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*

EXHIBITS TO COMPLAINT – VOLUME 2 OF 4

Abha Khanna**
Ben Stafford**
ELIAS LAW GROUP, LLP
1700 Seventh Ave., Suite 2100
Seattle, WA 98101
(206) 656-0176
akhanna@elias.law

Jyoti Jasrasaria**
Spencer W. Klein**
Harleen K. Gambhir**
Raisa Cramer**
ELIAS LAW GROUP, LLP
10 G St. NE, Suite 600
Washington, DC 20002
(202) 968-4490
jjasrasaria@elias.law

Donald J. McTigue (0022849)
Counsel of Record
Derek S. Clinger (0092075)
MCTIGUE COLOMBO & CLINGER, LLC
545 East Town Street
Columbus, OH 43215
(614) 263-7000
dmctigue@electionlawgroup.com

Counsel for Petitioners

**Applications for Admission Pro Hac Vice Forthcoming

Dave Yost
OHIO ATTORNEY GENERAL
Bridget C. Coontz (0072919)
Julie M. Pfeiffer (0069762)
Michael A. Walton (0092201)
Assistant Attorneys General
Constitutional Offices Section
30 E. Broad Street, 16th Floor
Columbus, OH 43215
(614) 466-2872
bridget.coontz@ohioago.gov

Counsel for Respondent Ohio Secretary of State Frank LaRose

Phillip J. Strach
Thomas A. Farr
John E. Branch, III
Alyssa M. Riggins
NELSON MULLINS RILEY & SCARBOROUGH, LLP
4140 Parklake Ave., Suite 200
Raleigh, NC 27612
(919) 329-3812
phil.strach@nelsonmullins.com

Counsel for Respondents House Speaker Bob Cupp and Senate President Matt Huffman

Erik J. Clark (0078732)
Ashley Merino (0096853)
ORGAN LAW LLP
1330 Dublin Road
Columbus, OH 43215
T: (614) 481-0900
F: (614) 481-0904
ejclark@organlegal.com
amerino@organlegal.com

Counsel for Respondent Ohio Redistricting Commission

Exhibit 29

Rep. Wilkin:

Good morning everyone. At this time the meeting of the joint committee on congressional redistricting will now come to order. The clerk will please take the role

Clerk:

Chair Wilkin.

Rep. Wilkin:

Yes.

Clerk:

Chair Gavarone.

Chair Gavarone:

Here.

Clerk:

Senator McAuley.

Sen. Mcauley:

Here.

Clerk:

Representative Oelslager.

Rep. Oelslager:

Here.

Clerk:

Senator Sykes.

Sen. Sykes:

Here.

Clerk:

Representative Liston.

Rep. Liston:

Here.

Rep. Wilkin:

So, we have a quorum. We'll operate as a full committee. At this time we need to approve the minutes from Wednesday's meeting. There's no objections. They will be approved as presented. Hearing none

the minutes stand approved. Quickly for this so that everyone's aware, we used a set of rules so that we can hear the maximum amount of testimony from everyone here. We'll be operating on those same rules. Essentially it's five minutes to testify per person. We understand that this is a very passionate issue for a lot of people so please maintain proper decorum, no signs, no hooting and hollering as we would say from my part of the state. Booing or et cetera.

Rep. Wilkin:

So, if you do wish to take video pictures please fill out a form so we can have that. That'll be considered by me and my co-chair. I want to thank you all for attending. And at this time we will get started. Our first witness that I would like to call up is... And before I do, please state which bill you'll be testifying to. And within your five minutes, we'll give you a warning toward the end to wrap it up and then we will open for questions. At this time I would call Mindy Hedges. Is Mindy here?

Mindy Hedges:

I'm not Mindy but she...

Rep. Wilkin:

And I absolutely know how to remember your name.

Mindy Hedges:

But she's asked me to speak on her behalf today because she's unable to be here. Members of the joint committee on congressional redistricting thank you for allowing me to testify today. My name is Mindy Hedges and I live in Radner, Ohio congressional district 12. I want to submit testimony in all four of the hearings today as they should all get a personal assessment. In reality, all the maps submitted should get a fair assessment from this committee and I am concerned that those submitted by your citizens, your voters and your supporters who are not associated with either party or any group have not been given any fair hearing. That is unconscionable, thoughtless, unethical, indecent, sneaky and unprincipled. Please let us know after this testimony what your plans are to review all of the maps submitted for consideration. These maps can be and should be reviewed for comparisons to see which elements can and should be used as a portion of the final approved map.

Mindy Hedges:

It's important to remember that not one map needs to be used. Maps can be combined or pieces and parts used in combination to create the most effective operative and overall acceptable congressional map for our state. Needless to say, many have requested that the strategy behind these maps should also be reviewed and discussed in public forum as the law included in its passage in 2018. The maps should never be made behind closed doors without public knowledge or input. This secretive top type of strategy loses public trust and support. As far as Senate bill 237 is concerned, this map is so much better than 258. It has met most if not all of the requirements set up in the amendment to our Ohio constitution. The conditions overall required that the districts be compact, contiguous, contain equal population, preserve existing political communities, have partisan fairness and have racial fairness.

Mindy Hedges:

This map establishes six Republican seats, four Democrat seats in five competitive seats. My understanding is this map shows a partisan index of between 45 and 55%. In the Cincinnati area house

Democrats would have one district out of most of Hamilton county putting the Western edge in a district with Butler, Preble, Warren and parts of green and Clinton counties. The Republican maps have kept Cincinnati whole as required by the Ohio constitution but split Hamilton county among three districts and included more Republican leading communities to the north or east. The maps for safe Democrat seats are in Franklin Hamilton, Lucas Cuyahoga counties which is logical to their voting patterns. The map creates two democratic leaning districts one with the Northern half of Franklin County Delaware, part of Jerome in Union county and the other with summit county and Northwestern Stark county.

Mindy Hedges:

This also coincides with how these regions have been moving in their voting patterns over the recent voting history. Summit county district would be the most competitive with a 41%, 56% partisan index. This map much more than 258 keeps Ohio's largest communities together, has compressed district lines, keeps communities together to work, play and live. This was the intention of law and the intention of Ohio voters. Thank you for your time and consideration of my request.

Rep. Wilkin:

Thank you for your testimony. Are there any questions?

Mindy Hedges:

Thank you,

Rep. Wilkin:

Thank you. Next we have Pat Krummrich.

Pat Krummrich:

I've had to give up wearing earrings for the duration of the pandemic because every time I take them off, they become a dangerous missile and I didn't want to be accused of assaulting anybody in this room.

Rep. Wilkin:

I've done the same.

Pat Krummrich:

Oh really? I have always thought that about you.

Rep. Wilkin:

Welcome to committee and you may begin when you're ready.

Pat Krummrich:

Thank you. Co-chairman Gavarone, co-chair Wilkin and members of the committee. Thank you for allowing me to testify. My name is Pat Krummrich. I would like to speak to HB 427. My husband and I have been residents of the Akron Canton area for more than 25 years. I'm retired from Akron Children's Hospital and before I became a speech pathologist, I was a small business owner for 10 years. My husband was an executive in the business development area for the Timkin Corporation. Before that he

spent the first half of his career working for the Koch Brothers in Wichita, Kansas. And in retirement, he mentors entrepreneurs for a national nonprofit. I'm here to testify for fair maps and equal districts. An unfair redistricting map is bad for Ohio's small businesses. In 2020, small businesses with fewer than 20 employees accounted for 99.6% of all businesses in our state.

Pat Krummrich:

Many of the barriers that exist to starting up a business can be overcome or at least lessened with fair representation at the state and local level. For instance, hiring is often a problem for small business startups. They may have difficulty hiring workers if the workers don't have access to medical care which can be a matter of public policy. Infrastructure can certainly impact the success or failure of a business and is certainly often controlled by state programs and budgets and unsafe locations have been shown with research to hurt businesses. Neighborhood level data reveals that an increase in gun violence is accompanied by decreases in the number of establishments, sales and employment in small local businesses. My husband often finds that banks are reluctant to loan startup funds or rating capital to businesses that are in underserved and dangerous areas because they're more likely to fail. The best way to build a business friendly neighborhood is by allowing voters to have a fair voice in the laws and finances of their districts.

Pat Krummrich:

Small business owners and employees know what their neighborhoods need. Last month I went furniture shopping with my husband and we went out to Holmes county. We live in Canton, went to Holmes county because we really wanted a handcrafted piece of furniture. Found something we love, dealt with the business owner, got it on order. And then we were treated to a rather strongly put and lengthy discussion of how women should be at home with the children and not working. And that the owners of that business none of them allowed their wives to work. That was a difficult conversation for me to not... I wanted that bedstead so I bit my tongue until it almost bled. Okay. But I guarantee you the needs and the wants of that business community in Holmes county are not the same as the needs and the wants of small businesses in Akron, Canton and Cleveland. Where by the way, a large chunk of new businesses are being started by women. Particularly by black women. Today, Ohioans are still living with the partisan gerrymandering of the past.

Pat Krummrich:

Republicans have won just 54% of our vote in the last decade yet they occupy a whopping 75% of our current congressional seats. After the redistricting cycle of 2010, the Ohio voters voted overwhelmingly to pass reform measures but the Republican maps and the process to date failed to meet the process of the reform measures and they ignore our state constitution. They are unconstitutional for that reason. Living in Northeast Ohio, I see the effects of the gerrymandering splintering in these current maps and how it's going to affect the section of the state where I live and work. Under the house, republican proposed redistricting map. Akron is paired with Hawking Hills. Sir I'm sure you're familiar and other speakers will probably address some of those specific areas where major urban business centers are being pulled apart. Their influence and voice is being diluted and overridden by the rural areas that they are paired with. So, I ask you to make these maps fair, help Ohio grow. I think we can do better than just average growth for our GDP which is what we're experiencing right now. And I urge you to reconsider. Keep our business centers together.

Rep. Wilkin:

Thank you for your testimony. Are there any questions? No applauds please. See none. Thank you. Chair would now call up Andrea Yagoda.

Andrea Yagoda:

It worked didn't it. Co-chairs Gavarone, Wilkin, members of the joint committee. Thank you for affording me the opportunity to testify today on Senate bill 237, Senate bill 258 and house bill 479. My name is Andrea Yagoda. I'm a resident of Ohio for 47 years, 44 years of resident of Delaware county. Testifying today as a private citizen in support of 237 and against 258 and 479. As 237 is my preference over 438 I will limit my oral testimony to that Democrat bill but I have filed proponent testimony on 483. Senate bill 237 unlike 258 and 479 does not extend my district 72 miles from my home to dilute my vote. My area is one of the largest growing areas in Ohio under Senate bill 237 I would be in the second district which is comprised of Delaware, part of Union and part of Franklin counties. The part of Union county included in this district includes Jerome township which is about one and a half miles from my home.

Andrea Yagoda:

It like the Southern part of Delaware county is growing at a very rapid pace. This area of Union county is also growing commercially and things like grocery stores built there will be closer to my home. Many of those residents work at Honda or in the Columbus area. We share next door, Jerome road, Holme road, Dublin road, route 33 and route 42 to get two in from our homes to work, entertainment and food shopping. Our roads are mainly two lanes so we share the same infrastructure concerns due to the rapid development in this area as does the city of Marysville. Senate bill 237 keeps Westerville and Dublin together although both span more than one county. Many of us in this Southern part of Delaware county, we work, we play, we attend classes, we receive medical care in Franklin county. I have nothing against counties like Allen, Oakley, Shelby, Harden, Logan but have never been there and their interest in needs do not align with mine.

Andrea Yagoda:

A large portion of Delaware county, Jerome township, Marysville, Westville, Dublin are not rural areas. Even Northern Delaware county is now being developed. House bill 479 and 258 incorporate these areas with rural counties. Representative Jones at the November 10th hearing on house bill 483 complained that Appalachia rural counties were incorporated with counties that were non rural recognizing that the needs of those different counties cannot be satisfied with the same representative. With this I agree. I'm no expert in geography nor on the Appalachian counties but I believe Senate bill 237 may actually do the best job of maintaining those counties in one to two districts. I believe it's districts eight and 12. Senate bill 237 is compact overall, contiguous and meets all the constitutional demands. Senate bill 237 contains only 11 county splits. Not one county is split more than once.

Andrea Yagoda:

It splits affect 14.16% of the population of the state. Significantly less than house bill 479 which has 16, 3 counties, Franklin, Hamilton, Summit split twice affecting 24.93% of the population and Senate bill 258 which has 17 splits. Franklin, Hamilton, Cuyahoga split twice and affects 31.265% of Ohio's population. Senate bill 237 has no deviation in the population for any district compared to house bill 479 which has deviations in district 1, 12 and 13 goes from minus 1480 up to plus 2421 deviation. Coincidentally two of these districts contain parts of Summit county. And we all know what a stickler Senator Gavarone is for equal populations in every district. These deviations are well beyond the 0.79% faced by the U.S. supreme court and tenant versus Butler county. Senate bill 237 achieved the highest score on days

redistricting for compactness. Representative Abrams on November 10th, criticized house bill 834 for district two, which contains 16 counties.

Andrea Yagoda:

However, Senate bill 258 district five has 16 counties and Senate bill 237 district 12 contains 16 counties which includes the Appalachian counties discussed previously. In order to determine what is unduly favoring dis favoring, a good starting point is the voting patterns of the electorate over the last 10 years which has been 54%, 46%. In my opinion, 237 is the most competitive of the three bills. It starts with six strong Republican leading districts, three strong democratic leaning districts. Of the remaining six districts, two lean Republican four lean Democratic versus 258 which starts with six strong Republican districts, two strong democratic districts. The remaining seven districts lean Republican. Versus house bill 479 which starts with nine strong leaning Republican districts, two strong leaning democratic districts. The remaining four districts leaning Republican. Unlike the plans submitted by Republicans, Democrats did at least include Republican leaning districts in what would be competitive districts versus Republicans and their two bills which gave all districts not deem strong for either party a Republican advantage.

Andrea Yagoda:

Democrats has strive for a eight, seven split whereas Republicans are pushing for a 13, two split. Most of us who have testified agree if we lose fairly, we're okay with it but we resent and we will not stand for sending out candidates in with a number two lead pencil in a gun fight. I'm asking you to do the right thing, do what we pushed for. Many of us worked tirelessly for months. In fact, my Facebook page yesterday popped and said " I'm on my way out to the veteran's day parade in Delaware to get my signatures on my petitions for gerrymandering". That was 2017. I'm asking you to do the right thing. And Mr. McCauley, if you did not after Wednesday's hearing... I'm sorry. Representative Senator McCauley provided 2012 and 2014 data to Randall. I would ask that you do so, so he can adjust his maps because chances are at [crosstalk 00:18:01].

Rep. Wilkin:

Okay. We're going to need you to wrap up so we can keep it even with everyone.

Andrea Yagoda:

Thank you. I ask you to support Senate bill 237.

Rep. Wilkin:

Are there any questions

Rep. Liston:

Chairman.

Rep. Wilkin:

Representative Liston.

Rep. Liston:

Thank you. Thank you so much for being here and being tireless in your advocacy. I know that you've been to a lot of different meetings and obviously are speaking for not just yourself and directly in the testimony but all of those 200,000 people that signed those petition. And I know many people cannot be here with a couple days notice in a middle of the day and take off work to come in and so I know that a lot of this falls on your shoulders but you've been doing this for so long. I wanted to just give you maybe a little bit of time and to maybe share with us some of that process by which all of that mobilization occurred. There were 200,000 signatures and 75% of Ohioans voted for the amendment that we're working to address. And as someone who's been involved for many years, you sort of share the energy and what you felt motivations of all of those Ohioans were at the time.

Mindy Hedges:

So I think most of us who have testified and shown up to support fair maps, we wrote postcards, we made phone calls and most of us that worked tirelessly to obtain signatures on petition we stood on street corners, we went to street markets, we went to parades, we went to tree lightings. We were everywhere. There were those of us including myself I worked five days a week in the Fair District's office. We reviewed every single petition that came into that office to make sure there was no errors on them. If there were errors, we sent them back with what the errors were. We verified that everybody was a legitimate voter. If we thought someone had gotten married and changed their name, if we thought that person had moved, we sent them a postcard. I believe I was doing almost 200 postcards a week at my own expense. Sending out postcards.

Mindy Hedges:

We entered data to keep track. We sent postcards to those I said thought they moved. There was no question that we were working for fair maps to end gerrymandering to ensure that each and every vote counted and counted equally. And that the only way to do that was to draw maps that reflected how Ohioans voted. And I know this because I was one of those people who worked seven days a week to get this done. And so, I know everyone thought a fair map, that did not unduly favor would be a split that reflected how our voting patterns have been over the last 10 years.

Rep. Wilkin:

Follow up?

Rep. Liston:

Yeah. Follow up.

Rep. Wilkin:

Representative Liston, if you do have a follow up let's direct it specifically to the map and not how we got to this point. We want to talk directly about the map in front. If there's a specific map you have a question on.

Rep. Liston:

So in what ways when you look at this map do you feel that you might have... Sorry, it's difficult for me to ask a follow up on her question that incorporates those changes. Okay. I guess the specific question is knowing the hundreds of thousands of people that were engaged. Do you feel like the map that has

been presented by the Republicans in the Senate and the house fit the will of the people that you spoke with in this process?

Andrea Yagoda:

Through the chair, representative Liston. I think I gathered close to 3000 signatures and I can say without a doubt that 258 and... That I can't even remember anymore. And 479 do not reflect the will of at least the 3000 people I got signing petitions. But it's more than it's just the people that signed my petitions. All the other people. I can speak for them as well. They all had the same impression that the will of the people is whether they were Republican, Democrat, Independent was, we want a voice. We want every vote to count and that cannot happen unless the map is reflective of how we have voted in this state.

Rep. Liston:

Thank you.

Andrea Yagoda:

Thank you.

Rep. Wilkin:

Are there any other questions? See none. Thank you for your testimony. Chair now calls John Gray. Mr. Gray here? Come back in case he shows up. The chair will now call Sue Lewis. Welcome to committee and you may begin when you're ready.

Sue Lewis:

Thank you. My name is Sue Lewis. My family has lived on the west side of Cuyahoga county for a hundred years in West Lake, Bay Village, North Omstead, Fairview Park and Rocky River and Lakewood. These are suburban communities near lake Erie and 20 minutes from downtown Cleveland. We work, shop, see physicians, attend church and other venues and activities of life here. Today I'm talking about house bill 479 and also Senate bill 258 as well. House bill 479 map joins my community with the communities of Orville, Worcester, Holmes, Millersburg, Amherst. Beautiful land rich communities that are not suburban and have different concerns and different solutions which government can address. For my community, this map looks like cracking and packing. It shows a lack of tolerance and respect for the law and for the democratic process and for the voters of Ohio. Gerrymandered districts have given us one party rule.

Sue Lewis:

One party rule has given us corruption and tolerance of corruption. It leaves our problems unsolved, pollution of the lake, gun violence, climate change effects on communities, public school funding failures. Gerrymandering drains the energy that Ohio needs to solve its problems. Unsolved problems discourages young people from moving here for good jobs and young Ohioans from staying here for good jobs. There are good redistricting maps that you can choose, maps that meet the criteria in the Ohio constitution for fairness, maps that show tolerance and respect for the democratic processes. Please get a redistricting map that does not favor one party or the other. A fair map that meets the constitutional requirements that Ohio voters want for their government to function and to solve Ohio's problems. Thank you.

Rep. Wilkin:

Thank you very much for your testimony. Are there any questions? See none. Thank you. Chair would now call up Kathleen Clyde.

Kathleen Clyde:

Co-chair, Senator Gavarone, co-chair representative Wilkin and members of the joint committee on congressional redistricting. I am Kathleen Clyde of Kent, Ohio, co-chair of the Ohio Citizens Redistricting Commission here to testify today in opposition to Senate bill 258 and house bill 479 and compare that to the proposal that our Ohio citizens commission developed. As a former state representative, I've served on the legislative committee in 2011 where the congressional map was considered. I also served on the Ohio constitutional modernization commission where the 2018 congressional reform process started and worked on passing the reform in the legislature and at the ballot in 2018. I also am an attorney with expertise in voting rights and election law. It has been a true pleasure to co-lead the Ohio Citizens Redistricting Commission along with Greg Moore of Cleveland a strong voting rights leader who we worked closely with in 2017 on the legislation that became our constitutional amendment.

Kathleen Clyde:

The Ohio Citizens Redistricting Commission is an independent, diverse, nonpartisan commission made up of 16 volunteer members including interested citizens, academics, community leaders, current and former elected officials, attorneys and more. Members were deliberately chosen to reflect the diversity of Ohio and include persons of color, persons of all ages and backgrounds, persons from the LGBTQ community and persons from different regions of the state. Some members of the commission helped to craft the constitutional amendment that Ohio voters approved in 2018 and that's spells out the criteria upon which the commission's unity map is based. The citizen's commission developed an in depth report summarizing our work that we submit today along with our testimony to this joint committee. This report can also be found on our website @ohredistrict.org and a listing of our members can be found on pages six and seven of the report. The Citizens Commission is sponsored by the Ohio Organizing Collaborative, the Ohio Conference of the NAACP and the A. Philip Randolph Institute of Ohio.

Kathleen Clyde:

The citizens commission had three main goals. First to model a thorough and robust engagement process for developing legislative districts including reaching out specifically to minority and underrepresented communities to develop and demonstrate citizen derived principles of redistricting and to draw unity maps. Meaning maps based on constitutional requirements, citizen derived principles on redistricting and an aggregation of a wide variety of preferences that came out of public input. The citizens commission partnered with the Ohio State University and Tufts University for data collection analysis and community mapping. And with more equitable democracy for district mapping and analysis and with skylight for our web-based community engagement. The vice chair of our commission Jeniece Brock will talk to you today about the public process that our commission undertook. Members Dick Gunther, Amina Barhumi and Chris Taveno will discuss our.

PART 1 OF 5 ENDS [00:30:04]

Kathleen Clyde:

... Amina Barhumi and Chris Tavenor will discuss our map proposal and compare it to the Republican map proposal, Senate Bill 258 and House Bill 479. And member Sam Gresham, or maybe pinch hitting for him [inaudible 00:30:15] will conclude with our perspective on the importance of minority representation in our map. Thank you so much for the opportunity to be here with you today. It's nice to be back in the state house and to see all of you. We would like to hold any questions that you have for our members until the end of our presentations if the committee will allow it. Thank you so much, again, co-chairs and members of the committee.

Rep. Wilkin:

Thank you for your testimony. Co-chair Gavarone has a comment.

Sen. Theresa Gavarone:

Please. Yes, absolutely. Since this can be confusing to some people since we are the Joint Committee on Congressional Redistricting, I just want to clarify that the Ohio Citizens' Redistricting Commission is a separate and unaffiliated with Ohio's state government.

Kathleen Clyde:

Correct. Thank you.

Sen. Theresa Gavarone:

Just for full disclosure for people watching on TV. Want to make sure we're clear on that.

Kathleen Clyde:

Thanks senator.

Rep. Wilkin:

Thank you for that clarification, Chairman Gavarone. So is Jenice Brock in your...

Jenice Brock:

Yes.

Rep. Wilkin:

So did I have it wrong the other day? Is it-

Jenice Brock:

No. You said it right.

Rep. Wilkin:

Did I?

Jenice Brock:

Yeah. You had it right.

Rep. Wilkin:

All right. I'm getting better.

Jenice Brock:

Co-chair Wilkin, Co-chair Gavarone and the members of the Joint Committee on Congressional Redistricting, thank you for the opportunity to be here today. My name is Jenice Brock. My pronouns are she, her. I am the Policy and Advocacy Director at the Ohio Organizing Collaborative, health scientist. The Vice Chair of the Ohio Citizens' Redistricting Commission. This testimony is offered in support of the maps that were submitted to you by the Ohio Citizens' Redistricting Commission. The OCRC model an open, transparent and inclusive process and drew maps that met the constitutional requirements, kept communities together and considered the extent to which minority voters can meaningfully influence elections. On Wednesday, May 12th the formation of the membership of the OCRC was announced to the general public, along with information about upcoming public hearings and ways for the public to get involved in the redistricting process. The OCRC hosted 11 public hearings virtually throughout the state to receive feedback on what Ohioans would like to see happen in the 2021 redistricting process, as it relates to their communities or their region of the state.

Jenice Brock:

The OCRC was interested in how communities and particularly minority and underrepresented communities have been impacted for the last decade under gerrymandered districts and hear their feedback about specifically what witnesses would recommend moving forward to have a better political engagement and representation. I can speak from experience, I'm from Summit County and Summit County is currently split into four congressional districts, and we have not had a Congress member that has actually lived in the county of Summit for the last 10 years. As the fourth largest county in this state, you can't tell me that that's fair. You can't tell me that we are fully represented when no one has actually lived in our county. There were over 500 Ohio citizens that registered to attend our public hearings. Many of these citizens came representing large subgroups or membership lists of other citizens. A lot of the recordings of all of our public hearings can be viewed on website. So if everyone just want to visit ohbdistrict.org, you can see recorded sessions of every single public hearing we have held.

Jenice Brock:

One way Ohioans could provide input to our commission, to the OCRC, the citizens' commission, was through a community mapping project. We partnered with the Ohio State University and Tufts University to develop a free community web tool called Districtr that enabled Ohioans to create community of interest maps, paired with narratives about their community issues, community needs, and what's important to their community. There were over 2000 submissions, specifically 2,350 submissions received through that portal. On September 24th, the OCRC released a proposed congressional map to the public for comment and input. The unity map was based on the constitutional requirements, citizen driven principles of redistricting and an aggregation of a wide variety of preferences that came out of public input. The unity map incorporated the 2020 census data released on August 12th and the input requested at the two public hearings were received via email.

Jenice Brock:

The OCRC had envisioned a process that will allow folks to engage and be able to share their thoughts on our maps. A final report in our congressional unity map was adopted unanimously by the OCRC and submitted to the Ohio General Assembly or on September 30th for the first official deadline under the

constitutional deadline in Article 11 of the newly amended Ohio constitution. As you continue to hear from my colleagues, you will hear about an inclusive process that aims to uplift the voices of those who traditionally have been underrepresented and have a desire to be heard through this Ohio redistricting process. Thank you for the opportunity to come and present to you today. We are happy to answer any questions at the end of our presentation if the committee would allow.

Rep. Wilkin:

Thank you very much for your testimony.

Jenice Brock:

Thank you.

Rep. Wilkin:

Next within the group, I believe, is Richard Gunther. Welcome to committee. You may begin when you're ready.

Richard Gunther:

Good morning. I'm Richard Gunther, professor emeritus in political science at Ohio State University. I've been active in working towards redistricting reform for 16 years, and I'm one of the five negotiators who produce a draft of what is now Article 11 of the Ohio constitution. I'm here in my capacity as a political scientist with considerable experience in redistricting as well as co-author of the OCRC map that we are presenting today. I'd like to focus my remarks on two aspects relevant to this map, as well as the others that have been submitted. First, the assumption that districts must be exactly equal in population size and second, the partisan biases of some of the maps that have been proposed will be my closing remarks. Let's deal first with the equal population requirement. The US constitution does not require that each Ohio congressional district contain exactly 786,630 individuals.

Richard Gunther:

The one person one vote decision by the US Supreme Court in its 1964 Reynolds versus Sims decision concluded that the equal protection clause of the US constitution requires that the population residing in each congressional dis should be substantially equal. This is subsequently misinterpreted as requiring that districts must be exactly equal or divergent by at most one person. In its Tennant versus Jefferson County Commission decision of 2012, a copy of which all of you have as the appendix to my submitted remarks. The US Supreme Court rejected this misinterpretation and clarified this criterion by finding that a West Virginia congressional map whose district magnitudes varied between the largest and smallest districts by an average of 0.79% was constitutional if such divergences were necessary to meet other legitimate goals. And that decision specifically mentioned avoiding excessive splitting of political boundaries.

Richard Gunther:

Citing Westbury versus Sanders, its 1964 decision, Tennant stated, "The as nearly as practical standard does not require that congressional districts be drawn with precise mathematical equality, but instead the state must justify population differences between districts that could have been avoided by a good faith effort to achieve equality." Citing its 1969 Karcher decision, Tennant concluded, "If a state wishes to maintain whole counties, it will inevitably have population variations between districts reflecting the

fact that its districts are composed of unevenly populated counties." Accordingly, Ohio's congressional districts could range between 780,416 and 792,844 in population. Now, this is important because it makes it possible to who avoid excessive splitting of counties, townships and cities, as well as providing some flexibility for drawing districts that more fairly reflect the preferences of the voters of Ohio. The map proposed by the OCRC meets this constitutional standard. All of its proposed districts deviate from strict population equality by less than 0.39%. That is half of the limit set by the US Supreme Court in its Tennant decision.

Richard Gunther:

Now with regard to partisan bias, my remarks are based on the assumption that neither of the maps proposed by the Republican House and Senate caucuses will receive support from at least one third of the Democratic minorities in the legislature, and that we will therefore deal with a four year map. Indeed, I see no reason why any Democratic legislature would vote for these out outrageously biased maps, which are even worse than our current map. Both of them would give 87% of our congressional delegation to Republican candidates in a normal election year. And that compares with 54% of the votes cast for Republican candidates and statewide offices over the previous decade. Now, the sponsors of these bills claim that both maps have a substantial number of swing districts that would result in partisan shifts from one election to the next. But the House map contains only two districts that I would regard as competitive as defined by a margin of victory of 4% or less.

Rep. Wilkin:

Sir, I appreciate your testimony. We're going to have to move on to the next person in your group.

Richard Gunther:

Okay. I will be happy to fill in the blanks in response to questions from the members of commission.

Rep. Wilkin:

Is it Amina?

Amina Barhumi:

Yes.

Rep. Wilkin:

Give me the last name.

Amina Barhumi:

It's Amina Barhumi.

Rep. Wilkin:

Welcome to committee. You may begin when you're ready.

Amina Barhumi:

Thank you Co-chair Wilkin, Co-chair Gavarone and members of the joint committee. My name's Amina, I'm the Outreach Director for the Ohio chapter of the Council In American Islamic Relations known as

CAIR-Ohio. But I am here today as a member of the Ohio Citizens' Redistrict Commission. The Ohio citizens' redistricting congressional districts, I'm here today to talk about congressional districts and how they should be drawn to protect Ohio's communities by keeping them together as much as practically that is possible. And the importance of not unduly splitting apart communities in these congressional maps. The overwhelming consensus of opinion throughout the public hearings that we convened as part of the citizens' commission to discuss how maps should be drawn to the greatest extent possible. It was shared with us, that district boundaries should keep communities together. According to citizens commission, map that we drew district boundaries in a manner that minimized the splitting of counties, cities and townships in accord with the constitutional requirements.

Amina Barhumi:

So under Article 9, Section 2, the Ohio constitution, specific rules applied to keep communities together for any congressional district plan. So first the cities of Cleveland and Cincinnati must not be split apart. Our citizen's commission map meets this requirement, as you all can see. Second, while Columbus is too big to include in just one congressional district, it must be split responsibly to protect communities of interest. Our citizen's commission map contains 69% of Columbus within one district and the remaining 31% in a second full district. The district boundary line splitting the portion of Columbus honors and the recognized neighborhood boundaries. Care was taken to not break apart communities of interest within Columbus. In contrast, the Senate and House Republican proposed maps unnecessarily split the city of Columbus into three congressional districts. So this is in direct contrast to the testimony that we heard from the public about the importance of keeping their cities together.

Amina Barhumi:

Third, Akron, Dayton and Toledo should not be split. Our citizens' commission mapped does not split any of these cities and meets this requirement. While in contrast, the House Republican map unduly splits, Akron, and Toledo in violation of the Ohio constitution. Finally, statewide, 65 counties must be kept whole, 18 counties may be split once and five counties may be split twice. While the criterion allow for 23 counties splits, it should be noted that doing so is neither required nor necessary. So for instance, our map meets this requirement by keeping 75 counties whole, splitting 13 counties once and splitting zero counties twice. No cities are split except for Columbus because it's too large. The House Republican map, House Bill 479, unduly splits nine counties once, four counties twice and five cities are split into nine fragments. The Senate Republican map, S.B. 258, unduly splits 11 counties once, three counties twice, and five cities are split into 10 fragments.

Amina Barhumi:

So under Article IV, Section 1F 3B of the Ohio constitution, a congressional map, and I quote, shall not unduly split governmental units, giving preference to keeping whole in the order named counties and townships and municipal corporations. Like the partisan fairness criterion, and this criterion is located in Article IV, Section 1F 3 and therefore goes into effect if a map is passed in the absence of a constitutionally mandated level of bipartisan support. So essentially this means that no congressional map should be drawn that unnecessarily cracks apart Ohio's communities. So relying on public input about how best to protect communities of interest across the state is key to understanding how best to protect against undue splitting. Hundreds of witnesses testified before the citizens' commission about the importance of keeping their neighborhoods together.

Amina Barhumi:

And as shared before, qualitative community of interest data was collected to put together these unity maps. Under Article IV, section B3 of the Ohio constitution, the territory of each congressional district should be compact and must be contiguous with the boundary of each district being a single non intersecting continuous line. Each district in our proposed citizen map is 100% contiguous. I'll repeat, 100% contiguous. And our map scores 70% on Dave's Redistricting app compactness analysis for a good rating. In contrast, the House Republican map has two districts that may not be contiguous and scores 40% as bad rating. And so I thank you for the opportunity to be able to explain the importance of unduly splitting apart our communities.

Rep. Wilkin:

Thank you for your testimony. Next in the group would be, is it Chris Tavenor?

Chris Tavenor:

You were closer this time. Tavenor.

Rep. Wilkin:

Tavenor.

Chris Tavenor:

All right.

Rep. Wilkin:

Welcome to committee. You may begin when you're ready.

Chris Tavenor:

Thank you. Co-chair Senator Gavarone, Co-chair Representative Wilkin and the members of the Joint Committee on Congressional Redistricting, I'm Chris Tavenor, staff attorney for the Ohio Environmental Council Action Fund. Thank you for the opportunity to testify today on Ohio's future congressional redistricting plan. I also had the opportunity and privilege to serve on the Ohio Citizens' Redistricting Commission this year. So I will briefly speak to the concerns of the OEC Action Fund then discuss the proposed map in the context of the OCRC map. So the OEC Action Fund believes a healthy democracy is foundational to securing protections for the environment. We engage in advocating for policies surrounding redistricting specifically because partisan gerrymandering can skew representation in government to the degree that Ohioan's views on environmental issues are no longer reflected in the decision making bodies such as Congress or the state legislature.

Chris Tavenor:

The maps created by Senate Bill 258 and H.B. 479 are textbook examples of gerrymandered districts. Since the release of these proposed maps, dozens, maybe even hundreds of people at this point have testified before the senate local government and elections committee, the house government oversight committee. They have near unanimously, possibly unanimously condemned these maps for dividing communities, scooping communities out and for unduly favoring one political party over another. Accordingly, the OEC Action Fund, wearing that hat for a second, urges all committee members and all members of the general assembly to soundly reject the maps proposed in Senate Bill 258 and H.B. 479. Personally I'm in this fight because of the climate crisis. We do not have much time left to act. Many

communities across Ohio and the country, especially BIPOC communities and low income communities and other marginalized groups are already experiencing the direct impacts of climate change.

Chris Tavenor:

My generation, those who have come of age during the past two decades, are acutely aware of the shifting climate and how it will affect our futures. When we know we must act on climate change, when we know we must act on racial justice, when we know we must act on so many other issues impacting people across the state, it's profoundly disappointing to see maps designed to do silence our voices. To silence communities like mine in Central West Columbus in Senate Bill 258 by scooping it into a district with Lima or to split apart communities significantly impacted by environmental injustices. Over the past few hearings, there have been questions asked to clarify the way gerrymandering contributes to environmental injustice. Environmental injustice is the disproportionate exposure to communities of color and low income communities to environmental hazards such as air pollution, toxic wastewater, and lead exposure. One way this committee could integrate environmental injustice considerations is to rely on proven tools to shed light on how gerrymandered districts crack apart communities experiencing collective environmental harms.

Chris Tavenor:

For example, EJSCREEN is an environmental justice mapping tool that combines demographic indicators with environmental hazard indicators to illustrate on the map where low income people of color live in communities with environmental risk exposure. For example, we can see the impacts of gerrymandering in House Bill 479 district one. It is shaped like a dumbbell with the center containing many low income communities of color who face the highest exposure to cancer risk, toxic respiratory hazards, wastewater discharge in particulate matter in the air. There is a stark line, a stark contrast where the population goes for and low income people of color with the highest exposure scores in the 80th to the 100th percentile to predominantly white communities with exposure less than the 50th percentile. There's a stark contrast between these communities at the center and the rural communities in the entirety of Warren County to the Northeast and West Price Hill to the Indiana border.

Chris Tavenor:

By creating a district that divides Hamilton County in such a hazardous way, H.B. 479 dilutes the voices of the few who already have the least representation in our government and overwhelms them with the many who do not face the same environmental injustices. That's why the opportunity to work alongside the other members of the Ohio Citizens' Redistricting Commission this past year has been the most important work I've done. We spent the time listening to people from across Ohio, learning how they envisioned to their state, house and congressional districts. We worked with academics to use consistent methodologies to appropriately build districts that kept communities together and reflected Ohio's partisan makeup. This shouldn't be a difficult issue. District maps should be designed to serve voters, not politicians and political parties. The maps in Senate Bill 258 and H.B. 479 under consideration by this Joint Committee on Congressional Redistricting ignore voters and their communities entirely.

Chris Tavenor:

They break apart communities from Franklin County to Hamilton County, to Summit County, to Cuyahoga County and beyond. The proposed maps disregard the will of Ohio voters. Ohio is a wonderfully diverse place and every one of those voices deserves representation in Congress. That's the ethic we instilled in our OCRC map. It's why we called it a unity map. So the OCRC produced a

representative map with a population deviation range negative 0.13% to 0.38% all within the US Supreme Court's margin. All together, the OCRC map is just a better map using a collaborative listening process over many months. The Joint Committee on Congressional Redistricting owes Ohioans a better map too. Imagine what collaborative map could be created if a bipartisan group of lawmakers had spent months listening to Ohioans, providing multiple rounds of draft maps, intentionally incorporating feedback-

Rep. Wilkin:

Thank you for your testimony.

Chris Tavenor:

Thank you.

Rep. Wilkin:

Next. We have Sam Gresham, is that...[crosstalk 00:22:19]

Samuel Gresham Jr.:

[foreign language 00:52:22]. Since you don't hear us, I decided German for the beginning. My name is Sam Gresham, and I am Chairman of Common Cause. I am a member of OCRC. A key consideration of the citizens commission to the extent which congressional maps could provide an opportunity for people of color to be fairly represented. The Ohio Citizens' Commission carefully reviewed our maps to understand the extent to which minority voters can meaningfully influence the elections. Members of commerce following county and political subdivisions, we allow communities of role to be... The lines to be drawn in a compact district. At the same time, we avoided packing and cracking. Minority districts diluted by packing and cracking were avoided. Packing is when voters are artificially concentrated into small number of districts so that they... Overall electoral influences weaken. Cracking and splitting minority communities and splitting minority voters thinly into districts in which they have little or no political influence.

Samuel Gresham Jr.:

Our map has three districts where minority voters have a substantial opportunity to be represented. Exhibit B on page 19 of our report provides black voting age population, BVA numbers, and those in three districts. The people of color voting age population VOCVAP color maps. This Senate Republican maps has only one minority opportunity district and cracks other minority communities across multiple districts to dilute minority voting power. The House of Representatives is slightly better with two minority opportunity districts, but some communities are cracked, packed along diluting their political force. To conduct our... We conducted a testimony all over the state of Ohio and the redistricting committee. Together we show the public and officials map drawers were possible to understand the constitutional reforms. We covered a group of 16 citizens expert, a diverse cross section of our country and our state to get input from thousands of Ohioans in 11 meetings.

Samuel Gresham Jr.:

They told our commission over and over as they've told you the legislators, they voted overwhelmingly to reform. They wanted districts that the language of the newly reformed constitution shall not unduly favor or disfavor a political party. They want districts that again in the language of the newly reformed

constitution shall not unduly split government units. Unduly means undo unnecessarily and disproportionately. Our purpose is to unity maps to follow the guidelines as clearly as laid out in the Ohio constitution. The Republican proposed map does not follow and it splits people of color. The general assembly map must go back to the drawing board and for the proposed map. Members of the Citizens' Redistricting Commission stand ready and willing to work with you to help with public input. We have the testimony, we have the congressional district maps. We've met the requirements and strongly support an amendment to our constitution. The people spoke and the partisan gerrymanding must come to an end. Please, Ohio deserves better than that. I didn't hear that buzzer so I must have been under the time. Any questions from the committee?

Rep. Wilkin:

This time I believe that is the last person. So we will entertain questions. Co-chair Gavarone.

Sen. Theresa Gavarone:

Thank you. This question is for Kathleen Clyde. Again for full disclosure for Ohio's at home and because you're a former elected official, could you please state for us the party you were affiliated with when you were in office and when you ran for office?

Kathleen Clyde:

Thank you, Chair Gavarone. Yes. I'm with the Democratic Party currently and when I was a state representative here in the legislature.

Rep. Wilkin:

Are there any other questions? Senator Sykes.

Sen. Vernon Sykes:

Thank you, Mr. Co-chair. Thank you all for your presentation and your work over these last several months to produce this fine document here. It seems that the most contentious issue is the concept of fairness. That seems to be the most. The majority presented a map or present maps that fall within the split requirement, competitiveness requirement or goals, but fall down on the fairness issue. So just how important is this concept of fairness to the constitution and to the spirit and letter of the constitution?

Kathleen Clyde:

Thank you, Senator Sykes. And I'd like to call on our member Dick Gunther, to help me answer this question. I know he was going into this in his testimony. I would say that is the key to the constitutional reform, the partisan fairness, that is put in the language with the requirement that no political party shall be unduly favored or disfavored by the drawing of these congressional districts. That language is absolutely key. It was important to the reformers, to the legislators who passed it on to the voters who then overwhelmingly supported it. The maps that have been drawn by the House Republicans and the Senate Republicans do not meet that requirement. And they unduly favor the Republican party, a political party in violation of that language in the Ohio constitution. Again, that language is the key language here. You look at the partisanship of Ohio over the last 10 years, it's generally a 54, 46 split. And these maps are far from that type of fair partisan split that is reflected by Ohio voters. Thank you for that question. And Dick I'd like you to chime in as well.

Richard Gunther:

Yes. I absolutely do agree with Kathleen. That fairness is-

PART 2 OF 5 ENDS [01:00:04]

Richard Gunther:

I absolutely agree with Kathleen that fairness is the centerpiece of the reforms that we participated in in 2015 and 2018. I was involved in both of those campaigns and I can assure that the most important point that was delivered to voters was that we would be putting an end to gerrymandering, and that we would be bringing about fair maps that accurately reflect the preferences of the voters of Ohio. This was key to the victory of that campaign in 2015, which was approved by over 71% of the voters, and in 2018 by 75% of the voters. To return to the old ways of gerrymandering at this point is bait and switch. We need to be loyal to the voters who amended the Ohio Constitution in those two years, and that involves bringing about fairness and representation.

Sen. Vernon Sykes:

Follow please.

Rep. Shane Wilkin:

Follow up.

Sen. Vernon Sykes:

Yeah, would you then say that the major shortcomings of the republican maps and proposal is that they failed to address the issue of fairness?

Richard Gunther:

I certainly agree with that, yes. The idea that if you take a look at the projected votes based upon Dave's Redistricting Map, we find that 87% of the congressional delegation of Ohio would go for the republican party's candidates. This is in the face of a popular vote that has averaged 55% republican over the past decade. I don't see how that is remotely reflecting the preferences of the voters of Ohio.

Speaker 1:

Senator, may I chime in? I also think the partisan redistricting is obvious, and that's against the Constitution of the State of Ohio. But you have another problem. They've discriminated against African Americans. That's against the federal law, Section Five of the Voting Rights Act. You can't do what you have done in these maps. They have discriminated. They have not created opportunity. Not only partisan, but racial gerrymandering is illegal.

Rep. Kathleen Clyde:

Let me just chime in too and say that the map that we presented in a normal election year would produce eight republican districts. That means, eight districts that are over 50% are republican on average, and seven districts that lean 50%, plus one or more, towards the democratic party. An eight/seven split is reflective of the 54/46 split of Ohio voters as shown in statewide elections over the last 10 years. A 12/3 split or a 13/2 split as we see looking at the Dave's Redistricting Map and the two

republican proposals, is a far cry from a fair map, and again unduly favors a political party in violation of the Ohio Constitution and in the reform that was passed.

Sen. Vernon Sykes:

Mr. Chairman, just one additional [inaudible 01:03:27]?

Rep. Shane Wilkin:

Please.

Sen. Vernon Sykes:

Thank you. The Constitution is explicit if you have a four year plan, that you can't unduly favor or disfavor. Is it the assumption that with the 10 year plan and bipartisanship agreement that with the bipartisanship agreement it would not unduly favor either party?

Rep. Kathleen Clyde:

That is correct, Senator. That is our hope. We also believe that that language is there to guide the 10 year map process that is a key consideration again that was put before the Ohio voters to not unduly split communities apart, and not to unduly favor or disfavor a political party. Yes, I think that considering that language, even though it pertains to the four year process, is key in coming to a bipartisan decision on a 10 year map. Thank you.

Sen. Vernon Sykes:

Thank you, Mr. Chair.

Rep. Shane Wilkin:

Senator McColley.

Sen. Rob McColley:

Thank you Chairman. Thank you for submitting your map. I do appreciate it. As somebody who loves looking at these types of maps, I like to see where people are coming from on it. I have some observations I'd like to point out and get your thoughts on. Number one, we've had an awful lot of discussion about population deviations and whether it's permitted and whatnot. Everybody seems to be, who's trying to be in favor of a slight deviation, seems to be pointing to the Supreme Court precedent in the Tennant decision to justify it. I think in the case of Ohio, we have to look at what our Constitution states. I would argue that there's a very strong implication, if not expressly stated, that there shall not be a population deviation.

Sen. Rob McColley:

When you look at Article 19 Section A2, it says the whole population state as determined by the Federal Decennial Census essentially shall be divided, and that shall be the ratio of representation. There was no wiggle room put in there for delineation one way or the other. Then I think when you combine that with the language that contemplates, although we're all talking about splitting counties, but when you talk about and you combine that with the language that allows for splits of counties potentially up to two times more than the number of districts we have, it seems to very strongly imply, if not build on, a

potential express implication depending on how you read that section that the language says we shall be as close as possible to one person, one vote. That's the first observation that I would point out.

Sen. Rob McColley:

Should we take the Tennant decision and say that it doesn't, the Tennant decision says that you can do these slight variations in order to comply with a legitimate state objective. You guys, I believe you're positioned to be, that your legitimate state objective would be to keep communities whole. Again, we have to look at the Constitution to guide us on what those objectives are. It seems clear through the limitation, but the allowance of a certain amount of county splits, but the limitation put thereon that they want us to try as hard as practicable just to keep counties whole. Then it says to the extent practical to keep townships and cities whole, but also acknowledges and places no limitation on townships or cities, which I would argue builds into the interpretation that we need to be to one person one vote.

Sen. Rob McColley:

It also acknowledges in that decision that protecting incumbents is a legitimate state objective. We've talked a little bit about the four year map requirement that you cannot favor or disfavor a party or it's incumbents. Kathleen, former Representative Clyde, mentioned that she felt that that guides in a 10 year map as well. In your map there are potentially, and I might be off by one or two, there's potentially 10 incumbents placed in districts with each other. Four of them... I guess two of them, we'll start with this, two of them I believe live in Cincinnati. The Constitution says we cannot split a city of Cincinnati that size. We shouldn't count that against anybody. When we're looking at the others, there are four republicans that are placed in districts with each other, and in combinations that are not required.

Sen. Rob McColley:

There are democrats that are not placed in districts with each other, and I understand geographically that'd be difficult, but nevertheless, one could make an argument that the burden of incumbents being put together and the districts having to find new representatives goes against what we would say in the Constitution it's expressly if we were to pass a four year map it would. If you believe that it's in the spirit to guide a 10 year map, you could also make an argument in that regard. I'd like to get your thoughts on... That's a lot of stuff, but I'd like to get your thoughts on that.

Richard Gunther:

I was a member of the working group that negotiated what became Article 11 of the Ohio Constitution that is concerning the redistricting for the state legislature. One of the very first decisions we made, in fact I believe it was the first decision that we made, was that there would be no protection of incumbents that would be part of the Ohio Constitution. This was a very conscious decision, because otherwise once gerrymandered, always gerrymandered. What you're arguing is, in order to protect people who were elected according to a gerrymandered map, we have to respect that in perpetuity.

Richard Gunther:

At what point do we actually move to reflecting the preferences of the voters of Ohio? Is it going to be the next decade-

Rep. Shane Wilkin:

No applause.

Richard Gunther:

The point that I would like to make is that this is a very flawed argument that leads to the preservation in perpetuity of a gerrymandered map. I think that is not what the voters of Ohio had in mind. Secondly, with regard to equal population size, Ohio is part of the United States. The Supreme Court of the United States made it absolutely unequivocally clear that representing the wishes of the voters of states in congressional races should involve flexibility that makes possible the preservation of political units such as counties, townships and cities. I think we need to bear that in mind in terms of understanding how we are to go about implementing Article 19 of the Ohio Constitution.

Rep. Shane Wilkin:

Follow up. Senator McColley.

Sen. Rob McColley:

Thank you, Chairman. It is true obviously that Ohio is part of the United States, but the Tennant decision refers to what the legitimate state interests are. It refers to what the states feel the interest is. My argument is the state constitution makes it clear one person one vote is the state interest. The Supreme Court opinion in Tennant does not override the Ohio Constitution. That's number one. Number two, you talked about Article 11 of the Constitution dealing with state legislative districts. Article 11 has nothing to do with Article 19, which his what we are operating under right now. The word "incumbents" is expressly written in Article 19. You cannot unduly favor or disfavor a party or it's incumbents.

Sen. Rob McColley:

I'm not saying [crosstalk 01:11:32] that you can't disfavor at all unduly. My argument would be that by four republicans being put together and no democrats being put together, you could make an argument that all of the disfavorment is being felt on one side and not the other, is the point I'm trying to make. I'm not saying you can't do it at all. I'm saying a point could be made that by combining four, when you could have by my estimation, you could have avoided combining them and put them in districts that were open, or at least competitive districts potentially. You could have avoided it. That's the only point I'm trying to make. I'm not saying that they're all protected into perpetuity.

Richard Gunther:

If I could just make one final-

Rep. Shane Wilkin:

Let's hold it down. Let's hold it down or we're going to end up doing some things we don't want to do. We want everybody in here... Sir, would you like to respond?

Richard Gunther:

I would just like to make two additional comments. One of them, the other parts of the Constitution, Article 19 of the Constitution, make it absolutely clear that the preservation of political units, cities, counties, et cetera is a paramount concern of the redistricting that should go forth under the terms of Article 19. What we have here is language concerning being fair to incumbents versus language that is

arguing that we need to protect the integrity of political units. In fact, we even list what those units are in various parts of Article 19 of the Constitution. I think that really cannot be ignored.

Rep. Shane Wilkin:

Do you have follow up? Representative Liston.

Rep. Kathleen Clyde:

Can I just quickly respond to the population point? I understand Senator what you're trying to say on the equal population. I think that's a tortured reading of the Ohio Constitution and the equal population standard. I think the one person one vote standard is defined by the Supreme Court decisions, and that's why we chose to view equal population as we did. Again, it's very close, and were well under that Tennant standard that was set by the Supreme Court in defining one person one vote in regards to equal population for redistricting in the states.

Rep. Kathleen Clyde:

So, I understand the point that you're trying to make. We as a commission respectfully disagree and read the Constitution I think in a less convoluted way to come up with our equal population standard, and also trying to again not unduly split Ohio communities, as we've said repeatedly, was a key consideration of ours. Thank you.

Rep. Shane Wilkin:

Representative Liston.

Rep. Beth Liston:

Thank you, Chairman. Thank you all of your testimony and for providing so many different viewpoints and aspects of fair maps. I have a couple of questions, but I'll start with the last topic a little bit. I am not the lawyer, but I am a health person. I think about it in terms of health and wellness. So, when I think about population, when we talked about a census from 2020 that we're now applying, I think about the fact that in 2020 139,000 people died, and 139,000 babies were born. People moved in and out of the state, and moved around different areas. When I think about equal population, I think that taking a number from a year ago and assuming that it is static down to the man doesn't make sense to me as sort of not the legal person.

Rep. Beth Liston:

I wonder if the reason behind some of the Supreme Court decisions that did not take that number, is exact and static was because it is not exact and static in reality. I just want to see is that a component of those decisions thinking about the one person vote, one vote means from a practical perspective?

Rep. Kathleen Clyde:

Thank you, Representative Liston. That is I think part of the reasoning behind not going down to the individual person when calculating equal population. I think that health perspective make sense. It is in line with some of the reasoning from the court. Again, we encourage you to the extent that you have time, to check out that Tennant decision and some of the rationales provided there. Again, constitutional language, there is room for interpretation. I think this equal population definition, is it

exactly equal? Is it substantially equal? There's room there in constitutional language to define that using things like federal law and the Federal Constitution, and the Supreme Court's interpretation.

Rep. Kathleen Clyde:

That is part of our thinking of why. It's not that it's unimportant. It is very important, but not down to the single person, but to that ratio allowed by the court. Again, we didn't even go up to that mark. We stayed about halfway from zero to that ratio provided by the Supreme Court.

Rep. Shane Wilkin:

Representative Liston.

Rep. Beth Liston:

Thank you, Chairman. This is a different direction, just so I don't want to get lost in this. I do want to ask Ms. Brock a question because I think her testimony very much reflected all of the work that has been done by your group to ensure that there was community input. I was struck by the fact that you indicated that there were 2,350 maps and missions, and presumably representing what the community intended with much of the ballot initiative that now became a Constitutional Amendment. I would love to know if in those 2,350 submissions there was anyone that interpreted fairness to mean there would be 13 republican districts and two democratic districts?

Dir. Jeniece Brock:

Absolutely not. Well, thank you so much Representative for your question through the Chair. Absolutely not. No one thought that they would come out of this process where it would be a 13/2 map. If nothing else, we heard over and over again that they wanted our maps to be reflective of the reforms that were passed, be reflective of the true political representation here in the State of Ohio, so like 55/45 split. They expected that. Rather, it was in a state legislature, or if it was for congressional maps that that would be upheld at every point.

Rep. Shane Wilkin:

Follow up.

Rep. Beth Liston:

Thank you. All right, final grouping of questions. So, 100% of follow up, but it's for Richard Gunther, who I know is such an expert and we are lucky to have as part of the conversation. Thank you very much for your testimony. I do think that you can provide a little bit of clarity, because I think sometimes we get lost in numbers. Through this committee, we've talked a little bit about what years we should use, should be using 10 years to think about what the partisan preferences of Ohio is.

Rep. Beth Liston:

I would love to ask and get your perspective, because I bet you know these numbers, is there any time period during which the voters of Ohio in state-wide elections have had an 87/13 percent split in terms of their partisan voting pattern?

Richard Gunther:

No.

Rep. Beth Liston:

So, regardless of what numbers, whether we use the 2020 election, whether we use all of the elections from 2010 to 2020, is there any point at which that would even be remotely close? And, no.

Rep. Shane Wilkin:

Any other questions?

Rep. Beth Liston:

I just want to make sure that the witness had the opportunity to answer. I'm happy to clarify.

Richard Gunther:

I'm sorry, would you mind repeating your question? I have hearing difficulties.

Rep. Beth Liston:

I apologize. I think that sometimes we get caught up in how we measure what sort of the partisan preferences of the state are so that we can look at whether something is unduly-

Richard Gunther:

Yes.

Rep. Beth Liston:

I wanted to ask if there were numbers that one could take such that the partisan preference of Ohio reflects the 87/13 split that has been proposed in Senate Bill 258 or House Bill 459?

Richard Gunther:

No. Clearly not.

Rep. Beth Liston:

Okay. Thank you.

Rep. Shane Wilkin:

Are there any other questions?

Speaker 1:

Closing comments please.

Rep. Shane Wilkin:

Sir.

Speaker 1:

We spent a long time doing what we have been doing. Something was just said, 2,500 maps were put in and none of those maps did what you did. I think that's an interesting observation. None of them did what you did. That's about intentionality. That's about collegiality. That's about the ability to work with

each other. The foundation of the Constitution is based on cooperation and compromise. We are at a reflection as a country, is that really a base principle of the Constitution? I'm not sure anymore. I'm concerned about my country. I'm concerned about my state. I'm concerned about how these things are being done.

Speaker 1:

We hate each other. We intimidate each other. We threaten each other. Where are we at now? Now, I'll finish with this, it won't be every 10 years we'll back here. We'll be back here again in 36 months, after we go through the Supreme Court ruling and you do whatever the court tells you to do. We will be here again. 36 months. Not 10 years. I made a mistake last time I was here. We're going to be here arguing and arguing, and arguing. Your strategy is not sustainable. The Law of Probability says we're going to continue to be here. We're going to continue to be here.

Speaker 1:

I've been here 20 years, and we're finally going to get what we want. Black people taught you that lesson. We were in slavery for 247 years, and we didn't give up. Thank you, Mr. Chairman.

Rep. Shane Wilkin:

Thank you. Just so you know, I was listening. I would say [foreign language 01:22:36] and [foreign language 01:22:37].

Speaker 1:

[crosstalk 01:22:39].

Rep. Shane Wilkin:

[inaudible 01:22:46]. Next witness is Michael Ahern.

Michael Ahern:

Thank you. Thank you.

Rep. Shane Wilkin:

Welcome to committee. You may begin when you're ready.

Michael Ahern:

I'm going to wait until they... [crosstalk 01:23:02]. No, no, no. Don't rush. It's fine.

Michael Ahern:

Good afternoon members of the Joint Committee on Congressional Redistricting. My name is Michael Ahern and I live in Blacklick about 17 miles from here and in the northernmost portion of the district that I've been drawn into in district 15 under proposed Senate Bill 258. The southernmost town in the same district is Burlington, Ohio along the Ohio River. I'm sure the folks of Burlington are great people, but we have almost nothing in common between that community and mine, by the communities of Jackson, Athens, Nelsonville, Logan, New Lexington, Piketon, Waverly, Lancaster and a portion of Chillicothe.

Michael Ahern:

The small in road of this proposed district that comes into Franklin County is largely democratic-leaning, while the vast majority of the rest of the district is republican-leaning with the exception of the Athens area. While the district is competitive according to Dave's Redistricting, it is one of the three districts that carve Franklin County up. Franklin County and the City of Columbus are a part of the community that I live and work in. The southeastern portion of Ohio has little in common with the needs of Central Ohio.

Michael Ahern:

Here is but one tangible and impactful way to understand this. Members of congress were tasked with many duties, including advocating for their districts when it comes to spending federal money. In fact, federal funds make up approximately 37% of the state budget and are the largest single source of funds. One of the most tangible applications of those funds is through transportation planning and infrastructure projects where they constitute almost half of the Ohio Department of Transportation's budget. Our transportation infrastructure is literally the economic lifeline to the wider national and international economy.

Michael Ahern:

ODOT supports this vital infrastructure through transportation projects. These projects are based on transportation infrastructure plans that are implemented by ODOT in conjunction with long range transportation planning developed by metropolitan planning organizations and regional planning organizations based on regional growth projections. This proposed district map will hamstring Central Ohio in meeting the existing and projected explosion of growth in Central Ohio by spreading my community's congressional representation across at least five transportation or planning organization jurisdictions.

Michael Ahern:

In fact, the southernmost planning organization is the Kyova Interstate Planning Commission. The Kyova is the metropolitan planning organization for the tri-state area of West Virginia, Kentucky and Ohio. That is not Central Ohio. Proposed district 15 is so large that whoever represents the district will have a very difficult time in reconciling the very different needs of citizens within this vast district, both geographically and economically.

Michael Ahern:

House of Representatives and Congress reasonably expected to advocate for and represent such divergent interests and focus. I submit that they simply can't. Finally, rather than providing for strong representation in congress for the Central Ohio region, this map also dilutes the power of representation by splitting Franklin County into three separate districts. In short, the splits in the resulting districts are illogical. Splitting Franklin County into three separate districts makes no sense economically, but based on partisan carving of the county seems to make sense to the GOP map drawers politically.

Michael Ahern:

In fact, the political focus of the map maker is highlighted in five precinct splits that I observe in district 15. Each of those splits, the precincts carved democratic-leaning areas of the precinct from republican-

leaning areas of the precinct, even though all voters within each of those precincts had the same transportation needs and share the same community interests. Such carving violates the letter and intent of the 2018 redistricting forms to keep communities whole.

Michael Ahern:

I urge you to not consider the map embodied in Senate Bill 258 and instead support approval of the map embodied in Senate Bill 237. Just aware with respect to fair maps in general, I also was involved in the gathering of signatures, and the verification of signatures during the 2018 process. The whole campaign was fair districts, fair elections. We have fair elections. It's been proven over and over again through audits. What we're looking for is fair districts, not districts that unduly favor democrats versus republicans. We're looking for fair districts that represent voters. Thank you very much.

Rep. Shane Wilkin:

Thank you very much for your testimony. Are there any questions? Seeing none. Thank you.

Michael Ahern:

Thank you.

Rep. Shane Wilkin:

Chairman now call Charlie Sutkamp. Welcome to committee. You may begin when you're ready.

Charlie Sutkamp:

Thank you for having me. My testimony is in regard to all four bills today. The United States was founded on the idea of being a representative democracy, so people in a congressional district know their elected representative truly represents their interests. It is only common sense to know that people living in the same community and/or city have more in common and have the same issues and problems than people that live hours apart. For example, I live in Cincinnati, Ohio, which is located in Hamilton County. We have a number of city and county issues that are constantly being debated.

Charlie Sutkamp:

When I vote, there are candidates and issues on the ballot that affect the people of the city of Cincinnati and Hamilton County. However, we never hear about [inaudible 01:28:47] issues affecting people living in Portsmouth or eastern Ross or Pike County, because towns in those counties can be 100 miles from Cincinnati. If I wanted to drive to Portsmouth, it would take at least two years, and yet it is in my congressional district.

Charlie Sutkamp:

My county and even my city are divided into two districts, and could be divided even more if the proposed maps pass. This does not make sense, and it is certainly how a representative democracy is supposed to work. Cincinnati must be kept [inaudible 01:29:18] resident within a district that encompasses all or most of Hamilton County. Unfortunately, my district is not the exception but rather the common example of how congressional districts are drawn in Ohio.

Charlie Sutkamp:

So, why does this situation of congressional districts that contain people living hours apart and have little in common existence? The most obvious answer is power. The republican party controls the Ohio General Assembly and therefore controls the creation of the congressional maps of our state, and they have used the majority at the state level to give themselves more power at the federal level. Instead of trying to keep communities together that share common interests, they have sliced and diced cities and counties to give the republican party dominance in the Ohio Delegation for the US House of Representatives.

PART 3 OF 5 ENDS [01:30:04]

Charlie Sutkamp:

Give the Republican party dominance in the Ohio delegation for the US house of representatives without concern for how communities are represented. I believe that Madison, Franklin, and Washington would be horrified to learn that Republicans in the state of Ohio that have garnered 54% of the popular vote over the last 10 years have donned congressional to allow them to occupy 75% of the congressional seats. As recently as November, 2020, Donald Trump won Ohio with 53% of the vote, but the Ohio Senate Republicans have proposed a map that would give them 87% of the seats. This is not what the framers intended. The reason the college rebelled in 1776 was because they felt their interests were not being represented. So men had drafted the US constitution, created a country to give representation, allowing people to have their voices and concerns be heard. Let's keep that our guiding principle when drawing new congressional maps for Ohio. Thank you.

Speaker 2:

Thank you for your testimony. Are there any questions? See you none. Thank you, sir. Chair calls Paul Miller. Welcome to committee. You may begin when you're ready.

Paul Miller:

Thank you, just to confirm, do you have the graphs in my statement?

Speaker 2:

On the iPad.

Paul Miller:

All right, thank you. Okay, Ohio voters want fair districts. That's a given. That's why we're here. We just don't all agree on what's fair or even what constitutes gerrymandering. But gerrymandering can be qualified and quantified and since no one else ever made a serious attempt at either one, I took it upon myself to do both, which makes me literally the only expert of this newly emerging field and the issue which we are here to consider. Unfortunately, I don't have the time which would be needed to explain my statistical methods in any amount of detail, much less debunk the arguments presented by the Democrat activists here. That said, what you have before you is a series of graphs which represent the data I've compiled for statistical analysis from each of the four district maps proposed by legislative bills which I will now explain as hastily as I can.

Paul Miller:

For comparison, I've also added the map which I submitted to the ORC last month as the ideal, as I believe it meets the constitutional criteria overall better than any of the maps proposed in these bills and certainly better than any of the others submitted by the general public. Exhibit A shows the statistical variance of the voting margins by party of each plan's proposed districts. The more compact the graph the better and overlap between the two parties graphs demonstrates the extent of the possibility or perhaps the intent of gerrymandering. The dots represent outliers, which are necessary for the creation of majority, minority, and opportunity districts, favoring the minority party, which outside of these districts, only garners about 41% of the vote statewide. In short, the Republican plans pass my variance test. The Democrat plans do not. And the house bill 479 plan is the only one which is ideal.

Paul Miller:

Exhibit B shows the two party margins in ascending order, a negative value on the Y access favors Democrat candidates and a positive value favors Republicans. Ideally, you'd have two Democrat districts representing Cleveland and Columbus, a few non-competitive majority districts to balance it out on the other end, and the rest near are the statewide average, which historically has favored Republicans by about six or seven points as we know. Again, the Republican plans fit this curve nicely, the house GOP plan being the slightly better of the two and the Democrats graphs show deliberate polarization and dilution of Republican votes in order to selectively bring down the margins in historically Republican districts. This is a smoking gun proving the intent to favor one political party and disfavor the other, which is our Constitution's definition of an unlawful gerrymandering.

Paul Miller:

Exhibit C shows the randomness of the probability of each of the district margins on a normal distribution curve. The Republican plans are somewhat evenly distributed while the Democrat plans further demonstrate the trend shown in exhibit B, which is to throw as many Republican voters into the same few districts as possible in order to dilute their parties votes in other districts and flip those districts. Exhibit D is an overlay of the distribution curves from exhibit B, along with a graph representing the data that you just saw from the OCRCs plan. I've done this to show how the OCRCs ostensibly nonpartisan activism is nothing more or less than the brainchild of Eric Holder and part of the Democrats overall strategy to subvert elections across the country, but only in red states where they stand to gain. As I testified to the OCRC last month, this is not a coincidence, but a medical necessity for achieving this objective. That jump between the ninth and 10th data points on the X axis where the lines all overlap is a gap of about 20 points. No one in their right mind will argue that that's random.

Paul Miller:

Exhibit E shows where each of the four proposed maps would fit in my congressional district's gerrymandering index if flipped districts are included in the count of competitive districts, which is the formula that I've used for that. As you can see, either of the Democrats proposed plans will make Ohio the most gerrymandered state in the union while either of the Republican plans could be better, but puts us comfortably in the bottom half of the pack. Exhibit F shows where each of the proposed maps would fit in my congressional districts corruption index. Note that the better of the Democrats two plans is nearly twice as egregious as the most corrupt state in the union, New Jersey and that the Senate Democrats plan is more than 10 times as much as the next one down after that. This is totally unacceptable.

Paul Miller:

The Republicans plans on the other hand rank at the bottom, because they're fair. In summary, the plan proposed in house bill 479 is the best among the four by each of my statistical metrics, which is to say that it is objectively the one which the legislature should give the most consideration and that passing it is the right thing to do because it needs to be done very soon. Even if a third of the Democrats in our legislature can't find it within themselves to be reasonable, that's on them, and giving us a four year map means you will have done your jobs. Moreover, the fact that this plan meets all the constitutional criteria means you will win when the court weighs in on their frivolous lawsuits. And I just want to add that Ms. Barumi just said that Toledo can't be split, it can. Article 19 section two paragraph B4 lays it out very clearly that in order for a city with a population over 100,000 to not be split, it has to be in a county that's above the congressional enforcement. Thank you.

Speaker 2:

Thank you for your testimony. Are there any questions? See none. Thank you for you testimony. Chair would now call Stuart Wilms. Mr. Williams, welcome to committee. You may begin when you're ready.

Stuart Wilms:

Thank you. Co-chairs Gavaron and Wilkins, members of the committee, thank you for this opportunity to address you today. My name is Stewart Wilms. I live in Westerville. I do not represent or belong to any political advocacy group. I came today as a concern citizen. I speak today in opposition to the map drawn by house bill 479. I live in Northeast Franklin county, house bill 479 places me in proposed district four. I would share this district with residents of Auglaize and Allen counties, the cities of Lyman and Wapakoneta, less than 20 miles from the Indiana border. I do not believe that we have a lot in common for an elected official to represent us in Congress. It's difficult to consider this a compact district. I can understand why rural districts may need to cover a large area to meet population requirements, but I don't believe urban areas should be cracked to dilute or negate their interests.

Stuart Wilms:

This map splits cities and urban areas, including Columbus, Cincinnati, Cleveland, and others in order to do exactly that. It packs Democrats into two of the 15 districts resulting in 68 and 78% democratic majorities in those districts. In the 2020 congressional election, Ohio voters cast 45% of their votes for democratic candidates. It seems absurd to me that 11 of 15 districts would be drawn solidly Republican and only two districts being at all competitive although they also lean Republican. In a democracy, I feel it's important that both parties are fairly represented in Congress. Maps drawn under house bill 479 and Senate bill 258 do not do this. To me, that contributes to the athapy and non participation of our citizens in the electoral process. It's my view that the map drawn under 237 best accomplishes the goal of the amendment and provides for equitable representation in Congress. Thank you.

Speaker 2:

Thank you very much for your testimony. Are there any questions? See none. Thank you for your testimony. Chair now calls Lynn Buffington. Ms. Buffington, welcome to committee. You may begin when you're ready.

Lynn Buffington:

Thank you. Co-chairs Gavaron and Wilkin and members of the committee, thank you for the opportunity to testify today. I'm from Beaver Creek in Green county, 73rd house district, 10th Senate district and you have my written testimony. As I drove here today from Beaver Creek, I thought maybe I'd talk about

something a little bit different than what I wrote. Like many of us, I spent some time yesterday and in the car today reflecting upon veteran's day. My stepfather was a veteran who served during the Korean War. I wasn't really close to him because my dad died when I was 50 and my mom married my stepdad when she was 74. Nevertheless, I spent quite a bit of time with him, especially over the last few years. Poignantly, he died on veteran's day two years ago yesterday.

Lynn Buffington:

His view of his service and of the United States role was probably well epitomized by the motto popularized by the King Arthur legend, might for right. He believed in the power of the US, he believed in using that power for right. And I think most of us would agree with that aspiration. Driving here, it struck me that the Republicans in the Ohio assembly, the majority party, has a lot of might. You have a super majority. If you're unified, you can pass whatever legislation you like. If you're unified, you can overturn the governor's veto if he chose to veto something. So you have a lot of might. Now how about the other part of the motto might for right? Now of course, right is a very complicated word with a lot of different dimensions about what is right. I would say that, and most would agree I think, that what is right is not just what is legal. Certainly the Ohio assembly, the dominant party can legally pass either of the two Republican maps, which have been submitted. So that's legal.

Lynn Buffington:

I suggest that it wouldn't be right. It wouldn't be constitutional. And you've heard a lot of arguments about why many people consider that neither of those maps is constitutional, mainly revolving around the unduly favoring of one party. So I believe that approving either of those maps would be using might for wrong and I think it would be offensive to our veterans. It should be offensive to our veterans, including my stepdad. Now my husband and I are the parents of two young adult children and I'm sure that many of you are also parents and I'm sure that especially as fall advances, many of you will be gathering around the dinner table either daily or on Sundays or maybe Thanksgiving if you have young adult children like mine, or even older than young adult that you'll be gathering with or friends. So I ask you to think about what will you share about your work during those conversations? Wouldn't you like to talk about your redistricting work and say that you used your might for right, that you followed the constitution?

Lynn Buffington:

Or will you find yourself in the position of having to avoid the conversation, frankly, about how you abused your power, about how you used might for wrong. Now there are some more practical considerations beyond these lofty words, not that I'm pretending my own words are lofty, but the concepts of might and right, and constitutionality are certainly lofty concepts. And that is just the practical things. The people of Ohio really don't want to be back here in four years. And it's not just all of this that the more involved people are participating in. It's the spending of money and time and confusion as the districts get drawn again and again. It's the work that the boards of elections have to do. It has been rightly said that Ohio can be proud of how our elections have gone thanks to all the work of our boards of elections and to our secretary of state who did a great job on running the elections. So that's another practical aspect of that. Please don't take us down that road of having to do this again in four years.

Lynn Buffington:

Since I haven't heard the buzzer go off, I can add a little bit from my written testimony, which I think it's clear that I oppose the two bills, HB 479 and SB 258. In particular I mention that SB 258, which has also been mentioned, would favor the Republican party with only two clearly democratic districts, only 14% democratic representation resulting. Now I know that it has been said over and over that some of the other districts are competitive, but as you know, in those bills, all the competitive districts leaned Republican. So this is clearly unduly favoring one party, and maybe I'll break precedence and end early. I'd be happy to take any questions.

Speaker 2:

Thank you very much for your testimony. Are there any questions? Senator Sykes.

Senator Sykes:

Mr. Chairman, thank you so much. Not so much a question, but just a comment. We really appreciate you and really all of the presenters for coming up here. You gave us some sage advice and wisdom shared with us today. We certainly appreciate it. Thank you.

Lynn Buffington:

Thank you, Senator Sykes.

Speaker 2:

Thank you. Any questions? See none. Thank you very much for your testimony and thank you for your stepdad's sacrifice to the country.

Lynn Buffington:

Thank you.

Speaker 2:

Chair now calls Debra Saunders. Welcome to committee, you may begin when you're ready.

Debra Saunders:

Thank you. To co-chair Gavaron, co-chair Wilkin, and members of the joint committee on congressional redistricting, I am Debra Saunders. I reside in Northwest Columbus having a Dublin address, current congressional district 15, state Senate 16, state house 21. I stand in opposition to Senate bill 258 and house bill 479 and in support of Senate bill 237. Senate bill 258 demonstrates extreme gerrymandering, a bizarre C shaped formulation of proposed district three on the Western side of Franklin County where I live appears to have purposeful intention of packing the vote within one district while a carve out of the center of Columbus that falls within the proposed district four, the same district as Lima on the far north serves the purpose of diluting votes, particularly minority votes. Many experts have stated that Senate bill 258 and house bill 479 demonstrate extreme gerrymandering. And gerrymandering, as we've heard repeatedly and we need to keep saying, is designed to diminish the impact and influence of our vote, to benefit those in power, most affecting those with limited voice.

Debra Saunders:

Communities of color, communities of economic distress, those who are marginalized. These communities have always had to work harder to be heard. Will the voices of residents of the east side of

Columbus be noticed by their US representative versus voters in Lima or both Ohio Senate president Matt Huffman and Ohio house speaker Bob Cupp reside and from where both are elected? Why should the Ohio state house be in the same district as Lima? It makes no sense. I lived in Lima the first 28 years of my life, born and raised there. So I know Lima and how different the needs and priorities are for voters in a small municipality from voters who reside in the central urban area of a capital city. It appears in there's an intent in having the Ohio state house in the same district as Lima, creating the perfect trifecta.

Debra Saunders:

State Senate president, state house speaker, a US congressional representative. When 75% of voters in Ohio said to stop the partisan gerrymandering that diminishes votes, the current majority legislative bodies have shown disregard to the letter and spirit of the law, the Ohio constitution. There are so many examples of the drawing of fair maps that truly represent what Ohio voters want and stated in our ballot mandate in 2018. The egregious nature of the maps presented with a 13 to two super majority imparts to us that there's contempt for the voters of Ohio. We expected the majority to come to the table with at least a starting point from which to negotiate toward the creation of a fair map. But to date, it has not been shown there's a willingness to do so. There remains time to do this right. Please show us you will. Thank you for the opportunity to voice my opposition to Senate bill 258 and house bill 479 and support of Senate bill 237. And I urge you as members of this joint committee to do the same.

Speaker 2:

Thank you for your testimony. Are there any questions? See none. Thank you very much. Chair would now call Trevor Martin. Welcome to committee and you may begin when you're ready.

Trevor Martin:

Thank you sir. Good afternoon Chair Wilkin, co-chair Gavaron, members of the committee. My name is Trevor Martin, resident of Columbus. I'm a community organizer and activist who has worked for nearly two decades in both a paid capacity and voluntary capacity for multiple good governance organizations, nonprofits, along with both candidate and issue campaigns. It's my desire and goal to help communities recognize the skills and resources within their own communities, organize and utilize those skills and resources to create power and leverage to be a force for change and be included in the decision making and policy choices that affect their day to day lives. As legislators, I would hope that you would want the same for your communities and your constituents. I would hope that you would want an educated, informed, and engaged constituency. However, everything I've seen over this process has shown me otherwise.

Trevor Martin:

I'm a coalition member of fair districts. Ohio is contracted by common cause Ohio to train volunteers on mapping software to draw community maps. However, I'm here today to speak on my own behalf as a private citizen who has spent many of my own hours training these folks, teaching and helping them to understand the role of community and redistricting, to draw community maps, and then show how those maps fit into the process. I've trained over 80 individuals throughout Ohio on community mapping software. I have taught dozens of webinars and in-person seminars all over the state. I've sat in on both virtual and in-person mapping sessions in Cleveland, Akron, Kent, Dayton, Athens, Cincinnati, Toledo, Columbus, and other communities. Now I don't know the partisan makeup of these meetings, but I do

know there was folks from both sides of the aisle there because there was disagreement and there was disagreement on the issues that were priority to their communities.

Trevor Martin:

There was disagreement on how they should be treated and there was disagreement on who would be better to address those issues. But after all these sessions, we were always able to walk out with a map that the majority of members were comfortable with and felt that fairly represented their community. How do we do this? We looked at the priorities of the community and what good representation looks like. What were these priorities? Well I heard over and over again, keeping communities together and fair representation. People want a representative from their community that understands the issues that are affecting them. Community and fairness. Now not partisan politics, I've been taught that politics is power. Who has it? How is it distributed? And how is it being wielded? In a just and democratic society power belongs to of the people.

Trevor Martin:

Instead, this body, other committees, the redistricting committee, have all concerned themselves more with the power of party, the preservation and accumulation of that power. And the people have said enough. I'm here to speak in opposition to both GOP proposed bills because I know there's no intention of passing the democratic proposal maps. Though I will say that the democratic maps are more fair and treat communities with more respect. I also believe that the Democrats are the only ones making a good faith effort at this process by producing their maps earlier, making them available to the public, open to questions, making themselves available, and then making adjustments to appease concerns. And I want to throw a bone to Senator Sykes, as I attended most of the redistricting commission hearings and he's the only member who is there at every single one of them.

Trevor Martin:

It's my opinion that the GOP proposed bills should just be completely scraped and the body should instead focus on either of the dim maps and make adjustments that you believe necessary. The Democrats have already shown willingness to engage, willingness to be open, take suggestions, and willingness to compromise and compromise is what is required for this process. Compromise is what the people voted on. The people of Ohio voted for a bipartisan process and the GOP has been unwilling to do so. Now to an outside observer, both of these proposed maps for the GOP, it's obvious that they favor Republicans heavily. Even the democratic proposal maps, to an outside observer, looks to favor Republicans. And as they should, Ohio voter preferences show that Ohio is indeed slightly favor Republicans and especially with the geographics of Ohio being the way that they are, we will inevitably see districts that favor one party over the other.

Trevor Martin:

This is for fair. It's fair that Republicans will have a slight advantage in some of Ohio districts because it reflects and respects the voters of Ohio. However, what is not fair is gerrymandering and gerrymandering is the intentional manipulation of district lines to manipulate elections. And that's exactly what both of these proposed maps by the GOP intend to do. Now I have submitted in my testimony a list of community maps that were produced by citizens that are available on the Ohio citizens redistricting commission.

Speaker 2:

We're going to have to wrap up.

Trevor Martin:

And I encourage that you look at those because not a single one of them reflects what the GOP has proposed.

Speaker 2:

Thank you for your testimony. Are there any questions? See none. Thank you. Chair will now call Katy Shanahan.

Katy Shanahan:

Good afternoon co-chairs is Gavaron and Wilkin and other members of the joint legislative committee. Apologies in advance for talking fast, but five minutes is short. My name's Katy Shanahan and I'm the Ohio state director for on the line. This is my third time testifying before legislative committee about proposed congressional maps. I've attended each of the seven hearings that have taken in place in just the last two weeks and I've listened to other Ohioans testify before you sometimes through tears asking for fair maps and for delivery on what we demanded in 2018. So I have to be honest, I'm having a tough time knowing what else there is love to say about our plea for a fair map. Still, as we find ourselves at the end of this week's five hearing blitz, I'm left with lingering questions about what comes next. For example, the co-chairs of this committee and the speaker of the house suggested that the role of this committee was just to collect information.

Katy Shanahan:

So does that mean that the committee itself won't be putting forward its own map for final review? Does it mean that these hearings this week were merely for show? Does it mean that you will take into consideration anything that we've provided in testimony either on Wednesday or today? If this process is to turn next to the chamber specific committees, is that where we could expect to see amendment Republican maps? Do you think that those amendments will take into account the now, as of today, nearly 170 pieces of opponent testimony that have come into your offices? Will we get another chance to actually offer input on those amended maps? And if not, why not? If additional hearings get scheduled, will you commit to providing actually ample notice for the public to solicit comment? As a reminder, the public got just four and a half hours notice that we could provide testimony before this joint committee on Wednesday. That's not enough.

Katy Shanahan:

I say often that Ohioans sent a clear message on redistricting when we passed our reforms, we wanted an open, transparent redistricting process and a fair map. Unfortunately, we've gotten neither so far. Will that change in the remaining time left in this process? Will you commit to being more transparent about what we can expect next as advocates? Will you commit to adopting an actually fair map? Quote, "We've heard the concerns of Ohioans to ensure that the process for drawing congressional district lines is fair and equitable no matter which party is in the majority." That was Senate president Matt Huffman and what he had to say in 2018 when you all landed on the compromise that would eventually go on the ballot in 2018 for our vote. Do you think that you've lived up to that description? Have Ohioans been afforded equitable access to this process when all of these hearings occur on weekdays in person during daytime working hours?

Katy Shanahan:

Is it fair after months of inaction and two missed constitutional deadlines to schedule five hearings, three of which got scheduled on Monday, sometimes overlapping hearings in two different chambers at the same time on the same issue? Is it fair to limit our testimony today before this joint committee on four map proposals to just five total minutes? Senator Huffman also said in 2018 that he was, "Confident that the legislature can develop a process that reflects the will of Ohioans and provides a way for everyone to be fairly and equitably represented in Congress." Do you think that all Ohioans will be fairly and equitably represented in Congress under maps that give 87% of the seats to Republicans when they only earn about 54% of our votes?

Katy Shanahan:

Do you think Ohio's communities of color specifically, whose voting power you undermine when you split them apart into two, three, or four different districts will be? Can you not see how Ohioans, no matter who we are or where we live, will be denied fair and equitable representation when you crack apart our communities denying us the opportunity to speak with a unified voice at the ballot box to elect leaders who actually represent us and our values? I said at the top that I wasn't sure what there was left to say about these maps. To me, I think it speaks volumes, volumes that nearly 170 pieces of testimony have come in to your committees in opposition to the Republican proposed maps and at least, on my understanding, there's just one person who's said anything in favor of those maps, somebody...

PART 4 OF 5 ENDS [02:00:04]

Katy Shanahan:

One person who's said anything in favor of those maps, somebody who testified here today. Ohioans have sent you a clear message. So, we're left wondering whether you'll actually hear us and deliver the fair map that we deserve. When redistricting, map drawers have a clear choice: To either preserve their own political power or to preserve our democracy.

Katy Shanahan:

So, my final a question to you is which one you all are choosing in the final map that you adopt? Are you choosing to relegate Ohio to another decade of Republican and politician-chosen power, or will you actually stand up for our democracy and for a future in this state where all of us, from Lake Erie to the Ohio River, from Dayton to Marietta, and from Napoleon to Portsmouth, stand on equal footing in our ability to elect representatives of our choosing? I hope it's the latter. I'm happy to take any questions at this time, though in all honesty, I'd actually prefer some answers.

Speaker 3:

Thank you for your testimony. Are there any questions? Representative Liston.

Rep. Beth Liston:

Thank you for your dedication and advocacy. I know you've been here at all of these hearings, many of which are very quick. I know that a lot of what people have been testifying is about some of the community maps that have been submitted. We heard about Mr. Martin had several that he had

suggested that we look at. I know Ms. Brock talked about 2,350, and I know that you guys have been doing that and that those have not been reflective of that 87/13 split. In fact, none of them have.

Rep. Beth Liston:

But I know that you guys have that Maptitude and have looked more broadly at the likely outcomes, if you really just put in the per parameters. So, I was hoping that you might take a look at, or it might share, information about what a selection of possible maps looks like and how the maps presented in Senate Bill 258 or House bill 459 compare.

Katy Shanahan:

Sure. Through the chairs to the representative, yes. We have access to Maptitude, which is the mapping software that you all as legislators have access to. And we conducted what's called an ensemble analysis, which is where a computer generates randomized maps. The collection was 25,000 maps. Of those 25,000 computer generated maps, 99% of them would give five to eight seats to Democrats. 1% of them would give Democrats just four seats and zero of them would give them just two seats.

Katy Shanahan:

From that analysis, the conclusion is that the only way that you get a map that gives 13 of our 15 seats to Republicans and just two to Democrats is through intentional partisan gerrymandering. And I think that what can obviously be offered by the community maps that were gathered by OCRC, those that were gathered by the Fair Districts Coalition, the more than 70 proposed maps that have come in through the portal, is that no one else, well almost no one else, drew a 13 to two map, right? Almost all of them sat around an eight, seven split because that's actually what's reflective of Ohio.

Speaker 3:

Follow up?

Rep. Beth Liston:

Nope. Thank you.

Speaker 3:

Any other questions? Senator Sykes.

Sen. Vernon Sykes:

Thank you, Mr. Chairman. Thank you so much for your advocacy. You are well read on this particular issue and involved. I'd just like to know, what does the public think about all of this as it relates to these maps? And as it relates to these maps, do you know what the purpose and or objective of this committee is?

Katy Shanahan:

Through the chairs to the senator, what I will say is for the last more than two years, my job has been to organize around the issue of redistricting and our volunteers overwhelmingly feel despondent and dejected by this redistricting process.

Katy Shanahan:

Excuse me.

Katy Shanahan:

Because Ohioans spoke clearly in 2015 and in 2018 when we went to the ballot and overwhelmingly adopted those measures, and our volunteers spend their own time and energy and effort getting trained about the nuances of this complicated process that so many of them even know the multi-step process that exists in Ohio is thanks to their dedication to getting it right.

Katy Shanahan:

And when they come into committees, overwhelmingly they send a clear message to all of you about what they expect to see in our maps. And that is not reflected. And they call us crying, asking us what the point is in engaging in this process if ultimately the message that you all are sending is that you don't care about what any of us have to say. You don't care when we go to the ballot-

Speaker 3:

No applause.

Katy Shanahan:

You don't care when we go to the ballot and send a message through our democratic process. You haven't cared in the last decade to listen to our causes and concerns because you don't have to because of gerrymandering. And now you suggest that we should accept another decade of that.

Katy Shanahan:

So, the ultimate feeling of Ohioans is exasperation about what else we have to do to make clear about what we want out of this process and what we want our democracy to look like in Ohio.

Katy Shanahan:

Now, I don't actually know what the point is of this committee. From my reading of The Constitution, this joint committee should have been formed actually back in September when the legislature initially had responsibility over the congressional process and should have been the committee, one committee, where all testimony was routed. It's the committee that should have its name on the redistricting website so people know that the committee to whom they can send their input or the maps.

Katy Shanahan:

I know that that was addressed in a legislative bill, but that bill was about a completely unrelated topic about reporting abuse in military families, so it's not a shock that the public wouldn't even know that that website was set up with the intention of the legislature to accept maps about the congressional process, and that this joint committee would've held hearings, hopefully, that were actually accessible to Ohioans, so modeling what you all did during the state legislative process, where you went around the state, you held hearings outside of daytime working hours.

Katy Shanahan:

But I don't actually know what the function of this body is in the form that it's taken now. I think it's just to hold the bare minimum two hearings that are contemplated in the constitution. And then at least from comments that I've heard from Speaker Cupp and Senate President Huffman, this will then retreat

back to the chamber specific committees. But that's the only understanding that I've got from their comments to the press.

Sen. Vernon Sykes:

Mr. Chair, follow up?

Speaker 3:

Follow up?

Sen. Vernon Sykes:

Thank you. Thank you for that. Did you think that this committee would, or if it should, take any kind of actions or make any kind of recommendations or consider, show some kind of indications that it considered the input from the public?

Katy Shanahan:

Through the chair to the senator, like I just said, it was my understanding from the reading of the Constitution that this committee would've been who was in charge of the congressional process when the legislature was in charge, so that it would act in a similar way to the redistricting commission being in charge of the state legislative process.

Katy Shanahan:

In that regard, to me it would've made sense then for this joint committee to then have voted to adopt a single map that would then get sent to the respective chambers for their subsequent vote, just like any other normal legislative process.

Katy Shanahan:

So, that's what I anticipated when I was training folks in the last two years about what this process would look like. But I don't actually think that that's the purpose of this committee or what the actions would be. And then certainly of course it is always our expectation that anytime we come into the legislature to give testimony about any piece of legislation, whether it's congressional maps that will shape our political future for the next decade, or any other issue that you all discuss, that you will take into consideration what we have to say, because you all are here to serve us.

Katy Shanahan:

We all are who should be powering this process. So it would be my hope and I presume that that is true of others who are here today, that you would seriously take into consideration what we've had to say in any final adopted map.

Speaker 3:

Any follow up?

Sen. Vernon Sykes:

Just the last comment. I apologize. I'm sorry that you and the public are disappointed about this process.

Speaker 3:

Are there any other questions? Seeing none, thank you for your testimony.

Speaker 3:

At this point, I want to remind everyone, we set the rules out early on. Applause, cheers, boos will not be tolerated. We have people at home listening. They have trouble hearing when that's going on. I've asked our sergeant at arms to come into the room. Anybody violating that will be asked to leave.

Speaker 3:

Steve Castro is our next witness. Welcome to committee. You may begin when you're ready.

Steve Castro:

Thank you, co-chairs. My name's Steve Castro, I'm from Reynoldsburg. I began researching district compactness back in January and February. I like compactness because I think it's a nonpartisan criteria, and so a lot of the partisan criteria, there's a lot of subjectivity and it's back and forth. I like compactness because it speaks for itself. It's not out parties or how people vote. It's just about, is it a square or not? And so I began researching this back then. I've been advocating for it ever since.

Steve Castro:

I've attended before three different committees advocating for compact maps and I've actually offered criticism of every map in the state, legislative, and congressional processes. Every map that was presented by either party I've offered criticism for not being as compact as they could be.

Steve Castro:

We know that we can make very compact maps that have been demonstrated by the Ohio Citizens Redistricting Commission. If the map they had presented today had been up for serious consideration, I would've actually supported that because it's very compact. We know that we can make compact maps.

Steve Castro:

Looking at what's feasible, looking at the historical precedent, I came up with a standard of compactness based on convexity coefficient, different than what a lot of other people look at. And so based on these standards, I was very pleased to find that there is one bill before this committee today, of the four bills, that actually achieves a high level of compactness. And that bill is HB483, the Brown Galonsky Map.

Steve Castro:

This map, according to this convexity coefficient, is 83% compact. I had suggested that we achieve 85%. And so this is very nearly achieving a very high level of compactness. We can do that. Their minimum is 60%. What we're trying to achieve, if a square is 100% and if Eldridge's original gerrymander is 44%, I think 60% is a minimum that we should hit. And this Brown Galonsky Map exceeds that minimum. And so I offer proponent testimony for HB483 because of its compactness, because it does not unduly disfavor either party.

Steve Castro:

I also want to testify on HP479. This is actually the least compact of the four bills before us. For that reason, I am opposed to that bill. It has a district that is only 41% compact. That's below the minimum that I propose. It also splits Akron unnecessarily. I don't see any legitimate reason for splitting a city like Akron in half.

Steve Castro:

And I wanted to focus on the House bills mainly because I previously testified on the Senate bills. But just before this committee, I will reiterate that the Yuko Sykes plan, SB237, it also has a district which is 40% compact. The amended version did not improve that district and so I consider that subpar.

Steve Castro:

The SB258, this bill is actually decently compact, but we can do so much better and many have demonstrated that we can be much more compact. And so, I oppose that map and not to mention the fact that as many people have mentioned, both of the Republican maps have unduly favored the Republicans. I'm not going to belabor that point.

Steve Castro:

So, that's the majority of my testimony, but I just want to end on a question. We have 132 state legislators, can we just get one pair of a Democrat and a Republican to just work in a bipartisan way? Just one pair.

Steve Castro:

And if they could rally around either a map or at the very least a set of principles of what is constitutional, what is fair, what are the criteria that we're striving to meet and exceed to best serve the people of Ohio?

Steve Castro:

As of right now, I have pretty low confidence that we can even get a single pair of a Democrat and Republican to come together to back a bill, or even in the principles of fairness. I would love it if even one pair would come forward that we can say at the very least, if all else fails, we have these two people that are trying to achieve a 10 year map in a bipartisan way. Thank you for the opportunity to speak. I'll answer any questions.

Speaker 3:

Thank you for your testimony. Do you all have any questions? Hearing none, thank you. Chair would now call Julia Kitanio. Am I close? Welcome to committee. You may begin when you're ready.

Julia Katanio:

Thank you for allowing me to testify today, the co-chairs and members of the joint committee. My name is Julia Kitanio. I have been community and politically aware and active for years. I am here to testify and support the adoption of a legal, fair map and fair district. In short, a map without gerrymandering.

Julia Katanio:

Today, I would like to compare all of the maps that are proposed by the Senate and House. Senate bill 258, Senate bill 237, House bill 479, and House bill 483. After reviewing these maps and doing some additional research. I strongly oppose Senate bill 258 and House bill 479.

Julia Katanio:

Now I will say in reviewing these maps, my focus was per county and community division. I did not review other fair maps that have been presented by individuals with no political party loyalties, but I hope that you will. And I'm going to go off testimony here a little bit, or it's actually I submitted part two.

Julia Katanio:

So, the testimony that I had originally prepared is what we all know. The GOP bills SB 258, HB 479, do not reflect how Ohioans really vote. They are gerrymandered. The Democrats' bill SB 237 reflects well on how the true Ohioan voting percentage, 55 to 45%, with districts six to four, with five competitive.

Julia Katanio:

The Democrats house bill 483 reflects the percentage and is more compact and community friendly. And that's six, six, and then competitive three. But I have to tell you, I woke up in the middle of the night last night with thoughts running through my head and that's why I've kind of changed this to be a little more personal and I'll try to get through it without getting upset.

Julia Katanio:

Yesterday morning, I was on the floor playing with my 11 month old granddaughter and I would much rather be doing that. I have a total of four grandchildren I love spending time with. I have fibromyalgia, and today is a very bad fibromyalgia day, which makes any energy spent precious. This testifying is taking its toll. The point is these maps are that important. They affect everything. And not only my life, but everybody else's. It affects how my energy is needed.

Julia Katanio:

Do I need to be more politically active? Do I need to be more of a community activist? Do I have to a fight to protect healthcare and personal rights? And how it affects me getting back to time that I can spend with my grandchildren.

Julia Katanio:

But that's why I'm here, because my grandchildren deserve to have a democracy and have it protected. So, I will be here and I hope that you think of your children and what you want in their democracy. And once again, going back to the veterans, my father was a veteran and we did not always have the same beliefs when it came to politics, but he always told me that he fought from my right to say my opinion and my right to protest and my right to have a democracy and support my democracy just as he did.

Julia Katanio:

So I'm going to, and if I do have a better breakdown of each bill if time allows, but I ask you to please consider my testimony carefully. I ask you to honor the responsibility you have been given and protect our democracy. Please show you have integrity and honesty and respect for the Ohio constitution and Ohioans. To respect we the people and not we the party. Do not settle for anything less than a fair

representative map that you again ... You can do this. I know you guys can. I know you've heard a lot of people losing faith. I'm not going to lose faith.

Speaker 3:

Thank you for your testimony. Are there any questions? Hearing none. Thank you.

Julia Katanio:

Thank you.

Speaker 3:

Chair would now call Colin Mirazzi. Are you written only?

Speaker 4:

Yes.

Speaker 3:

Okay. Is anyone else here that wishes to testify on behalf of the bills? Please come to the podium, state your name, make sure you fill out a witness slip.

Susan Cavanaugh:

I did. I sent it to both chairs yesterday around 7:15 AM.

Speaker 3:

Okay.

Susan Cavanaugh:

Within the 24 hours. My name is Susan Cavanaugh. I'm a citizen. Co-chairs Wilkin and Gavarone and members of the joint committee on congressional redistricting, thank you for the opportunity to testify regarding Senate bills 258 and 237 and House bills 479 and 483. I live in downtown Columbus, the largest city in Ohio. We even grew by 100,000 since the last census. All four maps create one full district in Franklin county. The law doesn't give you any leeway on that part.

Susan Cavanaugh:

But Franklin County has more than 1.3 million residents. What did you you do with the more than half a million that were left over? The two democratic maps keep them together and adds enough citizens from other counties in the Columbus metropolitan statistical area to create a second district. They are reasonably compact.

Susan Cavanaugh:

The two Republican maps slice the rest of the county and ad counties far from the statistical district. They draw from near the Western border with Indiana clear to the southernmost point of the state in Lawrence County and along the Ohio River and the border with West Virginia to the Southeast.

Susan Cavanaugh:

There's only one reason to do this. To create two solid Republican districts and dilute the votes of a half a million Franklin County residents. Ohio is a 55/45 Republican to Democratic state. Addendum one shows what this should look like on a pie chart. This is fair.

Susan Cavanaugh:

The Democratic maps settle themselves short a bit, but they approach this split. The Republican maps ask for an 87/13 split. Addendum two shows what that looks like on a pie chart. This is unfair. It's wrong. It's what 75% of Ohioans voted to end. And the shape is very familiar.

Susan Cavanaugh:

It's an iconic gobbling character. If it were in yellow, I think you'd recognize it. And what are you trying to gobble up? Power? The rights of others? Democracy itself? It's greed, gluttony, and avarice. It says, "I'll take my share and I'll take your share too." It's cheating the system. It's the opposite of any Christian values I learned in Sunday school. It's what gives politicians a bad name. It leads to distrust in government. It leads to extremists on both ends of the political spectrum.

Susan Cavanaugh:

If more districts were competitive and if the partisan split was 45/55, I think lawmakers would come up with reasonable solutions to some big problems. You want a system where it's impossible for you to lose now and some even think if you do lose, you just should claim victory. I wonder what you think makes America great. Is it the right to spread a deadly virus? If you want to, by not wearing a mask in public places? Thou shout kill. Is it the right to stalk your fellow man with an assault weapon and if he turns to protect himself, to shoot and kill and yell self defense? Again, thou shout kill?

Speaker 3:

Ma'am. I'm going to ask you to stick to the bill.

Susan Cavanaugh:

Pardon? Okay. Well, this is why I am so concerned about gerrymandering. This is exactly why. So, let me go on. I'm here to testify against the two Republican bills because they so obviously gerrymander. And I want to say it as a citizen, since I still have some time here, I'm not here because I don't have anything better to do. I'm on a work deadline. I'm going to have to work a lot longer weekends and nights in order to get the work done in the next couple weeks.

Susan Cavanaugh:

I'm not here just because I think this is fun to do. I was diagnosed with an ulcer two weeks ago, and this morning I found in an ultrasound that I probably have gallbladder surgery coming up soon. So, I'm not here for the fun of it.

Susan Cavanaugh:

I'm here because these two Republican bills so obviously disenfranchise my community, my county. It makes me almost want to cry to think that, I live so close to this state house, and that you would put me in a rural district. It doesn't make sense. And it doesn't because I don't have any knowledge of some of the rural districts. I grew up on a farm. Thank you for the opportunity to testify. I hope that you'll do the right thing.

Speaker 3:

Thank you for your testimony. Are there any questions? Seeing none, thank you.

Speaker 5:

I have a question, sir.

Speaker 3:

Yes?

Speaker 5:

My name's Gene Bergig, I'm from Dayton, Ohio. And I was wondering if you agreed with Mr. Macauley's-

Speaker 3:

Excuse me, ma'am. I thought you had a question for me. You're not here to question the witness.

Speaker 5:

I only just asked her a question.

Speaker 3:

You can ask her a question afterwards.

Speaker 5:

Okay.

Speaker 3:

So, is there anybody else here to testify? See none, no further business for the committee. We stand adjourned.

Rep. Beth Liston:

Chairman.

Sen. Vernon Sykes:

Chairman, chairman, you missed-

Rep. Beth Liston:

Point of orders. I would love to ask some of the questions that came up earlier regarding the next process. Do we know if this committee is going to continue to meet and if there's going to be unified proposal coming before the committee?

Speaker 3:

Me and the co-chair will be discussing that after this meeting and we will let everyone know as quickly as possible.

Speaker 6:

How will we know?

Speaker 3:

We'll get it out. Just like we have everything else. At this point, committee stands adjourned.

PART 5 OF 5 ENDS [02:28:08]

Exhibit 30

Proposed Congressional maps show different approaches to representation in Ohio

statenews.org/government-politics/2021-11-15/proposed-congressional-maps-show-different-approaches-to-representation-in-ohio

November 16, 2021

Congressional Districts
Trumbull
Portage
Mahoning
Columbiana
Carroll
Jefferson
Harrison
Guernsey
Belmont
Monroe
Washington
Tuscarawas
Coshocton
Holmes
Wayne
Stark
Summit
Cuyahoga
Geauga
Lake
Erie
Sandusky
Seneca
Huron
Ashland
Richland
Crawford
Wyandot
Marion
Morrow
Knox
Licking
Muskingum
Perry
Hocking
Vinton
Meigs
Gallia
Jackson
Pike
Scioto
Adams
Highland
Brown
Clermont
Hamilton
Butler
Warren
Clinton
Fayette
Ross
Pickaway
Fairfield
Franklin
Madison
Union
Delaware
Morrow
Allen
Hardin
Putnam
Henry
Williams
Fulton
Lucas
Ottawa
Defiance
Paulding
Van Wert
Mercer
Auglaize
Shelby
Darke
Miami
Montgomery
Preble
Greene
Clark
Champaign
Logan
Hancock
Wood
Sandusky
Seneca
Huron
Erie
Lorain
Medina
Wayne
Stark
Summit
Cuyahoga
Geauga
Lake
Trumbull
Portage
Mahoning
Columbiana
Carroll
Jefferson
Harrison
Guernsey
Belmont
Monroe
Washington
Tuscarawas
Coshocton
Holmes
Muskingum
Perry
Hocking
Vinton
Meigs
Gallia
Jackson
Pike
Scioto
Adams
Highland
Brown
Clermont
Hamilton
Butler
Warren
Clinton
Fayette
Ross
Pickaway
Fairfield
Franklin
Madison
Union
Delaware

Andy Chow

/

Statehouse News Bureau

Sen. Rob McColley (R-Napoleon) presents a new Congressional district map, drawn by the Senate Republican Caucus.

The plans from Republicans and Democrats in the House and Senate vary on competitiveness and partisan splits.

State lawmakers are preparing for the next step of the Congressional redistricting process which could pick up steam after the Senate Republicans unveil their new proposal.

The House and Senate have held separate committee meetings and two hearings by a joint panel to discuss the four plans put forth by lawmakers; HB479 (House Republicans), HB483 (House Democrats), SB237 (Senate Democrats), SB258 (Senate Republicans).

Supporters and opponents of the plans have argued over how each map breaks down politically to potentially determine how many seats could be won by either party.

Lawmakers must approve a new Congressional map with 15 districts, down from the 16 Congressional districts Ohio's had for the last decade.

Here is the partisan breakdown for each proposed map based on the national analytic tool, "Dave's Redistricting." The list compiles voter data and compares the amount of registered Republican voters and Democratic voters for every proposed district.

Update: Senate and House Republicans announced a new proposal for a Congressional district map Monday evening that will be introduced in the form of a substitute bill to SB258. The details needed for a full voter analysis per district were not yet available.

> Senate and House Republicans in Ohio introduce a new Congressional district map proposal pic.twitter.com/PUGy7DsX7b
>
> — Andy Chow (@andy_chow) November 16, 2021

Senate Republican map - SB258 (prior to amendments)

Very Strong Republican Districts (at or more than 20% gap) - 3
Strong Republican Districts (at or more than 10%) - 3
Very Strong Democratic Districts (at or more than 20% gap) - 1
Strong Democratic Districts (at or more than 10%) - 1
Competitive Leaning Republican Districts (under 10%) - 7
Competitive Leaning Democratic Districts (under 10%) - 0

The Senate Republican map would likely put two sets of incumbents in the same district; Bill Johnson (R-6th District) and Tim Ryan (D-13th District); and Joyce Beatty (D-3rd District) and Jim Jordan (R-4th District).

House Republican map - HB479

Very Strong Republican Districts (at or more than 20% gap) - 4
Strong Republican Districts (at or more than 10%) - 5
Very Strong Democratic Districts (at or more than 20% gap) - 0
Strong Democratic Districts (at ore more than 10%) - 2
Competitive Leaning Republican Districts (under 10%) - 4
Competitive Leaning Democratic Districts (under 10%) - 0

The House Republican map would likely put two sets of incumbents in the same district: Steve Chabot (R-1st District) and Brad Wenstrup (R-2nd District); and Joyce Beatty (D-3rd District) and Mike Carey (R-15th District).

Senate Democratic map - SB237

Very Strong Republican Districts (at or more than 20% gap) - 6
Strong Republican Districts (at or more than 10%) - 0
Very Strong Democratic Districts (at or more than 20% gap) - 2
Strong Democratic Districts (at or more than 10%) - 1
Competitive Leaning Republican Districts (under 10%) - 2
Competitive Leaning Democratic Districts (under 10%) - 4

The Senate Democratic map would put four sets of incumbents in the same district: Steve Chabot (R-1st District) and Brad Wenstrup (R-2nd District); Warren Davidson (R-8th District) and Bob Latta (R-5th District); Joyce Beatty (D-3rd District) and Mike Carey (R-15th District); and Troy Balderson (R-12th District) and Bill Johnson (R-6th District).

House Democratic map - HB483

Very Strong Republican Districts (at or more than 20% gap) - 6
Strong Republican Districts (at or more than 10%) - 0
Very Strong Democratic Districts (at or more than 20% gap) - 2
Strong Democratic Districts (at or more than 10%) - 2
Competitive Leaning Republican Districts (under 10%) - 3
Competitive Leaning Democratic Districts (under 10%) - 2

The House Democratic map would put four sets of incumbents in the same district: Steve Chabot (R-1st District) and Brad Wenstrup (R-2nd District); Bob Gibbs (R-7th District), Troy Balderson (R-12th District) and Bill Johnson (R-6th District); Tim Ryan (D-13th District) and David Joyce (R-14th District); and Warren Davidson (R-8th District) and Jim Jordan (R-4th District).

Lawmakers must follow provisions created by a statewide ballot issue in 2018 that was intended to stop gerrymandering, when leaders draw maps to favor one political party over another. Those mapmaking changes include a limit on how many times a county can be split.

Senate President Matt Huffman (R-Lima) said the goal is to keep districts compact and competitive.

"It's impossible to draw all competitive districts without violating the Constitution otherwise with the number of splits so there will be some districts that are in excess of a 60% likely in whatever map that we end up passing," said Huffman.

There's been a debate over the definition of a competitive district. Republican leaders have said they would consider a district competitive if it is within a 10% gap of Republican and Democratic voters. However, fair district advocates have said that number should be much lower to be considered competitive.

A final 10-year map would need approval from at least 1/3 of the Democratic members, a four-year map can pass by a simple majority.

Exhibit 31

Senator Gavarone:
Elections Committee will now come to order. Will the clerk please call the role?

Clerk:
Chair Gavarone.

Senator Gavarone:
Here.

Clerk:
Vice Chair O'Brien.

Senator O'Brien:
Here.

Clerk:
Senator Manning.

Senator Manning:
Here.

Clerk:
Senator Cirino.

Senator Cirino:
Here.

Clerk:
Senator Kunze.

Senator Kunze:
Present.

Clerk:
Ranking Member Maharath.

Senator Maharath:
Here.

Clerk:
Senator Sykes.

Senator Sykes:

Here.

Senator Gavarone:

And we have a quorum. Members, a copy of the minutes from the November 9th meeting of the committee is on your iPads. Please take a moment to look at it. Look it over. The question is, shall the minutes be agreed to? Without objection, the minutes are agreed to. I'd like to start off with a few ground rules for the committee today. So these committee hearings have been structured in a way that allows us to hear from as many citizens from Ohio as possible on an important issue. At 11:40, we'll take a brief recess if we're still in committee, so that Senators Kunze, Maharath and I can attend the Rules and Reference Committee.

There'll be no standing by the public and the committee room. In order for the committee run smoothly, we'd request that chairs in the room be reserved for people testifying today. And if you don't have a chair to sit in, you'll be directed to the north hearing room for overflow. Witness slips and testimony should have been sent to my office prior to today's meeting. However, we're going to offer the opportunity to anyone who wants to testify in person today to complete a witness slip. In an effort to stay consistent and allow for as much testimony and questions from the members as possible, we'll be instituting a five minute time limit.

We're putting the time on screen to my left right over here so that you can keep track of your time. And I'll give a 15 second warning to wrap up your comment. I understand people are passionate about the issue before the committee today. However, everyone will be expected to keep decorum during these hearings. We want to get through as many people as possible and ensure that people watching online can understand clearly and follow along. So applause, booing, heckling prevents us from doing that and will not be permitted.

No video or pictures should be taken without the permission of the co-chairs. And if you want to take video or pictures, we'll have a media form available for you to fill out for the Chair to consider. And finally, I want to thank our Sergeant at arms for being around the building and the room today to help and assist staff and citizens in attendance. And I'd like to, again, thank them for everything they do. The first order of business is the fifth hearing on Senate Bill 258. The Chair recognizes Senator O'Brien for a motion.

Senator O'Brien:

Chair Gavarone, I move that? We accept 1-134-2106-3 as a substitute bill.

Senator Gavarone:

And to explain the substitute bill, Senator Rob McColley is here. Good morning, Senator McColley.

Senator McColley:

Good morning.

Clerk:

Slips. So after you call these [inaudible 00:03:12].

Senator Gavarone:

Thank you.

Senator McColley:

Thank you. Chairwoman Gavarone, Vice Chair O'Brien, Ranking Member Maharath and members of the Local Government and Elections Committee for allowing me to present testimony today for substitute Senate Bill 258. After considering multiple maps presented by Democrat and Republican caucuses in both the House and the Senate and listening to the public's input on all of those maps, we offer this map that is not only constitutionally compliant, but the most competitive map offered by any caucus to date. It is also a map that splits the least counties of any map offered by any caucus, keeps Ohio's largest city's whole, installs compact districts and implements many of the requested changes we heard in testimony.

Article 19, section 2B5 of the Ohio Constitution describes the process that must be followed when splitting counties in a congressional map. In essence, a map may have up to 23 split counties with up to 18 being split once and up to five being split twice. The counties that are split once, this map splits only 12 counties with only two of those counties being split twice. The counties that are split once are Clark, Fairfield, Franklin, Holmes, Lorain, Ross, Shelby, Summit, Washington, and Wood.

The counties split twice are Hamilton and Cuyahoga. Notably for the first time since the map passed 30 years ago, Lucas County will be whole. And for the first time since the map passed 20 years ago, Stark County will be whole. The impact on several of Ohio's other large counties also minimized by Franklin and Summit County having the least splits since the map passed 30 years ago. Finally, the map complies with article 19, section 2B8 by including an entire county in each district where possible. If passed, this map would have the least counties split in over 50 years.

Additionally, this map splits two less counties than both the House and Senate Democrat proposals.

Since the introduction of Senate Bill 258, we have maintained that is important to keep Ohio's largest cities whole with the exception to Columbus, which much be split under the constitution and cities that straddle county lines and therefore do not count as a split under the constitution. 98 of Ohio's 100 largest cities are kept whole in this map. The two exceptions to that are Rocky River and Cuyahoga Falls. In total, only eight townships and six municipalities are split in this proposed map, which more than adequately complies with article 19, section 1CB's requirement that the General Assembly not unduly split governmental units.

Article 19, section 2B2 also requires that districts be compact. The requirement is not applicable to a four year map. However, under section 1C3C, in such an instance, the General Assembly shall attempt, but is not required to draw compact districts. Nevertheless, the districts presented before you are compact. Finally, the map before you is the most competitive map offered by any caucus to date and the most competitive Ohio congressional map in decades. Ohio is subject to swings and voter preferences, particularly in federal elections.

Even though with exception to 2006, Republicans have swept every election for statewide constitutional offices. Since 1994, Ohio has voted for both a Democrat and a Republican for president in the past four presidential elections and continues to be represented by both the Democrat and Republican in the United States Senate. Clearly, Ohioans are bifurcating between federal and state elections and issues. Therefore, because the map before you is for United States congressional districts, it makes sense to judge the competitiveness based upon statewide federal elections over the last 10 years.

This allows us to capture the true nature of Ohio's voting tendencies in federal elections and to insulate from outliers. When evaluating these districts in the federal statewide context and defining a competitive district that's won with a 46% to 54% Republican index, this map has six seats that lean Republican, seven seats that are competitive, and two seats that lean Democrat. The indexes are in the

table in my testimony for your review. Article 19, section 1C3A states that a map not unduly favor or disfavor a party or its incumbents.

No sporting event should ever favor or disfavor a team by some predetermined final score before either team walks on the field. A congressional map should not be judged to favor or disfavor either party that way either. Rather, it should be judged based upon how many districts are going to be determined by the various important issues and candidates in that election. This map embodies that belief by ensuring a plurality of the districts will be competitive in any given cycle. Its seven competitive districts are two more than any House or Senate Democrat proposal and five more than the map passed in 2011.

Further, this map neither favors nor dis favors either party's incumbents. It accomplishes this by only combing two incumbents who are required to be combined through the prohibition against splitting of Cincinnati incumbents that are going to be running for reelection. The map before you complies with the requirements placed upon the General Assembly under the Ohio Constitution, it is the product of a deliberate effort to draw compact districts, minimize county splits, keep Ohio's largest cities whole and ensure a plurality of Ohio's congressional districts will be competitive.

Thank you, Chairwoman Gavarone, Vice Chair O'Brien, Ranking Member Maharath and members of the Local Government and Elections Committee for allowing me to present testimony on substitute Senate Bill 258 and the proposed congressional district map contained therein. I would be happy to take any questions at this time.

Senator Gavarone:

Thank you very much. Are there any questions from members of the committee? Yes. Senator Maharath.

Senator Maharath:

Thank you, chair, and thank you, substitute bill sponsor now for presenting these maps to us today. When did the drawing process begin for this map today in front of us?

Senator McColley:

To the Chair, to the Ranking Member, so there were discussions that happened primarily between the speaker and the Senate president as to what the maps should ultimately look like and how to reconcile some of the differences between the maps and take into consideration some of the testimony we've heard and suggestions that have been given. And so, those discussions were conceptually happening over the last week and I believe the maps were finalized at some point Friday.

Senator Maharath:

Follow up.

Senator Gavarone:

Follow up.

Senator McColley:

Let me refrain.

Senator Gavarone:

Yeah.

Senator McColley:

If I could. I believe that conceptually, the maps may have been presented at some point Friday, but I don't know that they were finalized. Obviously, there's some fine tuning that has to go on anytime you present a map. I don't know that they were fine until probably some point yesterday.

Senator Maharath:

Thank you. Because I didn't have any discussion around these maps, I'm not sure with our leadership team either. So we're just trying to get a better idea of what changes were being made since we were presenting with this information this morning, let alone, we saw the map last night with the media. Were there any racial data taken in consideration with these maps?

Senator McColley:

To the Chair, to the Ranking Member, we did not consider any racial data because federal law prohibits us from doing so, unless there is legally significant racially polarized voting trends in the state of Ohio of which we've been presented with no such a thing.

Senator Maharath:

Another follow up.

Senator Gavarone:

Follow up.

Senator Maharath:

Thank you. So you've mentioned some of the political data news, which was the federal election from 2012 to 2020. Were there any other additional political data sources used to try to draw these maps?

Senator McColley:

To the Chair, to the Ranking Member, the primary political data source we used was federal elections data. I don't even have other indexes in front of me because we felt that that one best represented what we're trying to accomplish here. I know there's been an awful lot of discussion about trying to reflect the voting trends of the population of the state of Ohio over the past 10 years. And so that's one reason we decided to go with the 10 years. As I explained in my testimony, there seems to be a bifurcation that actually lean Democrat in federal elections.

And so, we decided that that would be the appropriate way to look at the data as well as we were going forward.

Senator Maharath:

Last follow up.

Senator Gavarone:

Follow up.

Senator Maharath:

Thank you, Chair. So last final question, since we're still trying to process all this information. So with the data source that was presented to us committee members, will that information be available to the public, like in the Dave's Redistricting App today?

Senator Manning:

To the Chair, to the Ranking Member, we have no plans of putting it in a Dave's Redistricting App, but if history has been any guide, I'm sure somebody already has it in the Dave's Redistricting App and so I would anticipate it will be available shortly. Correct me if I'm wrong, Chair, but I believe the shape files are available on the committee website as we speak.

Senator Gavarone:

I believe that's the case. Those will be on the website, but they've been sent to the committee members. Thank you. Are there any further questions? Yes. Senator Sykes.

Senator Sykes:

Thank you, Madam Chair. Thank you for your testimony. Appreciate it. Just wanted to find out, are you all still open for negotiations? I know we just got this. This is the first time I've seen it. So I hadn't been involved in any conversations about what your druthers were about maps. I know this bill is a bill and it had has to go to the House and the Senate to reconcile any differences has to be approved by both houses. So it's starting a process here. And are you still open to any suggestions or negotiations?

Senator McColley:

To the chair, to the Senator, I can't speak for the president or the speaker who, as I mentioned before, were the two that largely conceptualize the map that's before you right now. But I think that question would be best asked of either President Hoffman or Speaker Cupp.

Senator Sykes:

Okay. Thank you.

Senator Gavarone:

Are there any further questions? Is there any discussion?

Senator Maharath:

Chair, can I request for us to have a recess for the purpose of that Democratic Caucus?

Senator Gavarone:

We'll allow for a 30 minute recess.

Senator Maharath:

Thank you, Chair.

Speaker 1:

[music]

PART 1 OF 4 ENDS [00:32:04]

Senator Gavarone:

(silence) The Committee is back in order. I'd like to start off by mentioning that I sent a copy of the map to every member of the Committee, also to every member of the Senate and every staffer last night, and a release was sent to the media at 8:12 last night. And now, is there any discussion on the sub-bill? The question is, shall the substitute bill be adopted without objection.

Speaker 2:

[inaudible 00:46:50] object.

Senator Gavarone:

There is an objection. The question is, shall the substitute bill be adopted? Will the clerk please call the roll?

Tiffany Rumbalski:

Chair Gavarone?

Senator Gavarone:

Yes.

Tiffany Rumbalski:

Vice-chair O'Brien?

Vice-chair O'Brien:

Yes.

Tiffany Rumbalski:

Senator Manning.

Senator Manning?:

Yes.

Tiffany Rumbalski:

Senator Cirino?

Senator Cirino:

Yes.

Tiffany Rumbalski:

Senator Kunze?

Senator Kunze:

Yes.

Tiffany Rumbalski:

Ranking Member Maharath?

Senator Kunze:

No.

Tiffany Rumbalski:

Senator Sykes?

Senator Sykes:

No.

Senator Gavarone:

With a vote of five to two, the substitute bill is adopted. We have several people in person to testify today. The first is Tiffany Rumbalski. Please approach the podium. Good morning and welcome to Committee.

Tiffany Rumbalski:

You. Thank you for having me. I'll be brief. I am not here because I believe, and you already voted, so nothing I would've said would've changed anyone's mind. Your mind was already made up about a map that was dropped at 8:12 last night. That was supposed to have time for the public to see it, to analyze it, and for the minority party. That did not happen. I am here for the 75%, more than 75% of the voters who voted for Issue One back in 2018, because this is what we believed. We believed that because of Issue One, we'd get fairness, transparency. Back in 2010, when these maps from the next 10 years that were adopted, it was all done in private. That happened again.

We believed that we would be represented. The last 10 years, my congressional vote in Hilliard, Ohio has been diluted. It has not carried the weight that it should have because of the way that maps were drawn. So, we believed that the people entrusted with the maps would take the data and at least attempt to make things fair instead of manipulate it for their own political game, which is what just happened. We believe in real competition, because when we have competitive races, people at our State House listen. That's not what we're getting. That's not what we've had for 10 years, and it looks like we're not going to get it for another four years. We believed in transparency and honesty, but that's not what we're getting.

Instead, our voices continued to be diluted, and what we're shown is disdain, disrespect and disregard, and the voters feel it. I feel it. I don't spend much time in the State House, so I'm not in this bubble. I'm out working. I'm out taking care of my kids, and voters are disgusted. Democrats, Republicans, Independents, they're disrespected because you are supposed to be better than this. So, I'm here today not because anything I or would've said would have made one bit of difference. I'm here because I care. I've got other things to do this morning. This is not my job. I care a lot. I care about making Ohio a state that doesn't just work for the privileged few, the people with money, the people connected to power.

I'm here to say, this is wrong. It's really wrong. This process is wrong. This map is wrong, and your vote for it is just wrong. It is a betrayal of public trust. I told people to vote for Issue One. I told my Republican neighbors. I told my Republican family. I said, "Look, this is our chance to work together," which didn't happen, "and get something that's fair for all of us." We deserve so much better than this. We deserve a lot better than what you've given to us. We deserve a lot better from you, senators. That's all I got to say. Thank you.

Senator Gavarone:

Thank you. There may be questions. I wanted to start off by saying the vote that was just taken was to accept the substitute bill as the working document. The bill hasn't been voted on yet.

Tiffany Rumbalski:

That's good to know.

Senator Gavarone:

Are there any questions for members of the Committee? Seeing none? Thank you very much for your testimony.

Tiffany Rumbalski:

Thank you.

Senator Gavarone:

Next to testify is Mia Lewis. Good morning and welcome to Committee.

Mia Lewis:

Good morning. Thank you. Thank you, Chair Gavarone, Vice- chair O'Brien, Ranking Member Maharath. My name's Mia Lewis. I'm Associate Director of Common Cause Ohio. Common Cause Ohio has worked on redistricting reform for 40 years. I'm here today to testify in opposition to this amended Senate Bill 258. I did submit testimony yesterday about yesterday's map, but that was yesterday. Today, we're looking at a totally different map, one that no one in Ohio had ever seen before late last night. Well, no one, but a handful of committed, partisan operatives. It's kind of amazing that I was even able to submit testimony in time to make it onto the witness list today at all.

An email was sent out at 9:40 AM yesterday, and luckily I happened to see it soon afterwards. I scrambled to get my testimony in before 10:30 AM to meet the required 24-hour in advance supposition, which I know you have suspended, but that is the regular rule. I hit send at 10:26 AM, with just minutes to spare. I was being careful to comply with the rules and procedures of this committee. If only the sponsor of Senate bill 258 had the same respect for the rules for the constitution and for the people of Ohio, because dropping a new map late in the evening, just hours before a vote with no opportunity or even possibility for in-depth analysis or discussion, that is disrespect, the exact opposite of the process that Ohioans voted for overwhelmingly and made part of the Ohio constitution.

We demanded and won an open, bipartisan, transparent process with meaningful opportunities for public input. So, what's up with that? We are left to wonder, do you want a public and transparent map-making process? Have you read the new rules? Do you care if you're breaking them? What about your oath to uphold the constitution? Does that matter? Has a rigged partisan outcome become so urgent that you feel emboldened to put that ahead of your duty to serve the people of Ohio? It's a

shame. About the new map. I read the press release put out at 8:17 PM yesterday evening, where Senator McColley is quoted as saying the map is the best thing since sliced bread. I'm so glad the Senator is letting us know, less than 24 hours before a vote with no detailed analysis available, that this unknown quantity is perfection itself.

I'm sure, based on everything that's happened in this process, we all feel comfortable leaving the future of Ohio's voting districts in the hands of those who have demonstrated time and time again, they're disdain for the process, the people and the rules. No, I don't have a detailed analysis. I can't have one, but even a quick glance shows that like the previous SB-258, this map divides communities in order to rob them of their ability to elect a representative of their choice. It robs them of their political power and voice in order to ensure a rigged partisan outcome, benefiting those drawing the lines. That's called gerrymandering. Counties, not municipalities, are the building blocks of congressional map- making, established in the Ohio constitution for 10-year maps.

The most populous counties have been unnecessarily divided. Just look at Hamilton County, split into three districts, broken up and paired with Butler, Warren, and Claremont Counties. Do you think that's what the voters of Cincinnati want? Look at Cuyahoga County, again, split into three district. Is Congressional District 14 even contiguous? I need a magnifying glass to tell. It Looks like someone in a west side, Cleveland inner-ring suburb is in the same district as the residents of Conneaut. I'm sure the map-makers, whoever they are, have demonstrated their slicing and dicing skills throughout Ohio, expertly wielding the knife to abide by some of the rules in the Ohio constitution while still dividing communities in order to deprive them of their political power and voice and ensure a rigged outcome.

This map is being touted as the most competitive. If your measure is a competition that falls within 10 points, well, that's true, but let's look a little deeper. For a district to be truly competitive, it has to fall into a much narrower split. I'm sure when the dust has settled, we'll find that most of the competitive districts that lean R do so within a safe margin. I'll bet that the competitive districts that lean D do so by just a sliver. The bait and switch of having hearings on one map and then switching to a new version without bipartisan debate and deliberation over district lines-

Speaker 3:

15 seconds.

Mia Lewis:

... violates the spirit and letter of the Ohio constitution. This move demonstrates the reason we wanted the new rules in the first place. It's simply too powerful a temptation to tilt the scales in your own favor when you have the power to do so. I urge everyone to vote No on this bill and any other gerrymandered district voting bill. Thank you.

Senator Gavarone:

Thank you for your testimony. Are there questions for members of the Committee? Seeing none, thank you very much.

Mia Lewis:

Thank you.

Senator Gavarone:

Next to testify, we have Trevor Martin. Good morning. Welcome to Committee.

Trevor Martin:

Good morning. Thank you Chair Gavarone, Committee members. You know, I really don't know what to say, and I have no idea what I'm looking at. So, it's basically five minutes of me complaining and telling you how disappointed I am, again. Once again, it's like, you don't even hear us. It's infuriating. We've come in again and again, and again, asking for some openness, some transparency. Sometime, we've been arguing over, well, the Committee has been discussing different things about what the good people of Ohio had voted on in 2018, whether we wanted fairness or whatever we wanted competitiveness, but one thing that we can be sure of, every single one of you can be sure of, it's in the bill texts.

All right. We know every, over 75% of the folks who voted a majority of every single one of your districts, voted in favor of this bill and in the text, in it reads, in the text that we want a transparent and public process. It's right there. Right at the beginning. Open, public, transparent process, two public hearings on any proposed map in the Joint Committee, so, I mean, this is a new map. This is, it looks nothing like the old 258. It's completely different. This is a completely different map, and we can't even really get into the specifics. Again, we got this map at last night. We got notification 9:40 AM yesterday.

Again, less than an hour to prepare testimony and submit that, and what general guidelines, and then you don't even know what's on your website. You said, "Oh, we released the shape files." No, you didn't. No, you didn't. We have no idea what we're looking at. We're looking at a mess, is what we're looking at. I mean, a PDF file doesn't tell you anything. All right. This doesn't, this ... I mean, all you could do, all this does is give you the eye test and it fails that. I mean, look at District Five. There's no reason, right here ... Mercer, Wood, Lorraine, all in the same county. I mean, that's, you arguing about compactness? I mean, there's nothing compact about that.

Your competitiveness, again, we see, again, I sat last night and I eyeballed this map, and sat down with [inaudible 01:01:41], and I have no, ... I got a, maybe a good idea. District 10 might look, pretty decent to me because I, like I said, I done a lot of community mapping with folks and I hear a lot of folks that want Montgomery County with Springfield. Oh, maybe that looks good. I have no idea though what the partisan lean is, what the minority representation is, in that district. Again, going back to competitiveness, the reason why a lot of these districts are so competitive is like for some, well, we know the reason. You take urban centers, and instead of keeping them with the county that they're in, with the suburbs that surround them, you drag the district all the way out into rural Ohio and to specifically dilute those urban and minority votes.

That's the only reason, the only reason that that could be .. It makes no sense. That's the only reason it could be done and right in our faces. I mean, I did a bunch of mapping sessions with folks right here in like Northern Hamilton, North College Hill, College Hill, Mount Healthy. I know damned well they don't want to be with dark up there. I mean, they want to be with Cincinnati. There's no reason for another-

Speaker 3:

15 seconds.

Trevor Martin:

... for District One to go outside of Hamilton County other than to dilute votes, and this is the exact opposite of what the people of Ohio voted for, and I encourage every single one of you to vote in opposition of this map. But I hope that God Democrats don't vote for any of these maps. I mean-

Senator Gavarone:

Thank you very much for your testimony.

Trevor Martin:

Yeah.

Senator Gavarone:

I would like to point out that we did suspend the rules on having testimony in 24 and [inaudible 01:03:31] hours in advance for this hearing.

Trevor Martin:

Well, how can folks still come in and testify? Like you think I could tell my boss like, "Hey, I'm going to testify tomorrow. I can't come in." You know?

Senator Gavarone:

Well, we had the Committee notice out in the required time.

Trevor Martin:

It's not enough.

Senator Gavarone:

Is there any question from members of the committee? Yes. Senator Cirino.

Senator Cirino:

Yes. Thank you. Thank you, Chair. Mr. Martin. So, you chose not to address your submitted testimony, right?

Trevor Martin:

You know what? I had, I wasn't even home when I got that message. I got home. I had 15 minutes. I-

PART 2 OF 4 ENDS [01:04:04]

Speaker 4:

I wasn't even home when I got that message. I got home, I had 15 minutes. I submitted a fact sheet, a paper on prison gerrymandering. It's from, I don't know, over a decade ago. These issues are compiling and pardon me, Chair Gaveron keeps going on about one person, one vote. No one's ever addressed, I've heard about prison gerrymandering. Right now the current district 15 has over 14,500 inmates in that district alone that do not reside in that district. They go home to another zip code. And you're talking about one person, one vote. That's just not true.

Sen. Jerry Cirino:

Chair, if I might, I asked the witness to just question. You chose not to-

Speaker 4:

I chose not to. Yes.

Sen. Jerry Cirino:

Go over your testimony. That was not an opportunity to go over your testimony now that since your time has expired, but I did have just one question. You made the comment that the current map that we have before us is completely different from the map of last week.

Speaker 4:

Yes.

Sen. Jerry Cirino:

Nothing like it, completely different, doesn't even resemble it. So now that you're looking at this map, are you telling me that you literally see nothing that is improved in this map versus last week's map?

Speaker 4:

I did not say that. Again, and I think-

Sen. Jerry Cirino:

Well, then I'd like to know what improvements you see.

Speaker 4:

Well, I don't know. I don't know what I'm looking at.

Sen. Jerry Cirino:

I'm sorry, Chair.

Madam Chair:

Please direct your answer to the Chair.

Speaker 4:

Through the chair to the Senator. Good Senator, I don't know what the hell I'm looking at.

Sen. Jerry Cirino:

Okay. Then I guess Madam Chair, I guess your comments are not relevant since you don't know what you're looking at. So thank you.

Speaker 4:

Thank you.

Madam Chair:

Thank you. And we'll need to take a brief recess so that Senator Cosey, Senator Maharath, and I can go to rules and reference committee. We'll be re adjourning 15 minutes, more or less. The Elections

Committee will reconvene. Next to testify, we have Zach McCune. Is there a Zach McCune here? Okay. Next to testify, we have Michael Ahern.

Michael Ahern:

I always have to find my reading glasses.

Madam Chair:

Good morning. Welcome to committee.

Michael Ahern:

Good morning members of the Senate and local government and elections committee. My name is Michael Ahern. I live in Black Lick. I am registered as an unaffiliated voter and I have been to all two of the legislative hearings related to redistricting and all, but three of the redistricting commission. I'm here this morning as an opponent to amended Senate Bill 258, even in its revisions. Throughout history, small groups of men, mostly white men, have politically carved up land to ensure control over the greater mass of people they ruled over. From kings and their courts to the allied powers that carved up Europe after World War I, and the Middle East after World War II, this map and its counterpart in the House follow in this tradition. A handful of white men carving up Ohio in order to maintain power, diluting the voting power of minority communities in the Cincinnati area, packing registered voters of the democratic party and those who naturally reside in democratic leaning communities like Franklin County into districts politically authored to ensure continued dominance of the Republican party.

This is not what our founding fathers envisioned. It is what they fought against. The tyranny of King George and his court has been replaced by the tyranny of a few partisan actors who are choosing their voters through this process, rather than as the Constitution court precedents and American ideals demand, one person, one vote the voice of the people through true representative democracy. Anyone on this committee who votes to approve amended Senate bill 258 actively mocks their title as a legislator in this body. The map embodied by amended Senate bill 258 is a gerrymandered map drawn by a gerrymandered state legislature to ensure that the Republican party maintains power at the state house and in the battle to control the US House of Representatives.

In this case, this map was drawn as directed by two white men from the same area of the state who hold the two most powerful positions in the legislature. Rather than looking to ensure Ohio communities are fairly represented as demanded by the 2018 redistricting reforms, this map seeks overwhelmingly to represent political power, the power of the Republican party in Ohio. This, to the detriment of my community, my family, and for some relegating them to taxation without true representation. George Washington, the legitimate icon of all the hopes of representative democracy that the United States Constitution embodies stated in his farewell address on September 19th, 1796.

And I quote however political parties may now and then answer popular ends, they're likely in the course of time and things to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reigns of government, destroying afterwards, the very engines which have lifted them to unjust dominion. With passage of this map, you will have achieved the prescient words of George Washington and consigned yourselves to the long list of cunning, ambitious, and unprincipled people in power.

My only hope as an unaffiliated voter who has voted for Republicans and Democrats in the past is now to rely on the fidelity of the Ohio Supreme Court to their constitutional obligation to strike down the final version of the map that you are considering in this committee. Members of this committee and

the companion house committee who vote for a final, heavily gerrymandered version of this map will forever be known as weak people with weak ideas who cheated because they could usurp for themselves the rein of government. And just as a final word, hanging down in the museum is this phrase, all political power is inherent in the people. If you pass such a gerrymandered map, that should come down in the state house museum. Thank you. I'd be happy to answer any questions.

Madam Chair:

Thank you for your testimony. Are there any questions from members of the committee? Seeing none, thank you very much.

Michael Ahern:

Thank you.

Madam Chair:

Next to testify. We have Andrea Yagoda.

Andrea Yagoda:

Chair Gaveron, Vice Chair O'Brien, Ranking Member Harris, I'm here today to oppose amended Senate bill 258. Yesterday, I attended a public meeting at the Delaware County Board of Elections wherein they were considering whether to approve or exclude absentee and provisional ballots, which presented with problems. I was truly impressed with the efforts of the board to try and resolve these problems to ensure every vote counts. I wish the Republicans in the Ohio General Assembly had the same mission, but Senate bill 258 as amended is the total antithesis of such a goal. For the first time this morning, the Republicans are now claiming unduly is based on our federal elections, but the Senator failed to disclose what the breakdown was. What is he claiming the percentages of Dems versus Republicans in the data that he utilized? My district four, which contains Delaware and Union County are two of the fastest growing counties in the state.

And some of them, they may even be the fastest growing in the country. And yet they're spread out over 70 miles to include Allen, [inaudible 01:34:17], Shelby, Harden, et cetera. Why? To dilute our vote. Because the fastest growing counties, our demographics are changing, republicans don't like that, so they put us in with rural counties. District 15 kind of makes almost a donut out of district three. District one dealing with Hamilton county, district 11 dealing with Cuyahoga County clearly show this is a gerrymandered map. Republicans are keen on crying election fraud, even when it merely appears they may lose an election. Well, in my opinion, Senate bill 258 constitutes election fraud.

It's fraud to claim that Senate bill 258 as amended reflects the testimonies of all these individuals that came in over the last few weeks. It's fraud to claim it reflects the demands of the Ohio electorate, 1,178,468 of us who voted and demanded fair maps, reflective of our voting patterns, a transparent process, and an end to gerrymandering. It's fraud to claim Senate bill 258 is some sort of compromise to the maps submitted by the Democrats. It's fraud to crack and pack to dilute our votes and our voices. We are tired of being silenced. It's fraud to even think Senate bill 258 will encourage and further democracy. It's fraud to claim equal population equals one man, one vote when we're cracked and we're packed and now votes do not have the same effect as the Republican vote. Senate bill 258 is akin to striking all democratic voters from the roles-

PART 3 OF 4 ENDS [01:36:04]

Andrea Yagoda:

... 58 is akin to striking all democratic voters from the roles. Why ley us vote at all if our votes will not count? Yesterday, at the board of elections, I had a conversation with a 10 year poll worker who now will no longer work the polls. She's given notice. Because why should she, when her vote is suppressed and not counted, why should she help Republicans vote? You're going to see a decrease of Democrats willing to help you when you gerrymander us like this. This bill gives 1,178,468 Ohioans the finger and tells us you don't give a damn about what we voted for. You don't care what we have to say. I am asking you not to give us what I call "The F U four year map." Do what's right. Do your job. Do how we voted. We voted. We demanded. You are elected officials. You are supposed to follow the voters. Thank you.

Senator Gavarone:

Thank you for your testimony. Are there any questions? Seeing none. Thank you very much. Next to testify, we have Julia Catanio. Welcome to committee.

Julia Catanio:

Hi. Thank you, Chair, and members of the Senate Committee. Once again, I'd like to thank you for allowing me to testify today. My name is Julia Catanio. I live in Columbus, Ohio, and have family members in Toledo, Dayton, Cincinnati, as well as other communities in this state. Family is the main reason I moved back to Ohio from Pennsylvania. Family is also the reason a fair map with fair districts without gerrymandering is so important to me. The second is that I believe in the Republic of America and our democratic process. Actually, I'm extremely passionate about it. Ohioans demand fair maps, and we've talked about what is fair. Is it community? Is it balance? Basically, it's our votes need to count and each vote needs to count.

My testimony, as everybody's here, I think, is totally torn apart due to the fact that the new map came out. But anyway, after reviewing the map, I strongly oppose Senate Bill 258, and I also am very upset with the lack of transparency and the fact that this came out when it did. I prepare for each time I've come to testify. I look at the maps, I go through it. I look at all the different parts, because I don't want to waste your time. I know time is precious. I've mentioned it, time and energy before is very precious, our time balance so that we can have time with family and other things that we do. This is your job. This is not my job.

Anyway, in reviewing the maps, I did not review other fair maps that may have been presented by individuals with no political party loyalties. I hope you have taken those into consideration. Because it looks like where we're headed is down the same path, and I'm extremely disappointed, that we're going to go to court. I feel it's a waste of tax dollars. It's disappointing, because like I said, I have a strong belief and democracy and the people that we voted for. And I believe that when you take on this position of service... Should I wait?

Senator Gavarone:

Go ahead.

Julia Catanio:

When you take on this position of service, it is a service that you're doing and it should be done with integrity and it should be done following your oath. The new SB 258 is gerrymandering and a deliberate effect to limit invested representation by dividing up communities. This makes me wonder if the lack of transparency and difficulty getting information is also deliberate. You have one more chance to give me

hope, and that would be to vote no on Senate Bill 258. I ask you to please show you have integrity, honest and respect for the Ohio Constitution and Ohioans, to respect we, the people, and not we, the party. Do not settle for anything less than a fair, representative map. And thank you again for this opportunity, and I hope you don't disappoint. I don't think that you will. I have confidence. Any questions?

Senator Gavarone:

Thank you for your testimony. Are there any questions for members of the committee? Seeing none. Thank you very much.

Julia Catanio:

Thank you.

Senator Gavarone:

Next to testify, we have Katie Shanahan.

Katie Shanahan:

Good afternoon, Chairwoman Gavarone and Ranking Member Maharath. My name's Katie Shanahan. I'm the Ohio state director for All on the Line. And I'm also here as a proud member of the Equal District's Coalition, which is a coalition of more than 30 dominant labor advocacy and civil rights organizations. We are here for a serendipitously timed lobby day at the State House with so many of our advocates, many of whom were here earlier before going to head out to meet with others of your colleagues ahead of today's votes in this week's vote on final maps. And we hadn't initially planned for our lobby day to be on the same week as the final votes, and I just feel like it would be helpful perhaps for me to share the remarks that I shared this morning at our press conference about why we're here today and with a final plea that you all do the right thing and deliver for Ohioans.

When Ohio wins went to the ballot in 2018, we sent a clear message on redistricting. We wanted an open, transparent process and a fair congressional map. I'll repeat testimony that I've given previously, that to us, a fair map is one that actually reflects how we vote, that keeps our communities together in sensible, representative districts, and that importantly empowers communities of color with new and real pathways to political representation. Unfortunately, the Republicans have throughout the entirety of this process sent Ohioans a much different message, that you don't care. You don't care about our reform measure, you don't care about our constitution, and you certainly don't care about our democracy.

When redistricting map, jurors are faced with a clear choice, to either preserve their own political power or to preserve our democracy. The Republicans, with Sub Bill 258, have clearly chosen to preserve, and actually add to, their political power, and to relegate Ohio, probably not to a decade, maybe just four years, under an even more gerrymandered congressional map than the one that we have now, and one where we voters are shut out of the political process and where our communities are denied any real say in who represents us. Your proposed map, which would at best be a 12-3 map, but at worst, a 13-2 map, released publicly just 14 hours before its first scheduled vote hearing, and without any of the underlying data to provide us the ability to thoroughly analyze its impacts on our communities is an insult and a clear showing that you, as Republicans, have never entered this redistricting conversation in good faith.

It should be our collective driving purpose to ensure that all Ohioans, from Lake Erie to the Ohio River, from Dayton to Marietta, and from Napoleon to Portsmouth, stand on equal footing in our ability to elect representatives of our choosing. That's what we demanded in our reform. It's what we've continued to demand throughout the entirety of this redistricting process. How shameful that you all have and continue to ignore us. But no matter what happens this week with the final votes, our fight for fair maps marches on, and we will continue advocating for a future and a democracy in Ohio that works for, and actually serves, all of us. We will not stop until we win on redistricting and until you all stop cheating us out of the fair process and the maps that we deserve. Thank you.

Senator Gavarone:

Thank you for your testimony. Other questions from members of the committee? Yes, Senator Cirino.

Sen. Jerry Cirino:

Thank you, Chair Gavarone. Just a quick comment, really. So in several of the testimonies that we have heard, and in yours as well, the Senate has been, or not maybe all of us, but some of us have been accused of not acting in good faith, giving Ohioans the finger, disregarding a constitution, disregarding the democracy that we live in, and you just called us cheaters. So I just want to comment that I find that a unique method of persuasion on the part of those who are opposing this bill, and it will have the effect that you probably intend. Thank you, Madam Chair.

Katie Shanahan:

May I respond?

Senator Gavarone:

You may respond.

Katie Shanahan:

To the Chair, to the Senator, with all due respect, you all have shown us quite clearly that it doesn't actually matter what any of us have to say, no matter how polite we are or how stern we are in our pleas. As voters, Ohioans, not just Democrats, Ohioans across the political spectrum, including your own leader, President Huffman, came out and over what only supported a ballot reform measure that demanded fair maps. And the first thing that you all did was propose a 13 to two map that would give your party nearly 90% of our congressional delegation. That is a showing of bad faith. You cannot argue with a straight face that that showing respect to a congressional redistricting process that Ohioans demanded be better than what we saw 10 years ago. Your map was drawn in a bunker, behind closed doors.

It was released hours before it's going to be voted on. It's already been [inaudible 01:47:12] for a vote in the other chamber, in the House, sending a very clear message that it doesn't matter what any of us have to say. You all are on one mission, and that mission is to preserve your own political power over the interest of Ohio and our democracy. So you're right. A lot of what you're hearing today is exasperation, it's frustration, and it's righteous anger that we have to stand here and beg you to care enough about our democracy to do the right thing and deliver on your campaign promises to give us a fair map and a fair redistricting process.

Sen. Jerry Cirino:

Thank you.

Senator Gavarone:

Are there any further questions? Excuse me. We have a witness here testifying. Are there any further questions? Seeing none. Thank you very much for your testimony. I'm sorry. Next.

Speaker 5:

[inaudible 01:48:15].

Senator Gavarone:

We are going to go with the next witness, which is Jen Miller. And welcome to Committee.

Jen Miller:

Thank you. Thank you so much, Chair Gavarone, and esteemed Committee. I am still pulling together my analysis, but I wanted to make a couple points. Again, I'm the director of the Legal Women Voters of Ohio. We have been fighting for fair maps for the people of Ohio since the '70s, both against maps that are rigged for both Democrats and Republicans, and in court cases, have fought partisan gerrymandering that would benefit both parties, though it gerrymandering always harms voters. A couple things. First, I just wanted to mention, Chair Gavarone, I do appreciate that you are trying to help the general public understand the legislative process. I would like to demystify a little bit of the map making process, which is that a PDF means nothing. You cannot, under any circumstance, really analyze a PDF. The shape files were not provided to the public, or my understanding, even the minority party, until right before this hearing started, minutes before this hearing started. I did not get them until I was sitting in this room.

And so this appears to be a new map. Yes, it's an amended bill, but it appears to be a new map, so I'm going to ask for more hearings. I, like everyone else, would really like to get to my Thanksgiving. But you know what I want more? I want fair maps for the people, and I want a process that really honors and respects the people, so I'm going to ask for more time on this. A couple things that I think are interesting. Again, competition is not, is not in the constitution. But when I look at Substitute 258, it's actually less competitive than the original. So the only way that you can say it's more competitive is if you do some funky stuff with the indexing. But if you use the same numbers that we've been using in Dave's redistricting, the original SB 258 scored a 52 out of 100. The updated scores a 41.

So again, that is not a requirement of the Ohio Constitution, but I wanted to point that out there. It's interesting that there's this idea to change indexing. First off, you may or may not remember that earlier this year, I was complaining that there was no hearings on indexing. So 10 years ago, even when we didn't have constitutional requirements and a mandate from the people to be transparent, we actually had hearings about what races would be considered for political indexing. This time, that was done completely behind closed doors, and what races you pick really determines how you understand the map. Including 2012 results, but not 2014 is going to make the map look like it's better than previous versions, just because 2012 was probably the strongest year for Democrats, with both Obama and Sherrod Brown winning the state, but excluding 2014, which was a very strong year, and probably the strongest year for Republicans.

So I'm not into too much detail, because I can't, and I think it's interesting that Senator Cirino was pushing back on another person testifying, saying that maybe their testimony wasn't that helpful. Bottom line is we can't be helpful when we don't actually have shape files in time to analyze for these

hearings. And so what I can say is that this map does not appear to be more fair. It appears to have all kinds of weird squiggly splits designed for partisan outcome only. And bottom line, if this is going to be our starting point, then let's have the time to look at it district by district, line by line, because it's not just about... It does matter how the entire map performs statistically when it comes to splits and partisan lean and all that, but it also matters in terms of each district and how compact that is and how easy or hard it is for a Congressperson to represent those voters. And with that, I thank you for your time.

Senator Gavarone:

Thank you for your testimony. Are there questions? Yes, Senator Maharath.

Senator Maharath:

Thank you, Chair, and thank you, Jen, for once again providing us some insight into your perspectives on the updated maps. I appreciate your willingness to come in. I understand you're frustrated with the process and the information that's being relayed in the delayed matter, but I do appreciate still attempting to analyze the data. So with what information you were able to analyze, I understand that the Sub Bill sponsor had indicated that racial data was not any factor in these maps. Can you provide some insight of why it should be? Because it looks like for Hamilton County, it looks like there's heavy racial gerrymandering going in, but I just want to get your professional perspective on if there should be some racial data put into perspective on these new maps.

Jen Miller:

Yeah. So there should be... Oh, I'm sorry. Thank you, Chair. Thank you, Senator. Yeah, we should be doing racially polarized voting analysis. This idea that we can't consider race when we're making congressional maps is a convenient excuse. Bottom line is we should be doing racially polarized voting analysis, which actually look at all of the three Cs and look at if the Voting Rights Act would be triggered, and if so, then how to comply. And so I do have a concern that the state isn't doing that. But the bigger concern I would argue is that this body has refused to invite experts on the voting rights act or minority representation to even be part of this process. We are, as a state, so behind in this entire process. Hearing should have started in January, February, March, where we could be talking about... Come to a common understanding of how it is best practices for minority representation as well as overall compliance with the federal law.

Senator Maharath:

Thank you.

Senator Gavarone:

Are there any further questions? Yes, Senator Cirino.

Sen. Jerry Cirino:

Thank you, Chair Gavarone. Just a quick question. In response to Senator Maharath's question, you said that not looking at the racial data was a convenient excuse. A convenient excuse for what?

Jen Miller:

Thank you, Chair. Thank you, Senator Cirino. I'm saying that this claim that you shouldn't look at racial data, that's a convenient excuse for really not considering best practices, and probably a convenient excuse for gerrymandering and for actually splitting and cracking and packing communities of color. So the bottom line is we, as a state, should be doing racially... We should bring in voting rights experts to do the analysis that should be done called racially polarized voting analysis. And that would help us know if we are really in compliance with Voting Rights Act or not. It also would help us know if we are maximizing the opportunity for minority communities to elect people of their choice.

Senator Gavarone:

Thank you. Any further questions? Seeing none. Thank you very much.

Jen Miller:

Thank you.

Senator Gavarone:

Next to testify is Deidre Reese.

Diedre Reese:

Thank you, Madam Chair, and members of the Committee. I am here on behalf of the Ohio Unity Coalition, National Coalition on Black Civic Participation, and I really was not going to testify because I did not feel that I had time to analyze with a new bill coming out. But as I sat and I listened, my heart just felt compelled to get up anyway. The coalition is a group of many organizations from across the state that primarily represent African Americans, but we have other members who are involved as well, churches, civic organizations, civil rights organizations, just a lot of people who really care about making certain that we engage Black folks primarily, brown folks, so that they understand their right to participate in the electoral process and that they understand how to build power. So we have worked hard for years in the state for people to understand that their power is in their vote.

And what we have been witnessing through this process is really feeling like our voice and our vote doesn't matter. When we were in the process for developing the legislative maps, I listened to a staff person get up and say just what we were just talking about when Jen was up, that they did not consider race as they were developing the maps. And if I could respond to what was said before, we should consider race, not because it's a primary reason, but to protect the state for making certain that we do not violate the Voting Rights Act. It is very important. We have had states who have been dinged very heavily and hard. And I stand here before you as a person who had a family member who was lynched after the Voting Rights Act was passed because they went to vote. It's real. Maybe that's not happening in 2021, but that's in my personal family history. That's a horrible thing.

When we are passing laws and we are setting policy that diminish people's right to vote and it's happening when you are cracking their districts, you are telling them that their voice doesn't matter. When we had millions of people, over a million people go out and vote to say, "We want a process that's open, fair, transparent," that gives them an opportunity to come and engage, and we put out a map less than 24 hours for people to actually analyze, digest, we don't have the data to actually look at. I care about this stuff. I'm watching it, I'm paying attention, but I didn't have a chance to analyze it and look at it. I'm sitting here because I have a good friend... I used to work here. I sat here. I staffed, right here in this building. So I have access to what probably other people sitting in this room don't have access to.

And I'm looking here at Hamilton County and I see what is happening with the split with the African American community in Hamilton County. Now, I was already taken aback with the fact that Hamilton County was split into three different districts and I'm going, "Hmm, why is it that you've got three counties?" I'm sorry. The district was split into three different counties. I'm going, "How is that happening?" But in Hamilton County alone, you've got the African American community split three different ways. That's diluting their voice and their power. So how can I go out as Unity Coalition and encourage these people to get involved and engaged. It's kind of like the child that goes to their parent, they know, mom's going to give me everything I want, so I don't have to pay attention to dad. What if that happens with the legislature?

So you've got somebody. You've got this county and 17 other counties included. How are they going to represent them well? They don't always understand their interests. They don't have common interests. So we got to make certain that we're paying attention to those things. But you got to make certain this is a representative government. And we said, we want a better system in terms of how we develop our districting system. And you all are here to represent us. And we've been coming in here by the hundreds, talking to you hour after hour after hour. And what we're hearing from you by your actions, by your deeds is that you're really not hearing us. You're really not paying attention to us, because you're giving us nothing in return, minimal things. And then even when questions are asked of the witnesses, it's almost like a gotcha thing.

You don't see anything different in the map. I barely can tell you if there's anything different. I don't have any data. You didn't give me a chance. Of course, there are some things that are the same, but it's not enough. If I look at a map and I see a donut, that's a problem. Please listen, please care. We want this right. That's what we asked for. Good faith. That's all we-

Senator Gavarone:

10 seconds.

Diedre Reese:

Please, please, I'm begging you, I'm imploring you, represent us and not your party. It's the people, not the party. Thank you.

Senator Gavarone:

Thank you very much for your testimony. Are there any questions from the committee?

Sen. Jerry Cirino:

Just a quick question.

Senator Gavarone:

Yes, Senator Cirino.

Sen. Jerry Cirino:

Thank you, Chair Gavarone, and this is not a gotcha question. It's a legitimate question, as all of mine have been. You mentioned that this bill would diminish the right to vote in Ohio. And I'm curious to know why you think that this map or any map diminishes the right to vote. Technically, this is apportionment here. This is not about voting rights. And Ohio has had a tremendous growth in turnout

of voters and systems in place to help everybody gets a vote, and everybody should have a vote. So I just want to clarify your statement, that the right to vote is diminished by this bill,

Diedre Reese:

Madam Chairman, Senator, that was probably a misstatement. I'm passionate. However, everything is impacted by redistricting, because how we district impacts who gets elected. And there are people sitting in this chamber and your companion chamber that actually have introduced legislation that would create barriers. And if you continue this trend of extreme districting that will allow extreme people will to be elected, that right could be taken away. And if you look across the nation, there are bills all over the place that are diminishing the right to vote. So that could happen, but I probably did misspeak in my statement.

Sen. Jerry Cirino:

Thank you for clarifying. Thank you, Madam Chair.

Senator Gavarone:

Thank you. Are there any further questions? Thank you very much for your testimony. I'd like to see if Zach McCume is here to testify. Okay. Members, please also note the written only testimonies you have on your iPads. What is the pleasure of the committee? The chair recognize Senator O'Brien to make a motion.

Senator O'Brien:

Chair, I move that we favorably report Senate Bill 258 to the committee on rules in reference and leave the role open at the discretion of the Chair.

Senator Gavarone:

Is there any discussion? Okay. I want to thank everyone for their comments. The proposal before you today is a culmination of a lot of work, time, and opinions. This committee has held five hearings on the topic and heard hours of testimony from numerous witnesses. I co-chaired the joint committee on congressional redistricting, and there we heard additional testimony from the public during those two hearings.

Some people may not agree with the work this committee has produced, but I think it's clear that the testimony from the countless Ohioans has had an impact, and the system the voters approved in 2018 was a success. Before we proceed, I'd like to thank our hardworking staff, including Lexi and Maggie, Nick, and Isaac for manning the timer during these meetings. I'd like to thank both the members' offices, the [inaudible 02:04:59] staff that's worked many hours on this process, and our respective caucuses, the LSC for their efforts, and all their work during these hearings. I'd also like to thank members of my committee, both Republicans and Democrats, for their work and thoughtful consideration of the work that we were tasked to do on behalf of Ohioans. I'd also like to point out the work by Senator McAuley. As you can imagine, this was a massive undertaking, and I think he did a really great job.

I'd like to thank all Ohioans who participated and made the process better, as well as our amazing Sergeant at Arms and Highway Patrol for their role in the committee hearings. The map before us today is drastically different than the first version of Senate Bill 258 that was presented to this

committee, and that's because of the efforts for many of you today. The result of this map will be fair in competitive districts across the state of Ohio. That being said, will the Clerk please call the role?

Clerk:
Chair Gavarone.

Senator Gavarone:
Yes.

Clerk:
Vice Chair O'Brien.

Senator O'Brien:
Yes.

Clerk:
Senator Mannon.

Senator Mannon:
Yes.

Clerk:
Senator Cirino?

Sen. Jerry Cirino:
Yeah.

Clerk:
Senator Coomsey.

Senator Coomsey:
Yes.

Clerk:
Ranking Member Maharath.

Senator Maharath:
No.

Clerk:
Senator Sikes.

Senator Sikes:

No.

Senator Gavarone:

With a five to two vote, Senate Bill 258 is reported to the committee on rules and reference. All members, please make sure that you sign the role. And that concludes the fifth hearing on Senate Bill 258. Is there any further business before the committee? Seeing none, we are adjourned.

PART 4 OF 4 ENDS [02:06:32]

Exhibit 32

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Section 2. That section 3521.01 of the Revised Code is hereby repealed.

Section 3. Concerning the congressional district plan described in sections 3521.01 to 3521.0115 of the Revised Code, as enacted by this act, the General Assembly finds as follows:

(A) The congressional district plan does not unduly favor or disfavor a political party or its incumbents. The plan contains six Republican-leaning districts, two Democratic-leaning districts, and seven competitive districts. The number of competitive districts in the plan significantly exceeds the number of competitive districts contained in the congressional district plan described in the version of section 3521.01 of the Revised Code that was in effect immediately before the effective date of this section. Two incumbents expected to seek office

again, both Republican, are paired in one district in the plan described in sections 3521.01 to 3521.0115 of the Revised Code, as enacted by this act. No other incumbent, either Republican or Democratic, expected to seek office again, is paired with another incumbent in a congressional district in this plan.

(B) The congressional district plan does not unduly split governmental units and gives preference to keeping whole, in the order named, counties, then townships and municipal corporations. The plan splits only twelve counties and only fourteen townships and municipal corporations. The congressional district plan described in the version of section 3521.01 of the Revised Code that was in effect immediately before the effective date of this section split twenty-three counties and over thirty townships and municipal corporations.

(C) A visual inspection of the congressional district plan demonstrates that it draws districts that are compact, particularly when visually compared to the congressional district plan described in the version of section 3521.01 of the Revised Code that was in effect immediately before the effective date of this section.

Section 4. Both of the following apply to the primary election to be held on the first Tuesday after the first Monday in May in the year 2022:

(A) Notwithstanding section 3513.05 or 3513.041 or any other provision of the Revised Code to the contrary, to be eligible to appear as a candidate for nomination, or to receive votes as a write-in candidate, for the office of a member of the United States House of Representatives at the 2022 primary election, a person shall file the applicable declaration of candidacy, declaration of candidacy and petition, nominating

petition, or declaration to be a write-in candidate not later than four p.m. on the sixtieth day before the day of that election in the manner specified under Title XXXV of the Revised Code. The Secretary of State shall adjust any applicable deadlines for petition verification, challenges to petitions, and ballot certification as the Secretary of State determines necessary to accommodate the shorter timeframe for filing for these candidates so as to ensure that ballots are prepared and made available in the times and manner required under Title XXXV of the Revised Code and federal election law.

(B) Any declaration of candidacy, declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate filed by a person seeking nomination for the office of a member of the United States House of Representatives that is filed for the 2022 primary election before the effective date of this section is null and void. The Secretary of State or applicable board of elections promptly shall refund any filing fee paid by a person who filed such a declaration or petition. A person whose declaration is nullified and voided under this section who files again, after the effective date of this section, to become a candidate for nomination, or to receive votes as a write-in candidate, to the office of a member of the United States House of Representatives is not disqualified as a candidate under section 3513.052 of the Revised Code, and if the person otherwise qualifies as a candidate, shall be placed on the ballot for nomination for that office at that election.

Exhibit 33

President Huffman:

The Senate will come to order. We invite our guests to please rise, as we open with prayer. We will be led in prayer by State Senator Kristina Roegner, followed by the Pledge of Allegiance to the Flag and the Republic. Senator.

Senator Kristina Roegner:

Thank you. In the Book of Isaiah 41:10, we read, "So do not fear, for I am with you. Do not be dismayed, for I am your God. I will strengthen you. I will help you. I will uphold you with my righteous right hand." Please bow your heads and pray with me. Heavenly Father, Lord, you are such an awesome God. You're a mighty God, Lord, and you comfort us with these words that we find in your scripture. Lord, today, I pray that we will settle our hearts and you'll clear our minds, Father, as we deliberate and consider the things that you've put before us today.

Senator Kristina Roegner:

Father, I pray that you would grant us wisdom. Lord, I pray a blessing upon every member of the Senate here today, all of our staff, and all those that are gathered in attendance. Thank you, Lord Jesus. We long for the day when our faith becomes sight, when we are in your kingdom, and you are on the throne. And in the name of Jesus Christ, I pray. Amen.

President Huffman:

Amen.

Senate:

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

President Huffman:

Thank you, Senator.

Senator Kristina Roegner:

Thank you.

President Huffman:

The clerk will read the journal of the previous day.

Clerk:

Senate Chamber Columbus, Ohio, Wednesday, November 10th, 1:30 PM. 10 bills were considered at the second time. Three bills were considered at the third time and passed. Two resolutions were offered and adopted. One resolution was offered and referred to committee. On the motion of Senator Hottinger, Senate adjourned until Tuesday, November 16th at 1:30 PM.

President Huffman:

The question is, shall the journal be agreed to? Without objection, the journal is agreed to. Reports of reference and bills for second consideration.

Clerk:

Senator Matt Huffman reports in the Standing Committee on rules and reference recommend the following resolution, stay in order for second consideration, be referred to the committee as recommended and the report is properly signed.

President Huffman:

The question is, shall the report be agreed to? Without objection, the report is agreed to. Reports of standing and select committees. Senator Hackett with the report.

Clerk:

Senator Hackett submitted the following report. The standing committee stewards referred House Bill number 188. Representative Lampton, Cross and others have the same consideration. Reports it back, recommended its passage

President Huffman:

Senator Gavarone with a report.

Clerk:

Senator Gavarone submitted the following report. The standing committee and local government and elections to which is referred Senator Bill 258. Senator McColley under the same consideration reports back a substitute bill and recommends passage, and both reports are properly signed.

President Huffman:

The question is, shall the reports be agreed to? And without objection, the reports are agreed to. Bills for third consideration.

Clerk:

Amended House Bill number 215, Representative Wilkin, Cross, and others to enact the section of their revised could enact the Business Fairness Act.

President Huffman:

The question is, shall the bill pass? The chair recognizes Senator Rulli or Senator Lang. The chair recognizes Senator Lang.

Senator Lang:

Thank you, Mr. President, for allowing me the opportunity to speak to amended House Bill 215, otherwise known as a Business Fairness Act. House Bill 215 is a companion bill to Senate Bill 134, which I introduced and was passed unanimously out of the Senate back in May of this year. This bill is identical to the Senate bill with the exception of it does not contain an emergency clause. This bill is also a key vote by the NFIB, and I'm proud to say that a lot of members of this Senate are small business owners. For some of us, the restrictions were devastating to our business.

Senator Lang:

For some of us, our businesses were allowed to remain open. We flourished and prospered, but for every small business owner in this room, I thank you for your commitment, whether you were able to enjoy the benefits of the restrictions or suffer the consequences to be supportive of this bill. House Bill 215 is fundamental and necessary piece of legislation. It seeks to bolster Ohio's economic recovery, specifically small businesses, which we all know are the backbone of our state's economy. They're also the heart and soul of each one of our districts.

Senator Lang:

Specifically, House Bill 215 permits any business that was required to close or minimize their operations due to state health orders to remain open so long as they can demonstrate their ability to meet safety protocols that were required of businesses that were deemed essential and that were allowed to stay open during the pandemic. I believe each and every business owner in Ohio knows better how to protect their employees and their customers than a bureaucrat in Columbus. Many businesses labeled as non-essential were forced to close because of government orders issued in March of 2020, thereby denying them the opportunity to adjust their health and safety procedures and remain open and operating.

Senator Lang:

And I'm sure we can all attest to in each of our districts some business that was forced to shut down and some that were unable to reopen after the restrictions were lifted. And I always appreciate Senator Roegner's definition of an essential business, any business that the owner or the employees rely on to feed their family. House Bill 215 was passed out of both the House and the Senate committees unanimously, gives small businesses a chance to remain operating under the appropriate guidelines. It ensures the protections and livelihoods for business owners and workers alike.

Senator Lang:

And it signals to our entrepreneurs that we trust them to make the respectful and wise decision to protect their employees, their clientele and communities all while continuing to provide jobs to contribute to the state of economy. Ohio businesses, specifically small businesses, cannot survive another shutdown. I encourage my colleagues to support the passing of House Bill 215. Mr. President, I'd like to thank Chair Rulli for the work that he did on this. I'd like to thank Representatives Wilkin and Cross. I'd like to thank my friend, Senator Sykes for pointing out me how important this bill is to minority and women-owned business as well.

Senator Lang:

And Mr. President, I'd like to thank you for bringing this bill to the floor.

President Huffman:

Thank you, Senator Lang. Chair recognizes Senator Antonio.

Senator Antonio:

Thank you, Mr. President. I rise in support of this bill. We've been here before in supporting the bill and I love on the days when we can all agree. This is one of those areas we start off the day agreeing that the small businesses, especially in our own home communities, not only are the foundation of our sustainability, but as my colleague has already pointed out, they also are the source of sustainability for

the business owners, for the families, especially women-owned businesses, minority-owned businesses, and they took a desperate hit, devastating to communities and to many of the businesses.

Senator Antonio:

And so I stand in support of reaffirming that we all in this room that vote yes on this bill are champions of our small businesses. Thank you.

President Huffman:

Thank you, Senator. The chair recognizes Senator Rulli.

Senator Rulli:

Thank you, Mr. President. I rise in today's support of House Bill 215. And I just want to put a little bit of a personal aspect on this bill. I think in the civilized society in Ohio is that, and this is the Senate floor, I think we need to analyze who got hurt when you picked winners and losers in this pandemic. A lot of small business owners, they got hurt. And I have a couple different scenarios I want to talk to you about of business owners who have reached out to me in the last two years. Landscape companies, shoe repair companies, people that own small theaters that actually have plays in them, bookstores, construction workers, gyms, barbers, florists, local mechanics, sewing shops.

Senator Rulli:

And I'm going to end by a little story of a good friend of mine who owns a restaurant and a couple people in my caucus have heard this story before. One of my friends I went to high school with gives me a call in June in the middle of the night, says he wants to kill himself. He has a restaurant that was forced to close, bank foreclosed on his restaurant, his wife left him, and that day he gets notice in the mail that the banks got a for is on his life, on his, well, it is his life, on his house. So he loses everything like the Book of job because Ohio chose winners and losers.

Senator Rulli:

We have to do better. We never saw this pandemic before, so we're learning. We're on the learning curve and that's what this bill is about. I love seeing bipartisan support for this bill because the small business owners of Ohio are the backbone. I urge the Senate to vote for House Bill 215. Thank you, Mr. President.

President Huffman:

Thank you, Senator. The question is, shall the bill pass? Please call the roll.

Clerk:

Antani.

Senator Antani:

Yes.

Clerk:

Antonio.

Senator Antonio:
Yes.

Clerk:
Blessing.

Senator Blessing:
Yes.

Clerk:
Brenner.

Senator Brenner:
Yes.

Clerk:
Cirino.

Senator Cirino:
Yes.

Clerk:
Craig.

Senator Craig:
Yes.

Clerk:
Dolan.

Senator Dolan:
Yes.

Clerk:
Gavarone.

Senator Gavarone:
Yes.

Clerk:
Hackett.

Senator Hackett:

Yes.

Clerk:
Hoagland.

Senator Hoagland:
Yes.

Clerk:
Hottinger.

Senator Hottinger:
Yes.

Clerk:
Steve Huffman.

Senator Huffman:
Yes.

Clerk:
Johnson.

Senator Johnson:
Yes.

Clerk:
Kunze.

Senator Kunze:
Yes.

Clerk:
Lang.

Senator Lang:
Yes.

Clerk:
Maharath.

Senator Maharath:
Yes.

Clerk:
Manning.

Senator Manning:
Yes.

Clerk:
McColley.

Senator McColley:
Yes.

Clerk:
O'Brien.

Senator O'Brien:
Yes.

Clerk:
Peterson.

Senator Peterson:
Yes.

Clerk:
Reineke.

Senator Reineke:
Yes.

Clerk:
Roegner.

Senator Kristina Roegner:
Yes.

Clerk:
Rulli.

Senator Rulli:
Yes.

Clerk:

Schaffer.

Senator Schaffer:
Yes.

Clerk:
Schuring.

Senator Schuring:
Yes.

Clerk:
Sykes.

Senator Sykes:
Yes.

Clerk:
Thomas.

Senator Thomas:
Yes.

Clerk:
Williams.

Senator Williams:
Yes.

Clerk:
Wilson.

Senator Wilson:
Yes.

Clerk:
Yuko.

Senator Yuko:
Yes.

Clerk:
Matt Huffman.

Senator Huffman:

Yes.

President Huffman:

With 31 yeas and zero nays, the bill is passed and entitled.

Clerk:

A bill to enact the section of the revised code to enact the Business Fairness Act.

President Huffman:

The question is, shall the title be agreed to? Any member who would like to add their name to the title, please do so now. The title is agreed to. Bills for third consideration.

Clerk:

Substitute Senate Bill 210. Senator Gavarone to amend sections of the revised code regarding agreements affecting legal relationships between spouses, domestic violence, protection orders, and dating relationship and courts maintain Social Security numbers, parties and divorce, dissolution, annulment, or spousal support proceedings.

President Huffman:

The question is, shall the bill pass? And the Chair recognizes Senator Gavarone.

Senator Gavarone:

Thank you, Mr. President. I'm excited to have Senate Bill 210 on the floor today, which would allow married couples to enter into a postnuptial agreement or to amend or terminate the terms of a prenuptial agreement. Here in Ohio, a couple can enter into a prenuptial a before they marry, but they can't alter or enter into a postnuptial agreement. They can't make a single change to a prenuptial agreement after that agreement's made. Both of these facts, prevent couples from entering into legal agreements after they marry or modifying one if circumstances change.

Senator Gavarone:

Instead, the only option that exists for a married couple at this point in Ohio to contractually alter their marriage, it's by divorce, dissolution, or legal separation. In life, circumstances change, they change over time and sometimes prenuptial agreements are no longer fair or what the parties want. Couples move, jobs change, children are born and priorities shift. Other states by law understand this fact and grant reasonable flexibility to allow married couples the ability to change their marital agreements.

Senator Gavarone:

Right now, Ohio is one of only four states that do not allow postnuptial agreements and were one of only two, Iowa is the other, that statutorily prohibit postnuptial agreements. Senate Bill 210 would bring Ohio into alignment with the vast majority of other states and give couples much needed flexibility for the sake of their marriages. According to the Ohio State Bar Association, which is in support of the bill, there's a growing demand and necessity for these agreements, including thinking of children from previous marriages or tax law modifications to name a few.

Senator Gavarone:

Senate Bill 210 would directly alleviate these concerns for married couples who want to enter in either of these agreements. Couples could address all the or worries and life changes without the fear of issues arising later that could impact these agreements. Married couples would also have another option to address their marital agreements besides divorce or separation, which can be healthier for them and supportive of their families. Moreover, married couples who wish to move to Ohio can have the confidence that our law will allow to make changes to their prenuptial agreements or enter into postnuptial agreements now.

Senator Gavarone:

The legislation will also give Ohio attorneys the confidence to counsel their clients on these agreements. Importantly, Senate Bill 210 also ensures that any agreement is entered into freely without fraud, duress, coercion, or overreaching, all of which would invalidate the agreement. During the committee process, we also made modifications that came to us from domestic relations judges and the Ohio Judicial Conference. That's going to help protect confidential information and young people. First, we amended the bill to repeal the requirement in code that requires Social Security numbers be included on record of actions for divorces, dissolutions, annulments, or spousal support.

Senator Gavarone:

Current law requiring Social Security numbers on these records contradicts court rules and states that this information should be redacted. The second change closes a gap that prevents judges from granting dating violence protection orders to minors who are dating adults. The scenario often comes up with a teenager who's dating an 18 to 20-year-old and they later need a protection order from the ex. The way the law currently stands, both petitioner and respondent must be adults for a civil protection order to be granted.

Senator Gavarone:

Since the respondent's an adult, the petition cannot be filed in juvenile court either. We fixed this in Senate Bill 210 to close the gap to allow our judges to keep our young people safe. The Ohio State Bar Association and their expert practitioners are supportive of the bill, and so is the Ohio Judicial Conference. No opponents came out during the committee process either and the bill was reported out of the Senate Judiciary Committee with bipartisan support. I'd like to thank Scott Lundregan and Susan Racey from the Ohio State Bar Association for their work on this bill, as well as the Ohio Judicial Conference and domestic relations judges for their input.

Senator Gavarone:

Thank you to members of the Senate Judiciary Committee, Chair Manning, and his staff, Heather and Lexi for their work on getting the bill of the floor. I'd like to thank my staff, Andrew and Theresa for the many hours of work. Mr. President, thank you for bringing Senate Bill 210 to the floor today for a vote, and I urge supported of this bill.

President Huffman:

Thank you, Senator. The question is, shall the bill pass? The clerk will call the roll.

Clerk:

Antani.

Senator Antani:
No.

Clerk:
Antonio.

Senator Antonio:
Yes.

Clerk:
Blessing.

Senator Blessing:
Yes.

Clerk:
Brenner.

Senator Brenner:
Yes.

Clerk:
Cirino.

Senator Cirino:
Yes.

Clerk:
Craig.

Senator Craig:
Yes.

Clerk:
Dolan.

Senator Dolan:
Yes.

Clerk:
Gavarone.

Senator Gavarone:
Yes.

Clerk:
Hackett.

Senator Hackett:
Yes.

Clerk:
Hoagland.

Senator Hoagland:
Yes.

Clerk:
Hottinger.

Senator Hottinger:
Yes.

Clerk:
Steve Huffman.

Senator Huffman:
Yes.

Clerk:
Johnson.

Senator Johnson:
Yes.

Clerk:
Kunze.

Senator Kunze:
Yes.

Clerk:
Lang.

Senator Lang:

Yes.

Clerk:
Maharath.

Senator Maharath:
Yes.

Clerk:
Manning.

Senator Manning:
Yes.

Clerk:
McColley.

Senator McColley:
Yes.

Clerk:
O'Brien.

Senator O'Brien:
Yes.

Clerk:
Peterson.

Senator Peterson:
Yes.

Clerk:
Reineke.

Senator Reineke:
Yes.

Clerk:
Roegner.

Senator Kristina Roegner:
Yes.

Clerk:
Rulli.

Senator Rulli:
Yes.

Clerk:
Schaffer.

Senator Schaffer:
Yes.

Clerk:
Schuring.

Senator Schuring:
Yes.

Clerk:
Sykes.

Senator Sykes:
Yes.

Clerk:
Thomas.

Senator Thomas:
Yes.

Clerk:
Williams.

Senator Williams:
Yes.

Clerk:
Wilson.

Senator Wilson:
Yes.

Clerk:

Yuko.

Senator Yuko:

Yes.

Clerk:

Matt Huffman.

Senator Huffman:

Yes.

President Huffman:

With 30 yeas and one nay, the bill is passed and entitled.

Clerk:

A bill to amend sections other revised code regarding agreements affecting legal relationship between spouses, domestic violence, protection orders and dating relationship and courts maintain Social Security numbers of parties in divorce, dissolution, annulment, or spousal support proceedings.

President Huffman:

The question is, shall the title be agreed to? Any member who would like to add their name to the title, please do so now. The title is agreed to. Bills for third consideration.

Clerk:

Substitute Senate Bill 258. Senator McColley to enact a section of advised code to establish congressional district boundaries for the state based on the 2020 decennial census and to delay certain deadlines related to the 2022 congressional primary election.

President Huffman:

Question is, shall the bill pass? The chair recognizes Senator McColley.

Senator McColley:

Thank you, Mr. President, I rise today in support of substitute Senate Bill 258, which satisfies the General Assembly's obligation under the Ohio Constitution to draw congressional maps for the next period of time, whether it be a four-year or a 10-year period of time. The map before us is a map that we came up with and worked very hard at after considering multiple maps from all the caucuses, both the House and Senate Democrats and the House and Senate Republicans, and coming to an agreement between the chambers, as far as the Republican caucuses are concerned after consulting with each other and consulting with the opinions of the public that were made apparent throughout the hours and hours of testimony on these maps.

Senator McColley:

The map in front of you is not only constitutionally compliant, but is also the most competitive map offered by any caucus to date. It also splits the least counties out of any map that's been introduced in

the Ohio General Assembly, and it keeps Ohio's largest cities whole. And it does so while maintaining compact districts and implementing many of the changes that were asked for throughout testimony on the maps. To start, article 19, section 2B5 is what governs the splitting of counties when we are drawing congressional maps throughout the General Assembly process.

Senator McColley:

In essence, the General Assembly or any other body may split up to 23 counties when drawing their maps, 18 counties may be split once and five counties may be split twice. The map in front of you splits only 12 counties, 10 counties once, two counties twice. The counties that are split once are Clark, Fairfield, Franklin, Holmes, Lorain, Ross, Shelby, Summit, Washington, and Wood, and the counties split twice are Hamilton and Cuyahoga County. Notably, for the first time, since a map was passed, 30 years ago, Lucas County is kept whole in this map.

Senator McColley:

Notably, for the first time, since a map passed 20 years ago, Stark County is kept whole in this map. And the impact on several of Ohio's other large counties has been minimized as well with both Franklin and Summit County having the least splits since the maps were passed 30 years ago. This map also endeavors to comply with article 19, section 2B8 which says that the legislature, the General Assembly, when drawing these maps shall attempt to place an entire county within each district. We've done that with 13 districts on this map.

Senator McColley:

Additionally, as I mentioned before, we are endeavoring to keep Ohio's largest communities whole with exception to the city of Columbus, which must be split as a result of it being larger than the congressional ratio of representation, and with exception to cities that straddle county borders, and therefore do not count as a split under the Ohio Constitution. 98 of Ohio's largest cities are kept whole within this map, 98. In total, only eight townships and six municipalities in the entire map are split.

Senator McColley:

We did this to comply with article 19, section 1C3B that requirement that the General Assembly-

PART 1 OF 4 ENDS [00:21:04]

Senator McColley:

... 1C3B, that requirement that the General Assembly must not unduly split governmental units. Article 19 Section 2B2 also requires that districts be compact. This is not a requirement for a four-year map. Nevertheless, the map before you presents districts that are compact, especially when we compare it to maps that have been passed previously in the General Assembly.

Senator McColley:

Finally, I want to talk to you about what I feel is one of the most important features of this map, and that is the competitiveness of this map. Gone are the days where we're going to be passing maps where we simply decide, "Okay, we're going to divide up these seats and give them to one side. We're going to divide up these seats and give them to the other side. We're all going to walk away and leave nothing

left up to the voters to decide in a general election." The map before you is the most competitive map we've had in decades.

Senator McColley:

And how can we measure that? With exception to 2006, every single statewide election for statewide constitutional office holders has been won by Republicans since 1994. Every single one has been swept during that period of time. However, anybody in this room knows that Ohioans clearly have a habit and a tendency to bifurcate between federal elections and state elections. This is evidenced by the fact that in the past four presidential elections, Ohioans have voted twice for a Democrat presidential candidate, twice for a Republican presidential candidate, and to this day, we are represented by both a Democrat and a Republican in the United States Senate.

Senator McColley:

When evaluating this and recognizing this fact, we thought it important not just to look back at '16, '18 and '20 election results to try and come up with an index that really represents what the voting patterns are in the state of Ohio. Instead, we looked at the last 10 years worth of federal elections to make sure that we are truly capturing Ohioans' voting tendencies in federal elections, and also insulating ourselves from potential outliers during that timeframe.

Senator McColley:

When looking at this, and when defining a competitive seat as a seat that's between 46 percent and 54 percent on a Republican index and eight percent window... And I know there are people in this room who have won seats on probably either side of the aisle, but I know there are some, especially in my caucus, who have won seats with Republican indexes far less than 46 percent. But nevertheless, we're going to stick with 46 percent to 54 percent for the purposes of this. When we look at that, and we define that as competitive, which I believe is competitive, six seats lean Republicans, seven seats are truly competitive seats, and two seats lean Democrat.

Senator McColley:

What does that mean? That means a plurality of the seats in this map are going to be decided during the general election subject to the voters and their preferences as it concerns the important issues of the day and the quality of the candidates on the ballot. That's something that is not true with our current congressional map, where only two seats would fall into this range, and it's something that's not true of any other map that was introduced in the General Assembly. In fact, the most competitive seats offered by any other map offered in the General Assembly as a congressional map was five. This has seven.

Senator McColley:

Article 19 Section 1C3A also states that a map shall not unduly favor or disfavor a party or its incumbents. Now, there have been some, as I mentioned before, that have suggested that the only way to do that is to simply take the 15 seats, you take your eight, you take your seven, we walk away, and nobody really has competitive districts across the state of Ohio, and that somehow, that matches up with the spirit of what the voters passed in 2018. I strongly disagree with that.

Senator McColley:

What matches up with the spirit of what the voters passed in 2018 is that voters want competitive districts. The voters want districts that are going to be subject to the changing political winds and the changing political tides of what's going on in the state of Ohio, and this map, this map does that. We would not participate in a contest as athletes where the final score was already predetermined before we even stepped out on the field, and we shouldn't pass a congressional map that does the same either.

Senator McColley:

Further, it's also worth mentioning that despite the fact that some people may not like it, the word "or incumbents" is in the Constitution. The Constitution says, "We can neither favor nor disfavor a party or its incumbents." We've done that in this map by combining no two candidates who are running for reelection, or no two incumbents, rather, who are running for reelection with exception to two that would be required to be combined by virtue of both living in Cincinnati that cannot be split under the Constitution.

Senator McColley:

The map before you is constitutionally compliant. It is compact and it is competitive in compliance with the Constitution. I'd like to thank Senator Gavarone and her staff for all their help in chairing this through the process. I'd also like to thank my staff members and members of the Senate Local Government and Elections Committee, Ray DiRossi and Frank Strigari, as well for their help, and of course, President Huffman and Speaker Cupp. I urge passage of Substitute Senate Bill 258. Thank you, Mr. President.

President Huffman:

Thank you, Senator. The chair recognizes Senator Maharath.

Senator Tina Maharath:

Thank you, Mr. President. I actually rise to voice my opposition to Substitute Senate Bill 258. For decades, Ohioans have demanded fair congressional districts. After years of going unheard, the people of Ohio took action and they passed an amendment to our Constitution to an act of process to draw these fair maps. However, I've been dismay by the rush and lack of transparency that has taint this process from the very beginning. Ohioans have been rushed throughout this whole process, trying to submit testimony with just little notice, only to have of their opinions ignored. Then at the final hour, the Senate released these most recent maps that we're reviewing today that was released less than 24 hours ago for the people of Ohio to study it, and it doesn't give them much room to provide any feedback.

Senator Tina Maharath:

But what's the rush? We've got two weeks. In that two weeks, we could have had more testimonies. We could have listened to more Ohioans to get their feedback and their input, and Ohioans wanted us to work together in a bipartisan manner, but we haven't really made that effort. I'm eager to negotiate. I'm eager to work across the aisle, but we haven't started discussions in a bipartisan way. Even if these maps had satisfied constitutional requirements, the way this process was managed should have given us all a pause for a second. Moreover, these maps are far from meeting the requirements laid out in the Ohio Constitution. Maps that are passed by a simple majority must not unduly favor a political party, and it's painfully clear that a map designed to produce 12 Republican districts out of 15 does unduly favor one party.

Senator Tina Maharath:

I appreciate the discussion around competitive districts, but these maps are not competitive. Competitive districts aren't constitutional requirements. Fair maps are constitutional requirements. In addition, this new map also dilutes the voting power of minorities by cracking and packing communities of color. Franklin County's black communities are packed in just one district, while it's Latinos and the API communities are split into different ones. We see a similar trend around Cleveland and Cincinnati. Ohioans are demanding fair representation in Congress, but we're not providing them that fair representation with these maps. The Ohio Constitution does require fairness and this map is not fair, and I encouraged my colleagues today to vote no. Thank you.

President Huffman:

Thank you, Senator. The chair recognizes Senator Gavarone.

Senator Gavarone:

Thank you, Mr. President. Thanks for the opportunity to talk briefly about Senate Bill 258. Everyone knows how we got here back in 2018, when many members of this body, including me, sent a ballot issue to reform congressional redistricting in Ohio that voters subsequently approved. Today is the culmination of that work. Led by President Huffman and Senator McColley, we have a map before us today that takes the thoughts of Ohioans into consideration and reflects our beliefs.

Senator Gavarone:

The proposal up for consideration is a result of five committee hearings in Local Government and Elections Committee, where we heard hours of testimony from countless Ohioans who wanted their voices heard. Then those same Ohioans had the opportunity to participate in another two hearings held by the Joint Committee on Congressional Redistricting. We heard those people who testified. Senate Bill 258 has undergone significant changes since the as-introduced version. This is a map that includes fair and competitive districts, and I'm proud of the work that went into the process that we went through to get to this map.

Senator Gavarone:

Before we proceed, I'd like to thank our hardworking staff in my office, Andrew and Theresa, and other members' offices in our respective caucuses and LSC for their efforts throughout the process. I'd like to thank the members of my committee, both Republican and Democrat, for their work and thoughtful consideration, and the work that they were tasked do on behalf of Ohioans. As you can imagine, this was a massive undertaking, and I think Senator McColley did a phenomenal job, and I thank you for your hard work on this. I'd also like to thank all Ohioans who participated and made this process better, as well as our outstanding sergeant at arms and highway patrol for the role that they played. Finally, Mr. President, I'd like to thank you for your leadership during this time, and I'd encourage all members to vote yes on Senate bill 258. Thank you.

President Huffman:

Thank you, Senator. The chair recognizes Senator Sykes.

Senator Vernon Sykes:

Thank you, Mr. President and ladies and gentlemen of the Senate. Today, we come here, and we come to an important crossroads in our attempt to comply with the new congressional provisions adopted to modify congressional redistricting. There are several guidelines, written and unwritten, embodied in the spirit and letter of the new provisions, concepts like compactness, limiting splits, keeping communities together, competitiveness, contiguous, population deviations, and so forth. All of these criteria have one objective, and that is fairness. Fairness not only in the way we draw the lines, but ultimately to produce fair congressional maps. Not just fair methods or fair criteria, but a fair outcome, a fair map.

Senator Vernon Sykes:

Fair does not mean equal. It is acknowledged that in Ohio, Republican candidates have a slight advantage. You know that when we examine the voting preferences of Ohio voters in statewide partisan elections, that over the last 10 years, Republicans have a 54-46 edge. This partisan proportions of our congressional map should reflect this Republican advantage. The people of the state approved the constitutional amendment with 75 percent of the vote. They wanted a change. They wanted a fair proportion of Democrat and Republican districts, and incorporated in the constitution provisions of two guardrails.

Senator Vernon Sykes:

The first is in order to get a 10-year map, you have to have bipartisan approval. This is an assumption embedded in that, that the minority party would not participate and not support a map that would disfavor them. That's an important guardrail that promotes fairness. And this map that we have, we don't consider fair, and that's why we're voting for it today. The second guardrail is that in case you have a four-year map approved just by the majority, that you can't unduly favor or disfavor a political party. So we come right back to that fairness issue. The fairness is a critical ingredient here that we have to comply with.

Senator Vernon Sykes:

Currently, we have 12 Republican-leaning districts and four Democratic-leaning districts. The people wanted a fair distribution. Senate Bill 258 offers 12 Republican-leaning districts and three Democratic-leaning districts. The map is less fair than we have today, and the people wanted more fairness and you are trying to offer them less. The map is not an improvement. The map is not fair, and that's why I urge you to vote no on 258.

President Huffman:

Thank you, Senator. The chair recognizes Senator Cirino.

Senator Jerry Cirino:

Thank you, Mr. President. I rise today in favor of Senate Bill 258, and Senators McColley and Gavarone have done an excellent job of explaining the rationale behind it and the benefits of it. As they stated so clearly, it does produce competitive districts. "Let the best candidate win." They are compact and they are in fact compliant with the Ohio Constitution. During this process with all of the various committees, input has been received from many constituents around the state, both officially at the hearings, the many hearings, but also all of us as members have received lots of input through social media, through direct contact with their offices. We have heard people's ideas and many modifications been made as a result of the input and testimony that we received.

Senator Jerry Cirino:

Because of the broadness of that, I can tell you today that, in my opinion, democracy is alive and well in the state of Ohio with the adoption of this map and this bill. I'd like to thank the President for his leadership on this important issue, Senators McColley and Gavarone for their leadership as well, all the members of the committee and the staff for their hard work in putting this together, and I urge passage. Thank you.

President Huffman:

Thank you, Senator. The chair recognizes Senator Craig.

Senator Hearcel Craig:

Thank you, Mr. President, ladies and gentlemen of the Senate. This is an extremely important issue with long-term implications. As elected officials, we have the duty to ensure that no vote has more weight than another. Unfortunately, the map in front of us today gives one party an unearned advantage. This will leave to unfair representation for our state and in Washington, DC. I am very disappointed, and know that as a body, we should have worked harder. We should have worked harder to get to a fair 10-year map.

Senator Hearcel Craig:

Redistricting is such an important issue, because it impacts every other issue addressed in Congress and at the Statehouse. It is vitally important that our districts reflect the diversity of Ohio's communities. Ohio's map jars must also ensure that communities of color, and it's already been stated and rightly stated, have adequate political representation. In 2018, Ohioans overwhelmingly approve the constitutional amendment to create a fairer process to draw maps and in gerrymanders. Unfortunately, the map in front of us today does not honor the spirit of those reforms. There is a real, and I might add, significant concern that these maps were designed without transparency or accessibility to the general public.Ohioans did not have the ability to properly vet these proposed maps and understand how it will impact their communities.

Senator Hearcel Craig:

In the past three months, as many of you know, hundreds of Ohioans have come to testify on state legislative and congressional maps, using their voice to demand that they and their communities are represented fairly. I want these people to know that their efforts were not gone unnoticed or unheard. I urge them to continue their advocacy for fair and equal districts. As the wise, late John Lewis said, and I quote, "The vote is precious. It is the most powerful non-violent tool we have in our democracy." Really, the most important person in a democracy is the voter. The voters has spoken. I'm deeply troubled by this map and urge a no vote on Senate Bill 258. Thank you very much, Mr. President.\.

President Huffman:

Thank you, Senator. The chair recognizes Senator Antani.

Senator Niraj Antani:

Thank you, Mr. President, for allowing me to rise in favor of the bill we have in front of us today. Before talking about the map, Mr. President, I think we have to acknowledge another reality that we are facing today, and that is we are voting on a map with 15 congressional districts and not 16 and not 18 and not

20, and certainly not the 24 that Ohio once had. And while there is clear division in this body today about this map, I hope that we all can redouble and commit to an effort over the next 10 years, so that in 10 years, we don't lose another seat, and that we start changing the tide here in Ohio back to getting to a place of restoring the influence, the numbers in our congressional delegation.

Senator Niraj Antani:

This is not in Ohio problem, for sure. It is a problem all across the Midwest, but I hope we, Democrat or Republican, urban or suburban or rural, can commit today to doing what it takes, doing what is necessary, so that when we vote on a map in 10 years, we are voting on a map that has 16 districts or 17 or 18. That is, I think, vitally important, Mr. President. I want to talk about specifically the Dayton region in this map, Mr. President. We all represent our individual communities. Yes, we're voting on a statewide map, but we all represent certainly our individual communities. And this map, Mr. President, is good for the Dayton region. With respect to my friends-

PART 2 OF 4 ENDS [00:42:04]

Senator Niraj Antani:

... is good for the Dayton region. With respect to my friends in Cincinnati, Senator Blessing and Senator Thomas and Senator Wilson. Dayton is not Cincinnati. Dayton is Dayton and Dayton's congressional seat should reflect that. And Dayton perhaps is unique in our state with Wright Patterson Air Force Base, which is split between Montgomery County and Green County and my friend, Senator Hackett. And it is incredibly important for Wright Patterson Air Force Base and all of the military men and women who serve on that base, which is Ohio's largest single site employer, federal, or state, public, or private to have a single regional advocate in Congress. And this map accomplishes that. And so this map is good for the military men and women at Wright Pat. It is good for the Dayton region and I look forward to supporting it. Thank you, Mr. President.

Speaker 1:

Thank you, Senator. The chair recognized as Senator Antonio.

Senator Antonio:

Thank you, Mr. President. I rise an opposition to this map. This bill subverts the will of the people and the will of the voters I believe. They demanded the legislature and partisan gerrymandering in 2015 and 18. Over 70% of Ohioans expected that we would keep communities of interest together, limit the carving up of our counties, our largest counties, and keep the state's largest cities together. Senate bill 258, while it achieves the goal of keeping the seven largest cities in Ohio whole, kudos, with the exception of Columbus. And we know why, but it falls short on meeting the other important criteria for constitutionality in my opinion.

Senator Antonio:

And the interesting thing is we all have an opinion about whether or not this is a constitutional map, whether or not it follows the spirit, the rules that were set out by the people, the spirit of what the people wanted, but I believe it falls short. The map doesn't keep communities of interest together. The one example can be found in district five, a district that runs from Lorraine County to the Indiana border. The citizens, businesses, and cultural groups of Lorraine County must stretch to find common interest with the citizens of Mercer, Vanword, and Paulding counties, just different. These are enormously

different from the cultural, economic, and geographic needs for each of the counties incorporated into the district. Metro Cleveland is vastly different from the rural counties and communities of Western Ohio. They're just different.

Senator Antonio:

I could go into a lot of other details about this, but I'll spare you just to say unhappiness for myself across the map, but per the Ohio constitution, every congressional district shall be compact. Not may. Senate bill 258 does not in good faith achieve this criteria. It was my hope that we, and this has been stated already by many of my colleagues, that as elected officials, we would've put aside partisan goals and aspirations to achieve a 10 year congressional map, a plan through cooperation and bipartisanship. It's now evident that regardless of the hope and optimism, a ten year map has not materialized. This is not the outcome that the petitioners who stood in the cold collecting signatures, talking to their neighbors. It's not the outcome that the numerous Ohioans who submitted maps, wrote testimony, showed up to testify. Many of them are with us in the chamber here today.

Senator Antonio:

They gave their valuable time. They were so positive and so engaged in the process. And I think it's commendable. I haven't seen participation like this for a really... All right, to put it any other way. It's a very nerdy issue. For some people, they start to fall asleep the minute you start talking about redistricting, but there were citizens across the state of Ohio who really gave a lot of their time and talent to participate in this democratic process. And I applaud that, but we still came up short with achieving the goal that I think all of them wanted. Not specifically, what did a map look like? But the goal of a fair map, the goal of a map that would show constituents and voters choosing their representatives rather than policymakers picking their people, which is where we still are today. I think it undermines our democracy and it really subverts the voice of the people and dilutes what their wishes are.

Senator Antonio:

We see their wishes when we have national elections. That's been mentioned before. Do I believe it's destroyed our democracy? Absolutely not. Because I have full faith, faith in our democracy. I have faith in the people who had faith in us, but we've come up short. And as far as how we increase our numbers in the state of Ohio, maybe we could start with listening to the people when they come in front of us, when they work on something like a ballot initiative and tell us what they want us to do, tell us how to do the work. And when we come up short in the result for them, perhaps if we listened a little bit more to them, to the majority of people, respected all people in the state of Ohio, all families, all races, all nationalities, and a lot of other things that would move us forward, perhaps then Ohio would see her numbers increase. I urge a no vote on this bill. Thank you.

Speaker 1:

Thank you, Senator. The chair recognizes Senator Thomas.

Senator Thomas:

Thank you, Mr. President. I stand in opposition to this bill. This congressional map does not reflect my constituents in my county. Not at all. We talk about fairness and competitiveness. Keep hearing that coming from some of our members. I find it hard to believe how you can say that with a straight face when 12 districts favor one side and three favor the other side. Anybody in here listening, if that's fair, God bless you. I asked my staff to take a look at the countywide voting party preferences in Hamilton

County from 2016 to 2020, which covers the data being used to draw the maps. When they looked up two presidential elections, five statewide offices, and 20 county offices, the voters chose 21 Democrats and six Republicans between 2016 and 2020.

Senator Thomas:

Basically what's that saying is that the people of Hamilton County is a Democratic county. The county has been hacked into three districts. None of which accurately represents their voting preferences. The supposed competitive district leans Republican by more than three points. And I think by more than three points, but we talk about fairness and competitiveness and all this silliness. Making it an automatic uphill battle for the Democrat running. Now I've already said 2016 and 2020, the numbers clearly reflect. So this is clearly a method by which we're gerrymandering Hamilton County.

Senator Thomas:

The other two districts completely void Hamilton County votes by going into a total of 18 other counties. Y'all know about the snake on the lake. Come on. This is no different. The harm done to minority communities in the county in my county is significant. The line between district one and district eight cuts right through the middle of the black population. It's right here. Take the time to look at it. Cuts right through the middle of the black population. That wasn't accidental. That was intentional. I'll give you an example. Most of the folks down my way know of the community called Lincoln Heights. Lincoln Heights is a predominantly African American village. It's the largest African American village in Hamilton County with a 95% black population.

Senator Thomas:

Lincoln Heights is included in the same district. Now let me hear me now, Lincoln Heights is included in the same district as a community call [inaudible 00:53:11]. I don't even know where [inaudible 00:53:12] is, but it's a community in the state of Ohio and it's in Drake County. I'm sorry, Stark County, not Drake county. It's in Stark County. I don't even know what do county is, but I believe it's the president's represents Stark County at the state level, but I can almost guarantee the president of this body here has no clue where Lincoln Heights is.

Senator Thomas:

It's an hour and 45 minutes from Hamilton County, but that's fair. The people came and they spoke. Those that had an opportunity to come and speak, they spoke and said, please give us fair districts. But all I'm hearing here today is exactly what we already have. And you all know it. We pray, and we do all these other things. But you know, when you look at this, this is not fair. So I'm saying to all of you, you all considered my friends, we laugh and we talk. But when you look in the mirror and you look at what's going on here, it's obvious and you all know it. I urge you. The people that have spoken via the constitution of the state of Ohio. The criteria is in place in the constitution. And no, these maps do not meet the criteria of the constitution. I beg to differ with my good friend Senator McColley. It does not. So with that folks, I urge a no vote on this particular bill. Thank you.

Speaker 1:

Thank you, Senator. Chair recognizes Senator Schuring.

Senator Schuring:

Thank you, Mr. President, ladies and gentlemen of the House. I rise in support of Senate bill 258. And I want to start off by thanking Senator McColley, Senator Gavarone, our Senate president. Most importantly, Senate staff who spent endless hours on making this map work. I submit to you this afternoon. This map is constitutional. I remind everybody that that constitutional amendment was offered by the general assembly in a strong bipartisan way back in February of 2018 and then ratified by the voters. But it was us to put together that constitutional amendment. And I respect those who worked on it on this particular map for adhering to that constitutional amendment.

Senator Schuring:

I also remind everybody that as it relates to my neck of the woods, Stark County is now a whole entirely in one congressional district for the first time. The last time was 20 years ago, that Stark County was carved out that way. And I think that is something very important to the people I represent. I also would tell you that there are strong communities of interest because that district I'm referring to now includes Wayne County, Ashland County, parts of Homes County. And yes, even stretches up to parts of Summit County, which is part of the Akron Canton metroplex. This is a fair map. It is a map. And I'll use again, the map that we have before us today for my part of the state, it is very similar to the map that was won by a Democrat in 2008, and then won by a Republican in 2010. It is fair. And I would urge this body to support Senator bill 258.

Speaker 1:

Thank you, Senator. The chair recognized Senator Williams.

Senator Gavarone:

Thank you, Mr. President. Years ago, I supported the constitutional amendment that changed the way we drew congressional districts. But at that time I knew then what we know now that those districts were not going to come out fair. I knew that, but I had hope that one day we would actually do the right thing in this chamber. We also know that our constituents had hope that we would do the right thing, but as I often tell people, who gives up power? And in order for these districts to be fair, somebody has to give up power. And I don't know anybody in politics who would give up the majority or the lead that you all have on us right now, just because. And that just because is the voters in Ohio told us they wanted something better.

Senator Gavarone:

Now the people in Senate district 21, they are highly disappointed. They don't believe the process was fair. They don't believe they had a great opportunity for comment, even though we had two hearings on this map. They believe that negotiations were taken into consideration. They are highly disappointed. They don't believe their voice is heard. Now, the 11th congressional district were okay, but the people in the 11th congressional district, weren't just worrying about the 11th congressional district. They were worrying about everybody in the state. And we all know that based on these numbers, this district, our districts are not fair. And we just hope that you all will negotiate within the next two weeks to give us something a little bit better than what we have today. Thank you.

Speaker 1:

Thank you, Senator. The chair recognizes Senator McColley.

Senator McColley:

Thank you, Mr. President. I would like to start by saying, I do appreciate this debate and I do appreciate everybody's passion on this issue. I appreciate my friend from Hamilton County, but I think what we have to look at when we are debating and crafting these maps is we have to look at the plain language of the Ohio constitution. I think if we went around and we asked everybody, do you agree with fairness? Most of us would say yes. Do you agree with competitiveness? Most of us would say yes. The truth is neither word appears in article 19 of the Ohio constitution. And so what are we left to do? We're left to look at the actual language of the Ohio constitution that in there. That are in there to be the guiding principles of how we draft this map. That are in there to instruct us as to what is expected and what is not expected of us as we draw these maps.

Senator McColley:

And so when we look at the talk of splitting counties or whether we should do that or not, the language is clear, you have a cap on how many counties you can split. This map is well below that cap, nearly half, almost half of that cap. When we talk about the language of unduly splitting communities, the term communities of interest is not in the Ohio constitution, article 19, it's not in there. So the question becomes, have we unduly split communities or governmental units? As I stated before, 98 out of 100, 98 out of 100 of Ohio's largest cities with exception to Columbus, which had to be split. We all acknowledge that. I think we all agree with that. With exception to Columbus and with exception to cities across the county border, don't count that. It's expressly in the constitution. Those don't count as splits. With exception to those types of cities, only two out of the top 100 most populous cities are split.

Senator McColley:

And in total 14, 14 in the entire state of Ohio, however many political subdivisions there are, 14 combined cities and townships are split. And so we have to look at the plain language and try to avoid injecting subjectivity unless necessary. And so when we look at the requirement about compactness, I would agree with my friend, Senator Antonio, the language is in there that says the districts shall be compact. There's one exception built in for four year maps, that there shall be an attempt to draw compact districts. Now, seeing as how compact is not defined, sometimes we have to dig into what the common usage of the word would be. The common usage of the word as far as I would be concerned would be things that are tightly organized. And it says that's supposed to be happening for all districts, not just districts in suburban and urban areas, but all districts. And so when there's frustration and I get it, if you represent that area, but when there's frustration that some of these larger counties are split, understand that part of the major reason that that happens is to ensure that all-

PART 3 OF 4 ENDS [01:03:04]

Senator McColley:

Reason that that happens is to ensure that all districts are compact and we don't have districts containing, especially when you look down at Southeast Ohio, where our friends down there live in some counties that are 14,000 people. Especially when you look at that part of the state, if we don't put some of those communities and some of those counties with counties of large population, those districts are going to be massive. They're going to be massive. And we made an effort in this map, a cognizant effort, to be compact.

Senator McColley:

One thing I would like to point out is that one way to draw compactness is drawing the length from one part of the district away to the furthest part of the district away from it. When you look at the map in front of you, Congressional District Five is 167 miles tip to tip. One thing I'd like to point out is the Senate Democrat proposal for District 12 is 175 miles from tip to tip. I don't blame either side for that.

Senator McColley:

One thing we have to acknowledge as well, is that Ohio's geography has very large counties, and it has counties that are not populous at all or that don't have very much population. Somehow, someway, every one of these districts has to have 786, 630 people in it. And as a result of that, you're going to have districts that are large. You're going to have districts that stretch across a good chunk of the state. But there needs to be an effort to draw compact districts, and we have done that.

Senator McColley:

And so as I would close, I would say this. When it comes down to it, this is the first time we've done this, I understand there may be frustration. But at the same time, when we are evaluating what we are allowed to do and what we are not allowed to do, we must look at what is the plain reading of the Constitution? What does it say? And when it comes to an opportunity for us to inject our own interpretation into that, we can't be subjective about it to the point where it's a hard to define, hard to grasp terminology. We have to use metrics by which we can actually point to and defend. That is going to be a requirement if we pass a four-year map, and it's something that's actually already in this bill.

Senator McColley:

How do we not unduly favor or disfavor a party or its opponents? The way that we have to define that, the way that we have defined it, is through making a plurality of Ohio's districts competitive, below the 54% threshold and benchmark that people like to point to as Ohio's voting preferences, and right around the 50% margin districts that we all know in this room, and we all know examples, that you can be in that eight point window surrounding 50%, and a district could go either way, depending on how the prevailing winds are going at that moment in time.

Senator McColley:

And so with that I would say this, I know this is something that has engendered an awful lot of discussion. I know it's something that's engendered an awful lot of passion, but it's something that I do believe the map that's before us is a map that is constitutional, and it's a map that I urge passage for. Thank you.

President Huffman:

Thank you, Senator. The chair recognizes Senator Thomas.

Senator Thomas:

Thank you, Mr. President. I'll make this my last time and I won't be long. I appreciate the comments from my good friend, Senator McColley, however, a lot of what he conveyed, it did not have to happen. Hamilton County did not have to be divided the way it was. Hamilton County has a population of 817,000 people, 817,000. And as you indicated, the number is 780,630 to make up a congressional district. Why then would you split the county the way it's split?

Senator Thomas:

Cincinnati could not be... The City of Cincinnati municipality could not be split. So what did you do? You took 300 and some thousand people and put them somewhere else. You took them out of Hamilton County. So I'm saying clearly that as my good friend, Senator Sandra... I'm so used to calling by first name, Senator Williams, as she said, "Power is not conceded without a fight." And you all clearly, those in argument of supporting these maps, have obviously created an environment where there will be a fight and obviously it will probably be in the courts, but it did not have to be.

Senator Thomas:

The Democratic maps that were presented, it gave, one map, a seven eight advantage Republicans, seven eight. Another one was nine six advantage Republicans. The fact of the matter is, is that those were what all of us in here would agree are fair maps that addressed the will of the people of the State of Ohio. And keep in mind when they voted in 2015 and '18, it wasn't just Democrats. It was the people of the State of Ohio, Republicans, Democrats all said cut out the nonsense, let the voters pick the candidates and not the candidates picking the voters. And that's what they said. And here we are now standing here debating a map that's clearly a gerrymandered map. So I urge, again, a no vote on this particular legislation. Thank you.

President Huffman:

Thank you, Senator. The chair recognizes Senator Yuko.

Senator Yuko:

Thank you, Mr. President.

Senator Yuko:

You know, it seems like a long time ago, but the year was 2018, and actually we started in 2017, talking about what we need to do to fix redistricting in Ohio. In 2015, we already did a pretty good job with the state races for state Senate seats and for state House seats. But now this is a whole new ballgame and Senator Peterson, Senator Schuring, Senator Hottinger, President Huffman, many times you walked into the president [inaudible 01:10:35] office and you saw me sitting there with papers spread all over his desk and his table in his office, trying to have meaningful discussions about what we're looking at, how we can do this, how we can do this with an area of compromise so we can make things happen. And then what we did was we took that to the people.

Senator Yuko:

Now, I have to believe that the people I represent in the 25th Senate District are really just very much like the people you represent and I listen to them. They come to me, they came to my home, they came to my office. I attended their meetings, they wrote me letters. They're on social media corresponding with me. They're much like the people we have visiting us here today because they're interested in what we do as their representatives.

Senator Yuko:

But it's kind of important to remember that, you know what? They choose us to be their representatives. It's not our job as representatives to choose them as our constituents. And sometimes I figure that's what this map does. Now believe me when I tell you, I fully understand what a complex

issue this was. I truly understand that, from President Huffman's position, it was not an easy task to do because at one point in time, he's sitting there looking and saying, "Okay, how can I preserve what we already have?" Because as it was already noted, nobody wants to give up when you've got that power, nobody does.

Senator Yuko:

But we work for a different boss. There's 11.7 million of them and they spoke loud and clear. I've heard often people saying, "Well, it's just you Democrats are crying and complaining because you're not in the majority." Well, you know what? When we represent 46% of the Ohioans and when 75% vote for congressional redistricting, I can only hope that somewhere there's an error and I actually represent 75%, but I know that's not a reality. It just isn't.

Senator Yuko:

We talk about all the complex issues that we had to take into consideration to put into this redistricting process. But with Thanksgiving coming up, I think about it almost like making stuffing. You have a recipe, you got bread, you got onions, you got celery. Senator Rulli, I got to rely on you for the rest of it, buddy, knowing you and your business, you'll probably give me 10 items to buy for that doggone stuffing. But everybody who makes that stuffing can add the ingredients at a different rate and it comes out differently. I think the same thing we're talking about is right here. We can take your map, we could have taken our maps, we could have tweaked them either way and come across with something we can say, "Hey, listen, this is 100% constitutionally compliant. We did everything we did and we did the best we could do."

Senator Yuko:

But there's a difference. When we do it, we come out a little bit ahead. When you do it, you come out a little bit ahead. But again, our true bosses are 11.7 million strong. They're not shy. They're not bashful. They travel. We did a listening tour, or so it was called. Cleveland, Youngstown, Lima, Toledo, Akron, Mansfield, Cincinnati, Dayton, Rio Grande, Zanesville. They often said, "Hey, these are all held during the day and we can't come out." Hundreds of people came out to every city, except for two. But eight of the 10 cities we had hundreds of people come out, but we did hold one night version. We held it in Cleveland at Tri-C and we had a gigantic crowd.

Senator Yuko:

And my memory's not, I'm not the young guy I used to be, maybe my memory's going a little bit, but I can remember one person saying, "Hey, we like the way things are right now." The rest of the people all said, "We have to do better." We have to do better and I was hoping we could do better. I was hoping at the end of the day, we could do better. I was hoping as I called President Huffman over the weekend, I says, "Come on my friend, we can do this. We can make this happen, but we got to work together." I spoke to Senator Sykes on the phone this morning. He says, "Leader, we can do this. We still got two more weeks. We can make this happen." Am I right, Senator Sykes?

Senator Yuko:

But we got here today and we said, "No, it's not going to work out that way. We're done. We did this. We got this." We do, you can accept it, we have to be forced to accept it. But what about our constituents? Will they accept it? Do they have to accept it? Do we let them down? Do we hear their

voices? They were loud, they were strong, they were consistent, they never stopped. We went from city to city, to city, to city. We saw the signs, we saw the outrage, we saw the tears.

Senator Yuko:

These weren't people putting on a show folks. These were people speaking from their hearts.

Senator Yuko:

Why? Because sometimes they felt like their government was letting them down. And none of us, none of us ran for office because we said, "You know what? If we got elected, we can help let these people down." We never said that. We've always campaigned on the fact that we can do better. We can make things better. We can improve your quality of life if you let us, that's what we tell you. And if you believe us, we can do that. But if you believe us and you elect us and we don't do it, what happens? And that's the sad part.

Senator Yuko:

You know, again, I know the tough position everybody was in. I was hoping for a little bit more compromise. I was hoping that there would have been a little bit more conversation. It didn't happen and accordingly, I am going to request a no vote on this bill, but thank you. Thank you, Mr. President.

President Huffman:

Thank you, Leader Yuko.

President Huffman:

The question is, shall the bill pass? Clerk will call the role.

Clerk:

Antani?

Senator Antani:

Yes.

Clerk:

Antonio?

Senator Antonio:

No.

Clerk:

Blessing?

Senator Blessing:

Yes.

Clerk:

Brenner?

Senator Brenner:
Yes.

Clerk:
Cirino?

Senator Cirino:
Yes.

Clerk:
Craig?

Senator Craig:
No.

Clerk:
Dolan?

Senator Dolan:
Yes.

Clerk:
Garavone?

Senator Garavone:
Yes.

Clerk:
Hackett?

Senator Hackett:
Yes.

Clerk:
Hoagland?

Senator Hoagland:
Yes.

Clerk:
Hottinger?

Senator Hottinger:
Yes.

Clerk:
Steve Huffman?

Senator Steve Huffman:
Yes.

Clerk:
Johnson?

Senator Johnson:
Yes.

Clerk:
Kunze?

Senator Kunze:
Yes.

Clerk:
Lang?

Senator Lang:
Yes.

Clerk:
Maharath?

Senator Maharath:
No.

Clerk:
Manning?

Senator Manning:
Yes.

Clerk:
McColley?

Senator McColley:

Yes.

Clerk:
O'Brien?

Senator O'Brien:
Yes.

Clerk:
Peterson?

Senator Peterson:
Yes.

Clerk:
Reineke?

Senator Reineke:
Yes.

Clerk:
Roegner?

Senator Roegner:
Yes.

Clerk:
Rulli?

Senator Rulli:
Yes.

Clerk:
Schafer?

Senator Schafer:
Yes.

Clerk:
Schuring?

Senator Schuring:
Yes.

Clerk:
Sykes?

Senator Sykes:
No.

Clerk:
Thomas?

Senator Thomas:
No.

Clerk:
Williams?

Senator Williams:
No.

Clerk:
Wilson?

Senator Wilson:
Yes.

Clerk:
Yuko?

Senator Yuko:
No.

Clerk:
President Huffman?

President Huffman:
Yes.

President Huffman:
With 24 yays and seven nays, the bill is passed and [inaudible 01:17:55].

Clerk:
A bill to enact and repeal sections of the revised code to establish congressional district boundaries for the state based on the 2020 decennial census and to delay certain deadlines related to the 2022 congressional primary election.

President Huffman:

The question is, shall the title be agreed to?

President Huffman:

If any member would like to add their name to the title, please do so now.

President Huffman:

The title is agreed to. The chair recognizes Senator McColley for a motion.

Senator McColley:

Mr. President, and I move that the senators absent the week of Sunday, November 14th, 2021 be excused so long as a written explanation is on file with the clerk pursuant to Senate rule 17.

President Huffman:

Without objection, the motion is agreed to.

President Huffman:

Introduction and first consideration of bills.

Clerk:

Senate Bill 263, Senator Maharath, to amend sections other revised code to remove gender specific references to statewide office holders.

Clerk:

Senate bill 264, Senators Brenner, Maharath, to amend the section of the advised code to regulate remote work by mortgage and loan originators and other persons working for entities subject to the residential mortgage lending act.

Clerk:

Senate bill 265, Senator Schafer and others, to amend sections of the revised code to exempt the sales and use taxes, the sale of certain firearms and ammunition.

Clerk:

Senate bill 266, Senator Schafer, to amend sections of the advised code to generally grant civil immunity for certain injuries to a person who acts in self defense or defense of another during the commission or imminent commission of an offense of violence, to protect the members or guests of a nonprofit corporation under certain circumstances.

Clerk:

Senate bill 267, Senator Williams, to amend a section of the revised code to require a tiered disciplinary procedure for and student instruction on preventing harassment, intimidation, or bullying in a school and to create the offense of aggravated bullying as a third degree misdemeanor.

President Huffman:

Stands as first consideration, offering of resolutions. The question is, shall the resolutions listed under the president's prerogative be adopted and without objection, the resolutions are adopted.

President Huffman:

Message from the House.

Clerk:

Mr. President, I'm directed to inform you that the Speaker of the House of Representative has signed the following bill: House bill 177, substitute to Senate bill 36, Senator Manning, Steve Huffman.

President Huffman:

Message from the president.

Clerk:

Pursuant to section 490602 of the revised code, President of the Senate temporarily removes Senator Hottinger and appoints Senator Cirino for the purpose of the November 18th, 2021 meeting on the Power Siting Board.

President Huffman:

Message from the president,

Clerk:

According to One Ohio memorandum of understanding enter into by Governor Mike DeWine and Attorney General Dave Yost on behalf of Ohio citizens and pursuit section D4 of the One Ohio memorandum, understanding, the President of the Senate selects Senator McColley to serve as a board member on the foundation created in section D of the One Ohio memorandum of understanding.

President Huffman:

Communications from the governor.

Clerk:

I, Mike DeWine, Governor of the State of Ohio to hereby appoint Joshua Otten and others and witness [inaudible 01:20:50] signed, Mike DeWine, Governor.

Clerk:

[inaudible 01:20:59]

President Huffman:

To the Committee on Rules and Reference, announcement of committee meetings. Senator Blessing.

Senator Blessing:

Thank you, Mr. President, the Senate Ways and Means Committee will reconvene at 3:05, thank you.

President Huffman:

Thank you, appreciate the very precise time.

President Huffman:

Senator Hackett.

Senator Hackett:

Thank you, Mr. President. The Senate Insurance Committee will meet tomorrow and we're going to meet an hour earlier. It's at the Senate finance room and it's at 1:30, not 2:30, and we will have a vote. Thank you.

President Huffman:

Thank you, Senator. Senator Schafer.

Senator Schafer:

Thank you, Mr. President. The Agriculture Natural Resources Committee will meet at 4:00 PM in the South Herring Room.

President Huffman:

Thank you. Senator Rulli.

Senator Rulli:

Mr. President, Small Business Committee will meet tomorrow morning at 10:00.

President Huffman:

All right, thank you.

President Huffman:

The chair recognizes Senator Hottinger for a motion.

Senator Hottinger:

Mr. President, I move that the Senate, having completed its business for today, adjourn until Wednesday, November 17th at 9:30 AM.

President Huffman:

Thank you. The question is, shall the motion be agreed to, and without objection, the motion is agreed to. The Senate stands adjourned.

PART 4 OF 4 ENDS [01:22:02]

Exhibit 34

Chair Wilkin:

Good morning, everyone. I will now call the November 17th Government Oversight Committee to order. The clerk will take the role.

Clerk:

Chair Wilkin.

Chair Wilkin:

Yes.

Clerk:

Vice Chair White.

Vice Chair White:

Yes.

Clerk:

Ranking Member Brown.

Ranking Member Brown:

Here.

Clerk:

Representative Carfagna.

Representative Carfagna:

Yes. Here.

Clerk:

Representative Galonski.

Representative Galonski:

Present.

Clerk:

Representative Ginter.

Representative Ginter:

Here.

Clerk:

Representative Hicks-Hudson.

Representative Hicks-Hudson:
Present.

Clerk:
Representative House.

Representative House:
[inaudible 00:00:26]

Clerk:
Representative Jones.

Representative Jones:
Here.

Clerk:
Representative Kelly.

Representative Kelly:
Here.

Clerk:
Representative Plumber.

Representative Plumber:
Here.

Clerk:
Representative Sykes.

Representative Sykes:
Here.

Clerk:
Representative Swearingen.

Representative Swearingen:
Here.

Chair Wilkin:
With quorum present, we will operate as a full committee. First order of business is to approve the November 10th minutes. They are on your iPad. If there are no objections, they will be approved as presented. Hearing no objections, the minutes are approved.

Before we get going today, I do apologize for delay. We had members coming from other committees as well, where there were votes, but we do have a stop at noon. And then because of that I will ask you to keep your questions concise and directed to the bill in front of us. And while I realize there's a lot of passion on this, please maintain decorum in the committee to where there's no cheers, no booze, applauds or signs. We do have a sergeant in the back that will be with us. I believe for the remainder of the committee, that if that does happen, we will have to deal with it.

So at this point, the Chair would like to bring up Senate Bill 258 for its first hearing. And the Chair recognizes Senator McColley to begin when you're ready. Welcome to committee.

Ranking Member Brown:

Excuse me, Mr. Chair.

Chair Wilkin:

Representative Brown.

Ranking Member Brown:

I would like to move to amend Senate Bill 258 with amendment number 134-2299.

Chair Wilkin:

Okay. This time the Chair will rule the amendment out of order, since we are not scheduled for amendments.

Ranking Member Brown:

May I make a brief statement about why we wanted to offer the amendment?

Chair Wilkin:

Yes.

Ranking Member Brown:

Thank you, Chair.

I know it's not on the iPads, and I apologize my microphone is not functioning well, but I have the amendment here. Basically, the deadline to get congressional maps is the end of November, today's November 17. So there is still time to have discussion and compromise with regard to congressional maps. The Democratic Caucus believes there should be a discussion of these maps and these issues. There really hasn't been any discussion or compromise with the Republicans on this issue, it has always been the Democratic Caucus's desire to have a 10 year map that keeps our largest county whole, keeps our communities of interest together, makes compact districts and reflects the voting preferences of Ohio voters. And toward that end, we offered amendment 134-2299 which would replace Senate Bill 258 congressional district plan with a different congressional district plan, remove language from the bill stating certain findings of the general assembly concerning the bill's congressional district plan and replace it with a different statement of legislative intent.

So it was our desired who offer this amendment. I understand that it has been ruled out of order, but I just wanted to make the record as to the rationale and purpose behind the request. Thank you Chair.

Chair Wilkin:

Thank you, Ranking Member Brown. The Chair maintains his decision of the amendment is out of order. This time, Senator McColley you may begin.

Senator McColley:

Good morning. Thank you. Chairman Wilkin, Vice Chair White, Ranking Member Brown and members of the Government Oversight Committee for allowing me to present testimony today on substitute Senate Bill 258.

After considering multiple maps presented by Democrat and Republican caucus, caucuses in both the House and the Senate and listening to the public's input of all those map, we offer this map that is not only constitutionally compliant, but the most competitive map offered by any caucus to date. It is also a map that splits the least counties of any map offered by any caucus and keeps Ohio's largest cities whole and installs compact districts and implements many of the requested changes we heard in testimony.

Article 19, section 2b5 five of the Ohio Constitution describes the process that must be followed when splitting counties in a congressional map. In essence, a map may have up to 23 counties split with 18 of them being split once and five being split twice. This map splits only 12 counties with only two of those counties being split twice. The counties that are split once are Clark, Fairfield, Franklin, Holmes, Lorraine, Ross, Shelby, Summit, Washington, and Wood. The county split twice are Hamilton and Cuyahoga County. Notably, for the first time since the map was passed, 30 years ago, Lucas County will be whole. And for the first time, since the map passed 20 years ago, Stark County will be whole. The impact on several of Ohio's other large counties is also minimized by Franklin and Summit County having the lease splits since the maps passed 30 years ago. Finally, the map complies with article 19, section 2b8 by including an entire county in each district where possible if past this map would have the least county split in over 50 years. Additionally, this map splits two less counties than both the House and Senate Democrat proposals.

Since the introduction of Senate Bill 258, we have maintained that it is important to keep Ohio's largest cities whole. With exception to Columbus, which must be split under the constitution and cities that straddle county lines and therefore do not count as a split under the constitution. 98 of Ohio's 100 largest cities are kept whole in this map, the two exceptions being Rocky River and Cuyahoga Falls. In total, only eight townships and six municipalities are split in this proposed map, which more than adequately complies with article 19, section 1c3b's requirement that the general assembly not unduly split governmental units. Article 19, section 2b2 also requires that districts be compact. This requirement is not applicable to a four year map, however, under section 1c3c in such an instance, the general assembly shall attempt, but is not required to draw compact districts. Nevertheless, in light of the requirements and the spirit of the amendment, the districts presented before you are compact.

Finally, the map before you is the most competitive map offered by any caucus to date and the most competitive Ohio congressional map in decades. Ohio is subject to swings and voter preferences, particularly in federal elections, even though with exception to 2006 Republicans have swept every single election for statewide constitutional offices since 1994, Ohio has voted for both a Democrat and a Republican for president in the last four presidential elections and continues to be represented by both a Democrat and Republican in the United States Senate. Clearly Ohioans are bifurcating between federal and state elections and issues. Therefore, because the map before you is for the United States congressional districts, it makes sense to judge competitiveness based upon statewide federal elections over the last 10 years. This allows us to capture the true nature of Ohio's voting tendencies in federal elections and to insulate from outliers.

When evaluating these districts in the federal statewide context and defining a competitive district as one with a 46% to 54% Republican index, this map has six seats that lean Republican, seven seats that are competitive, and two seats that lean Democrat.

The indexes are as follows, and you can see that in the testimony before you. Article 19, section 1c3a states that a map shall not unduly favor or disfavor a party or its incumbents. There have been some that have suggested that we simply take the 15 seats and split them up and simply divide them eight districts to one side of the aisle and seven districts to the other side of the aisle, and that somehow that captures the spirit of what the voters voted for in 2018. I strongly disagree with that sentiment. What captures the spirit of what the voters passed in 2018 is competitive districts that are subject to the changing political winds and changing tides of what is going on in the State of Ohio. No sporting event should ever favor or disfavor a team by some predetermined final score before either team walks on the field. A congressional map should not be judged to favor or disfavor either party that way either. Rather, it should be judged based upon how many districts are going to be determined by the various important issues and candidates in that election. This map embodies that belief by ensuring a plurality of the districts will be competitive in any given cycle. Its seven competitive districts are two more than any House or Senate Democrat proposal and five more than the map proposed in 2011.

Further, this map neither favors nor disfavors either party's incumbents. It accomplishes this by only combining two incumbents who were required to be combined through the prohibition against splitting the city of Cincinnati. This bill also addresses the quickly approaching filing deadline for congressional candidates. The current filing deadline is February 2nd, 2022. Recognizing this process has been delayed due to the census data being late. We have moved the filing deadline to March 4th to allow for candidates ample time to collect the required number of signatures filed for the election, it's also worth noting that the effective date of this legislation at this point could very well be after the February 2nd filing deadline. Thus, the reason for moving it back 30 days.

The map before you complies with the requirements placed upon the general assembly under the Ohio Constitution, it is the product of a deliberate effort to draw compact districts, minimize county splits, keep Ohio's largest cities whole and ensure a plurality of Ohio's congressional districts will be competitive. I am pleased to say substitute Senate Bill 258 past the Senate with a vote of 24 to seven. Thank you. Chairman Wilkin, Vice Chair White, Ranking Member Brown and members of the Government Oversight Committee for allowing me to present testimony on substitute Senate Bill 58 and the proposed congressional district map contained their end. I would be happy to take any questions at this time.

Chair Wilkin:

Thank you, Senator McColley. I just wanted to start off with, I know you sat on the joint committee as well, and I've heard from the Senate committee that heard the maps. You've obviously seen some of the things and read some of the testimony from the House committee here in government oversight as well, as well as the hours of testimony we heard in the joint committee. Is this map based off of all that testimony that we have heard?

Senator McColley:

Chairman yes. The map is based off of all that testimony, and frankly, there are some examples of this map where we've accepted suggestions that we heard in testimony. One of them is that we keep them Mahoning Valley whole. As you can see, Trumbull, Mahoning, Columbiana County, and some of the surrounding areas are kept within one district. Another suggestion was that we keep Stark County whole. Stark County has been split arguably almost more than any other county over the last several

decades due to the fact that you obviously have an interesting population mix up in Northeast Ohio. Stark County is kept whole. We also heard testimony that people wanted Lucas County to be kept whole. Lucas County is kept whole in this map. Additionally, people wanted Montgomery County and the City of Dayton to be combined with the City of Springfield, that change is also reflected in this map. Just to give a few examples.

Chair Wilkin:

Thank you. This time Chair recognizes Ranking Member Brown.

Ranking Member Brown:

Thank you Chair. Thank you Senator for your testimony. I heard the word competitiveness, I don't know, 15 times or so, I didn't count exactly in your testimony. The fact is competitiveness is not a word found in Article 19 of the Ohio Constitution, is it?

Senator McColley:

To the Chair, to the Representative, no, the word competitiveness is not in Article 19 of the Ohio Constitution-

Ranking Member Brown:

And competitiveness-

Senator McColley:

If I could, Mr. Chairman, I'd like to answer the question. Competitiveness is not found within the Ohio Constitution, but as you are aware, there is a section of the Ohio Constitution that dictates how we are unduly favoring or disfavor a political party. And so you could, in our view, rather than the view that's been offered by some that we should have seven districts that clearly favor one party and are not subject to the prevailing winds of the political landscape at that time, and eight districts that favor the other party by the same measure. In our view, the way you ensure that a map does not unduly favor or disfavor a political party is by drawing competitive districts in a plurality of those districts, which will allow for the voters in those districts to decide based upon the important issues and candidates that are present in those elections.

Ranking Member Brown:

Follow up Chair.

Chair Wilkin:

Follow up.

Ranking Member Brown:

Thank you Chair. So competitiveness is not a constitutional criteria. When people voted in 2015 and 2018 overwhelmingly for constitutional amendments to modify the redistricting system, they were voting for fairness in maps, weren't they?

Senator McColley:

To the Chair, to the Representative. Does fairness appear in Article 19 of the Ohio Constitution?

Ranking Member Brown:

I'm asking the question Senator. The question is they were voting for fairness, weren't they? You can either agree or disagree.

Senator McColley:

Well, I'll answer the question. To the Chair, to the Representative, it can't be said that the citizens were voting for, quote, unquote, fairness. As I stated in my speech on the floor yesterday in the House, neither the word competitive or fairness appears in the Ohio Constitution.

Ranking Member Brown:

So when people are sitting in the audience with shirts that say fair maps, you're saying their shirts are misnomers and they got a bad deal on the shirts?

Senator McColley:

To the Chair to the Representative, that's not what I'm saying. What I'm saying is that the point that you're trying to make that the term competitiveness does not appear in Article 19 of the constitution, the point I'm trying to make is that neither does the word fairness. And so when we're looking at this, we must be guided by the plain reading and the plain language of the constitution. And we have to look when there are areas that we are required to inject some level of our own interpretation we should look to things that we can readily and easily define by metrics. And that's what we are doing with competitiveness. Fairness, while I think if you asked everybody in this room whether you agree with the general concept of fairness, I think everybody would say that they do. However, it leads to much more of a subjective interpretation when you're applying it in light of the language that is in the constitution.

Chair Wilkin:

And one second, before we go any further, I want to make sure that we maintain going through the Chair and not getting in back and forth between the witnesses and the committee members for all involved.

Ranking Member Brown:

Follow up.

Chair Wilkin:

Follow up.

Ranking Member Brown:

Is this a compromise map?

Senator McColley:

To the Chair, to the Representative, can you clarify what you mean by that question?

Ranking Member Brown:

Were there compromises that the Republican Caucus and or the House and or the Senate made with anybody to come up with this map in 253?

Senator McColley:

To the Chair to the Representative, to my knowledge the map before you is one that made a number of changes that were suggested in the testimony and that were suggested throughout our conversations with various members of our caucus and even members of the minority caucuses, some of them I detailed earlier in one of my previous responses. Was there a compromise reached between the House and Senate Democrats and the House and Senate Republicans? To my knowledge, there was not.

Chair Wilkin:

Representative Kelly.

Representative Kelly:

Thank you, Mr. Chairman. I was just wondering how many people have come in to testify in favor of this particular map?

Senator McColley:

To the Chair to the Representative, I'm not aware of that number, but I don't know how many it's been.

Representative Kelly:

Follow up Mr. Chair.

Chair Wilkin:

Follow up.

Representative Kelly:

Thank you, Mr. Chairman. I have some concerns because I know that you said that you had listened to a lot of testimony, but I think when we're talking something like this, it's really helpful for people to have the specific map that is being considered in order to offer concrete feedback. And I know that you said that you've taken a lot of that into account, but being from Hamilton County, people in Hamilton County are already unhappy because they're split twice. The City of Cincinnati is kept whole, I recognize that. You can split Hamilton County twice, it doesn't mean that you should. And I think especially, when we talk about economic development areas and keeping communities of interest together, I'm just wondering if you could talk a little bit about why you made the decision to split Hamilton County, the way that you did.

Senator McColley:

To the Chair to the Representative, and if I could I'm going to try and find the specific constitutional section. Part of the reason we did that was to comply with the language set out in article 19, section 2b8 of the constitution, in that essentially the way we read it, where possible, each district should have an entire county within it. And so in the case that we are presented with and kind of the difference I feel between the third district-

PART 1 OF 4 ENDS [00:19:04]

Senator McColley:

Between the 3rd district. And 3rd district, 11th district, and then, of course, Hamilton County. The 3rd district, there's other language in there that says that if a city is over the ratio population, you need to include a substantial portion of that within a district. And so, the 3rd district complies with that. The 11th district, obviously, Cuyahoga County as a whole, is well over a million people; much larger than Hamilton County.

And so, the practicality of being able to meet that requirement within the constitution to attempt to put a county in each district, would've been much more difficult. But in the case of Hamilton County, where Hamilton County is a county of about 830,000 people, more or less whereabouts, the language that was set out in Article XIX, Section 2-B8 of the Constitution, was language that actually could be followed at that point. And so, part of the reason was we wanted to ensure that as many districts as possible had an entire county within them.

Chair:

Follow up?

Representative Kelly:

Thank you, Mr. Chairman. But you don't have to... Oh, sorry. Through the chairman. But the question is, you don't have to necessarily split Hamilton County twice. You could only split Hamilton County once. And I noticed that you referenced in your testimony that there are two incumbent Congress people, both in the City of Cincinnati. And so, again, I really take exception to this because, I guess my question is, do you have to split it twice, or could you have split it once?

Senator McColley:

To the chair, to the representative: the constitution in our reading, I think it's pretty clear, allows us to split up to five counties twice. In the map you have before you, two of them are split twice, Cuyahoga and Hamilton County.

Moreover, our reading of Section 2-B8 of Article XIX. In our reading, it basically says where possible that you have to include a county, a whole county in each district. And I know it reads, "You shall attempt to do this," but we view that the attempt portion of that as mandatory. We need to show that we made a good faith attempt. And since the population of Hamilton County is what it is, comparative, relative to Franklin County, the City of Columbus, and Cuyahoga County, we viewed this as something that we had to do to comply with section 2-B8 of Article XIX of the Ohio Constitution.

Chair:

Follow up? Representative Swearingen.

DJ Swearingen:

Thank you, Mr. Chairman, and thank you, Senator McColley, for being here today. I think it's necessary to clarify what is the language of Article XIX, and you kind of alluded to that, is the word fairness in Article XIX of the Ohio Constitution.

Senator McColley:

To the chair, to the representative: no, the word fairness is not in Article XIX of the Ohio Constitution.

DJ Swearingen:

Thank you, Mr. Chairman. Is community of interest in Article XIX of the Ohio Constitution?

Senator McColley:

To the chair, to the representative: no.

Chair:

Follow up?

DJ Swearingen:

And then, we've heard this concept of, "Oh, well, Ohio's voted 55% for certain candidates and 45% Democrat for certain candidates." Is that breakdown of statewide percentages in Article XIX of the Ohio Constitution?

Senator McColley:

To the chair, to the representative: no, it is not.

DJ Swearingen:

Question, Mr. Chairman.

Chair:

Follow up?

DJ Swearingen:

To talk about compromise, the House democratic maps had seven Republican incumbents paired together in primary races. This map has two and no Democrat incumbents paired together. Would you consider that a compromise of sorts?

Senator McColley:

To the chair, to the representative: and it's worth pointing out that the two that are paired together, it was unavoidable because they both live in the City of Cincinnati, and the constitution would prohibit a city the size of Cincinnati from being split.

And so, what whether people like the language or not, we have to abide by the language. We can't just simply decide, well, we don't like that so we're not going to follow it. And the language reads, you cannot unduly favor or disfavor a political party or its incumbents. And the incumbents part is still just as much a part of that as anything else. And so, we viewed our duty in drawing this map to ensure that no incumbents who are running for reelection would be combined in any district with any other incumbent with, of course, the exception of the City of Cincinnati, where we had no choice.

Chair:

Follow up?

DJ Swearingen:

Two more, Mr. Chairman. You spoke about the public input portion of this map. I can see that Montgomery County being paired with Springfield was part of the public input process. Could you speak to that at all?

Senator McColley:

To the chair, to the representative: there were a number of people from the Dayton area, the Dayton region, who came in and expressed opposition to the way the map was composed as it earned that part of the state. And primarily, their part of the opposition was, we wanted Springfield to be in the same district as Dayton. And actually, the district that we came up with in the map before you... try to get a reference point here, if I could.

The House Democrat district is similar, albeit not the same, in that the difference being the House Democrat district kind of had a flipped image of Clark County and Green County in that the House Democrat district had all of Montgomery County, all of Clark County, and then a portion of Green County over here. Instead, what we had decided to do was have Montgomery, Green, and then a portion of Clark, largely that the aspirational goal in doing that would've been making sure that the City of Springfield is included within that district.

Chair:

Follow up?

DJ Swearingen:

Last one, Mr. Chairman. And then Senator McColley, I don't know how the process was over in the Senate, but at least in the House, are you aware that people have come in to testify on these maps paid by partisan interest groups?

Senator McColley:

To the chair, to the representative: I'm not aware of that. I never really inquired whether these people were paid by partisan interest groups. I do know, or at least have been told by people who probably would know, that there is an awful lot of activity, primarily from some groups that are funded by Eric Holder, former Attorney General Eric Holder. But aside from that, I don't really know a whole lot about that. Thank you.

Chair:

Representative Hicks-Hudson.

Paula Hicks-Hudson:

Thank you, Mr. Chair. And through the chair, thank you, Senator, for presenting this map. I'm going to start with the question that you were just asked by my colleague. Do you know whether or not the people that appeared before you in testifying were Ohioans?

Senator McColley:

To the chair, to the representative: I don't know where their residence was. I know some of them would state where they were from. It's also worth noting that I was not on the committee. Other than the joint committee, I was not on the actual Senate committee hearing, hearing this legislation. So, I wasn't physically in the room for all the testimony.

Paula Hicks-Hudson:

May I follow up, Mr. Chair?

Chair:

Please.

Paula Hicks-Hudson:

So, therefore your comment about whether or not that folks were tied to Eric Holder's group or not, is not something that you have firsthand knowledge of, is it?

Senator McColley:

To the chair, to the representative: I alluded as much in my response by saying I've been told by people that that was the case, but I don't have independent knowledge. That'd be fair.

Paula Hicks-Hudson:

Thank you. Follow up, if I may?

Chair:

Please.

Paula Hicks-Hudson:

You also mentioned, just kind of as a passing aspirational goals, or I don't know if you used the word, but you said aspirational. So I'm wondering whether or not you believe that the map that you have presented is aspirational, or that it follows the constitutional requirements that you've made reference to throughout your testimony?

Senator McColley:

To the chair, to the representative: I have the utmost confidence that it follows the constitutional requirements laid out in Article XIX.

Paula Hicks-Hudson:

Follow up, Mr. Chair?

Senator McColley:

Please.

Paula Hicks-Hudson:

Thank you. And so therefore, you talked about the various sections of the Ohio Constitution. Did you, or any of the folks that helped you create this map, consider at all the Voting Rights Act and how it may have impact upon communities of color?

Senator McColley:

So, to the chair, to the representative: Supreme Court precedent has stated that unless there is legally significant racially polarized voting patterns, that it is illegal and unlawful under federal law to consider race as a factor in determining the makeup of districts. And so, race was not considered when we made the districts the way they are.

Paula Hicks-Hudson:

Thank you. Follow up, if I may?

Chair:

Follow up.

Paula Hicks-Hudson:

Thank you. I want to turn your attention now to congressional district nine, which you mentioned and you talked very proudly about keeping the City of Toledo whole for the first time, and I appreciate the comment. But could you give me the data in the, not so much the constitutional requirement application, but the data and the information that was used to determine to remove Lorain County and move the district further west to the Western border of the state of Ohio.

Senator McColley:

To the chair, to the representative: primarily, bless you, we looked at it and decided that it made sense to keep Lucas County, not just the City of Toledo, but all of Lucas County, as a whole county, and we also wanted to do it in a manner that was compact.

And so, I know there have been some attempts in other maps as to what this could look like or what it should look like. For example, one of the reasons, and obviously the name that we've heard for the 9th district over the last 10 years, has been the snake on the lake. Now, neither you nor I were here when that was drawn, but looking at some of the proposed maps, it appears that the snake on the lake wasn't something that some people wanted to get rid of. We, on the other hand, wanted to draw a map that was compact, a map that was competitive, and a map that eliminated the snake on the lake.

Chair:

Follow up.

Paula Hicks-Hudson:

Yes, please. I'm not sure if you answered my question because I was asking really about data, and not just the idea about removing the snake on the lake, per se. So if there's not the actual data, numbers and things like that, that's fine. And if I may move on to another question, if I-

Senator McColley:

I could clarify, chairman, what do you mean by, could you expound on that? What type of data are you talking about?

Paula Hicks-Hudson:

If I may...

Chair:

Please.

Paula Hicks-Hudson:

And I'd usually ask questions rather than try to answer them, because you as the map drawer decided to create these maps the way that you did and the districts the way that you did. And so, I'm trying to understand what numbers, what demographics, what voters, what were you trying to capture in creating this district? And as you know, because I assume you're also a lawyer, and so you know, we take the law and we apply the facts to the law. So, I'm trying to get to the factual basis as to how you created congressional district nine.

Senator McColley:

Okay. Thank you.

Paula Hicks-Hudson:

If that helps you.

Senator McColley:

Thank you. To the chair, to the representative: thank you for that explanation. Whenever you're drawing one of these districts, obviously there are multi-layered considerations.

The first one, obviously, is population. We've endeavored in this state over the past several decades at the very least to draw it down to one person. And so, that's something that you take into account when you're drawing this. And so population, I guess, would be the first base level of data that you take into consideration when you're drawing one of these maps.

As I mentioned before, one of the other things we endeavored to do was to draw competitive maps. And so, we're also looking in these counties, we're looking at what the vote breakdown has been in these federal elections over the last 10 years, and using that to inform us whether it meets our goal of drawing competitive districts, or whether it does not meet our goal of doing that. And so, I guess to answer your question, the two primary and probably, really, the two only piece of data we used was the population figures in each of these counties.,And then also what the vote breakdown had been over the last 10 years in federal elections. Federal statewide elections, I should clarify.

Paula Hicks-Hudson:

Thank you. And just two more questions for follow up, if I may. When you say that we created, who is the we that you're talking about it? Is it the royal we, meaning you, or is it a group of folks? And if so, who are they, if you could name them?

Senator McColley:

Yeah. To the chair, to the representative: and we kind of touched on this in the Senate, but I'll reiterate it here. The first iteration of the map was a map that in concept was developed by me, and was then put into place and implementation through our staff, particularly Ray [Dirossi 00:33:49], who has the map software that we've relied upon and who really kind of fine-tuned a lot of that and made sure that we were able to balance the population with the concept that was in place.

And there were some differences that were, some would argue, somewhat significant between the two. The map you have before you is the product, primarily, of a negotiation and a discussion between, or I should say a negotiation in several discussions, I'm sure, between the president of the Senate and Speaker of the House, as to how to not only reconcile the differences between the House and the Senate map, but also to make some improvements upon the map to ensure that we have competitive districts within the map, and then also to ensure that we are implementing some of the changes that we've detailed before.

Paula Hicks-Hudson:

Okay. Thank you. My last question, if I may.

Chair:

Last one.

Paula Hicks-Hudson:

So, therefore the negotiation, the collaboration, the compromise, has really been just between the Senate and the House Republican caucuses. Is that a fair statement?

Senator McColley:

To the chair, to the representative: I've been told that there have been conversations between, and I can't speak for the Speaker, I've not spoken with the Speaker about this. The Senate president has told me that he's had conversations with the minority leader over in the Senate. I don't know the answer to how those conversations went over in the House, but at the same time, it would be speculation for me to speculate or to say in any manner, how many of those conversations happened, how long they were, when they happened or anything like that. But I do know those conversations did happen to one extender, and now they're over in the Senate.

Paula Hicks-Hudson:

I just [crosstalk 00:35:36].

Chair:

Representative Hicks-Hudson, I will allow you one more.

Paula Hicks-Hudson:

I just have to, because I want to be real clear about your answer. You're saying to me that, based upon your previous response to my question about who helped you to create the maps, and that it was primarily the discussion between the Senate president and the Speaker of the House, and that there may have been conversations, but you were not privy to those conversations. I see you're shak- you're not shaking your head, but you were shaking your head before. So you were not privy to those conversations between the Senate minority leader, but that... So, I think my question to you is that primarily the drawing of substitute Senate ill 2 58 is done through the negotiations, the compromised collaboration of, the majority party leaders. Is that a fair statement? Yes or no?

Senator McColley:

To the chair, to the representative: one of the reason I was kind of guarded in my response is because you are correct. I was not part of the conversations between minority leader, Yuko and Senate President Huffman. And so, as an attorney, you'll understand, I wouldn't be able to testify in court under the rules of evidence saying, "I know what this how this conversation went," if I wasn't in the room. And so, that's one reason why I'm being relatively guarded about it.

Chair:

Representative Seitz.

Bill Seitz:

Thank you, Mr. Chairman. Thank you, Senator, for your testimony. Granting that the words, communities of interest, are not in the constitutional provision we're talking about today, but following up on Representative Kelly's desire that communities of interest be kept together as part of this process. Wouldn't you agree with me that the very explicit, constitutional commands that limit our ability to split counties and cities and townships actually achieve the goal of keeping communities of interest together, because presumably

PART 2 OF 4 ENDS [00:38:04]

Bill Seitz:

... Communities of interest together because presumably, if it is a city, they have a community of interest by reason of being in that city. If it is a county, they have a community of interest by reason of being all in the same county. If it is a township, same is true. So wouldn't you agree that because this map has fewer jurisdictional splits than any congressional redistricting map in the last 50 years at least, and fewer jurisdictional splits than either of the maps submitted by the minority party, that we have actually through your good work done a marvelous job of keeping communities of interest together?

Senator McColley:

To the Chair, to the Representative. I would agree with your statement because I think we, as I stated before, we have to look at the plain meaning and the plain language in the Constitution. And I would agree with you that you correctly pointed out that rather than define or rather than put a term in there and leave it undefined, the drafters of this Constitution, constitutional amendment that was then subsequently approved by the voters puts in place guardrails to assure the goals stated are together. In my view, we absolutely did comply with those guardrails, because as has been pointed out, we could split up to 23 counties, 18 counties once, five counties twice. We've only split 12 counties with two of them being split twice, which is the least county splits out of any map proposed as a bill in the general assembly.

We've also kept 98, as I mentioned before, other than cities that straddle county lines and don't count as a split, expressly stated in the Constitution don't count as a split. And then of course the city of Columbus, which doesn't count as a split because it's over the ratio of representation. We've also kept 98 out of 100 of the most popular cities in Ohio whole. And that's been something that's been important for us as far as the Senate Republican map, even at the initial introduction. And so that's something that we did in this map and I believe constitutionally... Or requires with the constitutional requirement placed upon us.

Chair:

Do you have follow up?

Bill Seitz:

No thank you.

Chair:

Representative Galonski.

Paula Hicks-Hudson:

Thank you to the Chair and thank you Senator McColley for being here today. Sir, if you can, what bad would happen if everyday Ohioans would be allowed to come in here and testify either for or against substitute Senate Bill 258?

Senator McColley:

To the Chair, to the Representative. Ohioans were... These were public hearings. They could have came in and testified. I don't know what you're getting at.

Paula Hicks-Hudson:

Follow up.

Chair:

Follow up.

Paula Hicks-Hudson:

Through the Chair and to Senator McColley. So it sounds like you would agree that the people that are here today to testify about substitute Senate Bill 258 should be allowed to do that?

Senator McColley:

To the Chair, to the Representative. I know there have been a number of hearings in both chambers as it concerns multiple sets of maps. I think the chairs of those committees have allowed for that type of testimony to occur. As far as the individual procedure in any given hearing, I would defer to the chair on that.

Paula Hicks-Hudson:

Follow up.

Chair:

Follow up.

Paula Hicks-Hudson:

Through the Chair and to Senator, thank you. But as you know, no one saw this map. None of the public saw this map before 8:30 on Monday night, is that accurate?

Senator McColley:

To the Chair, to the Representative. The map was released to both caucuses in the Senate and to the public via our comms team around 8:12. But yes, more or less.

Paula Hicks-Hudson:

17 minutes. Thank you. Follow up.

Chair:

Follow up.

Paula Hicks-Hudson:

Thank you. So just turning then to Summit County and the split there of Summit County in your 13 2 map, I see that you have split Summit County, even though Summit County, as you know, has under 600,000 voters. And so can you explain to us why there would've been that split and why you were okay with dividing the very historical Senator Schuring Akron Canton metroplex economic development area?

Senator McColley:

To the Chair, to the Representative. First, I would disagree with you that this is a 13 2 map. But looking at the district the way it is right now, I think whenever you put a district like this together, especially when you're trying to balance to the one person, especially in Northeast Ohio, where clearly if you look at a quadrant of the state, you're going to have more populous counties in Northeast Ohio than you're going to have anywhere else. And so in some cases with the county splitting rules and things to that nature presents an interesting challenge when you're trying to draw this and balance it to the person.

And so the reason that we divided Summit County the way we did was to ensure that we could balance it to one person while also keeping... We wanted Stark County to be whole, as we mentioned before, but we also wanted Akron to be kept whole and also Akron to be more so part of the Cleveland area and the Cleveland metro area in the map. And so that's the decision that was made in drawing both the 13th and the 7th district.

Chair:

Follow up.

Paula Hicks-Hudson:

Thank you to the Chair and thank you, Senator. So the different question then related to the 13 2 map, would it be fair to say that you included the intent language regarding unduly or duly partisan because you know that you haven't been working toward a 10 year map?

Senator McColley:

To the Chair, to the Representative. I would not say that we haven't been working toward a 10 year map. Our hope all along was that this would be a 10 year map and unfortunately we did not have the votes in the Senate to obtain a 10 year map at this point. And so as far as the statement required, the statement is actually part of the bill. It's in the uncodified language at the end of the bill, where it talks about how this map does not unduly favor or disfavor a party or its incumbents.

Chair:

Follow up. Representative house.

Rep. Stephanie Howse:

Good morning. I don't know if you can hear. Hello? Can people hear me? Okay. I wonder if the people on my camera. It don't even matter. Okay. So to the Chair, to the sponsor of the bill, thank you so much. I know we've had a lot of conversations and I just really think about things in very practical matters, right? So I'm going to take a step back to what people actually voted on, right? So when we go back to 2018 and we look at the statewide issue, this is, "I, Jon Husted, certify the printed below are the full text ballot, language, explanation, and arguments that were certified to me by the Ohio ballot board, or filed with the Secretary of State as prescribed by law for the constitutional amendment proposed by the Ohio General Assembly."

And this was done on the 15th of April. Okay? When you look at the ballot language, "Creates a bipartisan public process for drawing congressional districts. Proposed constitutional amendment proposed by joint resolution of the General Assembly to amend the version of section one, article... Is that 11? 11, that is scheduled to take effect January 1st, 2021 and to enact sections one, two, and three of article 19 of the Constitution of the state of Ohio to establish a process for congressional redistricting. A majority yes vote is necessary for the amendment to pass. The proposed amendment would end the partisan process for drawing congressional districts and replace it with the process with the goals of promoting bipartisanship, keeping local communities together, and key, having district boundaries that are most compact. Ensure a transparent process be requiring public hearings and allowing public submission of proposed plans.

Required the General Assembly or the Ohio District of Commission to adopt a new congressional district by bipartisan vote for the plan to be effective for the full 10 year period. Required that if a plan is adopted by the General Assembly without significant bipartisan support, it cannot be effective for the entire 10 year period and must comply with explicit anti-gerrymandering requirements. If passed, the amendment will become effective immediately, shall the amendment be approved yes or no. In the proposed constitutional amendment, approval for issue one. Vote yes on issue one, a fair, bipartisan and transparent process. Vote yes on issue one, a yes vote will create a fair, bipartisan and transparent process when drawing congressional districts that will make politicians more accountable to the voters.

Issue one is supported by an overwhelmingly bipartisan majority of legislators, as well as nonpartisan advocates. Currently it is too easy for one political party to gerrymander safeties in Congress by dividing local communities and drawing a map without bipartisan support. Voting yes on issue one will limit gerrymandering by requiring that congressional districts be drawn with bipartisan approval or utilizing strict anti-gerrymandering criteria. It would also keep communities together by limiting splits of counties, townships, and cities, and promote geographically compact districts.

Fair. Voting yes on issue one will establish fair standards for drawing congressional districts through its requirement of bipartisan approval and or use of strict anti-gerrymandering criteria. Voting yes on issue one will help keep our communities together by limiting the number of splits of counties, cities, and townships. Bipartisan. Voting yes on issue one will require significant bipartisan support to adopt new congressional districts for 10 years. Transparent. Voting yes on issue one will require multiple public meetings before adopting a proposed plan for congressional districts. Voting yes on issue one will guarantee public participation by allowing members of the public to submit a plan for congressional districts.

Voting yes on issue one will preserve citizen's rights to referendum and the veto power of the Governor when the General Assembly passes a plan for congressional districts. Make your vote count. Vote yes on issue one. Prepared by Senators Matt Huffman and Vernon Sykes and Representatives Kirk

Schuring and Jack Cera." This is what was presented to Ohioans in 2018. Is that the map that would... Based on this, is this the map that's the product of what citizens in Ohio voted on?

Senator McColley:

To the Chair, to the Representative. The map before you complies with all the constitutional requirements that were acted in that election in 2018.

Rep. Stephanie Howse:

Okay.

Senator McColley:

And so therefore I would say that the map, while it didn't have the desired outcome that we hoped it would of a 10 year map and the constitution contemplates that, and basically says that the party enacting the map or the amount of people who are enacting the map are going to have to deal with the detriments of a four year map. As contemplating the constitution, it does comply with the constitution as it was voted upon by the voters.

Rep. Stephanie Howse:

Follow up.

Chair:

Follow up.

Rep. Stephanie Howse:

Through the Chair, to the sponsor of the bill. I will absolutely tell you what you presented from us is absolutely nothing, nothing in the spirit, in the vein of what, not only what voters voted yes on issue one for and what was outlined. Outlined in the actual, what [inaudible 00:50:12]. It is not fair, bipartisan or transparent. But my second question to you, what were your responsibilities as a co-chair for the redistricting, reapportionment, and demographics research? Because you was a co-chair, right? So can you tell me what your responsibilities were?

Senator McColley:

To the Chair, to the Representative. Are you talking about the legislative task force?

Rep. Stephanie Howse:

You were the co-chair of the task force on redistricting, reapportionment, and the demographics research was pre all of this other stuff. So when we were beginning to start things off, getting information off, what was your responsibility?

Senator McColley:

To the Chair, to the Representative. Typically that committee was a committee that would go around and conduct hearings primarily after the census data had been released, as far as the historical precedent of that after the census data had been released. And then it was also a committee responsible for allocating money that had been appropriated for the redistricting process for the various

caucuses within the Ohio General Assembly. Unfortunately, we did not receive the census data until August 15th and so there really wasn't an awful lot for us to base our hearings off of. However, throughout the course of the summer, we were regularly approving allocations of money for the caucuses to assist them in their redistricting efforts. And to my knowledge, nothing was ever denied as part of that.

Rep. Stephanie Howse:

Okay. Follow up. Follow up.

Chair:

Follow up.

Rep. Stephanie Howse:

To the Chair, to the sponsor. So in your responsibility as the co-chair of the task force for redistricting, reapportionment, and demographics research, can you explain to us how you operated in a fair, bipartisan, and a transparent way? As a co-chair for the task force.

Senator McColley:

To the Chair, to the Representative. I don't see... Are you saying in relation to this bill? Or are you saying-

Rep. Stephanie Howse:

It's a part of the process.

Senator McColley:

Okay.

Rep. Stephanie Howse:

It's all a part of the process that led us to this bill right now, substitute Senate Bill 258.

Senator McColley:

To the Chair, to the Representative. I don't view my role as the co-chair as one and the same with my view as the sponsor of this bill. I didn't even know I was going to be sponsoring this bill until shortly before it was introduced. And so, and at that point, the redistricting process had largely, like I mentioned before, the census data was not released until August. And at that point, the deadlines were upon us. And so it didn't make a whole lot of sense for the legislative task force on redistricting to be meeting while at the same time the redistricting commission was starting its work on state legislative maps. And the timeline was upon us as far as the other issues were concerned. And so I don't view them as one and the same between the two.

Rep. Stephanie Howse:

Follow up.

Chair:

Follow up.

Rep. Stephanie Howse:

Yes. Through the Chair, to the sponsor. Again, this was the beginning process. I'm just trying to figure out how even starting off as a co-chair of a task force, how you operated. Did you operate in the spirit of fair and transparent and bipartisanship when you... But I'm going to switch to Cuyahoga County because I know the time is coming to an end. So looking at Cuyahoga County, our district is in three different areas, right? So you have district 11, district 14. So can you tell me why you chose to split Oakwood, which is a predominantly Black community, compared to... Let's look at all of the other... Well, no. Just tell me why you chose to split Oakwood?

Senator McColley:

To the Chair, to the Representative. As I stated before, racial data was not considered in any of this. And so as far as why Oakwood was split, I couldn't answer the question to that. This was what was agreed upon, as I stated before in my response to Representative Hicks-Hudson. But I will say the balancing of population is primarily the decision, or is primarily driving many of these decisions when we are coming up with these maps. And so it was an issue of what cities, especially in the case of Cuyahoga County, where mostly all of Cuyahoga County is incorporated, what cities or villages could we put together that would adequately get us to 786,630 people without unduly splitting too many communities.

And so we're contemplating not only population, but we're also contemplating, if we were keep this community in, does it mean we have to split two communities rather than one in order to keep the population? Now, this is me just talking generally. I don't know the actual answer as to why Oakwood was or was not included in one district or another. But generally speaking, that's what's guided the decision as we've discussed some of this.

Rep. Stephanie Howse:

Follow up.

Chair:

Follow up.

Rep. Stephanie Howse:

Thank you. Through the sponsor, to the Chair. So you talked about what was agreed to, so I guess I'm just trying to get a clarify who agreed to it and who can answer the question on why Oakwood was split?

Senator McColley:

To the Chair, to the Representative. As I-

Rep. Stephanie Howse:

Since you can't do it as a sponsor.

Senator McColley:

To the Chair, to the Representative. The decision to include Oakwood, I can tell you this, I'm sure it was guided by the principles that we've used this entire time as we've been redistricting, is what communities can we put together that will get us to 786,630 people in a compact district and that also minimizes the splits of other communities across the entire map, not just in one instance? And so I think

that's frankly, probably the answer you're going to get from anybody as it concerns why Oakwood was included or was not included in one district or another.

But as I mentioned before, the map before you was the product of discussions and negotiations, primarily between the Speaker and the Senate President. But it was a map that they have obviously took in whatever input they were getting throughout the process from members of their caucus and I'm sure members of the opposing caucuses as well. And so that's how we came to the map that we are in front of us. But I will reiterate, I support the map in front of us and I wholly believe that it is...

PART 3 OF 4 ENDS [00:57:04]

Senator McColley:

Iterate. I support the map in front of us and I wholly believe that it is constitutional.

Rep. Stephanie Howse:

Okay. Follow up. Last question.

Chair Wilkin:

Follow up.

Rep. Stephanie Howse:

Thank you. Through the chair, to the sponsor. As you gave your thoughts on why you kind of think Oakwood was split, but you don't know definitively how Oakwood was selected versus anything else, which is a predominantly African American community. But as you talked about who agreed to it, which you've talked about was the president of the Senate and the speaker of the house, which did not include the minority leader here in the house, who receive the map on Monday like everyone else, which is not fair, transparent, or bipartisan if you're supposed to give input. So it would be really helpful if you can ... I guess we need to ask a question to the president of the city and the speaker of the house regarding this map, which is not fair, which is not transparent, which is not bipartisan, which is what people voted in 2018. We have failed the people of Ohio and I hope Ohioans are paying attention. And we should deal with the consequences accordingly. Thank you.

Senator McColley:

To the chair, to the representative, I would not frame my response as not giving an answer, not that you were saying that. But I would not frame it as not giving an answer, because what I can tell you is that the principles that I outlined in my previous response to you are what guided us throughout this entire process, as we were coming up with this district map. And so I would argue the response is as simple as I laid it out. There really isn't anything more to it than that. And so I don't know that there would be anything that we should be searching for necessarily as to why it would be included or not.

Rep. Stephanie Howse:

Okay, follow up because you responded-

Chair Wilkin:

Final one.

Rep. Stephanie Howse:

Yes. Through the chair to the sponsor. So the reason why I bring up Oakwood, because you could have picked Minerva, Wintersville, Richfield, Northfield, South Russell, [inaudible 00:59:12], North Baltimore, Gallipolis, Green Hills, but Oakwood was chosen, which is a black community split in half. So I'm just trying to figure out why. And I know you can't answer that question. But again, even when you look at the populations down to the one person. They could have selected another community, but they chose Oakwood, the majority black community to split. So appreciate that though. Thank you.

Chair Wilkin:

Would you like to respond to her?

Senator McColley:

I've answered the question.

Chair Wilkin:

Representative Brown.

Repreentative Brown:

Thank you chair. You mentioned earlier, Senator, that Republicans were responsive to public input about certain decisions. And I think as an example, you mentioned, I believe it's district 10, where Springfield was included with Dayton in Montgomery county. Is that correct, that was one of your examples?

Senator McColley:

Through the chair to the representative, yes.

Repreentative Brown:

Follow up, chair.

Chair Wilkin:

Please.

Repreentative Brown:

My question is, was public input part of the decision to include the Eastern Hamilton county suburbs of Loveland, Montgomery, Indian Hill, Madeira, Fairfax, Mariemont, Newtown in district two with the good folks in Hawking, Vinton, Meigs, Jackson, and Gallia counties. Was public input part of that decision?

Senator McColley:

To the chair, to the representative. As we are interpreting the constitutional provisions, particularly those concerning compactness, the compactness requirement applies to all districts in a 10 year map. In a four year map, it says you shall attempt to draw compact districts. The way we look at it is compact districts requires that these districts not be massive districts, geographically speaking. Now that's unavoidable, as anybody who's attempted to draw a map will know. In some parts of the state, you're going to get districts that are long. You're going to get some districts that are big because you need

786,630 people. And some of these counties are just small. And so one way to ensure, and to view any of this in a silo where, one district doesn't affect any of the other districts, is not really indicative of how this process goes.

And so you look at the size of the second district in this map. A lot of these counties are very, very, very small. Vinton county, I think may have 13, 14,000 people. Somebody down there might be able to tell me. And so naturally you need to put some of these district in areas with higher population to ensure that these districts are able to be geographically compact. Doing that allowed us to have a 12th district that is a compact district. Doing that allowed us to have a sixth district that is about as compact as you could ask when you're going up the Ohio river like that.

The alternative as we've seen, even in the current map and in some other maps that have been submitted, is for example, even the house Republican map that went all the way from Lawrence county, all the way up into Trumble county. And so when you're evaluating your requirement under the Ohio constitution to draw compact districts, it's not that you can just simply say, we're going to draw a compact district for this district, but we're going to let this district be as massive as it could possibly be. You have to take that into account as to what the geographic lines and population density in every district is going to impact other districts. And naturally you're going to wind up with some areas that are less compact than others, but it's something that we to take into consideration.

Repreentative Brown:

Follow up, chair.

Chair Wilkin:

Follow up.

Repreentative Brown:

I appreciate the conversation regarding compactness. Unfortunately, my question was not about compactness. My question was, was there public input that was part of the decision to include the Eastern suburbs of Hamilton county into district two? Now, if the answer is, we considered compactness issues, that's the answer, Mike, but my question was, did public input play a role in the decision to include the Eastern suburban communities of Hamilton county into district two?

Senator McColley:

To the chair, to the representative, you would be correct in pointing out that people didn't want Hamilton county split twice. People also didn't want Franklin county split twice. We were able to make that work in large part because Franklin county is combined, or surrounded rather by a number of much more populous counties that allow us to maintain compact districts in either direction. We did take that into consideration. But at the same time, at the time, we were hoping to have a 10 year map, which would've required compact districts. And that's something that is, if you're going to pass a 10 year map, is non-negotiable within the Ohio constitution. And so the way we looked at, especially down here, where you get into these small counties, the way to accomplish that is that you draw them into potentially counties that have greater population. Which anything that we did in that regard, I would argue is also contemplated within the Ohio constitution, by allowing us to split counties twice independent of their population, which would allow us to potentially use that provision to draw compact districts.

Repreentative Brown:

Follow up, chair.

Chair Wilkin:

Follow up.

Repreentative Brown:

Being a lawyer, I usually like to get an answer to my question and I'm going to ask it again. The question is, was public input part of the decision made with regard to putting the Eastern suburbs of Hamilton county into district two? That's the simple question. Was the public input part of that decision? If it was not, then the answer is no. If it was, the answer is yes. Which was it?

Senator McColley:

To the chair, to the representative. I'll try to summarize my answer in a better fashion to maybe answer your question better. Public input was made as to whether we should do that or not. But we viewed the more important requirement that was placed upon us by the Ohio constitution was to draw compact districts.

Repreentative Brown:

Okay. Finding in fact may follow, chair.

Chair Wilkin:

One more.

Repreentative Brown:

With regard to district 15, was public input part of the decision to put the Franklin county suburbs of Westerville, Dublin, Hilliard, et cetera, into a district with Clinton county, Fayette, Pickaway, Ross, Madison, [inaudible 01:06:24], Clark, was public input part of that decision?

Senator McColley:

To the chair, to the representative. Public, I don't know that there was public input specifically referencing which counties. I know there were some people who preferred that it go up to Delaware county. But at the same token, public input primarily as it concerned Franklin county was don't split it twice. And due to, as I mentioned before, the fact that we have some fairly populous counties surrounding Franklin county, that gave us the opportunity to still draw compact districts without having to split Franklin county twice. And so I would argue that public input was taken into account when drawing both the 15th and the third.

Chair Wilkin:

Representative Swearingen. And representative Swearingen, before we get started, I will cut you off at five if there's that many.

DJ Swearingen:

I've got three.

Chair Wilkin:

Better.

DJ Swearingen:

Thank you, Mr. Chairman. And thank you, Senator McCauley for your continued testimony today. Does a four year map under article 19 of the constitution have to be bipartisan?

Senator McColley:

To the chair, to the representative. No, it just simply requires a simple majority.

Chair Wilkin:

Follow up.

DJ Swearingen:

So it's fair to say, Senator McCauley, that the voters who voted on article 19 in 2018, included a provision in there with leniency to a nonpartisan aspect of the process.

Senator McColley:

To the chair, to the representative. It appears that article 19 was crafted in such a way to recognize that, like other issues, there are periods of impasse within the legislature. And at the end of the day, we have to have maps. And that is the release valve, or fail safe, or whatever you want to call it.

DJ Swearingen:

Last question, Mr. Chairman.

Chair Wilkin:

Please.

DJ Swearingen:

Did you use any firms out of Washington, DC to draw your maps?

Senator McColley:

To the chair, to the representative. No.

DJ Swearingen:

No further questions.

Chair Wilkin:

Representative Hicks-Hudson.

Paula Hicks-Hudson:

Thank you, Mr chair. Thank you again for standing here, answering our questions. I want to draw your attention to page 901 of the bill under section three, where if you recall, and you've been reciting much

of the sections of the constitution, so I draw your attention to article 19, section 1C3D, which requires that the bill provide the general assembly shall include, and this is a quote, in the plan, an explanation of the plan's compliance with division C3 A to C of this section.

So when you look at section three of the actual bill, the language here says that, just repeats, the congressional district plan does not unduly favor or disfavor a political party or its incumbents. The plan contains six Republican leaning districts, two Democratic leaning districts, and seven competitive districts. And it continues on. So I need you to explain to me, how do you believe that this particular section of the bill is truly in compliant with the constitutional requirement of an explanation. The mere regurgitation of what is contained in the bill, to me is not an explanation. So could you explain to me how this particular section complies with the constitutional requirement of a true explanation

Senator McColley:

To the chair, to the representative. I do believe it complies in large part because we have to, as you pointed out, talk primarily about how it doesn't favor or disfavor a political party or its incumbents. In doing that, obviously this is the first time we're doing this. There may or may not be a court interpreting those provisions. And so when we're looking at that, as far as whether it favors or disfavors incumbents, I think we were pretty clear in that section. The way we decided to do that was simply not combine any of them that are running for reelection now. As it concerns whether it favors or disfavors a political party over the other, I don't know that you have to get any more detailed than your analysis as to what the breakdown of the map is.

I think if the Democrats were to have passed a map, their explanation would've been, this is an eight to seven map. And that would've been their explanation as to whether it complies, or favors or disfavors of political party. And so I don't know that it has to be a voluminous 40 page report or anything like that. But it is something that we feel adequately complies with the constitution and does so in a succinct manner

Chair Wilkin:

Follow up?

Paula Hicks-Hudson:

Yes. Thank you. And I'll be very brief because we have to go, myself and the ranking member have to go. I respectfully disagree with your statement because I believe that what we need to understand is how at one part of your discussion, you're able to cite chapter and verse of the constitution, and then here, when it's a requirement for, I believe not only just the regurgitation of the maps, but actually, as I talked earlier about data and information. So my question continues to be, how do you say that this map complies when it doesn't really have, in my opinion, the factual data information? And it maybe should be a 40 page explanation of section three to comply with the constitutional requirement that I just read before you. And thank you, Mr. Chair,

Chair Wilkin:

Thank you.

Senator McColley:

To the chair, to the representative. As I stated before, particularly when we are interpreting a provision of the constitution for the first time, we have to take it at its plain meaning. If the constitutional

provision requiring us to contain an explanation, does not require us to do the things that you're asking of us to do. And I respectfully disagree with you. I understand that that's what they teach us in law school, reasonable minds can differ. But I would say that what we put in place is compliant with the constitution.

Chair Wilkin:

Thank you. This time, the chair would recognize Representative White for a motion.

Representative White:

Thank you, chair. I move that we favorably report Senate bill 258 to the committee on rules and reference.

Chair Wilkin:

Clerk will take the role.

Clerk:

Chair Wilkin. Yes. Vice chair White. Yes. Ranking member Brown. No. Representative Carfagna. Yes. Representative Galonski. No. Representative Ginter. Yes. Representative Hicks-Hudson. No. Representative Howse. No. Representative Jones. Yes. Representative Kelly. No. Representative Plummer. Yes. Representative Seitz. Yes. And Representatives Swearingen. Yes.

Chair Wilkin:

With eight yeas and five nays, the bill passes and will be referred favorably to rules and reference. Is there any further business to come before the committee? See none. Committee stands adjourned.

PART 4 OF 4 ENDS [01:13:49]

Exhibit 35

House Members:

[inaudible 00:00:05].

Mr. Speaker:

The House will please come to order. With a quorum being present, I invite everyone to please rise and join with our members in the opening prayer, and to remain standing for the Pledge of Allegiance to the flag of the United States.

Thomas Hall:

Thank you, Mr. Speaker. I'm honored today to have my Pastor, Lamar Ferrell, with us today. After moving from the nation's capital in 1984, Lamar graduated from Middletown Christian High School. He and his wife, Maryanne, have been Middletown, Ohio residents since 1996. After graduating with a degree in zoology and a premed from Miami University in 1992, Lamar knew that God was calling him into full-time vocational ministry. He received his Masters of Divinity Degree from Mid-America Seminary in Memphis, Tennessee in 1996. That was one year after I was born.

Lamar Ferrell:

Yeah.

Thomas Hall:

He is, and has been the lead pastor of Berachah Church in Middletown for 25 years. For 16 years, Lamar has served his community as the lead police and fire chaplain in and around the Middletown area. He's the founder and chairman of the Master's Mission golf tournament, which has raised over $350,000 to help children locally and globally by the theme of play golf; save lives.

Lamar will be married to his lovely wife, Maryanne, who has joined us today, for 25 years in April. And they both serve as advocates for families with special needs. They are proud Middletown [inaudible 00:01:33] parents and have a 22-year-old college graduate and recently-engaged son named Luke, and a 19-year-old high-school-graduate daughter named Elley, who was born with spina bifida, which opened their beautiful world of ministry to the most unreached people group, which are families and children with disabilities and special needs. One of the highlights of their married life is organizing an annual special needs prom called One Special Night, which is open to 10 different school systems in Butler and Warren counties.

Pastor Lamar's passion is helping people while shepherding. His hobbies include golfing, traveling, watercolors, and cheering on the Ohio State Buckeyes. Go Bucks.

Lamar Ferrell:

It's an honor to be here today. And I can say this, and this isn't preacher speak, I feel at home here. I really do. Thank you to Mr. Speaker, thank you to Representative Hall for this high honor on this day. I feel like saying this, "Mama, I've made it," or I feel like saying, "Thank you, Jesus." One or the other.

But I want to say that today, I stand here just to represent the goodness of God. Every good and perfect gift comes from the Father. 24 years ago today, my wife reminded me this morning, my father passed away. He was my mentor, my friend, my father, and my pastor. 24 years ago today, I became the pastor of Berachah Church. Nothing happens by accident. And I believe I'm here today on the request of Representative Hall, but I believe today, that God has allowed me this high, esteemed privilege. Thank

you for your service. Thank you for your commitment to this state. And I say it: we are blessed to live here in this great state of Ohio. And with God, all things are possible. Pray with me.

Lord, today, we understand and realize that we are blessed to live in these United States. Today, we are honored to stand in this sacred hall. And to each of the members, wow, they have extreme pressure. They have a very difficult job. And yet, they have the wonderful opportunity to serve the people of this state. May you give them the humble leadership of Moses. May you give them the faith of Abraham. May you give them the determination of Nehemiah to continue building. May you give them the courage of Queen Esther to stand in the face of adversity. May you give them a heart of concern like Jeremiah. May you give them the judging acumen of Deborah. May you give them the wisdom of Solomon, the serving passion of Martha, the encouragement of Barnabas. And may, above all, you give them the loving heart of you, Jesus. Bless them. Protect them. Provide for their families. We do pray, and we ask on this long day, that you would give them endurance. We praise you. We bless you. And we thank you today. In the name that's above every name, the name of our Lord and savior Jesus Christ, amen.

House Members:

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

Thomas Hall:

Pastor.

Lamar Ferrell:

Blessings.

Mr. Speaker:

At this time, we'd like to recognize the guests in our gallery.

Clerk:

In the West Gallery, guest of Representative Miranda, is her daughter, Gabriella Miranda. Please rise and receive a welcome from the House.

In the West Gallery, guests of Representative Schmidt and Denson, is Michelle Young. Please rise and receive a welcome from the House.

In the West Gallery, guest of Representative Click, is Blake Frank. Please rise and receive a welcome from the House.

In the West Gallery, guests of Representative Hall, are the members of Berachah Church. Please rise and receive a welcome from the House.

In the West Gallery, guests of Representative Mary Lightbody, are Dr. Tommie Radd and Al Navarro from Gahanna. Please rise and receive a welcome from the House.

In the West Gallery, guests of Representative Lightbody, is Mike Ahern. Please rise and receive a welcome from the House.

Mr. Speaker:

Clerk will read the journal of the preceding legislative day.

Clerk:

103rd day. Held at the House of Representatives. Columbus, Ohio. Wednesday, November 17, 2021 at 9:00 AM. The House met pursuant to adjournment. On motion of Representative Ginter, the House adjourned until Thursday, November 18, 2021 at 9:00 AM.

Mr. Speaker:

Without objection, the journal will be approved. Hearing no objection, the journal is approved. Introduction of bills. Consideration of Senate amendments. Reports of conference committees. Reports of standing and select committees and bills for second consideration.

Clerk:

Representative Brent submitted the following report: the standing committee on Agriculture and Conservation to which was referred House Bill Number 321. Representatives Kick, Young, B., et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

Representative Kelly submitted the following report: the standing committee on State and Local Government to which was referred House Resolution Number 147. Representative Stoltzfus, having had the same under consideration, reports it back and recommends its adoption.

Representative Smith, K. submitted the following report: the standing committee on Public Utilities to which was referred House Bill Number 389. Representatives Leland, Seitz, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

Representative Upchurch submitted the following report: the standing committee on Economic and Workforce Development to which was referred Amended Senate Bill Number 166. Senator Reineke, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

Representative Upchurch submitted the following report: the standing committee on Economic and Workforce Development to which was referred Sub. Senate Bill Number 105. Senator Sykes, Schuring et al., having had the same under consideration, reports it back with the following amendment and recommends its passage when so amended.

Representative Smith, M. submitted the following report: the standing committee on Commerce and Labor to which was referred House Bill Number 218. Representative Cutrona, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

Mr. Speaker:

Motions and resolutions. The Chair recognizes Representative Jones for an absence motion.

Don Jones:

Thank you, Mr. Speaker. I move that majority party members asking leave to be absent the week of Wednesday, November the 17, 2021 be excused, so long as written request is on file in majority leadership offices.

Mr. Speaker:

Without objection, the motion will be agreed to. Hearing no objection, the motion is agreed to.

Chair recognizes Representative Hicks-Hudson for an absence motion.

Paula Hicks-Hudson:

Thank you, Mr. Speaker. I move that minority party members asking leave to be absent or absent the week of Thursday, November 17th, 2021 be excused, so long as a written request is on file in the minority leadership office. Thank you.

Mr. Speaker:

Without objection, the motion will be agreed to. Hearing no objection, the motion is agreed to.

Bills for third consideration.

Clerk:

Sub. Senate Bill Number 258. Senator McColley and others to enact and repeal section of the Revised Code to establish congressional district boundaries for the state based on the 2020 decennial census and to delay certain deadlines related to the 2022 congressional primary election.

Mr. Speaker:

Question is, shall the bill pass.

The Chair recognizes Representative Wilkin.

Shane Wilkin:

Thank you, Mr. Speaker. I rise in support of Substitute Senate Bill 258. As the chair of the Government Oversight and co-chair of the Joint Committees, we have heard hours of testimony. For our legislative districts [inaudible 00:09:53] in process, there were 15 total hearings, with 10 of those being held across the state for public input. The remaining 5 exceeded the constitutional requirement. For these congressional maps, there have been a total of 17 hearings, including the Redistricting Commission, the Joint Committee, the House Committee, and the Senate committee, meeting and exceeding all constitutional requirements. For the government oversight, there's no time limit imposed on testimony or questions when we had committee. And many people testified multiple times through different committees.

And I know we hear a bunch of terms as we go through this redistricting process. And I just want to focus in on one that I talked about in the Joint Committee, and that term is fair. And we heard that a lot throughout this process, is what is fair. And I think all of our colleagues can agree everybody has a different interpretation of what fair actually means.

So, in this specific one, I'm going to focus in on my district that I brought up in the Joint Committee. And let's look at Appalachia, Ohio. Appalachia, if you look at a Wikipedia map, runs from Clermont County all the way around to Ashtabula County. 32 counties to be exact. Now, within 32 counties, how many congressional districts should that be? Now, my good friend across the aisle, Representative Kelly, is probably going to talk to you later today about Hamilton County and how part of that is part of the second district. Well, my question back: then how big should the second district be? As it stands right now, the second district on these maps is 12 full counties and 2 partial counties, so representing 14 counties. How many counties should one congressman or congresswoman represent? Should it be 16, 18, 20? Does that not dilute the voice of those of us in Southern Ohio, who often get left behind; and Southeastern Ohio, who are often not heard, get the leftovers?

I think it's fair to say that every county affects other counties. Every district line is going to affect another district. Substitute Senate Bill 258 has the lowest amount of county splits of any map presented.

It keeps all of our major cities in one district, except for the city of Columbus, which is two and not three, which it started off; and has the least amount of subdivision splits.

Speaker, my colleagues will follow up with more details on these maps, but this is the best map I have seen in. And I urge concurrence, or support of the maps. Thank you.

Mr. Speaker:

Question is, shall the bill pass.

Tavia Galonski:

Mr. Speaker, move to amend.

Mr. Speaker:

Chair recognizes Representative Galonski.

Tavia Galonski:

Mr. Speaker move to amend with amendment number 1342314.

Mr. Speaker:

The Chair has the amendment. The amendment is in order. The representative may proceed.

Tavia Galonski:

Thank you. Permission to speak to the amendment.

Mr. Speaker:

Representative may proceed.

Tavia Galonski:

Mr. Speaker, I rise today to ask my colleagues to support Amendment AM 1342314. This amendment replaces the 13-2 map proposed by my colleagues across the aisle. And it proposes to replace all of it with Representative Brown and my introduced map earlier this month. Ohioans told us in no uncertain terms that they wanted to see communities stay together, especially cities in our largest counties.

In its current form, S.B. 258 does the exact opposite. Splitting communities apart doesn't allow for better representation. In fact, it prevents communities from having the representation they deserve.

Ohioans expect us to create a bipartisan 10-year map. To accomplish that, we're going to need to compromise. The proposed map in this amendment is a compromise. It's fair, compact, and keeps communities together. It adheres to all constitutional requirements voters set for us. It reflects not only the preferences of the voters whose candidate wins statewide office, but also the preferences of the 45% of Ohio voters who consistently prefer a different candidate.

Unlike the map proposed, that is a 13-2 map, this replacement map is not partisan. It does not contort our districts to maximize partisan advantage. It is a compromise, one that ensures Ohioans who share a community can decide who represents them.

The amendment supplants the 13-2 map, that had no public testimony, with a fair 9-6 map that reflects what our voters want. It was developed in the light of day, not behind closed doors, and received ample public agreement.

What this body decides today will shape our politics for the next decade or more. Moving forward with a compromised map protects against a veto from the governor, it protects against a voter referendum on the map, it protects against districts that modify or unduly favor one political party at the expense of all Ohioans.

Mr. Speaker, thank you again for giving me the opportunity to speak on this amendment. I urge my colleagues to vote and support AM 1342314.

Mr. Speaker:

Question is, shall the amendment be agreed to?

Chair recognizes Representative Swearingen.

D. J. Swearingen:

Thank you Mr. Speaker. And I appreciate the intent behind this amendment. However, I ask for opposition to this amendment for several reasons today.

When we say the word compromise, that implies that there's two parties at the table. There was only one party at the table when this map was drafted, and that party was a consulting firm out of Washington, D.C., who drew this map that's being offered on this amendment.

In addition, when we talk about splitting counties and political subdivisions, which I'll get to in my future floor remarks, this map presented to you today, Senate Bill Number 258 offered by Senator McColley, keeps together a record number of counties, local political subdivisions, including our biggest cities.

And for those reasons, I would offer opposition to the amendment. And it should be tabled.

Mr. Speaker:

Question is, shall the amendment be agreed to.

Chair recognizes Representative Seitz.

Bill Seitz:

Thank you, Mr. Speaker. I move we lay the amendment upon the table.

Mr. Speaker:

Motion is to lay the amendment upon a table. The House will prepare and proceed to vote.

Have all members now voted? The clerk will take the roll.

Clerk:

59 affirmative votes, 32 negative votes.

Mr. Speaker:

59 affirmative votes, 32 negative votes. The motion has been agreed to, and the amendment is laid upon the table. The question is, shall the bill pass.

Chair recognizes Representative Brown.

Richard D. Brown:

Thank you, Mr. Speaker. I rise in opposition to Senate Bill 258. In 2015 and 2018, Ohioans went to the ballot and overwhelmingly voted for constitutional amendments that were intended to reform the process of how we draw district maps for both the state House and congressional districts. Ohioans' voices were loud and clear. They voted for fair districts that fairly represent the preferences of Ohioans. Ohioans wanted maps that kept our largest county's whole, with our largest cities as anchors of those districts. Ohioans voted for reforms to ensure that communities that live and work together stay together. Ohioans voted for reforms that will result in the most compact districts possible, with easily understood boundaries. And Ohioans voted overwhelmingly for constitution reforms that result in districts that reflect the preferences of the voters, including the 45% of voters, who in the last 10 years in statewide elections, have voted for Democratic candidates.

The Republican congressional map of Senate Bill 258 does not meet the letter of the Constitution or the spirit of the reforms of 2015 and '18. Hamilton County, for example, is split two times in this map, creating three districts in Hamilton County. Geauga County is also split two times, resulting in three districts in Geauga County. Summit County is split into two districts. In the map that Democrats propose, House Bill 483, the so-called Brown-Galonski map, Hamilton and Geauga counties were split only once, resulting in two districts in each, and Summit County was not split at all.

The multiple splits in the Republican's map under consideration here today in Hamilton and Geauga Counties and the splitting of Summit County are not necessary and are therefore undue splits. Article XIX, Section 1(C)(3)(b) of the Ohio Constitution mandates that in a four-year map, which is to put the map in question undoubtedly is, the G.A. shall not pass a plan that unduly splits governmental units, giving preference to keeping whole counties and then townships and municipal corporations. The map in question unduly splits Hamilton, Geauga, and Summit counties and therefore violates this provision of the Ohio constitution.

Article XIX, Section 1(C)(3)(a) of the Ohio Constitution mandates that in a four-year map, the General Assembly shall not pass a map that unduly favors or disfavors a political party. [inaudible 00:20:11] describes the map in question as a 13-2 map. And it is, not withstanding Republican claims to the contrary. This map clearly unduly favors Republicans and disfavors Democrats and therefore violates this provision of the Ohio Constitution.

Now, in testimony yesterday before the Government Oversight Committee, the Senate sponsor of Senate Bill 258 claimed that this map was in part the product of input from the public and that the map reflected the concerns of Ohioans. I directed the sponsor's attention to the eastern portion of Hamilton County, which includes the greater Cincinnati suburbs of Loveland, Montgomery, Madeira, Mariemont, and Indian Hill, among others in District 2, which is a sprawling district which stretches to the east across all of Southern Ohio to include Appalachian counties like Meigs, [Vinn 00:21:10], Hocking, Jackson, and Lawrence, to name some.

I asked the sponsor whether public input was part of the mapmaker's decision to include the Eastern Cincinnati suburbs in the district with these Appalachian counties. The sponsor gave a lengthy monologue about the issue of compactness. I did not ask him about compactness, so his answer was completely nonresponsive.

So, I asked the sponsor a second time whether public input was part of the mapmaker's decision to include the Eastern Hamilton county suburbs of greater Cincinnati into District 2, which again extends

all the way across the Southern part of the state. The sponsor again responded with a torrent of words that were not responsive at all to my question.

So, I asked the sponsor a third time whether public input was part of the mapmaker's decision to include the Eastern Cincinnati suburbs in a district with these Appalachian counties. And finally, the sponsor answered the question. He testified that the mapmakers knew that folks in Hamilton County and elsewhere around Ohio did not want the county to split twice and did not want the Eastern suburbs to be in the district with these Appalachian counties. However, the mapmakers apparently ignored this desire and created this sprawling suburban/rural district anyway.

Why? Why ignore the public input from these folks in Hamilton County? Was it to create a district that cracks apart people with similar interests and concerns and to weaken the votes of Democrats in the packed District 1 of Cincinnati? I'll leave that to all of those here to determine that answer. In other words, in my view, this was done for purely partisan political advantage, which is classic gerrymandering.

Now, when I gave testimony in the Government Oversight Committee about the democratic Brown-Galonski map proposal, I was questioned by a Republican member of this body about one of our districts, which he felt had grouped disparate Appalachian counties together. He noted that Noble County and Licking County were two totally different counties, which were both included in our District 6, and he thought that they should not be grouped together. The member further criticized our map, stating that "we need to look at and keep Appalachia with Appalachian counties", which we in fact had done. He just didn't like which counties we included together. And then this member stated that the Appalachian counties "don't want to be with these big metropolitan areas". And yet the map in question does the very thing that this Republican member said we should not do: lumping Appalachian counties in with a big metropolitan area, specifically District 2.

Now, the map in question also unduly splits Summit County, and places Akron and Canton in separate districts. In the Brown-Galonski map, Summit County was not split at all. It was kept whole. And Akron and Canton were placed in the same district. We did this in response to the well-known desire of many of the area's business leaders, most of whom I assume are Republican, and others like Senator Kirk Schuring, who, for years, have been advocating for the development and branding of the area as the "Akron-Canton Metroplex." There is even a magazine called the Akron-Canton Metroplex Magazine, extolling the economic virtues, and advantages of combining metropolitan statistical areas, MSAs, for a variety of business and economic reasons, like increasing tourism and creating larger markets, which give all of the communities in the metroplex greater power to compete for new businesses, new industries and jobs. The map at issue today tears asunder the Akron-Canton Metroplex Economic Development Areas in terms of congressional representation, and ignores the needs and desires of the people of this area, and again demonstrates the fallacy of the sponsor's claim that the mapmakers drew districts in part a response to public input.

Finally, since the sponsor yesterday wanted to talk about compactness, even though no one asked him that question, I'd be derelict if I failed to mention compactness. Now, one way of measuring compactness, a common-sense way, is to compute the drive time and driving distance between the two furthest points in a district. Comparing the Democratic Brown-Galonski map to the map in question today, it is clear that the districts in the subject map are not nearly as compact as those in the Brown-Galonski map. The average driving distance in the Brown-Galonski map of all the proposed districts together and averaged is 95.4 miles, but the average driving distance in the map at issue is 108.7 miles. The maximum driving distance in the subject map is longer in 11 of the 15 proposed districts compared to the Brown-Galonski map. Many of the districts in the subject map are not compact, such as District 5,

which starts with the north coast Lake Erie county of Lorain and stretches westward all the way to the Indiana border, including the rural farming counties of Paulding, Van Wert, and Mercer.

Now, the exchange I had yesterday with the bill's sponsor is a microcosm of the entire process which has unfolded regarding both the state House maps and the congressional maps. There has been a lack of transparency in the process. There's been deflection, distortion, and at times deception about these maps. This map in question violates certain constitutional provisions. It is unfair. It does not comply with the letter of the law or the spirit of the reforms Ohioans overwhelmingly voted for in 2015 and 2018.

It unduly splits Geauga and Hamilton counties twice. It unduly splits Summit County. It tears apart the Akron-Canton Metroplex. It carves out downtown Columbus from District 3 and places it in District 15, with rural counties like Clark, Fayette, Madison, Clinton, Pickaway, and Ross. And all of this is done clearly for partisan political advantage. It is sad and unfortunate that we are here at this point today. The people of Ohio deserve so much more. I urge a no vote.

Mr. Speaker:

Question is, shall the bill pass.

Chair recognizes representative Swearingen.

D. J. Swearingen:

Thank you, Mr. Speaker. And there's an old saying in the legal profession that when the law is on your side, pound the law; when the facts are on your side, pound the facts; and when neither are on your side, pound the table. Well, today, proponents of this bill are going to be pounding the law and pounding the facts because we have absolutely no reason to pound the table or, in some cases, our desks.

When you look at the plain language of Article I, Section... Article XIX, Section 1 and Section 2 pertaining to the maps, this map satisfies the plain meaning of that text. This is what the voters voted on in 2018 when they went to the voting booth. And we've satisfied their intent in that regard.

The first subsection, like my colleague mentioned, you cannot pass a plan that unduly favors or disfavors a political party or its incumbents. This map does not unduly favor or disfavor a political party or their incumbents. Under this map, utilizing the federal election data over the last 10 years for the state of Ohio, there are 6 lean Republican seats; 7 districts are competitive districts, meaning the index is plus or minus four points; and there are 2 lean Democrat seats. When you look at the text of Article XIX and the rules provided for the mapmakers and you look at the population in Ohio, there are only about three to four counties, and the Trump election indicated this, there are only about three to four counties from which mapmakers have to pick Democrat population. So, you go into those counties as well to also make the districts competitive. And thus, you have the map before you, you have of today.

If you have the right candidate on the right issues, you can win a competitive district, whereas the Democratic map that was offered in the house offered a predetermined outcome. And I think Senator McColley said it best in his sponsor testimony: what captures the spirit of what the voters passed in 2018 is competitive districts that are subject to the political wins of Ohio. Again, if you have the right candidate with the right message, you can win a competitive district. And this is the way that we make sure that the maps do not unduly favor or disfavor a political party.

This map only puts two incumbents against each other in the same district. There are Republicans. And no Democrats are double-bunked in the same district. However, if you look at the map that was offered by the House Democrats, seven Republicans are put into three districts to run against

each other, thus unduly favoring Democrats and disfavoring Republican incumbents, which violates the text of Article XIX.

Moreover, this map only has 40% of the seats at a partisan index above 60%. That's less than half of the seats, whereas the House Democratic map that was offered has 53% of the seats, over half, at a partisan index of 60% or more.

And we have to talk about the federal election data. It's proper to use the 10-year federal election data on this issue because Ohioans distinguish between state issues and federal issues. And their vote pattern indicates accordingly. So, since 1994, Republicans have won every statewide constitutional elected office, save for 2006, but they've voted for Republicans and Democrats at the federal level: for president, for Senator. So, you can see that using federal data is more indicative of where Ohioans are at on federal issues. So, the federal data was used. This map is the most competitive map offered in the General Assembly to date.

The next element: the General Assembly shall not unduly split government units. Let's look at the county splits. The proposed map includes 76 whole counties, which is more whole counties than any Ohio congressional plan in over 50 years. The proposed map splits less counties than both the House and Senate Democrat proposals. The Ohio Constitution allows for 23 splits currently. However, this plan only splits 12 counties. The map approved in 2011 actually split 23 counties. And we've gone from 23 to 12. Each congressional district that is not wholly contained in a single county also includes at least one whole county within the congressional district boundary.

Let's move on to the subdivision splits. The proposed map has 14 political subdivision splits. The House Democrat plan split 21 subdivisions, most of them Republican Townships.

Columbus. Approximately 70% of Columbus in the subdivisions are within congressional District 3, which is a higher percentage than both Democrat proposals. The population of Columbus is greater than the target population for a congressional district, so it had to be split.

Cleveland. It was first split in congressional plans in the late 1800s. Cleveland is wholly contained, wholly contained, within congressional District 11 under the proposed plan.

Cincinnati is also wholly contained within one congressional district for the first time in over 100 years.

Akron...

PART 1 OF 6 ENDS [00:34:04]

D. J. Swearingen:

... district for the first time in over 100 years, Akron currently divided into two congressional district is also wholly contained within congressional district 13. Dayton, wholly contained within congressional district 10 and it's also paired with Wright-Patterson Air Force Base. Toledo, which is currently divided into two congressional districts, is also wholly contained within congressional district nine. Only three of the top 100 most populous cities are split. Thus, the General Assembly, by voting yes on this map today, has satisfied the constitutional requirement in Article 19, that county and political subdivisions are not unduly split.

You also, at this point, must attempt compactness. That's the direct verbiage contained in Article 19, attempt compactness. Now, this map, just looking at it, it's all on our laptops, it satisfies the eye test. You look at it, there's no snakes, there's no ducks, there's no slivers on the river or my favorite, there's no Us around the shoe. These maps are as compact as you can get when you're required to fit

786,629 people into congressional districts, which include very rural areas of Ohio. It keeps together political subdivision counties, like we just explained, and that in and of itself is evidence of the fact that these indeed satisfy the criteria for compactness.

Last, you have to have an explanation for your plan, which is also included, and you can feel comfortable voting on today.

Now I want to talk a little bit about the process that I witness as a member of the Government Oversight Committee. And yes, there were people that came in and we had public hearings, however, we have to call out to Ohioans the special interests that were involved in influencing this congressional map.

First off, there were special interest groups themselves that represented various industries in our state. That's fine, you have free speech rights. You can come in and testify. But as their testimony went on, it became obvious that they were less concerned about the maps themselves and a little more concerned about getting a map that satisfied their preferred policy preferences. And that itself is not in Article 19 of the Ohio Constitution.

We have to call out the National Democratic Redistricting Commission that came in and funded groups to influence the maps, and these are the same organizations that gave to political candidates in the 2020 race. They supported Ohio Supreme Court Justices that also ran on a message of further attempting to influence the maps. These organizations are in states like Ohio, Georgia, Wisconsin, North Carolina. They're curiously absent from states like Illinois, New York and New Jersey. However, after the last election, they might put New Jersey on the list.

The map drawn by the Ohio Democrats, which was just offered before you as an amendment, was not a compromised map. No Republicans were around the table. We weren't invited to be around the table when it was drawn. It was drawn with a consulting firm out of Washington, DC. So when we talk about who's sitting around the table, compromise and who's invited to testify, let's be clear about that. This map before you does have input from the public, it's a good map, it satisfies most importantly Article 19 of the Constitution, and I would urge a yes vote today.

Speaker 1:

Question is, shall the bill be agreed to? Chair recognizes Representative Hicks Hudson.

Rep. Paula Hicks-Hudson:

Thank you, Mr. Speaker. Permission to speak to sub bill Senate bill 578.

Speaker 1:

The representative may proceed.

Rep. Paula Hicks-Hudson:

Thank you, Mr. Speaker. I rise in opposition and to give voice to the Ohioans who expressed their will in 2015, 2018 and 2021. I'm going to talk about two things, not only the voice that was silenced by this process, but also my colleague ended his conversation to us discussing the constitutionality of this particular piece of legislation. I choose to disagree and strongly disagree with that statement.

In reference, and specifically, I want to reference Article 19 subsection 1C, 3d, which states, "The General Assembly shall include in the plan an explanation of the plan's compliance with division C3, A2c of this particular section." He glossed over that particular statement in his remarks just a minute ago

because if you look to page 901 of this bill, it is not an explanation. It is merely a regurgitation, a description of what this plan does, how it exists, but not explaining why it exists or how it became part of this bill. So therefore on its face, this particular section shows that this bill is not constitutional. And we can go into the other parts, but I think that my colleague, in his explanation, really pointed out the problems that this legislation has.

But more importantly, let's talk about those citizens who voted to create this process. Let's talk about those citizens from the beginning of this year until to this week, who came before us at different times and different venues and different times to talk about what they expected of us.

So today, as we vote upon this bill, it is a truly a sad day in Ohio. The people of Ohio put their faith in the Ohio legislature, into us when they voted for what they thought would be an open and fair process for creating the congressional maps. Instead of fair representation, we are looking at a 13-2 map. I don't care how you parse it, it is a 13-2 map.

Unfortunately, this legislature has failed and this legislation has failed, and it is a disgrace. It does not represent the will of the people. What is before us today is a map that was not based upon listening to the Ohioans who came from around the state to offer input on how they wanted to choose their representatives.

Further, this is a map that is not constitutional and rather that is merely saying that it is unconstitutional. It is a map that was not public until Monday night, November 15th, 2021. We did not get the official shape map until Wednesday morning, because I too serve on Government Oversight, to actually review and evaluate the data behind this map. And I raise the issue about data because it is so important. We talk about the basis for why we do these things and unfortunately, the basis for this particular map is not founded in data. And one of the things we know that we can look at different things and come up with different conclusions, but the true fact remain that the citizens of Ohio expected us to put together a map that reflected what they believe was important.

I will not talk about the farce that occurred in the Senate that resulted in this bill, but I will talk to you about the farce that occurred in our own house. We should no longer call this the people's house because the people's voices were not listened to, nor were they heard, nor given an opportunity to speak on this particular piece of legislation. The sponsor said that this bill reflects the voices, the people who did testify. I strongly disagree. In fact, I don't know how this statement can be made since no regular Ohioan was given the opportunity to react or respond to this legislation that we're voting on.

I have before me proponent testimony. There was only one proponent, and I put that air quotes, from a Dr. Mark Rylan, who spoke before our committee in support of... And his proponent testimony is titled in Support of Fair Maps and Redistricting. He says that he is from Stow, Ohio, and I'm just going to read the last part of his testimony. "Despite this overwhelming opinion of Ohio voters, for legislators to act and come up with a fair map and three years to do it, nothing of any real meaning or value has been done. The legislators and the Redistrict Commission has failed the people miserably and should be ashamed of themselves. You do not deserve our votes and you do not deserve our respect. I personally feel your inaction has been intentional and guided by partisan politics and ultra conservative beliefs, and you should all resign. We deserve better from our elected officials."

This past Friday, Friday a week ago, I had the opportunity to speak to a number of students in Toledo public schools about the maps that they had drawn, the congressional maps that they had drawn as part of an exercise to learn about democracy, to learn about voting, to understand how important it is to be participating in our government. When they showed me their maps and compared their maps to the maps that we were just talking about, we didn't have this map for me to be able to show it to them for them to react. The one question that I heard over and over from these young people, the people

that are supposed to look up to us, were saying, "How could this be? We looked at the rules. We followed the rules. We did the best that we could to put together a map and our map does not look anything like this map. How is this map fair?" So I had to try to explain to them what's important and how things are and whether or not it is fair.

So Mr. Speaker, it is important that we, today, be real clear about why we're voting the way we do. And I do urge of no vote on this map because it does not reflect the will or the voices of the people. So we should no longer call this the people's house. I'm not sure exactly what we should call it, but I do know that this is a sad day for Ohio and it's a sad day for all of us and for those who vote in favor of this map. Thank you.

Speaker 1:

Question is, shall the bill pass? Chair recognizes Representative Howse.

Rep. Stephanie Howse:

Thank you, Mr. Speaker. Permission to speak to sub SB number 258?

Speaker 1:

Representative may proceed.

Rep. Stephanie Howse:

Okay. Thank you. So one of the things we were in committee yesterday, and there's all these conversations about what is in the bill and we're sticking to the Constitution, and I always like to take a step back to figure out how do we get there? This was a vote of the people and this thing... I took a step back and went to 2018 to figure out, "Well, what did people actually vote on?" So we want to read it.

"I, Jon Husted, certified the printed below are the full text ballot language explanation and arguments that were certified to me by the Ohio Ballot Board or filed with the Secretary of State as prescribed by law. For the Constitutional amendment proposed by the Ohio General Assembly, pursuant to Article 16, Section 1 of the Ohio Constitution." This was done on the 15th in April in 2018. The actual ballot language, which people voted on.

"Issue 1, creates a bipartisan public process for drawing congressional districts. Proposed constitutional amendment. Proposed by joint resolution of the General Assembly to amend the version of Section 1 of Article 11 that is scheduled to take a fake January 1st of 2021 and to enact Sections 1, 2 and 3 of Article 19 of the Constitution of the State of Ohio to establish a process for congressional redistricting. A majority yes vote is necessary for the amendment to pass. The proposed amendment would, one, in the partisan process for drawing congressional districts and replace it with a process with the goals of promoting bipartisanship, keeping local communities together and having district boundaries that are more compact. Number two, ensure a transparent process but requiring public hearings and allowing public submission of proposed plans. Point three, requires the General Assembly or the Ohio Redistricting Commission to adopt new congressional districts by a bipartisan vote for the plan to be effective for the full 10-year period. Point four, require that if a plan is adopted by the General Assembly without significant bipartisan support, it cannot be effective for the entire 10-year period and must comply with explicit anti-gerrymandering requirements. If passed, the amendment will become effective immediately. Shall the amendment be approved yes or no?"

When you go to the explanation, "Vote yes on Issue 1, a fair bipartisan and transparent process. Vote yes on Issue 1, a yes vote will create a fair bipartisan and transparent process when drawing

congressional districts that will make politicians more accountable to voters. Issue 1 is supported by an overwhelmingly bipartisan majority of legislators, as well as nonpartisan advocates. Currently it is too easy for one political party to gerrymander safe seats in Congress by dividing local communities and drawing a map without bipartisan support. Voting yes on Issue 1 will limit gerrymandering by requiring that congressional districts be drawn with bipartisan approval or utilizing strict anti-gerrymandering criteria. It will also keep communities together by limiting splits of counties, townships and cities, and promote geographically compact districts."

"Fair. Voting yes on Issue 1 will establish fair standards for drawing congressional districts through its requirement of bipartisan approval or use of strict anti-gerrymandering criteria. Voting yes on Issue 1 will help keep our communities together by limiting the number of splits of counties, cities and townships."

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

"Transparent. Voting yes on Issue 1 will require multiple public meetings before adopting a proposed plan for congressional districts. Voting yes on Issue 1 will guarantee public participation by allowing members of the public to submit a plan for congressional districts. Voting yes on Issue 1 will preserve citizens' right to referendum and the veto power of the governor when the General Assembly passes the plan for congressional districts."

"Make your vote count. Vote yes on Issue 1, prepared by Senators Matt Huffman and Vernon Sykes and Representatives Kirk Schuring and Jack Cera."

On May 8th, 2018, Ohioans overwhelmingly voted to support Issue 1 to the tune of 1,178,468 people. That was 74%. When you look even further, every single county in Ohio voted to support Issue 1. The smallest gap was in Benton county at 59%. The largest county in support was in Cuyahoga County at 82%. Now, I asked to sponsor the bill yesterday. Do you think the people that voted on May 8th, 2018 wanted what we got and what we are voting on today? And I will tell you unequivocally, no. Absolutely not. That is not what people voted for.

And I will go through the ways when you talk about, "In the partisan process for drawing congressional districts and keeping communities together," one of the things I asked is, "Oh, we know we have to do splits somewhere," and I asked again, the sponsor of this bill, "Well, how did you decide to split Oakwood Village?" Which is a predominantly black community. "Oh, we had to do it to the number." And I said, "Well, why didn't you choose some of the other communities?" "Oh, we didn't look at race." "Well, that's really problematic because I know there are some violations of the Voting Rights Acts."

Then when you look at, "Ensure a transparent process by requiring public hearings and allowing public submission," when you look at this process, this bill in and of itself came to us, it came in the Senate on October 27th. So first, it was never an intention of this body to try to get bipartisanship because we had a first deadline of September 30th and none of us even met. So it was never the intent of this body to do bipartisanship. When we talk about public submission and public participation, when we had the meeting on... No, the House got our version on November 3rd and then it was the following week where we had conversations about the public being able to participate in this process on November 10th. We still didn't have a venue for public individuals to submit their votes. And it wasn't until I brought it up that they actually changed the language actually on the website for people to do. Today is November 18th.

So we think it's suffice and you think people back in 2018 voted to have public participation for seven days? Absolutely not. So let's not fool ourselves, just not convinced ourselves that we are

working, or let me be very explicitly clear, that the Republican party is working on behalf of people. Absolutely not.

I always talk about, let's just keep it 100. Let's keep it real. It's even word that many of you all was having a hissy fit because Jim Jordan wasn't going to be your Congressman, so let's be for real. That is not what people voted for on May in 2018. They deserve better, we need to do better and we need to absolutely vote this mess down. Absolutely vote no on sub Senate two bill number 258. Thank you, Mr. Speaker.

Speaker 1:

Question is, shall the bill pass? The Chair recognizes Representative Kelly.

Rep. Brigid Kelly:

Thank you, Mr. Speaker. We've heard from people who've spent their own time collecting signatures, trying to put reform on the ballot. We've heard from some of them in hearings. We've heard from some of them via calls and emails to our offices. And why have we heard from them about this? Because they are sick and tired of gerrymandered maps and elective representatives who choose their voters instead of voters having the opportunity to actually elect someone of their choosing.

What else did we hear from these people? That this process and these maps do not live up to the language outlined in the balloted initiatives, that this process and these maps are not what people demanded when they amended the Constitution for fair maps. When you have a process that's cloaked in secrecy and maps pulled out of the can at the last minute, it's hard to imagine us anywhere but where we are right now.

Mr. Speaker, this map drawing process reminded me a little bit of playing Monopoly with my dad when we were little. Every time we played Monopoly, my brothers and I would always think that we had a shot at winning. We had always think that maybe he'd make a deal with us so that we'd be able to prevail. But eventually we understood that when it came to Monopoly, my dad just failed to follow the rules. So today, this is way more important than our family game nights. When Ohioans came together to change the Constitution and end political gerrymandering, they expected us to follow the rules. They voted for a process they expected to be fair, bipartisan and transparent, but it appears that citizens have gotten none of these.

This process was not created to provide a loophole for one party to draw maps, railroad them through and say, "Well, we couldn't get the other side to agree on our 13-2 map so we really had no choice but to do this by ourselves. We had to negotiate among ourselves instead of making a good faith effort to get to a 10-year bipartisan map." Instead of providing transparency by releasing maps in a timely fashion and real accessibility so that people could come testify on actual maps, not on hypothetical lines, not on mystery maps, the map was released just 14 hours before its first scheduled vote and without any of the underlying data necessary to perform a thorough analysis on its impact on our communities.

As you heard, I asked the committee about how many people came to testify on this particular map, came to testify in favor of this particular map, and as you've heard, the answer is zero.

Now, if we were actually committed to a fair, transparent bipartisan process, people would've had time to analyze the maps. The maps wouldn't have come out of the can at the last minute with no time for people to come in and testify on this specific map. And now I know that folks will say that, "We fulfilled the requirements, we had a sufficient number of public hearings," but it doesn't mean you made the process transparent and accessible to people. Holding hearings in the middle of the workday, in the

middle of the work week can hardly be calling this process transparent. Announcing committee meetings at the last minute, having hearings at the same time and also providing zero opportunities for members of the public to testify on the maps on which we are voting today is not transparent.

We could have worked together. We could have worked together in a bipartisan way to build a fair map that keeps communities together and does not unduly favor one political party. But here we are with a 13-2 map that's more of the same old gerrymandering we've had in the state for the last decade.

The Princeton Gerrymandering Project does nonpartisan analysis to understand and eliminate partisan gerrymandering on a state by state level. So on a scale from A to F, the Princeton Gerrymandering Project gave Senate bill 258, an F. That's the worst on its partisan fairness scale. Even though the people's constitutional reform requires partisan fairness by prohibiting unduly favoring a political party or its incumbents, this map unduly favors the Republican political party and its incumbents in violation of Article 19, section 1C, 3a.

A fair map would keep Ohio's communities together as much as possible, particularly those in and around the state's largest cities in order to ensure adequate political representation. A fair map limits county splits as much as possible. And while the Constitution allows for a certain number of county splits, it's not necessary to use all the allowable splits. Not only is it not necessary unduly splitting political subdivisions as prohibited by Article 19, Section 1C, 3b, but this map does it anyway. Not to mention that no one has really been able to explain why they made the decisions they did on these maps, only that the decisions were made.

And of course, I'm going to talk about Hamilton County. The biggest loser on these maps. Cincinnati is kept whole, but just because the city is kept whole doesn't mean the community is kept whole. Splitting Hamilton County twice was a choice. Neighborhoods in Cincinnati are paired with Warren County instead of with its own exurbs and suburbs. Some of those exurbs and suburbs, including the predominantly black communities of Forest Park, Woodlawn and Lincoln Heights have been put together with Butler County, Preble County, Darke County. The remaining neighborhoods, including places like Silverton, Indian Hill, Madeira haven't been grouped together with Warren or Preble County but have been shuffled into a district that includes 13 rural counties to the East. How are these people actually able to elect representatives of their choice?

Now, some people say that Hamilton County should be thrilled to have three congressional representatives, but when you crack communities apart and group them with dissimilar areas you don't end up with three representatives. You effectively end up with zero representatives. Now, some might say it's a small example but I think it's illustrative of why people in Hamilton County are so frustrated. We're already cracked apart now, we're going to be cracked apart in this map.

We are home to one of the worst bridges, one of the most dangerous bridges in the entire nation, perhaps you've heard of it, the Brent Spence Bridge, and neither of the congressional representatives in Cincinnati voted for the infrastructure bill, which actually gives us a shot at fixing our bridge. Nor did the third representative who will, under this map, represent the north central part of the county.

Now, I'm going to borrow some words for my constituent Whitney [Siddiqi 00:59:27], who said, "Gerrymandering is a complex subject. But as soon as people understand how redistricting has diluted their voting power and rigged our elections in Ohio, people become frustrated, appalled and passionate about this subject. This is not the democracy our community members studied in civics class or learned about when immigrating to the United States. It is critical that as citizens we understand how redistricting has pushed our nation and specifically Ohio to the political extremes, leading to predictable

election outcomes and disengaged voters and perhaps most significantly, how it has diluted the voting power of marginalized communities by splitting our communities. No matter what party you're affiliated with, you deserve adequate political representation. My hope for this round of redistricting is that Cincinnati will not be split up in such a way that it dilutes the collective voting power of this community."

Mr. Speaker, it seems like some folks want to make this process about everything else except for what it actually is. These maps, this process has failed to deliver on the promise of real reforms to the people of Ohio. It is a failure to deliver fair districts to the people of Ohio. It is a failure to create a pathway for Ohioans to elect voters of their choosing instead of politicians choosing their voters. We can do better. We should do better. Ohioans trusted us to do better. We have the power to do a lot of good for the people in this state and we have the power to strengthen our democracy if we actually have the courage to use it. I urge a no vote on this gerrymandered map.

Speaker 1:

Question is, shall the bill pass? Chair recognizes Representative Brinkman.

Rep. Thomas Brinkman, JR.:

Thank you, Mr. Speaker. I stand here with a smile as wide as the Ohio River that that bridge faithfully crosses because Hamilton County is now going to have three congressmen representing it in the U.S. Congress. Think about that. 800,000 people will have three Congressman fighting for all their issues up in Congress. That's as many as the state of Wyoming, the state of Delaware, and take your pick of one of the states of the Dakotas. I think it's a great thing. And we will have an out-sized representation up in the U.S. House of Representatives. And I want to thank the folks who drown those maps because it's really going to help Hamilton County. As a lifelong residents, I think these are great maps. We've heard how well they were drawn and I think they will withstand the court muster. Thank you very much. Please vote yes.

Speaker 1:

Question is, shall the bill pass? Chair recognizes Representative West.

Rep. Thomas West:

Thank you, Mr. Chairman. Mr. Chairman, Mr. Speaker, I think when I first came and started speaking out about redistricting, that the conversation was that African Americans, black and brown people wasn't thought of in this process. But you know, Mr. Speaker, I think that's wrong, I believe that we were, and I think this was all about color.

As the President of the high legislative Black Caucus, this whole redistricting process was about color. It was about red and blue and it was about black and white, and we see it played out in this map. The black and brown communities were diluted, which means that our voice is not as strong as it is today. That's not okay.

We had one job to do, just one job, and that was to create fair maps. And if you ask some of the children in our schools today, is 13-2 a fair map? They would tell you no. At every level of our grade or education system would tell you 13-2 is not a fair map. It's time for us to get back to the table and draw the map that people asked us to do. Whether you are of the majority or of the minority party, we were supposed to come together and create a map that was strong for Ohio. It was not about red and it's not about blue. It's about making certain that Ohio is fairly represented in this house and in this state house.

It reminds me of the little story, whenever there's an important job to be done there was sure that somebody would do it. Anybody could have done it but nobody did it. When nobody did it, everybody got angry because it was everyone's job. Somebody thought that everybody would do it. Nobody thought anybody would do it, right? I forgot the whole statement. But at the end of the day, nobody did what the people asked them to do. And it's important for us to get back to the table and do what's right for all of our communities, Cincinnati, Cleveland, Hamilton County. Everybody in Ohio deserves to be heard and they deserve to have representation that meets their needs. That's why we're here. That's why each and every one of us are here.

Let's stop talking about colors. Let's deal with the issues. I think that's what we want to do when we get here. Let's stop playing games with Ohio. Let's make Ohio the greatest state on this earth. But we do that by drawing fair districts, not by packing, not by cracking, not by diluting voices, not by saying we did it when we really didn't. Let's stand tall for the American people, for Ohio and let's make certain that all voices are heard. So with that being said, I would not support this bill. Thank you.

Speaker 1:

Question is, shall the bill pass? Chair recognizes leader Sykes.

Rep. Emilia Strong Sykes:

Thank you, Mr. Speaker. Marked by impartiality and honesty, free from self-interest prejudice or favoritism. That is the definition of fair based on Merriam-Webster's Dictionary. That is not substitutes in a bill 258, nor the process by which we got here. But if you do look a little bit further in that definition of fair in the Merriam-Webster Dictionary, there's another definition that I do think is much more appropriate, and it is not very good or very bad. That is what substitute Senate bill 258 is.

And so as we talk about what is fair, I guess we can consider what definitions we're looking at because there is a definition, impartiality, honesty, free from self-interest favorability or prejudice, is what people voted for in 2018. It's what my colleague alluded to from that certification from our then Secretary of State, now Lieutenant Governor, Jon Husted about what would be on the ballot. But instead, this bill gives people another definition of fair, not very good or very bad. And if you think that is what the reforms from 2018 intended to do, you, my friends, are sadly, sadly mistaken.

I have been a part of this redistricting process, whether through the Redistricting Commission or as leading in this caucus, and had the benefit of listening to a lot of people across the state of Ohio, and they had an awful lot to say. Because quite frankly, what I heard in these hearings, what I read in the letters and emails and thousands of postcards that I've received over the past year or so-

PART 2 OF 6 ENDS [01:08:04]

Rep. Emilia Strong Sykes:

In thousands of postcards that I've received over the past year or so is that people are sick of politicians fighting about literally everything. People want a government that works for them. They want to be able to believe in democracy and believe of the ideals of the founding of this country, that all men are created equal, that we all have the ability to pursue Liberty, life, Liberty, and the pursuit of happiness. But unfortunately, people in suits and dresses get in the way because politics and power becomes more important than the people.

And when the people of the state said that we were, they are fed up, they took the law into their own hands, using the state constitution and helped us get a constitutional amendment that would

allow for us to stop fighting, so they thought. We had people come in and talk about literally every policy matter under the sun. And I heard in response, "What does that have to do with the maps?" It has everything to do with the maps because this thing single most, the most predictable thing, the thing that predicts an outcome of an election, a legislative election, is how the maps are drawn, how the lines are drawn. That is the biggest predictor of any election.

And so when we hear things about "You all just aren't good enough. You all don't do this right? You all have the wrong candidates." That is a simple, easy distraction for the reality that the lines drawn are the single highest predictor of an outcome of an election. And what people have come to see and notice is that that decision that we make the year after the census is conducted will determine our destiny at the state and federal level for the next 10 years. And it simply was not working for the people of this state to continue down the path we had gone down before.

And so we are here on this floor today, and we have an opportunity to work for the people who elected us to be here and to do the exact thing that they asked us to do in 2018 when they voted overwhelmingly in support of that constitutional amendment. But that again is not what we're doing today, because those fair maps that they voted for were the ones marked by impartiality and honesty, free from self interest and prejudice or favoritism. But instead, what they're getting is not very good or very bad.

It doesn't take a rocket scientist to understand the irony, if you will, of the fact that this bill was being threatened by members of the Republican super majority to pass another bill that is extreme, unnecessary, and one that people don't even want in this state in order to pass congressional maps. This process, perhaps the most consequential thing that we will do, it is the most consequential thing that we will do in this general assembly, but that was even hijacked by the fact that we have already gerrymandered maps, which allows political extremism to take precedence over public policy.

And now we are voting on not very good, very bad maps, and we will then later vote on an even worse bill that was used to hijack this process. It's pretty clear where we are today with this. This bill will likely pass unfortunately on party lines. And so I will reserve the remaining parts of my comments, not to this chamber, not to the members who are here, but to those who are watching on the Ohio channel and our esteemed governor, because this is a bill and the executive branch has the ability to veto a bill that he, and maybe one day she, sees as inappropriate.

And when our current governor, Mike DeWine, was running for governor, he said into 2018, "The rules are pretty clear. The voters said that the redistricting process should be done in a bipartisan way. And when I am governor, there will be an expectation that the new district maps honor the voters' wishes." I think it's worth reading that again. "The rules are pretty clear. The voters said that the redistricting process should be done in a bipartisan way. And when I am governor," said Mike DeWine, "there will be an expectation that the new district maps honor the voters' wishes." Governor DeWine, I do hope that you honor your words from 2018, or even your words from just a couple of weeks ago where you said, "I think it's pretty clear neither one of these maps, the 13-2 maps are going to fly."

Substitutes in a bill 258 is a redesign of the 13-2 map that you said, "It's pretty clear neither one of these maps are going to fly." I think that the governor has made his own case for vetoing these maps. Mr. Governor, I would 100% support you in that and you will receive a letter shortly, but in the event that the Governor DeWine does not have the fortitude to stand up to the Republican super majority and does not give you the definition of fair, which is 'impartial, honest, free from self-interest prejudice or favoritism,' I am going to talk to the voters of the state of Ohio, because the state of the, this state's constitution also allows for referendum of bills if they are offensive to the public.

Now 10 years ago, another Senate bill, and we think that the Senate is our superior chamber, that's what they say. But here we are again on the precipice of another referendum, Senate Bill 5, 10 years ago was voted on because it was an awful, terrible bill for the future of our state. And the people said, "We are getting rid of this." The people of the state have the opportunity to do that again. Now I know you shouldn't have to. And I am very sorry that we are here at this point. And if there is anything I can do to apologize for that, I will take on the burden of apologizing. And I apologize to you that the Republican super majorities failed to live up to what they were supposed to do for you and decided that they did not have to work for you and will not be accountable to you, but you can still make them accountable. And I hope that the voters of the state are not fatigued and overwhelmed with despair so much so that they give up this fight, because it is not over.

For all of you who came to committee hearings and you shared with us about your communities, you shared with us about your common interests, you talked about how beautiful certain neighborhoods were and how much you loved living here, why you moved here, why you stayed here, why you want to see your grandchildren raised here, even those of you who laughed with us, those of you who cried in front of us, those of you who even yelled at us, and some of you all called us names, your voices are, and still are very, very important. And you can still get the government that you want and the government that you deserve. Our government is created by and for the people. And sometimes the people have to rise up and tell the elected officials when they're doing things wrong.

I hope that you maintain that mustard seed of faith, and you keep fighting because I recall telling all of you that I keep a mustard seat of faith. Even in this position as a Democrat in the super minority, I get my faith from a much higher party power than anyone, any man in this room or others. And while I may not have any faith that the Republican leadership will do the right thing, I do have faith in the people of this state. And I do have faith that things will work out for all of us in the end, the way that they are supposed to.

And so I am encouraging every single Ohioan who happens to be tuned into the Ohio channel this lovely fall afternoon, and reminding them that there are people who are willing to work for them. And we are willing to work with you to get the results that you deserve in this state, because it is just that important.

Ladies and gentlemen of this chamber, again, I encourage you all to vote, "No" on substitutes in a bill 258. Ohioans deserve better than not very good or very bad, which this bill is. Governor DeWine, I am asking you personally to veto this map. And to the people of the state, I am encouraging you to keep fighting for your Ohio promise of better lives and brighter futures in an economy that works for everyone. Thank you, Mr. Speaker.

Mr. Speaker:

The question is, shall the bill pass? The chair recognizes Representative Seitz.

Representative Bill Seitz:

Thank you, Mr. Speaker. We've had a lively debate this afternoon and we've heard a lot about how we are, we, the citizens of Ohio are tired of having the politicians pick their voters rather than the voters pick their politicians. During all the public testimony, which I would remind everyone, we had far many more meetings and public opportunities for input this time around than we did 10 years ago when I was here, we heard all those voices. Some of the loudest were from the former chairman of the Ohio Democratic Party, who said that neither most of the Republican congressmen in Ohio, nor most of the Republican members in this chamber could ever win election but for gerrymandered districts. The whole

problem is gerrymandered districts. He called us hacks. He called the former justice of the Supreme Court a hack. He called Senator Huffman a hack. He called many of you hacks, couldn't win without gerrymandered districts, but he and those that expressed that point of view never fessed up to an interesting fact.

If it's all about gerrymandered districts, then tell me why the governor of Ohio is a Republican. The lieutenant governor of Ohio is a Republican. The secretary of state of Ohio is a Republican. The attorney general of Ohio is a Republican. The treasurer of the state is a Republican. The auditor of the state is a Republican. Is the whole state gerrymandered, or have we become a red state? Perhaps those arguing for fairness might next propose a constitutional amendment that we somehow reach up and draw Detroit down into the state of Ohio to make it more fair or to draw Pittsburgh over the Ohio River to more fair, but I'm sure the Democratic parties of Michigan and Pennsylvania would have something to say about that. We've heard a lot about the 13-2 map, 13-2 map, 13-2 map, says who? Dave? Who's Dave? Predictions are predictions and predictions often turn out to be wholly untrue.

Let me give you exhibit A, the state of Virginia, which voted for Joe Biden by over 10 points in last year's presidential election and yet a scant couple weeks ago, elected a Republican governor in something on the order of a 12 to 14 point reversal of fortunes. And while they were at it, they elected their first African American lieutenant governor, Republican, and their first Latino attorney general, Republican. All statewide offices to be elected in Virginia this past year turned on a dime, overcame a 10 point deficit, enter now Republicans.

Exhibit B, the state of New Jersey, 16 points last year, victory for President Biden over Trump. And yet the Democratic governor of New Jersey held on by a scant two points. Again, a 14 point reversal of fortune in one year.

Exhibit C, just two days ago, Columbia, South Carolina, in a county that voted by Joe Biden in South Carolina by over 40 points last year, four- zero, not four, four-zero, just elected their first Republican mayor on a 52 to 48% victory, their first Republican mayor in the city of Columbia in over 30 years.

Now, how does that, how does exhibits A, B and C stack up against the so called 13-2 map? Well, my expert here, Mr. Swearington, tells that in nine of the 15 districts in the map before you today, the partisan index is 8% or less, something on the order of 54 to 46. And in seven of the 15, it is four or less. Well folks, the red wave is a coming at you like a freight train, and we've seen it in Virginia and we've seen it in New Jersey and we see it in Columbia, South Carolina. And if we can overcome 10 points, 16 points, 40 points in one year, you can too. It certainly isn't because of bad leadership on the part of the Democratic party. Mr. Pepper was chairman during all that time the Republicans won all those seats.

Now we've heard a lot about Hamilton County, and I feel compelled to talk about Hamilton County because I've lived in Hamilton County longer than anybody else in this room here today has lived in Hamilton County, and I can tell you that my part of Hamilton County, we are pleased as punch to be allied with our great friends in Warren County, Representative Zeltwager, Representative Lipps, Senator Wilson. We all work together to get good capital projects for our region. We have a lot more in Green Township and Delhi Township, Harrison, Colerain Township, Crosby Township, Whitewater Township. We got a lot more in common with the good folks of Deerfield Township and Mason and Springboro, and some of those other. Love South Lebanon, Lebanon, Ronnie Maag. I remember all the great people from Warren County. The idea that everybody in Hamilton County is mad is fiction.

The Democrats are mad. And the Democrats are mad because it was their single handed objective for these maps to create a map in which Congressman Chabot would lose. Those of you that talk about fair, impartial, honest need to review the history of Congressman Chabot. Congressman

Chabot defeated two incumbent congressmen over his career, Mann and Driehaus, four Cincinnati mayors over his career, Mann, Cranley, Qualls and Pureval. Four. And in every one of his elections, it's always been within a whisker. He has had more competitive elections than anybody else in Ohio in Congress over the last 25 years. And guess what? The map before us today creates a district that, according to Dave or the eggheads at Princeton, favor Chabot by a point or two at best, one or two points, one or two points. Is he calling us up, "Oh, you're really hurting me." No, he's took on those tough fights for 25 years. He's going to take it on again. But he wasn't going to put up with the rigged map that the Democrats submitted.

They're just mad because they haven't been able to beat him. And I have every reason to believe it'll be a spirited contest and that we have in this map that we've proposed far more competitive districts than the Democrats did with far fewer jurisdictional splits than the Democrats' map showed. We're doing what the city of Cincinnati always wanted. Chabot had 75% of the city of Cincinnati before. Now he's got a hundred percent of the city of Cincinnati. Instead of them doing somersaults and saying, "Well, you finally did what we wanted," no, they moved on to something else to complain about.

In closing, folks, there's been enough hypocrisy around this whole issue to fill a Texas sized outhouse. We drew maps that keep communities of interest together because the best definition of what a community of interest is, is a city boundary or a township boundary or a county boundary. And as I said a minute ago, the maps we're about to vote on have fewer jurisdictional splits than any other map that was presented and fewer jurisdictional splits than any map in the last 50 years. So we kept that community of interest together. We did a marvelous job of keeping communities of interest together.

And to show you just how hypocritical this is, about 45 minutes ago on the little Twitter feed I saw a Twitter from the equal districts, which is one of the Allied Liberal Organizations that came down here and beat the drums for what they called fair maps. And they said, "These maps would give Republicans 80 to 87% of Ohio seats in Congress, even though Republicans only win 55% of the vote. Stop cheating us." That's what they said.

But when the state redistricting commission considered maps for the general assembly a few weeks ago, they looked at the map submitted by the Democratic members of that commission, which would've taken the seven house seats in Hamilton County, a county which lately votes 55% Democrat, 45% Republican based on the results of DeWine versus his opponent and Trump versus Biden, 55% Democrat. But the democratic map submitted to the redistricting commission gave the Democrats five, at least five of the seven seats. 71% of the seats would go to Democrats in a county that votes 55% Democrat. Somehow that's not cheating. But what we're about to do is cheating.

And one of the expert witnesses filed an affidavit on behalf of the people suing the redistricting commission in the Supreme Court. And in that affidavit, some professor, whose name is Latiner, I believe, said that the fair map for Hamilton County would be six Democrat seats and one Republican seat, six Democrat seats and one Republican seat. Guess what, folks? That's 86% of the seats in Hamilton county, a county that votes 55% Democrat. Oh, but that's fair. Fair, ladies and gentlemen, is in the eyes of the beholder. We have followed the constitution. We have done our duty. We have listened to the people. Listening to them does not mean agreeing with them. We are prepared to forge ahead in eager anticipation of the election results in 2022. I urge a 'Yes' vote.

Mr. Speaker:

The question is, shall the bill pass? The house will prepare and proceed to vote.

Have all members now voted? Clerk will take the role.

Speaker 3:

55 affirmative, 36 negative.

Mr. Speaker:

55 affirmative votes, 36 negative votes, having received a required constitutional majority. The bill is hereby passed and entitled.

Speaker 2:

An act to enact section of advisement to establish congressional district boundaries for the state based on the 2020 decennial census and to delay certain deadlines related to the 2022 congressional primary election.

Mr. Speaker:

Question is shall the title be agreed to? Representative Wilkin moves to amend the title. If you wish to add your name to the title, please do so at this time. Without objection, the title be agreed to. Hearing no objection. The title is agreed to. Bills for third consideration.

Speaker 2:

Minute House Bill number 292, Representatives Sobecki, Cutrona and others amend to enact section of the Revised Code to create a temporary sales tax exemptions for electric vehicle production parts and to create the Electric Vehicle Commission.

Mr. Speaker:

Question is shall the bill pass? The chair recognizes representative Sobecki.

Representative Lisa Sobecki:

Thank you, Mr. Speaker. Permission to speak to the bill.

Mr. Speaker:

Representative, you may proceed.

Representative Lisa Sobecki:

Thank you, Mr. Speaker. I urge my colleague to support House Bill 292 in its current form, which establishes an Electric Vehicle Commission. First I'll explain what is in the bill. And then second, I will tell you why we need it.

House Bill 292 is actually a true bipartisan piece of legislation that establishes the Electric Vehicle Commission and creates a temporary sales tax exemption for electric vehicle production parts. The Commission consists of 10 people, four current lawmakers, two from the Senate and two from the House, each one split between the majority and minority caucuses. The governor then appoints six members, one to each represents the following local governments: organized labor, operating in the automotive industry, the automotive industry itself, the Ohio Automobile Dealers Association, the electric vehicle charging station manufacturing industry and Clean Fuels Ohio. The commission is responsible for evaluating the impact on jobs related to electric vehicle production, trading, research and development, and the effectiveness of the tax exemption.

The commission is required to submit an annual report to the department of transportation and leadership of each chamber. House Bill 292 also creates a temporary exemption on the sales tax for qualifying property. The [inaudible 01:34:29] the expiration is December 31st, 2026. The definition of qualified property is narrow. It is for parts specifically designed for electric vehicle production. It does not include car parts, such as tires or radios that are also used for combustion engine vehicles.

The Commission is modeled after similar legislation in Indiana, which has passed and enacted in April of this year. Additionally, five of our fellow states in the Midwest created a regional Electric Vehicle Coalition, of which we were not a part of. These are examples of what other states are doing to prepare for the onset of electric vehicle industry. If they prioritize this issue, we as a state need to prioritize this issue too.

Establishing the Electrical Vehicle Commission is critical to Ohio's future. Ohio has a long history as a powerhouse in the automotive industry, from the creation of the electric starter by Dayton native Charles Kettering to Cleveland's Alexander Winton, who created the first horseless carriage. The Buckeye state has always been home to automotive innovators. It's time for us to take the next step.

Companies like Ford, GM, and Honda have each declared their intent to begin producing new electric vehicles, each with aggressive plans for new technologies. Ohio must be in the center of this new innovation. As a number one producer of engines in America and historic home to the auto industry, we must ensure Ohio is prepared to take the next, to make this shift to greener vehicles. Like many other states with large auto industries, we must be prepared for this shift to new technologies and must assure Ohio remains competitive in the changing industry. We must have evolve and coordinate workforce development, infrastructure and supply chain operations and support an emerging industry that has created well paying jobs for Ohioans.

By taking a look at how Ohio can adapt and grow, we can be the center of a revolution in the electric vehicle technology. House Bill 292 is favorably reported by the House Transportation Committee, 11 to one. And I want to thank members of the House Transportation and Public Safety Committee, including Chair Baldridge. Thank you, my friend, and ranking member, Representative Sheehy for their support. I want to thank my joint sponsor, Rep Cutrona, his legislative aid, Zen Taylor. Thank you for our policy advisor for Transportation Committee, the Minority Policy Director, Nick Muccio. Thank you to the LSC staffers who worked on the bill. And most importantly, I thank my legislative aid, Benjamin Lynn. Thank you, Mr. Speaker, for bringing House Bill 292 to the floor for a vote today. And by establishing an Electric Vehicle Commission, House Bill 292 thrusts Ohio forward into overdrive an electric vehicle future. I urge a vote on House Bill 292.

Mr. Speaker:

Question is, shall the bill pass? The chair recognizes Representative Cutrona.

Representative Al Cutrona:

Thank you, Speaker. And I'd also like to reiterate that this is really an essential bill for the state of Ohio. We must stay competitive. And that's exactly what this piece of legislation does. My joint sponsor had mentioned exactly what this bill does and I won't waste any additional time. I know we're all busy. But it does show that we can work together, doesn't it? And that's what this legislation will accomplish.

Ohio is a manufacturing place and we will continue to do that. And we need to let the rest of the country know that we are here. We are open to manufacturing these EV vehicles. As we start producing those, this will continue to make us competitive amongst bordering states. I urge a 'Yes," vote. And I'd

like to thank you, Mr. Speaker, for allowing this to hit the House floor and for Chairman Baldridge [inaudible 01:39:07].

Mr. Speaker:

Question is how the bill pass? The chair recognizes representative Sheehy.

Representative Michael Sheehy:

Thank you, Mr. Speaker. I rise today in support of House Bill 292, which will establish the Electric Vehicle Commission within the Department of Transportation and authorizes the temporary sales and use tax exemption for certain parts used in the production of electric vehicles.

The electric vehicles commission study will make recommendations related to the EV production in Ohio. This body will help position Ohio retain its dominant role in the future of the automotive industry. Through House Bill 292, we can assure that the transition into the electric vehicle benefits all consumers, supports American workers and enhances our state and national competitiveness and national security. House Bill 292 will not have any opponents that passed, did not have any opponents. It passed through the Transportation and Public Safety Committee 11 to one.

I want to thank Representative Sobecki and Representative Cutrona for their work on this bill, Chairman Baldridge, again, for his leadership in the committee and all the members of the Transportation Committee and the Public Safety Committee for their careful consideration on House Bill 292 and you, Mr. Speaker, again, thank you for bringing this bill to the floor. I urge passage.

Mr. Speaker:

Question is shall the bill pass? The house will prepare and proceed to vote.

Have all members now voted? Clerk will take the role.

Speaker 3:

78 affirmative, 10 negative.

Mr. Speaker:

78 affirmative votes, 10 negative votes. The bill has received the required constitutional majority and the bill is hereby passed and entitled.

Speaker 2:

An act to enact section of the Revised Code to create a temporary sales tax exemption for electric vehicle production parts and to create the Electric Vehicle Commission.

Mr. Speaker:

Question is shall the title be agreed to? Representative Sobecki moves to amend the title. If you wish to add your name to the title, please do so at this time. Without objection, title be agreed to. Hearing no objection. The title is agreed to. Bills for third consideration.

Speaker 2:

House Bill number 371, Representative Schmidt, Denson and others to amend section of the Revised Code to revise the laws governing coverage of screening mammography and patient notice of dense breast tissue.

Mr. Speaker:

Question is shall the bill pass? The chair recognizes Representative Schmidt.

Representative Schmidt:

Thank you, Mr. Speaker. I rise today and ask for you to support House Bill 371, which will bring breast cancer screening into the 21st.

PART 3 OF 6 ENDS [01:42:04]

Rep. Schmidt:

... which will bring breast cancer screening into the 21st century. This bill allows for the use of modern technology, which will increase breast cancer screening accessibility and early detection for patients. Mammography is the first line of breast cancer detection. Years ago, when I was in this body, I fought to make sure insurance companies would pay for our mammographies. Today, our fight continues. I became aware of this needed legislation when my close friend, Michelle Young, found out she had advanced stage breast cancer.

In 2014, her mammogram showed she had dense breasts, but the image failed to show a small tumor was lurking inside. Four years later, the tumor grew large enough to be detected with that 20-year-old technology. The cancer spread, and costly aggressive treatments were used. Using modern technology, coupled with additional screenings, could have caught that tumor in its earliest stage, the surgery, the chemotherapy, and the radiation would have been on unnecessary.

House Bill 371 allows all women and men to have tomosynthesis during all visits, which is an improvement in mammography technology. Women of any age will be eligible for a mammogram every year, and not limited based on age, or risk factors, or multi-year waiting periods. If dense breasts are detected, they will receive an updated letter describing the underlying risks they have, and suggest they may need additional screenings, and that is up to them and their healthcare providers to decide which additional screenings may be needed.

Digital breast tomosynthesis is like a mammogram, but provides better quality images for more accurate diagnosis, which is included in the definition of a mammogram in this bill. This bill also ensures that women who are diagnosed with dense breast tissue will have full access to primary and supplemental breast cancer screenings, and be made more aware of the risks we face. Supplemental breast screenings or any additional screening deemed necessary by their healthcare provider in accordance with the American College of Radiology, including MRIs, ultrasound, or other molecular breast imaging.

Women and their primary caregivers will decide what screenings are necessary, not insurance companies. Commercial insurance companies and Medicaid will be required to cover the cost for these supplemental life-saving screenings for adult women and men who have dense breast tissue, or have a primary history of breast cancer, or have ancestral or genetic predisposition to breast cancer, as determined by their healthcare provider. One out of eight women will get breast cancer, and 75% will have had no prior breast cancer history in their family. Women with dense breasts will have a greater risk. We know early detection is the key to survival. We know it reduces costs, and hopefully finds a

complete cure. Most importantly, we know that the human cost to families, to the employers, to society when a woman fights for her life, is enormous.

We have the advanced technology to identify cancer at its earliest stage. This bill will make sure we are using it. I would like to thank the medical team at the University of Cincinnati Hospital that helped both Representative Denson and myself with this bill, including Doctors Brown, Lauer, and Mahoney. I also want to thank my former aid, Steven Caraway, my current aid, Tyler Harmon, my intern, John Oche for their help, and for Chairman Manchester and the Committee on Family and Aging for unanimously voting this to this floor. I also want to finally thank my very dear friend, Michelle Young, for bringing this to my attention this life saving bill, and I urge your support. Thank you.

Mr. Speaker:

The question is, should the bill pass? The chair recognizes Representative Denson.

Rep. Denson:

Permission to speak to the bill.

Mr. Speaker:

Representative may proceed.

Rep. Denson:

Thank you, Mr. Speaker. I want to go and add a little bit more to this bill. Representative Schmidt gave a lot of details, but I want to talk about some other things that you may not know. Compared to other types of cancer, breast cancer causes one of the highest rates of cancer-related deaths amongst women. Among all of the fighters we have lost, African American women have breast cancer mortality rate higher than any other racial ethnic group, at 31%. White and Black women are amongst the racial and ethnic group that are most affected by breast cancer. However, the mortality rate for black women diagnosed with breast cancer is over 40% higher than that of white women.

Improvements in follow-up of abnormal screening tests, treatment for breast cancer for Black women is critical, as we continue to address racial disparities. We must also empower women who often feel marginalized by our medical system. By improving the way we notify women with dense breast tissue, this bill will increase one's ability to advocate for themselves, and push for the necessary screening. Increasing accessibility to that supplemental screening by expanding what is covered by Medicaid and commercial plans for women, will allow for more women to be diagnosed and receive treatment earlier.

The bottom line is, measures to ensure access to quality breast cancer care and the best available treatments for all women diagnosed with breast cancer can help address racial disparities. This is a huge part of why House Bill 371 is so important. Today, we are in a position to do something that is very important, and that's save lives. We do a lot of things in these chambers. We just spent some time working on one issue. But today, we have the option to do something that is going to be along the lines of preventative healthcare. It can also mean the difference of whether a mother comes home to her family. It could simply mean the difference of whether a mom is sitting at a dinner table with her family. It could mean the loss of a conversation with a loved one.

I kind of get emotional about it, because as Representative Schmidt mentioned, my dear friend Michelle Young made me aware of this, and she courageously stepped forward when she didn't have to. And she found out that she was lucky enough to save herself, but not everyone is. When she made us

aware of this bill, we got busy, and she was right there along the way. Michelle, I love you. You're our hero today. Thank you. I'd like everybody to please acknowledge her.

She was going to make sure I got this bill passed one way or the other. She's been working on this hard. But I also want to thank my joint sponsor, Representative Schmidt. I've learned so much from you working on this. Thank you for being there along the way with me and making sure we got this over the finish line. I want to thank Brett Manchester for getting this through committee during Breast Cancer month. I want thank my aid, Felicia White, and I want to thank my illustrious minority leader, Leader Sykes, and you Mr. Speaker for bringing this to the floor today. I hope my colleagues will join us in supporting this bill today. Thank you.

Mr. Speaker:

Question is, should the bill pass? The house will prepare and proceed to vote. Have all members now voted? Clerk will take the roll.

Clerk:

87 affirmative votes. No negative.

Mr. Speaker:

Vote is 87 affirmative votes, no negative votes. Having received the required constitutional majority, the bill is hereby passed and entitled.

Speaker 4:

[inaudible 01:51:12] section revised schedule revises the laws governing coverage of screening mammography and patient notice of dense breast tissue.

Mr. Speaker:

The question is, shall the title be agreed to? Representative Schmidt moves to amend the title. If you wish to add your name to the title, please do so at this time. That objection title be agreed to. Hearing no objection, the title is agreed to. Bills for third consideration.

Speaker 4:

Sub. House Bill 218, Representatives Cuttrona and others to amend to enact section [inaudible 01:51:45] to address medical requirements for employees and students, to address qualified immunity regarding certain coronaviruses, to authorize emergency medical technicians to administer COVID-19 tests to expressly cover COVID-19 vaccine injuries under the Worker's Compensation System, and to repeal a section of the revised code on September 30th, 2025.

Mr. Speaker:

Question is, shall the bill pass? The chair recognizes Representative Cuttrona.

Rep. Cuttrona:

Thank you, speaker. I wish I could take credit for this bill here on the house floor, but that wouldn't be right. The reason being is that there's so many different members in this caucus that worked diligently to provide a good solid bill, that would provide the necessary medical freedoms and the individual rights

for so many Ohioans. With that being said, a lot of people here have already heard my background. They're familiar with it. They know that I run an infectious disease medical practice. They know that. And I can down that long line of the medical background, but the truth is, this piece of legislation has absolutely nothing to do with the validity of the COVID-19 vaccination and how it works.

What this is, is a bill that balances the individual freedoms, and balances businesses. We're doing this weighing option right now. And at the end of the day, the people must come first. And so, that's what this piece of legislation is looking to accomplish. And how does it do that, you might ask. It does that with the use of exemptions. We've seen these exemptions, the religious and medical exemptions. Those are exemptions that are just being codified, that are already given through the federal government. We're codifying that here. Additional added into this piece of legislation is the antibody test, and naturally, just to be able to object on your own grounds for the reason of not taking it.

Additionally, this piece of legislation has passport vaccination talked into this. This is a piece of legislation that I have worked very hard on with HB 253, and was able to implement this in this piece of legislation. But like I've mentioned, so many members had also saw this as a concern for so many Ohioans. And what that will do is prevent people from having, whether the public or private prevent them from entry due to their vaccination status. A step further, we do not want to discriminate against our children. They should be afforded the opportunity to have an education and not be treated differently based upon their vaccination status. That is exactly what this piece of legislation does, prevents discrimination.

And I want to also note that this piece of legislation will leave no healthcare worker cut and hung out to dry. They work so diligently and so hard to save so many folks during this pandemic. There's no reason that they should lose their job, their employment, based upon this COVID-19 vaccination. With that being said, I would also like to point to the fact that this bill has teeth to it, which is essential for this piece of legislation to be used and to be enforceable. A lot of people ask why now, why this at this point, why this time? Well, what better time than now? OSHA says that they are going to go ahead and agree with what the federal courts have said. This is perfect timing. Let's get this legislation through and do what we can do for Ohioans. That's important. We need to take a stand on that.

Now, frankly, as far as I'm concerned, Ohio medical decisions should not be held hostage rather by the radical left or by special interest groups. I refuse to let that happen. As so many of my colleagues here, they have been fighting hard. So many of us, and you can see that, that this is truly the voice of the people here of Ohio, by all the amounts of legislation from all across the State of Ohio. Listen, I have heard from them and I have spoken to them. At the end of the day, I do not want this piece of legislation to get a bunch of red herrings out there and just go down a path of the validity of vaccinations. I want this piece of legislation to look at the fact that we are protecting Ohioans' jobs. We are protecting Ohioans' individual freedoms for their medical decisions. I urge support. And I'm sure that we're going to have a lot of folks here stand up and talk, because this is an important issue for the State of Ohio. I urge passage of Sub. Bill 218. Thank you, Speaker.

Mr. Speaker:

Question is, shall the bill pass? The chair recognizes Representative Stein.

Rep. Stein:

Thank you, Speaker. Thank you, Speaker Cutt for the opportunity to speak favor of House Bill 218. But before I make my remarks on the bill, I feel compelled to offer a special thanks to you and the leadership

team. And especially the members of our caucus who collaborated together for the good of all Ohioans. This is an emotionally charged issue, and yet a compromise through teamwork, we have taken a monumental step in restoring the personal freedoms of our citizens. To Bob Reed, to Pat Tulley, to Christine Mortenson, whom I've talked to in the last few days more than my wife, thank you for your professionalism and support. We would not be here without you. House Bill 218 is a bill about trust, and putting trust in the people of Ohio, and their right to make personal healthcare decisions that will have long life consequences for themselves and their families.

This legislation is not, as was mentioned, an anti-vax bill. Many of us on both sides of the aisle have been fully vaccinated, including myself. No, House Bill 218 is about individual personal freedom of self-determination, and the American principle of freedom to exercise our free will. House Bill 218 is based on the concepts that have been discussed here for several months in multiple committees, and incorporates members' amendments from the most recent version of House Bill 435, with three principle additional provisions.

One, fairness for our schoolchildren regardless of their vaccination status. Two, equal access to businesses for all citizens, regardless of their vaccination status. And three, that a good faith effort by our hospital administrators to assign our healthcare professionals working as our heroes in our ICUs and children's hospitals to alternate departments when they are unable, due to medical or personal reasons of conscience, from receiving the COVID-19 vaccination. This bill is a collaboration of the possible, not the perfect. The time has come to pass this bill. The urgency of our constituents has grown louder and more visceral.

As I mentioned earlier, House Bill 218 is a bill about restoring the trust in a broken system that has created doubt in the mind of our constituents. In the beginning, we were told we need to close non-essential businesses just for a few days to slow the curve, to keep us safe, to keep us alive. Early on, we are told, "No need to mask. They don't help. No wait, wear a mask. Keep us safe. Slow the curve. It'll keep us alive. Don't give hugs. Don't touch. Don't shake hands. Don't shop online or go to church. Go to church online. Go to school online. We need to slow the curve to keep us safe. Don't look at the data on increased depression, or suicides, or drug overdoses, or how our children's education is declining. We need to keep us safe. Some things are unavoidable. Government knows best. Trust us. We'll keep you safe."

"All of us, show all of us the data," we said to our government. "It's complicated. Trust us. We're the government, and we're here to help. We need to slow the spread to keep you alive and keep you safe." Finally, we have a vaccine. "It's safe. Trust us. You can stop masking. No, wait, keep masking. It's not for you. We need to reach herd immunity to keep us safe." Big Pharma, the government tells us that natural immunity is not a thing. Only the vaccination can stop the pandemic. "No, wait. You may might need a booster. Okay. For sure. Those that have risk and comorbidities. Well, okay. Everybody should get a booster. It's for your own good. It'll keep you safe."

Finally, Washington admits, "Well, the vaccinated, if you're vaccinated for COVID-19, yes you can still be hospitalized. You can still die. You can still spread it. Go back, wear a mask, keep your distance. Don't touch your face. Stay away from your loved ones during the holidays, and remember, we're all in this together." Who do you trust? Do you trust Washington? Do you trust your state? How about Big Pharma? Do you trust them? Should Ohioans trust our employers to make personal healthcare decisions on our behalf? Trust is earned. Ask yourself, have they earned our trust?

House Bill 218 is a bill that allows individual personal freedom to choose to opt out of the vaccine merry-go-round, to work with your healthcare providers to decide what is the best path forward for you, your family, your loved ones, anyone who is a part of your life. Federal, state, or business mandates will never rebuild the trust of this broken system. Only the freedom to choose through an

informed and educated decision will ever accomplish this goal. In closing, we are the representatives of over 11 million Ohioans, who today must decide, who do we trust? Our federal government, our state government, Big Pharma, or our families? The individuals we were elected to serve. I trust the people, and ask you to join me in supporting 218. Thank you.

Mr. Speaker:

Question is, shall the bill pass? The chair recognizes Representative Brent.

Rep. Brent:

Thank you, Speaker. May I speak to the bill?

Mr. Speaker:

Representative may proceed.

Rep. Brent:

Thank you so much. This bill, House Bill 218 is a straight bait-and-switch. If you look at the original bill, it was a straight up liquor bill. It was a liquor bill I was not excited about. It had one hearing. Some months ago, it looked like a bill that they forgot about, and then it was a straight bait-and-switch with this anti-vaccine bill. When the sponsor of the bill came to the floor of the house and said, "This is something from the radical left." You calling the Chamber of Commerce the radical left? [inaudible 02:04:25] Republican former congressmen, are you calling the Ohio Manufacturers' Association the radical left? Ross McGregor, who's a former Republican state rep?

We could keep on going on, because those groups in particular are against this House Bill 218, House Bill 435. We could keep on going on, because it impedes, when it comes to businesses being able to do their job, and that's to have a safe work environment for people. It has to be a combination of healthcare and make sure we have access to businesses. This does not do that at all. At all. When businesses are checking the advice of the CDC, the World Health Organization, our public health organizations within the state, they are not being led by what we individually are telling them to do. They are being led by science and public health, to make sure that our spouses, our children, our loved ones, our constituents can go to a safe workplace. And this bill is in impeding against that, completely.

Now, if somebody doesn't want to get... they want to work at a hospital, most hospitals right now have you take at least 25 vaccines just to be a nurse, physician. Even if you want to change the trash, you have to have some type of form of immunization within our hospital system, because that's what's needed to work there. Even coming here to the state house, there certain rules that all of us have to have to work here. It's called standards. Every workplace has its own standards. When you go to the cafeteria, what does the person wear who's serving your food? A hair net, because that's their standard, to have a safe work environment.

What we're seeing in this situation is that safety, the public health and what employees are saying was the best, so they can be able to make sure that people can still go home and make their paycheck, is not important. We are putting people in legal obligations, legal problems, not legal obligations, but making legal problems for businesses that don't need those situations at all. We are not mixing between being pro-business, pro-science, and pro-people with this at all. It's not working. Like I said at the beginning, this is a straight bait-and-switch. There was not time for us to really go over this bill. I'm not done. When it comes to all of this, it's just very problematic.

And as much as somebody says like, "Well, my business does this," what is it, you and two other people in your business? Y'all probably live in the same house. You don't have to worry about those standards. But people who are going to a business, they want to make sure that when people leave and come out, their health is not being jeopardized with that. Maybe this job might have to implement six feet away, or it might have to implement you getting tested for whatever reason you cannot get vaccinated, but it has to be something of that. But this is not where this bill is going, and this is very problematic for the State of Ohio. And enough is enough. If people say they really want to care about Ohio, then help try to bring some more people to this state.

This is why people don't want to live here. We just passed a congressional map with 15 congressional districts because we lost population. People don't want to stay here because of stuff like this. And it keeps on happening over and over again with the things that are coming, our state is becoming less and less populated where people are going to other states, Michigan, for one. They're even going to Pennsylvania, they're going to Georgia. They're going anywhere but Ohio. Anywhere. And it's reflective of what we do right here in this chamber, and addressing public health, and making sure that businesses can stay open, which is a priority.

I hope he don't respond to me because he not even listening. He over here talking to somebody else. But if we just saying we just so pro-business, then let's listen to the authorities of business. And that's the Chamber of Commerce, the Ohio Manufacturers' Association, the Hospital Association, where their entity is protecting people and making sure that people can have a job and a paycheck. I advise everyone to vote no, if you really are concerned about being pro-business, pro-public health, and making sure that businesses have a real pathway, that they can make the decisions, not the state, they can make the decisions that's best for their business. No for House Bill 218. Please somebody else stand up so he don't talk. Thank you.

Mr. Speaker:

Question is, shall the bill pass? The chair recognizes Representative Russo.

Rep. Russo:

Thank you, Mr. Speaker, move to amend Amendment Number 2332.

Mr. Speaker:

The chair has the amendment. The amendment is in order, and you may proceed.

Rep. Russo:

Thank you. Permission to speak to both the bill and the amendment.

Mr. Speaker:

Representative may proceed.

Rep. Russo:

Thank you. Mr. Speaker, here we are again debating bad public policy that undermines public health trust in science and the vaccine, and puts the lives of Ohioans at risk, all for the sake of a vocal minority who represents a very extreme view on this COVID-19 virus. And let me start by saying very firmly, that vaccines, including the COVID-19 vaccine, they are safe and effective, and we know that they are the fastest way for us to get out of this pandemic, and to reduce our chances of going into another surge.

And it's no accident that as we're talking about this on the floor today, we get news that Ohio is probably on the precipice of going into another surge of the Delta variant.

We have one of the lowest vaccination rates in the country. We are in the bottom 10 of states in terms of the percent of our population that is vaccinated. We are extremely vulnerable to continued surges. If we want to move past this, if we want to keep our businesses open, if we want to keep kids in schools as much as possible in the classroom, we need to increase our vaccination rates. And what is the consequence of us not having high vaccination rates? I wrote some of these comments by the way, at the end of September, when we were in the middle of the last Delta variant surge, and when we thought House Bill 435 was going to be coming onto the floor for a vote.

And at that point we had full ERs. Many of them were on diversions. We had full ICUs. We had hospitals right here in Columbus and Franklin County, where we have some of the highest concentration of medical centers, at full capacity. We had children that were in ICU at all of our children's hospitals across this state because of COVID-19, and children on ventilators. And in addition to that, I wrote down the number of Ohioans who had died on that date on September 29th, the last time we thought we were going to be on the floor, talking about this bill, and it was 21,945. Today, after the Delta variant surge, which we came out of, may possibly be going into another one, we're 4,000 deaths higher a month-and-a-half later, at 25,813 Ohioans who have died because of this virus.

And here we are again in this chamber today, voting on a bill whose language was first seen this morning at 9:10, and it was based I will remind you on language that the Health Committee did not see until less than 24 hours before it got voted out of committee. We had no proponent testimony, no opponent testimony for either one of these bills, House Bill 435 or Substitute House Bill 218. No testimony. It's a bill whose own original sponsors, because this is a version of House Bill 435, when they were in front of the Health Committee testifying, admitted that they had no input from doctors, nurses, patient groups, aging advocates, schools, labor groups, and most importantly, the public.

Even the small groups of organizations that they purported to include in their discussions, business groups and the hospitals, have both on September 29th and today said that they do not support this bill, and they have issued statements against this bill. As was mentioned, the Ohio Chamber of Commerce, the Ohio Manufacturing Association, the Ohio Hospital Association, the Ohio Children's Hospital Associations, as well as dozens of other organizations and patient groups.

Now, Mr. Speaker, in reading the details of this bill, I will admit it's not as bad as some other bills that we've seen on this topic, but it is absolutely not a balanced bill. It is still lipstick on a pig. It still continues to give vaccine disinformation a platform. It still creates confusion when businesses and organizations have to navigate conflicting requirements. The amendment that I have put forward specifically tries to address some of this confusion that is created, specifically with regards to exempting healthcare providers from this bill in totality.

Because we've heard when the original version of this bill came forward, as well as the substitute bill, that the limited carve-outs of children's hospitals and critical care units are both arbitrary in protecting our arbitrary in protecting our most vulnerable patients. There are many units within hospitals and with facilities that have very vulnerable patients, not just ICUs, and not just children's hospitals. This also creates confusion because it directly conflicts with current rules for Medicare and Medicaid payment that just went into effect on November 5th, that says that all eligible Medicare and Medicaid providers who get payment from those programs-

PART 4 OF 6 ENDS [02:16:04]

Allison Russo:

... providers who get payment from those programs, which is every single healthcare provider in this state and facility, has to have their staff vaccinated or they become ineligible. So we are now putting at risk payment to every single hospital, long-term care facility, provider, et cetera, because of this language that directly conflicts with that. And so, I urge that you accept this amendment into the bill to reduce that confusion and eliminate it. And if you don't, I urge a "no" on this legislation.

Mr. Speaker:

Question is, shall the amendment be agreed to? Chair recognizes Representative Cutrona.

Al Cutrona:

Thank you, Speaker. The only confusion is on the other side of the aisle. So I'm going to clear up some of the misinformation that's being spread. First of all, bait and switch is not occurring at all. This piece of legislation has been debated countless hours.

We've had similar legislation that talks on these very points in Health Committee. We've had the same conversations and Commerce and Labor. The bill is almost identical. But yet, you guys want to sit there and say you didn't have enough time. I think you did have the time. I know because I sat in those, both in the Health Committee and Commerce and Labor. I'm a really lucky guy.

So first of all, on that point, that is wrong. And then, when we refer to groups radical left, I am not referring necessarily the chamber. I think if you listen to what I said, I said "radical left and special interest groups". All right? We represent the people, the people. And this bill is for the people.

Now, I would like to also rectify the confusion with regards to population. Ohio did not lose population. It just didn't grow as fast as other states. Now, you know what states did grow? Texas and Florida. Now, they've enacted legislation very to this. Heck. You know what I think? Perhaps Ohio should start acting a lot more like Florida and perhaps we'd be better off.

And you know what? I'm glad, though, that we can admit on some things, that you have seen similar legislation, because we have seen this in committee. So I hope that this would help rectify that. This legislation as good as it stands. We have no need for any additional amendments. And I hope that we can somehow move forward.

And I urge a "yes" vote on the bill without this amendment. So folks, "no" on the amendment, "yes" on the bill. And hopefully, we can get out of here soon enough and get back to our district so we can continue to represent our constituents. And I plan on doing that all day long and twice on Sunday.

Mr. Speaker:

Question is, shall the amendment be agreed to? Chair recognizes Representative Seitz.

Bill Seitz:

Thank you, Mr. Speaker. I move we relay the amendment upon the table.

Mr. Speaker:

Motion is to lay the amendment upon the table. The House will prepare and proceed to vote. Have all members now voted? Clerk will take the role.

Speaker 5:

55 affirmative votes. 30 negative votes.

Mr. Speaker:

Vote is 55 affirmative votes, 30 negative votes. The motion is agreed to and the amendment is laid upon the table.

The question is, shall the bill pass? Chair recognizes Representative Liston.

Beth Liston:

Thank you, Mr. Speaker. I suspect you are not surprised that I rise in opposition. Yet again, talking about public health and trying to keep the Ohio House from meddling in science that it doesn't understand, which I think has become clear as people talk and give a lot of confusion that they're voicing. We are living in this time of distrust and misinformation, and it is up to us as elected representatives to lead, to stand up for good policy, and not undermine the recommendations of real experts and cause that confusion. Yet, here we are.

So ,ills such as these that give credence to fear over the real world safety data are harmful. And prioritizing the imagined possible risks related to the COVID vaccine over the clear and immediate risks of the COVID pandemic is deadly. The talk of civil liberties rings hollow in our state that doesn't even provide protections for LGBTQ individuals and won't recognize the harmful impacts of racism on public health.

Yesterday, in Ohio, over 6,000 people got sick and several hundred were hospitalized. Every day, dozens of Ohioans are dying from a disease that we can prevent. We should not pander to extremist groups and conspiracy theorists who have led the charge in pushing anti-vaccine bills. And we should not get in the way of experts, businesses, schools, and community efforts to provide safety and get things back to normal.

And this bill gets in the way. This isn't government overreach. Excuse me. This isn't addressing government overreach. This bill is preventing businesses and schools and communities from doing what they believe they need to do to keep their customers and communities safe.

I have been taking care of COVID patients since March of 2020. I have seen hundreds of patients, adults and children, admitted to the hospital with COVID-19. I have seen no one admitted with a COVID vaccine reaction. Ask any hospitalist you can find, and they will tell you the same thing. I work with hundreds of well-informed doctors. We are all vaccinated.

We should be focusing energy on protecting people from COVID, not protecting people from an incredibly safe vaccine and undermining public health recommendations. This is a bill that will prolong the pandemic, worsen the confusion and all of the problems that we see from that while leading to more people dying in our state. I urge a "no" vote. Thank you.

Mr. Speaker:

Question is, shall the bill pass? The chair recognizes Representative Gross.

Jennifer Gross:

Thank you, Mr. Speaker. The Ohio constitution in Article One, Section One specifically states that all men are, by nature, free, independent, and have certain inalienable rights. Among which are those of enjoying and defending life, liberty, acquiring and possessing and protecting property, and seeking and

obtaining happiness and safety. Safety for an individual Ohioan could mean getting a vaccine. It could also mean not choosing to be vaccinated.

Article One, Section Seven goes on to say, and this is the section regarding reasons of conscience and religion, "That no person shall be compelled to attend, erect, or support any place of war worship or maintain any form of worship against his consent. And no preference shall be given by law to any religious society nor shall any interference with the rights of conscience be permitted."

Now, I'm not an attorney, but I do understand that our fallible law created by us, the legislature, and the ORC is always trumped by the constitution, sir. And so, though H.B. 218 is not H.B. 248, which was the Vaccine Choice Anti-Discrimination Act, that bill, which was heard in the Ohio Health Committee was seen and witnessed by over 1,350 Ohioans. I know of no other bill that within the matter of six months received that many witness statements.

So, some of my colleagues on the other aisle say we did not listen to the people of Ohio. My office has received thousands of emails, public records request me, and voicemails by the hundreds as well. And I know that all of you have received them. And I apologize for requiring you to listen to your constituents.

But the fact of the matter is, this is an emotional thing. And it does require an opportunity for us to understand that we have inalienable rights, and that's the right to our bodies and decide what goes in our bodies. In our bodies, not with another body.

I am pleased that my colleagues have put forth this bill to help protect Ohioans against discrimination. I recognize that vaccination is a personal choice. For a variety of reasons, not all Ohioans want to receive a vaccine. And I believe that protecting the freedom of Ohioans is our role as legislators.

We need to protect Ohioans from forced vaccination, whether it comes from the government, a school, our employer, or a local retailer. I am an advocate of informed choice, which most healthcare providers give. We explain to people, "This is what's good for you. This is what we believe is right for you. But it's always your decision to make. It's not mine."

H.B. 248 was about inalienable rights. Those are rights that cannot be moved by us. They were given to us by God, and they are supported by the US constitution, and as you heard, our Ohio constitution. They are not given based on our acceptance of a medical product. The concept that a state would allow any individual or any entity, public or private, to compel an invasive medical intervention on another individual through coercive tactics or mandates sets a very dangerous precedent for us in Ohio.

With that being said, I want to thank Representative Ferguson, Representative Cutrona. The Ohio Health Committee, which has spent many, many days and many hours hearing this, to the tune of more than 1,350 Ohioans, more than any other bill; besides the Heartbeat Bill, which took nine years to pass. I want to thank commerce and labor, and especially Chairman Stein. He has been well-balanced, unemotional, and very steadfast. And for that, I honor you, sir.

This bill offers protections for Ohioans that are absolutely needed. I stand before you conflicted, however. Because our constitution already provides the rights and the freedoms for which we stand to make a law to support our constitution. So, for me, I don't even know how I'm going to vote right now.

Am I going to vote red or green? I've supported you, and I do support all that you're doing, but our constitution already provides these rights for which we're going to codify. And if it conflicts with our constitution, whether it's our federal or our state constitution, then I stand before you unsure. And I apologize, I didn't speak in Caucus, but I'm not really sure.

I want to give a special thanks to my aide. We have walked through this for eight months. This is so hard. I'm a clinician, and I love people, and I love Democrats and I love Republicans. This is not easy,

but freedom matters. Always freedom. And that is always what has driven me, no matter what you've read in the paper. It is freedom that our soldiers died for. It is freedom that our soldiers would say, "Do not quit."

And even if this build is not achieved, that which we are trying to achieve, then I would ask that we continue to go back. Because I never believed, that as Americans or Ohioans, that it can't be done. So I ask you to vote according to your conscience for this bill. If you're leaning left and you're leaning not to vote, then don't vote on this bill. If you are leaning in support of this bill, then vote for it, but vote according to the constitution. And I appreciate your time. And I thank you, sir, for the opportunity to speak.

Mr. Speaker:

Question is, shall the bill pass? Chair recognizes Representative Smith.

Monique Smith:

Thank you, Mr. Speaker. Permission to speak to the bill.

Mr. Speaker:

Representative may proceed.

Monique Smith:

Thank you. As a new person around here, I just thought I would share a couple of things that I think it might be helpful for the public to know about how this process worked, because it was out of the ordinary and I am in the committee where this bill ended up.

So this is the Labor and Commerce Committee, which I have loved serving on because it's usually non-controversial, and love the rapport that we have in that committee. And I think we ask good, smart, hard questions about business. And then all of a sudden, a few weeks ago, H.B. 435 lands in our committee. It is a healthcare bill that all of the language for 218, that we you're voting on now, was taken from.

And we were called on very short notice to informal committee meetings. And so, we got childcare, we dropped what we had to do, and we came up for those hearings. And I heard questions that were leading question to the witnesses in healthcare and business, asking about all the problems that they might experience if they mandate vaccines in healthcare settings or in certain business settings.

And what we heard in the testimony was that, actually, businesses are trying to avoid vaccine mandates at all costs, because they're smart and they don't want to lose employees. So what they're really trying to do is they're trying to do everything they can up to having to do a vaccine mandate. So there's actually no crisis with mandates. In the healthcare world, my husband was an employee of the Cleveland Clinic in the IT department. He had to get vaccines. That was what you understood if you were going to work at that place.

And so, we heard that there is no mandate pressure on most employees, we heard that there's no crisis, and we also heard a lot of misinformation. Last night, we were brought into committee to talk about HB 218, which as Rep. Brent told us, was a bill on hours of operation for bars. And that's what we came in thinking we were voting on last night.

We were then told that we would not adjourn the meeting, but we would just go into recess so that we could be called back at a time determined... Who knows when? And we would be then voting on, who knows what? And so we were called back this morning from recess. And we were told at 9:00 AM that we would be voting on 218, not knowing what was in 218. When we came into the room this morning, we were told that 218 would have all of this content about vaccines.

And we were almost about to take the vote until, thankfully, Rep. Brent said, "Well, wait a minute. I'm confused. Does it also still have the information about bars and liquor?" And we wouldn't have even known what we were voting on if she hadn't stopped the vote and asked that question. We literally had no idea. So it was then that we were told, "Oh, no. All of that liquor information was taken out of the bill, and now 218 is just about vaccines."

So I tell you all that to say, I might be new, but I know that this is not how we should do business. This is not how we should do business in Ohio. This is not how we should do business in this chamber. No wonder people in the public get confused and have a tough time following politics.

We can do better than this, you guys. This breaks down our trust in here. And I hope that going forward, we can follow a standard process, we can be open and transparent to the public, and just tell people what we're actually doing, because this is very confusing. So I want to urge a "no" vote on this for many reasons, including process reasons. Thank you.

Mr. Speaker:

Question is, shall the bill pass? Chair recognizes Representative Miller.

Joe Miller:

Mr. Speaker, rise to speak to sub-House Bill 218. So I don't usually get up here that often. Twice in one week is even more rare than Representative Frazier over there. But I will make this brief, I promise. And I had got some calls, "Hey, your name's on House Bill 218." And I'm thinking in my mind, "Well, sure."

As my colleagues know, if they've got a good bill across the aisle, I will reach across the aisle, listen to it, I'll hear from them, and I'll get in full support if I think it's going to help my neighbors, my constituents, our fellow Ohioans. That's what I promised I would do down here. That I would work with both sides, my Caucus, your Caucus, anybody out there that could give us good information to put good policy together.

I'm pragmatic about that. So you know I will do that. And, of course, I'm on here with a few of my colleagues that who I respect. And I was on this because this was a good original bill. It was not only just pro-business. We were in the middle of a pandemic, and I want to remind that. And I'm not going to speak to that lane right now. I think my colleagues and everybody here can speak to it much more eloquently and knowledgeably than I can.

But, it was a good bill because it was going to help business owners in the restaurant bar industry. It was going to help them. And therefore, it was going to provide an opportunity for them to help their employees and help their customers. It was a good bill. It was a positive, pro-Ohioan bill. And now, it's not. It's actually taking away from businesses opportunities to keep their employees and their customers safe.

I think that we need to leave it up to them to make that decision. You go make an agreement with an employer and you hope that you can come to an agreement of what those working conditions are. So I'm not going to get into labor relations, I'm not going to get into vaccines or the anti-vaxx movement.

I will say this, and I'm stealing this from somebody else, when I make my decisions, I trust in God. Everybody else? Bring data. And right now, the data shows that we need to be listening to this and we need to be making vaccinations a priority. So thank you for the chance to speak to this. And I urge a "no" vote.

Mr. Speaker:

Question is, shall the bill pass? Chair recognizes Representative Carruthers.

Sara Carruthers:

Mr. Speaker. I think there are a couple things that need to be clarified about, at least this side's choice, on vaccines. This has nothing to do with whether or not we believe in vaccines. As a matter of fact, an interesting point, is that minority groups tend not to get the vaccines. I'm fully vaccinated. I haven't had a booster, but Moderna doesn't seem to require a booster right now.

I am pro-vaccine. And I believe many of the members in this House are. What I'm against is someone forcing that on anyone. I do not like mandates. "Mandate" is the key word here, I think. And that is something that this bill handles. And that is the selling point for me. Now, I agree with Rep. Liston, or Dr. Liston. I believe in vaccination. However, how many of those people that you spoke about that are very sick in the hospital were fully vaccinated and still got corona?

So, you see, it's a little difficult to say that's the end all, be all. We know that's a possibility, unfortunately. Doesn't seem to work as well as we had hoped. There was a promise that if you were fully vaccinated, you didn't have to wear mask. Remember those days? God, that was good. Wasn't it?

But the thing about it is, it's the mandate, it's the force. And I have had good friends that have lost their jobs. And that just doesn't seem right to me because good people and they needed those jobs. And they believed in vaccines, but they just weren't sure. Now, that's not me, that's them, but I respect them. So I urge you to vote "yes" because of those people. Thank you.

Mr. Speaker:

Question is, shall the bill pass? Chair recognizes Representative Liston.

Beth Liston:

Sorry, I'll be brief. I just invite my colleagues to take a look. The information on the vaccination versus non-vaccinated COVID rates are very clear. It is, I think, somewhere in the range of 4% of people who are vaccinated are the ones that are hospitalized. Whereas 96% of those not vaccinated are the ones that are hospitalized. But you don't have to trust me. Because, truthfully, I'm doing the math briefly top of my head. It is on our coronavirus.ohio.gov. The specific numbers are on the website. I invite you to take a look because vaccines are incredibly effective. They save lives, and I want everyone to know that. So I just wanted to answer that question. I appreciate it.

Mr. Speaker:

Chair recognizes Representative Brent.

Rep. Brent:

Thank you, speaker. So I'm going to speak to the Bill H.B. 218. Thank you. So it's been a lot of things that's been discussed here on this floor, but what we're not going to try to do is try to justify people's

will to be wrong for this bill because minorities are particularly, we just going to say black people, that you were trying to refer to, are not getting vaccinated.

So this bill is having to do with businesses. And I understand what the person did say on the floor is true. There is a disparity in numbers when it comes to particularly African Americans and black and brown people who are getting the vaccine, but you got to look at the reason behind it. So when people come up here and say like, "Well, black people are not..." Excuse me. The person said "minorities". So I want to make sure I'm quoting a person correctly.

You got to look at the back history of that. And that's a mistrust of information that's going out. It's multiple times in history where African Americans were treated as guinea pigs, as a whole. Don't shake your head. We not even cool like that.

Because when people come up here and try to give information on validation for or against something, you've got to give the whole story of the mistrusts when it comes to the Tuskegee experiment, or when it comes to processes on the OBGYN department on how black women were experimented upon to figure out how do things happen, or you talk about people using our tissue to determine on credibility of different things.

Black people have been experimented upon for many different things. So there's a lack of trust. And there was a lack of investment when it came to this whole process within our state. When we received all that money, when it came to the dollars to put out marketing information, the other side decided to do a lottery. They decided to do a lot of the things instead of putting boots on the ground to educate people on the importance of this vaccine.

So when you talk about people, particularly minority people, black and brown people, African Americans not receiving the vaccine, you've got to look at the lack of investment and the lack of concern to even get them to get vaccinated. There has not been that type of investment at all.

And I'll just say from having a neighbor who just passed from COVID, having three people who live across the street from me who just passed away from COVID, no one was coming to our community to get us to get vaccinated. And even the places that people were telling us to go get vaccinated were not accessible. Because we, as a state, took away the necessary funding for public transit.

So when you talk about minorities not being vaccinated, why is that? Because it's things that we have done right here in this chamber that has chipped away the trust that black people who were enslaved in our country for 400 years, for Mexican and for brown people who were disregarded within our workplace system, who are still getting treated [inaudible 02:43:30], are not being paid fairly within our state because we don't want to increase the minimum wage, should be a livable wage, that all builds up on the thing of trust.

So when you say a statement, you've got to understand the full depth on why statistics are like that are showing up within our system, as a whole. And I do agree with myself, and I'm going to double down on this, that this was a bait and switch. That when you show up with a sub-Bill at 9:10 in the morning for a 10:00 committee... Yes, people at home, we received the bill at 9:10 today. Not yesterday. And you're expecting us to have amendments, testimony? What do you think this is? Burger King? You can't have it your way.

Well, I guess you could because you did. But how is that trying to say, "We're trying to engage with the public," when we're doing things in such a quick way? When you do an informal hearing... And my colleague sitting behind me did a great job explaining. When you have informal hearings, you cannot do amendments. You cannot do a sub-bill. Because it's exactly that, informal. All we did was listen to testimony. That's it. The original House Bill 435 was never formally assigned to Commerce and Labor.

So that's why I say it's a bait and switch. You didn't want a process where people could actually come in and testify and be able to do amendments and to address changes in committee. It was a bait and switch. You had some of the liquor people come in there to committee thinking we were going to talk about the liquor hours. And it was a bait and switch for a whole different subject. Bait and switch.

This has been a whole hot mess within our state. And so, it is looking like it's being very, "Who side are you on? The vaccine or the un-vaccine?" When we got to just figure out how we can get back to a new normal, where people can have a good quality of life, people can keep their jobs and be secure, and that people can have trust in the decisions that we are making.

Because those vaccines numbers are just telling us they don't trust what we're pumping out. And I'm not in the majority. So people, the decisions that are being pumped out are not coming from the caucus I belong to. So this is a bait and switch. This is a hot mess. And I highly suggest you guys vote "no". If you are here for public health, for science, for medicine, and if you're pro-business, then you'll be voting "no". Thank you, Speaker.

Mr. Speaker:

Question is, shall the bill pass? The House will prepare and proceed to vote. Have all members now voted? The clerk will take the role.

Speaker 5:

58 affirmative votes. 32 negative votes.

Mr. Speaker:

The vote is 58 affirmative votes, 32 negative votes. Having received the required constitutional majority, the Bill is hereby passed and entitled.

Speaker 4:

Enact to enact section and advise code to address medical requirements for employees and students to address qualified immunity regarding certain coronaviruses to authorize the emergency medical technicians to administer COVID-19 tests to express the covered COVID-19 vaccine injuries under the workers' compensation system and to repeal sections of advised code on September 30th, 2025.

Mr. Speaker:

The question is, shall the title be agreed to? Representative Cutrona moves to amend the title. If you wish to add your name to the title, please do so at this time. That objection, title be agreed? No objections. The title is agreed to. Bills for third consideration?

Speaker 4:

Sub-Bill Number 58. Senators Antonio Brenner and others to amend and enact section, when the resident of the long-term care facility to conduct electronic monitoring of the resident's room to designate this act as Esther's Law.

Mr. Speaker:

Question, is shall the bill pass? The chair recognizes Representative Manchester.

Susan Manchester:

Thank you, Mr. Speaker. I rise today in support of substitute Bill 58, legislation that would enact Esther's Law to allow residents of long-term care facilities to have electronic monitoring of their rooms. This bill was named after Esther Piskor, who was a resident of a nursing home in Ohio. After her family became concerned about unexplained bruising on her body, they placed video cameras in her room and caught extensive footage of her being physically abused by multiple healthcare professionals.

Esther's story is, unfortunately, one of many in our state. In recent years, aids and nurses from across Ohio have been charged with elder abuse, neglect, and manslaughter. In 2019, an aide in Dayton was caught violently jerking a woman into sitting and standing positions when she could not get up on her own. In 2017, seven nurses in Franklin County were charged with involuntary manslaughter and patient neglect. Because of a lack of monitoring and accountability, there are many more cases like this that happen today.

As Chair of the Family's Aging and Human Services Committee, we heard proponent testimony from a number of people with family members that had gone through horrific elder abuse and neglect in nursing homes. We heard from Esther's son, Steve Piskor, who shared the details of her abuse and how his placement of cameras in her room was necessary to catch her abusers and stop further neglect. Multiple other witnesses had lost their loved ones as a result of such abuse, and they advocated for this bill because electronic monitoring would have likely saved lives.

During the committee process, an amendment was added that permits the Department of Health to adopt rules as necessary to implement the requirements of the bill, as opposed to imposing and rule-making requirements. This amendment was supported by the stakeholders of the bill, as well as the sponsors.

We also added another amendment that adds an exemption from the provisions of this bill if an electronic monitoring devices installed by a law enforcement agency. This amendment was supported by the sponsors and the Attorney General's office. The purpose of this legislation is to give family members of residents and long-term care facilities peace of mind.

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Susan Manchester:

The family members of residents and long term care facilities peace of mind by allowing electronic monitoring devices to be placed in a fixed position within resident rooms. Family members would be able to remotely check in on them and protect the resident from any abuse or neglect. This bill takes into account privacy as well as protection of the residents. It is an important piece of legislation that is a step forward in supporting the aging citizens of Ohio and making sure that they are treated with dignity and respect, Illinois, Louisiana, and New Jersey already have this type of law in place. And seven other states have introduced similar legislation. Substitute Senate bill 58 was unanimously voted out of the House Families Aging and Human Services Committee. I'd like to thank the committee members, the sponsors of the bill and the Senate for working so diligently on this and to everyone in this House I urge you to vote yes on this. Thank you, Speaker.

Mr. Speaker:

Question is, shall the bill pass. The chair recognizes Representative Brent.

Rep. Brent:

Thank you. Speaker. I'm speaking to Substitute Bill Senate Bill 58. I think God laughs at our plans and for those who do or not know the journey of Esther's Law, I introduced this last general assembly and this journey of even getting here was very fulfilling, from talking to our union members at SEIU, to going to numerous long term facilities, care facilities, to going to nursing homes, to even being invited to a couple people's churches. Wherever someone had a concern, I showed up, Senator Antonio showed up, and we became this duo of two kick rocking people from Cuyahoga County working on this bill. But this bill, like our chairwoman just said, came from the inspiration of Esther Piskor, who dealt with something that no one ever wants to experience. And that's abuse. And so this bill in particular, it shares a light on how we have to take care of our most vulnerable population. That's our children and that's our senior citizens. All of us at one time were young. Some of us are still young. And all of us, if God spares and blesses, will get old. And we will have to go somewhere, no matter if it's your own home or it might be a long care facility. You going to get old too.

And wherever we decide to go, people want to retire with safety and security because that's our Ohio's promise of how we protect people and why people will want to stay here in Ohio. Remember, that's the goal. And that's keeping people in Ohio, having more people to retire here in Ohio within this. And it does something just real easy. It allows people, especially if you have a roommate, people always ask me when it comes to this bill, what if they have a roommate and their roommate doesn't want the camera? Try to work with the roommate as much as possible, make sure that the camera itself that's going to be put in the room can be adapted, that it does not show them, or you have to be in a place where you won't be able to have it at all. But it has to be some type of compromise between the two different roommates.

And also it works with the actual resident themselves that if that's something they want, then there can be accommodation that would be made so that can be put in their room. It's completely the resident's responsibility to get the camera, to get it installed, and make sure that's all together. But this is a huge step because there's so many things that happen to senior citizens besides abuse. Sometimes it could be a fall. If you are over the age of 60 and live in a long care facility, you are 50 to 75% more likely to have a fall within that time period. So I know there's been a big emphasis on this bill when it comes to abuse, but there's also a thing of just protecting people sometimes from themselves, sometimes from family. During this journey, I had numerous people tell me how they were robbed by family members being in long term care facilities.

Could you believe that? It's crazy. But stuff like that is really happening where people do not feel protected. They do not feel heard and they do not feel seen. But I tell you, with the passing of this bill and it's going to the Governor's office, there's so many people that are going to feel very seen because Ohio is getting ready for a silver tsunami, where we're going to have more people that are getting ready to retire than we have kids that are being born here within our state. So this is a great direction as we are looking to protect one of our most vulnerable populations. And that's our senior citizens. And doing it in a respectable way that they are working with the facility, that if you come to your grandma's or your cousins or place, there's a sign outside of their door that's saying, "This room has electronic monitoring." It's no gotcha joke going on. People fully know what's going on within that room. Everyone needs to feel protected because thank goodness, God bless us all, we all get old. So thank you, Esther. Thank you, Steve. And thank you for all the advocates and union members all across the state who were advocating to make sure that Esther is not just a name we know from the news, but a form of protection that all of us can have here within Ohio. And with that I ask for a yes vote.

Mr. Speaker:

Question is, shall the bill pass? Chair recognizes Representative Crossman.

Rep. Jeffrey Crossman:

Thank you, Mr. Speaker. Permission to speak to the bill?

Mr. Speaker:

Representative may proceed.

Rep. Jeffrey Crossman:

Thank you, Mr. Speaker. I just want thank the good work on this bill, this good bipartisan bill by Senator Brenner and Senator Antonio and my colleague Representative Brent. As she mentioned, this bill came out of a tragic situation that happened actually to one of my constituents in the Cleveland area, Mr. Piskor and his family. And this is just a great example of what can happen when we truly listen to our constituents about the issues and the needs that they have in their communities. So I want to applaud Representative Brent for taking the lead on this in this House chamber and listen to Mr. Piskor and others like Paula Mueller and other advocates for the elderly that really advocated for this piece of important legislation. I think it's only a shame we didn't get this done a little bit sooner with COVID. I think it would've been nice to have these cameras in the rooms to give people some comfort that their loved ones were being well taken care of.

This bill is not a perfect bill. There's no such thing, I think. There's going to be some enhancements, I think, that are going to be needed in the long term. There's certain facilities that are not included in this piece of legislation, but I don't want to let perfect be the enemy of the good here. We're going to pass this bill today. We're going to get it to the Governor and we're going to keep working to protect our elderly in Ohio. So thanks to everybody for their great work on this bill. And I urge a yes vote.

Mr. Speaker:

Question is, shall the bill pass? The House will prepare and proceed to vote.

Have all members now voted? Clerk will take the roll. 87 affirmative votes, no negative vote. The vote is 87 affirmative votes, no negative votes. The bill has received the required constitutional majority and is here bypassed and entitled.

Speaker 6:

An act to enact section advised to permit the resident of a long term care facility to conduct an electronic monitoring of residents room and to designate this act as Esther's Law.

Mr. Speaker:

Question is, shall the title be agreed to? Representative Manchester moves to amend the title. If you wish to add your name to the title, please do so at this time. Without objection, the title will be agreed to. Hearing no objection, the title is agreed to. Bill is for third consideration.

Speaker 6:

Senate Bill number 115, Senator Schuring and others to amend section and revisements to make changes to the Ohio Pooled Collateral Program.

Mr. Speaker:

Question is, shall the bill pass? Chair recognizes Representative Jordan.

Rep. Kris Jordan:

Thank you, Mr. Speaker. Senate Bill 115 makes needed changes to Ohio's Pooled Collateral Program to ensure that public deposits are in compliance and public deposits are properly collateralized. By way of background, it's important to note that public deposits are not insured in the same way that private deposits are under the FDIC. In Ohio, a financial institution that is a public depository can provide security for the repayment of public deposits in one of two ways. A financial institution may either secure the public deposits made by each public depositor or by spreading the risk through pledging the collateral within a pool of public deposits managed by the Treasurer of State. This program is known as the Ohio Pooled Collateral Program. Under the Pooled Collateral Program, when a financial institution that is a public depository accepts additional funds, it must pledge additional securities to match the market values of the deposit. Senate Bill 115 clarifies and gives better guidance to the financial institution to ensure that they are in compliance with the program by giving them two business days to pledge additional securities to the pool in accordance with the amount stipulated by the Treasurer of State.

These new standards will protect public treasurers and depositors who deal with public depositories and most importantly, ensure that the public dollars are safe, secure, and properly collateralized. This bill had no opponents and passed unanimously in the House Financial Institutions Committee, as well as in the Senate Financial Institutions and Technologies Committee and on the Senate Floor. It's endorsed by the Ohio Bankers League, the County Treasurers Association of Ohio, and the Ohio Treasurer of State. I urge passage of Senate bill 115. Thank you, Mr. Speaker.

Mr. Speaker:

Question is, shall the bill pass? Chair recognizes Representative Crossman.

Rep. Jeffrey Crossman:

Thank you, Mr. Speaker. Permission to speak to the bill?

Mr. Speaker:

Representative may proceed.

Rep. Jeffrey Crossman:

Thank you, Mr. Speaker. The chairman accurately and perfectly explained this bill. It's about good fiscal responsibility for our state treasuries. It's endorsed by all the folks that matter. And it had no opposition this term, nor in the last term when we all supported this bill. So I urge a yes vote. Thank you.

Mr. Speaker:

Question is, shall the bill pass? The House will prepare and proceed to vote.

Have all members now voted? The clerk will take the roll.

Speaker 6:

82 affirmative votes, no negative votes.

Mr. Speaker:

Vote is 82 affirmative votes, no negative votes. The bill has received the required constitutional majority and is hereby passed and entitled.

Speaker 6:

An act to enact section of advised code to make changes to the Ohio Pooled Collateral Program.

Mr. Speaker:

Question is, shall the title be agreed to? Representative Jordan moves to amend the title. If you wish to add your name to the title, please do so at this time. Without objection, the title will be agreed to. Hearing no objection, the title is agreed to. Bill is for third consideration.

Speaker 6:

Sub Senate Bill number 229, Senator Blessing and others to amend to enact section of the revised code regarding blending or remote learning models for the 2021-2022 school year, the state report card emergency management plan's withdrawal of untested students from internet or computer based schools, the third grade rating guarantee, high school financial literacy instruction, educational choice in Cleveland scholarship payments, operating subsidies for educational service centers, and to declare an emergency.

Mr. Speaker:

Question is, shall the emergency clause remain a part of the bill? The chair recognizes Representative Manning.

Rep. Gayle Manning:

Mr. Speaker, thank you. And may I speak about the amendment first? Emergency clause.

Mr. Speaker:

Yeah. Representative may speak to the emergency clause.

Rep. Gayle Manning:

Okay. As we know, this is a bill that is very important to the schools and it will give them some coverage when it comes to blended learning. So that's why we need the emergency clause and need it immediately.

Mr. Speaker:

Question is, shall the emergency clause remain a part of the bill? The House will prepare and proceed to vote. Have all members now voted? Clerk will take the roll.

Speaker 6:

77 affirmative votes, four negative.

Mr. Speaker:

77 affirmative votes, four negative votes. The emergency clause remains as part of the bill. The question is, shall the bill pass as an emergency? Chair recognizes Representative Manning.

Rep. Gayle Manning:

May I speak to the amendment?

Speaker 7:

Should be to move to amend first.

Mr. Speaker:

If you move to amend, you may.

Rep. Gayle Manning:

Move to amend 2322.

Mr. Speaker:

Chair has the amendment is in order, and you may proceed to speak to the amendment.

Rep. Gayle Manning:

This amendment does two things. It clarifies that the decision to retain or promote a student involves a parent or a guardian and it also makes a date correction. So just an LSC fix.

Mr. Speaker:

Question is, shall the amendment be agreed to? Without objection, the amendment will be agreed to? Hearing no objection, the amendment is agreed to. Chair recognizes Representative Manning.

Rep. Gayle Manning:

Thank you, Mr. Speaker. I rise in support of Substitute Senate bill 229. The bill gives our schools necessary flexibility as they navigate the school year in the midst of the coronavirus pandemic. To help kill children stay safe while ensuring education continues. Senate Bill 229 provides an extension to April 30th, 2022 for a school to notify ODE of its intent to operate a blended learning model for the school year. In addition, the bill lays a framework a district must follow for operating in a blended learning model in addition to filing the requirements of the Ohio revised code. The framework includes ensuring students have an Internet access and devices necessary to access online content, monitoring and assessing achievement and progress, and reporting the number and duration of students participating in a blended and learning environment. Senate Bill 229 also requires each school district to submit a remediation plan to address the learning loss due to the pandemic.

Under a previous version of this bill, districts were required to create a new remediation plan to submit to ODE but through compromise, districts are now able to submit a local use of funds plan or an extended learning plan to satisfy this provision of the bill. Other amendments that we've accepted during committee include one, permitting rather than requiring a student to participate in the online learning school for the duration of the student's quarantine. Two, requiring a district to submit quarterly instead of monthly data of students participated in blended learning. Three, as individuals to the Report Card Study Committee. Four, corrects a drafting error from Senate Bill 1 that relates to our financial

literacy instruction. Five, removes a provision that relates to the purchases of real property leased to a community STEM or non-public school. Six, includes an amendment that ensures educational service centers would receive adequate funding for the additional students they serve.

And lastly, the committee accepted an amendment that would for 2021-2022 school year exempt public and chartered non-public schools from retaining a student under the third grade reading guarantee based solely on the student's score on the third grade English Language Arts Test. This provision ends an extension of the flexibility the general assembly gave school districts for the 2019-20 year and the 2021 school year. Many parents have shared concerns about their students being retained based on one score of a high stakes test. The flexibility offered by this provision gives parents an opportunity to be involved with the classroom teacher and the principal and the decisions to promote or retain a student. I would like to thank members of the Primary and Secondary Education Committee on their diligence and thorough work. I would like to thank the suggestions from the interested parties and their willingness to work together to make this a better bill for Ohio students. I would also like to thank the sponsor of the bill, Senator Blessing and Chair Brenner for helping us to make this a better bill. And I would also like to thank Brianna Austin, my LA, and also LSC for all the due diligence that they did to make sure that we could get these amendments in. Mr. Speaker. I would like to lastly thank you for bringing this to the floor. And I ask for everyone's support.

Mr. Speaker:

Question is, shall the amended bill pass as an emergency measure? Chair recognizes Representative Robinson.

Rep. Phillip Robinson:

Thank you, Mr. Speaker. Permission to speak to the bill?

Mr. Speaker:

Representative may proceed.

Rep. Phillip Robinson:

Thank you. I'll be very brief. Chairwoman Manning covered it very well. This bill does three things in particular. I just want to double down on one. It provides local control. So schools and their school boards know best what to do with children who are learning and recovering from the pandemic. And it's great that public, chartered, and private schools all will have to follow the same rules and regulations there. Second and third grade guarantee is really important. And in fact, Representative Manning and I hope to have something soon for you regarding working further on this. This is a good stopgap measure for this year, but moving forward on a third grade guarantee. And then also additionally, want to make sure that some of the measures on the report card, including chronic absenteeism and also adjusting for the graduation rate over four years has also been eliminated from being held on this report card. I'd also like to thank Senator Blessing and Senator Brenner for allowing for this, all the members on both sides of the aisle who work to make amendments to the Sub Bill. And finally, I want to thank Chairwoman Manning. Working together, we were able to make a compromise that we think works on behalf of all children, which help renews Ohio promise. Thank you.

Mr. Speaker:

Question is, shall the amended bill pass as an emergency measure? The House will prepare and proceed to vote. Have all members now voted? The clerk will take the roll.

Speaker 6:

81 affirmative votes, two negative votes.

Mr. Speaker:

Vote is 81 affirmative votes, two negative votes. The amended bill has received the required constitutional majority, and the bill is hereby passed and entitled as an emergency measure.

Speaker 6:

An act to enact section of advised code regarded, blending learning, or remote learning models for the 2021-2022 school year, the state report card emergency management plan's withdrawal of untested students from internet or computer based schools, third grade reading guarantee, high school financial literacy instruction, educational choice in Cleveland scholarship payments, operating subsidies for educational service centers, and to declare an emergency.

Mr. Speaker:

Question is, shall the title be agreed to? Representative Manning moves to amend the title. If you wish to add your name to the title, please do so at this time. Without objection, the title will be agreed to. Hearing no objection, the title is agreed to. Bill is for third consideration.

Speaker 6:

House and current resolution number 36, B. Young and others to urge that the federal proposal to require financial institutions and other financial service providers to report most customer service net account inflows and outflows not be passed or implemented by government officials.

Mr. Speaker:

The question is, shall the title be agreed to? Representative Young moves to amend the title. If you wish to add your name to the title, please do so at this time. Without objection, the title will be agreed to. Hearing no objection, the title is agreed to. The question is, shall the resolution be adopted? The chair recognizes Representative Young.

Rep. Bob Young:

Thank you, Mr. Speaker. Permission to speak?

Mr. Speaker:

Representative may proceed.

Rep. Bob Young:

I rise today in support of HCR 36, a concurrent resolution to urge non passage of a proposal originally inserted in the House Version Budget Reconciliation Bill allowing for the internal revenue service to monitor the net inflows and outflows of bank accounts of average American citizens. While I agree tax cheating is not right, fair, or legal, I believe this proposal goes beyond the scope of vision of the current

White House administration and creates a virtual dragnet in which millions of innocent Americans will find theirselves caught. While the current version of the budget reconciliation bill has removed this provision, and I'm thankful for that, we the general assembly need to take a stand, the first reason being the budget reconciliation bill has not yet become law, thus this provision could be reinserted at any time. Secondly, we the general assembly need to take a stand for the privacy and data security of Ohioans.

And lastly, against government overreach and send a message to any future administration that this is unacceptable. While this provision, meant to pay for trillions in federal debt spending, is essentially a banking surveillance program. The program amounts to an unfunded mandate for financial institutions and has estimated the cost 79 billion to implement. Every financial institution from huge corporate banks to small community banks and credit unions will now have an onerous workload added to them to flag everyday customers' accounts if its accumulative inflows and outflows are valued above $10,000. Numerous sources have testified a government program like this will deteriorate the trusting relationship an individual has with their financial institution. I want to take a second and thank our interested parties who helps port this resolution, the Ohio Treasurer's Office, the Attorney General's Office, the Ohio Banker's League, and the Ohio Credit Unions League. Also, I'd like to say thank you to Chairman Jordan and the members of the Financial Institutions Committee for their work and support on this resolution.

I'd like to take a moment and thank my legislative aide, Amanda Magoteaux, for her hard work on this resolution. She helped bring this to my attention. I'd also like to say thank you to you, Mr. Speaker, for bringing this resolution to house floor today. Colleagues, today I'm asking this general assembly to stand for the banking privacy and security rights of our citizens. I'm asking this general assembly to stand up for constitutional principles of due process, probable cause, not allowing unreasonable searches and seizures, innocent until proven guilty. And I'm asking my fellow members to take the stand today and vote yes on HCR 36.

Mr. Speaker:

Question is, shall the resolution be adopted? Chair recognizes Representative Crossman.

Rep. Jeffrey Crossman:

Thank you, Mr. Speaker. I move to refer this resolution back to Rules and Reference. And with your indulgence, Mr. Chair, I would like to speak to that motion.

Mr. Speaker:

Representative may proceed.

Rep. Jeffrey Crossman:

Great. Thank you, Mr. Speaker. I often wonder whether these House resolutions that we consider have any value. I mean, they're not binding in law and all they really are messages to whoever we decide to send these resolutions to, but the prerequisite for these resolutions if we want them to be effective should be that they should be accurate and they should be honest and truthful. And so I think in looking at this resolution, there is a point here. There is a point here. It's just misstated in this resolution. And we tried in committee before this was voted out of committee to work with the majority caucus to come with a better revised version that everybody could get behind because we are also concerned about

privacy issues. We're also concerned about the practical effects on lenders having to report a lot of data to the government for a threshold of $600.

But we're also concerned about finding legitimate ways to find people that aren't paying their fair share of taxes. There's billions of dollars left on the table every year because people are just not reporting their income accurately. So we shared some concern about the proposal as did many of our colleagues in Washington DC. That's why this proposal is not among the reconciliation provisions included in the current version of the bill. It's completely unlikely that this would ever make its way into any Senate version, especially given the fact that moderate Democrats are opposed to this. So we did draft a revised version. It was not accepted in committee. We even offered to continue working on this to come up with bipartisan language that would be acceptable to everybody. And I think we passed this, quite frankly, Mr. Speaker, a little prematurely. So as I said, if we're going to pass resolutions that want to be considered, they should at least be accurate. Otherwise they're going to be just rule out of hand to begin with. And so I would respectfully urge us to send this back to committee for some additional work. Otherwise, Mr. Speaker, I would say no on this. Thank you.

Mr. Speaker:

The question is, shall the motion to re-refer be agreed to? The chair recognizes Representative Seitz.

Rep. Bill Seitz:

Thank you, Mr. Speaker. I move we lay the motion upon the table.

Mr. Speaker:

Question is, shall the motion be laid upon the table? The House will prepare and proceed to vote. Have all members now voted? Clerk will take the roll.

Speaker 6:

54 affirmative votes, 26 negative votes.

Mr. Speaker:

Vote is 54 affirmative votes, 26 negative votes. The motion has been laid upon the table. And the question is, shall the resolution be adopted? The House will prepare and proceed to vote. Have all members now voted? Clerk will take the roll.

Speaker 6:

54 affirmative votes, 27 negative votes.

Mr. Speaker:

The vote is 54, affirmative votes, 27 negative votes. The resolution is adopted. Yep. Hold on. Bill is for third consideration.

Speaker 6:

House resolution number 147, Representative Stoltzfus and others to urge the United States Congress and President of the United States with haste to take action to bring home the missionaries who have been taken hostage in Haiti.

Mr. Speaker:

The question is, shall the title be agreed to? Representative Stoltzfus moves to amend the title. If you wish to add your name to the title, please do so at this time. Without objection, the title will be agreed to. Hearing no objection, the title is agreed to. The question is, shall the resolution be adopted? The chair recognizes Representative Stoltzfus.

Rep. Reggie Stoltzfus:

Thank you, Mr. Speaker. It's been 34 days since 17 missionaries were taken hostage in Haiti on October 16th by the 400 Mawozo gang. The hostages consist of one Canadian and 16 Americans from Ohio, Pennsylvania, Wisconsin, Oregon, Michigan, and Tennessee. They range in age from 48 to eight months old. The kidnappers have stated they will kill all the hostages if their demands of one million dollars per person ransom are not met. The mission organization Christian Aid Ministries is based in Ohio right here in Holmes County. About two weeks ago, I stopped hearing about this situation and I wondered if these hostages had been released. The news media had stopped reporting on the story. So I did some digging and some research and I found out the situation had just become old news. So I felt the need to bring to light this situation so that these folks are not forgotten about.

So I wrote an op-ed and a few newspapers picked it up and I thought to myself, "What more could I do to bring attention to this situation?" And I thought a House resolution would be appropriate. This is by no means a partisan resolution. This is an Ohio resolution. It is a simple way for this body to help bring attention to this situation and ultimately help bring home these folks. I cannot imagine what these people are going through at this moment in time. Do they have food? Do they have shelter? Are they all still alive? I also cannot imagine what the family members here are dealing with having a loved one being held hostage for over a month in a foreign country. Friends, we must intervene now. These are Ohioans and Americans. They need our help, and we are duty bound to provide them with assistance. This resolution is to urge the US Congress and the President to take action to bring these 17 missionaries home as soon as possible. The intent of this resolution is not to tell the federal government how to do their job or by what means to use to free the hostages. They have experts in that field who can handle that. The resolution only urges the federal government to act swiftly and bring these folks home to their family.

Proverbs 3:27 says, "Do not withhold good from those to whom it is due when it is within your power to act." These hostages deserve our attention and our efforts to act on their behalf. This resolution passed unanimously yesterday in state and local. I want to thank Chairman Wiggam for his help. And I want to thank you, Mr. Speaker, for bringing it to the floor today and bringing attention to this situation. Please join me in bringing attention and awareness and support this resolution to bring these Ohioans and Americans home.

Mr. Speaker:

Question is, shall the resolution be adopted? Pursuant to House rule 57, Representative Anna Miller is excused from voting. The question is, shall the resolution be adopted? The House will now prepare and proceed to vote. Have all members now voted? Clerk will take the roll.

Speaker 6:

78 affirmative votes, no negative votes.

Mr. Speaker:

78 affirmative votes, no negative votes. The resolution is adopted. Message from the Senate.

Speaker 6:

Mr. Speaker, I'm directed to inform the House of Representatives that the Senate has refused to concur on the House amendments to amended Sub Senate bill number 19, Senator Schaffer.

Mr. Speaker:

Chair recognizes Representative Merrin.

Rep. Derek Merrin:

Mr. Speaker, I move to the house insist on its amendments to amended Substitute Senate Bill 19. And I ask for a committee of conference.

Mr. Speaker:

Without objection, the motion will be agreed to. Hearing no objection the motion is agreed to. Message from the Speaker.

Speaker 6:

Pursuant to house rules 1328 and 30. The speaker hereby makes the following changes to the House standing Committee on Commerce and Labor. Remove Representative Roemer, appoint Representative Ghanbari, remove Representative Lepore-Hagan, appoint Representative Sobecki as ranking member.

Mr. Speaker:

Announcement of committee meetings. The chair recognizes Representative Fowler Arthur at this time for a point of personal privilege.

Rep. Sarah Fowler Arthur:

Thank you, Mr. Speaker. I just wanted to acknowledge and welcome from Northeast Ohio, Asheville County Auditor David Thomas for coming down and watching our proceedings today. Thank you.

Mr. Speaker:

The chair recognizes Representative Ginter.

Rep. Tim Ginter:

Thank you, Mr. Speaker. I move at the House now stand in recess until a time to be determined for the purpose of a non-voting session.

Mr. Speaker:

Without objection, the House stands in recess.

PART 6 OF 6 ENDS [03:23:22]

Exhibit 36

Ohio House Approves Congressional District Map, Now Heads To Gov. DeWine

news.wosu.org/politics/2021-11-18/ohio-house-approves-congressional-district-map-now-heads-to-gov-dewine

November 18, 2021

Politics

Andy Chow

/

Ohio Public Radio

Sen. Rob McColley (R-Napoleon) presents a new Congressional district map, drawn by the Senate Republican Caucus.

Updated, November 19, 2021, 7:48 a.m.

It's now up to Gov. Mike DeWine (R-Ohio) whether to sign off on a new Congressional district map that gives Republicans an advantage in 12 of Ohio's 15 districts for four years.

In that House vote, every Democrat and four Republicans voted against the plan.

Rep. Stephanie Howse (D-Cleveland) says the Republican-drawn Congressional map goes against the anti-gerrymandering reforms passed by voters three years ago.

"So let's be for real like that is not what people voted for on May of 2018. They deserve better. We need to do better. And we need to absolutely vote this mess down," said Howse on the House floor.

Rep. Kyle Koehler (R-Springfield) was one of four Republicans who did not vote for the maps.

"I hear constituents' views on both sides of so many issues. I can’t think of a time I have ever had all my constituents agree on one issue. They did not want Springfield carved out of Clark County. I voted 'no' splitting our county," Koehler said in a tweet on Thursday.

> I hear constituents views on both sides of so many issues. I can’t think of a time I have ever had all my constituents agree on one issue. They did not want Springfield carved out of Clark County. I voted “no” splitting our county. pic.twitter.com/DxHYEBUNnr
>
> — Rep. Kyle Koehler (@repkoehler) November 18, 2021

Rep. Bill Seitz (R-Cincinnati) says Ohio is a "red state" -- electing Republicans in most of the statewide races for a decade. He says there are things that matter just as much as the partisan breakdown of a district, such as any given candidate.

"Fair, ladies and gentlemen, is in the eyes of the beholder. We have followed the Constitution. We have done our duty," said Seitz.

The map draws 15 Congressional districts in Ohio. Republican voters outnumber Democratic voters by more than 20% in five districts and by more than 10% in two districts. Another five districts, that fall within a 10% margin, lean in favor of Republicans. That's according to "Dave's Redistricting," a national tool to analyze new maps.

There are only two districts in the Congressional map approved by the Ohio Senate that heavily favor Democrats. Those districts are in Franklin County and Cuyahoga County.

Voter rights groups are now petitioning DeWine to veto the bill, which must be signed by the end of the month.

Andy Chow

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.

See stories by Andy Chow

Exhibit 37

Gerrymandering: The secret issue Ohio will vote on in the midterm election

cincinnati.com/story/news/politics/elections/2018/10/23/midterm-election-decide-fate-gerrymandering-ohio/1663249002/

Jackie Borchardt, The Enquirer

Jackie Borchardt | Cincinnati Enquirer

play

Show Caption

COLUMBUS – Most Ohio voters are thinking about the economy or health care when they cast their ballots in the midterm election.

But there's another big issue looming in the background: whether Ohio's district maps will be gerrymandered for another decade.

Yes, Ohio already voted for redistricting reform -- twice. But politicians will still be in charge and have the final say on maps that will shape Ohio's political landscape for many years.

Whoever is elected governor, secretary of state and auditor will be part of a new seven-member panel drawing Statehouse district lines in 2021.

State senators elected now will weigh in on the next congressional map. And the governor elected in November -- likely to be either Republican Mike DeWine or Democrat Richard Cordray -- will have veto power over that map.

Democrats have made gerrymandering a part of their pitch to voters to upend years of GOP rule in Columbus. Republicans might not be as vocal, but they're thinking about redistricting too.

“This is a high-stakes political process that both parties care very much about, all the way up to the highest levels," Sen. Frank LaRose, a Republican running for secretary of state, said.

What’s at stake

Republicans controlled both congressional and Statehouse redistricting processes in 2001 and 2011, the last two times Ohio updated its maps. Democrats, who refused to compromise on reform in 2009 because they thought they'd hold the redistricting pen next, were effectively shut out of the process.

The result: districts have consistently been won by the party they were drawn to favor. Republicans have held 12 of Ohio’s 16 congressional seats since 2012 despite receiving 56 percent of the vote statewide.

Ohio has districts like the 9th, called the “snake on the lake,” which stretches from Toledo to Cleveland, and the 1st, which splits Cincinnati and divides Hamilton County. Summit County, in Northeast Ohio, is represented by four congressmen but none live in the county.

Republicans regained control of the Ohio House and hold super majorities in both Statehouse chambers.

So it’s understandable that redistricting has become a major issue for Ohio Democratic candidates and that national Democrats have taken an interest in changing the process.

The National Democratic Redistricting Committee, headed by former President Obama’s attorney general Eric holder, backed the congressional reform measure on the May ballot. The group also gave the maximum $12,707 contribution to Democrats running for Ohio governor, attorney general, auditor and secretary of state.

Auditor candidate Zack Space, a former Democratic congressman, said he was talking about redistricting long before the Holder's group got involved. Space said gerrymandering has made primary elections the main event and, as a result, politicians are more extreme in their views and can't compromise or even talk to each other.

"Both parties bear responsibility now to do the right thing and doing the right thing is working for a government that can function well and restore faith and confidence that’s been lost in this process," Space said. "Donald Trump’s mantra that the system is rigged rings true for a lot of people and justifiably so."

The Libertarian Party candidates -- Travis Irvine for governor, Robert Coogan for auditor and Dustin Nanna for secretary of state -- say they're better suited to draw lines because they're not obligated to either major party.

New rules

The opposite might have happened had Democrats been in charge. Both parties agreed in 2014 there had to be a better, fairer way to draw the lines. The General Assembly put before voters constitutional amendments changing the redistricting process for Statehouse districts (Issue 1 in 2015) and congressional districts (Issue 1 in May 2018.)

Both set new rules for carving up the state into districts including limiting how counties and cities can be split. Both require votes from minority-party politicians to approve maps.

The redistricting commission, which will map Statehouse districts, will have seven members instead of five, including at least two from the minority party in the General Assembly. Republicans are expected to keep control of the legislature, so if Democrats can get two of the three statewide seats, they'll have the upper hand.

State Rep. Kathleen Clyde, a Democrat running for secretary of state, said two components of new process are especially important: keeping communities together and ensuring representational fairness. The latter, a favorite buzzword of reformers, means the breakdown of partisan-leaning districts should mirror past voting behavior averaged over several years of elections. No one knows exactly how that will be computed or applied in 2021.

"There is still room for partisan gamesmanship and we need to make sure we have leaders who are dedicated to transparency and fairness at all costs," Clyde said.

Republican auditor candidate Keith Faber, a state representative, doesn't like the term "representational fairness," and said mapmakers shouldn't create districts for the sake of partisan balance.

"We don't want to create another type of gerrymandering... to pick up some kind of a balance of voters that breaks up regional interests, local governments and political subdivisions," Faber said.

More: Everyone complains about congressional gerrymandering. Ohio just did something about it.

What the candidates would do

Ann Henkener, a longtime redistricting expert for the League of Women Voters of Ohio, said the new rules will make redistricting more fair and bipartisan, but people involved will have to make some hard decisions about how to break up counties and cities.

Which candidates are best suited for that responsibility?

"Ones that know how to follow the rules laid out in the Ohio Constitution and having some from both parties," Henkener said. "Having folks who are willing to work across the aisle and compromise would be really good attributes for people who are going to be drawing the maps."

Here's what you need to know about the major party candidates' positions on the issue.

Governor

Mike DeWine (R): DeWine, Ohio's attorney general, supported the congressional redistricting measure in May. DeWine's running mate, Ohio Secretary of State Jon Husted, has advocated for redistricting reform since he served in the state legislature a decade ago. "The rules are pretty clear -- the voters said that the redistricting process should be done in a bipartisan way and when I am governor there will be an expectation that the new district maps honor the voters' wishes," DeWine told The Enquirer through a spokesman.

Richard Cordray (D): Cordray weighed in several times on social media while state legislators hammered out the congressional redistricting reform proposal. "As governor, I'll use my role in the redistricting process to ensure that we finally have fair and competitive maps that put the voters back in charge of our democracy -- not the special interests or the self-serving politicians," Cordray said through a spokesman.

> Enough already with the redistricting shenanigans in the Ohio legislature. Give us a fair process with input from both sides, and don't try to cut the governor out. Voters should choose their representatives, not the other way around.
>
> — Rich Cordray (@RichCordray) January 18, 2018

Auditor

Keith Faber (R): Faber was the No. 2 state senator when the 2011 maps were drawn. Emails from the time show he was angling to change the boundaries to move his Celina home from the 8th District, held by then-House Speaker John Boehner, to the 4th District held by Congressman Jim Jordan. Faber, now a state representative, said last week he wanted to keep Grand Lake St. Marys whole within one district.

Faber and three other lawmakers introduced a bipartisan redistricting reform proposal in 2012, but it failed to pass the House. After the legislature passed Statehouse reform in December 2014, Faber, then Senate president, was hesitant to move ahead with changes to the congressional process.

Zack Space (D): Space represented Ohio's 18th congressional district from 2007 to 2010. Ohio lost two seats in the 2011 redistricting process, and Space's constituents were divided among five districts.

Secretary of state

Frank LaRose (R): LaRose voted for the gerrymandered map in 2011 as a state senator, but he says now he did so with a pit in his stomach. LaRose said the vote made him redouble his efforts for reform, and he introduced legislation the following session to change it. After the legislature passed the state legislative district reform in 2014, LaRose pushed for similar changes to congressional redistricting, breaking with GOP officials who were urging a "wait and see" approach.

> We have to reform the redistricting process in OH. See this @AkronBeacon article about a group of us making it happen: http://t.co/RXWvAxDq
>
> — Frank LaRose (@FrankLaRose) January 11, 2012

Kathleen Clyde (D): Clyde, a state representative from Kent, helped lead the effort to overturn the 2011 congressional map. Since then, she introduced several bills to reform the redistricting process. Clyde and the Democratic candidate for attorney general, Steve Dettelbach, have called for the 2021 mapmaking to be open and transparent, with regular public meetings and reports and the ability for the attorney general to take action if politicians get out of line.

Exhibit 38

Rep. Wenstrup announces intent to seek re-election in 2nd District

Rep. Brad Wenstrup

Today, conservative Republican Congressman Brad Wenstrup announced his intent to seek re-election to the U.S. House of Representatives in Ohio's Second Congressional District.

Due to constitutionally required redistricting, the Ohio House and Senate recently passed an updated congressional map, which keeps parts or all of the eight counties Wenstrup currently represents in the newly presented Second District.

"I look forward to continuing to represent the hard-working people of southern Ohio as I fight for the safety, security and economic prosperity of everyone I serve." Wenstrup said.

Wenstrup mentioned several key issues he's focused on, including strengthening the supply chain, increasing access to health care, border security, military readiness and caring for the nation's veterans.

"We must stop and think, are we leaving this world a better place for our kids and grandkids," Wenstrup said. "What we do today has an impact on those we love and the trajectory of our nation. Today matters and the future matters even more.

"I look forward to spending time in the new counties included in the district and listening, learning, and working tirelessly for all of our communities. We prepare now for 2022 when we can and will start re-building a healthier and stronger America."

Exhibit 39

Census: Two-thirds of Ohio counties lose population; Columbus passes 900,000 residents

dispatch.com/story/news/2021/08/12/five-ohios-six-fastest-growing-counties-central-ohio/8098139002/

Mark Ferenchik, Bill Bush and Marc Kovac, The Columbus Dispatch

Nearly two-thirds of Ohio's counties lost population in the last decade, while fast-growing areas such as Franklin County continued to add residents.

Ohio's population grew by just under 263,000, according to population numbers for counties, cities, villages and individual census tracts released Thursday by the U.S. Census Bureau.

The largest population drop among counties occurred in Harrison County, west of Steubenville, which dropped 8.7% to 14,483.

Ohio is still the nation's seventh-largest state, but it could be eclipsed over the next 10 years by fast-growing Georgia, now the eighth-largest, which grew to 10.7 million in 2020 from 9.7 million in 2010, a 10.3% leap.

Growth in central Ohio counties in 2020 census

Central Ohio counties accounted for five of Ohio's six fastest growing population centers over the last decade, adding almost 235,600 residents and accounting for about 90% of the state's total growth between 2010 and 2020, the Census Bureau reports. The other major

growth county was Warren County near Cincinnati in southwest Ohio, where population rose just under 30,000 to 242,337.

Franklin County was by far the state's major growth center by number of residents, adding 160,000 people to become the state's largest at 1.32 million people. Cuyahoga County lost the most people: 15,305, a drop of 1.2%, to 1.26 million, but maintained its rank as the state's second-largest county.

US census data: Here's the central Ohio cities that have changed the most

Hamilton County (Cincinnati), gained slightly in population, 3.5%, from 802,374 in 2010 to 830,639.

Summit County (Akron) dipped slightly, by 0.2%, from 541,781 to 540,428. Stark County (Canton and Massillon) also dipped by 0.2%, from 375,589 to 374,853.

Delaware County topped Ohio's expansion percentage-wise by almost 23%, with its population now at 214,124. Delaware's percentage growth was followed by the counties of Union (20%), Warren (13.9%), Franklin (13.8%), Fairfield (8.7%) and Licking (7.2%).

Columbus-area growth data: Delaware and Union counties in Columbus area grow the most in Ohio

Scott Sanders, executive director of the Delaware County Regional Planning Commission, expected his county's numbers. "We had projected it would be 218,000 based on building permits," he said.

Increase in Black, Asian and Latino populations contribute to Columbus growth

Remaining the fastest growing county in the state get harder as the population grows, he said.

Growing responsibly will be the ongoing challenge, Sanders said.

"There's always that tension to make sure we can provide services," he said.

Meanwhile, Columbus' population is now 905,748 — up 15% from the 787,033 in 2010 — making it by far the state's largest city.

All of Columbus' growth can be attributed to an increase in the Black, Asian, Latino and other community groups, as the city's white population dipped slightly.

The United States overall experienced unprecedented multiracial population growth and a decline in the white population for the first time in the nation’s history, according to U.S. Census officials, revealing the most sweeping picture of America’s racial and ethnic makeup

in a decade.

“These changes reveal that the US population is much more multiracial, and more racially and ethnically diverse, than what we measured in the past,” said Nicholas Jones, the director of race, ethnicity, research and outreach for the Census Bureau's Population Division.

Cleveland, Akron Dayton, Canton and Toledo and Youngstown shrink

Cincinnati's population is back over 300,000 growing from 296,943 to 309,317.

But many of the state's largest cities continue to shrink, including Cleveland, Akron Dayton, Canton and Toledo and Youngstown.

Cleveland's population dropped 6% from 396,815 to 372,624. Akron was down 4.3%, from 199,110 to 190,469.

Akron population changes in 2020 census: Akron's population dropped by 4% between 2010 and 2020; Summit's population dropped only slightly

Dayton's population dropped almost 3%, from 141,527 to 137,644. Canton's is down almost 3%, from 73,007 to 70,872.

Toledo population fell almost 6%, from 287,208 to 270,801. Youngstown plummeted 10%, from 66,982 to 60,068.

The city of Marion dropped 2.3% to just less than 36,000, with its white population dropping and its Black population growing 7%.

The city of Newark grew 5% to 49,934, with its white population holding steady and its Black population growing 7.4%. Lancaster grew by 4.6%, to 40,552, with its white population holding steady at around 37,000 and its Black population more than doubling to 817 people.

Circleville grew 4.6% to just under 14,000.

The city of Athens basically stayed the same size, adding just 17 people for a total of 23,849. Black residents now comprise 9.2% of Athens' total population, up from 4.4% a decade ago.

Trends in the data for Columbus and Ohio, and how the 2020 census will impact elections

Columbus has long been Ohio's largest city, bolstered by a combination of aggressive annexation policies decades ago that grew its geographic footprint and a diverse economy that has drawn people from other areas of the state, country, and in recent decades, a growing number of immigrants from across the globe.

Jason Reece, an assistant professor of city and regional planning at Ohio State University's Knowlton School of Architecture, said Columbus and central Ohio continue to pull people from other parts of Ohio because of the area's strong economy.

Ohio continues to deal with a 40-year economic transition from manufacturing, Reece said, but he added that he is surprised to see the state's growth so anemic.

He pointed out, though, that states such as Illinois and West Virginia lost population. And while Ohio is expected to lose one congressional seat after reapportionment, it lost two after the 2010 census.

"For being here in the Great Lakes, we are holding our own," Reece said. "From a policy perspective, we've tried so many things here to stem that tide. Other than fixing the weather, I don't know what response is."

The Cincinnati area benefits from growth in northern Kentucky and a strong regional economy, Reece said. "You cannot overestimate the influence of being part of a tri-state economy," he said, and the renaissance to some degree in the city's urban core and across the Ohio River in Kentucky in the cities of Newport and Covington.

"Look back at urban design characteristics of downtown Cincinnati: the appealing architectural infrastructure, amenities, things of that nature," he said. "That benefits a geographically relatively small city."

The white, non-Hispanic population, without another race, decreased by 8.6% since 2010, Jones said during a Census bureau press briefing. He cautioned that some of the changes can be attributed to improvements to the survey. The White, non-Hispanic population is still the largest racial group in the U.S.

3 numbers to know from census data: Columbus' population now over 900,000, more stats

The release bolstered expert predictions and estimates in past years that showed continued expansion of the Hispanic, Black and Asian American populations and growing numbers of multiracial residents – only a fraction in past surveys.

The nation's population grew by 7.4%, to 331,449,281. But 52% of all counties across the country lost population, according to the census bureau. Population growth was basically limited to metro areas.

Ohio's racial makeup in 2020 was: 77% white, 12.5% Black, and 4.4% Latino, one of the least diverse states in the country.

Paul Beck, a professor emeritus of political science at Ohio State University, said that the shrinking population of rural areas in Ohio may mean congressional districts may be redrawn to reach more into metropolitan areas and making them less of a slam dunk for Republicans.

Columbus is becoming a much more diverse city, with the percentage of white residents dipping from 61.5% to 53.2%, and the white population dropping from 483,677 to 482,058.

Meanwhile, Columbus' Black population grew by 17.8% to 259,483, the Asian population rose by 76% to 56,218, and Latino residents grew by 58% to 70,179.

Angie Plummer, the executive director of the Community Refugee & Immigration Services, said immigrants come to Columbus not only because family members live here, but for economic opportunities.

"We're currently seeing a huge need for workers. That's attractive," Plummer said. "Without those immigrants filling that gap, we'd be in a more difficult situation."

Plummer said immigrants and refugees pay taxes, start businesses, have that work ethic and willingness to do the jobs that need to be done. "We see time and time again the second generation goes to college," she said.

"I think it's a win-win for our community to see Columbus as a destination for refugees and immigrants."

wbush@gannett.com

@ReporterBush

mferench@dispatch.com

@MarkFerenchik

mkovac@dispatch.com

@ohiocapitalblog

Exhibit 40

OH_Hamilton_report_1637555441018

Report: OH_Hamilton_report_1637555441018

Contest List			
Contest Name	**Choice Name**	**Total Votes**	**Percent of Votes**
For President and Vice President	Joseph R. Biden / Kamala D. Harris	246,266	57.15%
	Donald J. Trump / Michael R. Pence	177,886	41.28%
	Jo Jorgensen / Spike Cohen	5,211	1.21%
	Howie Hawkins / Angela Walker	1,389	0.32%
	Brian Carroll / Amar Patel (Write-in)	150	0.03%
	Jade Simmons / Claudeliah J. Roze (Write-in)	19	0.00%
	Tom Hoefling / Andy Prior (Write-in)	5	0.00%
	Kasey Wells / Rachel Wells (Write-in)	2	0.00%
	Dario Hunter / Dawn Neptune Adams (Write-in)	1	0.00%
	President R19 Boddie / Eric Stoneham (Write-in)	0	0.00%
For Representative to Congress (1st District)	Kate Schroder	130,362	51.85%
	Steve Chabot	112,489	44.74%
	Kevin David Kahn	8,557	3.40%
	Kiumars Kiani (Write-in)	7	0.00%
For Representative to Congress (2nd District)	Jaime M. Castle	93,554	54.11%
	Brad Wenstrup	79,319	45.88%
	Kiumars Kiani (Write-in)	25	0.01%
For State Senator (8th District)	Louis W. Blessing Iii	112,313	60.10%
	Daniel Brown	74,565	39.90%
For State Representative (27th District)	Tom Brinkman	37,723	53.08%
	Sara Bitter	33,339	46.92%
For State Representative (28th District)	Jessica E. Miranda	35,353	51.69%
	Chris Monzel	33,039	48.31%
For State Representative (29th District)	Cindy Abrams	43,320	98.20%
	Harrison T. Stanley	792	1.80%

	(Write-in)		
For State Representative (30th District)	Bill Seitz	42,269	72.01%
	Tom Roll	16,426	27.99%
For State Representative (31st District)	Brigid Kelly	42,180	100.00%
For State Representative (32th District)	Catherine D. Ingram	42,055	100.00%
For State Representative (33rd District)	Sedrick Denson	41,500	74.91%
	Mary L. Hill	13,901	25.09%
For County Commissioner (Full term commencing 1-2-2021)	Alicia Reece	212,638	50.78%
	Andy Black	187,263	44.72%
	Herman J. Najoli	18,843	4.50%
For County Commissioner (Full term commencing 1-3-2021)	Denise Driehaus	241,806	58.14%
	Matthew Paul O'neill	174,088	41.86%
For Prosecuting Attorney	Joseph T. Deters	221,298	52.44%
	Fanon A. Rucker	200,738	47.56%
For Clerk of the Court of Common Pleas	Aftab Pureval	237,825	57.26%
	Alex Glandorf	177,524	42.74%
For Sheriff	Charmaine Mcguffey	218,878	52.45%
	Bruce Hoffbauer	198,454	47.55%
For County Recorder	Scott Crowley	216,427	52.78%
	Norbert A. Nadel	193,632	47.22%
For County Treasurer	Jill Schiller	208,705	50.86%
	Charlie Winburn	201,650	49.14%
For County Engineer	Eric J. Beck	260,343	100.00%
For Coroner	Lakshmi Kode Sammarco	312,990	100.00%
For Justice of the Supreme Court (Full term commencing 1-1-2021)	John P. O'donnell	190,484	51.56%
	Sharon L. Kennedy	178,983	48.44%
For Justice of the Supreme Court (Full term commencing 1-2-2021)	Jennifer Brunner	219,142	59.64%
	Judi French	148,305	40.36%
For Judge of the Court of Appeals (1st District)	Ginger Bock	204,998	56.07%
	Russell J. Mock	160,641	43.93%
For Judge of the Court of Common Pleas (Full term commencing 1-1-2021)	Melba Marsh	191,834	51.72%
	Heidi Rosales	179,070	48.28%
For Judge of the Court of Common Pleas (Full term commencing 1-2-2021)	Christian A. Jenkins	189,920	51.02%
	Pat Dinkelacker	182,333	48.98%
For Judge of the Court of Common Pleas (Full term commencing 1-4-2021)	Chris Wagner	208,339	57.62%
	Curt C. Hartman	153,252	42.38%
For Judge of the Court of Common Pleas (Full term commencing 2-9-2021)	Jennifer Branch	202,643	55.95%
	Elizabeth Callan	159,525	44.05%
For Judge of the Court of Common Pleas (Full term commencing 2-10-2021)	Alan C. Triggs	198,818	54.92%
	Stacey Degraffenreid	163,225	45.08%

For Judge of the Court of Common Pleas (Full term commencing 2-11-2021)	Robert A. Goering	189,896	51.40%
	Thomas O. Beridon	179,567	48.60%
For Judge of the Court of Common Pleas (Full term commencing 2-12-2021)	Wende Cross	202,503	55.99%
	Ethna Marie Cooper	159,182	44.01%
For Judge of the Court of Common Pleas (Full term commencing 2-13-2021)	Alison Hatheway	213,554	58.70%
	Charles J. Kubicki, Jr.	150,233	41.30%
For Judge of the Court of Common Pleas (Drug Court Division) (Full term commencing 1-3-2021)	Nicole Sanders	207,310	57.45%
	Kim Wilson Burke	153,529	42.55%
For Judge of the Court of Common Pleas (Probate Division) (Full term commencing 2-9-2021)	Ralph Winkler	201,245	53.11%
	Pavan Parikh	177,677	46.89%
For Judge of the Court of Common Pleas (Juvenile Division) (Full term commencing 2-14-2021)	Kari L. Bloom	206,415	56.39%
	John M. Williams	159,635	43.61%
For Judge of the Court of Common Pleas (Domestic Relations Division) (Full term commencing 7-1-2021)	Amy Searcy	189,943	51.64%
	Anne B. Flottman	177,888	48.36%
1 PROPOSED TAX LEVY (RENEWAL) CITY OF CHEVIOT - 0.75ml Current Expenses	For The Tax Levy	2,181	59.25%
	Against The Tax Levy	1,500	40.75%
2 PROPOSED TAX LEVY (RENEWAL) CITY OF CHEVIOT - 4.25ml Current Expenses	For The Tax Levy	2,029	55.42%
	Against The Tax Levy	1,632	44.58%
3 PROPOSED TAX LEVY (RENEWAL) CITY OF CHEVIOT - Roads & Bridges	For The Tax Levy	2,627	71.10%
	Against The Tax Levy	1,068	28.90%
4 PARTICULAR PREMISES LOCAL OPTION JUDGMENT ENTRY - KNOWLTON'S TAVERN (LB LLC, INC) CINTI 15-A	No	668	61.74%
	Yes	414	38.26%
5 PARTICULAR PREMISES LOCAL OPTION JUDGMENT ENTRY - WARSAW FOOD MART, LLC CINTI 20-B	No	286	58.25%
	Yes	205	41.75%
6 PROPOSED CHARTER CITY OF DEER PARK	Yes	1,908	70.64%
	No	793	29.36%
7 PROPOSED TAX LEVY (ADDITIONAL) COLERAIN TOWNSHIP	For The Tax Levy	18,367	62.32%
	Against The Tax Levy	11,105	37.68%
8 PROPOSED TAX LEVY (RENEWAL) VILLAGE OF ELMWOOD PLACE	For The Tax Levy	320	56.24%
	Against The Tax Levy	249	43.76%
9 PROPOSED TAX LEVY (RENEWAL) VILLAGE OF GLENDALE	For The Tax Levy	1,202	69.08%
	Against The Tax Levy	538	30.92%
10 REFERENDUM ON ORDINANCE NO. 2019-10 (BY PETITION) VILLAGE OF GOLF MANOR	Yes	1,377	73.95%
	No	485	26.05%
11 PROPOSED TAX LEVY (RENEWAL) VILLAGE OF GREENHILLS	For The Tax Levy	1,223	61.71%
	Against The Tax Levy	759	38.29%
12 PROPOSED TAX LEVY (ADDITIONAL) VILLAGE OF NORTH BEND	For The Tax Levy	331	54.53%
	Against The Tax Levy	276	45.47%
13 PROPOSED TAX LEVY (ADDITIONAL) SPRINGFIELD TOWNSHIP - Fire	For The Tax Levy	12,814	63.54%
	Against The Tax Levy	7,353	36.46%
14 PROPOSED TAX LEVY (ADDITIONAL) SPRINGFIELD	For The Tax Levy	10,747	53.45%

TOWNSHIP - Police	Against The Tax Levy	9,360	46.55%
15 PROPOSED TAX LEVY (RENEWAL) VILLAGE OF TERRACE PARK	For The Tax Levy	1,276	82.11%
	Against The Tax Levy	278	17.89%
16 PROPOSED CHARTER AMENDMENT VILLAGE OF WOODLAWN	Yes	1,398	81.00%
	No	328	19.00%
17 PROPOSED TAX LEVY (RENEWAL) CINCINNATI CITY SCHOOL DISTRICT	For The Tax Levy	105,281	69.61%
	Against The Tax Levy	45,964	30.39%
18 PROPOSED TAX LEVY (SUBSTITUTE) NORWOOD CITY SCHOOL DISTRICT	For The Tax Levy	5,556	66.27%
	Against The Tax Levy	2,828	33.73%
19 PROPOSED TAX LEVY (ADDITIONAL) WINTON WOODS CITY SCHOOL DISTRICT	Against The Tax Levy	7,736	55.54%
	For The Tax Levy	6,192	44.46%

Voting Data	
Registered Voters	600,401
Ballots Cast	434,956
Total Num. Precincts	563
Precinct Reporting	-
Voter Turnout	72%

Exhibit 41

IN THE SUPREME COURT OF OHIO

Regina Adams, *et al.* **Relators,** **v.** **Governor Mike DeWine, *et al.*** **Respondents.**	**Case No. _____** Original Action Filed Pursuant to Ohio Constitution, Article XIX, Section 3(A)

EXPERT AFFIDAVIT OF DR. JONATHAN RODDEN

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

I. INTRODUCTION AND SUMMARY

1. For the purpose of this report, I have been asked to examine whether and how the redistricting plan for the Ohio delegation to the United States House of Representatives, adopted by the Ohio General Assembly on November 18, 2021 and signed into law by Governor Mike DeWine two days later, and attached as Exhibit A ("2021 Congressional Plan" or the "Enacted Plan"), conforms to the requirement set forth in Article XIX, Section 1(C)(3)(a), namely, that the plan does not "unduly favor[] or disfavor[] a political party or its incumbents." I have also been asked to examine the extent to which the General Assembly's redistricting plan splits governmental units, and to assess the plan's adherence to other traditional redistricting criteria, including compactness.

2. I demonstrate that given the statewide support for the two parties, the 2021 Congressional Plan provides an extreme advantage to the Republican Party. With around 53.2 percent of the statewide vote in the last three general elections, the Republican Party can expect to win around 80 percent of the seats under the Enacted Plan. This is an increase over the map that was in effect from 2012 to 2020, under which Republican candidates were able to consistently win 75 percent of the seats.

3. I also examined the extent to which the General Assembly's plan disproportionately favors or disfavors the *incumbents* for one of the two parties. Under the previous plan, there were 12 Republican incumbents, one of which has already announced his retirement. All of the remaining districts with Republican incumbents continue to have Republican majorities—most of them quite comfortable. Of the four Democratic incumbents, only two continue to reside in majority-Democratic districts. The other two districts with Democratic incumbents have been dramatically reconfigured, both now with Republican majorities.

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

II. QUALIFICATIONS

5. I am currently a tenured Professor of Political Science at Stanford University and the founder and director of the Stanford Spatial Social Science Lab—a center for research and teaching with a focus on the analysis of geo-spatial data in the social sciences. I am engaged in a variety of research projects involving large, fine-grained geo-spatial data sets including ballots and election results at the level of polling places, individual records of registered voters, census data, and survey responses. I am also a senior fellow at the Stanford Institute for Economic Policy Research and the Hoover Institution. Prior to my employment at Stanford, I was the Ford Professor of Political Science at the Massachusetts Institute of Technology. I received my Ph.D. from Yale University and my B.A. from the University of Michigan, Ann Arbor, both in political science. A copy of my current C.V. is included as Exhibit F.

6. In my current academic work, I conduct research on the relationship between the patterns of political representation, geographic location of demographic and partisan groups, and the drawing of electoral districts. I have published papers using statistical methods to assess political geography, balloting, and representation in a variety of academic journals including *Statistics and Public Policy, Proceedings of the National Academy of Science*, *American Economic Review Papers and Proceedings*, the *Journal of Economic Perspectives*, the *Virginia Law Review*, the *American Journal of Political Science*, the *British Journal of Political Science*, the *Annual Review of Political Science*, and the *Journal of Politics.* One of these papers was selected by the American Political Science Association as the winner of the Michael Wallerstein Award for the best paper on political economy published in the last year, and another received an award from the American Political Science Association section on social networks. In 2021, I received a John Simon Guggenheim Memorial Foundation Fellowship, and received the Martha Derthick Award of the American Political Science Association for "the best book published at least ten years ago that has made a lasting contribution to the study of federalism and intergovernmental relations."

7. I have recently written a series of papers, along with my co-authors, using automated redistricting algorithms to assess partisan gerrymandering. This work has been published in the *Quarterly Journal of Political Science*, *Election Law Journal*, and *Political Analysis*, and it has been featured in more popular publications like the *Wall Street Journal*, the *New York Times*, and *Boston Review*. I have recently completed a book, published by *Basic Books* in June of 2019, on the relationship between political districts, the residential geography of social groups, and their political representation in the United States and other countries that use winner-take-all electoral districts. The book was reviewed in *The New York Times*, *The New York Review of Books*, *Wall Street Journal*, *The Economist*, and *The Atlantic*, among others.

8. I have expertise in the use of large data sets and geographic information systems (GIS), and I conduct research and teaching in the area of applied statistics related to elections. My PhD students frequently take academic and private sector jobs as statisticians and data scientists. I frequently work with geo-coded voter files and other large administrative data sets, including in recent papers published in the *Annals of Internal Medicine* and *The New England Journal of Medicine.* I have developed a national data set of geo-coded precinct-level election results that has been used extensively in policy-oriented research related to redistricting and representation.

9. I have been accepted and testified as an expert witness in several election law and redistricting cases: *Romo v. Detzner,* No. 2012-CA-000412 (Fla. Cir. Ct. 2012); *Mo. State Conference of the NAACP* v. *Ferguson-Florissant Sch. Dist.,* No. 4:2014-CV-02077 (E.D. Mo. 2014); *Lee v. Va. State Bd. of Elections,* No. 3:15-CV-00357 (E.D. Va. 2015); *Democratic Nat'l Committee et al. v. Hobbs et al.*, No. 16-1065-PHX-DLR (D. Ariz. 2016); *Bethune-Hill v. Virginia State Board of Elections*, No. 3:14-cv-00852-REP-AWA-BMK (E.D. Va. 2014); and *Jacobson et al. v. Lee*, No. 4:18-cv-00262 (N.D. Fla. 2018). I also worked with a coalition of academics to file Amicus Briefs in the Supreme Court in *Gill v. Whitford*, No. 16-1161, and *Rucho v. Common Cause*, No. 18-422. Much of the testimony in these cases had to do with geography, electoral districts, voting, ballots, and election administration. I recently worked as a consultant for the Maryland Redistricting Commission. I am being compensated at the rate of $550/hour for my work in this case. My compensation is not dependent upon my conclusions in any way.

III. DATA SOURCES

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

[1] https://alarm-redist.github.io/posts/2021-08-10-census-2020/.
[2] https://redistricting.ohio.gov/maps.
[3] https://davesredistricting.org.
[4] https://www.redistricting.ohio.gov/resources.

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

IV. THE PARTISANSHIP OF THE 2021 CONGRESSIONAL PLAN

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

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

12. Figure 1 provides a visualization of Ohio statewide general election results from 2012 to 2020. Ohio is a hotly contested state with a tradition of split-ticket voting and significant swings from one year to another. The Democratic candidate won the presidential contest in 2012, but the Republican candidate won in 2016 and 2020. Ohio's U.S. Senate delegation is typically split between the parties, and other statewide elections are often very competitive, although 2014 was an exception, as was the 2016 U.S. Senate race.

13. Figure 1 reveals that while Ohio statewide elections have been mostly quite close over the last decade, Republican candidates have held a narrow advantage. To quantify this, Table 1 provides the raw data. Including all of the statewide general elections from 2012 to 2020, the

[5]https://docs.google.com/spreadsheets/d/17yr9mcAtuUdNjI9NEPYKxXsEldzzQ2ZaDwEAbnPRyS4/edit?pref=2&pli=1#gid=1641247082.
[6] https://opendata.columbus.gov/datasets/c4b483507f374e62bd705450e116e017/explore

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

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

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

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

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

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

15. As indicated in gray, when considering the specific data referenced above, there are only three districts with Democratic majorities in the Enacted Plan. Two of those districts have very comfortable Democratic majorities, and one has a very slight Democratic lean (District 13). There is one additional district (District 9) that leans just ever so slightly Republican.

16. This represents a considerable change in favor of Republicans from the status quo under the previous map, attached as Exhibit E. Table 2 also provides the results of the same exercise for the map that was in place from 2012 to 2020. That plan included four districts with relatively comfortable Democratic majorities. It is rather remarkable that the General

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

17. The district-level aggregated statewide election results displayed on the right-hand side of Table 2 are extremely reliable predictors of actual congressional election results. There were five general elections for Ohio's 16 seats from 2012 to 2020, for a total of 80 congressional races. In *every single* race, the candidate of the party with the higher vote share on the right-hand side of Table 2 was victorious.

18. If the same pattern continues, and the statewide aggregates continue to perfectly predict congressional outcomes, the Democrats can anticipate winning only 3 of 15 seats throughout the decade. Recall from Table 1 that Democrats' statewide vote share was around 47 percent from 2016 to 2020, but their anticipated seat share under the Enacted Plan is only 20 percent. Correspondingly, with around 53 percent of the statewide vote, the Republican Party can expect 80 percent of the seats.[7]

19. Districts 9 and 13 have statewide vote shares that are very close to 50 percent (within one percentage point). District 9 is a highly reconfigured district in which a Democratic incumbent will now be competing in very different territory with a slight Republican majority. District 13 is an open seat with a slim Democratic majority. Even if one considers both Districts 9 and 13 in the Enacted Plan to be tossups, and assigns a 50 percent probability of victory to Democratic candidates in each, the same conclusion holds: Republican candidates can expect to win around 12 of 15 seats.

20. Based on the statewide vote shares in Table 2, without any consideration of incumbency, one might get the mistaken impression that there are additional "competitive" seats in the Enacted Plan. Above all, one might imagine that District 1, with its roughly 52 percent Republican vote share, is a competitive seat. However, note that in the previous cycle the district had a slightly higher 54 percent Republican vote share in statewide races. The incumbent, Steve Chabot, very consistently outperformed his party's district vote share in statewide races, winning easily with, on average, around 58 percent of the vote. In other words, Representative Chabot enjoyed an incumbency advantage of around four percentage points. Much of the district remains unchanged, including parts of Cincinnati, its western suburbs, and Warren County, so there is no reason to anticipate that this advantage will suddenly disappear.

21. The remaining seats are even less competitive. For instance, the Republican vote share in statewide races in District 10 is around 53 percent, down slightly from 54 percent in the previous redistricting cycle. However, the Republican incumbent, Mike Turner, won each general election from 2012 to 2020 with an average two-party vote share above 62 percent. Once again, as with District 1, the incumbent enjoyed a sizable incumbency advantage, and again, there is no reason to anticipate that it will suddenly disappear. One simply cannot characterize District 10 in the Enacted Plan as competitive. The same can be said about

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

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

V. PUTTING THE 2021 CONGRESSIONAL PLAN IN PERSPECTIVE

22. In any two-party democracy, it is not normal for a party with an average of 53.2 percent of the vote to receive 80 percent of the seats. In fact, even in the United States, which has maintained the idiosyncratic practice of allowing incumbent partisan majorities to draw their own districts without constraint, this is a highly unusual result. To see this, let us focus on a set of states that are comparable to Ohio in that they have seen relatively competitive statewide races in recent decades and are large enough to have four or more congressional districts. To measure statewide partisanship in a way that facilitates cross-state comparison, I have assembled data on presidential and U.S. Senate elections. For each redistricting cycle, I calculate the average Republican share of the two-party vote in Senate and presidential elections.[8] Next, for each redistricting cycle, I calculate the share of all congressional seats won by Republican candidates.

23. In Figure 2, the data markers indicate the state and the year that the relevant redistricting plan went into effect. States with districts drawn by legislatures under unified Republican control are indicated in red. States with districts drawn by independent commissions, courts, or divided legislatures are indicated in black. And states where districts were drawn under unified Democratic control are indicated in blue.[9] The dotted line indicates proportionality—where, for instance, 50 percent of the vote translates into 50 percent of the seats, 52 percent of the vote translates into 52 percent of the seats, and so on. In Figure 2, in order to focus on states most similar to Ohio and facilitate legibility, I zoom in on a group of the most evenly divided states, where statewide partisanship is between 44 and 56 percent. I also include a graph that includes all the states in the appendix.

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

[9] Information about control of the redistricting process was obtained from https://redistricting.lls.edu/.

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

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

25. Even among this group of highly partisan maps, Ohio stands out. The data marker titled "Ohio 2012" corresponds to the observed seat share of Republican candidates throughout the 2010 redistricting cycle (12 of 16 seats in each election, or 75 percent). And the data marker titled "Ohio 2022" is the anticipated seat share, calculated as described above at 80 percent, for the 2021 Congressional Plan.

26. As can be visualized in Figure 2, with one exception, the absolute vertical distance from the dotted line of proportionality to the "Ohio 2022" data marker is larger than for all other relatively competitive states with four or more districts over the last two redistricting cycles.[10]

27. When attempting to assess the impact of a redistricting plan on the relative advantage or disadvantage it provides to the parties, it is important to go beyond simply calculating the difference between a party's statewide support and its seat share. For many realistic scenarios in which partisans are distributed across districts without political manipulation of the district boundaries, we can anticipate that the party with more votes will usually win more than a proportional share of seats. To see why this is true, imagine a simple example of a state with 15 districts, where there are 10 voters in each district, and party registration is distributed as displayed in the columns labeled "Example 1" in Table 3 below.

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

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

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

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

28. In this example, there are 75 Democrats and 75 Republicans. Under normal circumstances, each party can expect to win 5 districts, but 5 districts are toss-ups containing even numbers of Democrats and Republicans.

29. The top panel of Figure 3 uses a histogram—a simple visual display of the data from Table 3—to display the distribution of expected vote shares of the parties across districts in this hypothetical state, with its symmetric distribution of partisanship.

30. Let us assume that the partisanship of some of the individuals in this state is malleable, such that a successful campaign, a good debate performance by a candidate, or a strong economy leads some of the registered Democrats to vote for Republicans. Let us randomly choose one Democrat in the state and turn her into a Republican. Let us perform this random vote-flipping exercise 10,000 times, take the average, and see how this very small change in voting behavior—just one party-switcher out of 150—can be expected to affect the parties' seat shares. Let us do that with two of the Democrats, three, and so on, all the way until the overall Republican vote share approaches 100 percent. We can perform the same operation in the other direction, systematically turning random Republicans into Democrats.

Figure 4: Hypothetical symmetric vote-seat curve

31. How do these alternative scenarios affect the seat share? The result of these simulated scenarios is displayed with the green line in Figure 4. The horizontal axis is the Republican vote share, and the vertical axis is the corresponding seat share. The green line provides a plot of what happens to the seat share as the Republican vote share increases and decreases from 50 percent.

32. The green line in Figure 4 is a standard vote-seat curve associated with a symmetric distribution of partisanship across districts. It is a foundational observation in the literature on majoritarian elections that when the distribution of partisanship across districts approximates the normal distribution, with its bell-shaped appearance, the transformation of votes to seats will look something like the green line in Figure 4. With 50 percent of the vote, a party can expect 50 percent of the seats. However, note what happens when the Republican Party is able to obtain 55 percent of the votes—it receives around 60 percent of the seats. This phenomenon is known as the "winner's bonus." This happens because there are several districts where the underlying partisanship of the electorate is evenly divided, such that with 55 percent of the overall statewide vote, the Republican Party can win several of these pivotal districts, thus providing it with a disproportionate share of the seats.

33. When we observe a situation in which a party wins 55 percent of the vote but something like 59 or 60 percent of the seats, we cannot necessarily conclude, without further analysis, that the district boundaries have been drawn to help or harm a political party. The "winner's bonus" is a basic feature of majoritarian electoral systems. An important feature of the green line in Figure 4, however, is that it treats each party exactly the same. That is, the Democrats can expect the exact same "winner's bonus" as the Republicans when they are able to win over more votes. This partisan symmetry is a lower standard to meet than one that requires

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

34. Next, let us consider the same state, with the same even split in party registration, but with a different set of district boundaries, drawn strategically by the Republican Party. In this example, provided numerically on the right-hand side of Table 3 (labeled as "Example 2"), and visually with a histogram in the lower panel of Figure 3, Democrats are "packed" into three extremely Democratic districts, and districts have been drawn so as to avoid Democratic majorities to the extent possible elsewhere. There are fewer truly competitive districts, and there is a much larger number of districts that are comfortably, but not overwhelmingly, Republican. With this type of arrangement, with 50 percent of the vote, the Republicans can expect to win well over half the seats.

35. I apply the same simulation procedure as described above and display the resulting relationship between seats and votes with the orange dashed line in Figure 4. We can see that in this example, the Republican Party enjoys a substantial advantage in the transformation of votes to seats over Democrats. It can lose a majority of votes statewide but still win legislative majorities, and it receives a very large seat premium when it achieves even a slight victory in statewide votes. In this second example, the treatment of the two parties is far from symmetric.

36. Political scientists and geographers have attempted to measure this type of asymmetric distribution of partisans across districts—and the resulting asymmetry in the transformation of votes to seats. What has now become the most common approach is rooted in the work of British political geographers. In his 2000 Annual Political Geography Lecture, Ron Johnston described "wasted votes" as votes obtained in constituencies that a party loses, while "surplus votes" are additional votes obtained by a party in constituencies it wins beyond the number needed for victory.[11] In the example above, for instance, 6 is the number of votes required for victory in each district. Thus, if a party received 9 votes, 3 of them would be considered "surplus." In that same district of 10 voters, the losing party received 1 "wasted" vote. Johnston calculated wasted and surplus votes for the Labour and the Conservative parties in post-war British elections, as well as the share of "effective" votes received by each party: that is, votes that were neither "wasted" nor "surplus." The latter is a measure of the relative efficiency of support for the parties, and the gap between them is an indicator of the extent to which support for the Conservatives has been more efficient than support for Labour (or vice-versa).

37. More recently, Nicholas Stephanopoulos and Eric McGhee have adapted this concept to the context of redistricting and gerrymandering in the United States.[12] The terminology is slightly different. For Stephanopoulos and McGhee, the term "wasted votes" captures not just the votes obtained in a constituency the party lost, but also the surplus votes obtained in

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

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

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

Table 4: Efficiency Gap Calculations in Hypothetical Examples

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

38. Table 4 includes columns to capture wasted votes for the Republicans and Democrats in both hypothetical examples. In the first example, the Republicans win the first district in a landslide, 8-2. They waste two votes (since they only needed 6 to win), and the Democrats waste two votes in their losing effort. At the bottom of the table, I sum the wasted votes for each party. The Democrats and Republicans each waste the same number of votes, 20. Thus, the efficiency gap is zero.

39. Next, consider the second example. The Republicans have a very efficient distribution of support such that they received six votes in several districts, while the Democrats wasted votes in a handful of districts that they won by large majorities. In this example, the Republicans waste only three votes while the Democrats waste 42. Thus, there is an efficiency gap of 39, which amounts to 26 percent of all votes cast.

40. Let us now apply this approach to the 2021 Congressional Plan in Ohio. First, I have summed up all the votes received by Democratic and Republican candidates in each of the statewide races from 2016 to 2020 listed above, and use these sums to calculate the efficiency gap. Aggregating precinct-level data from these races to the level of districts in the Enacted Plan, we see the efficiency gap associated with the Enacted Plan is quite large—24 percent—indicating that Republicans' votes are distributed across districts with far greater efficiency than those of Democrats. In fact, the distribution of partisanship created by the General Assembly's plan is quite similar to that in the second hypothetical example of Table 3.

41. In order to put this in perspective, it is useful to engage in some simple cross-state comparisons. As a metric, the efficiency gap is known to be less reliable in non-competitive states, as well as states with few congressional districts. Thus, I calculate the efficiency gap for the districts used in the last redistricting cycle, focusing on states with more than four congressional districts among the relatively competitive states featured in Figure 2 above. One drawback of the efficiency gap is that the measure is not always stable for a set of districts when one switches from using data from one election to another, depending on the individual quirks of incumbents and challengers, and patterns of split-ticket voting. In order to compare apples with apples and mitigate candidate-specific effects, I use data from the 2016 and 2020 presidential elections, aggregated to the level of congressional districts.

42. Using data from the 2016 presidential election, the efficiency gap associated with the Enacted Plan is almost identical to what I calculated using all of the Ohio statewide elections from 2016 to 2020: 24 percent. I also calculated the efficiency gap using the 2016 presidential election for the other large, competitive states discussed above. The efficiency gap associated with the Enacted Plan is larger than those observed in Colorado, Florida, Missouri, Arizona, Virginia, Indiana, Minnesota, Michigan, Georgia, and Wisconsin, surpassed only by Pennsylvania's notorious (and ultimately invalidated) map, where the efficiency gap calculated using 2016 presidential data was 38 percent.

43. Using data from the 2020 presidential election, the efficiency gap associated with the Enacted Plan is around 16 percent. This is slightly lower than the 24 percent figure associated with all statewide races, largely because relative to a typical statewide race in Ohio, the Republican candidate, Donald Trump, won by larger margins in rural areas, hence producing more wasted votes for Republicans, and Democratic candidate Joseph Biden won by slightly smaller margins in urban core areas, leading to slightly fewer wasted votes for Democrats. A similar phenomenon occurred in other states, however, and 16 percent is larger than the efficiency gap calculated using 2020 data for any of the other states mentioned above, this time with the exception of Wisconsin, where the efficiency gap was 27 percent.[13]

44. In addition to the efficiency gap, another approach to measuring partisan asymmetry is to calculate so-called electoral bias.[14] This approach flows directly from the vote-seat curves in

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

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

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

45. From the observed distribution of district-level election results, one can simulate the relationship between votes and seats under other hypothetical vote shares than the one observed. Above all, it is useful to examine the hypothetical of a tied election: With 50 percent of the vote, can each party expect 50 percent of the seats? Or can one party expect a larger seat share due to its superior efficiency of support across districts? In the examples above, there is no electoral bias in the symmetric case, but in the asymmetric example, the (pro-Republican) electoral bias is 10 percent. This can be seen in Figure 4 above: a 50 percent vote share on the horizontal axis corresponds to a 60 percent seat share on the vertical axis.

46. I calculate the electoral bias based on all Ohio statewide elections from 2016 to 2020. This approach indicates that in a tied election, the Republican Party could nevertheless expect to win 10 of 15 seats, or around 66.7 percent, under the Enacted Plan. The measure of electoral bias, then, is 16.7 percent.

47. In recent years there has been a lively debate about whether courts should adopt a specific measure as a "talismanic" indicator of impermissible gerrymandering. The approach of this affidavit is neither to contribute to this debate nor endorse a specific measure. For the most part, critics of the various measures often dwell on the prospect that they will produce false negatives. That is, they might fail to recognize a gerrymander when one is in fact present.[15]

48. As can be appreciated from the discussion above, these metrics are not always stable when we switch from the analysis of one type of election to another. Statewide results and the spatial distribution of support can vary across elections in ways that push pivotal districts above the 50 percent threshold in some races but not others—especially when we are simulating hypothetical tied elections in order to calculate electoral bias. Perhaps the most vexing problem with these indicators is that, when we are attempting to assess the likely seat share associated with future elections in the next redistricting cycle from a single statewide election—for instance a presidential election—we ignore the power of incumbency. As described above, Ohio's Republican congressional incumbents typically outperform

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

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

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

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

VI. HOW DOES THE 2021 CONGRESSIONAL PLAN TREAT INCUMBENTS?

50. In addition to analyzing the extent to which the Enacted Plan favors or disfavors a party in the aggregate, I have also been asked to examine the extent to which it disproportionately favors or disfavors the *incumbents* for one of the two parties. Under the previous plan, there were 12 Republican incumbents. One of these, Anthony Gonzalez, has announced his retirement. All of the remaining districts with Republican incumbents continue to have Republican majorities—most of them quite comfortable.

51. The only district with a Republican incumbent worthy of further discussion is District 1. The district had previously been drawn to bisect Cincinnati, which had the effect of preventing the emergence of a majority-Democratic district in a heavily Democratic urban area by creating two districts in which parts of Cincinnati were subsumed into Republican exurban and rural areas. The Ohio Constitution now requires that Cincinnati be wholly contained within a single district, which, to my understanding, given their residential addresses, required that two Republican incumbents end up in the same district (although there is no in-district residency requirement for candidates for the U.S. House in Ohio). However, one of the supposedly paired incumbents, Representative Brad Wenstrup, has announced that he intends to seek re-election in District 2, thereby eliminating the possibility of a double-bunking of incumbents in District 1.[16]

52. The legislature has redrawn District 1 to include many of the suburban and rural areas that had previously been in District 1, where Steve Chabot is a long-serving incumbent. By carving out the Democratic suburban areas north of Cincinnati and combining the city with extremely Republican rural areas, the legislature has managed to unify Cincinnati while only slightly increasing the district's Democratic vote share, thus likely keeping it safe for the Republican incumbent, who, as mentioned above, has benefited from a large incumbency advantage.

53. In all the other districts with Republican incumbents, safe margins have been maintained so that incumbents are likely to survive even a significant statewide swing toward the

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

Democratic Party.

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

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

55. Without a doubt, the Enacted Plan favors the Republican Party and its many incumbents, while disfavoring the Democratic Party and its handful of incumbents. One might suspect, however, that this outcome was driven not by the choices of the map-drawers, but by the Ohio Constitution—with its requirements about keeping counties, cities, and townships whole—combined with Ohio's political geography. I have written extensively about the difficulties for parties of the left in majoritarian democracies like the United States in an era when population density is becoming highly correlated with higher proportions of votes for more progressive candidates.[17] Democrats are highly concentrated in cities and, increasingly, their suburbs. When cities are very large relative to the size of districts, this tends to create some districts in which Democrats win very large majorities. This can make their geographic distribution of support relatively less efficient if Republican majorities in rural areas are not correspondingly large. Thinking visually in terms of cross-district histograms, like those in Figure 3 above, the presence of overwhelmingly Democratic cities can pull out the left tail of the distribution, thus wasting some Democratic votes. Anyone drawing congressional districts—including a non-partisan computer algorithm or even a Democratic activist—is likely to draw a very Democratic district in Cleveland or Columbus. It is also the case that such a map-drawer cannot avoid creating some extremely Republican districts in rural areas.

56. However, the larger implication for the transformation of votes to seats depends crucially on what is happening in the middle of the distribution of districts. This is precisely where those drawing the districts have maximum discretion. With a very Democratic city like Cincinnati that is *not* especially large relative to the size of congressional districts, it is possible to avoid the emergence of a Democratic district altogether by cutting off its most Democratic suburbs—splitting communities of interest along the way—and combining it with far-flung rural areas. If smaller Democratic cities are close to one another, as in northwestern Ohio, or as in the Canton/Akron/Youngstown area, boundaries can be drawn to make sure they do not combine to form any district with an urban, and hence Democratic, majority. And when cities are sufficiently large that they must be subdivided, and can thus provide *two* Democratic majorities, as in Columbus, it is possible to conduct this subdivision in a way that prevents the emergence of a second Democratic district by packing as many Democratic votes into a

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

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

57. In my academic research, I have shown that residential geography can make life easier for those drawing districts with the intent of favoring Republicans. With maneuvers like those described in the preceding paragraph, a Republican map-drawer can produce a substantial advantage for Republican candidates without drawing highly non-compact or odd-shaped districts. My research has also pointed out that a mere concentration of Democrats in cities is insufficient to produce advantages for Republican candidates. It is clearly the case that in states where Republicans have controlled the redistricting process, districts have favored Republicans far more than anything that can be explained by residential geography alone. Recall the striking difference between the black and red data markers in Figure 2 above, indicating that with similar levels of partisanship, districts drawn by Republican legislators have had far larger Republican seat shares than those drawn by courts, commissions, and divided legislatures. In fact, in my academic writings, I have used Ohio in the 2010 redistricting cycle as a leading example of this phenomenon.[18]

58. In order to verify that the extreme pro-Republican bias described above was not forced upon the legislature by the Ohio Constitution or residential geography of Ohio, it is useful to conduct a simple exercise: we can examine the congressional maps submitted by Democrats and other groups in the state legislature. The purpose of this exercise is not to recommend these maps for adoption. Rather, these maps are useful because they were available to the legislature prior to adopting their map and, if they comply with the Constitution, demonstrate similar or superior compactness, pursue fewer unnecessary county splits, and are less prone to splitting obvious communities of interest, we can conclude that the extreme pro-Republican slant of the Enacted Plan was not driven by residential geography or constitutional requirements, but by discretionary choices.

59. Figure 5 provides histograms of the composite vote share of statewide Republican candidates from 2016 to 2020—the same measure used extensively above—aggregated to boundaries of proposed congressional districts. The top left panel represents the enacted districts. The panels on the right represent districts proposed by the House (top) and Senate (bottom) Democrats, attached as Exhibits C and B, respectively. In the lower left-hand corner, I include a districting plan submitted by a group called the Ohio Citizens Redistricting Committee (OCRC), attached as Exhibit D.

60. Note that all the graphs share something in common. Each includes two extremely Democratic districts on the left-hand side of the graph. In each case, one is in Cleveland and one in Columbus. However, as described above, the Enacted Plan only includes a single additional district that is (barely) on the Democratic side of 50 percent, for a total of three. In the other comparison maps, there are seven districts with Democratic majorities in statewide races, six in the case of the House Democrats' plan. Thus, the Senate Democrats' plan and the OCRC plan, where 46.7 percent of the districts have Democratic majorities in statewide races, correspond almost exactly with the statewide aggregate vote share (see Table

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

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

Figure 5: Histograms of Enacted and Alternative Maps

61. The Enacted Plan is also unique in that it avoids creating extremely Republican rural districts on the right side of the histogram. The vast majority of districts have comfortable but not staggering Republican majorities. In all, it is a textbook case of a map that creates an extremely efficient distribution of support for one party and an inefficient distribution for the other. As mentioned above, the efficiency gap (using composite statewide election results between 2016-2020) is 24 percent. The other maps are far more even-handed. For the House Democrats' plan, it is 3.5 percent (still favoring Republicans). For the Senate Democrats' plan and the OCRC plan, the distribution of support is slightly more efficient for the Democrats, with gaps that are swung in the other direction of 3.7 percent and 3.6 percent respectively.

62. What accounts for these large differences in the efficiency of support for the two parties in the different maps? Above all, the answer lies in the treatment of urban areas.

63. First, consider the Enacted Plan's treatment of Hamilton County. Any treatment of Hamilton County that attempts to minimize splits and keep Cincinnati-area communities together would produce a majority-Democratic district. Any such district would keep northern suburbs with large Black populations, like North College Hill and Mount Healthy, together with similar neighborhoods across the Cincinnati boundary. Each of the alternative maps

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

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

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

64. However, the Enacted Plan traverses the Hamilton County boundary in *three* different places in order to overwhelm Cincinnati's Democratic population with a sufficient number of exurban and rural Republicans. The entire urban, Black population of Northern Hamilton County is carved out from its urban surroundings and combined with a rural Republican district, District 8, whose northern boundary is 85 miles away. Second, instead of being combined with its immediate inner-ring suburbs, Cincinnati is combined with rural Warren County via a very narrow corridor in District 1. Finally, Cincinnati's eastern suburbs are extracted and combined with District 2, which is extremely rural and Republican.

65. This can be visualized in Figure 6, which overlays the Enacted Plan on a map of partisanship, from precinct-level results of the 2020 presidential election. Figure 7 then overlays the district boundaries on a map that shows the area's racial composition. It highlights the extent to which the Enacted Plan splits Hamilton County's Black population.

66. Under any method of counting splits, the Enacted Plan's approach involves at least two splits of Hamilton County—a line running north-south on the east side of the county and another one that carves out the northern suburbs. These maneuvers are clearly not necessary for any reason other than partisan advantage. Each of the alternative plans keeps metro Cincinnati together in a compact district remaining within the county, avoids splitting the Black community, and splits the county only once.

67. The arrangement of these plans can be seen in Figure 8. Clearly, it is quite straightforward to draw a district that is compact, minimizes splits, and keeps the Black community together. Notably, these arrangements all produce a majority-Democratic district (56.5 percent for the House Democrats' plan, 55.4 percent for the Senate Democrats' plan, and 56.4 percent for the OCRC plan).

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

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

Figure 9: Reock Scores for Enacted and Alternative Plans

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

Figure 10: Partisanship and Enacted Districts, Columbus and Surroundings

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

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

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

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

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

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

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

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

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

House Democrats

Ohio Citizens' Redistricting Commission

Senate Democrats

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

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

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

75. Next, consider Cuyahoga County and Cleveland. Here, the Enacted Plan produces multiple splits of Cuyahoga County—placing fragments in three different districts, and an arrangement featuring a narrow corridor that is, in one spot, the width of one census block, with no road connecting the fragments. In this area, four districts—7, 11, 13, and 14—converge upon an area spanning less than a square mile. The Cleveland-based District 11 nearly splits District 14 in half (i.e., making it noncontiguous), but for the grace of the one census block mentioned above.

76. Finally, consider Northwest Ohio. The Enacted plan and the three alternative plans are depicted in Figure 17. Each of the plans includes Toledo and draws a relatively narrow district that runs from West to East along the Michigan border and Lake Erie. However, the General Assembly's plan stops short of Lorain County and its Democratic cities, extending instead all the way to the Western border with an arrangement that, reminiscent of the Cincinnati strategy described above, combines Toledo with very rural areas. In this arrangement, the Democratic cities of Lorain County are removed from their geographic context and subsumed within a narrow rural district 5 that reaches all the way to the Indiana border.

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

77. In contrast, the plans created by the House Democrats and Senate Democrats simply extend the district slightly to the East—leaving out the Western rural counties—keeping the string of proximate industrial towns along Lake Erie together. The Senate Democrats' plan and the OCRC plan also extend into Wood County to keep Toledo's Southern suburbs together with the city. In contrast with the General Assembly's plan, each of these plans creates a Democratic-leaning district. According to the Reock score, the Senate Democrats and OCRC version of District 9 is more compact than the General Assembly's version.

78. In sum, the 2021 Congressional Plan includes consequential extra county splits vis-à-vis the alternative plans in Hamilton, Summit, and Cuyahoga Counties. It includes two counties—Hamilton and Cuyahoga—that are split between three districts, whereas the alternative plans never do this. If we simply add up county splits, there are 12 split counties in the Enacted Plan, but since two of them are split multiple times, the total number of splits is 14. The Senate and House Democrats' plans split 14 individual counties, while the OCRC plan splits 13 individual counties.

79. While prioritizing counties first, the Ohio Constitution also instructs those drawing the districts as a secondary priority to attempt to avoid splits of townships and as a third priority,

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

80. Of the four plans considered here, the plan submitted by the Senate Democrats performs the best when it comes to avoiding township splits. By my accounting, which is explained in Appendix B, this plan did not split any townships, while producing 15 city splits. The Enacted Plan created a total of 17 splits, 8 of which involved townships. The House Democrats' plan creates 19 splits, 13 of which involved townships. The OCRC plan produced 27 splits, all of which were townships except for the city of Columbus.

81. In addition to providing guidance about county splits, the Ohio Constitution also calls for compact districts. As already indicated in the discussion above, the Enacted Plan produces a set of districts that are less compact than those of the alternative plans. Average compactness scores across all districts, including the Reock, Polsby-Popper, and Convex Hull scores, are set forth in Table 5. With each of these scores, a higher number indicates a higher level of compactness. On each indicator, the Enacted Plan is less compact than the alternative plans.

Table 5: Average Compactness Scores

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

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

[20] Rodden, *Why Cities Lose*, op cit.

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

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

VIII. CONCLUSION

84. The 2021 Congressional Plan is highly favorable to the Republican Party and its incumbents, and it disfavors the Democratic Party and its incumbents. This is true not because of the requirements of the Ohio Constitution or the political geography of Ohio, but because of discretionary choices made by those drawing the districts, which had the effect of "packing" Democrats into districts that they win by large majorities and "cracking" Democratic communities that would otherwise have produced majority-Democratic districts. In drawing districts to achieve partisan gain, the General Assembly sacrificed compactness, introduced unnecessary splits to urban counties, and divided a number of urban and suburban communities, including minority communities, throughout the state.

85. I have read the Complaint filed in this action and affirm that the factual allegations contained in paragraphs 2, 4, 13, 14, 61, 98-100, 116-24, and 126-30 are true.

Jonathan Rodden

Jonathan Rodden

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

(See Attached Notarize.com Certificate for Notarization)

Notary Public

My commission expires 06/03/2025

Appendix A

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

Appendix B: Splits of Municipal Subdivisions

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

Enacted Plan

Sycamore Township and Kenwood CDP, Hamilton County
(This also splits Rossmoyne CDP, which is also in Sycamore Township, so count once).
Glendale Village, Hamilton County
Union Township, Ross County
City of Columbus, Franklin County (5 splits total, see main text)
Norwich Township is split, but this can potentially be explained by an effort to follow the Hilliard City line. Do not count
Green Township, Shelby County
Perrysburg Township, Wood County
Columbia Township, Lorain County
Belpre Township, Washington County
Berlin Township, Holmes County
Cuyahoga Falls City, Summit County
Stony Ridge CDP, but presumably this was done to keep Lake Township whole, so do not count.
Mad River Township and Green Meadows CDP (only count once), Clark County
Rocky River City, Cuyahoga County
Oakwood Village, Cuyahoga County

Total splits: 17, 8 of which are townships.

Senate Democratic Plan

Columbus City (two splits, see main text)
Marysville City, Union County
Berea City, Cuyahoga County
Madeira City, Hamilton County
Beavercreek City, Greene County
Massillon City, Stark County
Cambridge City, Guernsey County

Campbell City, Mahoning County
Wooster City, Wayne County
Springfield City, Clark County
Pike Township split to keep New Carlisle City together, so do not count
Amherst City, Elyria County
Amherst Township split to keep South Adams Village together, so do not count
Bowling Green City, Wood County
Mount Vernon City, Knox County
Findlay City, Hancock County
Total splits: 15, all cities.

House Democratic Plan

Mack CDP, also splits Green Township, Hamilton County; only count once as Township split
Union Township, Clinton County
Liberty Township, Clinton County
Buckskin Township, Ross County
Concord Township, Ross County
Dunham Township, Washington
Columbus City (3 splits, see text, see main text), Franklin County
Prairie Township is nominally split, but to keep Lake Darby CDP whole, so do not count
Waldo Township, Marion County
Antrim Township, Wyandot County
Pitt and Salem Townships nominally split in Wyandot County, but to keep the City of Upper Sandusky together, so do not count.
Walnut Creek Township, Holmes County
Dunham Township, Washington County
Lake Township, Ashland County
Seven Hills City, Cuyahoga County
North Ridgeville City, Lorain County
Beavercreek City, Greene County
Canton Township, Stark County
Poland Township, Mahoning County

Total splits: 19 total splits, 13 are townships

Ohio Citizens Redistricting Commission Plan

Colerain Township, Hamilton County
Racoon Township, Gallia County
Prairie Township, Franklin County
Columbus City, Franklin County (2 splits)
Blendon Township, Franklin County
Jefferson Township, Franklin County

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

Total splits: 27, all townships except Columbus

JURAT

State/Commonwealthof TEXAS)
☐City ☑County of Comal)

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

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

Jonathan Rodden.
Name of Affiant(s)

☐ Personally known to me **-- OR --**

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

☑ Proved to me on the basis of satisfactory evidence: driver_license
Type of ID Presented

NOTARY PUBLIC STATE OF TEXAS
Lauren Peterson
ID NUMBER
12499352-4
COMMISSION EXPIRES
June 3, 2025

WITNESS my hand and official seal.

Notary Public Signature: Lauren Peterson

Notary Name: Lauren Peterson

Notary Commission Number: 12499352-4

Notary Commission Expires: 06/03/2025

Notarized online using audio-video communication

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Exhibit A

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Exhibit B

Proposed Sub SB 237 Map

Exhibit C

Brown/Galonski Congressional District Proposal

Exhibit D

14
Toledo
9
Bowling Green
Fremont
Bryan
Defiance
Tiffin
Findlay
Elyria
4
Cleveland
11
Strongsville
13
Kent
Warren
Youngstown
Alliance
Canton
Ashland
Wooster
Mansfield
7
5
Van Wert
Lima
Marion
Celina
New Philadelphia
6
OHIO
Bellefontaine
Delaware
12
Westerville
Dublin
8
Greenville
Newark
Columbus
3
Zanesville
Springfield
Dayton
10
Lancaster
Circleville
Logan
15
Middletown
Hamilton
Nelson
Chillicothe
Athens
Marietta
1
Cincinnati
Wellston
Jackson
2
Georgetown
West Union
Portsmouth
Huntington

Exhibit E

Frank LaRose
Ohio Secretary of State

U.S. Congressional Districts 2012-2022 in Ohio

(As Adopted 2012)

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

Last Revised 02/2018

Exhibit F

Jonathan Rodden

Stanford University
Department of Political Science
Encina Hall Central
616 Serra Street
Stanford, CA 94305

Phone: (650) 723-5219
Email: jrodden@stanford.edu
Homepage: http://www.jonathanrodden.com

Personal

Born on August 18. 1971, St. Louis, MO.

United States Citizen.

Education

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

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

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

Academic Positions

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

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

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

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

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

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

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

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

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

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

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

Publications

Books

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

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

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

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

Peer Reviewed Journal Articles

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Working Papers

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

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

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

Chapters in Books

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Online Interactive Visualization

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

Other Publications

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

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

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

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

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

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

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

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

Fellowships, Honors, and Grants

John Simon Guggenheim Memorial Foundation Fellowship, 2021.

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

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

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

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

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

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

Common Cause Gerrymandering Standard Writing Competition, 2015.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Prize Teaching Fellowship, Yale University, 1998-1999.

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

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

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

Other Professional Activities

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

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

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

Selection committee, Gregory Luebbert Best Book Award.

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

Courses

Undergraduate

Politics, Economics, and Democracy

Introduction to Comparative Politics

Introduction to Political Science

Political Science Scope and Methods

Institutional Economics

Spatial Approaches to Social Science

Graduate

Political Economy

Political Economy of Institutions

Federalism and Fiscal Decentralization

Politics and Geography

Consulting

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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