can you explain why the decision was made to go down into Wayne and Holmes County and include that with the suburbs of Cuyahoga County?

Senate President Matt Huffman [00:26:11] Through the chair Sykes, thanks. So just, I guess, for the public's edification and frankly, maybe for some of the commission members, because this is actually a new phenomenon to me. There is an animal called the Polby-Popper Scoring having to do with compactness. Is that right? I get that right, guys. And this is this is a scoring method that they used to look at maps and decide how compact they are. It doesn't talk about other constitutional principles, some of the other things, but just a compact. So this proposal taken as a whole, and certainly we can look at one district and et cetera. But this proposal taken as a whole is either as compact or more compact than the Senate Democrat proposals as in. And again, taking the proposal altogether. So I would invite commission members to look at that scoring and see that. So it doesn't mean we can't be critical of individual districts, so we shouldn't ask opinions. But if this is a compactness argument, then then this is actually a better proposal than what Senate Democrats have put together. So. So onto the questions regarding Cuyahoga

County, the there's really and I think most people know this, but really a pretty massive concentration of population in northeast Ohio in first what I would call the the kind of seven districts and then from Cuyahoga to Summit, Geauga, Portage, Trumbull, Ashtabula, and Lake County and then kind of an outer ring that would include Medina and Wayne and Stark and on into Mahoning County. And I might've left one out there. So the first thing you have to consider and again, you need to draw these and consider these with all of the other population in mind. You can say we'll do this instead of that again. How does that affect everything? So the 14th District, which is bounded, of course, on the east by Pennsylvania, in the north, by Lake Erie, there's only so many places you can go. Well, we've been able to draw this district, as you can see with simply five counties in there. I think there's an incursion in one of those counties. And again, that's strictly for the population. So I don't think there's there can be much of an argument about the compactness of that. Next is the 13th district, which is again all of Summit County, what the court specifically provided in part of a Stark County and that is a democratic drawn district. And that district, of course, is also as compact as it can be one full county in a part of another county. We hear a lot the phrase the Canton-Akron corridor. If you're from Akron, I guess you say the Akron-Canton corridor, but those, in fact, are often twin cities. So those those districts are combined. And then, you know, the parts of inner city Cleveland now perhaps the 7th District is a little bit like 15th where it's made up of parts, but you have two full counties in the which are Wayne and Medina, I believe, and then the rest of Cuyahoga County. So we've done is the court instructed us, let's only have two districts inside Cuyahoga County. Let's try to keep counties whole. That's been part of the charge in this thing. And you know, these are the things that not only the court has dictated in the Constitution, but these are things that have been part of this public discussion for years and years. So, you know, we can say the 7th District is not compact. Well, it's, you know, it's one continuous line. I think some of these are appearance things. Some of these are, you know, how how to govern after the district is created and after the election. But I certainly think 7 is a compact district, as is 13 and 11 and 14.

House Minority Leader Representative Allison Russo [00:30:24] Thank you, Mr. Co-Chair. Thank you, Commissioner Huffman. You know, just to clarify, again, this would be another area that I would recommend changes to the draft map that we see before us because again, my concern here really goes back to the question of again, with what the Constitution makes very clear is that a congressional plan shall not unduly favor or disfavor a political party. And my concern about some of the decisions that are made that I've asked about in these districts is that it appears that decisions were made and intentionally not made again to favor Republicans and unduly favored Democrats. But I look forward to more discussions, and I hope that you will take some of these areas of recommended changes into consideration before we come back tomorrow and again, make myself and my staff available to have those discussions. And that's all that I have right now, Mr. Co-Chair.

Co-Chair Senator Vernon Sykes [00:31:32] I'd like to also thank Commissioner Huffman for extending his staff that they did meet over the weekend and had an opportunity to to have some dialog. You know, unfortunately it was. It was. It was just a one way communication for the most part, and we were sharing our ideas about what we thought, our suggestions and recommendations. There weren't any necessarily forthcoming suggestions from the majority as it relates to the map. So the first time we got any indication of what the map your proposal looks like is just a just hour or so ago. And I'm just wondering in the in this phase of of cooperation or lack of cooperation in trying to make sure we collaborate, particularly as it relates to this commission, this commission about in guidance in conformity with the Constitution is put in place to really try to promote

a bipartisan process, particularly as relates to the congressional districts. In fact, going through the second step is that you in fact have a bipartisan plan, have an opportunity to adopt a bipartisan plan through the commission. And I'm just concerned about you being open to some of the recommendations. Some suggestions of Leader Russo have indicated. We have others. We haven't had a whole lot of time to look at this, but I'm hopeful that some consideration would be given to suggestions and recommendations to try to move this in a more collaborative way into in a more bipartisan way for a 10 year, 10 year plan.

Senate President Matt Huffman [00:33:36] Mr. Chairman can I respond?

Co-Chair Senator Vernon Sykes [00:33:38] Yes.

Senate President Matt Huffman [00:33:38] First of all, I differ with you in your characterization of the meetings over the weekend. As you know, I wrote a letter to you and to all the commissioners inviting them to meet personally with Mr. De Rossi. Mr. Springetti works for the speaker, and I think he did the same thing and you were invited personally to come. You sent staff that's fine with you, but I I guess I'm going to disagree with you that that was all one way. Mr. De Rossi came to you, asked what your ideas were told them, what they were thinking. If you want to characterize it as a one way conversation, I think that's unfair. But everybody has their own ideas. The second thing I would say is it's one thing to say we have recommendations if you have a motion to change this map when this is formally moved, if you have specific ideas, let's hear them. We kind of got to this with the map where there were criticisms, but no changes recommended. And you know, we so I throughout this process, there's been sort of this suggestion that we were unwilling to work with you. I think that's unfair. When I met with you last April and the other caucus leaders, I suggested that we get another 30 days in September because we would be on very short time to work out. The result of that wasn't someone coming back to me and saying, No, we disagree. How about 60 days? How about 15? It was a press conference where I was told what a rotten idea that was. So that's not my idea of working together. Now I think we have the same issue here and throughout this process is there have to be alternative ideas, specific alternative ideas coming back and not merely criticisms of what's been done. And finally, I would say. I'm not the only commissioner on this, I'm one of seven. I don't have the ability to force a vote or get three other people to agree to this. I have ideas that I've brought forth that not only are comport with the Constitution and what the court said, but are based on the input of all of the commissioners or at least the commissioners who came and met or sent staff or otherwise send ideas. I think it was all of them. It may not be that we did what you wanted to do, but as we know, that's probably not possible because not only do you and I disagree about all of these things, but Speaker Cupp I disagree, and Auditor Faber and I disagree and on and on and on. And that's the difficulty of saying, well, somehow four people are going to agree on something anyway. So if there are changes to the this map that you have Leader Russo, have sSpeaker Cupp or anybody else love to hear them. This is a proposal I'm bringing forward. I think it addresses what the court wanted to do. And I stand ready to hear those at this moment later tonight, tomorrow morning, whenever it is, the commission would meet.

Co-Chair Senator Vernon Sykes [00:36:51] And thank you for your comments. We will have particular specific suggestions or recommendations or motions as it relates. I've talked previously with the co-chair seeing if you're the majority was open to suggestions, recommendations or amendments in the meetings that were held. Again, I say they were one way in that we did not receive any detailed information about what ideas that you were

having, and we did not receive those until we got access to this map. Just it just an hour or so ago. So we will have more detailed recommendations and motions, and we're hopeful that they will be considered.

House Minority Leader Representative Allison Russo [00:37:39] Mr. Co-Chair,

Co-Chair Senator Vernon Sykes [00:37:40] Yes

House Minority Leader Representative Allison Russo [00:37:41] I do have a question in regards to that. You know, if if the members of this commission would consider any of our recommended changes, what is the timeline in which they would like to receive them to fairly consider them other than making motions tomorrow before the meeting? Because I think we all know that they will be denied at that point. Are there is there a time that other commissioners would like to have those changes? Again, we got the map at 12 o'clock, about 12 o'clock a little bit after. But you know, certainly we can put forward those changes so that you all have time to fairly consider them.

Co-Chair Speaker of the House Bob Cupp [00:38:32] Mr. Chairman, I'll just speak for myself, I'm available this afternoon and early evening to sit down and see what those changes are. The one of the one of the constraints, of course, is the time it would take to move things around because it's very difficult to move one thing without having to move a whole bunch of things because they're so interrelated. So I certainly make myself available to to listen that and then go back and see whether these are feasible or not. So I'm open to that.

House Minority Leader Representative Allison Russo [00:39:07] Well, thank you, Mr. Co-Chair. I appreciate that and we will certainly work on these as quickly as possible. You know, when we met, our staff met on Sunday afternoon at one o'clock. It was one of the reasons that we repeatedly asked for a draft of the map, which I understand some other members of this commission actually saw on Sunday evening. But yet we were not able to, and we certainly would have been able to give some of this feedback at that point as well. But we can work as quickly as possible and get those to you as quickly as possible.

Co-Chair Senator Vernon Sykes [00:39:36] We're just hopeful that we take the adequate time to be able to review the proposals that we have available.

Senate President Matt Huffman [00:39:43] Mr. Co-Chair,

Co-Chair Senator Vernon Sykes [00:39:43] Yes

Senate President Matt Huffman [00:39:44] I'd like to clarify comment that Leader Russo made. There was no map for other members of the commission to look at on Sunday night. That is not true because it this is the map that I am proposing. This map did not exist until sometime Monday afternoon or Monday night, so there was certainly there were concepts that were presented to members of the commission that were concepts that were presented by Mr. DeRossi to your staff. This map did not exist on Sunday, so that's not true. And you know, one of the problems with this whole thing is we all want to talk about who got to see what, when and how, instead of making specific proposals on how to change this. So that's what this is if you want to make a motion and change something on the map. Certainly, the commission will consider it. That's what we're here to do. But there has to be a proposal for the commission to consider.

Co-Chair Senator Vernon Sykes [00:40:43] One thing to just clarify, we have had a proposal on the table. Our map has been on the table as and then our suggestion or recommendation all along. And we did make additional recommendations and suggestions as we move around the map to explain different aspects of it. But we did not get that same type of input when We met when our staff met and that was just the issue.

House Minority Leader Representative Allison Russo [00:41:16] Mr. Co-Chair

Co-Chair Senator Vernon Sykes [00:41:17] Yes

House Minority Leader Representative Allison Russo [00:41:17] Mr Co-Chair, and again, you know, I believe I said a draft map, not the map that sits before us, and I do want to clarify that our staff did not get any concepts presented to them during that meeting. But the other question I have for this commission is, you know, there seems to maybe not be agreement in the constitutional requirement that in order for a map to come out of this commission, it does have to have Democratic votes with it. So we are very motivated to get some to get to some agreement about the map. But my understanding from my conversations with Commissioner Huffman is that he does not agree with that assessment. That Article 19 does explicitly lay out that at this stage in the process when it comes back to the commission, that it requires minority votes for us to even have a map come out of this commission.

Co-Chair Speaker of the House Bob Cupp [00:42:18] Mr. Chairman,.

Co-Chair Senator Vernon Sykes [00:42:19] Yes

Co-Chair Speaker of the House Bob Cupp [00:42:20] I would like to address that issue because I know this discussion has been at least bouncing around for a couple of weeks as to what kind of vote is required and whether this commission can do a four year map or must only do a 10 year map and must only be approved with members of the minority party. So in order to kind of get some clarity to that, I asked the attorney general if he would issue an opinion on it. That is something the attorney general does when requested by the General Assembly. And I'll just pass out the full, full opinion, but just read the the syllabus on it, which I think is is sort of that sort of is the conclusion that the commission acting under Ohio constitutional Article 11, Section 3-B2, may enact a congressional map by a simple majority vote, and the second paragraph on the syllabus is a map adopted to Ohio Constitution. Article 11 Section 3-B2 is valid for the time period that the previous map was valid for before becoming unconstitutional. This means that for the current redistricting cycle and adopted map would be valid for four years as the map that was found unconstitutional was valid for only four years and then their citation. Then there was rationale, and so we happy to to to pass that out. But that is the official opinion from the state attorney general.

Co-Chair Senator Vernon Sykes [00:43:57] Got a question. Just a point of order, really. And that is that the General Assembly can ask the attorney general, not the Speaker of the House or a co-chair. Maybe the co-chairs could have asked the attorney general, but not just one co-chair. And so actually, what authority did you have to for the attorney general to give you this opinion?

Co-Chair Speaker of the House Bob Cupp [00:44:24] I asked the attorney general what his opinion was and because it was necessary to resolve the issue. And in response, this is the opinion the attorney general issued. So I mean, you're all free to disregard it, but I

think it is certainly persuasive in in deciding, you know, what is what, what the Constitution requires or not.

Co-Chair Senator Vernon Sykes [00:44:53] Yeah, I think it's improper to reach out unilaterally to the attorney general without it being a request from the General Assembly or the co-chairs of this commission. So I don't think it's proper.

House Minority Leader Representative Allison Russo [00:45:11] Mr. Co-Chair.

Co-Chair Senator Vernon Sykes [00:45:12] Yes.

House Minority Leader Representative Allison Russo [00:45:12] In response to that, you know, to be clear, the Constitution and Article 11 says unless otherwise specified in this article or in Article 19 of the Constitution, well, Article 19 does in fact otherwise specify. Article 19 provides in Section 1B that the Commission shall adopt a 10 year congressional map by the affirmative votes 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. And you know, certainly there can be some discussion about the appropriateness of asking the attorney general to issue an opinion on this. But frankly, the attorney general, both solicited and not, has issued many opinions throughout the course of this commission. This commission's meetings that the court has firmly disagreed with. So I think that if we're going to go down this path and use this opinion as a reason not to get bipartisan support of a map, then we will certainly find ourselves back in the same position that we have been in, both with the state maps and with this map previously in that this will be determined by the court and will be no further, along with the citizens of Ohio, knowing exactly what these districts are so that we can conduct an election.

Co-Chair Speaker of the House Bob Cupp [00:46:34] Mr Co-Chair may I respond to that?

Co-Chair Senator Vernon Sykes [00:46:36] Yes.

Co-Chair Speaker of the House Bob Cupp [00:46:37] Well, first of all, it was my understanding before, and it's just been reconfirmed that there's a long history of the Speaker of the House being able to ask the attorney general for an opinion on some constitutional issue that is coming before the the General Assembly or in this case, you know, as a member of the redistricting commission. And so this is not unusual. The second is, I don't think this should be taken as an indication that there is not a desire for a 10 year bipartisan map. I think it should be taken as an indication that if we aren't able to do that within the timeframe that we have facing us. That is there is not a constitutional requirement for it, that doesn't mean there wasn't necessarily a desire for it or an ability to do it, so that would be what I would want to impression that I would want to leave in regard to to this matter.

Senate President Matt Huffman [00:47:41] Mr Co-Chair

Co-Chair Senator Vernon Sykes [00:47:42] Yes.

Senate President Matt Huffman [00:47:42] Could I just comment on this issue? So part of I think if we can, we can read different parts of the Constitution. The redistricting commission was created in Article 11. Article 11 clearly says that unless otherwise

specified, all actions of the commission will be taken by a majority vote. And that's the provision that that guides here. And but for, you know, we can read that obviously look at the attorney general's decision. But for those who who like would like a little more global understanding of this. So, you know, obviously there's a census every 10 years, and what this says is when that census ready, it's on the blocks. There's a lot of discussion that if in the year ending in 1 the General Assembly by the end of September passes a map that has sort of these super majorities in both caucuses, we have a 10 year map that didn't happen in this case. And then the redistricting commission has an opportunity to pass a to work on this during the month of October, when but the redistricting commission in that can only pass a 10 year map. And what that, of course, means is that that that must include minority party votes in order to do that. Well, there actually wasn't a vote and unlikely that there. There wasn't a map presented in October, and this then went back to the General Assembly in the month of November. Under this scheme, under this constitutional scheme that is set up. There's two things that can happen. The General Assembly can pass a map also requiring certain minority party votes. It's just it's lesser than it is in September, but under a lesser requirement one third of the minority party in order to get a 10 year map so you can still get a 10 year map in November of the year ended and 1 in this case 2021. If only one third of the minority party will agree in both the House and the Senate, well, we didn't get one third. In fact, none of the minority party voted for this, so we went ahead and passed a man with no Democratic support at the end of November's close to the maybe mid to late November. So there we are. We've passed a map. It's November of 2021. We've got a map or ready to run, run an election, and we had no Democratic votes for that because that's what the Constitution requires. The map was challenged in court, the Supreme Court comes back and says we see these problems, especially specifically in Cuyahoga and Hamilton and in Summit County, and those are specific things that we think need to be remedied. So we look at section 3 of Article 19 that tells us how to do this. And there's two things that can happen. And if you look at this is you can look at them in stages stage one, two and three at the beginning. If it's challenged and sent back stages four and five or silos four and five, whatever. So in silo for the General Assembly, then has 30 days to pass a map. There is no requirement that the General Assembly include Democratic or Minority Party votes. In fact, we can pass a new map as long as it does the things that the Supreme Court told us to do with no Democratic or minority party votes. Now, in fact, that might have happened. But because of the time crunch, we needed to do that with a emergency or 66 votes in the House and 22 votes in the Senate, in all probability achievable in the Senate. But as I understood it, not achievable in the House because there would not be minority enough minority party votes to get sixty six votes in the House. So and that was only to suspend it so we could do certain things and make it available for for the for the May 3rd primary. So we then go on to the map had to be available by May 3rd. By the time it got there wouldn't be effective by May 3rd, and therefore we had to have 66 votes and didn't do it. So then we move on to the redistricting commission, which is where we are now. This comes back on February 14th. We have until March 14th to do something. The attorney general, through the opinion requested by the speaker, is confirming what of course the constitutional scheme is. We are now in stage five, where at the end of this, which necessarily after you've gotten to the end of November, there's been a challenge. The court has sent it back. The General Assembly has 30 days. This redistricting commission could not even act until that 30 days was up after the General Assembly. So in every situation when this redistricting commission, when we get to stage five, it's really close to the primary. And if the answer is now, even though we didn't need any minority party votes and stage four and we didn't need any in stage three in order to pass a map, now we need minority votes in stage five as we get close to the election. It not only doesn't comport with the plain language of the Constitution, it doesn't make sense in the whole scheme of how this works. And again, the

point of all of this is at the very beginning. There are set of incentives for the minority party and the majority party to get together in September and see if they can come up with a deal. And that's why I thought it was so important last April that we had additional time to work this out. And that was rejected. No one apparently thought that was a good idea other than Speaker Cupp and I. And but we weren't. That was rejected by the minority party. And that's the time when we can get together, make a deal. There can be concessions made on both sides to get a 10 year map. Now, can that still happen? Yes. But there has to be something specific for there to be a yay and a nay rather than simply we'd like to hear. We'd like for you to hear our proposals. We have to have something to specific act on. It would have been good to do this in September or October or November, but those weren't forthcoming. So constitutional language is clear, the attorney general has opined it makes sense in terms of the scheme, and that's why I wanted to give that history. Thank you, Mr. Co-Chair.

Co-Chair Senator Vernon Sykes [00:54:39] Thank you, Mr. President, for the history lesson, although it's just really reliving, it is still a little painful.

Senate President Matt Huffman [00:54:48] I'm with you brother.

Co-Chair Senator Vernon Sykes [00:54:53] Are there any other items?

House Minority Leader Representative Allison Russo [00:54:55] Mr Co-Chair, I would like to respond to that, and I will respectfully disagree. I do agree that the constitutional language is very plain and I think any argument at this stage in the process that, you know, there is no check and that the people who voted for these changes didn't intend for there to be a check on gerrymandering is just simply a convenient interpretation of the Constitution. I think the Constitution is very clear that at this point, after the court has invalidated maps and you've exhausted the G.A., which, by the way, there was no plan presented for legislators to even vote on. And nor did we ever see a map to say if we would have the votes, not have the votes or the commission. You know, there are no more get out of jail free cards. It is time for us to come to the table and come up with some agreement that we can all agree to, and it is possible. I've laid out a few suggestions. You certainly don't have to take all of those suggestions and we will give more specifics about that. But to at least have the conversation and have some good faith negotiations at this stage in the process is, I think, both required by the Constitution for this commission to even have valid maps come out of it. But it's also what the people of Ohio are asking us to do. And you know, certainly we can all die on this hill if we want to. But again, that then leaves it up to the court yet again to decide whether or not these were constitutional maps and whether or not they were even valid maps that came out of this commission without Democratic votes. So that's all that I have to say. Thank you,.

Senate President Matt Huffman [00:56:47] Mr. Co-Chair.

Co-Chair Senator Vernon Sykes [00:56:48] Yes

Senate President Matt Huffman [00:56:49] I want to. One of the things that is seemingly lost over this is it when leader Russo says there's not a check. There is a check. This map, unless it gets minority party support, is only for four years. And that build in check is a concession automatically to the minority party unless the majority party does what they want or concedes. Or there can be some sort of agreement, however, we want to describe it. The majority party doesn't get to do what the majority party gets to do everywhere else. And that is, draw a map for the next 10 years. And that is the check. If there was a version

of this, which isn't quite as good from the majority party standpoint, again, assuming we could get a majority of the commissioner Republican commissioners to vote for it. That may or may not be true, but if there's some version of that, that is, I'll just call it less than this, that that the minority party would vote for. Well, then we could get our 10 year map, but the majority is already penalized by only getting a four year map. And that's the penalty that is built in. And unless we can come to some consensus is the majority is going to be penalized and there is going to be a check.

Co-Chair Senator Vernon Sykes [00:58:15] The only other comment is that also the maps should be constitutional, they should comply with the Constitution and the Ohio Supreme Court still has some purview as a rule too. Yeah, absolutely. To be considered, at this time, seeing and hearing no other comments. I don't believe we should.

Co-Chair Senator Vernon Sykes [00:58:37] Yes.

Auditor Keith Faber [00:58:38] Do we have tommorrow's meeting scheduled, decided already?

Co-Chair Senator Vernon Sykes [00:58:41] You know, we have tentatively agreed. We have agreed ten o'clock tomorrow morning to recess until 10:00 tomorrow morning, hopefully during that time. We will have an opportunity to exchange ideas and possibly come up with a collaboration.

Auditor Keith Faber [00:59:03] Do we have a meeting time set for Thursday?

Co-Chair Senator Vernon Sykes [00:59:06] We have not. We do not at this time. Seeing and hearing no further business, we will recess until tomorrow at 10 a.m..

Exhibit 68

March 1, 2022

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

SYLLABUS: 2022-004

1. The commission, acting under Ohio Constitution Article XIX Section 3(B)(2), may enact a congressional map by a simple majority vote. *See* Article XI, Section 1(B)(1).

2. A map adopted pursuant to Ohio Constitution Article XIX Section 3(B)(2) is valid for the time period that the previous map was valid for before being found unconstitutional. This means that, for the current redistricting cycle, an adopted map would be valid for 4 years, as the map that was found unconstitutional was valid only for 4 years. *See Article XIX, Section* 1(C)(3)(e); Article XIX, Section 3(B)(2)*; Adams v. DeWine*, 2022-Ohio-89, ¶¶ 15-22.

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March 1, 2022

OPINION NO. 2022-004

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

Dear Speaker Cupp:

You have requested an opinion regarding the Ohio Redistricting Commission's adoption of congressional district maps pursuant to Ohio Constitution, Article XIX Section 3(B)(2). Specifically, you ask:

1. What votes are required for the Commission to adopt a congressional map: Can maps be adopted by a simple majority of members of the Commission, or are at least 2 votes from members of each political party required?

2. Is the map adopted effective for 4 years or 10 years, and is that dependent on whether at least 2 members of each political party vote for the map?

I address the questions below.

Background of the Congressional Redistricting Process in Article XIX

Article XIX of the Ohio Constitution, which the People of Ohio ratified in 2018, governs the process by which Ohio draws congressional districts. The process consists of three steps.

The first step is set out in Section 1(A) of Article IXI. It states that the General Assembly shall pass a map by the end of September in a year ending with the numeral one. The map may be passed only with an affirmative vote of three-fifths of the members of each house in the general assembly. Further, at least one-half of the members of the two dominant political parties in each house must support the map. If the General Assembly successfully passes a map under this section, the map remains in effect for ten years.

The second step is set out in Section 1(B), which applies if and only if the General Assembly fails to enact a map under Section 1(A). Under Section 1(B), the Ohio Redistricting Commission has until the end of October to enact a congressional map. A map will be deemed enacted only if it has support from at least 4 members of the Ohio Redistricting Commission, including at least 2 members from each of the two dominant political parties. Any map enacted under Section 1(B) remains in effect for ten years. (The Commission, at this second step, does not have authority to enact a 4-year map by a simple majority vote. *Compare* Article XI, Section 1(B)(3) *with* Article XI, Section 8(C)(1)(a).)

Before moving to the third step, it is important to highlight one important aspect of the Ohio Redistricting Commission's powers. The Commission is created by Article XI of the constitution. And Article XI, Section 1(B)(1) states that, "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." Section 1(B) does "otherwise specif[y]." But as this opinion will explain later, other sections governing the redistricting process do not.

Step three applies if and only if the Ohio Redistricting Commission fails to act. At this step, the General Assembly must adopt a map before the end of November. If the chosen map receives affirmative support from three-fifths of the members in each house, and an affirmative vote from at least one-third of the members in each of the two dominant parties, then the map remains in effect for ten years. If the map is instead enacted by a simply majority vote that does not satisfy these criterion, it remains in effect for just four years. Article XIX, §1(C).

General Assembly Passes Maps by a Simple Majority without 1/3 affirmative votes from each party, so the map was good for 4 years; Article XIX, Section 1(C)(3)(e)

This redistricting session, the Congressional map was passed by the General Assembly pursuant to Article XIX, Section 1(C). The General Assembly passed the map by a simple majority of the General Assembly, with no Democrats in either the House or the Senate

voting for the map. *Adams v. DeWine*, 2022-Ohio-89, ¶ 21. As a result, the map, had it been upheld, would have remain in effect for just four years. Article XIX, Section 1(C)(3)(e); *Adams v. DeWine*, 2022-Ohio-89, ¶¶ 15-22.

Ohio Supreme Court Finding of Unconstitutionality and Adoption of a New Map Pursuant to Article XIX, Section 3(2)(B)

Article XIX, Section 3(A) gives the Ohio Supreme Court exclusive, original jurisdiction in all cases arising under Article XIX. Here, the Ohio Supreme Court found that the enacted map failed to satisfy the requirements in Article XIX, Section 1(C)(3)(a) and (b). *See Adams v. DeWine*, 2022-Ohio-89, ¶5.

When a map is rejected by the Ohio Supreme Court, the General Assembly has 30 days to remedy the defects. Article XIX, Section 3(B)(1). If the General Assembly fails to address the defects within the allotted time, Article XIX, Section 3(B)(2) applies. Section (B)(2) states in full:

> 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*. (Emphasis added).

Article XIX, Section 3(B)(2) does not specify whether the adoption of a map requires the affirmative vote of at least 2 members of each of the two dominant political parties. It also does not state whether or not the adopted map is for a period of 10 years or 4 years (or if a map passed by a simple majority is good for 4 years, while a map passed by at least 2 members of each dominant political party is good for 10 years). The only specific instruction is that the General Assembly cannot amend or alter the map beyond what is necessary to remedy the defects found by the Ohio Supreme Court. *Id*. Here, that means that the General Assembly may only address the map in relation to the Article XIX, Section 1(C)(3) requirements that the Ohio Supreme Court found not satisfied. *See* Article XIX, Section 1(C)(3)(a) and (b); *see also See Adams v. DeWine*, 2022-Ohio-89, ¶5.

You have asked several questions related to Article XIX, Section 3(B)(2)

What procedures govern the vote under Article XIX, Section 3(B)(2)? Is a bipartisan vote required?

You first ask what voting procedures govern the Commission's adoption of a map pursuant to Article XIX, Section 3(B)(2). Specifically, you ask whether a simple majority vote is sufficient, or if a bipartisan vote with two members of each party voting "yes" is required.

Article XIX, Section 3(B)(2) states that the Commission "shall adopt a congressional district plan in accordance with the provisions of this constitution that are then valid[.]" Article XI, Section 1(B)(1) states that "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."

These provisions indicate that, unless another procedure is specified in Article XIX, a simple majority vote is sufficient to adopt a map. Article XIX, Section 3(B)(2) does not explicitly contain any other voting procedure. Accordingly, the default procedure applies.

Before moving on, I will pause to explain why two provisions that might appear to require more than a simple majority vote do no such thing.

Begin with Article XI, which governs the adoption of state legislative maps. Under Article XI, if at least 2

members of each political party vote affirmative on a state legislative district map, that the map is valid for 10 years. Article XI, Section 1(B)(3). If only a simple majority of the Commission, without bipartisan support, votes for a map, the map is valid only for 4 years. Article XI, Section 8(C)(1)(a). Could that process be incorporated into Article XIX? I conclude that the answer is "no." Nothing in Article XIX includes any such option. The procedures for adopting a state legislative map and a congressional map are significantly different and contained in different articles. Article XIX, Section 3(B)(2) should not be read as directing the Commission to follow a procedure in a different article of the Constitution when Article XIX explicitly adopted a different procedure.

Second, one might argue that Article XIX, Section 3(B)(2) incorporates and duplicates the procedure set forth in Article XIX, Section 1(B) that the Commission follows when originally adopting a map. Under Section 1(B), the Commission can approve a map only with 2 votes from members of each dominant political party, and the map is good for 10 years. But there is no basis for reading Section 1(B)'s requirements into Section 3(B): the provisions contain different language, and different language connotes different meaning. Moreover, this interpretation creates the distinct possibility that the Commission will be in perpetual deadlock and unable to pass a map. Ohio would be left without a congressional map. The language in Section 3(B)(2) states that the Commission "shall adopt" a map, and provides no back-up if the Commission does not adopt a map. This is in contrast to the redistricting procedure for the initial adoption of a map. Under the initial procedure

for adopting a map, if the Commission fails to adopt a map, the General Assembly has a second chance to adopt a map. After a map is found unconstitutional, however, there is no such option. I do not believe Article XIX, Section 3(B)(2) can plausibly be read as allowing the Commission to be stuck in limbo without adopting a map. (Ultimately, the federal default of 15 statewide, at-large Congressional districts might take effect under this reading. *See* U.S. Constitution, Article I, Section 2). At least here, where the Constitution specifically provides for a different default procedure–a simple majority vote pursuant to Article XI, Section 1(B)(1)—I do not view Article XIX, Section 3(B)(2) as incorporating the procedure set forth in Article XIX, Section 1(B).

Because Article XIX, Section 3(B)(2) does not contain a specific voting procedure, and because it does not incorporate procedures from another provision, Article XI, Section 1(B)(1) applies. The Commission can adopt a map by a simple majority vote.

Time period that Maps Adopted Pursuant to Article XIX Section 3(B)(2) are Valid For

Having concluded how the Commission adopts a map pursuant to Article XIX, Section 3(B)(2), I now address whether the map is valid for 4 years or 10. I conclude that it is valid for 4 years.

Article XIX, Section 3(B)(2) states that a map adopted pursuant to it is valid "until the next time for redistricting under this article." The phrase "until the next time for redistricting under this article" has several

potential readings. I conclude that the best reading is that the phrase sets different time periods for different maps.

One reading is that the "next time for redistricting" always means that the map is valid until the year ending in numeral one (e.g. 2031, 2041), which would align with the general decennial redistricting process. I do not believe this is the correct interpretation, however. Other than in Section 3, nowhere else in Article XIX is the phrase "the time for redistricting," or any similar general phrase used. Instead, other provisions of Article XIX consistently use the phrase "shall remain effective until the next year ending in numeral one" when the map is to be effective until the beginning of the next decade. *See* Article XIX, Section 1(A), (B), (C)(2), (D), (E), (F)(2), and (F)(3)(e). When Article XIX intends that the map shall remain effective for a different time period than until the next year ending in numeral one, Article XIX uses different language. *See* Article XIX, Section 1(C)(3)(e) (a map is valid for two general elections). Article XIX, Section 3(B)(2)'s use of language other than "shall remain effective until the next year ending in numeral one" indicates that the map adopted pursuant to the section is not necessarily effective until the next year ending in numeral one.

This reading is further supported by looking at the ballot language and purpose of the new congressional redistricting amendment. The ballot language for the amendment states that the amendment would "[r]equire the General Assembly or the Ohio Redistricting Commission to adopt new congressional districts by a bipartisan vote for the [map] to be effective for the

full 10-year period." *Certified Ballot Language to Proposed Issue 1*, 2018 (available here: https://www.sos.state.oh.us/globalassets/ballotboard/2018/2018-02-20-ballotlanguage-issue1.pdf). Similarly, the official "argument for" the amendment states: "Voting Yes on Issue 1 will require significant bipartisan support to adopt new congressional districts for 10 years." Argument For proposed Issue 1 (Prepared by Senators Matt Huffman and Vernon Sykes, and Representatives Kirk Schuring and Jack Cera) (available here: https://www.sos.state.oh.us/globalassets/ballotboard/2018/2018-02-20-argumentfor-issue1.pdf). Ballot language does not override the language of a constitutional provision. It is however, required to be "'fair, honest, clear, and complete' and 'no essential part of the proposed amendment' may be omitted.". *State ex rel. Cincinnati Action for Hous. Now v. Hamilton Cty Bd. of Elections*, 164 Ohio St. 3d 509, 2021-Ohio-1038, 173 N.E.3d 1181, ¶¶ 7-8, quoting *Markus v. Trumbull Cty. Bd. of Elections,* 22 Ohio St.2d 197, 259 N.E.2d 501 (1970), paragraph four of the syllabus. Allowing a 10-year map to be adopted without bipartisan support would explicitly contradict this language. Moreover, this reading would also allow the majority party to game the system by originally passing an intentionally unconstitutional map. Because a 10-year map cannot initially be adopted without bipartisan support, but could be adopted later without bipartisan support *after a Court finding of unconstitutionality*. Such a reading would incentivize a majority party to act unconstitutionally when first passing a map. Ambiguous constitutional provisions should not be interpreted in ways that incentivize government officials to act unconstitutionally.

Therefore, the phrase "next time for redistricting" as used in Article XIX, Section 3(B)(2) should not be read to always mean that a map is valid until the next year ending in numeral one.

Nor, however, does Article XIX, Section 3(B)(2) use the explicit language that the plan adopted shall be valid for two general elections after its adoptions. *Compare.* Article XIX, Section 1(C)(3)(e).

Because the phrase "next time for redistricting" does not refer to a specific time, a different interpretation should be used.

The time period the plan is valid for is best read as being the time period for which the invalidated map would have remained in effect had it not been held unconstitutional. In exercising its duties under Article XIX, Section 3(B)(2), the Commission is remedying "defects in the previous plan identified by the court" and "shall include no other changes to the previous plan other than those made in order to remedy those defects." The Commission's role at this point is not to adopt an entirely new map, but rather to remedy constitutional defects in the previous map. Because the previous map was adopted for a specified number of years, remedying the Constitutional defects should not change the number of years it was adopted for. This interpretation also eliminates the possibility of a map that was originally valid for only 4 years being adopted for 10 years without bipartisan support, which is a result in clear contradiction of the ballot language and purpose of the amendment.

Because the Congressional map that was struck down by the Supreme Court was passed by the General Assembly pursuant to Article XIX, Section 1(C) with only a simple majority, the map was only valid for two general elections. Article XIX, Section 1(C)(3)(e); *Adams v. DeWine*, 2022-Ohio-89, ¶¶ 15-22. Therefore, for this redistricting session, a map passed by the Commission pursuant to Article XIX, Section 3(B)(2) is good only for two general elections.

Conclusions

Therefore, I conclude that:

1. The commission, acting under Ohio Constitution Article XIX Section 3(B)(2), may enact a congressional map by a simple majority vote. *See* Article XI, Section 1(B)(1).

2. A map adopted pursuant to Ohio Constitution Article XIX Section 3(B)(2) is valid for the time period that the previous map was valid for before being found unconstitutional. This means that, for the current redistricting cycle, an adopted map would be valid for 4 years, as the map that was found unconstitutional was valid only for 4 years. *See Article XIX, Section* 1(C)(3)(e); Article XIX, Section 3(B)(2)*; Adams v. DeWine*, 2022-Ohio-89, ¶¶ 15-22.

Respectfully,

DAVE YOST
Ohio Attorney General

Exhibit 69

Ohio Redistricting Commission - 3-2-2022

https://www.ohiochannel.org/video/ohio-redistricting-commission-3-2-2022

Co-chair Speaker Bob Cupp [00:00:00] Restricting Commission will come back to order. I would ask that the staff please call the roll at this time.

Clerk [00:00:07] Co-Chair Speaker Cupp.

Co-chair Speaker Bob Cupp [00:00:08] Present.

Clerk [00:00:09] Co-chair Senator Sykes.

Co-chair Sen. Vernon Sykes [00:00:10] Present.

Clerk [00:00:11] Governor DeWine.

Gov. Mike DeWine [00:00:11] Here.

Clerk [00:00:12] Auditor Faber

Auditor of State Keith Faber [00:00:14] yes.

Clerk [00:00:14] President Huffman.

Senate President Matt Huffman [00:00:14] Here.

Clerk [00:00:15] Secretary LaRose.

Secretary of State Frank LaRose [00:00:15] Here.

Clerk [00:00:16] Leader Russo.

House Minority Leader Allison Russo [00:00:17] Here.

Clerk [00:00:19] You have a quorum.

Co-chair Speaker Bob Cupp [00:00:21] All members are present. Is there business to come before the meeting, this meeting of the Ohio Redistricting Commission Yes. Chair recognizes co-chair Sykes.

Co-chair Sen. Vernon Sykes [00:00:40] Thank you, Mr. Co-Chair. At this time I'd like to move to amend. The amendment aims to replace the map that's before us and to accept our map that we submitted here before into the commission. It's Senate Bill 237. We have three different versions of it, but this would be the most recent version. It is a eight-seven map and it does not unduly favor a political party and we would ask that the commission consider this map.

Co-chair Speaker Bob Cupp [00:01:29] There's a motion to adopt the map presented. What is the designation on that map, do we know? Or the date that it was uploaded on the website,

Co-chair Sen. Vernon Sykes [00:01:43] February the 8th.

Co-chair Speaker Bob Cupp [00:01:46] February, the 8th map. I'm not sure what name it was uploaded under. But is there a second to the motion?

House Minority Leader Allison Russo [00:01:57] Second.

Co-chair Speaker Bob Cupp [00:01:57] It's been moved and seconded. Is there discussion?

Senate President Matt Huffman [00:02:00] Mr. Chairman?

Co-chair Speaker Bob Cupp [00:02:02] Senator Huffman.

Senate President Matt Huffman [00:02:03] Yeah, just just to clarify the if - there was a motion to amend and then a motion to adopt, is this motion to amend the fact there's no amendment,

Co-chair Sen. Vernon Sykes [00:02:16] The amendment - we are looking at the General Assembly Motion, map, that was presented and was denied invalidated by the court. And so we're offering it as an amendment to that.

Co-chair Speaker Bob Cupp [00:02:34] Are you offering an amendment to the General Assembly map or to the congressional map?

Co-chair Sen. Vernon Sykes [00:02:40] to the congressional map that was that was approved by, adopted initially by the General Assembly, but was in fact invalidated by the court.

Co-chair Speaker Bob Cupp [00:02:53] My understanding is the motion is to amend the map, it was previously approved by the commission and returned to to to the commission by the - The map that was adopted by the General Assembly for Congressional districts and that was invalidated by the Ohio Supreme Court and is, and returned to the redistricting process.

Co-chair Sen. Vernon Sykes [00:03:29] Yes.

Co-chair Speaker Bob Cupp [00:03:29] Right. And you have amendments to that map.

Co-chair Sen. Vernon Sykes [00:03:36] Yes, we're offering the map that we submitted to the commission on February the 8th to amend that map.

Co-chair Speaker Bob Cupp [00:03:48] Are you? I'm sorry. Are you offering a whole map?

Co-chair Sen. Vernon Sykes [00:03:52] Yes, a whole map. It's like a supplement as an amendment.

Co-chair Speaker Bob Cupp [00:03:58] All right. Are we able to identify what that is?

Co-chair Sen. Vernon Sykes [00:04:12] We have -- it's on the commission's web site of February the 8th.

Co-chair Speaker Bob Cupp [00:04:20] February eight, is that the only one? Or is it under a name as well?

Co-chair Sen. Vernon Sykes [00:04:28] It was the Dems congressional map

Co-chair Speaker Bob Cupp [00:04:31] Democrat Congressional Map, Yuko - would this be the title? Yuko Sykes Substitute Senate Bill 237 February 8th revision is a map that is offered. You want to describe the map or your amendments?

Co-chair Sen. Vernon Sykes [00:04:51] It is a 8-7 map that complies with the Constitution. It was presented prior and you've gone over it in detail in the prior meeting, and we'd just like it to be considered now.

Co-chair Speaker Bob Cupp [00:05:08] All right. It's been moved and seconded that the Yuko Sykes Senate Bill 237 February 8 revised map that was uploaded to be adopted by the commission. Discussion? There's no discussion. I'll ask the clerk to call the roll. Is to correct the caller on. All right. The commission will be at ease for a moment while we make some copies.

Co-chair Speaker Bob Cupp [00:07:42] Waiting for the copies of the maps to come. We had a request from Ryan Brune. I'm not sure I'm pronouncing your name right, but you testified yesterday and you have an updated map. Do you want to take a few moments to tell us what that is? Would you come up to the microphone and state your name for the record, please?

Ryan Brune [00:08:06] Thank you. My name's Ryan Burnett presented yesterday with a map. I'm here to present a different map, calling it Compromise Map V2. This map that I'm presenting is identical to the one that the Republicans proposed yesterday, with two districts being changed. The 4th District and the 15th District, I made some simple county swaps, which citizens can see on the redistricting website. The commissioners, you have these in front of you. All the changes I've made, I have reduced the total number of county splits. I've combined municipalities that were previously split. Municipalities that's across county lines are allowed to be split given the guidelines. But what I was able to do is able to reconnect Dublin with its Union and Franklin portions, and I was able to reconnect Plain City, which is in Madison in Union County. I talk a little bit about the compactness in my brief, but basically what I propose is the exact same as the Republican map. Two districts changed. It's more compact and pretty much any metric you use, it doesn't have a split district, connect to a split district, connect to a split district, and it has the added benefit of being a little bit more fair. Instead of having five composite Democratic districts, it now has six and all that it, one change. This maps pretty much the exact same thing you presented yesterday, just a little bit better in every way.

Co-chair Speaker Bob Cupp [00:09:39] Thank you. Any questions for the witness? Thank you for your continued work on this. It's quite impressive that you have this kind of interest in and continue to work on it. Thank you.

Ryan Brune [00:09:52] Thank you.

Co-chair Speaker Bob Cupp [00:09:56] The commission will be back in ease while we're waiting on the map copies.

Co-chair Speaker Bob Cupp [00:12:44] Distributed, they're entitled Yuco Sykes SB 237 February 8th revision that is before the commission. Is there any discussion on the motion. Chair recognizes Sen. Huffman.

Senate President Matt Huffman [00:13:01] Yeah, thank you. Thank you, Mr. Chairman. So there is a map that was presented, although not yet moved, which I'll be doing later in this meeting. And there was a series of meetings as there have been. But I met with Senator Sykes and Leader Russo. I, as I understand it, the speaker did. I believe the auditor did. There may may have been a meeting also with with secretary and variety of folks. And then last night, there was a series of amendments proposed to that map by the, I believe, by Senator Sykes and Leader Russo. So there is that version of that map, which is also on the website. This is a completely different setup. And as of today, I guess maybe if we're trying to negotiate, this is a step backwards in what at least we were talking about and is a completely different consideration. So it's unclear to me why this is even being presented at this time since it's. Not related at all to what we were, we were discussing, at least in the meeting, that I was in last night, so I think it's a step backwards in terms of of, you know, trying to put in a capsule what the differences are between the parties. So I would oppose the motion.

Co-chair Speaker Bob Cupp [00:14:27] Further discussion. The the motion is to adopt the plan that has been presented and the staff will call the roll, please.

Clerk [00:14:40] Co-Chair Speaker Cupp

Co-chair Speaker Bob Cupp [00:14:41] No.

Clerk [00:14:42] Co-Chair Senator Sykes

Co-chair Sen. Vernon Sykes [00:14:43] Yes.

Clerk [00:14:44] Governor DeWine.

Gov. Mike DeWine [00:14:46] No.

Clerk [00:14:46] Auditor Faber

Auditor of State Keith Faber [00:14:46] No.

Clerk [00:14:48] President Huffman.

Senate President Matt Huffman [00:14:48] No.

Clerk [00:14:48] Secretary LaRose

Secretary of State Frank LaRose [00:14:49] No.

Clerk [00:14:51] Leader Russo

House Minority Leader Allison Russo [00:14:52] Yes

Clerk [00:14:53] Thank you. 5-2 Mr. Co-chair.

Co-chair Speaker Bob Cupp [00:14:57] Vote is five to two. No, the vote is two to five. The motion has not carried. Is there further business come for the commission, Senator Huffman?

Senate President Matt Huffman [00:15:08] Thank you. At this time, Mr. Chairman, I move the commission, adopt the updated Congressional District Plan, which is uploaded the commission's website this morning that is called March 2nd, 2022. Under the name of Franks to Gary and

Co-chair Speaker Bob Cupp [00:15:26] Sykes, Senator Huffman is at the map. That is, if we have the PorterWright distributed, that's correct. All right, so everyone have that map. All right, you may proceed.

Senate President Matt Huffman [00:15:36] Do I need a second?

Co-chair Speaker Bob Cupp [00:15:37] Is there a second to the motion? I'll second the motion.

Senate President Matt Huffman [00:15:41] OK, thank you. So, Mr. Chairman, members of the commission, this map is identical to the map that was submitted yesterday and with two slight changes. One is our changes then in Franklin County, which really completes a series of changes that were made in regarding districts three and 15 are my office and perhaps other offices received inquiry from Congresswoman Beatty's office. I think one of the initial maps that was or renderings here in the last week or so had Congresswoman Beatty's district office outside of District three. And it might be a federal requirement, but but I believe that it's required that congressional district offices be inside the congressional district. So they asked us to make that change. And initially, I believe also Congresswoman Betty's residence was outside of District three. And so there were some changes made regarding both of those also resulting in Congressman Carey outside of District 15. So the net result of all these changes, including the one we're including today, is that Congressman Beatty's district office in District three, her residence is. And Congressman Carey is in his District 15. When I say his and hers, of course that I'm referring to the fact that they're both incumbents, so that solves that problem. So that's one change. The second change is in Hamilton County and was pointed out to us that we could eliminate some subdivision splits in District one. And so if you if you compare, if you have both of the maps in front of you yesterday, today not only did we repair those subdivisions splits, but certainly the the how the district is divided is is much cleaner. So those are the two changes, of course, in moving the map as a whole. And I would ask the commission to adopt the map pursuant to my amendment.

Co-chair Speaker Bob Cupp [00:18:05] Thank you. It's been moved in second and that do we have a just description for this map and name on this? Yeah.

Senate President Matt Huffman [00:18:15] Excuse me. This this is called March, the March 2nd 2022 map, and it's submitted under the name of Frank Strigari.

Co-chair Speaker Bob Cupp [00:18:24] Thank you. It's been moved in. Second, is there discussion?

House Minority Leader Allison Russo [00:18:27] Mr. Co-Chair,

Co-chair Speaker Bob Cupp [00:18:29] The chair recognizes Rep. Russo.

House Minority Leader Allison Russo [00:18:30] So thank you, Mr. Co-Chair. Just to clarify the difference specifically and districts 3 and 15 from the map that we saw yesterday that was uploaded to the website, to the map, we saw today that the primary difference here is that this revision puts Congressman Carey back into the 15th because I believe the issues with Congresswoman Beatty and her office were resolved in the map that we saw yesterday. So the primary change here is to put Congressman Carey back in his 15th district. Is that correct? His residence.

Co-chair Speaker Bob Cupp [00:19:06] Sen. Huffman?

Senate President Matt Huffman [00:19:07] Yeah. Mr. Chairman, that is accurate in doing those other changes. I think we had that. That's that's what resulted in that. So we're trying to in remedying some things, we caused other problems. And so but the only change today from yesterday does as Leader Russo described.

Co-chair Speaker Bob Cupp [00:19:26] Further discussion?

House Minority Leader Allison Russo [00:19:28] Mr Mr. Co-Chair, would it be appropriate? I'd like to suggest some amendments to this.

Co-chair Speaker Bob Cupp [00:19:34] Yes.

House Minority Leader Allison Russo [00:19:34] Thank you.

Co-chair Speaker Bob Cupp [00:19:34] That would be an order.

House Minority Leader Allison Russo [00:19:36] Thank you. I have a number of amendments here because we are here because the General Assembly drew a map that the state court held violated the state constitution. Specifically the court was clear that the Congressional District Plan that the General Assembly passed in November is invalid in its entirety because it unduly favors the Republican Party and disfavors the Democratic Party in violation of Article 19, Section one C three A. The court gave the example of Franklin County, where Democratic leaning voters were packed into only one district to confer partisan advantage to the party drawing the map. And the court also held that the plan unduly splits Hamilton, Cuyahoga and Summit counties in violation of section one C three B. The court has ordered the General Assembly or the Commission, if needed, to adopt a new Congressional District plan that complies in full with Article 19 of the Ohio Constitution and the directives of the court. So the task now in the commission is in the commission's hands because the state constitution calls for the commission to act as backup to the General Assembly when the General Assembly fails to assemble the bipartisan vote required by the voters in the state constitution reform to pass a replacement map. So my amendment, as was discussed with I believe nearly every member of this commission over the last 12 hours, makes four primary changes to the map that we see before. It was the map that was presented yesterday, but these changes would also apply to the maps that we see before us today. We have actually uploaded these democratic amendments to the Strigari March 1st, 2022 map on the commission website for the public to see and commissioners to see. Of course, we can slightly adapt that uploaded map to accommodate the two small changes that have been described by Senate President Huffman this morning with the map that he has offered before us. But here are the four amendments again that have been discussed in detail with multiple members of this commission. And to note these changes abided by the principle of taking the map that has

been presented to us and making the least changes necessary to get this map to a map that we feel again upholds the Constitution by not unduly favoring the Republicans and disfavoring the Democrats. So the first change is to amend the districts in southwest Ohio, specifically districts one and eight. This amendment or modification, or this change sorry, swaps territory from one district to the other with the result that District one would still contain Cincinnati, but it would be wholly within Hamilton County. District eight would now contain Warren County instead of Warren County being disconnected from Cincinnati, and the partisan Index would change on each district accordingly. District one would move slightly above the toss up range, and the heavily Republican leaning District eight would be slightly more Republican. And you can see those changes in the map out that we have provided, as well as the table. Amendment, the second change is to amend districts in northwest Ohio. This amendment specifically would change the boundary between districts five at nine. And this modification swaps territory from one district to the other, with the result that district nine would be more compact and its partisan index would move slightly above the tossup range. And we also believe that the communities linked in this district would be more cohesive. The partisan index would change and each district accordingly. Again, you can see that in the print out that was provided. Now I will note specifically about this change. We had a nice long discussion with Auditor Faber last evening. He had some other changes in this part of the state that we were very willing to consider and discuss further if we are given time to do that. The Third Amendment is, it would change the districts in central Ohio specifically centered on District 15. This amendment would change the boundaries between 15, four and three. This modification swaps territory from one district to another, with the result that District 15 and four would be more compact and District 15 would have a partisan index that would be slightly above the tossup range. We also believe that the communities linked in this district are more cohesive, for example, communities and the Delaware, Franklin, Union and Madison, where those counties meet and that portion of the district. I will also note again, we discuss multiple potential options within this change. Again, if commissioners are willing to discuss this further, we certainly have shown a willingness to be open to further discussions with that change. And then the final change that we have proposed amends, sorry, impacts districts in northeast Ohio touching Cuyahoga County. This amendment specifically would change the boundaries between District seven and 11. This modification swaps territory from one district to the other, with the result that District seven would have a partisan index that would place it in the Dem leaning tossup range. And the purpose of this and the other change is to have a total map that reflects the preferences of the Ohio, the voters of Ohio and does not unduly favor the Republican Party in excess of their support at the ballot box. So, Mr. Speaker, again, I would like to thank the members of the commission who had these discussions with us. We have gone into these discussions about these amendments to the General Assembly passed plan using your math that you have put forward today and yesterday as the basis for coming up with some sort of compromise that we believe again results in an overall map that is in line not only with the court's decision, but with the Constitution and does not unduly favor the Republican Party and unduly disfavor the Democratic Party. Thank you.

Co-chair Speaker Bob Cupp [00:26:40] Thank you, leader Russo. Let me ask, are these being offered as a single motion or did you want to do these series item?

House Minority Leader Allison Russo [00:26:55] At this point? Mr. Speaker, these are being offered as a single motion. Certainly, again, we have not heard directly back from commissioners about what individual changes they might be willing to entertain. But if we can continue discussions, we certainly can offer them a separate. But at this point, they are offered in whole.

Co-chair Speaker Bob Cupp [00:27:17] All right. And are these? The details of these, are they they uploaded or available? So if they were adopted, are we going to know what they are? Is my point, I guess.

House Minority Leader Allison Russo [00:27:33] Thank you, Mr Speaker. Yes, the details of these changes, not only have they been uploaded that they were provided to all of the commissioners and their staff last evening, I believe at approximately 9:30-9:45 to your staff, we discussed them in detail, and again, we certainly can harmonize based on the two minor modifications that have been presented this morning. Certainly can harmonize those, but they have been available not only to your staff and and commissioners, but also to the public.

Co-chair Speaker Bob Cupp [00:28:09] Yes, I do. We do. We have a name by which they were uploaded. So we can.

[00:28:13] Yes, I believe they are named as the Democratic Amendments to Remedy Invalidated General Assembly plan.

Co-chair Speaker Bob Cupp [00:28:33] And the date of the upload is March 2nd?

House Minority Leader Allison Russo [00:28:38] March 2nd. Yes.

Co-chair Speaker Bob Cupp [00:28:43] But are there, are you? Did you make a motion to move?

House Minority Leader Allison Russo [00:28:51] So it makes you move. All right. Thanks very much. Thank you. She's easy to get lost in the discussion here. Making a motion to adopt these amendments to the general, invalidated General Assembly plan, but adopt these changes to the plan that Mr. Huffman has put forward.

Co-chair Speaker Bob Cupp [00:29:13] All right. It's been moved to the second. It's moved into second discussion. Chair recognizes Senator Huffman.

Senate President Matt Huffman [00:29:20] Thank you, Mr. Chairman. I oppose the motion and I guess a couple of comments. One. And I appreciate Leader Russo's description as these are changes to essentially the map that I moved today, but was presented yesterday with slight changes. This, of course, is a wholly different map than what leader or Senator Sykes presented just a few minutes ago. So this is these are two different maps, I guess. I want everyone to commission members and public who are listening to understand that. So these are these are two, I think it's fair to say completely different plans presented here this morning. I I think it's important again, and I went on a little bit of a history lesson yesterday to understand Article 19 and its effects and how it how it was that or how it came to be and how why this unduly language does not in fact, imply to the commission. First, you could say simply because the Constitution doesn't say anything about that as it relates to the commission. But why is that? Why, why? Why is that the way the design of this? And keep in mind that we get the census as we all know it's at the end of every 10 years. Typically, we get the census data on April 1st, and it takes about three months to put it in the political. And then there's an opportunity over a couple of months, perhaps to come up with an agreement. And you know, we we've we've talked a lot about how there were problems with that this year. But in the first stage of this, when there's there's a substantial amount of minority party buy-in that has to happen. So this is

in September of any year and there is no unduly requirement in there. If in fact the parties can agree, it may be that some feel maybe a court or others feel that it unduly favors or disfavors a party. But there's no requirement regarding that in that September timeframe. Now there is a requirement for substantial minority party buy-in, but the language doesn't appear anywhere in that stage. If that doesn't happen in October, the redistricting commission can adopt a map, but they can only adopt a 10 year map and it must have, and to do that, you must have minority party buy-in. However, there's no unduly language in there, either. And some might recall when we passed this map some time ago, I asked some advocates, Well, what if? What if there was an agreement among minority and majority party members, but it wasn't a map that advocates wanted. And the response was no sweetheart deals. I don't know if anybody remembers that response. And what that anticipates is that there can be agreement on these maps for a whole variety of reasons. But this means in the first stage in September, that unduly doesn't apply in the second stage unduly doesn't apply because the language isn't in there. OK. So in stage three November goes back to the General Assembly, and if the General Assembly passes a congressional map pursuant to C 1 of the Constitution, and again, this is section one C one if the General Assembly does it and has this enhanced minority vote. The unduly doesn't apply, there's no requirement that the General Assembly do that under Section C, two of the Constitution, but again, you have an enhanced minority requirement. Minority party requirement. And it's not as big as it is in September, it actually lowers. But that again unduly doesn't apply there, either. Finally, if the General Assembly passes a map in November, which we did without the requisite minority in the unduly part does apply in the court, in their opinion, said, Well, we think it unduly favors one party over another and ruled the map invalid. Well, what happens? And before we get to stage four, I would point out that in the mid decennial redistricting under Section F one, we have that that same unduly language appears again. So there are parts of the Constitution that have the unduly language and parts that do not. So you can take a look at F1 one. We all worry about that in four years or those of you who are still standing can worry about it in four years. So but what happens then if the court says, for whatever reason, we don't like the map and it could be for a whole variety of reasons? Well, in the end, section four, if the General Assembly passes a map, pursue it or or this is section three, excuse me, in silo four, the General Assembly can pass a map, but the unduly language doesn't appear there either. Well, if the General Assembly passes a map, they have all the other requirements, but there's no unduly requirement, but the General Assembly doesn't do that. And likely we could have passed some map, but we had restrictions on time and needed and later Russo, I think, made a good point, said, Well, we didn't take a vote. Well, we didn't. But you know what, is a bit of a fool's errand at that point. So now we go to the redistricting commission in silo five, which is where we are right now. Silo five doesn't have any language in it about unduly. And the question is, well, why not? Well, remember, folks, this is a plan, this constitutional plan is designed to create a series of incentives on both sides to make an agreement. And the big incentive for the majority to make an agreement is if you don't do get enough support from the minority party, your map only lasts for four years. And that is a not good for the majority because everybody wants to be able to draw their map for 10 years and keep it where it is. Well, they can't do that. So as we're sitting here in Silo five, there's no unduly requirement and we can we can talk about that and go back and forth and make whatever arguments we want to do about that. So I guess I want to point that out to commission members. And. Again, going back to where we are typically you're going to be at the end of November. With no map, the General Assembly may be able to, if it's challenged in the courts, sends it back, maybe in the month of December, perhaps we didn't in this case didn't get a court decision until January. But and if it comes back, the General Assembly needs to come back, pass a map or not, or then come to the redistricting commission, all in a very short period of time. And if in fact, what is required is

this substantial by end that the minority party is describing, it's going to make it very, very difficult to get this map. And obviously, we're we're on a very short period of time what what the courts want. And I think what we all want is to be able to have an election. And I would note that one of the there's a couple of things that I argued when I think provisions that I wanted to put into this back in 2018. One is rather than have a General Assembly bill that could be referended, we ought to do it by a resolution. That was shot down. So we're stuck with a longer process with the bill. And I also pointed out that if we stretch this out to the end of November, then a court hearing and then a General Assembly action and then commission action, it's going to be a problem when we get to elections. And as I noted to some of the media yesterday, you think the timing on this is a problem now? Wait until 2032, when the presidential primary is in March. And if we start going down this path that all of these additional requirements in other parts of the Constitution apply to this stage, well, we're never going to make a primary the first week in March and in Secretary LaRose probably won't be secretary then, but maybe thank God so that I just want to, I guess let me make sure that commission members are aware of that. Thanks very much, Mr. Chairman. And I again oppose the motion.

House Minority Leader Allison Russo [00:38:56] Mr. Chairman.

Co-chair Speaker Bob Cupp [00:38:56] Chair recognizes Rep. Russo.

House Minority Leader Allison Russo [00:39:01] Thank you, Mr. Chair. Those are certainly very interesting conclusions about the reading of not only the court's decision, but also the Constitution. So essentially, what we are hearing is that Commissioner Huffman is arguing that there is no need to follow any of the anti gerrymandering provisions of the Constitution, including what the court specifically stated in their decision that the plan that they overruled unduly favored the Republican Party over the Democratic Party. That is essentially like me robbing a bank and saying that is my money. That is frankly absurd. And if this is, I think, the direction that this whole commission is going to, or at least the majority members of this commission are going to buy into in this process, I can guarantee that we will be back here in a couple of weeks, not only probably redrawing state maps, but also again, congressional maps. The only reason that we are in this state is not because of the Constitution and the provisions that were overwhelmingly passed by Ohio voters. It's simply because we have commissioners who do not want to follow the Constitution and do not want to follow the rule of law and do not want to follow the court's decisions. What we find ourselves in now regarding the election completely avoidable and also easily remedied by moving the primary date and most importantly, by passing a constitutional map. And we have an opportunity to work together as a commission. This deadline that we have this morning at 10:00 is completely artificial. We can right now meet and discuss as long as it takes to get this done, to come to some agreement, get to a map that will pass constitutional muster that will get bipartisan support will be in effect for 10 years. And will allow us to conduct elections. And it's really that simple.

Senate President Matt Huffman [00:41:22] Mr. Chairman?

Co-chair Speaker Bob Cupp [00:41:23] Senator Huffman.

Senate President Matt Huffman [00:41:25] Thank you, Mr. Chairman. So in regards to following, I think the phrase was none of the anti gerrymandering provisions. I think that's inaccurate. Section two, for example, has a variety of things that were built into this, in fact, were demands of the various advocate groups. And I'll just go through some of those. We wanted to make sure that each district included at least one whole county. This is section

two. Section two B 8. So that was included. That's something that has to be followed. No to Congressional District shall share portions of the territory or more of more than one county, except for a county whose population exceeds 400,000. And that was done because if you for those of you who remember they complained about District four that split two or three counties getting up to a certain point. We eliminated that as a if you want to call it, gerrymandering or whatever you want to call it. If one of the 88 counties, 65 counties have to remain whole, our 18 counties may be split not more than once in five counties, maybe split, not more than twice. Well, in this case, there's only. We've eliminated counties that are split more than twice. So we've gone beyond the line drawing requirements that are in the Constitution. And I'll let everyone read Section two and look at all of those various things that were demands by various folks to prevent all of this. And of course, you have a much more compact map that's presented the map that I presented here to the to the commission today than what was presented in 2011. So I think that's inaccurate. And and the other part, the part of this, you know, the constitutional setup here is this is a different group of people making this decision than the General Assembly. The General Assembly can pass a map and each of the folks there may be affected by different things, you know, namely their own congressional people and who may affect how they vote. And of course, getting 50 votes and 17 votes sometimes is very difficult to do. But we have folks on this commission who have a different view, potentially because they don't represent the same kind of constituencies, caucuses, all of those that that the legislative members on this commission do. So I disagree with the comments respectfully, but and appreciate again, and I would ask that the motion to amend be denied.

Senate President Matt Huffman [00:44:15] There further discussion, Senator Sykes, co-chair, Sykes.

Co-chair Sen. Vernon Sykes [00:44:20] Thank you, co-chair. Just just briefly, you know, it's been indicated that the, you know, some major incentive to get a 10 year plan to in order to have bipartisan agreement. But when we look at the both of the constitutional amendments, the largest component, the most significant aspect was really a different concept than just anti-gerrymandering. It was. It was fairness. And there's fairness in both of the changes was equated to proportionality with the state districts and then would unduly favor not to unduly favor a political party with the congressional districts. And it's not just the line drawing requirements. The line drawing requirements are not the focal here. And to simply overlook or try to bypass or not to consider the main focus of the initiative. As again, I agree with Leader Russo, is absurd. Yeah.

Senate President Matt Huffman [00:45:36] Let me just, first of all, object to the assertion that Representive Russo made that the only reason we don't have maps that has so far withstood consideration by the court is because the commissioners don't want to. As I've pointed out on multiple occasions, this is a new provision of the Constitution. We're working our way through it, trying to find a pathway forward. There are legitimate differing interpretations of what it means or what it requires. There's conflict on the Supreme Court as to what it requires. This is not a clear path forward. And I do not agree that members of this commission have not tried to do this in good faith, erring in in some respects for what the court has looked at it and we have consistently tried to find our way forward. So in all of this, the rhetoric and disagreements and stuff, I think it's important that we don't attribute bad faith to either side of this. And so I just want to go on record as what my position is on on that. Further discussion. Chair recognizes Auditor Faber.

Auditor of State Keith Faber [00:46:58] Thank you. A question for the sponsors of the amendment. As I look at it, and it may be that I just can't tell, District three was reconvened

significantly from the proposed map. How does that or does that comply with Article two, Section B 4 A with regard to keeping Columbus largely in one district and I can't tell. I don't know whether it does or doesn't, but it looks based on the geography that a substantial portion of this district is outside the city of Columbus. And so therefore it looks to me like you're doing what you indicated the concern was in other areas for the opposite effect. So I just curious about that, if you could help me understand that.

House Minority Leader Allison Russo [00:47:48] Sure. Through the chair, Auditor Faber, yes, there were some changes made to District three. It actually still includes a substantial and I believe, almost exactly the same proportion of Columbus that the previous version did. It's just a different way to split it. And overall, it creates a plan that meets the does not unduly favor Republicans and disfavor a Democrat requirement of the court's decision. Now, as we discussed in our meeting last evening, that change in particular to 15, four and three. There are a couple of different options there that we certainly are willing to discuss and consider. One of which, frankly, you know, does not require necessarily a change to District three. Many different options. We are willing to continue those discussions about that particular district. This is certainly one option. Frankly, in my mind, there were probably about three to five different options.

Auditor of State Keith Faber [00:49:01] And thank you for that Leader Russo. But and I'm just and maybe this is a question to everybody in general. But as I try and read and understand Section B 2 4 A, is it in? Was it when you guys drafted this provision, the understanding that to the extent you can, we are required to. It is easy with Cincinnati because Cincinnati needs to be wholly within a district because of those ratios, but because the city of Columbus is larger than one congressional district. Is it your understanding of this provision that you're supposed to put the majority of the city of Columbus, even though it's larger than one district in one whole congressional district versus splitting Columbus in multiple different ways in essentially creating different options. My interpretation is that you're required to the extent you can to keep Columbus most of Columbus in one district. And if not, you're supposed to affiliated with distressed communities that are closely affiliated with that at a minimum. And I'm just curious if that's your read of this as well. And if that's the case, it frankly doesn't look to me like three is going to follow that.

House Minority Leader Allison Russo [00:50:17] Through the chair Auditor Faber. Yes, we believe that we have met the provision in the Constitution and have kept a majority of Columbus within that district. And again, there are multiple a Columbus is big enough, frankly, that there are multiple ways to do that.

Auditor of State Keith Faber [00:50:37] So again, and I don't want to belabor this because I can't see the detail and I'll take your word for it. But your interpretation is, my interpretation is correct. We're required to the extent we can keep Columbus largely together in one district is, is that the baseline understanding? I assume you did that because I can't tell. But, is your view. When I tried to draw my version, that's what I tried to do, and I just want to make sure we're in agreement on.

House Minority Leader Allison Russo [00:51:03] Through the chair, Mr. Auditor. Yes, certainly. Again, we believe that we have met the provision. There are multiple multiple ways to do that. I would also note that Columbus is an interesting city and that we have many non-contiguous parts of the city as well. And so, you know, again, there are multiple ways to do this.

Co-chair Speaker Bob Cupp [00:51:27] Is there further discussion? I would just say that I did appreciate the the conversation that we had yesterday, late afternoon, I guess, in terms of the proposed changes that were being suggested. And for this, as far as I'm concerned and the house side, we spent a considerable amount of time with our map drawer to take a look at these and see how they would impact the overall map. But like with any change, it does create some, you know. Some. Some opposite impacts as well. So, for example, a congressional district nine, which is in northwest Ohio. It then creates a district that runs from the Indiana line all the way to Lorain, I think which is even even less compact than it was before. And so in in in the constitutional sense, it believe it really makes any contribution to the constitutionality of it, although it might in terms of shifting the Republican-Democrat index, I look at District 15 and and that one stretches out across Ohio to the West because it was a remnant of other changes that were that were made. But to move, that makes that one more compact, House District four becomes less compact. And now you have a district that runs from I'm not sure what county that is, actually. Way below I-70 going all the way, almost all the way back up to Lorain, which was a constant example of a gerrymandered district in the public hearings that we had, so that those have some adverse impacts to it. The. And I believe that the map that was offered does meet the constitutional objections that were pointed out to the court, by the court, in terms of of the concerns they pointed out, particularly Hamilton County. And that was because it was split twice instead of once in the the Strigari map. It is now split it once. I'm not entirely sure, but I think the compact ratio in District seven that would be reconfigured is makes it at least somewhat less compact. And so, so, so so the amendments don't particularly solve any of the problems, and I realize this is as much of an art as a as a science. But there are some things that it doesn't make it a perfect map, either.

House Minority Leader Allison Russo [00:55:09] Mr. Chair.

Co-chair Speaker Bob Cupp [00:55:11] Yeah, Representative Russo.

Co-chair Speaker Bob Cupp [00:55:12] So thank you, Mr. Chair. And I would like to respond to a couple of your comments regarding certainly, you know, some of the changes to other districts and concerns about compactness. I would note that overall, the map with the changes that we have proposed actually make the map. They score higher on the overall compactness score. But certainly, if there are specific concerns about districts, for example, you noted districts five and four, I will note that certainly in our discussions with the Auditor Faber, he actually brought forward a couple of different recommendations that I believe he may have shared with some other commissioners that I think reasonably may also address some of those concerns and address some of our concerns as well. So I say all of this to say again, you know, let's take a day to have these discussions and come to some sort of resolution and compromise on this because I do believe that there is a path forward to do that. And again, not sure why we are under this artificial deadline to vote on this today, when there are clearly some alternatives here that possibly could get us to a bipartisan agreement, meet our objectives. If the objective is to get to a constitutional map that is bipartisan, that lasts 10 years, which that is my objective and to not have the court have to intervene in this again, if that is the objective, then we should take the time to do that. And I think that there are members on this commission from the majority party who have a willingness to do that. And I would strongly encourage that.

Co-chair Speaker Bob Cupp [00:57:03] Further discussion? The question then, is on the amendment. Shall the amendment proposed by Representative Russo be adopted? The staff will call the roll please.

Clerk [00:57:18] Co-chair Speaker Cupp.

Co-chair Speaker Bob Cupp [00:57:18] No.

Clerk [00:57:21] Co-Chair Senator Sykes.

Co-chair Sen. Vernon Sykes [00:57:22] Yes.

Clerk [00:57:22] Governor DeWine.

Gov. Mike DeWine [00:57:23] no.

Clerk [00:57:24] Auditor Faber.

Auditor of State Keith Faber [00:57:25] No.

Clerk [00:57:26] President Huffman.

Senate President Matt Huffman [00:57:26] No.

Clerk [00:57:28] Secretary LaRose.

Secretary of State Frank LaRose [00:57:30] no.

Clerk [00:57:30] Leader Russo.

House Minority Leader Allison Russo [00:57:30] Yes.

[00:57:30] Mr. Speaker, two of five.

Co-chair Speaker Bob Cupp [00:57:34] The vote is two to five. The amendment has not been agreed to. We're now back to the original motion from Senator Huffman to approve the March 2nd, 22 Strigari map by name that has been uploaded. Is there further discussion. If there's no further discussion, these staff will call the roll, please.

Clerk [00:57:57] Co-Chair Speaker Cupp.

Co-chair Speaker Bob Cupp [00:57:58] Yes.

Clerk [00:57:59] Co-Chair Senator Sykes.

Co-chair Sen. Vernon Sykes [00:58:00] no.

Clerk [00:58:01] Governor DeWine.

Gov. Mike DeWine [00:58:03] yes.

Clerk [00:58:03] Auditor Faber

Auditor of State Keith Faber [00:58:05] yes.

Clerk [00:58:05] President Huffman.

Senate President Matt Huffman [00:58:05] Yes.

Clerk [00:58:06] Secretary LaRose.

Secretary of State Frank LaRose [00:58:07] Yes

Clerk [00:58:08] Leader Russo.

House Minority Leader Allison Russo [00:58:09] No.

Clerk [00:58:10] Mr. Speaker, 5-2.

Co-chair Speaker Bob Cupp [00:58:12] Vote is five to two. The motion has been agreed to and the map has been adopted and would direct staff to upload this to the Secretary of State as soon as possible so that the March 4th filing deadline will be available to candidates and that we can proceed with the March, the May 3rd May... The May Primary Election. Any further business to come before the commission? Hearing none, the commission is adjourned.

Exhibit 70

	District	Population	Deviation #	16 - 18 - 20 Index R	16 - 18 - 20 Index D
CD	1	786,630	0	48.96%	51.04%
CD	2	786,629	-1	69.74%	30.26%
CD	3	786,630	0	31.09%	68.91%
CD	4	786,630	0	67.85%	32.15%
CD	5	786,630	0	61.34%	38.66%
CD	6	786,630	0	59.06%	40.94%
CD	7	786,630	0	54.42%	45.58%
CD	8	786,629	-1	62.65%	37.35%
CD	9	786,630	0	49.77%	50.23%
CD	10	786,630	0	53.32%	46.68%
CD	11	786,630	0	20.17%	79.83%
CD	12	786,630	0	63.32%	36.68%
CD	13	786,630	0	47.85%	52.15%
CD	14	786,630	0	54.83%	45.17%
CD	15	786,630	0	54.20%	45.80%

Exhibit 71

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Exhibit 72

Cincinnati.com | The Enquirer

ELECTIONS

Ohio voters just approved Issue 1 to curb gerrymandering in Congress

Jessie Balmert Cincinnati Enquirer

Published 8:49 p.m. ET May 8, 2018 | **Updated 8:30 a.m. ET May 9, 2018**

COLUMBUS - In a nation complaining about congressional gerrymandering and rigged elections, Ohio just voted to do something about it.

Voters overwhelmingly passed Issue 1, 75-25 percent in final unofficial results, to overhaul how districts are drawn for members of the U.S. House of Representatives. The new map-making methods will take effect in 2021, after the next U.S. Census.

Before Tuesday, Ohio was labeled one of the worst states at drawing lines to favor one party over the other. The result: 12 congressional seats safe for Republicans and four guaranteed for Democrats in the quintessential swing state that leans – not lunges – to the right.

Ohioans voted in 2015 to change the way lines were drawn for state lawmakers, but legislative leaders back then punted on tackling the way congressional districts were divided. They pointed to an undecided U.S. Supreme Court decision as one reason to delay, but they also had pressure from then-U.S. Speaker John Boehner, R-West Chester, to leave the process alone.

The delays frustrated voters and good government groups, who worried people would become apathetic if congressional-election outcomes were all but guaranteed. Presidential candidates from Republican Donald Trump to Democratic Sen. Bernie Sanders complained about the "rigged" system. Advocates for eliminating gerrymandering started collecting signatures for a ballot initiative.

That pressure spurred lawmakers this February to ink a last-minute deal to change how congressional districts' lines are drawn. The result was a four-step process that encourages both parties to work together.

After the 2020 U.S. census, state lawmakers will learn how many seats Ohio will get in the U.S. House of Representatives based on population. They will then divide Ohio into districts. For that map to stand for 10 years, 60 percent of legislators in the Ohio House and Senate – plus one-half of the members of the minority party – must approve it.

If they can't agree, the pen will go to a seven-member commission that includes the governor, auditor, secretary of state and four lawmakers – two from each of the major political parties. If that group doesn't approve a map, the responsibility will shift back to state lawmakers. At that point, the lawmakers would have lower thresholds for passing a plan but more strict rules.

Ohio would be the first in the nation to draw congressional districts in this way – using a hybrid of state lawmakers and a commission. Both the Ohio Democratic Party and Ohio Republican Party supported the changes, saying they were far better than the current system.

Exhibit 73

Frank LaRose
Ohio Secretary of State

DIRECTIVE 2022-27
March 2, 2022

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

Re: U.S. House of Representatives ("U.S. House") District Maps and House Bill ("H.B." 93)

SUMMARY

On March 2, 2022, the Ohio Redistricting Commission passed (5-2) a second congressional district map following the Ohio Supreme Court's decision declaring the S.B. 258 congressional map unconstitutional.[1] Attached to this Directive are the following:

- Congressional District Shapefile;
- Equivalency Files (otherwise known as BAFs or block assignment files);
- Notification to Election Officials of District Sought – Form 2-Y;
- Congressional District – County Population and Filing Location – March 2, 2022; and
- Congressional District – County Population and Filing Location – S.B. 258 of the 134th General Assembly.

INSTRUCTIONS

I. MARCH 2, 2022 CONGRESSIONAL DISTRICT MAP AND LEGAL DESCRIPTIONS

On March 2, 2022, the Ohio Redistricting Commission passed a district plan for the office of Representative to Congress ("U.S. House"). As with Directive 2022-26, given the unfortunate time constraints, all boards must immediately begin the process of reprogramming their voter registration systems based on the March 2, 2022 congressional district maps.

The congressional district shapefiles and equivalency files accompany this Directive. My Office is waiting for the legal descriptions from the General Assembly. We will forward those to you as soon as we receive them.

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

[1] *Adams v. DeWine*, Slip Opinion No. 2022-Ohio-89.

C into a new Precinct A, and Precinct A is listed in the legal description, then it is referring to the old Precinct A portion of the new Precinct A.

II. 2022 PRIMARY ELECTION DEADLINES

Pursuant to H.B. 93, the U.S. House filing deadline for the May 3, 2022 Primary Election is **4:00 p.m. on March 4, 2022**. This deadline applies for both (1) candidates who will file an applicable declaration of candidacy to appear on the ballot; and (2) individuals who will file a declaration of intent to be a write-in candidate.[2]

Using the authority to adjust deadlines granted by H.B. 93,[3] I direct that the certification and protest deadline for U.S. House candidates shall be as follows:

- **Monday, March 14, 2022 –** Most populous county board of elections or board of elections must certify the validity and sufficiency of partisan candidate petitions and provide the names of the certified candidates to the less populous county board(s) of elections in the district. Boards cannot verify or certify candidate petitions until the reprogramming of the voter registration system is complete.
- **Thursday, March 17, 2022 –** Protests against partisan candidates for U.S. House (including write-in candidates) must be filed with the most populous county board of elections by 4:00 p.m.

III. U.S. HOUSE CANDIDATE PETITIONS

A. DISTRICT VALIDITY

For candidates for U.S. House, boards are prohibited from invalidating a declaration of candidacy, declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate on the basis that it does not include the number of the congressional district the filer seeks to represent or includes an incorrect district number.[4] According to H.B. 93, the filer must notify the election officials in writing of the district the filer seeks to represent.[5] Our Office prescribed Form 2-Y for this purpose. Boards must continue to provide and accept this form for U.S. House candidates.

B. SIGNATURE VALIDITY

Boards are prohibited from invalidating a signature on a declaration of candidacy and petition or nominating petition filed by a person seeking nomination for U.S. House on the ground that the signer does not reside in the *new* congressional district the filer seeks to represent (i.e., per the plan the Ohio Redistricting Commission adopted on March 2, 2022) so long as:

(1) The congressional district in which the filer resided under the district plan described in S.B. 258 of the 134th General Assembly had territory in the county in which the signer resides; **and**

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

(2) The *new* congressional district the filer seeks to represent has territory in the county in which the signer resides.[6]

Attached with this Directive is a list of counties within each district under the district plan described in S.B. 258 of the 134th General Assembly and a list of counties within each district under the district plan adopted by the Ohio Redistricting Commission on March 2, 2022.

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

IV. FILING LOCATIONS

Directive 2022-26 directed candidates for U.S. House to file in the most populous board of elections *pursuant to the district maps set forth in S.B. 258* in the event that the Ohio Redistricting Commission did not adopt a new congressional map by the filing deadline of March 4, 2022. The Ohio Redistricting Commission since adopted new maps.

Therefore, and as set forth in Directive 2022-26, any U.S. House candidate who has not yet filed their petition with the most populous county board of elections, must file their petition with the most populous county board of elections pursuant to the March 2, 2022 congressional map by March 4, 2022 because the Ohio Redistricting Commission passed a new congressional map *prior* to March 4, 2022.

However, if a candidate already properly filed their petition with the most populous county board of elections pursuant to the district maps set forth in S.B. 258, prior to the issuance of this Directive, and the most populous county board of elections has changed pursuant to the March 2, 2022 congressional map, then the board of elections that originally received the filing must transfer that filing to the new most populous county board of elections pursuant to the March 2, 2022 congressional map.

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

Each board of elections director must share this Directive with its legal counsel, the county prosecuting attorney, and voter registration system and voting system vendors as soon as possible. If you have any questions regarding this Directive, please contact the Secretary of State's elections counsel at (614) 728-8789.

Yours in service,

Frank LaRose
Ohio Secretary of State

[6] Section 4(D)(1) of H.B. 93.
[7] Section 4(F) of H.B. 93.

Form No. 2-Y Prescribed by the Ohio Secretary of State (01-22)

Notification to Election Official of District Sought

For District Office

For Representative to Congress

To be filed with the Board of Elections of the most populous county or part county of the district no later than:
For partisan candidates: 4:00 p.m. on March 4, 2022
For independent candidates: 4:00 p.m. on May 2, 2022.

Sub. H.B. No. 93 of the 134th General Assembly

Statement of District

I, _____, the undersigned, hereby notify election officials that I desire to be a
Name of Candidate
candidate for nomination to the office of Representative to Congress from the _____ District.
District Number

I previously sought office in the _____ District.
District Number

I further declare that the district I sought to represent under the congressional district plan described in S.B. 258 of the 134th General Assembly had territory in the county in which I reside and that the district I seek to represent has territory in the county in which I reside.

Dated this _____ day of _____, _____. _____
Day Month Year **Signature of Candidate**

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE

County Populations and Filing Locations
Ohio Congressional Districts

As Passed by Ohio Redistricting Commission on March 2, 2022

Filing County = Most Populous County

	#	County	2020 Census Population	2020 Census Population %	County to File Petitions
CD	**1**	Hamilton (part)	544,293	69.19%	* Filing county
		Warren	242,337	30.81%	
CD	**2**	Adams	27,477	3.49%	
		Brown	43,676	5.55%	
		Clermont	208,601	26.52%	* Filing county
		Clinton	42,018	5.34%	
		Fayette (part)	1,639	0.21%	
		Gallia	29,220	3.71%	
		Highland	43,317	5.51%	
		Hocking	28,050	3.57%	
		Jackson	32,653	4.15%	
		Lawrence	58,240	7.40%	
		Meigs	22,210	2.82%	
		Pickaway	58,539	7.44%	
		Pike	27,088	3.44%	
		Ross	77,093	9.80%	
		Scioto	74,008	9.41%	
		Vinton	12,800	1.63%	
CD	**3**	Franklin (part)	786,630	100.00%	* Filing county
CD	**4**	Allen	102,206	12.99%	
		Ashland	52,447	6.67%	
		Auglaize	46,422	5.90%	
		Champaign	38,714	4.92%	
		Delaware (part)	164,608	20.93%	* Filing county
		Hardin	30,696	3.90%	
		Logan	46,150	5.87%	
		Marion	65,359	8.31%	
		Morrow	34,950	4.44%	
		Richland	124,936	15.88%	
		Shelby (part)	16,287	2.07%	
		Union	62,784	7.98%	
		Wyandot (part)	1,071	0.14%	

County Populations and Filing Locations
Ohio Congressional Districts

As Passed by Ohio Redistricting Commission on March 2, 2022

Filing County = Most Populous County

	#	County	2020 Census Population	2020 Census Population %	County to File Petitions
CD	**5**	Crawford	42,025	5.34%	
		Hancock	74,920	9.52%	
		Henry	27,662	3.52%	
		Huron	58,565	7.45%	
		Lorain	312,964	39.79%	* Filing county
		Mercer	42,528	5.41%	
		Paulding	18,806	2.39%	
		Putnam	34,451	4.38%	
		Seneca	55,069	7.00%	
		Van Wert	28,931	3.68%	
		Wyandot (part)	20,829	2.65%	
		Wood (part)	69,880	8.88%	
CD	**6**	Belmont	66,497	8.45%	
		Carroll	26,721	3.40%	
		Columbiana	101,877	12.95%	
		Harrison	14,483	1.84%	
		Jefferson	65,249	8.29%	
		Mahoning	228,614	29.06%	* Filing county
		Monroe	13,385	1.70%	
		Noble	14,115	1.79%	
		Stark (part)	131,363	16.70%	
		Tuscarawas (part)	64,555	8.21%	
		Washington	59,771	7.60%	
CD	**7**	Cuyahoga (part)	478,187	60.79%	* Filing county
		Holmes (part)	9,079	1.15%	
		Medina	182,470	23.20%	
		Wayne	116,894	14.86%	
CD	**8**	Butler	390,357	49.62%	* Filing county
		Darke	51,881	6.60%	
		Hamilton (part)	286,346	36.40%	
		Miami (part)	17,046	2.17%	
		Preble	40,999	5.21%	

County Populations and Filing Locations
Ohio Congressional Districts

As Passed by Ohio Redistricting Commission on March 2, 2022

Filing County = Most Populous County

	#	County	2020 Census Population	2020 Census Population %	County to File Petitions
CD	**9**	Defiance	38,286	4.87%	
		Erie	75,622	9.61%	
		Fulton	42,713	5.43%	
		Lucas	431,279	54.83%	* Filing county
		Ottawa	40,364	5.13%	
		Sandusky	58,896	7.49%	
		Williams	37,102	4.72%	
		Wood (part)	62,368	7.93%	
CD	**10**	Clark (part)	81,355	10.34%	
		Greene	167,966	21.35%	
		Montgomery	537,309	68.31%	* Filing county
CD	**11**	Cuyahoga (part)	786,630	100.00%	* Filing county
CD	**12**	Athens	62,431	7.94%	
		Coshocton	36,612	4.65%	
		Delaware (part)	49,516	6.29%	
		Fairfield	158,921	20.20%	
		Guernsey	38,438	4.89%	
		Holmes (part)	35,144	4.47%	
		Knox	62,721	7.97%	
		Licking	178,519	22.69%	* Filing county
		Morgan	13,802	1.75%	
		Muskingum	86,410	10.98%	
		Perry	35,408	4.50%	
		Tuscarawas (part)	28,708	3.65%	
CD	**13**	Portage (part)	2,712	0.34%	
		Stark (part)	243,490	30.95%	
		Summit	540,428	68.70%	* Filing county

County Populations and Filing Locations
Ohio Congressional Districts

As Passed by Ohio Redistricting Commission on March 2, 2022

Filing County = Most Populous County

	#	County	2020 Census Population	2020 Census Population %	County to File Petitions
CD	**14**	Ashtabula	97,574	12.40%	
		Geauga	95,397	12.13%	
		Lake	232,603	29.57%	* Filing county
		Portage (part)	159,079	20.22%	
		Trumbull	201,977	25.68%	
CD	**15**	Clark (part)	54,646	6.95%	
		Fayette (part)	27,312	3.47%	
		Franklin (part)	537,177	68.29%	* Filing county
		Madison	43,824	5.57%	
		Miami (part)	91,728	11.66%	
		Shelby (part)	31,943	4.06%	

County Populations and Filing Locations
Ohio Congressional Districts
Pursuant to S.B. 258 of the 134th General Assembly

	#	County	2020 Census Population	2020 Census Population %	County to File Petitions
CD	**1**	Hamilton (part)	544,293	69.2%	* Filing county
		Warren	242,337	30.8%	
CD	**2**	Adams	27,477	3.5%	
		Brown	43,676	5.6%	
		Clermont	208,601	26.5%	* Filing county
		Gallia	29,220	3.7%	
		Hamilton (part)	119,668	15.2%	
		Highland	43,317	5.5%	
		Hocking	28,050	3.6%	
		Jackson	32,653	4.2%	
		Lawrence	58,240	7.4%	
		Meigs	22,210	2.8%	
		Pike	27,088	3.4%	
		Ross (part)	59,622	7.6%	
		Scioto	74,008	9.4%	
		Vinton	12,800	1.6%	
CD	**3**	Franklin (part)	786,630	100.0%	* Filing county
CD	**4**	Allen	102,206	13.0%	
		Auglaize	46,422	5.9%	
		Champaign	38,714	4.9%	
		Delaware	214,124	27.2%	* Filing county
		Hardin	30,696	3.9%	
		Logan	46,150	5.9%	
		Marion	65,359	8.3%	
		Morrow	34,950	4.4%	
		Richland	124,936	15.9%	
		Shelby (part)	20,289	2.6%	
		Union	62,784	8.0%	

County Populations and Filing Locations
Ohio Congressional Districts
Pursuant to S.B. 258 of the 134th General Assembly

	#	County	2020 Census Population	2020 Census Population %	County to File Petitions
CD	**5**	Crawford	42,025	5.3%	
		Hancock	74,920	9.5%	
		Huron	58,565	7.4%	
		Lorain (part)	311,893	39.6%	* Filing county
		Mercer	42,528	5.4%	
		Paulding	18,806	2.4%	
		Putnam	34,451	4.4%	
		Seneca	55,069	7.0%	
		Van Wert	28,931	3.7%	
		Wyandot	21,900	2.8%	
		Wood (part)	97,542	12.4%	
CD	**6**	Belmont	66,497	8.5%	
		Carroll	26,721	3.4%	
		Columbiana	101,877	13.0%	
		Harrison	14,483	1.8%	
		Jefferson	65,249	8.3%	
		Mahoning	228,614	29.1%	* Filing county
		Monroe	13,385	1.7%	
		Noble	14,115	1.8%	
		Trumbull	201,977	25.7%	
		Washington (part)	53,711	6.8%	
CD	**7**	Ashland	52,447	6.7%	
		Holmes (part)	26,175	3.3%	
		Stark	374,853	47.7%	* Filing county
		Summit (part)	216,261	27.5%	
		Wayne	116,894	14.9%	
CD	**8**	Butler	390,357	49.6%	* Filing county
		Darke	51,881	6.6%	
		Hamilton (part)	166,678	21.2%	
		Miami	108,774	13.8%	
		Preble	40,999	5.2%	
		Shelby (part)	27,941	3.6%	

County Populations and Filing Locations
Ohio Congressional Districts
Pursuant to S.B. 258 of the 134th General Assembly

	#	County	2020 Census Population	2020 Census Population %	County to File Petitions
CD	**9**	Defiance	38,286	4.9%	
		Erie	75,622	9.6%	
		Fulton	42,713	5.4%	
		Henry	27,662	3.5%	
		Lucas	431,279	54.8%	* Filing county
		Ottawa	40,364	5.1%	
		Sandusky	58,896	7.5%	
		Williams	37,102	4.7%	
		Wood (part)	34,706	4.4%	
CD	**10**	Clark (part)	81,355	10.3%	
		Greene	167,966	21.4%	
		Montgomery	537,309	68.3%	* Filing county
CD	**11**	Cuyahoga (part)	786,630	100.0%	* Filing county
CD	**12**	Athens	62,431	7.9%	
		Coshocton	36,612	4.7%	
		Fairfield (part)	154,917	19.7%	
		Guernsey	38,438	4.9%	
		Holmes (part)	18,048	2.3%	
		Knox	62,721	8.0%	
		Licking	178,519	22.7%	* Filing county
		Morgan	13,802	1.8%	
		Muskingum	86,410	11.0%	
		Perry	35,408	4.5%	
		Tuscarawas	93,263	11.9%	
		Washington (part)	6,060	0.8%	
CD	**13**	Cuyahoga (part)	278,922	35.5%	
		Lorain (part)	1,071	0.1%	
		Medina	182,470	23.2%	
		Summit (part)	324,167	41.2%	* Filing county

County Populations and Filing Locations
Ohio Congressional Districts
Pursuant to S.B. 258 of the 134th General Assembly

	#	County	2020 Census Population	2020 Census Population %	County to File Petitions
CD	**14**	Ashtabula	97,574	12.4%	
		Cuyahoga (part)	199,265	25.3%	
		Geauga	95,397	12.1%	
		Lake	232,603	29.6%	* Filing county
		Portage	161,791	20.6%	
CD	**15**	Clark (part)	54,646	6.9%	
		Clinton	42,018	5.3%	
		Fairfield (part)	4,004	0.5%	
		Fayette	28,951	3.7%	
		Franklin (part)	537,177	68.3%	* Filing county
		Madison	43,824	5.6%	
		Pickaway	58,539	7.4%	
		Ross (part)	17,471	2.2%	

Exhibit 74

Frank LaRose
Ohio Secretary of State

DIRECTIVE 2022-29
March 11, 2022

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

Re: Legislation Regarding Uniformed and Overseas Citizens' Absentee Ballots and Ballot Transmission Instructions

SUMMARY

On March 10, 2022, the Ohio Senate concurred in House amendments to Substitute Senate Bill 11 ("S.B. 11") to modify procedures for uniformed services and overseas citizens' absentee ("UOCAVA") voting in the 2022 primary election. Governor DeWine signed the bill into law today. The temporary provisions related to the 2022 primary election adjust the state deadline to print and send UOCAVA ballots; extend the time for UOCAVA ballots to be returned; require the Secretary of State to take steps to expedite the delivery and return of UOCAVA ballots; and appropriate $200,000 to implement the bill's requirements. This Directive provides an overview of the temporary law in S.B. 11 and instructions for issuing UOCAVA ballots.

INSTRUCTIONS

Boards of elections must not print ballots until after the March 17, 2022 protest deadline for the offices of U.S. House, Ohio House, Ohio Senate, and State Central Committee. However, boards may begin to program and proof ballots as soon as candidates are certified to appear on the ballot. The most populous board of elections of a district must immediately notify less populous county boards of elections as soon as a protest is resolved against a candidate.

I. TEMPORARY LAW REGARDING BALLOTS FOR UOCAVA VOTERS

S.B. 11 makes the following changes to the administration of the May 3, 2022 Primary Election:

- Requires UOCAVA ballots to be ready for use **no later than Tuesday, April 5, 2022** (the first day after the close of voter registration before the election), instead of March 18, 2022.[1]
- Allows UOCAVA ballots to be counted if returned by mail and received at the office of the board of elections by the 20th day after the election, instead of the 10th day, unless the identification envelope is signed after the close of polls on Election Day.[2]

[1] S.B. 11, Section 5(A).
[2] S.B. 11, Section 5(B).

- Extends the amount of time a person may mail a UOCAVA ballot for return to their county board of elections from 12:01 a.m. at the place where the voter completes their ballot[3] to any time prior to the close of polls on Election Day.[4]
- Requires the Secretary of State to take steps to expedite the delivery and return of uniformed services and overseas absent voter's ballots.[5]
- Permits the Secretary of State to adjust the deadlines for boards of elections to conduct the canvass of the election returns, to accommodate the delayed ballot return deadline.[6]

As stated above, S.B. 11 requires UOCAVA ballots to be ready for use ***no later than*** **Tuesday, April 5, 2022.** A board of elections should transmit UOCAVA ballots as soon as possible to voters who submitted an absentee ballot application if the following condition applies:

- No protest is filed against any candidate for U.S. House, Ohio House, Ohio Senate, and State Central Committee, or the protests have been resolved.

An upcoming directive for the unofficial and official canvasses for the 2022 primary election will include adjusted deadlines for completion of the canvasses.

II. INSTRUCTIONS FOR EXPEDITED MAILING OF UOCAVA BALLOTS

S.B. 11 requires expedited delivery and return of UOCAVA ballots. If the UOCAVA voter did not indicate a preference for delivery or indicated mail as their preferred delivery method, a board of elections must contact the voter, explain the time constraints for return of the ballot, and offer expedited delivery via email or fax. Boards must use the voter's telephone number, even if it is an international number, and email address, if available, to contact them. A board may accept a voter's change in delivery preference by phone or email, rather than requiring the voter to submit a new Federal Post Card Application ("FPCA") or other form of absentee ballot application. If the UOCAVA voter still prefers to receive their ballot by mail, the board must follow the instructions below to expedite delivery.

For expedited shipping through the United States Postal Service ("USPS"), the board must utilize an existing service (e.g., Pitney Bowes, Neopost, etc.) or create and/or utilize a Click-N-Ship account to create a mailing label with the appropriate postage type for that voter's return ballot. For expedited shipping through a private carrier (e.g., FedEx, DHL, UPS, etc.), a board of elections must create an account on the carrier's website, if an account is not already established. Boards of elections must use the account to create prepaid shipping labels for the expedited return of the ballot from the voter. Boards must select the ***quickest and earliest version of shipping possible for ballot return***. Boards must diligently create, proof, and address mailing and return labels to ensure the ballot is promptly delivered to the voter and returned timely to the board of elections.

A. DELIVERY OF THE UOCAVA BALLOT

Boards must use the UOCAVA absentee ballot instructions (Form 12-K, updated March 11, 2022) and print the instructions on standard letter-sized paper if mailing the absentee ballot to the

[3] R.C. 3511.09.
[4] S.B. 11, Section 5(B).
[5] S.B. 11, Section 5(C).
[6] S.B. 11, Section 5(D).

UOCAVA voter. Boards must also use the delivery and return envelopes specifically for UOCAVA voters. Our Office recommends printing the instructions in color to allow the contents to stand out. To reflect the temporary changes in law, the following forms have been updated:

- UOCAVA Absentee Ballot Instructions (Form 12-K);
- Return Envelope for UOCAVA Ballot (Form 285); and
- Envelope for Delivery of UOCAVA Ballot (Form 286).

Boards must follow the instructions set forth below when mailing UOCAVA absentee ballots:

- For **uniformed services voters, eligible spouses, and dependents**:
  - For **any APO/FPO/DPO address**, use the United States Postal Service ("USPS") Priority Mail service to deliver the ballot. For help with addressing APO/FPO/DPO mail, please visit this USPS article.
  - For a **domestic mailing address**, use the United States Postal Service ("USPS") Priority Express Mail service to deliver the ballot.
  - For a **mailing address outside of the United States**, use the USPS Priority Mail International service to deliver the ballot. Ensure that the voter's address is correct.
- For **non-military overseas voters**, use a private carrier (*e.g.*, FedEx, UPS, or DHL) or USPS Priority Mail Express International service, whichever provides for the fastest delivery to that overseas voters' specific location.

B. RETURN OF THE UOCAVA BALLOT

Each board of elections that transmits a UOCAVA ballot to a voter must take the following steps to enable an expedited return of the ballot:

- For **uniformed services voters, eligible spouses, and dependents**:
  - For any voter with an **APO/FPO/DPO address**, prepare and provide a USPS label to the voter. If the voter requests to receive their ballot by email, a .pdf of the label must be one of the attachments to the email. The .pdf can be created and downloaded on the USPS "Click-N-Ship" site. When selecting a method for mailing, utilize the quickest, earliest time for Priority Mail. Boards must include "United States of America" when inserting the board's address into the label.
  - For a **domestic mailing address**, prepare and provide a USPS label to the voter. If the voter requests to receive their ballot by email, a .pdf of the label must be one of the attachments to the email. The .pdf can be created and downloaded on the USPS "Click-N-Ship" site. When selecting a method for mailing, utilize the quickest, earliest time for Priority Mail Express.
  - For a **mailing address outside of the United States**, prepare and provide a USPS label to the voter. If the voter requests to receive their ballot by email, a .pdf of the label must be one of the attachments to the email. The .pdf can be created and downloaded on the USPS "Click-N-Ship" site. When selecting a method for mailing, utilize the quickest, earliest time for Priority Mail Express International. Boards must include "United States of America" when inserting the board's address into the label.

- For **non-military overseas voters**, setup and use an account with a private carrier to prepare a label containing the board's account number. This prepared label must be provided electronically or by mail, if the ballot is delivered by mail. Boards should use information available on websites or contact the delivery service directly to determine the best and fasted shipping service for the delivery of the ballot to the board of elections. Boards must include "United States of America" when inserting the board's address into the label.

C. STATE FUNDING FOR EXPEDITED MAILING OF UOCAVA BALLOTS

Boards of elections may use their grant allocation from S.B. 9 and the new appropriation of funds in S.B. 11 to pay the costs for expedited delivery and return of UOCAVA ballots. Our Office will soon issue additional guidance regarding the S.B. 11 funds.

More information regarding the logistics of expedited mailing for UOCAVA ballots will be provided as soon as possible. If you have any questions concerning this Directive, please contact the Secretary of State's elections counsel at (614) 728-8789.

Yours in service,

Frank LaRose
Ohio Secretary of State