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

IN THE SUPREME COURT OF OHIO

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

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Exhibit 1

May 8, 2018 Primary Election Official Canvass

County Name	Region Name	Media Market	Registered Voters	Total Voters	Turnout Percentage	State Issue 1 Creates a bipartisan, public process for drawing congressional districts	
						For	Against
Total			*7,941,921*	*1,673,162*	*21.07%*	*1,178,468*	*395,088*
Percentage						*74.89%*	*25.11%*
Adams	Southwest	Cincinnati	17,139	3,463	20.21%	1,927	1,241
Allen	West	Lima	68,871	16,194	23.51%	11,087	4,464
Ashland	Northeast	Cleveland	35,517	5,851	16.47%	3,864	1,591
Ashtabula	Northeast	Cleveland	61,657	15,002	24.33%	9,856	4,220
Athens	Southeast	Columbus	44,850	8,556	19.08%	6,515	1,648
Auglaize	West	Lima	31,959	8,571	26.82%	5,490	2,489
Belmont	Southeast	Wheeling	47,277	9,676	20.47%	6,411	2,514
Brown	Southwest	Cincinnati	28,715	4,837	16.84%	2,843	1,681
Butler	Southwest	Cincinnati	251,149	38,201	15.21%	25,833	10,992
Carroll	Northeast	Cleveland	18,246	4,031	22.09%	2,351	1,408
Champaign	West	Dayton	26,197	7,676	29.30%	4,371	2,543
Clark	West	Dayton	89,536	22,531	25.16%	15,490	5,613
Clermont	Southwest	Cincinnati	139,084	25,317	18.20%	16,493	7,578
Clinton	Southwest	Cincinnati	26,876	6,266	23.31%	4,011	1,869
Columbiana	Northeast	Youngstown	66,078	13,147	19.90%	8,087	3,657
Coshocton	Central	Columbus	22,987	5,125	22.30%	3,196	1,672
Crawford	Central	Columbus	28,370	5,910	20.83%	3,734	1,827
Cuyahoga	Northeast	Cleveland	885,553	210,582	23.78%	156,528	33,429
Darke	West	Dayton	34,408	8,239	23.95%	5,155	2,509
Defiance	Northwest	Toledo	26,084	4,150	15.91%	2,856	1,122
Delaware	Central	Columbus	137,994	33,683	24.41%	24,300	8,035
Erie	Northeast	Cleveland	53,487	11,307	21.14%	8,429	2,345
Fairfield	Central	Columbus	102,059	23,459	22.99%	15,847	6,243
Fayette	Central	Columbus	16,548	4,208	25.43%	2,587	1,212
Franklin	Central	Columbus	858,863	161,666	18.82%	132,789	23,969
Fulton	Northwest	Toledo	29,372	5,142	17.51%	3,593	1,337
Gallia	Southeast	Charleston	19,189	3,109	16.20%	1,894	1,043
Geauga	Northeast	Cleveland	65,856	20,399	30.98%	13,999	5,004
Greene	West	Dayton	115,964	25,747	22.20%	18,697	6,230
Guernsey	Southeast	Columbus	24,254	5,571	22.97%	3,448	1,635
Hamilton	Southwest	Cincinnati	585,767	111,950	19.11%	83,343	22,975
Hancock	Northwest	Toledo	51,126	12,357	24.17%	7,875	3,929
Hardin	Central	Columbus	18,253	4,180	22.90%	2,701	1,222
Harrison	Southeast	Wheeling	10,222	2,233	21.85%	1,466	592
Henry	Northwest	Toledo	19,477	4,523	23.22%	2,814	1,380
Highland	Southwest	Cincinnati	27,773	5,188	18.68%	3,071	1,694
Hocking	Central	Columbus	18,513	3,411	18.42%	2,181	1,077
Holmes	Northeast	Cleveland	17,962	2,490	13.86%	1,581	695
Huron	Northeast	Cleveland	36,044	6,949	19.28%	4,679	1,822
Jackson	Southeast	Charleston	21,406	4,954	23.14%	2,738	1,721
Jefferson	Southeast	Wheeling	48,136	12,523	26.02%	7,672	3,920
Knox	Central	Columbus	41,558	8,965	21.57%	5,848	2,501
Lake	Northeast	Cleveland	156,434	37,411	23.91%	26,080	9,437
Lawrence	Southeast	Charleston	45,385	7,736	17.05%	4,420	2,470
Licking	Central	Columbus	119,702	28,037	23.42%	18,697	7,907
Logan	West	Dayton	31,424	7,107	22.62%	4,342	2,325
Lorain	Northeast	Cleveland	209,160	42,107	20.13%	30,932	9,410
Lucas	Northwest	Toledo	302,611	42,982	14.20%	33,269	8,067
Madison	Central	Columbus	24,508	5,591	22.81%	3,528	1,635
Mahoning	Northeast	Youngstown	167,357	41,522	24.81%	27,233	11,202
Marion	Central	Columbus	39,919	7,608	19.06%	5,042	2,315
Medina	Northeast	Cleveland	123,059	29,941	24.33%	20,804	7,579
Meigs	Southeast	Charleston	15,483	5,478	35.38%	2,657	2,074
Mercer	West	Dayton	29,190	6,084	20.84%	4,075	1,706
Miami	West	Dayton	73,456	15,600	21.24%	10,356	4,631
Monroe	Southeast	Wheeling	9,741	2,514	25.81%	1,502	743
Montgomery	West	Dayton	376,097	71,731	19.07%	53,935	15,206
Morgan	Central	Columbus	9,111	2,492	27.35%	1,440	840
Morrow	Central	Columbus	25,091	5,560	22.16%	3,185	2,060
Muskingum	Central	Zanesville	54,486	12,151	22.30%	7,757	3,185
Noble	Southeast	Columbus	8,185	2,357	28.80%	1,265	817
Ottawa	Northwest	Toledo	30,048	8,343	27.77%	5,919	1,948
Paulding	West	Ft. Wayne	12,889	2,458	19.07%	1,413	870
Perry	Central	Columbus	22,535	4,687	20.80%	2,929	1,443
Pickaway	Central	Columbus	34,605	6,802	19.66%	4,419	2,144
Pike	Central	Columbus	18,667	3,862	20.69%	2,245	1,236
Portage	Northeast	Cleveland	108,359	23,689	21.86%	15,366	6,403
Preble	West	Dayton	28,431	5,616	19.75%	3,510	1,766
Putnam	Northwest	Lima	23,787	5,884	24.74%	3,728	1,686
Richland	Northeast	Cleveland	82,271	17,479	21.25%	11,204	5,102
Ross	Central	Columbus	44,769	8,108	18.11%	5,296	2,471
Sandusky	Northwest	Toledo	39,950	10,603	26.54%	7,086	2,770
Scioto	Southeast	Charleston	46,986	8,480	18.05%	5,203	2,695
Seneca	Northwest	Toledo	34,462	7,364	21.37%	4,823	2,081
Shelby	West	Dayton	32,648	6,931	21.23%	4,187	2,193

Stark	Northeast	Cleveland	251,240	57,669	22.95%	39,698	15,526
Summit	Northeast	Cleveland	364,165	73,894	20.29%	54,890	14,682
Trumbull	Northeast	Youngstown	140,389	35,083	24.99%	23,109	9,772
Tuscarawas	Northeast	Cleveland	58,773	12,106	20.60%	8,011	3,319
Union	Central	Columbus	37,642	7,784	20.68%	5,268	2,204
Van Wert	West	Ft. Wayne	19,981	4,895	24.50%	3,041	1,374
Vinton	Southeast	Charleston	8,532	1,711	20.05%	896	606
Warren	Southwest	Cincinnati	157,087	34,222	21.79%	21,769	9,911
Washington	Southeast	arkersburg/Mariet	43,042	10,776	25.04%	6,535	3,280
Wayne	Northeast	Cleveland	74,733	16,155	21.62%	10,791	4,466
Williams	Northwest	Toledo	25,271	4,067	16.09%	2,714	1,113
Wood	Northwest	Toledo	94,219	19,998	21.23%	14,326	4,743
Wyandot	Northwest	Toledo	15,665	3,148	20.10%	1,923	1,027

Exhibit 2

Ohio Redistricting Transparency Report

The Elephant in the Room

How power was used in the political backrooms to manipulate districts to benefit the political insiders.

Prepared by:

Jim Slagle, Manager
Ohio Campaign for Accountable Redistricting
A project of the League of Women Voters of Ohio and Ohio Citizen Action
December 12, 2011

"Information is the currency of democracy."

Thomas Jefferson

Executive Summary

The 2011 redistricting process was in many ways "business as usual." The party in power used the process to gain maximum political advantage. The minority party was shut out. Public input was ignored. The result was the approval of new districts that will provide for largely predetermined elections where we will know which party will win before we even know who the candidates are.

The districts were drawn and critical decisions were made in the backrooms outside of public view. When maps were unveiled, they were raced through the process in an effort to avoid public scrutiny. The elephant in the room that those drawing the maps would not publicly acknowledge drove the process. While the Republican officials talked about creating fair and constitutional districts, the driving force was how they could manipulate district boundaries in order to gain the maximum political advantage for the Republican Party – much like Democratic politicians have done when they had the power of the pen.

We participated in the public portion of the redistricting process and followed up with multiple public record requests in an effort to find out what really happened. While many records continue to be withheld, we have uncovered a number of records which help identify the elephant in the room.

In this report we carefully evaluate and document the level of transparency. We conclude that for the following reasons those responsible for Ohio's 2011 redistricting process deserve a grade of D minus:

- Decisions were not made in public (p. 5)
- Public input was ignored (p. 6)
- The public had limited opportunity to review proposed maps (p. 7)
- The public was not provided with relevant data for proposed districts (p. 8)
- Nonpartisan redistricting criteria was not used (p. 9)
- The criteria used to evaluate plans was never publicly identified (p. 10)

Much of the above is apparent from observing the official process. By reviewing the records, we uncovered secrets which were not known. Some of these include:

- A concerted **strategy of secrecy** was employed which included use of a national consultant, secret meetings, and a secret redistricting office (p. 13)
- $210,000 was **secretly paid** to two Republican staffers (p. 14)
- Speaker of the House John **Boehner's team** was the primary decision make**r** for the congressional map (p. 15)

- A last minute change was made to the congressional districts to honor a request from Boehner's team to move the **corporate headquarters of a major campaign contributor** into a different congressional district (p. 16)
- Republican officials believed that changes they made to state legislative districts could save them **millions of dollars in future campaign expenses** (p. 17)
- Based on their own political indexes, Republican officials believed they created a congressional plan which would provide a 12 – 4 Republican advantage and a state legislative plan which would **ensure their control of the legislature** even if there were a strong Democratic year (p. 17-19)
- **Multiple maps** were considered including pairings of Congressman Sutton and Fudge, Gibbs and Johnson, and Turner and Jordan (p. 19-20)
- Requests by State Senator Chris Widener to keep Clark County in one congressional district were ignored because this would **hurt the political index** for Congressman Stivers' district (p. 20)
- **A last minute change** was made to split Mercer County into three congressional districts in order to move State Senator Keith Faber's home from the 8th congressional district to the 4th congressional district (p. 20)

Because many records have still not been provided even though public record requests were made over two months ago, many things are still not known, including:

- What lobbying did legislators and congressmen engage in for their districts?
- What congressional district plans have been proposed in private negotiations between Democratic and Republican politicians?
- How many other district boundaries were manipulated to raise campaign funds?
- What else was discussed in the political backrooms?

Introduction

The Ohio Campaign for Accountable Redistricting (OCAR) was established through a partnership led by the League of Women Voters of Ohio, Ohio Citizen Action, and the Midwest Democracy Network, with funding provided by the Joyce Foundation. 25 Ohio organizations joined together to support this effort with the goal of educating the public about the redistricting process. Central to this process was organizing a competition where private citizens could draw their own state legislative and congressional maps which were evaluated based on nonpartisan redistricting criteria, some of which were submitted to the Apportionment Board and Legislature for their consideration.

OCAR and its partners represented public interests by advocating for an open process and the use of nonpartisan redistricting criteria and by providing an opportunity for the public to be involved in the redistricting process. However, the requests by OCAR and other members of the public fell on deaf ears. Although there were many public hearings, the actual decisions were made in private. Maps were unveiled at the last minute and quickly adopted. But for the

efforts of OCAR and its partners, there would have been no meaningful scrutiny of the new districts.

Transparency Evaluation

Transparency – What is it? Why does it matter?

A transparent and open process allows for a more honest and fair outcome, as decisions are made in public based on information which is available to the public. Factors which may have been overlooked can be considered before decisions are final. An open process also requires officials to publicly explain the basis for their decisions and allows the public the opportunity to hold their elected officials accountable. After all, these officials work for the public.

On the other hand, officials who wish to conceal their actions, or the reasons for their actions, may prefer to keep the public in the dark. Nowhere is this more the case than with redistricting. It is an open secret that the political party in power uses redistricting as an opportunity to gain political advantage by drawing the districts in a way which provides the best opportunity for their party to win elections in the greatest number of districts.

Yet, few public officials will acknowledge that political advantage is their goal. Rather, they claim they are drawing fair and constitutional maps. Because the political calculations take place in private, the politicians are better able to conceal their efforts.

A truly open process in redistricting would include the following components:

- Decisions made in public
- Actual consideration of maps and input provided by the public
- A fair opportunity for the public to review proposed maps
- Public access to actual redistricting data, including political indexes, the number of districts favoring each party, compactness measures, number of splits, and any other data supporting an individual plan.
- Use of nonpartisan redistricting criteria such as compactness, minimizing splits of governmental units, maximizing politically balanced districts, and balancing the number of districts which favor each party.
- Identification of the factors which are used to evaluate each plan.

So, how did our Ohio officials do?

Were decisions made in public?

While the new state legislative and congressional districts were approved in public, **there is no evidence that any decisions were actually made in public**. The following demonstrates that decisions were actually made in private discussions among majority party officials:

- Starting July 11, weekly meetings were held in private among the secretaries of the Apportionment Board and representatives of the Governor, Secretary of State, Auditor, Speaker of the House, and Senate President.[1]
- Both the congressional and state legislative maps were drawn in private and approved within days of being unveiled.[2]
- HB 319 which established the new congressional districts was adopted without a single change to the proposed districts.
- The only changes made to the state legislative districts from the plan presented by the Apportionment Board Secretaries were to honor private requests made by individual legislators, none of whom addressed their requests at a public meeting.[3]
- Ray DiRossi[4] testified at the Sept. 26 Apportionment Board hearing that as he prepared draft maps of state legislative districts he presented them to legislative leadership and obtained feedback from them.[5]
- The first meeting of the House Government and Elections Committee to discuss congressional redistricting held on Sept. 6, 2011 was delayed while majority members were in a party caucus.
- On Sept. 21, the final Senate Government Oversight and Reform Committee hearing on HB 319 was recessed immediately before the Senators voted so that majority Senators could have a party caucus to discuss in private how to proceed.
- To ensure that the Apportionment Board meetings did not deviate from the plan worked out in private, detailed scripts of each meeting (including which member would make and second each motion) were prepared in advance.[6]

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[1] See pp. 13-14 herein and App. pp. 19.1-22. (Documents contained in the Appendix to this report are referenced as App. pp. __.)

[2] HB 319 which contained the new congressional districts was approved by the House of Representatives within 48 hours of being introduced. The state legislative districts were approved by the Ohio Apportionment Board within three business days of being unveiled. See App. pp. 4-6 for a complete timeline of the redistricting process.

[3] Testimony of Ray DiRossi and Heather Mann before Ohio Apportionment Board on Sept. 28, 2011, transcript pp. 6-16, available at: http://www.sos.state.oh.us/sos/upload/reshape/ApportionmentBoard/transcripts/2011-09-28.pdf .

[4] Ray DiRossi and Heather Mann served as Joint Secretaries for the Ohio Apportionment Board and were responsible for drafting the maps for the new districts. See App. pp. 1-2 for a listing of key players in the redistricting process.

[5] App. pp. 162-166.

[6] See App. pp. 146-152 for script of initial Apportionment Board meeting. Scripts were prepared for every meeting and for the regional hearings, as well. Governor Kasich acknowledged that he was following a script at the initial Apportionment Board meeting. (App. p. 154).

Making the decisions behind closed doors is not only bad policy and creates public distrust, but also puts in question whether the Apportionment Board's actions were in violation of Ohio's Sunshine Law.[7]

Was public input actually considered?

OCAR presented eight different congressional maps to the Legislature and two state legislative maps to the Apportionment Board.[8] Yet, there is no evidence that any map presented even influenced a single district. The congressional map which was adopted in HB 319 was decided upon before some of the citizen maps were even presented to the Legislature.[9]

Similarly, the schedule adopted by the Apportionment Board to approve state legislative maps demonstrates no intention to consider public maps. The Ohio Constitution requires the Apportionment Board to meet between August 1 and October 1 to adopt state legislative districts.[10] Yet, at the Board's organizational meeting Aug. 4, it approved a schedule where the full Board would not meet again until Monday, Sept. 26, only five days before the districts must be determined. The Board directed that proposed maps be submitted by Friday, Sept. 23, thus ensuring a process where there would be no opportunity to give substantial consideration to alternate maps. The Board then adopted rules which limited the proponent of any plan a total of ten minutes to testify about the plan – less than 5 seconds for each of the 132 districts in a legislative plan![11]

In addition to not considering public plans, both the Legislature and the Apportionment Board completely disregarded the testimony expressed by members of the public which focused on two issues:

- Use nonpartisan redistricting criteria
- Before voting on a map, publish the map on a public website for at least two weeks in order to provide an opportunity for public scrutiny

These requests were made multiple ways:

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[7] See R.C. 121.22, as well as pp. 13-14 herein.

[8] All maps submitted by OCAR, including a description of each plan, are available at www.drawthelineohio.org.

[9] On July 19, 2011 OCAR announced its public competition which required congressional maps to be completed by Sept. 11, 2011. This deadline was published in the media, was available on the OCAR website, and was provided to the Legislators during testimony at multiple regional legislative hearings on July 20, 21, and Aug. 2. However, on Aug. 30, the House Government and Elections Committee issued a notice scheduling hearings and requesting proposed maps by Sept. 2. OCAR was the only entity to present any map by the Sept. 2 deadline (OCAR-A). OCAR presented an additional map on Sept. 8 (OCAR-B) and four more maps on Sept. 12(OCAR-C, OCAR-D, OCAR-E, OCAR-G). The HB 319 map was finalized over the weekend of Sept. 10-11 and was unveiled on Sept. 13.

[10] Art. 11, Sect. 1, Ohio Constitution.

[11] See App. pp. 168 for a copy of Apportionment Board Rule 011-1-10.

- On June 27, OCAR sent a letter to every legislator making these requests[12]
- On July 20-21 and Aug. 2, 22-26 countless citizens testified at regional legislative and Apportionment Board hearings to request that nonpartisan criteria be used, to have public hearings after proposed maps were available, and to have proposed maps available on the internet for at least two weeks before being voted on.
- On Sept. 19, OCAR sent a letter to each of the members of the Apportionment Board requesting that the proposed maps be made public[13]
- On Sept. 19, over 300 Ohioans e-mailed Senate President Thomas Niehaus to request that the Senate allow time for the public to review the proposed congressional districts in HB 319.[14] Instead, HB 319 was raced through the Senate Committee and full Senate over the next two days.
- Ohio's newspapers called upon the Legislature to slow down the process to allow time for public input.[15]

Did the public have an opportunity to review maps?

Not much. While the Legislature is often criticized for issues dragging on for months or years without resolution, on congressional redistricting they demonstrated an impressive ability to move with speed and efficiency.

On Sept. 12, Rep. Matt Huffman, Chair of the House Government and Elections Committee issued a notice indicating the next afternoon the Committee would hear testimony on a yet to be introduced bill, with a further hearing on the 14th, at which time the bill would be voted on.[16] The next day HB 319 was introduced with the maps unveiled that afternoon. 24 hours later the House Committee voted on the legislation and within 48 hours of the maps being introduced HB 319 was approved by the full House in a near party line vote. The Senate moved just as quickly the next week. On Sept. 20 the Senate Committee on Government Oversight and Reform[17] held two hearings on the bill, and approved the bill on a straight party line vote the next day, with the only change being to add a monetary appropriation to assist local boards of elections in implementing the new districts. One hour later, HB 319 was approved by the full Senate and still later the same day the full House concurred with the Senate amendment.[18]

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[12] App. pp. 7-8.
[13] App. 9.
[14] The e-mails were discovered among records produced in response to a public record request.
[15] See e.g. "Give Ohioans a change to study proposed maps", Cleveland Plain Dealer, Sept. 14, 2011, http://www.cleveland.com/opinion/index.ssf/2011/09/give_ohioans_a_chance_to_study.html; "Drawn to Gridlock", Akron Beacon Journal, Sept. 14, 2011, http://www.ohio.com/editorial/drawn-to-gridlock-1.235063; "Lose this map", Toledo Blade, Sept. 15, 2011, http://www.toledoblade.com/Editorials/2011/09/15/Lose-this-map.html; App. pp. 169-174.
[16] Copy of notice at App. pp. 25-26.
[17] One might have hoped that a committee devoted to oversight and reform would have been more concerned with transparency.
[18] See App. pp. 4-6 for a complete time line.

The Apportionment Board schedule provided even less time for public scrutiny. Proposed maps were unveiled on Friday, Sept. 23, considered by the Apportionment Board on Monday, Sept. 26, and voted on Sept. 28.[19]

All of this was designed to limit the time that the public could have to review, analyze, and raise questions about the proposed maps.

Was the public provided with redistricting data for proposed districts?

The public was briefly provided with maps, a legal description, population figures, minority population percentages, and incumbent addresses, but little else. However, to fully evaluate the impact of proposed districts it is necessary to examine the underlying data on proposed districts.

Specifically, as maps were unveiled, the following information was withheld from the public:

- Political indexes for each district
- Number of districts which favored each political party
- Number of governmental units which were split
- Any measure of compactness
- An interactive map

As a starting point, the public, as well as legislators and board members who must vote on the maps, need to be able to identify the precise boundaries of proposed districts. Instead, only static pictures of the entire State and larger counties were posted on the Secretary of State's Website (www.reshapeohio.gov), even though the site contained mapping software which could have allowed for an interactive version of the proposed congressional and state legislative districts, so that the boundaries could be examined in detail. Thus the maps only provided the public with approximate district boundaries.

But, the actual district boundaries are just the first step. In order to evaluate the maps it is important to know how the new districts will affect future elections – what are the indexes for each district and how many districts favor each party? Additionally, it is important to know the compactness measure for the proposed districts, as well as the number of governmental units which are split. This type of information allows one to objectively compare proposed plans.

Instead of providing this information, the proponents of the new congressional and state legislative districts concealed this information – not because they didn't have it, but because

[19] Proposed timelines discovered in the public records demonstrate an early plan to hold the maps "in the can" until the last minute. See p. 13 herein.

they didn't want to let the public see it.[20] But for OCAR, this information would not have been available to the public at all. OCAR, after making repeated requests, obtained block equivalency files[21] for the proposed districts and was able to evaluate each proposed map using the same criteria as used in its citizen completion.

Were nonpartisan redistricting criteria used?

The lack of nonpartisan redistricting criteria is most apparent when the congressional and state legislative maps were compared with maps generated through the citizen competition and scored using these criteria. Mathematical formulas were used to score the competition maps based on the following nonpartisan criteria:[22]

- Compactness
- Minimizing the number of county and municipalities split into different districts
- Competitiveness – maximizing the number of districts which either party could win
- Representational fairness – balancing the number of districts which favor each party

The maps of the new congressional and state legislative districts were scored using the same formulas used to score the competition maps and they couldn't compete with maps generated from the competition. In fact the congressional maps scored dead last![23]

This was most apparent with the congressional maps. 53 congressional district plans were submitted during the competition. Not only did all 53 plans score higher than the congressional plan adopted by the Legislature, but it wasn't even close, as is shown by the following table which shows for comparison purposes the scores for the 1st place, 10th place, and 53rd place competition plans, as compared to the congressional plan (HB 319) which was adopted by the Legislature.

[20] Through public record requests, documents have been discovered which show the political indexes for each district as determined by the mapmakers. App. pp. 108-109, 111-121. See also, pp. 18-19 herein where this issue is discussed in more detail.

[21] A block equivalency file is a two column spreadsheet which identifies the district in which each of Ohio's 300,000 census blocks are located. It is the data that any software program needs to create a district map.

[22] For more information on nonpartisan redistricting principles see A Citizen's Guide to Redistricting, published by the Brennan Center. Available at:
http://www.brennancenter.org/content/resource/a_citizens_guide_to_redistricting/

[23] App. p. 10.

Competition Scores for Congressional Plans[24]

1st place[25]	222.6
10th place	194.7
53rd place	84.1
HB 319	38.5

A closer examination of the districts which were adopted demonstrates why they scored so low when evaluated based on nonpartisan redistricting criteria. The first place plan resulted in 11 of the state's 16 congressional districts being heavily competitive, which was defined as having a political index in which neither political party had an advantage of more than 5%. The HB 319 districts which were adopted had no districts which were heavily competitive and only two districts in which the difference in the political index was less than 10%.[26] As a result, we can already determine which party's candidate is likely to be elected in each of Ohio's 16 congressional districts for the next ten years. This deprives Ohioans of having a meaningful opportunity to hold their congressmen accountable in future elections.

Ohio's new congressional districts will likely result in an Ohio congressional delegation of 12 Republicans and four Democrats for the next decade regardless of whether most Ohioans vote for the Democratic or Republican candidate. In contrast, under any of the top ten congressional plans generated through the citizen competition, the ultimate balance of Ohio's congressional delegation will depend on the preferences of the voters.

This type of partisan imbalance was created by splitting up counties and municipalities in a way that packed Democratic voters into four congressional districts and provided comfortable Republican majorities in the remaining 12 districts. This resulted in splitting every major Ohio city and 27 counties into different districts. In comparison, the winning congressional map kept cities intact and split only five counties into separate districts.

Was the criteria used to evaluate plans identified?

> Witness: Will you consider competitiveness as a criteria [sic] in selecting a plan?
>
> Apportionment Board Member: I would suggest, respectfully, that's outside the scope of this hearing?
>
> . . . . .
>
> Witness: What criteria will you use to adopt a plan?

[24] For a spreadsheet listing the scores for all 53 competition plans, as well as the HB 319 districts which were adopted, see App. p. 10.

[25] The first place plan was authored by Mike Fortner and on Sept. 12 was submitted to the Legislature for consideration as OCAR-C. See App. pp. 11-16.

[26] See App. pp. 110 for the political indexes for the HB 319 congressional districts as determined by OCAR.

> Apportionment Board Member: Once again, I'm afraid that that's a little bit outside the context of this.[27]
>
> --*Testimony from the Aug. 25 regional Apportionment Board Hearing*

Despite repeated requests, neither the Apportionment Board nor the Legislature ever clarified how they would choose among various plans.[28] Rather, they indicated that they would follow the legal requirements in adopting a plan. Since the regional hearings both by the joint legislative committee and the representatives of the Apportionment Board were held before any official maps were available, the only substantive issue which could be determined at the regional hearings would have been the development of criteria by which plans would be evaluated. However, the officials with the power to determine the districts did not wish to restrict themselves to any specific criteria. This allowed them to defend the plans they adopted as being fair and constitutional without having any standard by which that could be measured.

The closest those who would approve the maps came to addressing redistricting criteria was to start the July 20 joint legislative hearing in Columbus with a redistricting presentation by the Legislative Service Commission.

During the presentation, the following were listed as traditional redistricting principles:

- Compactness
- Contiguity
- Preservation of political subdivisions
- Preservation of communities of interest
- Preservation of cores of prior districts
- Protection of incumbents[29]

This listing of traditional redistricting principles is somewhat odd. Contiguity is not a principle by which plans are evaluated, but rather is a minimum legal requirement of any district. Moreover, achieving representation fairness and competitive districts are routinely considered to be important nonpartisan criteria, but are absent from this list. However, since neither the

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[27] State Auditor David Yost, one of five members of the Apportionment Board refused to answer the simple question posed by Alice Schneider of the League of Women Voters of Greater Cincinnati at an Aug. 25 regional hearing of the Apportionment Board. Yost went on to say that the criteria used were up to the conscience of each member of the Apportionment Board. Complete transcript available at:
http://www.sos.state.oh.us/sos/upload/Reshape/ApportionmentBoard/transcripts/2011-08-25-Cincinnati.pdf
See pages 23-26 of the transcript at App. pp. 158-161.

[28] At the Aug. 26 regional hearing in Columbus, Secretary of State Jon Husted said he would follow the law, but refused to clarify how he would choose among competing legal plans. Complete transcript is available at:
http://www.sos.state.oh.us/sos/upload/Reshape/ApportionmentBoard/transcripts/2011-08-26-Columbus.pdf
See pages 14-16 of the transcript at App. pp. 1659-161. The issue was raised multiple other times including at various legislative hearings which hearings are not recorded.

[29] A copy of the PowerPoint presentation made by LSC is available at:
http://www.sos.state.oh.us/sos/upload/reshape/testimony/2011-07-20-Jacobsen.pdf

legislators nor the Apportionment Board ever publicly agreed upon a set of criteria to use, the public was left in the dark as to how plans would be evaluated.

Final Grade – D minus:

In an effort to search for the positive, the following small steps were taken by the Legislature and Apportionment Board which should continue in future redistricting cycles – although with changes as noted:

1. **Regional public hearings**. Holding regional hearings was a positive step and one that has the potential to help involve the public in the redistricting process. However, it would have been more beneficial to hold regional hearings after proposed maps were available to review and comment upon. Additionally, more should have been done to publicize the hearings,[30]

2. **Public testimony**. Throughout the process both the legislative committees and the Apportionment Board did permit numerous concerned citizens including multiple representatives of the League of Women Voters and other interested organizations to provide public testimony. We would urge the officials in the future to fully consider the public input and not just use this as window dressing.

3. **Testimony by map drawers**. The authors of the official Apportionment Board map, Ray DiRossi and Heather Mann, both testified in a public hearing which provided some glimpse into what otherwise took place out of public view. It is unfortunate that they did not also testify about how they drew the congressional maps. Finally, it was disappointing that during DiRossi's testimony he needed to repeatedly consult with legal counsel before answering questions, which created a strong appearance that he was being very cautious about what he revealed.

However, on balance the lack of actual transparency was woeful. Decisions were made in private. Public input was ignored. Maps were unveiled at the last minute and raced through the process in an effort to avoid public scrutiny. And negotiations continue to take place behind closed doors as if the politicians from each political party are the only interested party.

Today's technology provides the opportunity to easily share information with the public. The public redistricting competition demonstrated that members of the public can create quality nonpartisan redistricting maps. Our politicians need to remember that they work for the public.

[30] News releases were not sent to local media where the hearings were held. In fact, the reporter for the Zanesville newspaper who attended the joint legislative hearing held in Zanesville only learned of the hearing that morning from his editor who had seen a Columbus media report. Nothing had been published in the local newspaper to announce the hearing. It is not surprising that only a handful of people attended the Zanesville hearing.

Secrets Uncovered

"The liberties of a people never were, nor ever will be, secure, when the transactions of their rulers may be concealed from them . . . To cover with the veil of secrecy the common routine of business, is an abomination in the eyes of every intelligent man."

Patrick Henry

Secrecy was the game plan.

From the start, the plan was to determine the new districts in secret. This strategy was handed down from national party leaders and included private meetings, a secret office, and a plan to keep maps under wraps until the last minute.

Secrecy strategy – As early as May 2010, the Republican National Committee[31] conducted training on redistricting. The theme of the training was – "Keep it secret, keep it safe."[32] The training was attended by Michael Lenzo, Ohio House Majority Counsel. Materials from the training were provided to Heather Mann and Ray DiRossi, who were assigned to draw the Ohio maps. John Morgan who provided this training served as a consultant to the Republican officials in charge of Ohio's redistricting efforts.[33] The plan to keep maps secret until the last minute is also apparent from proposed timelines found in the files of the redistricting officials. These called for completing the congressional map by Aug 19 and then holding it "in the can" until the Legislature came back Sept. 13-14.[34] The Apportionment Board timeline called for plans to be submitted by Sept. 23 and voted on Sept. 28 or 29.[35]

Secret meetings – Even though Ohio's Sunshine Law generally requires "public officials to take official action and to conduct all deliberations upon official business only in open meetings unless the subject matter is specifically excepted by law,"[36] every effort was made to conduct all of the deliberations in private.[37] On July 7 & 8, 2011 each Republican member of the Ohio Apportionment Board, as well as their staffs, met separately with the consultant John Morgan, as well as legal counsel, to discuss

[31] We assume that the Democratic Party provided similar advice for use in states where Democrats controlled the redistricting process.
[32] See App. p. 17 for the first PowerPoint slide presented at the training.
[33] See App. pp. 19-21 for e-mails describing Morgan as a consultant and arranging meetings with him.
[34] See App. p. 24.
[35] App. p. 23. Record obtained from the files of Ray DiRossi, Joint Secretary of the Apportionment Board. See also DiRossi's e-mail of Sept. 1, 2011 where he commands that no external maps be printed. App. p. 27.
[36] R.C. 121.22(A).
[37] While the Ohio Legislature has largely exempted itself from following the requirements of the Ohio Sunshine Law, no such exemption occurs for the Ohio Apportionment Board. See Ohio Adm. Code 011-1-03, as adopted by the Apportionment Board on Aug. 4, 2011. App. p. 167.

redistricting strategy.[38] Starting July 11, 2011 weekly redistricting meetings were held among the staff of the Governor, Secretary of State, Auditor, Senate President, House Majority Leader, and the Secretaries of the Apportionment Board.[39]

Hotel used as secret redistricting office – At a taxpayer cost of $9,600, redistricting officials rented a downtown hotel room from July 17, 2011 to Oct. 15, 2011 to use as a secret redistricting office.[40] The address of the hotel room never shows up on any correspondence. Meetings scheduled for the hotel room appear to be described as meetings in the "bunker" or simply as "off site."[41] The purpose of renting the hotel appears to be twofold – to ensure that no one could gain access to the redistricting plans and to provide a place where those drawing the maps could meet with interested parties without being seen by other staff.[42]

Using "attorney-client privilege" to keep records secret – The Apportionment Board hired Washington D.C. attorney Mark Braden to serve as legal counsel, even though the Ohio Attorney General is their statutory legal counsel. Braden served for ten years as chief legal counsel to the Republican National Committee and promotes himself as being the "father of soft money."[43] House Majority Counsel Michael Lenzo has refused to provide records of any communications with Braden on the basis of attorney-client privilege.[44] It appears that Braden did more than simply provide legal advice. Rather, he was involved in redistricting strategy. He hired consultant John Morgan and participated in meetings with him and Ohio redistricting officials.[45] The secretaries of the Apportionment Board submitted draft maps to him for consideration.[46] Braden's name is even listed as the author of one of the final three congressional plans considered by Republican legislative leaders.[47]

$210,000 secretly paid to two Republican staffers.

At its initial meeting on Aug. 4, 2011 the Ohio Apportionment Board named Ray DiRossi and Heather Mann as its joint secretaries. It was assumed that DiRossi and Mann were working as state employees as both had been employed by the House and Senate.[48] However, a public records search revealed that neither were state employees while the Apportionment Board met.[49] Instead, each were paid $105,000 ($210,000 total) through contracts the Republican

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[38] See App. pp. 19-21 for sample e-mails arranging these meetings. Note that the Ohio Supreme Court has held that the requirements of the Sunshine Law cannot be avoided simply by holding a series of separate back to back meetings with individual members of a public body. *State ex rel. Cincinnati Post v. City of Cincinnati*, 76 Ohio St.3d 540, 542, 1996-Ohio-372.
[39] See App. pp. 19-22 for sample e-mails arranging these meetings.
[40] Room 601 of the Doubletree Suites, 50 South Front St, Columbus was rented. The normal guest room furniture was moved out of the room and computers with internet connections were hooked up. See App. pp. 29-34 for documents describing the arrangements made with the hotel.
[41] See App. 22, 35-36 for sample references to such meetings.
[42] For the two weeks prior to the hotel room being rented, efforts were made to ensure that only two Senate and two House staff could have access to the state facilities in which redistricting business was being conducted. See App. p. 29.
[43] See App. p. 38 for Braden's bio, as posted on his firm's website at http://www.bakerlaw.com/emarkbraden/.
[44] See App. pp. 39-40.
[45] See App. pp. 19-21.
[46] See App. pp. 84.
[47] See App. p. 109.
[48] DiRossi and Mann were described in media reports as legislative staff. See App. pp. 62-65.
[49] See App. pp. 66-69.

Legislative Task Force members entered into with Policy Widgets, LLC and Capital Advantage, LLC, which were companies Mann and DiRossi established.[50]

Mann resigned from the House on Aug. 4 and returned to the House payroll on approximately Nov. 11, during which time she was paid under the contract with Policy Widgets. [51] This resulted in Mann's compensation increasing over six fold during the 14 weeks she was compensated under the redistricting contract ($1202/wk as House employee to $7,500/wk under the contract).[52]

By contracting with Policy Widgets and Capitol Advantage, rather than contracting with Mann and DiRossi personally, or having them on the payroll as state employees, Republican officials were able to hide the lucrative payments they were making to close staffers.

Governor Kasich signing HB 319 to enact Ohio's new congressional districts. Sept. 26, 2011.
Heather Mann is looking over the Governor's shoulder, while Ray DiRossi is standing on the far right.
Others in the photo include Chad Hawley, House Political Director; Troy Judy, House Chief of Staff;
and Mike Dittoe, House Communications Director.

Congressional map approved by Boehner

When Rep. Huffman testified in support of HB 319, he was asked who drew the map. He advised that it was drawn by staff. This was partially true. Heather Mann and Ray DiRossi were the Ohio staff responsible for the map. However, their direction came from Tom Whatman,

[50] See App. pp. 41-61, for copies of the contracts, record of payment, and record regarding the companies. In addition to being paid $105,000 each, Policy Widgets and Capital Advantage were reimbursed for any expenses incurred. The sole obligation of Policy Widgets and Capital Advantage was to provide the services of Mann and DiRossi. Neither company appears to have any other staff or employees.
[51] See App. pp. 67-70.
[52] House compensation is available at http://das.ohio.gov/Divisions/HumanResources/HRDOCBPolicy/StateEmployeeData/StateEmployeeSalaries.aspx. See also App. p. 70.

Executive Director of Team Boehner,[53] and Adam Kincaid, Redistricting Coordinator for the National Republican Congressional Committee.[54]

During the weekend before HB 319 was introduced, Senator Keith Faber and Senator Chris Widener sought modifications to the map. However, Senate President Thomas Niehaus made clear that the critical requirement was to create a map which Speaker Boehner fully supported.

> "I am still committed to ending up with a map that Speaker Boehner fully supports, with or without votes from two members of leadership."
>
> Sept. 11 e-mail from Niehaus to Whatman[55]

The next morning when Ray DiRossi provided Senator Niehaus with the final map for his approval, Niehaus' question was: "Did Whatman sign off?"[56]

If there is any question about Boehner's influence, look what happened in the 16th Congressional District.

Mapmakers were chasing campaign money

Not only were politicians choosing their voters, but redistricting was used to maximize potential campaign contributions. This is most obvious in the 16th Congressional District, where a puppet shaped peninsula was carved into Canton and attached to the District. The total population in this peninsula is zero! No other portion of Canton is in the 16th District.[57]

This zero population area was attached to the 16th District because it contains the Timken manufacturing plant and their corporate headquarters. Those connected with Timken are major campaign contributors to Congressman Renacci.[58] Keeping the plant in his district gave these contributors a reason to continue to contribute to Renacci.

So, who requested this bizarre change? None other than **Tom Whatman, Chief Executive of Team Boehner, requested this**

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[53] Team Boehner was established in January 2011 to be part of a collaborative effort to support Republican Congressional candidates across the country. As Executive Director, Whatman is responsible for overseeing all of Speaker John Boehner's political operations. See App. p. 71.
[54] See App. 79-85 for sample e-mails exchanged among the group during the drafting process.
[55] App. 73.
[56] Sept. 12 e-mail from Senate President Niehaus to Ray DiRossi. App. p. 74.
[57] See App. 102-104 for complete maps.
[58] According to an investigative report published in the Canton Repository on Nov. 14, 2011, Timken executives and their spouses, Timken's board members, Timken family members, and a PAC associated with Timken have contributed over $120,000 to Renacci during the past two years.

carve out the night before HB 319 was introduced and it took only 8 minutes to get this approved!

Sept 12 e-mails

9:28 PM - Whatman to Kincaid and DiRossi: "Guys: really really sorry to ask but **can we do a small carve out down 77 in Canton and put Timken hq in the 16th**. I should have thought about this earlier."

9:36 PM - Kincaid: "**Yeah, sure, no problem**. Ray/Heather, do you want me to do it and send the file over, or will y'all do it?"

9:36 PM - DiRossi: "You do and get equivalence file[59] to us asap. Thanks."

9:39 PM - Kincaid: "10-4"

9:41 PM – Whatman: "Thanks guys. **Very important to someone important to us all.** I really should have thought of this."[60]

Speaker Boehner's control over this process is demonstrated by the fact that there was no hesitation to honor this request and no explanation was necessary. Moreover the change was made after Ohio House Speaker William Batchelder and Senate President Thomas Niehaus had already signed off on the bill.[61] DiRossi apparently understood that he was to make changes requested by Boehner without the necessity of obtaining further approval from Batchelder, Niehaus, or the bill's sponsor.

The 15rd Congressional District also has two strange peninsulas which reach into Franklin County. One reaches Congressman Stivers' new residence in Upper Arlington. The other stretches into downtown Columbus to pick up various business interests, including several banks and Nationwide Insurance. Some have speculated that this was also done with potential Stivers' contributors in mind. While we have not uncovered records to establish this, the records do show that one of the final changes to the map was an edit to the Stivers' district.[62]

The records establish that Speaker Boehner was not the only one concerned about how redistricting would affect campaign funds. The map drawers also looked at how redistricting would affect funds needed for state legislative races. One week before the state legislative districts were released, Ohio House Majority Caucus Chief of Staff Troy Judy provided Ray DiRossi with an analysis which ranked the top 43 state house districts by the amount of in kind

[59] Equivalence file would be short for block equivalency file which is the basic data for any redistricting plan, as it identifies the district into which each census block is assigned.
[60] See App. pp. 99-101 for complete e-mail exchange. HB 319 was introduced on Sept. 13, 2011 and unveiled at the House State Government and Elections Committee that afternoon.
[61] The final manipulations to the congressional map were made over the weekend of Sept. 10 – 11. On Monday, Sept. 12, Speaker Batchelder and President Niehaus signed off on the congressional map, which was introduced as HB 319 on Sept. 13.
[62] See App. pp. 96, 98. The e-mails are not clear as to the nature of the change to this district.

campaign contributions provided by the Republican Party or caucuses.[63] DiRossi's response was:

> "But we have made significant improvements to many HDs on this list. Hopefully saving millions over the coming years."[64]

Republican mapmakers analyzed political indexes to maximize Republican seats

No political data was presented when HB 319 was introduced or when the state legislative districts were unveiled. However, this data not only existed, but had been thoroughly analyzed with the explicit goal of increasing the Republican advantage in multiple districts. By early July Republican map drawers had agreed upon the indexes they would use to evaluate districts.

They made a strategic decision to evaluate districts under the most favorable Democratic conditions, so that Republican candidates could safely win a solid majority of districts even in a heavily Democratic year. To do this they generally evaluated districts two ways. The first was to look at the percentage of votes which McCain received in a district in the 2008 Presidential race. Since McCain received 46.9% of the vote which is approximately 5% less than a typical statewide Republican candidate would receive.

The second comparison was to create what they labeled as a "unified index" which was based on the 2004 Presidential race, the 2006 Attorney General and Auditor's races, the 2008 Presidential race, and the 2010 Governor's race. Since this included two races in which the Democratic candidate won by approximately 5% and no races in which the Republican candidate won by more than 2%, this resulted in a Democratic leaning index. For the congressional districts, they also looked at the 2010 Attorney General race. Charts were created which provided the following information for each district: the incumbent, the indexes, and how much the McCain vote and the unified index changed.[65]

Republican map drawers concluded that 12 of the 16 new congressional districts favored Republicans and that only the 14th District (LaTourette) could be considered a swing district.[66]

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[63] There were 18 house districts in which the over $1 million in Republican in kind funds were provided, with the most expensive being the 20th and 18th house districts, which each topped $3.3 million. See list in Judy e-mail at App. pp. 106-106. See App. p. 107 for a breakdown of who won in the various districts on the list.

[64] App. p. 106.

[65] See App. pp. 108-109, 111-121. The state legislative district charts also included when each candidate was term limited, information which would only be needed if one were interested in evaluating future elections.

[66] See App. p. 108. Because the 14th district is bordered by Lake Erie to the north, Pennsylvania to the east, and Democratic areas to the south and west, it is not possible to make the district significantly more Republican. This analysis is very similar to

Heather Mann analyzed the number of state house districts that were 50+, 52+, and 55+ under both the unified index and the 2008 Presidential index. No matter which analysis was used the number of favorable Republican districts markedly increased under the new maps. Mann determined that under the unified index the number of districts which were 52+% Republican increased from 48 to 57 and the number of districts which were 55+% Republican increased from 36 to 44. Mann's analysis is very similar to the OCAR analysis, as both concluded that the number of strong Republican house districts increased by 8 to 9 seats.[67] Mann concluded:

- We now have a majority of seats that lean Republican (50% or better) on 2008 Presidential numbers.
- Previously, to retain a 50+ seat majority under 2008 Presidential year conditions, we had to win all seats above a 49.14%; now we only have to hold 50 or more seats that are 50.94% or better.[68]

Multiple maps considered

In an effort to obtain the most advantageous possible districts, multiple different configurations were considered. For example by Sept. 10, two weeks before the state legislative districts were unveiled, between 11 and 21 different Franklin County maps had been considered.[69]

Four primary congressional maps were considered,[70] which would have paired the following congressmen:

- Kaptur/Kucinich & Sutton/Fudge (labeled 4-way split)
- Gibbs/Johnson & Kaptur/Jordan & Sutton/Fudge (open seat in Franklin Co)
- Turner/Austria & Kaptur/Kucinich & Sutton/Fudge (open seat in Franklin Co)
- Turner/Jordan & Kaptur/Kucinich & Sutton/Fudge (open seat in Franklin Co)

This evolved into two Sept. 2 variations of the Turner/Austria pairing and finally a Sept. 8 variation of the Turner/Austria plan. The final three versions also changed the Sutton/Fudge pairing to a Sutton/Renacci pairing.[71] While the precise reasons one map was chosen over another can not be conclusively determined from the records, several things are apparent.

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the OCAR analysis which Republican officials criticized. OCAR identified the map as a 12 – 4 Republican map with only the 6th and 14th districts being potentially competitive. App. p. 110.

[67] App. pp. 130-131.

[68] App. p. 122. Since 1.6% of the voters in the 2008 Presidential election voted for a candidate other than McCain or Obama, that if McCain received at least 49.2% of the vote, he was likely the winning candidate in the district.

[69] See App. pp. 132-133 which lists options 5 through 11, along with the political indexes for each option and which legislators would end up in the same house districts and the senate districts in which various house members would end up. The accompanying e-mail describes option 11 as version 21.

[70] See App. p. 109 for a chart which lists each potential configuration, along with the percentage of votes received by McCain in each proposed district.

[71] The Sept. 8 and one of the Sept. 2 revised maps are listed with the name "Whatman" (chief executive of Team Boehner). The other Sept. 2 revised map is listed with the name "Braden" (legal counsel). App. p. 109.

13 – 3 Republican map effort. The number of attempted GOP seats is listed for each map.[72] The 4 way split map is the only one which attempts to obtain 13 Republican seats. This map was likely rejected because while it created 13 seats which favored Republicans, in four of the 13 Republican districts McCain received less than 50% of the vote.

Jordan. There was much speculation prior to the congressional maps being released, that Speaker Boehner would attempt to create a district which punished Congressman Jim Jordan because he led a faction in the Republican congressional caucus that opposed Speaker Boehner on various budget compromises. In one plan Jordan was paired by Republican Congressman Turner. In another he was paired with Democratic Congressman Kaptur in a Democratic district. While these options were rejected, it is unknown whether possible retaliation against Congressmen Jordan was a reason these plans were created.

Sutton/Renacci. It is likely that Congressman Sutton was moved out of Congressman Fudge's district and into Congressman Renacci's district in order to appease African-American legislators, with whom Republican officials were negotiating in an effort to pick up some Democratic votes.[73] Moreover, since the Sutton/Renacci district is strongly Republican and only includes 25% of Congressman Sutton's former district, pairing these two Congressmen into the same district does little to jeopardize Republican control of the district.[74]

Widener. During the final weekend before the proposed congressional map was unveiled, State Senator Chris Widener, with the support of other current and former Clark County legislators, strongly advocated that the congressional map keep Clark County in a single district.[75] This request was rejected because it would have made the district prepared for Congressman Stivers less Republican.[76] The Boehner team described that request as "crazy."[77] This demonstrates how little concern there was about splitting up counties and cities if to do so would provide a greater political advantage.

Faber. Also during the final weekend before the proposed congressional map was unveiled, there were multiple discussions, e-mails, and exchanges of proposed maps between State Senator Keith Faber and Ray DiRossi. Under the original maps, Mercer County was divided into two congressional districts, with Faber's residence (7025 Dibble Rd., Celina) being in the 8th Congressional District (Boehner) and the rest of the County in the 5th Congressional District (Latta).[78] Different options were considered, apparently to move Faber into the 4th Congressional District (Jordan). Ultimately, the map proposed in HB 319 divided Mercer County

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[72] App. p. 109.
[73] Three African-American House members and two African-American State Senators (all Democratic) joined with Republican legislators to vote for HB 319. Moreover, a Democratic district within Franklin County was created, which was something that some African-American representatives had requested.
[74] See App. p. 97. This may have also been an additional reason that the Boehner team wanted to make sure that Congressman Renacci still had the benefit of the Timken contributors. See pp. 16-17 herein.
[75] See App. pp. 73, 94.
[76] See App. p. 87.
[77] See App. p. 87.
[78] See App. pp. 73, 86, 89-93.

into three districts, with a small segment which included Faber's residence being attached to the 4th Congressional District.

Continued Mysteries

> *The rule in Ohio is that public records are the people's records, and that the officials in whose custody they happen to be are merely trustees for the people; therefore anyone may inspect such records at any time, subject only to the limitation that such inspection does not endanger the safety of the record, or unreasonably interfere with the discharge of the duties of the officer having custody of the same.*
>
> *The Ohio Supreme Court*
> *Patterson v. Ayers, 171 Ohio St. 369 (1960).*

In an effort to discover the elephant in the room, on October 7, 2011 we issued multiple public records requests. This was followed by a few later requests. While numerous records have been provided in response to these requests, the following requests remain outstanding:[79]

- Speaker William Batchelder – Oct. 7, 2011[80]
- Mike Dittoe, House Communications Director – Oct. 7, 2011[81]
- Rep. Matt Huffman – Oct. 7, 2011[82]
- Speaker John Boehner – Oct. 7, 2011[83]
- Congressman Steve LaTourette – Oct. 7, 2011[84]
- Speaker William Batchelder and Leader Armond Budish – Nov. 3, 2011[85]
- Clerk of Ohio House – Nov. 21, 2011[86]

Records have been received from Governor Kasich, Senator Niehaus, Senator Faber, Leader Budish, Heather Mann, Ray DiRossi, and the Legislative Services Commission, although even in these instances significant records have been withheld on the basis of attorney-client privilege.

Much of what happened in the backrooms remains unknown. Most notably, since late October negotiations among legislative leaders have taken place behind closed doors to attempt agree

[79] In addition to those listed below, an Oct. 7, 2011 public record request to Ray DiRossi and Heather Mann remains partially outstanding, although most of the requested records have been provided.
[80] App. p. 134.
[81] App. p. 136.
[82] App. p. 138.
[83] App. p. 140. Members of the U.S. Congress are not required to respond to either public record or Freedom of Information Act Requests, although they may do so.
[84] App. 142. Members of the U.S. Congress are not required to respond to either public record or Freedom of Information Act Requests, although they may do so.
[85] App. p. 144.
[86] App. p. 145.

upon a new congressional map. The parties involved have publicly disclosed that multiple maps have been exchanged in an effort to reach a compromise. Yet, these proposed maps have never been released even though more than a month has gone by since they have been requested.[87]

While it is commendable that legislative leaders are trying to reach a compromise, they seem to forget that the goal should not be to agree upon a map which the Republican politicians like and the Democratic politicians can tolerate – but that the goal should be to adopt a map which is in the public interest. While individual legislators may have a desire to create districts in which they can easily be elected, the public has an interest in creating districts in which the voters will actually decide who is elected.

A number of changes were made to the state legislative districts based on private requests of individual legislators, as this was acknowledged at the Sept. 28th meeting of the Ohio Apportionment Board. But, we don't know how many other requests were made and why some were honored and some denied.

So, we still don't know –

- What maps have been exchanged in private?
- What lobbying did individual legislators or congressmen engage in regarding their district boundaries?
- What other district boundaries were manipulated to facilitate political fundraising?
- What else was discussed in the political backrooms?

Conclusion

Establishing the boundaries of legislative and congressional districts has historically been an insider issue. However, it is an issue which is central to our democracy. How these lines are drawn largely determines who may be elected and more importantly who will make our laws. This is an issue which affects us all.

Our goal is to shine a light on this process both to expose what took place in the backrooms and to help provide a roadmap to how we might do better in the future so that the voters can choose their politicians instead of the other way around.

[87] App. p. 144.

Exhibit 3

With new maps coming in 2021, days are numbered for Ohio's gerrymandered 'snake on the lake'

LIZ SKALKA
The Blade
lskalka@theblade.com

FEB 13, 2021 | 8:00 AM

Democrat Marcy Kaptur has represented her congressional district, as it's currently drawn, for almost a decade, and by now she's more than ready for a change.

Dubbed the “Snake on the Lake," Ohio's 9th Congressional District — often cited as a particularly egregious example of partisan gerrymandering — is due for an overhaul as state lawmakers prepare to draw new congressional and state legislative maps in 2021.

Redistricting occurs every 10 years to reflect new population trends, but this year marks the first time Ohio will update its maps since voters passed reform measures to curb the extreme partisan map-drawing that gave northern Ohio a bizarre Democratic congressional district extending from Toledo to Cleveland along Lake Erie.

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"They really hurt us," Ms. Kaptur said of the 2011 redrawing, when she lost some Toledo voting wards to Republican Rep. Bob Latta of Bowling Green. "They cobbled it up. They disrespected the community. I so resent what was done."

The first major mile-marker in congressional redistricting is expected by April, when the U.S. Census Bureau releases an initial batch of data that determines the number of U.S. House districts in each state. But NPR reported on Friday that other data needed to draw new voting districts could be delayed until Sept. 30, bumping up against deadlines for approving both state legislative and congressional maps.

Groups like All On The Line, Common Cause, and the League of Women Voters are already engaging voters about how they can participate in public input sessions.

"We are going through a brand new process with a brand new set of rules," said Katy Shanahan, the Ohio state director for All On The Line, an affiliate of former Attorney General Eric Holder's National Democratic Redistricting Committee. "Nobody has gone through this process the way we will this year. And so legislators owe it to their constituents to talk to them about what they can expect."

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While state legislative districts are redrawn by a redistricting commission that includes top executive officeholders and a bipartisan panel of lawmakers, the process for making new congressional maps occurs in the General Assembly, where Republicans have supermajorities in both chambers. The reform

measures passed in 2015 and 2018 are designed to promote bipartisan cooperation and give the minority more power in both situations.

But the process isn't unfolding how voters then might have imagined. The pandemic has delayed the release of necessary data and squeezed the 2021 timeline — map-drawing is now expected to begin in the late summer and state lawmakers will need an almost instant turnaround to meet current state deadlines.

At the same time, lawmakers are also preoccupied with confronting the ongoing effects of coronavirus and fallout from a corruption scandal involving the bailout of two northern Ohio nuclear power plants.

House Minority Leader Emilia Sykes, a co-chairman of the legislature's redistricting task force, said GOP lawmakers missed an opportunity to get an early head start when they ignored her request to release funds in 2019, after a court ruling almost forced lawmakers to redraw the congressional map for the 2020 election.

"We've known this was a requirement," Ms. Sykes said. "It's not like it snuck up out of nowhere, and we should have been preparing ourselves for it. That's one of the missed opportunities is not to have started this process a year or two years ago."

The reforms also leave plenty of room for political interpretation.

"The first thing we don't know is the degree to which the spirit of the redistricting reforms are really going to take hold of the process," said David Niven, a political science professor at the University of Cincinnati. "The spirit of the process is very clear. You don't needlessly chop towns and neighborhoods and counties into pieces ... but what's not clear is the operative reality that's going to come out of our new redistricting law."

There's still some sense of what's ahead in 2021. Ohio's sluggish population growth is expected to strip the state of at least one congressional seat, leaving it with 15 or fewer House members after the 2022 election.

That reality is having an immediate political impact as current congressmen consider whether to abandon re-election bids and instead run for the U.S. Senate seat being vacated by Republican Rob Portman, who announced last month that he won't seek re-election next year.

The reforms also guarantee that a district like Ms. Kaptur's can no longer exist. Lawmakers are required to pass a map that keeps 65 of 88 counties whole to prevent the kind of packing and cracking of communities that made the current configuration of the 9th District possible.

"Even if nobody cares about what the other side thinks and those incentives are ignored or not important enough, the new rules still require that better maps be drawn," said Senate President Matt Huffman of Lima, a leader on the 2018 reforms, who noted the 9th District was what Democrats asked for in 2011.

"If the minority [now] said, 'hey, we're OK if you draw that weird district that Marcy Kaptur's in, we think its better for us,' and the majority and minority both agree — you can't do that. It's bad governmental policy," he said.

Besides the "Snake on the Lake," Ohio is home to Republican Jim Jordan's mallard-shaped 4th Congressional District, which zigzags from Sandusky Bay to the Columbus suburbs and west toward Indiana. In southwest Ohio, Republican Steve Chabot's 1st Congressional District bifurcates Cincinnati and its suburban counties. Neither conforms to the rules voters passed for fairer districts.

But that doesn't mean those lawmakers are getting drawn out of a job.

Political insiders are mulling a few scenarios for eliminating a congressional seat, with the most likely being the erasure of Democrat Tim Ryan's district in northeast Ohio's Mahoning Valley, a part of the state that has become less hospitable to Democrats. Mr. Ryan is among those now weighing a bid to succeed Mr. Portman.

Several in Ohio's GOP delegation, including U.S. Reps. Anthony Gonzalez, Bill Johnson, and Steve Stivers, are also considering running.

Even if the 9th District returns to its roots as a northwest Ohio-based seat, that doesn't necessarily mean it's an easy transition for Ms. Kaptur, who had to compete against Cleveland Democrat Dennis Kucinich to retain her seat in 2012. The longest-serving woman in Congress, Ms. Kaptur's ties to Toledo and the region run deep, but some Republicans who view legacy Democrats as targets are hoping to create a more GOP-friendly Toledo district.

It's also possible that Cincinnati could gain a Democratic seat in a part of the state trending away from Republicans. The same goes for the Columbus suburbs.

"The transformative differences are likely to be in Cincinnati and in Columbus, where the mapmakers really took to those cities with surgical precision to try and create a Democratic Cincinnati with Republican representation and a Democratic Columbus with largely Republican representation," Mr. Niven said.

Ohio's map worked exactly as it was designed to for the past five elections. None of the state's four Democratic and 12 Republican districts switched parties, and for the most part general elections weren't close.

Ms. Shanahan, the All On The Line organizer, said there are enough loopholes in the new rules to keep advocates busy through the summer.

"My street that I live on is split in half between the 12th and 3rd Congressional Districts," she explained, joking that one of her goals is getting her entire Franklin County street into one district. Under the new rules, 18 counties are able to be divided once, and only five can be divided three times.

"Some of the worst offending districts will still be able to be drawn in quite the same way. There's still wiggle room in those rules, so it's going to be on us to make sure that those wiggles don't happen," she said.

Exhibit 4

Ohio lawmakers miss deadline to draw new congressional districts. What's next?

Jim Gaines, Springfield News-Sun, Ohio

October 1, 2021 · 4 min read

Oct. 1—State lawmakers missed the first deadline to redraw Ohio's congressional district maps on Thursday, having held no hearings on any proposals.

Republicans haven't released any redistricting proposals.

Democrats and two independent but frequently allied groups have made their map proposals public. All three would create seven districts that lean Democratic and eight that lean Republican, which aligns fairly closely with the state's overall partisan split. Ohioans voted 53% Republican and 45% Democratic in the 2020 presidential election.

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Ohio's current U.S. House delegation contains three Democrats and 11 Republicans, with two vacant seats to be decided in the general election Nov. 2. The 11th District was previously held by a Democrat and the 15th District by a Republican.

The General Assembly faced a Sept. 30 deadline to draw new maps, reducing Ohio's U.S. House of Representatives districts from 16 to 15, as required by 2020 census results. Each of the new districts will contain about 780,000 people.

The new process for drawing those districts, established in 2018 via state constitutional amendment, says legislators must hold at least two public hearings before approving a map.

They have held no hearings so far. House Speaker Bob Cupp, R-Lima, said Wednesday that he knew of no meetings scheduled for drawing congressional district maps.

Now the job goes back to the Ohio Redistricting Commission, which on Sept. 15 approved new maps for state House and Senate districts. Those maps were approved at midnight on the last possible day, and passed the commission by a 5-2 vote without any Democratic support, meaning they will only be in effect for four years.

Three lawsuits have been filed against the state legislative maps, denouncing them as gerrymandered to preserve a Republican supermajority in both houses.

Cupp co-chairs the redistricting commission with state Sen. Vernon Sykes, D-Akron. Aaron Mulvey, spokesperson for Cupp and Republicans on the redistricting commission, didn't specifically answer questions but provided a one-line statement Thursday.

"The speaker anticipates the work of the Redistricting Commission to be underway soon for the congressional maps," Mulvey said.

"We do not know yet when the redistricting commission will convene again," said Giulia Cambieri, Ohio Senate Democratic Caucus communications director and spokesperson for Democrats on the redistricting commission. "Sen. Sykes will reach out to his co-chair, Speaker Cupp, shortly to discuss that and set a schedule for the next meetings."

Democrats look forward to reviewing a Republican proposal when one emerges, she said.

"We do not know when that may be," Cambieri said.

The Ohio Redistricting Commission includes Gov. Mike DeWine, Secretary of State Frank LaRose, Auditor Keith Faber, Cupp, Vernon Sykes, Senate President Matt Huffman, R-Lima, and House Minority Leader Emilia Sykes, D-Akron. That gives Republicans a 5-2 edge.

The 2018 constitutional amendment says the redistricting commission must hold at least two public hearings and allow the public to submit map proposals. If commissioners cannot approve a bipartisan map by Oct. 31, the job goes to the General Assembly once again, which must act by Nov. 30.

If lawmakers at that point can approve a map by a 3/5 majority vote, including at least a third of Democrats — three in the Senate and 12 in the House — then the map will last for a decade.

Failing that, the General Assembly can pass a map by a simple majority vote, but like the recently approved state legislative map it would only be in force for four years.

Ohio Senate Democrats released their map proposal as Senate Bill 237, with Sens. Sykes and Kenny Yuko, D-Richmond Heights, as primary sponsors.

Fair Districts Ohio and the Ohio Citizens Redistricting Commission also released maps. Both organizations are supported by voting rights groups, various progressive groups and minority advocates.

Fair Districts Ohio sponsored a public map-drawing contest which received nearly 40 entries since Aug. 27. The first-place winner was John Hagner of Yellow Springs.

"Redistricting is all about trade-offs, but what this map shows is that it's possible to balance minority representation, representative fairness, and competitive districts with boundaries that make sense and reflect Ohio communities," Hagner said in the Fair Districts Ohio news release. "Tortured lines, and split communities, and districts that sprawl across the state are deliberate choices to make elections less competitive, and we can demand better."

Exhibit 5

Ohio Politics

Ohio Redistricting Commission to hold meeting, but won't approve congressional maps before adjourning

Updated: Oct. 27, 2021, 1:15 a.m. | Published: Oct. 26, 2021, 1:39 p.m.

Members of the Ohio Redistricting Commission. They are (from top to

bottom and left to right): Secretary of State Frank LaRose, Gov. Mike DeWine, State Auditor Keith Faber, Sen. Vernon Sykes, Senate President Matt Huffman, House Minority Leader Emilia Sykes and House Speaker Bob Cupp. (State of Ohio photos) State of Ohio

By Andrew J. Tobias, cleveland.com

COLUMBUS, Ohio -- After weeks of public inactivity, the Ohio Redistricting Commission will hold its first and only meeting this week to consider congressional map plans. But it won't be passing anything before a Oct. 31 deadline, meaning responsibility to redraw Ohio's congressional maps is headed back to the Republican-controlled state legislature.

The redistricting commission will meet at 10 a.m. on Thursday at the Ohio Statehouse in Columbus to consider maps that have been introduced, including those by Ohio Senate Democrats, according to a meeting agenda.

The commission will give map sponsors the opportunity to testify about their proposals. But Ohio Republicans who control the commission won't be introducing a map of their own, much less voting on a Republican plan, according to House Republicans. And members of the public won't be allowed to comment on the plans or on the issue generally.

Under Ohio's new redistricting rules, the commission's authority to pass new congressional maps will expire at the end of the month, with responsibility then shifting back to the Republican-controlled state legislature. That means three Republicans on the seven-member Ohio Redistricting Commission -- Gov. Mike DeWine, Secretary of State Frank LaRose and state Auditor Keith Faber -- will be cut out of the process.

House Speaker Bob Cupp, a Lima Republican who co-chairs the redistricting commission, told reporters about his plans for the commission at the Statehouse on Tuesday. An official announcement is going out soon, according to a spokesman.

The leading Democrat on the redistricting commission, Akron Sen. Vernon Sykes, for weeks has been calling for the commission to hold hearings to consider map proposals. But Cupp, as the co-chair of the commission, has to also agree to hold a meeting. Republicans have stood pat, indicating they plan to run the clock until November. They've blamed legal challenges to the state legislative maps commission Republicans approved last month. The process also has been set back by the delayed completion of the U.S. Census, the results of which are used to design the maps.

But GOP legislative leaders also have said they think there are strategic advantages to bypassing the commission and waiting until November.

Senate President Matt Huffman, a Lima Republican who has played a lead role in redistricting, told reporters last week he thinks it will be easier to negotiate when the only involved parties are House and Senate Republican and Democratic leaders.

"I do think it makes a difference if we have this sort of seven-headed animal, the redistricting commission, come to a decision, versus the General Assembly, which is one vote in the Senate and one vote in the House," Huffman said.

The Republican-dominated legislature will have until the end of November to approve maps. In order to get maps that will last for the typical 10 years, at least one-third of Democrats in the House and Senate will have to approve them.

Legislative Republicans could approve maps with a simple majority vote and no Democratic support. But those maps would expire after four years.

Legislative Republicans missed another congressional redistricting deadline when they failed to introduce a map proposal by the end of September, giving temporary control over the

process to the redistricting commission. Passing maps in September would have required votes from half of legislative Democrats, a higher bar for bipartisanship than the rules require in November.

Huffman told reporters last week his plan is to seek bipartisan, 10-year maps. But the redistricting process so far has shown little evidence of bipartisanship, with Republicans on the commission approving state legislative maps that are expected to award the GOP two-thirds of legislative seats, preserving their veto-proof majority while prompting lawsuits from a multitude of voter-rights groups, Democratic-linked groups and generally progressive advocacy groups.

Ohioans in 2015 and 2018 overhauled the state's redistricting process, overwhelmingly approving anti-gerrymandering reforms that created the Ohio Redistricting Commission and put in place new rules meant to promote bipartisanship, representational fairness and transparency while limiting how counties and cities can be split.

But hundreds of pages of depositions and other legal filings, filed as evidence in the redistricting lawsuits, show that maps were drawn by Republican staffers with oversight from Huffman and Cupp, but with little input from anyone else on the seven-member redistricting commission. Republicans also have contended that language in the 2015 reform directing the maps to be politically representative of statewide voter preferences are not legally enforceable, an argument rejected by voting-rights advocates, Democrats and a leading state constitutional expert.

Anticipating that the redistricting commission would adjourn without approving a new congressional map, House Minority Leader Emilia Sykes, the second Democrat on the Ohio Redistricting

Commission, on Tuesday called on Republican legislative leaders to make preparations for moving something through the legislature.

In a letter, Sykes called on Cupp and Huffman to organize a special redistricting committee, including naming committee members, by Nov. 4, to introduce a map proposal by Nov. 10 and to hold at least one of two mandatory public hearings on the maps by Nov. 15.

A proposal Senate Democrats introduced in late September is the only officially proposed congressional map plan, in a map that would draw eight Republican districts, six Democratic ones and a single toss-up district that would lean Democratic. The proposal was a nonstarter with Republicans, since it would cause the GOP to lose at least four congressional seats compared to the status quo.

Ohio's current congressional maps, drawn as a pro-Republican gerrymander in 2011, awarded 12 of the state's 16 congressional seats to Republicans, with no seat changing hands for the decade they appeared on the ballot, even though Republicans

only got around 55% of the votes during that time. Ohio is losing a congressional seat after last year's U.S. Census found its population growth didn't keep up with other states.

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Exhibit 6

Ohio GOP lawmakers unveil Congressional map proposals

The Statehouse News Bureau | By Andy Chow

Published November 3, 2021 at 4:53 PM EDT

Andy Chow / Statehouse News Bureau

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

Democratic lawmakers and voter rights groups criticized the GOP leaders for not providing more information about their redistricting proposals.

State Republican lawmakers are introducing two proposals, one from the House and one from the

Senate, for new Congressional district maps.

The roll-out comes with confusion over how exactly the maps break down, with voter rights groups arguing a lack of transparency in the process.

The maps were presented during House and Senate committee meetings Wednesday, but Republican leaders did not provide the detailed files needed to see where the districts lines lie and how they break down politically.

Rep. Stephanie Howse (D-Cleveland) said the Republicans failed to provide all the information needed to understand their maps.

"If I can't figure it out and I'm here, what do you think the average Ohioan is going to do," said Howse.

The Republican maps differ on how many are strong GOP districts and competitive districts. But both only have two strong Democratic districts.

According to Dave's Redistricting, a national legislative district analyst, the House GOP proposal, HB 479, creates 13 districts that heavily favor Republicans and two districts that favor Democrats.

The 15-district Congressional map proposed by House Republicans in HB 479

The Senate GOP's proposal for a new Congressional district map, SB 258, creates six districts that favor Republicans, two districts that favor Democrats, and seven districts that lean Republican.

Ohio Senate Republicans' proposed Congressional map in SB 258

Voter rights groups are questioning the definition of competitive districts by Republican leaders. House Republicans were basing competitiveness on districts that split 55% Republican and 45% Democratic.

Sen. Rob McColley (R-Napoleon) introduced the Senate GOP map in committee. He argued the proposal created more competitive districts than the current maps, where Ohio has 12 Republican congressional members and 4 Democratic congressional members.

"I know there's been some discussion about whether it unduly favors or does favors a political party or it's incumbent. That is not a requirement unless we were to draw a four-year map," said McColley. "Additionally, I would say that our goal and our hope is that we get the opportunity to draw a ten-year map."

Ohio voters approved reforms to the Congressional redistricting process in 2018. Those changes included

rules for mapmakers to limit the amount of times counties could be split. Most of Ohio's counties are required to be kept whole with the five largest counties allowed to be split twice, creating three different districts.

McColley says the Senate plan only splits 14 counties. Eleven counties split with one line, and three counties are split with two lines. Those three counties are Franklin, Cuyahoga, and Hamilton. The Senate map puts two sets of Congressional incumbents in the same district; Republican Bill Johnson and Democrat Tim Ryan in one, and Democrat Joyce Beatty and Republican Jim Jordan in the other.

But members of Congress are not required to live in the districts they represent - only the state they represent.

The House plan splits 13 counties, keeping the rest whole. That Congressional map creates three districts out of four counties; Franklin, Cuyahoga, Hamilton, and Summit.

Tags Government/Politics redistricting Congressional redistricting

Andy Chow

Contact Andy at achow@statehousenews.org.

See stories by Andy Chow

Exhibit 7

Rep Wilkin:

I now call the November 3rd House Government Oversight Committee to order. The clerk will take the role.

Clerk:

Chair Wilkin.

Rep Wilkin:

Yes.

Clerk:

Vice Chair White.

Rep White:

Yes.

Clerk:

Ranking Member Brown.

Rep Brown:

Here.

Clerk:

Representative Abrams.

Rep Abrams:

Here.

Clerk:

Carfagna.

Rep Carfagna:

Here.

Clerk:

Galonski.

Rep Galonski:

Present.

Clerk:

Ginter.

Rep Ginter:
Here.

Clerk:
Hicks-Hudson.

Rep Hicks-Hudson:
Present.

Clerk:
Howse.

Rep Howse:
[inaudible 00:00:21].

Clerk:
Jones.

Rep Jones:
Here.

Clerk:
Kelly.

Rep Kelly:
Here.

Clerk:
Plummer.

Rep Plummer:
Here.

Clerk:
And Seitz.

Rep Seitz:
Here.

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

Rep Wilkin:

A couple of quick housekeeping things before we get going. If there are no objections, our new ranking member Representative Brown will be appointed as the secretary. Hearing none, congratulations and welcome, Representative Brown.

Rep Wilkin:

For our audience. If you plan to record or video, please make sure you fill out a slip. There should be right down there on the table if you need one.

Rep Wilkin:

With that said, at this point, I would like to call up House Bill 497 for its first hearing, and right now, the Chair recognizes Representative White for a motion.

Rep White:

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

Rep Hicks-Hudson:

I object.

Rep Wilkin:

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

Rep Brown:

Mr. Chair?

Rep Wilkin:

Yes.

Rep Brown:

May I make a statement on the record?

Rep Wilkin:

Sure.

Rep Brown:

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

Rep Brown:

It's our goal and desire as the Democratic caucus to get a 10 year map. However, it seems to me that perhaps we're getting off on the wrong foot by at the last minute, offering a map and a sub bill which we have not had an opportunity to review in any kind of meaningful way, and have had no opportunity to have any discussions with anyone, including the majority, with regard to these matters. So, we would simply ask that the majority agree voluntarily not to offer the sub bill at this time. If the majority desires to proceed forward, then we would have to formally object to the sub bill. Thank you.

Rep Wilkin:

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

Rep Galonski:

[inaudible 00:03:36].

Rep Hicks-Hudson:

It was Representative Galonski who objected, but I just wanted [inaudible 00:03:42].

Rep Wilkin:

Chair recognizes representative Hicks-Hudson.

Rep Hicks-Hudson:

Thank you, Mr. Chair. My point of order is that as the ranking member has just said, I believe that we do need to have further discussion before this bill, and an opportunity to examine it in all manner. Because as we are looking at trying to put forward a 10 year map, it is incumbent upon all of us, the weight and the seriousness of it. And we have been waiting, the public has been waiting, the citizens of Ohio have been waiting for a fair opportunity to examine and to be able to look at the ramifications of what's being proposed. And with just having received it less than of 20, 30 minutes ago, it is really a major issue for us as part of this caucus, as part of being citizens.

Rep Hicks-Hudson:

When we look at procrastination on the part of the majority and this process before us has now created, in my estimation, a constitutional crisis. We need to be very careful moving forward, that we, number one, maintain the will of the people that created this process for us. And number two, that we use all of our resources and due diligence in order to be sure that what is presented, and ultimately voted on, reflects the will of the people of the state of Ohio. So, therefore, I think that before there is a vote, there needs to be further discussion about this, and that this bill, the substitute bill, should be held in abeyance until all of us are able to review it carefully. Thank you.

Rep Galonski:

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

Rep Wilkin:

The Chair recognizes Representative Galonski.

Rep Galonski:

Thank you.

Rep Wilkin:

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

Rep Galonski:

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

Rep Wilkin:

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

Clerk:

Chair Wilkin.

Rep Wilkin:

Yes.

Clerk:

Vice Chair White.

Rep White:

Yes.

Clerk:

Ranking Member Brown.

Rep Brown:

No.

Clerk:

Representative Abrams.

Rep Abrams:

Yes.

Clerk:

Carfagna.

Rep Carfagna:
Yes.

Clerk:
Galonski.

Rep Galonski:
No.

Clerk:
Ginter.

Rep Ginter:
Yes.

Clerk:
Hicks-Hudson.

Rep Hicks-Hudson:
No.

Clerk:
Howse.

Rep Howse:
No.

Clerk:
Jones.

Rep Jones:
Yes.

Clerk:
Kelly.

Rep Kelly:
No.

Clerk:
Plummer.

Rep Plummer:

Yes.

Clerk:

Seitz.

Rep Seitz:

Yes.

Rep Wilkin:

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

Rep Howse:

Mr. Chair? A question.

Rep Wilkin:

Let's let Representative Oelslager start.

Rep Howse:

But that's my question. Where is his testimony?

Rep Wilkin:

We do not have the testimony uploaded on the iPads at this time.

Rep Howse:

Oh.

Rep Wilkin:

So, Mr. Oelslager, you may begin when you're ready.

Rep Howse:

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

Rep Wilkin:

Representative Howse, I understand that, and we try and do the best we can on that, but it is not required by the rules. Therefore, at this time, Mr. Oelslager, please proceed.

Rep Howse:

Okay, great. Great. Appreciate it.

Rep Wilkin:

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

Rep Oelslager:

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

Rep Oelslager:

As you know, Ohio voters and the general assembly partnered to pass and approve a constitutional reforms to Ohio's redistricting process, and ultimately the makeup of future redistricting plans. I am happy to share with you today, a congressional redistricting plan that meets all mandatory requirements of Article XIX of the Ohio Constitution. The plan also achieves certain aspirational sections of Article XIX. I'd like to share with you some highlights of the proposal.

Rep Oelslager:

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

Rep Oelslager:

I'll now share about the bill's impact on Columbus, Cleveland, and Cincinnati. Article XIX, Section 2B 4a specifies a congressional district plan shall attempt to include a significant portion of any municipal corporation or township in a single district that qualifies with criteria in that section, which today only applies to Columbus. In determining the population of Columbus, this section specifies that county subdivisions circumscribed by the jurisdiction are to be included in the population count. I am proud to say approximately 70% of Columbus is within one congressional district, a percentage cited in public testimony before the Ohio Redistricting Commission. Article XIX, Section 2B 4b, which today applies to Cleveland and Cincinnati, specifies that neither city may be split into more than one congressional district. The plan before you today, complies with that section. Cincinnati is wholly contained in Congressional District One, and Cleveland is wholly contained in Congressional District 11.

Rep Oelslager:

I'll now share about county and county subdivision splits. Section 2 B5 of Article XIX requires 65 counties to be wholly contained in a congressional district, and permits 18 counties to be split once, meaning a portion of the county boundary is included in two districts. And five counties may be split twice, meaning a portion of the county boundaries included in three districts. The plan before you is constructed with 75 whole counties and 13 split counties. Three counties, Franklin, Cuyahoga, and

Hamilton, all of which have a population of greater than [inaudible 00:11:27] one ratio, must be split due to population requirements.

Rep Oelslager:

Another aspect of this proposal that I am proud of, is all 15 congressional districts consist in part of at least one whole county. The congressional district plan in place today splits 23 counties, with two counties being split into four congressional districts. Substitute House Bill 479 split 16 subdivisions, mainly due to the balancing of districts down to the person, which is about half the number of subdivision splits that exist in the current congressional map.

Rep Oelslager:

It is important to note the Ohio Constitution clarifies subdivision boundaries that perforate multiple counties and are considered to be separate subdivisions and are not split. The same applies to any non-contiguous portions of a subdivision. Substitute House Bill 479 is a constitutionally compliant congressional plan, which is always the primary factor, but also a plan that focuses on maintaining whole communities within congressional districts. Thank you for your opportunity to testify, and I'm happy to do the best I can to answer your questions. Thank you, Mr. Chairman.

Rep Wilkin:

Thank you, Representative Oelslager. At this time, I will recognize Representative Galonski.

Rep Galonski:

Thank you to the Chair, and thank you Representative Oelslager for testifying here, today. It seems to me that you were reading your testimony, and I was wondering if you would be amenable to having that uploaded so that we could evaluate it. And then, I'd like to make a motion for a recess so that we could have time to evaluate your testimony before asking questions.

Rep Oelslager:

I would yield to the chairman decision on that issue

Rep Wilkin:

At this time, we're going to go through... I already have a list of people that have questions, so at this time we're going to proceed with questions for the bill's sponsor. Is there any follow up? Representative Hicks-Hudson. Representative Hicks-Hudson?

Rep Hicks-Hudson:

Thank you, Mr. Chair. Thank you for your testimony, although you you've made various assertions, and I'd like to know some of the basis. You mentioned in your assertion about that the map goes down to the precinct level in terms of districts.

Rep Oelslager:

Mm-hmm (affirmative).

Rep Hicks-Hudson:

What do you mean by exactly precincts? Are you talking about individual precincts? Are you talking about combinations? How were these precincts decided in terms of creating this particular map?

Rep Oelslager:

Mr. Chairman, Representative Hicks-Hudson, I said precinct, but then I corrected myself. It should have been person, down to the person.

Rep Hicks-Hudson:

Okay. I didn't hear person, so thank you for that clarification.

Rep Oelslager:

Sure, certainly.

Rep Hicks-Hudson:

Follow up, if I may.

Rep Wilkin:

Follow up.

Rep Hicks-Hudson:

Thank you. Thank you, Mr. Chair. And thank you for that clarification. You also talk about, again, going back and making reference to the constitution, and I'm just trying to understand how, for example, in looking at district... and I really want to talk about District 9, which is mine, but I'm looking at district... Well, let's talk about District 9, in particular. How does that particular drawing specifically comply with your testimony?

Rep Oelslager:

Mr. Chairman, Representative Hicks-Hudson, that is more of a technical question, that if you leave your question with the Chair, I'll respond, but I cannot answer that question at one time.

Rep Hicks-Hudson:

Just follow up and statement.

Rep Wilkin:

Follow up.

Rep Hicks-Hudson:

Thank you, Mr. Chair, and thank you for your candor as it relates to my question. But your answer really does highlight the need for us to slow this process down, for us to be able to look at this and not react in less than 30 minutes. So, I would like not only for you to be able to give us the answer to, as I talked about District 4, but will you be able to give us that specificity for all of these districts as how this map was drawn? And bless your heart, my last question is to you, who actually put this map together for you?

Rep Oelslager:

Mr. Chairman, Representative Hicks-Hudson. Mr. Blake Springhetti drew this map and he is the author of the map.

Rep Hicks-Hudson:

Thank you. Thank you, Mr. Chairman.

Rep Wilkin:

Thank you. Representative Kelly.

Rep Kelly:

Thank you, Mr. Chairman. I wanted to start out with a question about Hamilton County, because that's where I'm from, and people are frustrated now with the way that the district has been split. So I was hopeful, but not optimistic, that folks in Hamilton County would be able to really see the result of an intentional process that stayed true to what the people asked for when they passed redistricting reform. And I just, when you were giving your testimony, kept thinking of this thing that my mom always says was, "Just because you can, doesn't mean you should." So, I understand that the cities have been kept wholly together, but I guess my question is how did you determine what like communities stayed together on this map, specifically in Hamilton County and across the state?

Rep Oelslager:

Thank you, Mr. Chairman and Representative Kelly. The goal here of this particular plan was to talk about regionally across base districts, and by taking it down to the person, follow historically what Ohio has done in that regard. Now, as I said in my testimony, Cincinnati is wholly contained in Congressional District 1. As far as the technicality of what you're saying, that again is something I can't answer today, that I'd have to ask you to ask the Chairman your question, and we can get back to you.

Rep Wilkin:

Follow up?

Rep Kelly:

Yes, thank you, Mr. Chairman. I guess my other question, and I don't know if this is a question that's best directed to you or not, but I mean, I think that again, when the redistricting form reform was passed, it because people were mad, that they felt like they weren't being heard. They felt like the process was being rigged against them, and that by rigging the lines, their voices aren't heard, their issues aren't taken seriously, whether it's in the halls of the state legislature or in the halls of Congress. So, I'm just wondering, we got this map today at 10:42. We've got folks coming in tomorrow. Can we expect better in terms of people's ability to have a transparent, accessible process, in order to talk about what these maps actually mean to them?

Rep Oelslager:

Mr. Chairman, Representative Kelly, as the Chairman mentioned, he's going to have some hearings. Also, the constitutional requirement, actually, when there's a joint committee, I believe it requires two hearings in that process, too. But it's up to the Chair, then, to decide how the committee process will go. I'm just here to present the bill.

Rep Wilkin:

Any follow up? Representative Brown.

Rep Brown:

Thank you, Mr. Chair.

PART 1 OF 4 ENDS [00:20:04]

Shane Wilkin:

... Representative Brown.

Richard Brown:

Thank you, Mr. Chair. Thank you, Representative, for your testimony. The Ohio Constitution article 19 section 02, paragraph B, sub-paragraphs 2 and 3 provide that every congressional district shall be both compact and contiguous. With regard to the compact aspect, I'm looking at the map on my phone and it looks like there's a purple anaconda stretching from Trumbull County along the Ohio River to Lawrence County, taking in virtually every county along the Ohio River on the eastern and southeastern part of the state. How is compactness being defined by this map? Is this some kind of a vision test? Some kind of an aesthetic measure? Or was this an algorithm or a measure or perimeter used to arrive at the compactness issue? Thank you.

Scott Oelslager:

Thank you, Mr. Chairman. Representative Brown, Counselor, that's a very good research you've done there. That would be something I'd have to yield also since it's a more technical question and I just shared I was not the map maker, to give that back through the Chair.

Richard Brown:

Follow up, Chair?

Shane Wilkin:

Please.

Richard Brown:

Thank you. Thank you, Representative, for your remark. Appreciate it. Is it the intent of the majority caucus to have a 10-year congressional map? Or are you predisposed to arriving at a four year congressional map?

Scott Oelslager:

Mr. Chairman, Representative Brown, that's actually a decision that I have not been involved with. I have not had any discussions with anybody. And I believe that will be a decision made above my pay grade in this process. And I'm sure though there will be discussions as this bill proceeds its way through the legislature of both parties, probably your leadership getting together and sitting down and see what they can work out.

Richard Brown:

Thank you, Representative.

Shane Wilkin:

Representative Howse.

Stephanie Howse:

Thank you through the Chair. To the other chair, thank you. Thank you for the congratulations. Couple of questions. Do you believe the map that was presented today is the expectation from Ohioans who voted for congressional redistricting? Do you think this is the map that they wanted?

Scott Oelslager:

Mr. Chairman, Representative Howse, this map we firmly believe meets all the constitutional requirements and the public did vote for this constitutional amendment. So I'd have to say in the abstract sense, certainly since they voted for this constitutional amendment and this map does [crosstalk 00:22:42]-

Stephanie Howse:

This is what they-

Scott Oelslager:

[inaudible 00:22:44] I would feel yes.

Stephanie Howse:

Okay. Follow up?

Shane Wilkin:

Follow up.

Stephanie Howse:

Through the Chair to the Chair, in your testimony you talked about is the intention to keep communities whole. That's correct, right? And so if you can actually define what is your definition or what was the definition of community in designing and developing these maps?

Scott Oelslager:

Thank you, Mr. Chairman, Representative Howse, again, I was not the map maker. That would be one that we'd have to get the information on and try to get back to you.

Stephanie Howse:

Follow up?

Shane Wilkin:

Follow up.

Stephanie Howse:

Thank you. Through the Chair to the Chair's sponsor, so just get into my question re as you indicated in your testimony that, if I'm not mistaken, 75 counties were made whole, 13... No. 75 [inaudible 00:23:41] counties were made whole. 13 counties are split once. And then three counties were split twice. Is that correct? Is that what you're telling me [crosstalk 00:23:50]?

Scott Oelslager:

Mr. Chairman and Representative Howse, I'm looking back through to make sure I have that before me. Yes. I'll repeat my testimony if that's all right, Representative Howse.

Stephanie Howse:

Sure.

Scott Oelslager:

The plan before you is constructed with 75 whole counties and 13 split counties.

Stephanie Howse:

Okay. Oh, it's 13? Okay.

Scott Oelslager:

Yes. [crosstalk 00:24:14].

Stephanie Howse:

Okay. Because I was like, "The math was off." Okay. That's what is 13 split counties. Follow up?

Shane Wilkin:

Follow up, please.

Stephanie Howse:

Thank you. To the Chair, to the sponsor of the bill, so I always go in the context of who we are serving, and so as I have conversations about what we're doing and if we want regular Ohioans to understand this, we have been presented with a map that is really hard to... You know what I'm saying? To see. And I'm looking at the Cuyahoga County map, which has been split into three, but it's... What is the expectation of a regular citizen to be able to interpret these maps? How was that put into a place in this presentation?

Scott Oelslager:

Okay. Mr. Chairman, Representative Howse, if I don't answer your question, tell me I didn't answer your question.

Stephanie Howse:

Okay.

Scott Oelslager:

And get back to me. I'm sure as we speak, the maps that are before you are probably being sent out throughout the state through news media organs, through interest group organs and so on and interested party organs. You just name it, political organs. They'll have it before them. So they'll certainly have opportunities before this bill moves through both chambers and this chamber to have opportunity for input. So that's the best I can. I hope that answers your question.

Stephanie Howse:

I mean, so clarification on my question through the Chair to the sponsor of the bill, and this will be my last point for the moment. So as we have new census numbers, if you look at who is a typical, average Ohioan, what is their education level and how they are able to interpret what we're doing, because again, I don't think that we should just do stuff just for us to understand. We're doing a map that's supposed to be for all of us and having something that basically the average Ohioan can understand, was that taken into account when presenting this information? Because like I said, it's hard to digest when you just received it less than a hour ago.

Scott Oelslager:

Mr. Chairman, Representative Howse, I would say again, I think these maps will certainly engender deep discussions throughout, and those groups and individuals who wish to interpret the maps, to take a good look, I think there's going to be plenty of opportunities through different mediums for them to do that. Also, this is my fifth time through redistricting as a member of the legislature. I do know that phone calls and now emails, et cetera, will be coming into your offices from all sorts of our great Ohio folks that are very interested in this. Also, I'm sure we're all going to hear from our congressional members as they take a look at this map. They will be making statements and if history's a guide, they will be having people call us and take a look also. So I do believe that there'll be plenty of opportunity for that average Ohioan. And it's my hope that they do take a good look at this and give us their input.

Stephanie Howse:

Thank you.

Shane Wilkin:

Representative Galonski.

Tavia Galonski:

Thank you to the Chair and thank you so much Representative Oelslager for testifying here today. To follow up on Representative Howse's question, when exactly will the people and will we receive the shape files? We've been given a PDF. When will we expect, day and hour, when will we receive the shape files so that we can analyze those? And I have a follow up question.

Scott Oelslager:

Thank

Shane Wilkin:

Representative Oelslager?

Scott Oelslager:

Mr. Chairman, Representative Galonski, that'd be something I'd have to ask staff about. That's not something I've been informed of or what the decision making that I was involved with.

Shane Wilkin:

Follow up.

Tavia Galonski:

Thank you to the Chair. And thank you, Representative Oelslager. Can you explain to us whether or not your maps... Again, thinking about how we are trying to achieve a 10-year map and following along with the constitution, can you explain how the map that you presented today either duly or unduly shows partisanship? What are your thoughts with regard to the map?

Scott Oelslager:

Mr. Chairman, Representative Galonski, are you asking me to explain perhaps the partisan breakdown of the map?

Tavia Galonski:

Yes.

Scott Oelslager:

Thank you, Mr. Chairman. The map issued before you today is made up of eight, five and two. Eight districts are leaning Republican. Five districts are competitive. And two districts are leaning Democrat.

Shane Wilkin:

Follow up? Representative Kelly.

Brigid Kelly:

Thank you, Mr. Chairman. Actually Rep. Galonski's question about the partisan breakdown was a brilliant question and one that I was going to ask. But can you talk about what your definition is of competitive?

Shane Wilkin:

Representative Oelslager?

Brigid Kelly:

Mr. Chairman, Representative Kelly, as explained to me, the competitive district is between 45 and 55%, one way or another. And that is something that with the right candidates, you know from your experience, with the right candidate, right organization, right issues, is winnable by either party. The guy looking at you right now has always been in a district that falls within those categories. So it's quite possible in those competitive districts with 45 to 55, given all the [inaudible 00:29:48] circumstance as you know, that either party could win them.

Shane Wilkin:

Follow up.

Brigid Kelly:

Thank you, Mr. Chairman. Thank you, Chairman. I mean, the reason to ask that is because I think throughout this process, people have different definitions of competitive. So I just want to make sure that we're clear on that. My other question was just about how this map complies with the Voting Rights Act. And I wasn't sure if you could further enumerate on that.

Scott Oelslager:

Certainly.

Shane Wilkin:

Chairman Oelslager.

Scott Oelslager:

Chairman, Representative Kelly, this map absolutely conforms to the civil rights voting... Excuse me. The Voting Rights Act. As someone who lived through all those different issues, which are wonderfully passed, I get confused with what they called. Showing my age right now.

Shane Wilkin:

Representative Kelly.

Brigid Kelly:

Sorry, Mr. Chairman and Chairman Oelslager, would you mind to talk a little bit about how it complies, not just whether it complies? So how does it comply with the Voting Rights Act?

Scott Oelslager:

Mr. Chairman, Representative Kelly, discussing again with the map maker, he assured me that it does comply with the Voting Rights Act. And that's about all I can really answer unless you have a follow up question for me. I mean, that's the best I can do.

Shane Wilkin:

Representative Howse.

Stephanie Howse:

Thank you to the Chair. To sponsor, question on, and moving which I hope is the intention of this body or the leadership or the people that make decisions with the higher pay grade, the decision to have a 10-year map, if you can kind of go through for those that are in the minority party what expectations or engagement opportunities is being presented for this body for engagement and what does that look like? Because we just got this map about an hour ago, and now we have to look into it. But where do we go from here? Where do we go from here to get to a 10-year map?

Scott Oelslager:

Certainly, Mr. Chairman, Representative Howse.

Stephanie Howse:

And can I have a clarification?

Scott Oelslager:

[crosstalk 00:31:56].

Stephanie Howse:

And I understand and I'm one of those people talking real talk, I know about constitutional things, but actual in practice, what does it look like? What is the work? What is the work to get to a 10-year map?

Scott Oelslager:

I didn't hear the last phrase. I'm sorry.

Stephanie Howse:

What is the work, W-O-R-K, the work? I know we have this constitutional requirement, but the actual work to getting a bipartisan map that includes work. So what does that look like to you?

Scott Oelslager:

Thank you, Mr. Chairman, Representative Howse. As with any bill that is before us, there'll be give and take between the different parties. And I think in this case, especially since I've been informed that in the Senate, there will be a proposal from the Democratic party and a proposal from the Republican party in the Senate. So that by definition will engender a conversation that both sides will recognize the nuances of both of their maps. And I fully participate, again, especially in this level at your committee hearing tomorrow and however many there are, that there'll be a give and take. You will have testimony from people that are from different spectrums of the political spectrum to come in and share their views. And I'm sure that there'll be discussions amongst leadership of the majority and minority parties. That's how I'd anticipate. That's what I've seen in the past, if past is prologue. But again, I personally will not be planning a schedule or determining that, but that's how I would foresee it happening.

Stephanie Howse:

Thank you.

Shane Wilkin:

Just a quick note from the Chair. I believe it was Representative Galonski that asked about the block assignments. If you scroll all the way it down.

Tavia Galonski:

[inaudible 00:33:50] I asked about [inaudible 00:33:50] when we did the shape [inaudible 00:33:51].

Shane Wilkin:

Okay. Well, I just want to make sure that everybody knows the block assignment file is at the very bottom of the... Okay. All right. Representative Brown.

Richard Brown:

Thank you, Mr. Chair. Representative, you previously responded to a question that concerned the concept of competitiveness and you were asked to define that, which you did. The term competitiveness, however, is not used in the Ohio Constitution with regard to redistricting of congressional districts. Instead, there is a phrase which is found, which is unduly favor. So I want to ask the question with a more direct connection to the Constitution, which is, does this map unduly favor Republicans?

Scott Oelslager:

Mr. Chairman, Representative Brown, I do not have the Constitution or any of the case law or anything before me. Once again, you're being a great trial lawyer, cross-examining somebody, and that's your job, but I would have to yield to further investigation before I respond to a constitutional, something that's been decided by the Constitution or is in the Constitution without seeing it myself.

Shane Wilkin:

Follow up.

Richard Brown:

Thank you, Representative. Thank you, Chair. Another question. And I think hopefully you can answer this. I think you will. Do you plan to be here in the committee room tomorrow for tomorrow's hearing on this sub bill?

Scott Oelslager:

Mr. Chairman, Representative Brown, if the Chair would like me to be here, I could possibly be here. I don't know. Might have to look at... Just to determine that for sure. But I'm sure you're going to have plenty of other witnesses and I'm really feeling that I'm answering your questions today and that's my responsibility as sponsor, not to be answering questions after the sponsor's testimony and sitting in the audience.

Shane Wilkin:

Follow up.

Richard Brown:

It's a better question for the Chair when we're done. So that's all. Thank you, sir.

Shane Wilkin:

Representative Carfagna.

Rick Carfagna:

Thank you, Mr. Chairman. More of an observation/comment, but it builds on what Representative Galonski had talked about with trying to get more detailed, the shape files. And I'm just looking back and forth between the actual maps that have been presented, but I'm also reconciling it with the sub bill. And my suggestion is for folks that live in any of the 13 split counties and you're wondering, "Where am I falling into? It's kind of hard when I zoom in on these maps," if you pull up the sub bill, as I just did, I live currently in the 12th district in Delaware County, it's now going to become the 4th district and it looks

like there's a portion of Franklin County, and as I scroll down the sub bill, it breaks out and specifically lists all of the precincts in Franklin County that are going to be proposed within the new 4th district.

Rick Carfagna:

So for example, for folks that live in Plain Township, precinct Day, it's listed right here, Plain township, Precinct day, as well as New Albany, Westerville, assorted Columbus Precinct. So if that's helpful to just members of the public that may be following along with this and they want a little bit more detailed information, I highly suggest that you just open up the sub bill. Obviously, it's a long bill. It's 300 plus pages. But really a lot of it involves just listing out those specific precincts. So if that's helpful, I just wanted to get that information out there as I'm observing this myself. Thank you, Mr. Chairman.

Shane Wilkin:

Representative Galonski.

Tavia Galonski:

Thank you to the Chair. And so thank you, Representative Carfagna, and thank you, Representative Oelslager. I'm not a map artist or a specialist in maps, but in order for proper analysis to happen, we do need the shape files. And thank you very much. So turning back to Representative Oelslager, I heard your testimony about how other people would be here to testify, and would it be your position that they don't need to provide their written testimony either, that they should just be able to come in and make their statements? And if so, to the Chair, will you agree to waive the requirement that they provide their testimony within 24 hours? Because the hearing is tomorrow at 10 and that doesn't seem right.

Shane Wilkin:

Representative Galonski, the Chair will be as flexible as they possibly can. Any follow up?

Tavia Galonski:

No. Thank you.

Shane Wilkin:

Representative Hicks-Hudson.

Paula Hicks-Hudson:

Thank you, Mr. Chair. And again, thank you, Representative Oelslager, for being the sponsor that brought this bill to us today. My question really more is to you, Mr. Chair, and it's kind of a follow up to what Representative Galonski asked in terms of process and procedure. And it really is that what is the plan for us going forward? I know we're scheduled for a committee hearing tomorrow and that's for testimony. Is that for all testimony? Proponent testimony? Opponent testimony? You've just said that you will be flexible, but is that flexibility will allow for some members of the public to not have their testimony submitted on time, or whatever on time actually means at this point? So is your flexibility will allow for testimony that will be written just as how Representative Oelslager did this morning?

Shane Wilkin:

So Representative Hicks-Hudson, I hope you know from our last meeting in here when I admitted that I made the mistake and did not get testimony uploaded that we took a break and got that uploaded. The Chair will do their best to get everything up-

PART 2 OF 4 ENDS [00:40:04]

Chairperson:

... break and got that uploaded. The Chair will do their best to get everything uploaded that we can, as it comes in, it probably will depend on volume, and then as far as further hearings goes, it'll be dependent on how the hearing goes tomorrow.

Representative Galonski:

I appreciate that. Thank you, Mr. Chair.

Chairperson:

Representative Howse. I'm sorry, Representative Hicks, did you have any followup? Okay. Thank you. Representative Howse.

Representative Howse:

Yes. Through the Chair. I guess, just a question. Representative Carfagna had talked about the preseat data. Can someone explain to me where that is? Am I missing it?

Representative Carfagna:

Mr. Chairman, may I?

Chairperson:

Representative Carfagna.

Representative Carfagna:

Representative Howse, if you pull up the actual bill itself on the iPads, as we all have access to here, as I just scroll down here, it essentially lists each of the new proposed districts and then breaks it down underneath each of those. I'm trying to scroll up to the beginning of where my district starts.

Representative Carfagna:

On mine, it's section 3521.014, the Fourth Congressional District contains the following territory, and then it lists out, Allen County, all, Auglaize, all, Champaign County, all, Clark County, which a portion of that's in there, and it breaks down the specific precincts that are in there because that's a split County. Delaware County, where I live, it's listed as all. So those are easy if you're part of the all, but if you're part of the split County, at least for me, trying to understand what my proposed district looks like as I scroll down here, I can observe, okay, these certain Columbus precincts are going to be in this district, these certain Westville precincts, and so on and so on. So just pointing that out.

Representative Carfagna:

It just really just takes a lot of scrolling, but they do list each of the specific districts, and then underneath delineate which counties and then which precincts in the split counties are in that district. I hope that helps Mr. Chairman, Representative.

Chairperson:

Representative Howse.

Representative Howse:

Thank you, through the Chair to the Representative. Thank you for that, again. So clarification, so this was in the sub amendment that was approved, that information is in the sub amendment. Is that we're talking about? The sub bill? To the Chair.

Chairperson:

Representative Carfagna.

Representative Carfagna:

Chairman, I'm-

Representative Howse:

Because I'm looking at this-

Chairperson:

Representative Howse, give him a chance to finish the answer and then we'll come back to you.

Representative Howse:

Okay. Thank you.

Representative Carfagna:

I'm just trying to figure out where I originally clicked on, on the iPad here. It's the amendment. So when you go to the front page for committee, scroll down, it says amendment L1342114, and that is the amendment that we adopted. That is the new sub bill that is 307 pages on the iPad. So that is what I'm referring to and we all have access to that.

Representative Howse:

Right. So this is a point of clarification to the Chair and asking. This is to the sponsor. On page 137, it has Cuyahoga County and it says point D, we're going to go to point E. Point E Cuyahoga, Middleburg Heights, 2A, and then it has this list of numbers. What are the list of numbers? Is that the precincts? Is that what that is? Is that what that means?

Scott Oelslager:

Mr. Chairman, Representative Howse, I do not have the bill in front of me, so I can't affirmatively answer your question. I just don't know without looking.

Chairperson:

[crosstalk 00:43:56] we will decipher that and distribute it to the committee.

Representative Howse:

This is my point. I have a full master's degree and I'm looking at a bill that I'm supposed to evaluate and there are numbers on here and I'm like, what does this actually mean? And I'm going to always go back to, what would the average Ohioan be able to decipher from a legislative body that is creating the rules for the average Ohioan? If they cannot understand it, how are they going to be able to understand or believe their government is working for them? So thanks.

Chairperson:

Representative Howse, I was just informed those are census blocks and tracks. Those numbers. Is what they represent.

Representative Howse:

Okay. Through the Chair. Okay, so this is block and tracks, but I'm going to still go back to, how would regular folks know that?

Chairperson:

Thank you. Representative Galonski.

Representative Galonski:

Thank you to the Chair. And thank you also, Representative Oelslager. Back in your testimony, I'm pretty sure that you gave testimony about the population deviation. Could you please repeat that? Because I missed it. You were giving [crosstalk 00:45:04].

Scott Oelslager:

Certainly.

Representative Galonski:

Thank you.

Scott Oelslager:

Mr. Chairman, Representative Galonski. If it's okay, I think to answer your question, I need to read the whole couple sentences of that. Is that all right with you?

Representative Galonski:

Absolutely.

Scott Oelslager:

Okay. Thank you. It's under the section I mentioned, congressional district population. This past decade, Ohio's population grew at a slower pace compared to the rest of the country, for at least the next decade, Ohio will have 15 Representatives to Congress down from 16 over the past decade. Here's, I think where you want me to go. Ohio's population is 11,799,448, and when divide it by 15 equals 786,629.8. To achieve the lowest deviation from 786,629.8 the plan before you consists of 13 districts

with a population of 786,630, which means that's rounded up from the previous number, and two districts with a population of 786,629, which is just taking out the point eight.

Chairperson:

[crosstalk 00:46:15]. Followup?

Representative Galonski:

Which two districts are those that comply with the last thing that you said.

Scott Oelslager:

Let's see. I don't know that I have that. Mr. Chairman, I'd have to get that information. I don't have that before me either.

Chairperson:

That's fine, Representative. Just provide that through the Chair and we'll distribute it to the committee.

Representative Galonski:

Thank you. Just a followup, if I could.

Chairperson:

Yes, please.

Representative Galonski:

Thank you. So through the Chair and to Representative Oelslager, originally when I was asking you about unduly partisan, et cetera, from your point of view, does a map with 86% of Republican districts unduly favoring Republicans?

Scott Oelslager:

Mr. Chairman, I'm not sure I get the gist of her question.

Representative Galonski:

It's pretty simple. If a map has 86% Republican districts, does that not, in fact, unduly favor Republicans?

Scott Oelslager:

Mr. President, Mr. Chairman, Representative Galonski, I'll go back again to the eight, five, and two, and explain again that, yes, there are eight districts that are 55.01% or above Republican, five competitive districts, 45-55%, which I've shared, I believe, are very competitive districts, and two that have at least 55% Democrat districts.

Chairperson:

Any followup?

Representative Galonski:

Just, sorry, if I could briefly, going back to the question about population deviation, what is exactly the deviation number?

Scott Oelslager:

If it's okay with you, Mr. Chairman, Representative Galonski, I'll read that sentence again, so make sure I get it right, if that's all right with you. To achieve the lowest deviation from 786,629.8, the plan before you consists of 13 districts with a population of 786,630. So that deviation would be rounding up from the point eight to three O, and two districts with a population of 786,629, which would be a rounding down of the point eight to get to the baseline figure of 786,629. It's the best way I can answer your question.

Chairperson:

Representative Seitz.

Representative Seitz:

Thank you, Mr. Chairman, and thank you, Chairman Oelslager, for your testimony. In response to Representative Kelly's question, and some subsequent ones, you indicated that the definition of competitive is a district that is within 10 points on a 55/45 scale. And my question to you is, do you find validation in that definition from the fact that in the state of Virginia, President Biden won that state by 10 points, but yesterday the Republican gubernatorial candidate one it by two points, showing that in the space of about a year, there was actually a 12 point switch in political preferences in the state of Virginia?

Representative Seitz:

Similarly, the state of Virginia Howse of Delegates, which is their Howse of Representatives, was formerly 55 to 45 in favor of the Democratic party and as of this morning, that has flipped and so it is now 51 to 49 Republican. So given that very recent example, which is hot off the presses, does that not tend to validate the use of a 55/45 standard as being a good definition of competitive?

Scott Oelslager:

Mr. Chairman, Representative Seitz? Yes, it does. And I also use myself as an example of the districts I've had the privilege of serving have been easily in those competitive ranges.

Chairperson:

Representative Seitz, any followup?

Representative Seitz:

No.

Chairperson:

Representative Brown.

Representative Brown:

Thank you, Chair. You previously testified, Representative Oelslager, that this map that we're talking about, that was uploaded at 10:42 AM, showed what you believe were eight districts Republican, two Democratic districts, and five competitive districts. Can you identify for me please by number the five competitive districts?

Scott Oelslager:

Thank you Mr. Chairman, Representative Brown. I cannot, because, again, I was not the map drawer and I'm talking with the map drawer, that's just the numbers he was given to me.

Representative Brown:

So as we are here today, you don't have that info?

Scott Oelslager:

Mr. Chairman, Representative Brown, I do not.

Representative Brown:

Okay, thank you.

Chairperson:

Followup?

Representative Brown:

One followup, Mr. Chair. Thank you. With regard to Representative Seitz' question concerning the Virginia race and the results of yesterday compared to the prior presidential election year. It seems that turnout in a presidential year is going to be significantly different than turnout in a non-presidential year. Wouldn't that have an effect upon the percentages, et cetera? So is it really a true apples to apples comparison?

Chairperson:

Representative Brown, is that a question for Representative Oelslager?

Representative Brown:

That's a question for Representative Oelslager, yes. The question is, is the suggestion by Representative Seitz, in your view, you responded to the question and said it was a fair comparison, is that in fact, in your view, an apples to apples comparison?

Scott Oelslager:

Mr. Chairman, Representative Brown, I think it verifies what I said earlier about competitive districts. The districts Representative Seitz named 51/49, those district lines did not change since... I think it was 55/45, Democrat control.

Scott Oelslager:

Secondly, part of the ebb and flow, as I mentioned to Representative Kelly, all things, pieces of the puzzle coming together, that makes the point, I think, that there are competitive districts because the ebb and flow of politics is such as that that there is.

Scott Oelslager:

I'm not a political operative in Virginia. I don't know what the breakdown as far as turnout was in those particular districts. I don't know what the breakdown in Virginia as a whole was, but I think it makes the point that competitive districts, the lines are the same, the outcome was different, and that's just the way our politics work.

Representative Brown:

Thank you.

Chairperson:

Representative Ginter.

Representative Ginter:

Thank you, Chairman. Thank you, Representative Oelslager for introducing this bill and beginning this process. And you thought that our biennial budget was difficult, you have entered into another level of difficulty here. We appreciate your patience and I appreciate your willingness to carry this bill.

Representative Ginter:

Many of the questions that I had, and I was going to ask you to repeat, have already been asked by my colleagues, but I would, in reviewing the policy and the process that we have put into place, and actually the public voted into place recently and confirmed that which the legislature had voted to place upon the ballot, and I think it's important that Ohioans note that, because often I have been reminded that Ohioans voted for this process to be put into place and I have to remind them that the reason they had an opportunity to vote on the process is because the Republican majority legislature forwarded that to them to be put onto the ballot, and we indeed are interested in making sure that we develop maps that are fair and balanced.

Representative Ginter:

My question would be, as I'm looking through the process, I know that there are many items on the checklist that we have to check off in the development of maps. Population equality, which has recently just been discussed and was going to be one of my questions, and then also continuity, compactness, that has been touched upon. And that is a question that I have for you, and if you could repeat for me so that I better understand. I know Representative Brown asked this question regarding compactness and he questioned, I believe, it was district six on the map and the fact that it looked as if it was not a compact district.

Representative Ginter:

In comparison, though, I pulled up the current congressional map, and again, with our goal being to improve that, which we have, of course we have the obligation to reduce the number of districts due to the change in population, but also to improve if possible. And I noticed that it was formally 13 counties

with five portion counties. District six formerly with 13 counties with five portion counties, equaling 18 counties in the last district map.

Representative Ginter:

This current proposed map that we have in front of us has 10 and a half counties, so it seems to me that there has been a significant reduction, and indeed a compacting, if I may use that term, of that particular district that was alluded to by my colleague. Would you agree then that, at least in district six and the others that I have reviewed during the course of this hearing, it seems to me that we have taken a step in the right direction of compactness and meeting that requirement, according to the constitutional standards that have been given to us?

Scott Oelslager:

Mr. Chairman, Representative Ginter, as I said earlier, I think this just confirms that this map does comply with Article 19 of the Ohio Constitution.

Representative Ginter:

If I may followup, Chairman.

Chairperson:

Followup.

Representative Ginter:

One other point would be that it must not favor or disfavor political party and also must not unduly split governmental units. And I believe early in your testimony, you said that there had been a drastic reduction of political subdivisions. And if I compared to what we currently have, I believe it was almost a reduction by half of the splits of political divisions. I hate to put you on the spot, but am I correct on that?

Scott Oelslager:

Mr. Chairman, Representative Ginter, the only thing I can see is two things. I'll read again. The plan before you is constructed with 75 whole counties and 13 split counties. The congressional district plan in place today splits 23 counties, with two counties being split into four congressional districts. It splits 16 subdivisions, mainly due to balancing of districts down to the person, which is about half the number of the subdivision splits that exist in the current congressional map.

Representative Ginter:

Thank you Representative. And thank you Chairman. So then indeed, that is an improvement over the current map. And I thank you for clarifying that for me. Thank you. Thank you, Chairman.

Chairperson:

Representative Hicks-Hudson.

Representative Hicks-Hudson:

Thank you, Mr. Chair. I just want to go back to a question, and it's really for you, Mr. Chair, as opposed to... So I'm giving you a break, Representative. And my question is, going back to the map and the form that we're going to get, because I also appreciate Representative Carfagna talking about using the precinct listing in the bill, but in order to be able to really make... We've become creatures of electronic and computer generated information. I'm just wondering, are we going to get the shape map for us to be able to look, and also for other citizens to be able to look, and respond to what has been presented this morning? I'll use a lawyer thing, if you know.

Chairperson:

Representative Hicks-Hudson, we will get you as much information as we can when the Chair receives it.

Representative Hicks-Hudson:

Thank you.

Chairperson:

I'm just making sure I'm trying not to miss anyone here. Right now I have Representative Howse.

Representative Howse:

Thank you. This is actually a question for you, to the Chair, or even the sponsor. So we've asked questions and we have not gotten answers to the questions and so I really would like to know when can we expect to receive answers to our question? Will they happen before we meet tomorrow? Next week? By the end of this month? Can we be provided with clarity on when we will get responses to our questions that were unable to be answered?

Chairperson:

Representative Howse, as I just mentioned, the Chair will distribute the information as soon as he receives...

PART 3 OF 4 ENDS [01:00:04]

Speaker 1:

Representative Howse, as I just mentioned, the chair will distribute the information as soon as he receives it.

Rep. Howse:

So no tomorrow? So we are not going to have it by tomorrow? Clarification.

Speaker 1:

Representative Howse, if I get it this evening, we will get it out as quickly as possible.

Rep. Howse:

Okay. Second question. Follow-up. So-

Speaker 1:

A follow-up to me or to Representative Oelslager?

Rep. Howse:

...this is a... Sure it can be to... Well, no, it's going to be to the sponsor. Okay, to the chair, to the sponsor of the bill. So I know we had this question earlier that Rep. Galonski asked about the breakdown because you indicated that there is a split of eight Republican districts, five competitive districts into Democratic. And when she asked the question about do you know which numbers they are, you said you didn't have it. So we just got this list, right? And this is Dave's. And I've talked about... I'm like, "I don't know who Dave is, but I'm appreciative of Dave of providing this information that the whole entire leadership of the Ohio Republican caucus cannot present to us." I'm appreciative of Dave, but based on Dave's information, the... What is it called?

Rep. Howse:

The eight Republican-leading districts are 2, 4, 5, 6, 8, 9, 10, and 15. The competitive ones that you said use this competitive definition are all leaning Republican, which are seven... I think it's 7, 9, 10, 13, and 14. And then the two are 3 and 11, but my larger point, and this was something that I did testify regarding as a government body, if Dave could have did it in 10 minutes, why can we not provide this information? We are utilizing the people's money, and the people deserve better. This is just unacceptable to say as a sponsor and a statesman that's been here so long to come and present information and you can't answer these questions, it's unfair and it's not right. And I just really... We just got to do better for people. And I will say this, and we just have to do better. It should not be the expectation to get something on some random website when we got a full staff here.

Rep. Howse:

And I just would hope, moving forward, we can do better and not depend on Dave. I want to depend on the staff here at the Ohio House of Representatives to provide information so me, as a legislator, can make informed decisions. So my question is... Hopefully you can work to answer these questions before tomorrow. Do you think you can help to answer the questions before tomorrow or by tomorrow that went unanswered? Because if Dave did it in an hour, hopefully you could do it in 24 hours in answering our questions. Do you think it's possible, and can you work toward that?

Scott Oelslager:

Mr. Chairman, Representative Howse, the key, I believe, to that will be if you would make sure your particular question that I have did not have the information immediately gets to the chair immediately so the chair then has an opportunity to have the staff do the research.

Rep. Howse:

Bet. Cool. Thank you.

Speaker 1:

Representative Brown.

Rep. Brown:

Thank you, Chair. Representative Oelslager, getting back to the serpentine district number six on the proposed map that I had referenced earlier, Representative Ginter pointed out, in his question, to you

that compared to the existing district in that general vicinity of Ohio, it appears to be more compact than the new proposed district six. That's like saying Montana is more compact than Alaska. Neither are compact. So the question is, isn't the constitutional standard not relative compactness but compactness? In other words, every congressional district shall be compact, and it's not shall be compact compared to something that isn't compact. Isn't that the constitutional standard?

Scott Oelslager:

Mr. Chairman, Representative Brown, once again, I'm not in a position to debate constitutional interpretations to you, but all I can say is we fully believe that this map complies with article 19.

Speaker 1:

Follow up?

Rep. Brown:

No follow-up, thank you.

Speaker 1:

Representative Kelly.

Rep. Kelly:

Thank you, Mr. Chairman and Representative Oelslager. I just want to follow up on another question that somebody else had asked. And I was looking at some of the old stuff from when the ballot initiative came up about creating a fair, bipartisan, and transparent process when drawing congressional districts that will make politicians more accountable to the voters. And so I know that this was something that the legislature had opted to put on the ballot, but to the best of my recollection, and I wasn't in the legislature at the time, as you were, but I thought that that was in response to people pushing for a ballot initiative. And so instead of the legislature just saying, "Hey, we suddenly believe in drawing fair districts. And we think this is a great idea." This was something that the people had really pushed for and the legislature acknowledged, "Hey, you know what? Fair and transparent processes to draw these lines every 10 years is a good thing." So I was just hoping that you could refresh my memory about how all of that transpired with the amendment.

Scott Oelslager:

Mr. Chairman, Representative Kelly, I think you've just explained, very jointly, how the system works. We listened to our constituents. We listened to what the people are asking us to do, and the legislature did respond.

Rep. Kelly:

Mr. Chairman, could I ask a follow-up?

Speaker 1:

Follow up.

Rep. Kelly:

Thank you, Mr. Chairman. And I know, in your previous response, you had said that you felt that this complied with the constitutional requirements, this map that's being presented, but do you think it follows the spirit of what the people were demanding when the legislature ultimately decided to put this on the ballot? And when people said, "We want a process where we can participate. We want a process that's fair. And we want a process that results in representatives of our choosing instead of elected people choosing their voters."

Scott Oelslager:

Mr. Chair and Representative Kelly, shoot the question. I'm not sure. I got your comment, but I'm not sure how to answer your question.

Rep. Kelly:

Can-?

Speaker 1:

Please.

Rep. Kelly:

Thank you, Mr. Chairman. So my question is, you say that this map follows the Constitution, but do you think it follows the spirit of the reforms that the people demanded?

Scott Oelslager:

Mr. Chairman, Representative Kelly, the process that we'll be holding here in the General Assembly will allow for people to come in to express their views. This is not just a one hearing and out bill. This is a process, and it'll be a lot of give and take, I'm sure, on both sides of the aisle, as far as discussions, probably amongst leadership. So the system is transparent in the sense that structure, in the process here, is going to allow people to have their input.

Speaker 1:

Representative Galonski.

Rep. Galonski:

Thank you to the Chair, and thank you, again, Representative Oelslager for answering these questions, for being the sponsor today. And as we move away from 2011 and toward a 10-year map, would you have any objection at all to the person you continued to mention, Blake Springhetti, being here to testify about the map on the details that you're not able to answer? Would you have any objection to that?

Scott Oelslager:

Mr. Chairman, Representative Galonski, that's a decision that will be made by leadership above me and counsel.

Speaker 1:

Follow up.

Rep. Galonski:

Thank you to the Chair. And what counsel? Do you mean lawyers?

Scott Oelslager:

Yes.

Rep. Galonski:

And which lawyers are those?

Scott Oelslager:

Mr. Chairman, Representative Galonski, I'm assuming it's going to be our chief counsel and others that are involved in this process. As you know, both sides have lawyered up on this issue. And so, before a decision like that is made, that is not my decision to make, as far as whether if it's a decision that's going to be made by leadership and counsel and co-counsels and others.

Rep. Galonski:

Okay. Just to clarify-

Speaker 1:

Follow up.

Rep. Galonski:

...I'm not aware of any litigation about the congressional maps. My question was, would Blake Springhetti be available to answer the technical questions about the maps that you said that that person produced this map and you haven't been able to answer, and I guess we wouldn't expect you to, but would you have any objection to them being here for testifying about the map that they made?

Scott Oelslager:

Mr. Chairman, Representative Galonski, I will say again that that isn't a decision for me to make. That's a decision that litigators will make. And I think we both know that, in all likelihood, there's a lot of lawyers involved in this. And so it's not my decision to make.

Rep. Galonski:

And forgive me, but again, I'm personally not aware of any litigation with regard to the congressional maps, and I just needed to say that for the record. Thank you.

Speaker 1:

Representative Hicks-Hudson.

Rep. Hicks-Hudson:

Thank you, Mr. Chair. And I want to follow up with the question that was asked by Representative Ginter to you about compactness. And as you were reading and referencing the Ohio constitution, during your testimony, and agreeing that district six is, I'm going to use air quotes, "compact," there's language from the members brief on redistricting in Ohio, which was done by our legislative budget office. And it talks

about compactness, and it uses the terminology that a district is considered compact if it has a minimal distance between all parts of its territory. So when we look at district six, how does that particular drawing comply with this particular statement about it having a minimal distance, if you look at from the north, all the down to the south of district six, if you can answer that? And if not, that is one of the questions I'd like to be answered tomorrow or the next day that we have a committee hearing, because I'm looking at this, and this is, to me, a different version of a snake on the lake. The snake has just moved east, as far as I can tell, and looking at south and east. So if you could respond, I appreciate it.

Scott Oelslager:

Mr. Chairman, Representative Hicks-Hudson, once again, I do not have that language in front of me, but again, I've been informed and I'm confident that this map complies with Article 19.

Rep. Hicks-Hudson:

Follow up, if I may, Mr. Chair.

Speaker 1:

Follow up, please.

Rep. Hicks-Hudson:

Thank you. Do you know the distance, the mileage? And if you not, this is another question for tomorrow. The distance, the mileage from the northernmost part of district six to the southernmost part of district six. If you know it today, and if not, that's a question I'd like to be answered tomorrow, please.

Scott Oelslager:

Mr. Chairman, Representative Hicks-Hudson, I do not know the mileage.

Rep. Hicks-Hudson:

Thank you. That's all I had.

Speaker 1:

Chairman Oelslager, had you known that mileage, I would've been incredibly impressed.

Scott Oelslager:

I probably have driven it, Mr. Chairman but I-

Speaker 1:

Representative Carfagna.

Rep. Carfagna:

I think Mr. Chairman in the continued interest of trying to be helpful... And I know Representative Howse had questions about census blocks and looking at that. So as I'm looking at the sub bill... And I'm just going to take, for example, it lists the second... I'm looking at the bottom of page 22. Second congressional district contains the following territory. And the top of page 23, there's three columns.

The first column is titled County, and that lists the counties. The middle column is voting districts, which will be the individual precincts. And the third column is titled Census Blocks. And that's where you get those long, obscure numbers that I know Representative Howse had inquired about. And I thought she raised a good point about census blocks because I certainly wouldn't know what census block I live in.

Rep. Carfagna:

So in playing around here during the Q&A, if one were to... Well, first off, I would hope you would know your precinct as a registered voter, just so you can find your appropriate voting polling location. And if not, you can always contact your county board of election to determine your precinct. But for communities listed here that maybe are subdivided precincts, and you don't know your census block, if you could Google census geo coder or go to... It's geocoding.geo.census.gov. It's a page off the US Census website, and you can enter in your address under find geographies. And I clicked on parsed address processing and I entered in my address and it brought up the latitude, the longitude, and it brought up my geo ID, which is my census block. So again, I know that's a lot of things to click through. And just playing around here right now in committee, I was able to find this. So for members of the public, maybe members of the media, if you're trying to drill down specifically where you are located in some of these split areas, if you can go there and determine your census block, you can reconcile with the census blocks that are listed here. So in the interest of trying to be helpful, I thought I would throw all of that out. Thank you.

Speaker 1:

Thank you, Representative Carfagna. Representative Howse.

Rep. Howse:

Thank you to the Chair, to the representative. I appreciate the clarification on how the bill is outlined and labeled. So I'm going to do a... Well, the issue is that when you receive something... And again, I truly try to be diligent and try to be an informed lawmaker, right? It is hard to do that when you get a 300-plus bill and then you're supposed to be trying to make some type of decisions or having a substantive conversation and it's pages and pages and pages long, where you just don't have that information. And I always will ask, who are we working for? If I can't figure it out and I'm here, what do you think the average Ohioan is going to do?

Rep. Howse:

On top of that, even listing what you listed about what people had to do to find their census block, that's cool, but it really isn't cool because we are the resource people. We should make it easy for people to get this information. And this is not hard. We are in a technology age, but it is like we are just committed to keeping people uninformed and making them go through hoops just to find basic information. Congresspeople have so much influence on our lives, you know what I'm saying? And to think that like a parent that... Anyway, we got to do better, and no, people should not have to Google census block. If we are putting legislation up like this, we should have the links where people can go, and we should not require that of a everyday Ohioan. They don't get paid to do that. We are, and we got resources. Don't do that to people. It's unfair, and we need to do better.

Scott Oelslager:

Mr. Chairman and Representative Howse, the only way I'll respond to that is this is not the only hearing, and there'll be plenty of time. This is not a bill that's going to be passed this week or whatever. There'll

be plenty of opportunity, for those who are interested, to try to acquaint themselves with the bill. And so there'll be plenty of time. They'll be plenty for you too to ask the insightful questions that you always do, whether this committee or in my committee, to try to pull out some information.

Rep. Howse:

Follow up.

Speaker 1:

Follow up.

Rep. Howse:

Thank you to the chair, to the sponsor. And again, I appreciate that. I know we're going to have more hearings, but I would hope that the leadership of this legislative body would be more proactive in presenting information in a user-friendly way. We owe that to the people. And again, majority of Ohioans, they're not lawyers. Why would we expect in putting all this stuff in information that's not digestible? Even if we would look... And again, it's about the framework. Okay, we talking about congressional redistricting. It's 15 districts. Okay? What's the profile of the people in these 15 congressional districts, right? Again, when you look at the 11th congressional district, one of the poorest districts in this nation, how can someone in the 11th congressional district look at this and understand it? You got to think about that just as well as somebody that's in congressional district four. We design stuff from the onset where people can understand it. That's what I'm asking. I know it's not the standard, but we can do that in the 21st century with technology at our hand and not require somebody to Google something that we can present from the very beginning. Like Dave did it in an hour, we can do it from the onset. Thank you.

Speaker 1:

Representative Galonski.

Rep. Howse:

It wasn't a question.

Speaker 1:

I'm sorry, did you want to respond, Representative Galonski?

Rep. Galonski:

[inaudible 01:17:46].

Speaker 1:

Representative Galonski.

Rep. Galonski:

Thank you to the Chair. And thank you again, Representative Oelslager. You've been really patient, and we appreciate you being here, but I'm going to go back to your comment that people above your pay

grade can answer these questions. Would you object to them coming forward to testify? And don't you think that they should?

Scott Oelslager:

Mr. Chairman, Representative Galonski, again, that is not my decision to make. My job is to present the bill here today and hopefully be a facilitator as it goes forward.

Rep. Galonski:

And a final follow-up.

Speaker 1:

Follow up.

Rep. Galonski:

Do you think the governor would sign this bill in its current form or veto it?

Scott Oelslager:

Mr. Chairman, Representative Galonski, I have not discussed this with the governor.

Speaker 1:

Any other follow up? Any other questions for the witness? Seeing none. With no further business, this committee stands adjourned.

PART 4 OF 4 ENDS [01:18:55]

Exhibit 8

Senator Gavaron...: ... Committee will now come to order. Will the clerk please call the role.

Clerk: Chair Gavarone.

Senator Gavaron...: Here.

Clerk: Vice Chair O'Brien.

Vice Chair O'Br...: Here.

Clerk: Senator [inaudible 00:00:08].

Speaker 1: Here.

Clerk: Senator Serino checked in. Senator Kunze.

Senator Kunze: Present.

Clerk: Senator Maharath.

Senator Maharat...: Here.

Clerk: Senator Sykes.

Senator Vernon ...: Here.

Senator Gavaron...: And we have a quorum. Members, a copy of the minutes from the October 19th meeting of the Committee is on your iPads. The question is, shall the minutes be agreed to? Without objection, the minutes are agreed [00:00:30] to. I want to start off today by just setting a few ground rules as we go through the next few committees. These Committee hearings are being structured in a way that allows us to hear from as many citizens from Ohio as possible on a really important issue.

Testimony should be sent to my office no less than 24 hours in advance of the committee time. We're going to be hearing a lot of testimony. So, if you do not submit it to my office, at least 24 hours in advance, [00:01:00] it is unlikely you'll be testifying that day. However, there will be additional hearings on these bills. We'll only be accepting and hearing testimony on the bill up for consideration at that time. In other words, there will not be dual testimony. You won't be testifying on both bills at the same time. We'll testify on one, and then the other.

If you want to testify on both bills, you need to submit testimony and witness slips for each bill. And I understand people are passionate about [00:01:30] the issue before our Committee. However, everyone is expected to keep decorum during these hearings. We want to get through as many people as possible, and

cheering, applause, booing, heckling prevents us from doing that and it just will not be permitted.

Finally, any video or pictures cannot be taken without the permission of the chair. If you want to take video or pictures, we have a media form available for you to fill out for the chair to consider. [00:02:00] That said, the first order of business is the first hearing on Senate Bill 237. We have Senator Sykes and Yuko here to give sponsor testimony. Good afternoon.

Senator Kenny Y...: Good afternoon. Nice to be here in sunny Columbus this afternoon. Thanks for having us. Chair Gavarone, Vice Chair O'Brien, ranking member Maharath, the members of this committee, thank you for allowing us to provide sponsored testimony for Senate Bill 237. [00:02:30] Working alongside my friend and colleague, Dr. Vernon Sykes, Senate Bill 237 was drafted to lay out the Senate Democratic Caucus proposal for congressional district maps.

The plan we are presenting today is fair, it keeps communities together and it doesn't gerrymandering our state. Most importantly, it complies with all principles outlined in the Ohio Constitution, including ensuring that the map doesn't favor or disfavor [00:03:00] any political party. I'm hopeful that this can be a starting point for the creation of a bipartisan map that will guide Ohio through the next 10 years. The map we representing here today does not just represent the dedicated work of Senator Sykes and our staff, but years of hard work across our great state.

As I consider this plan, I often think of the hard working Ohioans who voted to end gerrymandering back in 2015, and then again back in 2018. [00:03:30] I'm also reminded of the current and former members that a general assembly who worked so hard and in good faith to achieve our compromise on the Constitution reforms back in 2018. Over the last few months, I've also been inspired by the spirited, passionate testimony we heard from Ohioans at the redistricting commission meetings across the state.

This process and our work here today should represent the best of us. It should reflect how the will of voters and the spirit of our Constitution [00:04:00] and the strength of American democracy that spans hundreds of years as a beacon across this world. As elected leaders, we owe it to our constituents to produce fair maps. Let's work together and let's get this mission accomplished. We have too much to lose by just complaining or withdrawing to our separate corners. I thank you for your full and fair consideration of this plan, and at this point, I'll turn this over to my colleague and my friend, Senator Vernon Sykes.

Senator Vernon ...: [00:04:30] Chair Gavarone and members of the Committee, Senate Bill 237 established new congressional districts based on the results of the 2020 census. Starting next year, Ohio will have 15 congressional seats down from the current 16 members. As you will see, our map is fair because it keeps communities together and does not unduly favor or disfavor a political party. Our map also

complies with the spirit of the [00:05:00] Constitutional reforms to ending gerrymandering that was overwhelmingly supported by the voters in 2018. Thank you for this time, and at this point, I'd like to introduce Randall Routt, Policy Advisor for the Senate Democratic Caucus, who will provide more details on the proposed map.

Randall Routt: Thank you, Senator. As leader Yuko and Senator [00:05:30] Sykes mentioned already, the congressional redistricting plan presented to you today was created in compliance with, and in the spirit of, the Constitutional reforms to Ohio's congressional redistricting process, that voters overwhelmingly adopted in 2018. As such, Senate Bill 237 seeks to maximize compliance with Article 19 of the Ohio Constitution, which outlines the process for the creation of congressional districts in Ohio.

Each [00:06:00] district in our proposed plan, also adheres to the applicable provisions of the Ohio Constitution and the United States Constitution, as well as federal laws, including federal laws protecting racial minority voting rights. Each district is compact and composed of contiguous territory. In addition, the boundary of each district is a single, non-intersecting, continuous line. As you know, section two, division A4A of the Article 19 requires the drawing of a district that includes a significant part [00:06:30] of the city of Columbus in Franklin County.

District one of Senate Bill 237, which was the first to be drawn, fulfills this requirement. Section 2A also requires the drawing of districts, reserve, municipal corporations, townships whose populations exceed 100,000 people, but are less than 786,630 people. This requirement applies to the cities of Cleveland and Cincinnati. [00:07:00] Under our plan, none of these cities are split.

Section 2B5 requires that 65 counties be contained entirely within a district. 18 counties are not split more than once, five counties be split not more than twice. Senate Bill 237 significantly exceeds this standard by preserving 77 counties, splitting only 11 counties once and zero counties twice. [00:07:30] Section 2B6 requires the drawing of contiguous districts within counties. All districts created by Senate Bill 237 satisfy this requirement.

Section 2B7 requires that no two districts can share portions of territory more than one county, but allows for one exception. Zero districts, in Senate Bill 237, share more than one county. Section 2B8 requires [00:08:00] congressional redistricting plans shall attempt to include at least one whole county in each congressional district, unless the district is contained entirely within one county. Once again, all districts in our plan satisfy this requirement.

Section 2C1 describes how splits are to be counted. Senate Bill 237 contains three districts, one, three and five, which are entirely contained within a county and [00:08:30] zero county splits. Senate Bill 237 also contains 11 additional

districts that splits 11 counties and do not split any townships and municipalities. District 12 is composed entirely of whole counties and with zero splits of any kind.

Finally, there are a couple small technical issues involving splits in one township in district one and one precinct in district six that Leader Yuko and Senator Sykes will amend [00:09:00] in the next meeting of this committee. Article 19 of the Constitution is silent on the requirements of population variants. In Tennant V Jefferson County, 2012, the US Supreme Court rule that the US Constitution permits population deviations to achieve a legitimate state objective, such as the preservation of political subdivisions. In this case, a deviation of 0.79 was deemed acceptable [00:09:30] preserved counties.

Our amended plan contains significantly lower population variance of 0.22% in order to preserve counties and municipalities, townships who promote communities' interest together and to respect anti-gerrymandering purpose of the 2018 Constitutional amendment. As you know, should the Ohio General Assembly not adopt the plan with sufficient bipartisan support, additional standards apply. Section 13 Article 19 contains [00:10:00] provisions shall apply in such circumstances.

Senate Bill 237 satisfies all these standards as well. In particular, a plan as adopted without sufficient bipartisan support is required under section 13A to not unduly favor or disfavor a political party or its incumbents. To determine what qualifies as favoring or disfavoring a political party, we use a simple vote of each partisan statewide election from 2012 to 2020. [00:10:30] This resulted in a ratio of 45.9% Democratic and 54.1 Republican.

This means that a congressional map does not unduly favor or disfavor a political party, which would include seven Democratic and eight likely Democratic seats in Senate Bill 237. We're not including toss ups or competitive. We're just showing what's over 50%. That's what we're factored that on.

Okay. [00:11:00] Section 13B requires that the adopted plan without sufficient bipartisan support does not unduly split governmental units with an order preference. Senate Bill 237 minimizes splits only to 11 counties with zero municipal and township splits. Finally, section 13C requires that maps adopted without sufficient bipartisan support shall attempt to be compact. Senate Bill 237 preserves governmental units and makes districts [00:11:30] compact.

In conclusion, our proposed congressional map fulfills the spirit of the reforms pass overwhelmingly by Ohioans in 2018 and adheres to the provisions of Article 19 of the Ohio Constitution in all possible circumstances. It complies with all applicable provisions of both Ohio and US Constitution, and to federal law, including provisions concerning protection of minority voting rights. This is merely a starting proposal by the members of the Senate Democratic Caucus. [00:12:00] We welcome all improvements and suggestions. As I mentioned

already, Senator Sykes will be introducing an amendment to address the technical issues I addressed earlier. At this point, we'd be happy to answer any questions.

Senator Gavaron...: Thank you very much. I'm going to start off with a few questions. In your testimony, you explained that there are a couple small technical issues involving splits that you intend to amend at the next committee meeting.

Randall Routt: Yes.

Senator Gavaron...: Just so the committee members know, are those issues simply user errors or are [00:12:30] they geography based issues that all of us need to know about?

Randall Routt: There are a couple precincts that were inadvertently put in the wrong ... precinct related, where we put it in the incorrect district. So, we attempt to address that error. So, we consider that a technical error.

Senator Gavaron...: Okay. Thank you. And this is not a question, but merely a point that I notice when reviewing your 10 years worth of election data that you provided. The total [00:13:00] votes you listed for the 2020 election under the ...

PART 1 OF 4 ENDS [00:13:04]

Senator Gavaron...: Total votes you listed for the 2020 election under the Biden/Trump election, need to be updated. Biden received 75,484 more votes than what you listed, while Trump received 80,416 more votes than what you listed. I just wanted make you aware, so you can update the information in your files.

Randall Routt: Thank you.

Senator Gavaron...: Okay. In your testimony, [00:13:30] you briefly touched upon the issue of population variance. For the benefit of the public, what that's referring to as a fundamental one man, one vote rule, set forth in the US Supreme Court approximately 50 years ago. And in particular, the question about to and what degree, to what degree any congressional district can differ from the ideal population threshold. If you don't mind, I'd like to dig into the issue just a little bit further. As you know, this decade, [00:14:00] the ideal population of each of the 15 congressional districts in Ohio is 786,630. In your map, all 15 districts that you drew, they vary and rather significantly in population, from one district to the next.

For example, in District 13, there are 743 more people than the ideal population of 786,630. While your District 6 has [00:14:30] 498 fewer people than the ideal population threshold. In fact, I think from what I saw, not one of your 15 districts is within one person of the ideal population of 786,630. So, can you help the committee better understand why that is?

Randall Routt: We used the standard that was established in the tenant decision. We talked about the preservation of political subdivisions. So we did that, [00:15:00] we kept political subdivision, we did not split townships, we did not split municipalities. And we felt that was an overriding legitimate state objective for having that population variance.

Senator Gavaron...: So, do you believe that it's not possible to preserve the boundaries of counties, cities and townships in Ohio, unless there are such significant population deviations, like the one you have in your proposed map?

Randall Routt: Well again, you [00:15:30] cannot minimize splits of counties, townships, and municipalities, and keep an absolute zero equal population, it's impossible. You have to have some level of split, and that's why you see maps with multiple splits that has equal population because you're splitting townships, you're splitting municipalities, you're splitting communities. We attempt to keep communities together in our map, and we think that's an overriding [00:16:00] state objective.

Senator Gavaron...: Are you aware of that, having been a problem in the past when constructing congressional districts in Ohio? And the reason I ask, is because from what I saw, looking back over at least 30 years worth of maps in Ohio, the largest deviation has been in a district with seven more people than the ideal population.

Randall Routt: It is our belief that using the tenant decision, once [00:16:30] again Chairwoman, is that we believe an overriding legitimate state objective would be to keep communities together to minimize splits of counties, municipalities, and townships. So, we believe in this center that was established in the Supreme Court decision in 2012. And we think we're in a good solid ground on that with our map.

Senator Gavaron...: Are you aware that Oregon, Nebraska, Maine, Colorado, Indiana, [00:17:00] Iowa, and Texas, have all successfully enacted congressional maps within the last couple weeks, with near absolute population equality?

Randall Routt: I'm not aware, but what I'm referring to is, the splitting of communities to achieve that purpose. Now, I don't know if they did or not, I'm not aware of that.

Senator Gavaron...: Okay. Of the current incumbents in Congress, which would be paired in the same district in your proposed [00:17:30] map, do you know which ones would be paired in the same district?

Randall Routt: When we originally drew the map, we were unaware of the pairings, but since leading up subsequently up to this state, we were aware of the pairings more recently. So we do understand in a couple of cases that we're aware of, like in Cincinnati, for example, Chairwoman, [00:18:00] that two Congress people are

within the same district. While born into the Constitution, we have to keep the entire city of Cincinnati together. If both Congress people live in the city of Cincinnati, that becomes something that we have to look into, just because we have to keep the city of Cincinnati within the same congressional district, irrespective of where. And we believe we did not unduly favor/disfavor any incumbent in the drawing of our map.

Senator Gavaron...: Okay. [00:18:30] Based on my review of the map, it looks like you pair the following in the same district, Steve Chabot and Brad Wenstrup, Bill Johnson, Troy Balderson, and Bob Lata and Warren Davidson. Is there a reason why only Republicans were bunked together in your proposed map?

Randall Routt: One is, there's only four Democrats statewide, so it would be really difficult to pair Democrats in the same district because especially the locations of where they're from. So, [00:19:00] that may be something to do with that geography.

Senator Gavaron...: And you explained that your map would supposedly provide for eight Republican seats, versus seven Democrat seats. And coming to that result, you calculated a ratient that looks back over the past 10 years of statewide partisan elections in Ohio. Do you agree that Article 19 of the Ohio Constitution, does not mention anything about that 10 year look back, unlike Article 11 for legislative [00:19:30] redistricting?

Randall Routt: We're aware of it, but we just ... In the end, the quest to unduly favor in one party over and over, we thought the standard established was a solid standard to use in order to look at, in terms of defining districts, not unduly favoring one party or another, using the standard established there would be an adequate standard to use.

Senator Gavaron...: [00:20:00] When do you believe that the unduly favoring language in Article 19 applies?

Randall Routt: Well, in our drawing in our districts, we believe that because the map closely adheres to the statewide voting preference of the voters over the past 10 years, that would be a sign that, that's not unduly favored, one party or another, because [00:20:30] our math reflect that.

Senator Gavaron...: Thank you. Are there any other questions from members of the committee? Senator Marath.

Sen. Tina Mahar...: Thank you, Chair. And thank you, Bill Sponsors and Randall for coming in to testify today. I really appreciate your time to provide us an insight of what we, as our caucus are specifically looking to achieve today. The questions are actually, it could be directed towards Randall as well, since all three of you have some extensive experience here in a general assembly, [00:21:00] but has this process so far met your expectations of how congressional redistricting process should be?

Randall Routt: I will defer.

Speaker 2: You'll defer? You want to take, your shot?

Senator Kenny Y...: No, it hasn't. I think what's happened is, in 2011 there's a lot of conversation amongst a lot of people, not just legislators. And the conversation ... Madam Chair, I'm sorry, I should address to you first. Would be simply for [00:21:30] fairness, that's what they asked for. And that was the conversation we had back in 2011. Roll the calendar down a few years in the 2015, as you know, we addressed the state seats in 2015. And it was done in a process where the Democrats and the Republicans in the Senate and the house all worked together and took it to the vote of the people, which they voted on overwhelmingly 71%. I believe in 2015. Then you continue to path down to [00:22:00] 2018, and again, we're going to take on congressional redistricting. And as a member of the Ohio Senate, I was very proud of the fact that our vote was 33 to nothing on that particular date.

Meaning that we got together as Democrats and Republicans in the Ohio Senate, we worked very hard, we worked very diligently. I mean, we worked so hard, it got to the point where we got a phone call from Arnold Schwarzenegger to have a drink with us because we made that type of impression on the nation, [00:22:30] as to the work that we did. And what did they want? They wanted to make fairness. They wanted to make sure that we had fair maps, that we had fair opportunity, that there's transparency, that people's ... the will of the people in Ohio would be best represented by the maps that we would be drawing in the next General Assembly's opportunity, which is 2021 now. We passed that, again, in 2018, we passed it with 74% of the vote, I believe. And like I said, passing it out of the Senate 33 to nothing, [00:23:00] I think was most impressive and a tribute to everybody who served in the Ohio Senate at that time.

And because of it, I think we gave hope to a lot of people, that what we're going to see is a new process in Ohio. One that would be fair and offer us fair districts. And that's what people have been asking for, for a long time. And when you look at the numbers and you look at the way we did things in the past, compared to what the new regulations were established in the constitutional amendments that we passed [00:23:30] in 2015 and '18, I think we gave us a tremendous opportunity to do just that. My hopes and my prayers, were that we would all work together once again and establish something like this. I realize the impact on our political parties. I realize that as Senate minority leader, my job might have been less tenuous than what Senator Matt Huffman and Senate president would be going through, trying to explain what the potential of all this was.

I understand that, but I also stand that we represent 11.7 million [00:24:00] people in Ohio who voted, after reaching out to so many people. And I can't tell you how many meetings we attended in 2015 and in 2018, to discuss this with

large groups of people. The interest was there, the passion was there. Ohio was there and they on us as their elected leaders to be their voice. And we take an oath of office, and that oath of office begins with our name and our promise to uphold the Constitution of the United States, and our promise to uphold the Constitution [00:24:30] of the state of Ohio. And with that being said, if we take everything we put into fruition in the constitutional amendments of 2015 and '18, what we're doing here in 2021, I would think, would have some very strict guidelines, which we would be expected to follow. Our attempts here with our maps and our conversations is to follow just that.

And I realize that there's a lot at stake here, I'm not trying to minimize it. And and it's not pretty and it's not going to make anybody particularly happy, [00:25:00] but it's the fact, and it's the reality of how things work. And I think what we've done, we've worked our ... we've done our due diligence and it's hard to draw a map that's fair and doesn't duly favor or unfavor one political party or another, because I know that's been probably the strongest argument I've heard about. How can you say that with a straight face, because it does unduly favor one party or another, when you're making these types of significant changes. But with that being said, that's what the people of Ohio asked for. Not once, [00:25:30] but twice. And as you know, they have been very passionate in most recent times.

We've seen it when we did the 10 city tour and we heard some tremendous testimony, and we've seen it in committees. We've heard it in our offices. We've gotten stacks of postcards. If we all put our postcards on the table in front of you, on the counter, we wouldn't see you because there are so many of them. That's because this is what the people are asking for, and this is what we're trying to deliver. Thank you.

Speaker 2: [00:26:00] Additionally, I'd like to say that in part-

PART 2 OF 4 ENDS [00:26:04]

Senator Vernon ...: Additionally, I would like to say that part of the proposed constitutional provisions provide for a negotiation between the parties, with the aspirational goal of the parties coming together and negotiating a bipartisan plan for a 10 year period. It's been difficult to do that because the majority has not really presented [00:26:30] a map up to now. We had the third stage of this process and fortunately looked like today, we're starting out... The first of November, we're starting out hopefully with the plan and maybe we'll be better able to negotiate a bipartisan deal.

Senator Gavaron...: Chair, follow up.

Sen. Tina Mahar...: Thank you, chair. Well, all three of you attended the redistricting commission meetings. So what was the common theme that [00:27:00] Ohioans were picking up with for those meetings? I'm trying to just get a better understanding

of what we can do over in Ohio Senate, so that way we can deliver the message that we were promising Ohioans essentially from these meetings.

Senator Kenny Y...: Thank you, Senator, and to the chair and to Senator Maharath, Senator Gabriel, I think you were there in Toledo with us. We had a full house at the Toledo Library. And for those of you who are unfamiliar with the facility, it's a gigantic facility. There was [00:27:30] room for tons of people, and we did a great job of filling the room. We've heard the testimony, and I think it was overwhelmingly in favor of us creating fair districts that are truly represented of the vote of people in the state of Ohio and that was our obligation. That was our commitment. And that's what they expect us to do.

When we don't comply with that Senator Maharath, then the question comes back to us. If you can't listen to us, what are you doing? And why? Why is it so difficult [00:28:00] to create fair maps? Why is it so easy to draw a gerrymandered map and try to make excuses for it? Because there is no excuse for it. It's wrong in every sense of the way. We have an obligation to represent the people and what their requests are. The requests have been overwhelmingly in favor of us creating fairer maps. And that's what our intentions are.

Senator Vernon ...: Additionally, the people really want more transparency. They want to be able to understand what the [00:28:30] issues are, what the considerations are, and they like to be involved in the process. So the hearing process helped us to a certain extent, but still many of the decisions were made behind closed doors and they need and would like to have more transparency.

Senator Gavaron...: Are there any further questions? Seeing none, that concludes the first hearing on Senate bill 237.

Senator Vernon ...: Thank you.

Senator Gavaron...: Committee will stand at ease.

The [00:30:30] committee will come back to order. The second order of business is the first hearing on Senate bill 258. We do have a substitute bill to accept as the working document of the bill. The chair recognizes Senator O'Brien for a motion.

Senator O'Brien: Chair Gavarone, I move that we accept 113421062 as a substitute bill.

Senator Gavaron...: Is there any discussion?

Speaker 3: [00:31:00] Yes, chair. We are just now seeing this sub bill. This is the first time reviewing this map. So I'd like for objection to the sub bill, please.

Senator Gavaron...: Okay. Will the clerk please call the roll?

Speaker 4: Chair Gavarone?

Senator Gavaron...: Yes. Wait a minute. Pardon me.

Speaker 4: You have to make the motion.

Senator Gavaron...: [00:31:30] Stand at ease.

[00:32:00] The committee is back in order. The question is, will we accept the substitute bill? Will the clerk please [00:32:30] call the roll?

Clerk: Chair Gavarone?

Senator Gavaron...: Yes.

Clerk: Vice Chair O'Brian.

Senator O'Brien: Yes.

Clerk: Senator Manic.

Senator Manic: Yes.

Clerk: Senator Coonsey.

Senator Coonsey: Yes.

Clerk: Senator Maharath?

Sen. Tina Mahar...: No.

Clerk: Senator Sykes.

Senator Vernon ...: No.

Senator Gavaron...: With a vote of four to two, the substitute bill is adopted. Senator McColley is here to give sponsor testimony.

Senator McColle...: Thank you, Chairwoman Gavarone, Vice Chair O'Brian, Ranking Member Sykes, and members of the local government and elections committee for allowing me to present testimony today for Senate bill 258. [00:33:00] I suppose, substitute Senate bill 258, which seeks to fulfill the Ohio general assembly's responsibility under the Ohio Constitution for redistricting of United States congressional maps within this state.

I would like to start by providing an explanation of article 19 of the Ohio Constitution regarding congressional redistricting. And then I will go on to

describe the proposed congressional map in substitute Senate bill 58. As you will recall, article 19 of the Ohio Constitution was added in 2018 [00:33:30] by the voters of the state of Ohio after the Ohio general assembly voted to put the proposed amendment on the ballot. Article 19 prescribes the process by which congressional redistricting shall occur in Ohio. The article is divided into three sections.

And of course, this process is conducted with United States census data gathered in the most recent decennial census, relative to Ohio's population, which also determines how many seats the state will be apportioned under section two, article one of the United [00:34:00] States Constitution. Section one of article 19 describes the methods for adopting a congressional redistricting plan. From a timeline perspective, there are up to three opportunities to pass a congressional redistricting plan.

The first opportunity to pass a congressional redistricting plan shall occur not later than the last day of September ending in the year ending in the numeral one. In order to pass a 10 year map at this stage, the Ohio general assembly must secure the votes of three fifths of the members of each chamber, including [00:34:30] the affirmative vote of at least one half of the members of each of the two largest political parties. If the general assembly is unsuccessful at passing a map by the last day of September, the redistricting commission comprised of the governor's secretary of state, auditor of state, and a majority and minority party delegate from each chamber shall have the next opportunity to pass a congressional redistricting plan. Just as with the state legislative districts, a plan would require the vote of at least four members of the seven member commission, including two [00:35:00] members from each of the two largest political parties making up the general assembly in order to create a 10 year map.

The redistricting commission shall have until the last day of October to do so. If the redistricting commission is unsuccessful, the responsibility returns to the general assembly where the bill must be passed not later than the last day of November. At this stage, a 10 year map can be passed with three fifths of the members of each chamber and at least one third of the members of the two largest political parties in the general [00:35:30] assembly. Alternatively, if the general assembly passes a congressional redistricting plan with a simple majority from each chamber and not in accordance with the vote threshold previously described, there are several requirements that must be met.

The plan shall not unduly favor or disfavor a political party or its incumbents. The general assembly shall not unduly split governmental units. And the general assembly shall attempt to draw districts that are compact. Additionally, section one of article 19 requires [00:36:00] a joint committee of the general assembly to hold at least two public committee hearings regarding a proposed plan. Section two of article 19 specifies additional requirements for the drawing of congressional districts.

First, the plan shall comply with the constitution of Ohio and the states and federal laws, including federal laws protecting racial minority voting rights. Second, all districts shall be compact. Third, every district shall be continuous and have a non-intersecting continuous line. It's worth noting that [00:36:30] there is an exception to the compactness requirement in the event that a four year map is passed under that section of the constitution. Most of the remaining requirements in this section deal with the splitting of political subdivisions in the map.

One term to become familiar with is the ratio of representation. This is determined by dividing the state's population determined by the census, by the number of congressional seats apportioned to the state. In this case, Ohio's population divided by 15 seats [00:37:00] that Ohio was apportioned to turns out to be 786,630 people with some slight rounding in there. I believe it's 786,629.8 if we're being exact.

Below is a description of permissive splits of political subdivisions. If a county's population exceeds the ratio of representation, it is of course going to be split in some fashion because it will have too many people to form one congressional district. If such a county exists, which [00:37:30] in Ohio's case includes only Cuyahoga, Franklin, and Hamilton counties, the following rules apply. If a city or township within that county also exceeds the ratio of representation, the drawing authority shall attempt to include a significant portion of that city or township in a single district. Currently, only the city of Columbus would meet this criterion. If a city or township in that county has a population of greater than 100,000 and it is the largest city or township in that county, the city [00:38:00] or township cannot be split. The two cities that meet this criteria are Cleveland and Cincinnati.

The remaining criteria regarding splitting up political subdivisions deal with the splitting of counties. Those requirements are as follows. 65 of Ohio's 88 counties shall not be split. 18 counties may be split not more than once and five counties may be split not more than twice. The parts of a congressional district within one county shall be contiguous. No two counties shall [00:38:30] be split among the same two districts, unless one of the counties has a population of greater than 400,000. The drawing authority shall attempt to have at least one whole county in each district where possible. Lastly, section three of article 19 deals with the legal process of channeling a constitutional redistricting plan. Next, I would like to describe the proposed map and substitute Senate bill 258. Only 14 counties are split. You will recall, we are [00:39:00] permitted to split up to 23 counties, comparatively speaking-

PART 3 OF 4 ENDS [00:39:04]

Senator McColle...: ... Are permitted to split up to 23 counties. Comparatively speaking, the 2011 map split 23 counties. This is also the lowest number of split counties in at least 50 years. The 11 counties split once are Delaware, Licking, Lorraine, Lucas,

Montgomery, Pike, Portage, Ross, Stark, Summit, and Washington. Only three counties are split twice. We are permitted to have up to five of those such counties. Comparatively speaking, the 2011 map had five such splits. [00:39:30] The three counties split twice are Cuyahoga, Franklin, and Hamilton.

It is worth noting that each county would be required to be split at least once due to its population. Every district that is not contained entirely within one county has an entire county within it. This map truly balances one person, one vote, with 13 districts having exactly 786,630 people. And two districts having 786,629. [00:40:00] That is as close as we can get as possible to one person one vote, and that 786,630 person ratio representation.

Our goal for this map was to draw districts that are compact while also keeping Ohio's largest cities whole. It is worth mentioning that the compactness requirement does not only apply to district comprised of urban and suburban areas. It also applies to rural districts. While rural districts will generally be geographically larger than those [00:40:30] in urban and suburban areas, the primary reason we decided to split some of the most populous counties in Ohio was to ensure geographic compactness of all districts in accordance with the Ohio Constitution.

However, even though we split some of the larger counties, we made it a point to keep the largest cities in those counties, and the largest cities in the state whole. With exception to Columbus, which had to be split because of its population, and with exception to Dublin and Middletown, which straddle county lines and therefore [00:41:00] do not count as splits under the Ohio Constitution, each of the 25 most populous cities in the state of Ohio are kept whole within the proposed map. In fact, only seven municipalities, and nine townships within the entire state are split in this proposed map.

The map before you complies with the requirements placed upon the general assembly under the Ohio Constitution. It is the product of a deliberate effort to draw compact districts while keeping Ohio's largest cities whole. Thank you [00:41:30] to Chairwoman Gavarone, Vice Chair O'Brien, Ranking Member Sykes, and members of the local government and elections committee for allowing me to present testimony on substitute Senate Bill 258, and the proposed congressional district map contained therein. I will be happy to take any questions at this time.

Senator Gavaron...: Thank you. Are there any questions from members of the committee? Senator Maharath.

Sen. Tina Mahar...: Thank you Chair. And thank you bill sponsor. I do want to make a correction on your sponsor testimony though. It is I who's the ranking member of this committee and not Senator [00:42:00] Sykes.

Senator McColle...: I apologize.

Sen. Tina Mahar...: Yes. I did want to ask who drew these maps? Where did the data come from?

Senator McColle...: To the Chair, to the Ranking Member. These maps were drawn primarily through consultation with senate staff. They are the product of the concepts, I suppose, of a congressional map developed by me. And then those concepts were relayed to Ray DeRossi, [00:42:30] and he put them through the computer program that we have to draw these maps.

Sen. Tina Mahar...: Follow-up.

Senator Gavaron...: Go ahead.

Sen. Tina Mahar...: Can we expect Ray DeRossi, or any members of the Senate staff who drew up the maps for us to come in and testify?

Senator McColle...: To the Chair, to the Ranking Member. I feel I have a pretty good grasp of the map and the different attributes of it, which is why I'm the one here testifying today. And I would not expect Ray... It's not out of the question I wouldn't say necessarily, [00:43:00] but I would expect that it's probably just going to be me.

Sen. Tina Mahar...: Okay. Follow-up.

Senator Gavaron...: Follow-up.

Sen. Tina Mahar...: What is the partisan breakdown of this map in front of us today then?

Senator McColle...: Part of the reason we didn't include it in the testimony is because as you saw all during the redistricting commission hearings, there are many ways to define competitive. What's not competitive. There are many ways to assign an index to a district based [00:43:30] on different data. I didn't want to necessarily draw a bright line on that. But I will say this, I can speak with some level of confidence that the map that's drawn and is proposed in front of you, is much more competitive than the current map that we have right now.

And the map that is in front of you, depending on which index you use... Like I [00:44:00] said, there could be a variety of indexes people use to describe whether a map is competitive or not, but depending on which index you use, it could be as many as up to seven or eight districts that would be considered competitive. And that would potentially leave it up to five Republican seats, eight competitive seats, and two solidly Democrat seats.

Sen. Tina Mahar...: One last follow-up.

Senator Gavaron...: Follow-up.

Sen. Tina Mahar...: Did you use any racial data as well into drawing your maps? I'm [00:44:30] just trying to get a better understanding of where did this data come from exactly?

And how did we use any political data if any consideration was placed into these maps?

Senator McColle...: Under most circumstances we are prohibited from using racial data in drawing and composing districts. And the reason for that is, is court precedent and federal law states that unless there is legally significant racially polarized [00:45:00] voting patterns within the state, and that there has been a presentment of some sort of evidence that that is the case in the state of Ohio. We are not aware of any such evidence. And therefore we did not use racial data in drafting these maps.

Sen. Tina Mahar...: Thank you.

Senator Gavaron...: Yes, Senator Sykes.

Senator Vernon ...: Thank you Madam Chair. Thank you for your testimony. Just a question about the maps themselves. Have these map been uploaded to the website for the [00:45:30] petitioning commission?

Senator McColle...: To the Chair, to the Representative, the plan I believe, was for to have them uploaded to the website of this committee that we're in, given that we are running this process now through the committee that we are in front of right now. The redistricting commission at this point, doesn't have anything to do with the drawing of these maps. It's my understanding that they are potentially already uploaded onto the committee website. [00:46:00] And if they aren't, they will be uploaded very shortly.

Senator Vernon ...: Madam Chair follow-up.

Senator Gavaron...: Follow up.

Senator Vernon ...: Do you have available, or make available the shape files or equivalency files so that the public can have more accessibility to analyze the maps?

Senator McColle...: To the Chair, to the Senator, we will make those files available.

Senator Gavaron...: Follow-up.

Senator Vernon ...: The whole campaign, [00:46:30] dealing with fair districts, the constitutional provisions that were overwhelmingly supported by the people. How does that concept of fairness... How do you incorporate that, or present that in your map? What's fairness to you and how is this map fair?

Senator McColle...: To the Chair, to the Senator, primarily what we were looking at when we crafted this map was abiding with the terms of the Constitution. The [00:47:00] terms of the Constitution at this stage in the game, primarily have two requirements. One is that we draw compact maps. And the other is that we don't have non-

contiguous areas within that map. I know there's been some discussion about whether it unduly favors or disfavors a political party, or its incumbents. That is not a requirement unless we were to draw a four year map.

Additionally, I would say that our goal and our hope is that we get the opportunity [00:47:30] to draw a 10 year map. I would applaud, frankly, the Democrat caucus in the Senate for proposing their own map, and putting that out into the open. And this is our proposal as well. And I expect a robust dialogue to occur regarding what we could possibly come up with that could lead to a 10 year map. And I think that's where we come down to whether or not a map is fair, is [00:48:00] ultimately what we come up with in the confines of the constitution, as it was voted on by the voters. And we hope to have that opportunity to do that with bipartisan support.

Senator Vernon ...: Thank you.

Senator Gavaron...: Thank you. Are there any other questions about the bill? Seeing none. Thank you very much.

Senator McColle...: Thank you.

Senator Gavaron...: And this concludes the first hearing of Senate Bill 258. Is there any other business before the committee? Hearing none. We are adjourned.

PART 4 OF 4 ENDS [00:48:28]

Exhibit 9

Politics & Gov

Ohio House approves congressional maps largely along party lines

By: Nick Evans - November 19, 2021 1:00 am

The Ohio Statehouse. Photo by Jake Zuckerman.

The Ohio House has approved new congressional districts that will give Republican candidates a significant electoral advantage for the next four years. The map will only be in place for those two election cycles because not a single Democratic member voted for it. The map now heads for Gov. Mike DeWine's desk. If DeWine signs it, legal challenges seem sure to follow.

A rushed process

The GOP congressional map passed through the state Senate on Tuesday afternoon.

The map approved Thursday in the House was introduced just Monday night as an amendment replacing the maps previously discussed in committee hearings. After the map was unveiled, it had one hearing in which a committee heard public comment. Every speaker was an opponent. The Princeton Gerrymandering gave the map a flunking grade.

The map's sponsor, state Sen. Rob McColley, R-Napoleon, argued those last-minute revisions were responsive to arguments he'd heard in committee. The Mahoning Valley is kept whole, ditto that for Starke and Lucas counties. Dayton and Springfield are wrapped into one district.

McColley also argued his map was the "most competitive offered by any caucus." He insisted on looking to statewide federal elections over the past ten years, which shows an average partisan breakdown of 54% Republican and 46% Democratic. But rather than applying that 'competitive' partisan index statewide — either with 15 competitive districts, or a map likely to yield results in line with the index — McColley instead brags that just seven districts fall within those parameters.

In both the Senate and the House, lawmakers cut corners — advancing the measure to the floor without first passing through the chamber's Rules Committee.

On the House floor Thursday, Democrats argued forcefully against the proposal. Rep. Stephanie Howse, D-Cleveland, read ballot issue language verbatim. Rep. Tavia Galonski, D-Akron, tried to amend the map to an earlier version proposed by Democrats.

Rep. Brigid Kelly, D-Cincinnati, made an all-politics-is-local argument. Cincinnati's Brent Spence Bridge is in desperate need of repairs, but Kelly noted none of the three Republican congressmen who would represent Hamilton County under the new map voted in favor of the federal infrastructure bill that will help fund those improvements.

"When you crack communities apart and group them and dissimilar areas, you don't end up with three representatives," Kelly said. "You effectively end up with zero representatives."

Meanwhile, Rep. Thomas Brinkman, R-Mt. Lookout, retorted he had a smile as "wide as the Ohio River" knowing that the county would have three representatives in Congress. And Rep. Bill Seitz, R-Cincinnati, taunted Democrats listing off Ohio's statewide officeholders, all of whom are Republicans.

"Is the whole state gerrymandered? Or have we become a red state?" Seitz needled. "Perhaps those arguing for fairness might next propose a constitutional amendment that we somehow reach up and draw Detroit into the state of Ohio — to make it more fair! Or to draw Pittsburgh over the Ohio river — to make it more fair!"

After the floor session, House Speaker Bob Cupp defended the maps a significant improvement on any previous congressional boundaries.

"It does have two districts that lean solidly to the Democrats, it has six districts that lean totally Republican," Cupp said. "But there are seven competitive districts have within plus-or-minus four percentage points and this is quite a change from what the current maps are."

What's next

Voting rights groups are urging Gov. DeWine to veto the maps now on their way to his desk. DeWine has yet to weigh in on the congressional maps proposal.

Speaking after the vote, Andrew Washington from the A. Phillip Randolph Institute argued the map is bad for communities of color.

"We stand here and I stand here with these organizations, petitioning the governor asking him to please veto this bill," Washington said. "Let the voters pick the politicians, not the politicians pick the voters. Do not pack and crack communities of color, keep communities of interest in place."

Jen Miller of the League of Women Voters of Ohio and Catherine Turcer of Common Cause Ohio said legal action or even a ballot referendum are on the table if the governor decides to approve the maps.

Miller in particular expressed frustration with the whispers that some conservatives in the chamber used their votes on the map as leverage to gain passage for a measure limiting employer vaccine mandates. She says nothing was more important than passing fair maps.

"The fact that this vote would be hijacked potentially as a political chit for an entirely different piece of legislation shows me that this General Assembly does not respect to voters and does not respect the Constitution," Miller said. "There is nothing more important than getting this right and they have failed."

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Exhibit 10

Gov. DeWine approves congressional map over objections of voting rights groups, Democrats

Laura A. Bischoff The Columbus Dispatch

Despite pleas from Democrats and voting rights groups for a veto, Republican Gov. Mike DeWine on Saturday signed into law a congressional redistricting map that will likely face court challenges.

Republicans who crafted the map said it offers seven competitive districts, divides only 12 counties and keeps seven of Ohio's eight biggest cities whole. DeWine touted the same points in a Saturday morning statement.

“When compared to the other proposals offered from House and Senate caucuses, both Republican and Democrat, the map in Senate Bill 258 makes the most progress to produce a fair, compact, and competitive map," DeWine said.

The GOP lawmakers defined "competitive" as within an 8 percentage point swing in the partisan index. Competitiveness isn't a requirement under the voter-approved changes to the Ohio Constitution.

Jen Miller, executive director of the League of Women Voters of Ohio said it was a "sad day for Ohio."

"This new congressional map is extremely partisan gerrymandered, violating the Ohio Constitution and prioritizing short-sided partisan considerations ahead of the rights of all Ohio voters," Miller said. "Ohio voters deserve better, and we will not stop our efforts until gerrymandering finally comes to an end in Ohio."

DeWine's signature on the map bill marks the culmination of years of fighting over how Ohio should draw its political maps. Voters embraced reforms in 2015 and 2018 that promised a more bipartisan process for how Ohio would craft state legislative and congressional district lines.

But it didn't pan out.

More: The threat of a 4-year map was supposed to inspire Ohio redistricting compromise. It didn't

Neither the legislative map or congressional map won a single vote from any Democrats on the Ohio Redistricting Commission or in the General Assembly. That means the maps will be in place for four years instead of 10.

Oral arguments for lawsuits challenging the legislative maps are scheduled before the Ohio Supreme Court for Dec. 8. And advocates for fair maps said this week they'd weigh their options for challenging the congressional maps as well.

"Ohio will be sued," Democratic attorney Marc Elias, whose firm filed a lawsuit over the state legislative maps on behalf of voters, said in a tweet after DeWine signed the bill.

Democrats opposed the congressional map bill, saying they were shut out of the process and the map will likely result in Republicans holding 13 of 15 seats. The map divides Hamilton County across three congressional districts and lumps the city of Cincinnati into a district with heavily Republican Warren County.

Democrats criticized DeWine for signing a bill they said fails to abide by the will of voters.

"There's only one thing you can count on Mike DeWine for: naked, partisan self-interest," Ohio Democratic Party Chair Elizabeth Walters said in a statement. "By signing these despicable maps into law, DeWine is leaving no doubt he will always put his own political interests over the interests of Ohioans he is supposed to serve. DeWine and the Ohio GOP are doing everything and anything they can to prevent voters from holding them accountable at the ballot box while they continue to betray Ohioans at every turn."

During his 2018 campaign for governor, DeWine told the Cincinnati Enquirer through a spokesman: "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."

Ohio Republicans have won every statewide executive office and a majority of state legislative seats since 2010. Miller, of the League of Women Voters of Ohio, noted that although Republicans have won those offices, they didn't win 100% of the votes.

Democrats have argued that the political maps should reflect proportional voting patterns.

Voting preferences have averaged 54% for Republican candidates and 46% for Democratic candidates over the past decade. A map based on that proprortion would favor Republicans 8-7.

The Ohio Constitution has no requirement that the congressional map matches the statewide preferences of voters, but it's one measure used to measure "fair maps."

Laura Bischoff is a reporter for the USA TODAY Network Ohio Bureau, which serves the Columbus Dispatch, Cincinnati Enquirer, Akron Beacon Journal and 18 other affiliated news organizations across Ohio.

Exhibit 11

Ohio's Gerrymandering Problem:

Why Haven't We Fixed This Yet?

A Report from the League of Women Voters of Ohio and Common Cause Ohio

1992-2002

1982-1992

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What is Gerrymandering?

Redistricting 101: Why do we redraw districts?

- Every ten years the US Census is conducted to measure population changes.
- The US Supreme Court has said all legislative districts should have roughly the same population so that everyone's vote counts equally. This is commonly referred to as "one person, one vote."
- In the year following the Census, districts are redrawn to account for people moving into or out of an area and adjusted so that districts again have equal population and, for US House districts, may change depending on the number of districts Ohio is entitled to have.
- While the total number of state general assembly districts is fixed -- 99 Ohio House and 33 Ohio Senate districts -- the number of US House districts allocated to each state may change following the US Census depending on that state's proportion of the total US population. For example, following the 2010 Census, Ohio lost two US House seats, going from 18 US House seats in 2002-2012 to 16 seats in 2012-2022.

What is Gerrymandering?

- Gerrymandering is the manipulation of political districts to rig the outcome of elections to favor one political party or candidate over another.
- Both Republicans and Democrats have done it when they controlled districting. In Ohio, US House districts are drawn by the General Assembly, with a simple majority needed for approval.
- This type of map-making reduces voter choices and leads to fewer competitive elections and elected officials who are less accountable to their constituents.
- How do map-makers create unfair districts? The two main ways are called "packing" & "cracking." The party that has the majority can pack voters of the minority party into one district so that they reduce the number of minority party districts. The majority party can also crack voters of the minority party into the remaining districts to dilute their voting power.

LEAGUE OF WOMEN VOTERS®
OF OHIO

Ohio Redistricting Reform History

1967
An Ohio Constitutional amendment was adopted, authorizing the Apportionment Board to draw boundaries for Ohio House and Senate districts. The amendment did not address Congressional Districts and they continued to be drawn by the Ohio General Assembly.

1971
The Democrats controlled the Apportionment Board and performed the first partisan gerrymander under the new amendment.

1981
The Democrats performed the second partisan gerrymander. The League of Women Voters of Ohio supported an Ohio Constitutional amendment that provided for competition between redistricting plans and required approval of the plan that provided for the most compact districts. The Ohio Republican Party supported the amendment; the Democrats opposed it. The amendment failed, getting only 42% of the vote.

1991
The Republicans controlled the Apportionment Board and performed the third partisan gerrymander under the 1967 amendment.

1999
The League of Women Voters of Ohio attempted, but failed, to place a redistricting reform amendment on the ballot. The proposal used a mathematical formula to assure compact districts.

2001
The Republicans performed the fourth partisan gerrymander under the 1967 amendment.

2005
Reform Ohio Now (RON) placed a redistricting initiative on the ballot, along with three other election reform initiatives. Under the redistricting initiative, plans could be submitted by the public and the plan that created the most competitive districts would be chosen. The Ohio Republican Party opposed the initiative. The Ohio Democratic Party did not endorse the amendment. Some county Democratic Party organizations supported it while others opposed it. Opponents produced a map which they claimed was competitive, but which did not retain community of interest. The voters rejected the redistricting reform proposal by a 70% vote.

2006
A Republican legislator introduced a redistricting reform initiative, HJR. 13. It emphasized compactness of districts and keeping communities together. The resolution narrowly failed to receive the required 60% vote from both the House and Senate to be placed on the ballot.

2009
The Republican controlled state Senate passed SJR 5, which was very similar to HJR 13 from 2006. SJR 5 emphasized compactness and keeping communities together. Competitiveness was to be a secondary consideration.

2010
The Democrats controlled state House passed HJR 15. It would establish a public competition for redrawing district lines based on objective criteria – compactness, preservation of county and municipal boundaries, competitiveness, and reflecting the relative strength of the two major parties with voters. The House and Senate were unable to reconcile SJR 5 and HJR 15 and agree

2011
The Republicans performed the fifth partisan gerrymander. Concurrently, the Ohio Campaign for Accountable Redistricting led by the League of Women Voters of Ohio and Ohio Citizen Action, held a competition in which citizens could draw maps. Those maps were more compact, more competitive, fairer to both political parties and respected county and municipal boundaries. All were better than the ones adopted. OCAR also issued a "Transparency Report" showing that maps were drawn in secret to the specifications of politicians.

2012
Representatives of the League of Women Voters of Ohio, Common Cause Ohio and others filed a petition to place redistricting reform on the ballot. Under the proposal an independent commission would ensure districts were compact, competitive and reflective of the political values of voters. The initiative failed, getting 37% of the vote.

2013
Although Joint Resolutions were introduced in the legislature, the focus of redistricting reform turned to the Ohio Constitutional Modernization Commission.

2014
The Constitutional Modernization Commission couldn't reach consensus. During the lame duck session, Rep. Vern Sykes (D) and Rep. Matt Huffman (R) negotiated a compromise plan for redistricting the General Assembly that overwhelmingly passed both the Ohio House and Senate. It required bi-partisan support to adopt a full 10 year districting plan, tightened requirements for keeping political subdivisions together, stated districts could not be drawn for partisan gain, and required more transparency and public input. It was presented to the voters in November of 2015.

2015
The legislature's proposal was Issue 1 on the November ballot and passed by 71.5%. The League, Common Cause and others began work on adding Congressional redistricting to the reform agenda.

***From 1978 through 2001, there was a proposed redistricting reform constitutional amendment introduced in each General Assembly Session — none passed.**

A Short History of Ohio Redistricting

Advocates of fair elections have been working on redistricting reform for more than 35 years.

In 1981, a constitutional amendment was placed on the Ohio ballot to change the method of state legislative and congressional redistricting to a more formulaic, mathematical approach that favored compact districts.

> ***"It wasn't fun drawing the districts and moving them through the courts, but it was all worth it when the results of the 1972 election were counted. We won the majority in the [Ohio] House 58-41, an increase of 13 seats for the Democrats. That's the power of the pencil."***
> **-** Former Speaker Vern Riffe
> *Whatever's Fair: The Political Autobiography of the Ohio House Speaker Vern Riffe*

In 1981, David L. Horn, an agricultural engineer from Athens County, told the Cleveland Plain Dealer, "I was cleaning out a ditch when I thought about compactness of districts, a mathematical relationship."

This idea grew to become Issue 2, the Fair and Impartial Redistricting (FAIR) proposal.

This amendment was supported by good government organizations such as the League of Women Voters of Ohio, as well as by the Ohio Republican Party.

Joe Elton, the coordinator of the committee, said, "It's easy for Republicans to be for good government when they're down and out. However, I honestly believe that the adoption of the FAIR amendment will be in the best interests of both the Republican and Democrat parties over the long run."

This redistricting reform effort was opposed by the Democrats and their allies, who at that time controlled the redistricting process and saw no need to change it.

It's hard to fight fairness but Ohioans saw Issue 2 of 1981 as a partisan issue, rather than a change to ensure good government. The opposition questioned the rigid mathematical formula of compactness and the amendment was soundly rejected by the voters.

Following this defeat, Joan Lawrence, vice chair of the Committee for Fair and Impartial Redistricting commented, "Who would try again?"

The answer to the question was Joan Lawrence and the League of Women Voters.

Representative Joan Lawrence (R-Galena, 1983-1999) led the way by introducing redistricting reform legislation every year that she served in the Ohio General Assembly.

> ***"I support the FAIR constitutional amendment. I believe this proposal integrates fair play and common sense into our election process. Gerrymandering is not a Republican or Democrat problem. It is a fundamental problem of government that must be corrected."***
> - Former Governor James A. Rhodes in a July 3, 1981 letter to Benson Wolman and Robert S. Graetz

Throughout the 1980s and the 1990s the League of Women Voters of Ohio and its allies including David L. Horn tried to keep redistricting on the front burner.

In 1999, the League even attempted to collect signatures for a redistricting reform ballot measure focused on compactness but came up short.

When Democrats lost control of the Apportionment Board (the body tasked with drawing districts for the state legislature) in 1990, they became more sympathetic to changing the system — but unsurprisingly, Republicans had lost their enthusiasm for change. The Republicans held on to the Apportionment Board, the legislature, and the Governor's office through the 2000 elections and thus saw no need to change the system for the post-2000 redistricting.

In 2005, a coalition of individuals and organizations came together under the rubric of Reform Ohio Now (RON) to promote a package of four constitutional amendments, one of which dealt with state legislative and congressional redistricting.

The RON redistricting amendment also took a formulaic, mathematical approach, only this time the main criterion was competitiveness.

As the chair of the Ohio Democratic Party, Paul Tipps opposed redistricting reform in 1981. In 2005, following his retirement from a high profile career as a lobbyist—and with the Democrats out of power— Tipps became one of the biggest proponents for ending "pay to play" and gerrymandering.

RON included some academics, some good government organizations, some labor unions, and some Democrats — but very few Republicans. Ultimately, the Ohio Republican Party and many prominent Republicans opposed the RON amendments. The Ohio Democratic Party did not endorse the amendments, with some county organizations supporting the reform and some opposing.

The Reform Ohio Now amendments were overwhelmingly rejected by the voters. The Republican opposition was not surprising since the GOP controlled the existing process. But the tepid Democratic organizational support was somewhat surprising. One explanation given for the weak Democratic support was the expectation of many Democrats that they would sweep the 2006 and 2010 elections and thus control the post-2010 redistricting process.

Recent legislative efforts began over a decade ago.

2006 saw the emergence of a strong Republican advocate for redistricting reform—Jon Husted. During the debate over the RON redistricting amendment in 2005, its leading Republican opponents — then House Speaker Jon Husted (R- Kettering) and then Ohio Representative Kevin DeWine (R-Fairborn) — acknowledged that Ohio's method of redistricting was flawed. While arguing that the RON amendment was not the solution, they pledged to take up the issue of redistricting reform in 2006, if RON was defeated.

Speaker Husted and Representative DeWine kept their word, negotiating with various reform groups and some Democrats. Their 2006 proposal would have placed Ohio in a national leadership position, since it explicitly included competition as a secondary criterion in choosing a redistricting plan, with compactness as the primary goal. When the time came for a legislative vote to approve an amendment for the ballot, only one Democrat supported the proposal and it failed.

While the reasons for this result are complex, it appears that Democrats did not trust the Republicans or did not want the Republicans to get credit for political reform. And—perhaps most importantly—they believed that there was no need to change a system that might soon benefit them.

The last time Ohio almost passed reform: the 2010 legislative proposal

Redistricting reform again took center stage at the Statehouse in the **128th General Assembly (2009-2010)** when the Ohio House was dominated by Democrats and the Ohio Senate by Republicans. A redistricting reform measure sponsored by then State Senator Jon Husted was approved by the Republican Senate in September 2009. This resolution would have created the Ohio Redistricting Commission to draw state legislative and congressional districts with rules focused on compactness, with competitiveness as a secondary goal. Then in May 2010, the Democratic-controlled House passed a different proposal sponsored by then Representatives Tom Letson (D-Warren) and Jennifer Garrison (D-Marietta) and strongly supported by then Speaker Armond Budish (D-Beachwood). This proposal which addressed state legislative and congressional redistricting focused on establishing rules for mapmaking and would have established a public competition for redrawing district lines similar to a 2009 competition sponsored by the Ohio Secretary of State, the League of Women Voters of Ohio, Common Cause Ohio and Ohio Citizen Action.

As former Speaker, Husted used his floor privileges to encourage fellow Republicans to support the Democratic proposal with the hope of merging the two redistricting reform measures through negotiation and the measure was supported by both Democrats and Republicans 69-28.

The mapmaking requirements of the Ohio House plan focused on creating compact districts, keeping political subdivisions together, creating as many competitive districts as possible and fair representation—the partisan leanings of state legislative and congressional districts should reflect the statewide partisan vote. This plan also included prohibitions on gerrymandering.

Merging the two alternatives looked possible. One primarily focused on establishing a bipartisan commission for mapmaking with few rules; the other on establishing strong guidelines or rules.

Unfortunately, the Ohio House and the Ohio Senate were unable to reconcile the two different versions leaving the Ohio Apportionment Board – the Governor, the Secretary of State, the Auditor of State, one legislative Democrat, and one legislative Republican— responsible for drawing new state legislative district lines and the state legislature responsible for the Congressional districts.

Ohio Redistricting Reform Competition 2011

In 2011, redistricting reform advocates joined forces to create the Ohio Campaign for Accountable Redistricting. Together, they held a real-time competition using census data and partisan information from Cleveland State University. This gave citizens the opportunity to draw state legislative and congressional districts. Criteria for the 2011 Ohio Redistricting Competition focused on the following: 1.) compactness, 2.) competitiveness, 3.) representational fairness (requiring maps to reflect the partisan makeup of Ohio as a whole), and 4.) respect for county and municipal boundaries. Mapmakers were also give guidance on how to create majority-minority districts.

While the 2011 competition focused on both state legislative and congressional districts and gave ordinary Ohioans the opportunity to better understand redistricting and highlighted the problems with the way Ohio draws state legislative and congressional lines, it did not impact the actual map-making.

"The Elephant in the Room" the last time Ohio's congressional districts were drawn

Editor's note: "Ohio Redistricting Transparency Report: The Elephant in the Room" was originally published in December 2011. The full report, complete with citations to the public records published in the appendices can be found at bit.ly/OhRedistReports

The 2011 redistricting process was in many ways "business as usual." The party in power used the process to gain maximum political advantage. The minority party was shut out. Public input was ignored. The result was the approval of new districts that will provide for largely predetermined elections where we will know which party will win before we even know who the candidates are.

How power was used in the political backrooms to manipulate districts to benefit the political insiders.

The districts were drawn and critical decisions were made in the backrooms outside of public view. When maps were unveiled, they were raced through the process in an effort to avoid public scrutiny. The elephant in the room that those drawing the maps would not publicly acknowledge drove the process. While the Republican officials talked about creating fair and constitutional districts, the driving force was how they could manipulate district boundaries in order to gain the maximum political advantage for the Republican Party – much like Democratic politicians have done when they had the power of the pen.

In this report we carefully evaluate and document the level of transparency. We conclude that for the following reasons those responsible for Ohio's 2011 redistricting process deserve a grade of D-:

- Decisions were not made in public
- Public input was ignored
- The public had limited opportunity to review proposed maps
- The public was not provided with relevant data for proposed districts
- Nonpartisan redistricting criteria was not used
- The criteria used to evaluate plans was never publicly identified

> ***"Information is the currency of democracy."***
>
> *- Thomas Jefferson*

Much of the above is apparent from observing the official process. By reviewing the records, we uncovered secrets which were not known. Some of these include:

- A concerted **strategy of secrecy** was employed which included use of a national consultant, secret meetings, and a secret redistricting office
- $210,000 was **secretly paid** to two Republican staffers
- Then Speaker of the House John **Boehner's team** was the primary decision make**r** for the congressional map
- A last minute change was made to the congressional districts to honor a request from Boehner's team to move the **corporate headquarters of a major campaign contributor** into a different congressional district
- Republican officials believed that changes they made to state legislative districts could save them **millions of dollars in future campaign expenses**
- Based on their own political indexes, Republican officials believed they created a congressional plan which would provide a 12 – 4 Republican advantage and a state legislative plan which would **ensure their control of the legislature** even if there were a strong Democratic year
- **Multiple maps** were considered including pairings of Congressman Sutton and Fudge, Gibbs and Johnson, and Turner and Jordan
- Requests by State Senator Chris Widener to keep Clark County in one congressional district were ignored because this would **hurt the political index** for Congressman Stivers' district
- **A last minute change** was made to split Mercer County into three congressional districts in order to move State Senator Keith Faber's home from the 8th congressional district to the 4th congressional district

Because many records were not provided even though public record requests were made, many things are still not known, including:

- What lobbying did legislators and congressmen engage in for their districts?
- What congressional district plans were proposed in private negotiations between Democratic and Republican politicians?
- How many other district boundaries were manipulated to raise campaign funds?
- What else was discussed in the political backrooms?

Did the public have an opportunity to review maps?

Not much. While the Legislature is often criticized for issues dragging on for months or years without resolution, on congressional redistricting they demonstrated an impressive ability to move with speed and efficiency.

On Sept. 12, Rep. Matt Huffman, Chair of the House Government and Elections Committee issued a notice indicating the next afternoon the Committee would hear testimony on a yet to be introduced bill, with a further hearing on the 14th, at which time the bill would be voted on. The next day HB 319 was introduced with the maps unveiled that afternoon. 24 hours later the House Committee voted on the legislation and within 48 hours of the maps being introduced HB 319 was approved by the full House in a near party line vote. The Senate moved just as quickly the next week. On Sept. 20 the Senate Committee on Government Oversight and Reform held two hearings on the bill, and approved the bill on a straight party line vote the next day, with the only change being to add a monetary appropriation to assist local boards of elections in implementing the new districts. One hour later, HB 319 was approved by the full Senate and still later the same day the full House concurred with the Senate amendment.

The Apportionment Board schedule provided even less time for public scrutiny. Proposed maps were unveiled on Friday, Sept. 23, considered by the Apportionment Board on Monday, Sept. 26, and voted on Sept. 28.

All of this was designed to limit the time that the public could have to review, analyze, and raise questions about the proposed maps.

Were nonpartisan redistricting criteria used?

The lack of nonpartisan redistricting criteria is most apparent when the congressional and state legislative maps were compared with maps generated through the citizen competition and scored using these criteria. Mathematical formulas were used to score the competition maps based on the following nonpartisan criteria:

- Compactness
- Minimizing the number of county and municipalities split into different districts
- Competitiveness – maximizing the number of districts which either party could win
- Representational fairness – balancing the number of districts which favor each party

The maps of the new congressional and state legislative districts were scored using the same formulas used to score the competition maps and they couldn’t compete with maps generated from the competition. In fact the congressional maps scored dead last!

This was most apparent with the congressional maps. 53 congressional district plans were submitted during the competition. Not only did all 53 plans score higher than the congressional plan adopted by the Legislature, but it wasn't even close, as is shown by the following table which shows for comparison purposes the scores for the 1st place, 10th place, and 53rd place competition plans, as compared to the congressional plan (HB 319) which was adopted by the Legislature.

Competition Scores for Congressional Plans

1st place	222.6
10th place	194.7
53rd place	84.1
HB 319	38.5

A closer examination of the districts which were adopted demonstrates why they scored so low when evaluated based on nonpartisan redistricting criteria. The first place plan resulted in 11 of the state's 16 congressional districts being heavily competitive, which was defined as having a political index in which neither political party had an advantage of more than 5%. The HB 319 districts which were adopted had no districts which were heavily competitive and only two districts in which the difference in the political index was less than 10%. As a result, we can already determine which party's candidate is likely to be elected in each of Ohio's 16 congressional districts for the next ten years. This deprives Ohioans of having a meaningful opportunity to hold their congressmen accountable in future elections.

Ohio's congressional districts as passed would likely result in an Ohio congressional delegation of 12 Republicans and four Democrats for the next decade regardless of whether most Ohioans vote for the Democratic or Republican candidate. In contrast, under any of the top ten congressional plans generated through the citizen competition, the ultimate balance of Ohio's congressional delegation will depend on the preferences of the voters.

This type of partisan imbalance was created by splitting up counties and municipalities in a way that packed Democratic voters into four congressional districts and provided comfortable Republican majorities in the remaining 12 districts. This resulted in splitting every major Ohio city and 27 counties into different districts. In comparison, the winning congressional map kept cities intact and split only five counties into separate districts.

"The liberties of a people never were, nor ever will be, secure, when the transactions of their rulers may be concealed from them. . . To cover with the veil of secrecy the common routine of business, is an abomination in the eyes of every intelligent man."

- Patrick Henry

Secrecy was the game plan.

From the start, the plan was to determine the new districts in secret. This strategy was handed down from national party leaders and included private meetings, a secret office, and a plan to keep maps under wraps until the last minute.

Secrecy strategy – As early as May 2010, the Republican National Committee conducted training on redistricting. The theme of the training was – "Keep it secret, keep it safe." The training was attended by Michael Lenzo, Ohio House Majority Counsel. Materials from the training were provided to Heather Mann and Ray DiRossi, who were assigned to draw the Ohio maps. John Morgan who provided this training served as a consultant to the Republican officials in charge of Ohio's redistricting efforts. The plan to keep maps secret until the last minute is also apparent from proposed timelines found in the files of the redistricting officials. These called for completing the congressional map by Aug. 19 and then holding it "in the can" until the Legislature came back Sept. 13-14. The Apportionment Board timeline called for plans to be submitted by Sept. 23 and voted on Sept. 28 or 29.

Secret meetings – Even though Ohio's Sunshine Law generally requires "public officials to take official action and to conduct all deliberations upon official business only in open meetings unless the subject matter is specifically excepted by law," every effort was made to conduct all of the deliberations in private.

Hotel used as secret redistricting office – At a taxpayer cost of $9,600, redistricting officials rented a downtown hotel room from July 17, 2011 to Oct. 15, 2011 to use as a secret redistricting office. The address of the hotel room never shows up on any correspondence. Meetings scheduled for the hotel room appear to be described as meetings in the "bunker" or simply as "off site." The purpose of renting the hotel appears to be twofold – to ensure that no one could gain access to the redistricting plans and to provide a place where those drawing the maps could meet with interested parties without being seen by other staff.

Using "attorney-client privilege" to keep records secret – The Apportionment Board hired Washington D.C. attorney Mark Braden to serve as legal counsel, even though the Ohio Attorney General is their statutory legal counsel. Braden served for ten years as chief legal counsel to the Republican National Committee and promotes himself as being the "father of soft money." House Majority Counsel Michael Lenzo refused to provide records of any communications with Braden on the basis of attorney-client privilege. It appears that Braden did more than simply provide legal advice. Rather, he was involved in redistricting strategy. He hired consultant John Morgan and participated in meetings with him and Ohio redistricting officials. The secretaries of the Apportionment Board submitted draft maps to him for consideration. Braden's name is even listed as the author of one of the final three congressional plans considered by Republican legislative leaders.

$210,000 secretly paid to two Republican staffers.

At its initial meeting on Aug. 4, 2011 the Ohio Apportionment Board named Ray DiRossi and Heather Mann as its joint secretaries. It was assumed that DiRossi and Mann were working as state employees as both had been employed by the House and Senate. However, a public records search revealed that neither were state employees while the Apportionment Board met. Instead, each were paid $105,000 ($210,000 total) through contracts the Republican Legislative Task Force members entered into with Policy Widgets, LLC and Capital Advantage, LLC, which were companies Mann and DiRossi established.

Mann resigned from the House on Aug. 4 and returned to the House payroll on approximately Nov. 11, during which time she was paid under the contract with Policy Widgets. This resulted in Mann's compensation increasing over six fold during the 14 weeks she was compensated under the redistricting contract ($1202/wk as House employee to $7,500/wk under the contract).

By contracting with Policy Widgets and Capitol Advantage, rather than contracting with Mann and DiRossi personally, or having them on the payroll as state employees, Republican officials were able to hide the lucrative payments they were making to close staffers.

Congressional map approved by Boehner

When Rep. Huffman testified in support of HB 319, he was asked who drew the map. He advised that it was drawn by staff. This was partially true. Heather Mann and Ray DiRossi were the Ohio staff responsible for the map. However, their direction came from Tom Whatman, Executive Director of Team Boehner, and Adam Kincaid, Redistricting Coordinator for the National Republican Congressional Committee.

During the weekend before HB 319 was introduced, Senator Keith Faber and Senator Chris Widener sought modifications to the map. However, Senate President Thomas Niehaus made clear that the critical requirement was to create a map which Speaker Boehner fully supported.

> "I am still committed to ending up with a map that Speaker Boehner fully supports, with or without votes from two members of leadership."
>
> - Sept. 11 e-mail from Niehaus to Whatman

The next morning when Ray DiRossi provided Senator Niehaus with the final map for his approval, Niehaus' question was: "Did Whatman sign off?"

Mapmakers were chasing campaign money

Not only were politicians choosing their voters, but redistricting was used to maximize potential campaign contributions. This is most obvious in the 16th Congressional District, where a puppet shaped peninsula was carved into Canton and attached to the District. The total population in this peninsula is zero! No other portion of Canton is in the 16th District.

This zero population area was attached to the 16th District because it contains the Timken manufacturing plant and their corporate headquarters. Those connected with Timken are major campaign contributors to Congressman Renacci. Keeping the plant in his district gave these contributors a reason to continue to contribute to Renacci.

The portion outlined in red in the upper right shows the area that was added to District 16 to include a political donor.

So, who requested this bizarre change? None other than **Tom Whatman, Chief Executive of Team Boehner, requested this carve out the night before HB 319 was introduced and it took only 8 minutes to get this approved!**

> Sept 12 e-mails:
>
> 9:28 PM - Whatman to Kincaid and DiRossi: "Guys: really really sorry to ask but **can we do a small carve out down 77 in Canton and put Timken hq in the 16th**. I should have thought about this earlier."
>
> 9:36 PM - Kincaid: "**Yeah, sure, no problem**. Ray/Heather, do you want me to do it and send the file over, or will y'all do it?"
>
> 9:36 PM - DiRossi: "You do and get equivalence file to us asap. Thanks."
>
> 9:39 PM - Kincaid: "10-4"
>
> 9:41 PM – Whatman: "Thanks guys. **Very important to someone important to us all.** I really should have thought of this."

Speaker Boehner's control over this process is demonstrated by the fact that there was no hesitation to honor this request and no explanation was necessary. Moreover the change was made after Ohio House Speaker William Batchelder and Senate President Thomas Niehaus had already signed off on the bill. DiRossi apparently understood that he was to make changes requested by Boehner without the necessity of obtaining further approval from Batchelder, Niehaus, or the bill's sponsor.

The records establish that Speaker Boehner was not the only one concerned about how redistricting would affect campaign funds. The map drawers also looked at how redistricting would affect funds needed for state legislative races. One week before the state legislative districts were released, Ohio House Majority Caucus Chief of Staff Troy Judy provided Ray DiRossi with an analysis which ranked the top 43 state house districts by the amount of in kind campaign contributions provided by the Republican Party or caucuses. DiRossi's response was:

> "But we have made significant improvements to many HDs on this list. Hopefully saving millions over the coming years."

Republican mapmakers analyzed political indexes to maximize Republican seats

No political data was presented when HB 319 was introduced or when the state legislative districts were unveiled. However, this data not only existed, but had been thoroughly analyzed with the explicit goal of increasing the Republican advantage in multiple districts. By early July, Republican map drawers had agreed upon the indexes they would use to evaluate districts.

They made a strategic decision to evaluate districts under the most favorable Democratic conditions, so that Republican candidates could safely win a solid majority of districts even in a heavily Democratic year. To do this they generally evaluated districts two ways. The first was to look at the percentage of votes which McCain received in a district in the 2008 Presidential race, since McCain received 46.9% of the vote which is approximately 5% less than a typical statewide Republican candidate would receive.

The second comparison was to create what they labeled as a "unified index" which was based on the 2004 Presidential race, the 2006 Attorney General and Auditor's races, the 2008 Presidential race, and the 2010 Governor's race. Since this included two races in which the Democratic candidate won by approximately 5% and no races in which the Republican candidate won by more than 2%, this resulted in a Democratic leaning index. For the congressional districts, they also looked at the 2010 Attorney General race. Charts were created which provided the following information for each district: the incumbent, the indexes, and how much the McCain vote and the unified index changed.

Republican map drawers concluded that 12 of the 16 new congressional districts favored Republicans and that only the 14th District (LaTourette) could be considered a swing district.

Multiple maps considered

In an effort to obtain the most advantageous possible districts, multiple different configurations were considered. For example by Sept. 10, two weeks before the state legislative districts were unveiled, between 11 and 21 different Franklin County maps had been considered.

Four primary congressional maps were considered, which would have paired the following congressmen:

- Kaptur/Kucinich & Sutton/Fudge (labeled 4-way split)
- Gibbs/Johnson & Kaptur/Jordan & Sutton/Fudge (open seat in Franklin Co)
- Turner/Austria & Kaptur/Kucinich & Sutton/Fudge (open seat in Franklin Co)
- Turner/Jordan & Kaptur/Kucinich & Sutton/Fudge (open seat in Franklin Co)

This evolved into two Sept. 2 variations of the Turner/Austria pairing and finally a Sept. 8 variation of the Turner/Austria plan. The final three versions also changed the Sutton/Fudge pairing to a Sutton/Renacci pairing. While the precise reasons one map was chosen over another cannot be conclusively determined from the records, several things are apparent.

13 – 3 Republican map effort. The number of attempted GOP seats is listed for each map. The 4 way split map is the only one which attempts to obtain 13 Republican seats. This map was likely rejected because while it created 13 seats which favored Republicans, in four of the 13 Republican districts McCain received less than 50% of the vote.

Jordan. There was much speculation prior to the congressional maps being released, that Speaker Boehner would attempt to create a district which punished Congressman Jim Jordan because he led a faction in the Republican congressional caucus that opposed Speaker Boehner on various budget compromises. In one plan Jordan was paired with Republican Congressman Turner. In another he was paired with Democratic Congresswoman Kaptur in a Democratic district. While these options were rejected, it is unknown whether possible retaliation against Congressmen Jordan was a reason these plans were created.

Sutton/Renacci. It is likely that Congresswoman Sutton was moved out of Congresswoman Fudge's district and into Congressman Renacci's district in order to appease African-American legislators, with whom Republican officials were negotiating in an effort to pick up some Democratic votes. Moreover, since the Sutton/Renacci district is strongly Republican and only includes 25% of Congresswoman Sutton's former district, pairing these two Congressmen into the same district does little to jeopardize Republican control of the district.

Widener. During the final weekend before the proposed congressional map was unveiled, State Senator Chris Widener, with the support of other current and former Clark County legislators, strongly advocated that the congressional map keep Clark County in a single district. This request was rejected because it would have made the district prepared for Congressman Stivers less Republican. The Boehner team described that request as "crazy." This demonstrates how little concern there was about splitting up counties and cities if to do so would provide a greater political advantage.

Faber. Also during the final weekend before the proposed congressional map was unveiled, there were multiple discussions, e-mails, and exchanges of proposed maps between State Senator Keith Faber and Ray DiRossi. Under the original maps, Mercer County was divided into two congressional districts, with Faber's residence in Celina being in the 8th Congressional District (Boehner) and the rest of the County in the 5th Congressional District (Latta). Different options were considered, apparently to move Faber into the 4th Congressional District (Jordan). Ultimately, the map proposed in HB 319 divided Mercer County into three districts, with a small segment which included Faber's residence being attached to the 4th Congressional District.

The Elephant in the Room's Conclusion

Much of what happened in the backrooms remains unknown. Establishing the boundaries of legislative and congressional districts has historically been an insider issue. However, it is an issue which is central to our democracy. How these lines are drawn largely determines who may be elected and more importantly who will make our laws. This is an issue which affects us all.

While individual legislators may have a desire to create districts in which they can easily be elected, the public has an interest in creating districts in which the voters will actually decide who is elected.

Our goal is to shine a light on this process both to expose what took place in the backrooms and to help provide a roadmap to how we might do better in the future so that the voters can choose their politicians instead of the other way around.

Postscript

In **September 2011**, the Ohio General Assembly approved a congressional map that was so gerrymandered that the Democrats sought a voter referendum on the bill. Democrats were unable to collect enough signatures for the referendum but the state legislature went back to work and tweaked their first map to craft a new congressional redistricting map.

The new congressional map was a marginal improvement but the congressional districts aren't any more competitive and established a virtual Republican lock on twelve of the sixteen districts. The political party favored in each district – Democrat or Republican— was a perfect predictor of the party of the winner in every congressional district.

"Predictable Results" and how Ohio's congressional districts are rigged against voter choice

The League of Women Voters of Ohio has prepared a report every two years comparing the 2011 gerrymandering to the 2012, 2014, and 2016 election results to analyze how effective the gerrymandered districts were at controlling election results. The report specifically addresses these questions:

- *Were Ohio's U.S. Congressional and state General Assembly districts drawn to favor one political party over the other?*
- *Did the political index of each district so heavily favor one party that it was virtually guaranteed to win that seat?*
- *Did Ohio have any competitive districts that did not strongly favor one party over another?*
- *Did any candidates win despite their district being drawn to favor the opposing party?*
- *Did the total number of votes each party received statewide match the number of district seats they won?*

The results? Entirely predictable.

Ohio's current legislative districts were drawn in 2011. The Ohio General Assembly redrew district boundary lines for Ohio's U.S. Congressional districts, and the Ohio Apportionment Board redrew district boundary lines for Ohio's state General Assembly districts. There are three major criticisms of the final maps.

- Each district was drawn to favor either the majority Republican Party or the minority Democratic Party, and the makeup of the new districts determined the outcome of the election.
- The districts were drawn to disproportionately favor the political party that controlled the redistricting process.
- Districts were not compact and instead twisted over a wide geographic area. A visual inspection of the maps bears this out.

All three criticisms are the natural outcomes of Ohio's current map drawing process, which grants broad discretion to members of the majority political party to fashion districts favorable to its interests.

Analysis of Ohio's U.S. Congressional Districts

The chart on the next page compares the projected partisan index of each Congressional district (the column labeled "Projected %") and the percentage of official votes cast in 2012, 2014 and 2016 for the Republican and Democratic candidates.

Those districts that favor Republicans and a Republican won the seat are shaded red, and those districts that favor Democrats and a Democrat won the seat are blue. Eight of the 2012 U.S. House races, nine of the 2014 races, and seven of the 2016 races had third party or write-in candidates, so the totals may not add up to 100%.

Partisan indexes perfectly predicted the party of the winner in <u>ALL</u> of the Congressional districts in 2012, 2014 and 2016.

Ohio's U.S. House Races								
% of time district index predicted winning party			100%		100%		100%	
District No.	PROJECTED %		2012 RESULTS		2014 RESULTS		2016 RESULTS	
	% R	% D	% R	% D	% R	% D	% R	% D
1	55.92%	44.08%	57.73% (Chabot)	37.60% (Sinnard)	63.22% (Chabot)	36.78% (Kundrata)	59.19% (Chabot)	40.77% (Young)
2	57.02%	42.98%	58.63% (Wenstrup)	41.37% (Smith)	65.96% (Weinstrup)	34.04% (Tyszkiewicz)	65% (Wenstrup)	32.82% (Smith)
3	35.73%	64.27%	26.35% (Long)	68.29% (Beatty)	35.93% (Adams)	64.06% (Beatty)	31.43% (Adams)	68.57% (Beatty)
4	59.61%	40.39%	58.35% (Jordan)	36.49% (Slone)	67.67% (Jordan)	32.33% (Garrett)	67.99% (Jordan)	32.01% (Garrett)
5	57.52%	42.48%	57.27% (Latta)	39.16% (Zimmann)	66.46% (Latta)	28.92% (Fry)	70.90% (Latta)	29.10% (Neu)
6	53.86%	46.14%	53.25% (Johnson)	46.75% (Wilson)	58.23% (Johnson)	38.58% (Garrison)	70.68% (Johnson)	29.32% (Lorentz)
7	56.23%	43.77%	56.40% (Gibbs)	43.60% (Healy-Abrams)	100% (Gibbs)	0% (no cand.)	64.03% (Gibbs)	28.96% (Rich)
8	64.30%	35.70%	99.97% (Boehner)	0% (no cand.)	67.19% (Boehner)	27.36% (Poetter)	68.76% (Davidson)	26.97% (Fought)
9	36.38%	63.62%	23.03% (Wurzelbacher)	73.04% (Kaptur)	32.17% (May)	67.74% (Kaptur)	31.31% (Larson)	68.69% (Kaptur)
10	54.14%	45.82%	59.54% (Turner)	37.49% (Neuhardt)	65.18% (Turner)	31.53% (Klepinger)	64.09% (Turner)	32.67% (Klepinger)
11	20.33%	79.67%	0% (no cand.)	100% (Fudge)	20.55% (Zetzer)	79.45% (Fudge)	19.75% (Goldstein)	80.25% (Fudge)
12	59.42%	40.58%	63.47% (Tiberi)	36.53% (Reese)	68.11% (Tiberi)	27.75% (Tibbs)	66.55% (Tiberi)	29.84% (Albertson)
13	37.70%	62.30%	27.23% (Agana)	72.77% (Ryan)	31.46% (Pekarek)	68.49% (Ryan)	32.26% (Morckel)	67.73% (Ryan)
14	54.36%	45.64%	54.04% (Joyce)	38.73% (Blanchard)	63.26% (Joyce)	33.02% (Wager)	62.58% (Joyce)	37.37% (Wagner)
15	56.46%	43.54%	61.56% (Stivers)	38.44% (Lang)	66.02% (Stivers)	33.98% (Wharton)	66.16% (Stivers)	33.84% (Wharton)
16	56.62%	43.38%	52.05% (Renacci)	47.95% (Sutton)	63.74% (Renacci)	36.26% (Crossland)	65.33% (Renacci)	34.67% (Mundy)

Districts tilted heavily towards one party or the other tend to deter opposition. In 2012 two candidates were unopposed, and in 2014 one candidate was unopposed. No candidates were unopposed in 2016, but the win margin in every district was nonetheless very high.

The table below compares the total votes for the two major parties with the seats each won. In 2016, Republicans candidates for Congress received 3,101,556 (60%) of the total votes statewide for major party candidates, and the Democrats received 2,048,984 (40%) of the total major party candidate votes statewide. And yet, the majority Republican Party won 75% of the seats despite having only 60% of the total votes statewide. The difference between the percentage of seats and percentage of votes -- 15% -- represents a high level of disproportionality in the level of representation versus the overall strength of candidates with the statewide electorate. By comparison, in 2012, 51% of the votes went to the Republican candidates with the same result – 75% of the seats. In 2014, 57% of the votes again yielded 75% of the seats. The disproportionality is slightly less in 2016 but is still quite large.

2016 RESULTS	REPUBLICANS	DEMOCRATS
# OF VOTES	3,101,556	2,048984
% OF VOTES	60%	40%
# OF SEATS	12	4
% OF SEATS	75%	25%

While the percentage of each party's vote share changed from year to year, the percentage of seats each party won remained unchanged. This further demonstrates that the districts are not designed to reflect voter preferences from year to year.

Analysis of Ohio General Assembly Districts

The results are just as bleak in the state legislature, where the partisan index of the districts likewise predicted the winning party nearly every time. In the Ohio House of Representatives, the partisan district index projected winners in 97 of the 99 districts in 2012, 96 of the 99 districts in 2014, and 95 of the 99 districts in 2016. In the Ohio Senate, the partisan district index projected winners in ALL of the districts in 2012, 2014, and 2016.

Better Ways of Drawing Districts

Legislative districts do not have to be drawn to reach such disproportionate results. Applying a few simple rules can yield districts that more fairly and accurately reflect voter preferences.

The map-drawing competitions held in 2009 and 2011, for example, scored proposed congressional maps based on whether they could meet several "public interest" criteria:

- **Compactness.** Sometimes referred to as the "look" of a district, compactness assures that bizarrely-shaped legislative districts are minimized.
- **Communities of Interest.** Counties, municipalities, and other government boundaries give Ohioans a sense of place and shared interests. This measure seeks to minimize political subdivisions divided between districts.
- **Competitiveness.** Our democracy thrives when the marketplace of ideas is truly competitive, especially on Election Day. Ohio's current maps are comprised entirely of "safe seats" where one party or the other is virtually guaranteed to win, even though many parts of the state are not politically homogeneous. This measure seeks to increase the number of legislative districts that could be won by either party, providing Ohioans with a stronger voice in choosing their representatives.
- **Representational Fairness.** A final redistricting plan does not unfairly bias one party over another.

Maps also needed to meet three basic legal thresholds:

- **Population equality**. Federal case law requires that districts be roughly equal in population. (see 2012 U.S. Supreme Court case *Tennant v. Jefferson County Commission*, Case No. 11-1184 decided Sept. 25, 2012)
- **Contiguity.** Every part of a district must be reachable from every other part without crossing the district's borders.
- **Voting Rights Act.** All plans must adhere to applicable federal law and case law about protecting minority voting rights and representation. If it is possible to draw a majority-minority districts, then the map makers should do so. Map makers should also endeavor to draw minority-opportunity districts in communities where population levels would support it..

Voters would be better served if districts were drawn to take into account widely-respected, good government principles of redistricting rather than the current majority party takes all system.

Ohio Overwhelmingly Supported Fair District Rules for the State Legislature

In December 2014, the Ohio General Assembly reached a bipartisan deal to put new fair redistricting rules for the General Assembly before voters. The proposal, HJR12, was approved at the close of session by a strong bipartisan vote of 28-1 in the Senate and 81-7 in the House.

The legislature's reform proposal appeared on the November 2015 general election ballot as Issue 1 and was overwhelmingly approved by voters, with more than 71% voting in favor.

That reform did not include U.S. House districts, which will require separate approval.

The League of Women Voters is a nonpartisan political organization, encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.

For further information:
League of Women Voters of Ohio
Website: www.lwvohio.org

Facebook.com/lwvohio @lwvohio

Common Cause is a nonpartisan grassroots organization dedicated to upholding the core values of American democracy. We work to create open, honest, and accountable government that serves the public interest; promote equal rights, opportunity, and representation for all; and empower all people to make their voices heard in

For further information:
Common Cause Ohio
Website: www.commoncause.org

Facebook.com/commoncauseohio @commoncauseohio

The League of Women Voters of Ohio and Common Cause Ohio co-founded the **Fair Districts = Fair Elections Coalition** in 2015 with the goal of supporting redistricting reform in Ohio.

For further information:
Fair Districts = Fair Elections Coalition
Website: www.fairdistrictsohio.org

Facebook.com/OhFairDistricts @OhFairDistricts

The League of Women Voters of Ohio and Common Cause Ohio sincerely thank the Joyce Foundation whose support made this report possible, as well as the prior reports "Elephant in the Room" and "Predictable Results" referenced herein. We also thank the many donors who support the work of the Fair Districts = Fair Elections Coalition.

Exhibit 12

UPDATED VERSION*

OHIO LEGISLATIVE SERVICE COMMISSION

Final Analysis

Emily E. Wendel

Sub. S.J.R. 5

132nd General Assembly
(As Adopted by the General Assembly)

Sens. Huffman and Sykes, Uecker, LaRose, Balderson, Beagle, Dolan, Eklund, Gardner, Hackett, Hoagland, Hottinger, Kunze, Lehner, Manning, Obhof, Oelslager, Peterson, Terhar, Wilson

Reps. Rosenberger, Schuring, Blessing, Brenner, Carfagna, Lipps, Manning, Pelanda, Reineke, Ryan, Scherer, Anielski, Antani, Faber, Gavarone, Green, Hambley, Henne, Perales, Rezabek, R. Smith

Adopted: February 6, 2018; approved by the voters on May 8, 2018, and effective January 1, 2021

RESOLUTION SUMMARY

Procedure for adopting a district plan

- Requires the General Assembly, not later than September 30 of a year ending in the numeral one, to pass a congressional district plan in the form of a bill by a specified bipartisan vote, and provides procedural requirements for that action.
- Requires a plan passed by the General Assembly that becomes law to remain in effect until the next year ending in the numeral one.
- Specifies that, if the General Assembly does not pass a plan by that deadline, or if the Governor vetoes the plan and the General Assembly does not override the veto, the Ohio Redistricting Commission must adopt a plan not later than October 31 of that year by a specified bipartisan vote, and provides procedural requirements for that action.
- Specifies that a plan adopted by the Commission remains effective until the next year ending in the numeral one.

* This version updates the approval by voters and the effective date.

- Prohibits any appointed member of the Commission from being a current member of Congress.

- Requires the General Assembly, if the Commission does not adopt a plan by that deadline, to pass a plan not later than November 30 of that year, and provides procedural requirements for that action.

- Specifies that if the General Assembly passes a plan by a specified bipartisan vote, it remains effective until the next year ending in the numeral one.

- Specifies that if the General Assembly passes a plan by a simple majority vote, certain additional district requirements apply, and if the plan becomes law, it remains effective until two general elections for the U.S. House of Representatives have occurred under it.

- Requires, after a plan expires after two general elections, that it be replaced using the same process and census data as applied previously, and specifies that the plan remains effective until the next year ending in the numeral one.

- Requires the General Assembly and the Commission to facilitate and allow members of the public to submit proposed plans, and requires the General Assembly to provide by law the manner in which the public may do so.

District standards

- Requires each congressional district to have a single representative in the U.S. House of Representatives.

- Requires a congressional district plan to comply with all applicable provisions of the Ohio Constitution, the U.S. Constitution, and federal law.

- Specifies that every district must be compact and composed of contiguous territory, and the boundary of each district must be a single nonintersecting continuous line.

- Provides several district drawing rules that limit the extent to which counties, municipal corporations, and townships may be split between districts.

Legal challenges

- States that the Ohio Supreme Court has exclusive, original jurisdiction in all cases arising under the article of the Constitution that the proposal enacts.

- Requires that, if a court invalidates any section of the Ohio Constitution relating to congressional redistricting, any congressional district plan, or any congressional

district or group of districts, the General Assembly must pass a plan in conformity with the provisions of the Constitution that are then valid.

- Specifies that if the General Assembly does not pass a new plan by the specified deadline, or if the Governor vetoes the plan and the General Assembly does not override the veto, the Ohio Redistricting Commission must adopt a plan by a particular deadline.

- Requires a plan passed or adopted under those circumstances to remedy any legal defects in the previous plan identified by the court, but to include no changes to the previous plan other than those made to remedy those defects.

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CONTENT AND OPERATION

The joint resolution proposes an amendment to the Ohio Constitution to establish standards and procedures for congressional redistricting. Currently, the General Assembly adopts congressional districts by bill, and no specific procedure applies.

Procedure for adopting a district plan

Three-step process

1. General Assembly

The proposal gives the General Assembly primary responsibility for congressional redistricting. Not later than September 30 of a year ending in the numeral one, the General Assembly must pass a congressional district plan in the form of a bill by the affirmative vote of ⅗ of the members of each house of the General Assembly, including the affirmative vote of at least ½ of the members of each of the two largest political parties represented in that house. Before the General Assembly passes a plan under any provision of the proposal, a joint committee of the General Assembly must hold at least two public hearings concerning a proposed plan.

Because the resolution requires the General Assembly to pass the plan by bill, the plan is subject to the Governor's veto in the same manner as any other bill. The Governor generally has ten days, excluding Sundays, to (1) sign an act and file it with the Secretary of State, (2) file the act with the Secretary without signing it, or (3) veto the act and return it to the General Assembly. If the Governor vetoes the act, the General Assembly may override the veto by a vote of ⅗ of the members of each house. If the General Assembly does not override the veto, then the Ohio Redistricting Commission must adopt a plan not later than October 31, as described in step two below.

The plan also is subject to the referendum in the same manner as any other bill. If the General Assembly passes the plan as an emergency measure, with a vote of ⅔ of the members of each house, it takes effect immediately and is not subject to the referendum. Otherwise, the bill takes effect 90 days after the Governor files it with the Secretary of State. If the following year is a presidential election year, a plan passed with a 90-day effective date would not take effect before the deadline for candidates to file their papers to appear on the primary ballot. (For example, in 2032, the primary election will be held on March 9. Candidates must file their papers not later than 90 days before the primary, on December 10, 2031. However, if the General Assembly passed a district plan on September 30, 2031, without an emergency clause, it would take effect December 30 at the earliest.) The date of the primary election and the filing deadlines for that election are set in the Revised Code, and the General Assembly could adjust those deadlines by bill in that situation.

If the electors successfully submit a referendum petition during that 90-day period, the law remains on hold until it is placed on the ballot for approval or rejection in November of the following year. In that situation, new district boundaries would not take effect in time to hold primary and general elections for Congress that year using the new districts. The proposal specifies that the previous district boundaries continue

in operation until the new districts take effect; so presumably, elections would be held using the old district map, which might not include the correct number of districts. Moreover, if the voters reject the bill, the proposal does not specify a timeline for the General Assembly or the Commission to replace it.

If the plan passed by the General Assembly under this step becomes law, it remains effective until the next year ending in the numeral one, unless the state is required to redraw judicially invalidated districts.[1]

2. Ohio Redistricting Commission

If the General Assembly does not pass a congressional district plan not later than September 30 of that year, or if the Governor vetoes the General Assembly's plan and the General Assembly does not override the veto, the proposal requires the seven-member Ohio Redistricting Commission to adopt a plan not later than October 31 of that year. It must do so by the affirmative vote of four Commission members, including at least two members who represent each of the two largest political parties represented in the General Assembly. A Commission member is considered to represent a political party if appointed by a member of that party or if, in the case of the Governor, the Auditor, or the Secretary of State, the person is a member of that party.

The plan takes effect upon its filing with the Secretary of State and remains effective until the next year ending in the numeral one, unless the state is required to redraw judicially invalidated districts.

Under the current Constitution, beginning in 2021, the Commission is responsible for drawing General Assembly districts. (The provisions of the Constitution that create the Commission and specify the process for adopting General Assembly districts take effect January 1, 2021. For the sake of brevity, this analysis refers to those provisions as part of the current Constitution.)

The proposal retains the current organizational requirements for the Commission, except for two provisions. First, it prohibits any appointed member of the Commission from being a current member of Congress. Second, it requires the Commission to be automatically dissolved four weeks after adoption of a final congressional district plan or a final General Assembly district plan, whichever is later.

[1] Proposed Art. XIX, Sec. 1(A), (G), and (J). See also Ohio Const., Art. II, Secs. 1c, 1d, and 16 and R.C. 3501.01(E)(2) and 3513.05, not in the resolution.

Before adopting a congressional district plan under any provision of the proposal, the Commission must release a proposed plan and hold at least two public hearings concerning a plan.[2]

3. General Assembly

If the Commission does not adopt a congressional district plan not later than October 31 of that year, the General Assembly must pass a plan in the form of a bill by November 30 of that year. If the General Assembly passes the plan by the affirmative vote of ⅗ of the members of each house, including the affirmative vote of at least ⅓ of the members of each of the two largest political parties represented in that house, and the plan becomes law, the plan remains effective until the next year ending in the numeral one, unless the state is required to redraw judicially invalidated districts.

If the General Assembly passes the plan by a simple majority vote of the members of each house, and not by that bipartisan vote, all of the following apply:[3]

- The General Assembly must not pass a plan that unduly favors or disfavors a political party or its incumbents.
- The General Assembly must not unduly split governmental units, giving preference to keeping whole, in the order named, counties, then townships and municipal corporations (see "**District standards**," below).
- The General Assembly must attempt to draw districts that are compact, but the General Assembly is not required to draw compact districts, as it otherwise would be.
- The General Assembly must include in the plan an explanation of the plan's compliance with the three requirements listed above.
- If the plan becomes law, it remains effective until two general elections for the U.S. House of Representatives have occurred under it, unless the state is required to redraw judicially invalidated districts.

Replacing a district plan that expires after two general elections

Not later than September 30 of the year after a congressional district plan expires following two general elections, as described in step three above, the General Assembly must pass a plan in the form of a bill using the same procedures as described in step

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[2] Ohio Const., Art. XI, Sec. 1 and Proposed Art. XIX, Sec. 1(B) and (G).

[3] Proposed Art. XIX, Sec. 1(C).

one above. If the General Assembly does not do so, the Commission must adopt a plan as described in step two not later than October 31 of that year. And, if the Commission does not adopt a plan in that manner, the General Assembly must pass a plan as described in step three not later than November 30 of that year. In all cases, the plan must be drawn using the same census data or other data on which the previous redistricting was based, and the new plan remains effective until the next year ending in the numeral one.[4]

Plans submitted by the public

The proposal requires the General Assembly and the Commission to facilitate and allow for the submission of proposed congressional district plans by members of the public. The General Assembly must provide by law the manner in which members of the public may do so.[5]

Form of district plan to be filed

A congressional district plan that is filed with the Governor or the Secretary of State (that is, a final plan that has been approved under the resolution) must include both a legal description of the boundaries of the districts and all electronic data necessary to create a district map for holding elections.[6]

Expiration of previous district plan

The resolution specifies that when a congressional district plan ceases to be effective, the district boundaries described in the plan continue in operation for the purpose of holding elections until a new district plan is adopted. If a vacancy occurs in a district that was created under the previous district plan, the election to fill the vacancy for the remainder of the unexpired term must be held using the previous district plan.[7]

District standards

The proposal lists several standards that the authority drawing congressional districts must follow, including standards for the population and shape of districts and the extent to which counties, municipal corporations, and townships may be split between districts.

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[4] Proposed Art. XIX, Sec. 1(D), (E), and (F).

[5] Proposed Art. XIX, Sec. 1(H).

[6] Proposed Art. XIX, Sec. 1(I).

[7] Proposed Art. XIX, Sec. 1(J).

Currently, Ohio has no written standards for congressional redistricting, although congressional districts must have sufficiently equal populations to comply with the "one person, one vote" principle of the Fourteenth Amendment of the U.S. Constitution, and districts must not be drawn in a way that discriminates against minority groups in violation of the federal Voting Rights Act of 1965.[8]

Population requirements

Census data and ratio of representation

The proposal requires the authority drawing congressional districts to give each district a single representative in the U.S. House of Representatives. The authority must take the entire population of the state, as determined by the most recent federal decennial census, and divide it by the number of congressional districts apportioned to the state by Congress. The resulting number is the congressional ratio of representation, which represents the ideal population of a congressional district. (If the federal census is unavailable, the authority must use another basis, as directed by the General Assembly.)[9]

For example, according to the 2010 federal census, Ohio's population was 11,536,504, and Ohio was given 16 representatives to the U.S. House. The resulting congressional ratio of representation, or ideal district population, was 721,031.5 persons per district.[10]

Population equality

The proposal does not specify the extent to which the population of each congressional district must equal the congressional ratio of representation. As a result, the General Assembly and the Commission must rely on U.S. Supreme Court precedent to determine how much population variance might be acceptable. Historically, the Court has ruled that congressional districts must be as equal in population as practicable, and that "absolute population equality [must] be the paramount objective of apportionment." That standard does not require precise mathematical equality, but if a state could have avoided population differences between districts by a good faith effort and did not do so, the state must justify the differences.[11]

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[8] See *Wesberry v. Sanders*, 376 U.S. 1 (1964) and *Thornburg v. Gingles*, 478 U.S. 30 (1986).

[9] Proposed Art. XIX, Sec. 2(A).

[10] Ohio Development Services Agency, *Census 2010 Complete SF-1 Content Profile*, available at development.ohio.gov/files/research/P1119.pdf.

[11] *Karcher v. Daggett*, 462 U.S. 725, 732 (1983).

In 2012, West Virginia's congressional district plan was challenged before the Court because the population difference between the plan's largest and smallest districts was 0.79%, and it was mathematically possible to adopt a plan with a smaller population variance. The Court found that the population variance in that case was acceptable as necessary to achieve legitimate state objectives, such as avoiding contests between incumbents, not splitting county boundaries, and minimizing population shifts between districts.[12]

As a result, it appears that a relatively small population variance may be allowed, depending on the circumstances. But the Court's 2012 decision was fact-specific, and it is not possible to predict what level of population variance in Ohio's congressional districts a court might find acceptable.

General district drawing requirements

The resolution requires a congressional district plan to comply with all applicable provisions of the Ohio Constitution, the U.S. Constitution, and federal law, including federal laws protecting racial minority voting rights. Additionally, every district must be compact and composed of contiguous territory, and the boundary of each district must be a single nonintersecting continuous line.

To be contiguous, a district must be a single, unbroken shape, with no "islands" of territory that do not touch the rest of the district, as illustrated below.

The requirement that the boundary of each district be a single nonintersecting continuous line prevents, for example, the creation of "donut" districts, with one district being entirely surrounded by another, as shown below.[13]

[12] *Tennant v. Jefferson County Commission*, 567 U.S. 758, 764 (2012).

[13] Proposed Art. XIX, Sec. 2(B)(1), (2), and (3).

Prohibited

Splitting political subdivisions

Definitions

The proposal limits the extent to which counties, municipal corporations, and townships may be split between districts. Under the resolution, a county, municipal corporation, or township is considered to be split if any contiguous portion of its territory is not contained entirely within one district. The inclusion of "contiguous" in this requirement means that if a political subdivision has an "island" of territory that does not touch the rest of its territory, the political subdivision is not considered split if the island is not included in the same district as the rest of the political subdivision.

Split Not Split

Further, if a municipal corporation or township has territory in more than one county, the contiguous portion of that municipal corporation or township that lies in each county is considered a separate municipal corporation or township for purposes of drawing districts.

Split Not Split

The resolution specifies that although the boundaries of counties, municipal corporations, and townships may be changed, the districts must be created using the census data used for redistricting.[14]

Restrictions on splitting

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

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

- If one municipal corporation or township in that county contains a population of at least 100,000 but not more than the ratio of representation, that municipal corporation or township must not be split. If the county contains two or more municipal corporations or townships that qualify under this provision, only the most populous of those municipal corporations or townships must not be split.

The resolution also provides that of Ohio's 88 counties, 65 counties must be contained entirely within a district, while 18 counties may be split not more than once, and five counties may be split not more than twice. The authority drawing the districts may determine which counties may be split. (If a county's population were more than three times the congressional ratio of representation, the U.S. Constitution would require the authority drawing the districts to split the county more than twice in order to divide its population among four or more districts, despite this provision.)

[14] Proposed Art. XIX, Sec. 2(A)(3) and (C).

If a district includes only part of the territory of a particular county, the part of that district that lies in that particular county must be contiguous within the boundaries of the county, as illustrated below.

And, no two districts may share portions of the territory of more than one county, except for a county whose population exceeds 400,000.

Finally, the proposal requires the authority drawing the districts to attempt to include at least one whole county in each district. That provision does not apply to a district that is contained entirely within one county or that cannot be drawn in that manner while complying with federal law.[15]

Legal challenges

The proposal states that the Ohio Supreme Court has exclusive, original jurisdiction in all cases arising under the article of the Constitution that the proposal enacts.

If any section of the Ohio Constitution relating to congressional redistricting, any congressional district plan, or any congressional district or group of districts is challenged and is determined to be invalid by an unappealed final order of a court of competent jurisdiction, the General Assembly must pass a plan in conformity with the provisions of the Constitution that are then valid, to be used until the next time for redistricting. The General Assembly must do so not later than the 30th day after the last day on which an appeal of the court order could have been filed or, if the order is not appealable, the 30th day after the day the order is issued. (If the General Assembly's

[15] Proposed Art. XIX, Sec. 2(B).

plan is subject to the referendum, the same practical issues discussed above would apply.)

If the General Assembly does not pass a new plan, or if the Governor vetoes the General Assembly's plan and the General Assembly does not override the veto, the Ohio Redistricting Commission must adopt a plan in conformity with the provisions of the Constitution that are then valid. It must do so not later than the 30th day after the General Assembly's deadline to pass a new plan.

A plan passed or adopted under those circumstances must remedy any legal defects in the previous plan identified by the court, but must include no changes to the previous plan other than those made to remedy those defects.[16]

HISTORY

ACTION	DATE
Introduced	01-16-18
Reported, S. Gov't Oversight & Reform	02-05-18
Adopted Senate (31-0)	02-05-18
Reported, H. Rules & Reference	02-06-18
Adopted House (83-10)	02-06-18

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[16] Proposed Art. XIX, Sec. 3.

Exhibit 13

As Introduced

132nd General Assembly
Regular Session
2017-2018

S. J. R. No. 5

Senator Huffman

A JOINT RESOLUTION

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

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

ARTICLE XI

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

(1) The governor;

(2) The auditor of state;

(3) The secretary of state;

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

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

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

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

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

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

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

(i) Adopt rules of the commission;

(ii) Hire staff for the commission;

(iii) Expend funds.

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

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

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

The commission shall release to the public a proposed general assembly district plan for the boundaries for each of the ninety-nine house of representatives districts and the thirty-three senate districts. The commission shall draft the proposed plan in the manner prescribed in this article. Before adopting, but after introducing, a proposed plan, the commission shall conduct a minimum of three public hearings across the

state to present the proposed plan and shall seek public input regarding the proposed plan. All meetings of the commission shall be open to the public. Meetings shall be broadcast by electronic means of transmission using a medium readily accessible by the general public.

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

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

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

ARTICLE XIX

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

(2) Not later than the last day of September of a year ending in the numeral one, the general assembly shall adopt a congressional district plan in the form of a joint resolution by the affirmative vote of three-fifths of the members of each

house of the general assembly, including the affirmative vote of at least one-third of the members of each house of the general assembly who are not members of the largest political party represented in that house. A congressional district plan adopted under this division shall take effect immediately upon filing with the secretary of state and shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(3) Before the general assembly adopts a congressional district plan under division (A)(2) of this section, a joint committee of the general assembly shall hold at least two public committee hearings concerning congressional redistricting.

(B)(1)(a) If the general assembly does not adopt a congressional district plan under division (A)(2) of this section not later than the last day of September of that year, then the Ohio redistricting commission described in Article XI of this constitution shall adopt a congressional district plan not later than the last day of October of that year.

(b) If an appointed member of the Ohio redistricting commission is a current member of congress, that member's seat shall be considered vacant for the purpose of adopting a congressional district plan, and the authority who appointed the member to fill that seat shall appoint a replacement member to deliberate and vote upon a congressional district plan.

(c) After proposing, but before adopting, a congressional district plan under division (B)(1)(a) of this section, the commission shall hold at least two public hearings concerning the proposed plan.

(2) If the commission adopts a congressional district plan under division (B)(1)(a) of this section by the affirmative vote

of four members of the commission, including at least two members of the commission who represent each of the two largest political parties represented in the general assembly, the plan shall take effect upon filing with the secretary of state and shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article. For purposes of this division, a member of the commission shall be considered to represent a political party if the member was appointed to the commission by a member of that political party or if, in the case of the governor, the auditor of state, or the secretary of state, the member is a member of that political party.

(3)(a) If the commission adopts a congressional district plan under division (B)(1)(a) of this section by a simple majority vote of the commission, and not by the vote described in division (B)(2) of this section, the plan shall take effect upon filing with the secretary of state. The commission also immediately shall file copies of the plan with the clerks of the senate and the house of representatives.

(b) If the commission adopts a plan under division (B)(3)(a) of this section, then not later than the last day of November of that year, the general assembly may approve that plan without amendment by adopting a joint resolution by the affirmative vote of a majority of the members of each house of the general assembly, including the affirmative vote of at least one-fifth of the members of each house of the general assembly who are not members of the largest political party represented in that house. If the general assembly approves the congressional district plan adopted under division (B)(3)(a) of this section, the general assembly shall file the joint resolution with the secretary of state, and the plan shall

remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(c)(i) If the commission adopts a plan under division (B)(3)(a) of this section and the general assembly does not approve the plan under division (B)(3)(b) of this section not later than the last day of November of that year, the plan shall remain effective until two general elections for the United States house of representatives have occurred under the plan, except as provided in Section 3 of this article.

(ii) Not later than the last day of September of the year after the year in which a plan expires under division (B)(3)(c)(i) of this section, the general assembly shall adopt a congressional district plan in the form of a joint resolution by the affirmative vote of three-fifths of the members of each house of the general assembly, including the affirmative vote of at least one-third of the members of each house of the general assembly who are not members of the largest political party represented in that house. A congressional district plan adopted under this division shall be drawn using the federal decennial census data or other data on which the previous redistricting was based, shall take effect upon filing with the secretary of state, and shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article. Before the general assembly adopts a congressional district plan under this division, a joint committee of the general assembly shall hold at least two public committee hearings concerning congressional redistricting.

(iii) If the general assembly does not adopt a congressional district plan under division (B)(3)(c)(ii) of this section not later than the last day of September of the year after the year in which the previous plan expires, then the Ohio

redistricting commission described in Article XI of this constitution shall be reconstituted and reconvene, and shall adopt a congressional district plan by a simple majority vote not later than the last day of October of that year. If an appointed member of the Ohio redistricting commission is a current member of congress, that member's seat shall be considered vacant for the purpose of adopting a congressional district plan, and the authority who appointed the member to fill that seat shall appoint a replacement member to deliberate and vote upon a congressional district plan. After proposing, but before adopting, a congressional district plan under this division, the commission shall hold at least two public hearings concerning the proposed plan. A congressional district plan adopted under this division shall take effect upon filing with the secretary of state and shall remain effective until the next year ending in the numeral one, except as provided in Section 3 of this article.

(C)(1) For purposes of filing a congressional district plan with the secretary of state or with the general assembly under this article, a congressional district plan shall include both a legal description of the boundaries of the congressional districts and all electronic data necessary to create a congressional district map for the purpose of holding congressional elections.

(2) When a congressional district plan ceases to be effective under this article, the district boundaries described in that plan shall continue in operation for the purpose of holding elections until a new congressional district plan is adopted in accordance with this article.

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

of representatives in each congress.

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

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

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

(1) The plan shall comply with all applicable provisions of the constitutions of Ohio and the United States and of federal law.

(2) The population of each congressional district shall be equal to the congressional ratio of representation, except that the population of a district may be greater or lesser than the congressional ratio of representation by one person if the total population of the state is not divisible by the number of congressional districts apportioned to the state pursuant to Section 2 of Article I of the Constitution of the United States.

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

(4)(a) Except as otherwise required by federal law, each municipal corporation or township that contains a population that exceeds the congressional ratio of representation shall be divided into as many congressional districts as it has whole ratios of representation. For the purpose of drawing a congressional district under this division, if the territory of a municipal corporation or township completely surrounds the territory of another municipal corporation or township, the authority drawing the districts shall give preference to maintaining the territory of the surrounding municipal corporation or township in a single district rather than including the surrounded municipal corporation or township in that district, to the extent practicable while taking into account the requirements of this section.

(b) Except as otherwise required by federal law, in a county that contains a population that exceeds the congressional ratio of representation, if the county contains one municipal corporation or township that has a population of not less than one hundred thousand and not more than the congressional ratio of representation, and a district was not created in that county under division (B)(4)(a) of this section, that municipal corporation or township shall not be split. If that county contains two or more such municipal corporations or townships, only the most populous of those municipal corporations or townships shall not be split.

(5)(a) Each county, other than the ten most populous counties in the state, shall be split not more than once.

(b) Of the ten most populous counties in the state, two counties shall be split not more than three times and the remaining counties shall be split not more than twice. The authority drawing the districts may determine which of those ten

counties shall be split not more than three times.

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

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

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

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

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

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

(B)(1) In the event that any section of this constitution

relating to congressional redistricting, any congressional district plan, or any congressional district is determined to be invalid by an unappealed final order of a court of competent jurisdiction then, notwithstanding any other provisions of this constitution, the general assembly shall adopt a congressional district plan in conformity with the provisions of this constitution that are then valid, to be used until the next time for redistricting under this article in conformity with the provisions of this constitution that are then valid. A congressional district plan adopted under this division shall remedy any legal defects in the previous plan identified by the court but shall include no changes to the previous plan other than those made in order to remedy those defects.

(2) If the general assembly does not adopt a new congressional district plan under division (B)(1) of this section, the Ohio redistricting commission shall adopt a congressional district plan in accordance with the provisions of this constitution that are then valid, to be used until the next time for redistricting under this article in conformity with the provisions of this constitution that are then valid. A congressional district plan adopted under this division shall remedy any legal defects in the previous plan identified by the court but shall include no other changes to the previous plan other than those made in order to remedy those defects.

EFFECTIVE DATE AND REPEAL

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

effect January 1, 2021, is repealed from that effective date. 351

Exhibit 14

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Testimony on SJR 5, Congressional Redistricting Process Establishment
Before the Senate Government Oversight and Reform Committee
Presented on behalf of the
League of Women Voters of Ohio
January 23, 2018

The League of Women Voters of Ohio opposes SJR5. It does nothing to reign in partisan gerrymandering and takes away an important right that voters in Ohio currently have – the right to referendum. The right to referendum is particularly important in this instance because voters are very directly impacted by partisan gerrymandering and need to have this important recourse.

Voters also have a right to fair representation and SJR5 perpetuates the ability of the majority party to draw districts designed to gain a disproportionate majority of seats for their party.

The process begins with requirement of bi-partisanship but, if agreement isn't reached with the minority party, a "majority party rules" default can be used to perpetuate the current system of partisan gerrymandering. There are no effective requirements to keep communities together – large counties can be split into 3 and 4 pieces, and most cities can be split. There is no prohibition on drawing a plan primarily to favor a disfavor a political party.

I urge this Committee to reject this proposal and substitute a plan that will require bi-partisan support to adopt a redistricting plan, keep communities together, and not permit plans to be drawn to primarily favor or disfavor a political party.

The League of Women Voters of Ohio, a nonpartisan political organization, encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.

Exhibit 15

As Reported by the Senate Government Oversight and Reform Committee

132nd General Assembly
Regular Session
2017-2018

Sub. S. J. R. No. 5

Senator Huffman

Cosponsors: Senators Uecker, LaRose

A JOINT RESOLUTION

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

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

ARTICLE XI

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

members:

(1) The governor;

(2) The auditor of state;

(3) The secretary of state;

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

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

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

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

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

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

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

(2)(a) Except as otherwise provided in division (B)(2)(b) of this section, a majority vote of the members of the

commission, including at least one member of the commission who is a member of each of the two largest political parties represented in the general assembly, shall be required to do any of the following:

(i) Adopt rules of the commission;

(ii) Hire staff for the commission;

(iii) Expend funds.

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

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

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

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

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

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

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

ARTICLE XIX

Section 1. (A) Except as otherwise provided in this section, the general assembly shall be responsible for the redistricting of this state for congress based on the prescribed

number of congressional districts apportioned to the state pursuant to Section 2 of Article I of the Constitution of the United States.

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

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

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

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

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

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

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

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

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

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

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

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

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

A congressional district plan adopted under this division

shall be drawn using the federal decennial census data or other data on which the previous redistricting was based.

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

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

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

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

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

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

corporations.

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

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

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

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

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

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

(J) When a congressional district plan ceases to be

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

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

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

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

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

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

(2) Every congressional district shall be compact.

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

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

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

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

be split. If that county contains two or more such municipal corporations or townships, only the most populous of those municipal corporations or townships shall not be split.

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

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

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

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

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

(2) If a municipal corporation or township has territory in more than one county, the contiguous portion of that municipal corporation or township that lies in each county shall

be considered to be a separate municipal corporation or township for purposes of this section.

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

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

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

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

(2) If a new congressional district plan is not passed in accordance with division (B)(1) of this section and filed with the secretary of state in accordance with Section 16 of Article II of this constitution, the Ohio redistricting commission shall be reconstituted and reconvene and shall adopt a congressional

district plan in accordance with the provisions of this constitution that are then valid, to be used until the next time for redistricting under this article in accordance with the provisions of this constitution that are then valid.

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

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

EFFECTIVE DATE AND REPEAL

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

Exhibit 16

Vote **YES** on Issue 1

A FAIR, BIPARTISAN, and TRANSPARENT PROCESS

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

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

Fair

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

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

Bipartisan

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

Transparent

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

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

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

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

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

Exhibit 17

Issue 1

TITLE

Proposed Constitutional Amendment

Proposed by Joint Resolution of the General Assembly

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

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

The proposed amendment would:

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

If passed, the amendment will become effective immediately.

	YES	**SHALL THE AMENDMENT BE APPROVED?**
	NO	

CERTIFICATION

Acting in my capacity as the secretary of the Ohio Ballot Board, I hereby certify to the Secretary of the State of Ohio that the foregoing text is the ballot language prescribed by the Ohio Ballot Board, acting pursuant to Article XVI, Section 1 of the Ohio Constitution and section 3505.062 of the Revised Code of Ohio of the Revised Code of Ohio, for this constitutional amendment proposed by the General Assembly for submission to the Ohio electorate at the election to be held on May 8, 2018.

In testimony whereof, I have subscribed my name in Columbus, Ohio, this 20th day of February, 2018.

Carrie Kurnc

Secretary, Ohio Ballot Board

Exhibit 18

Ohio's historic congressional redistricting reform: Frank LaRose (Opinion)

cleveland.com/opinion/2018/02/ohios_historic_congressional_r.html

February 18, 2018

Ohio lawmakers achieved a bipartisan redistricting deal at the Ohio Statehouse earlier this month that will appear on the May 8 primary ballot.(Jackie Borchardt, cleveland.com, File, 2016)

By Guest Columnist/cleveland.com

State Sen. Frank LaRose of Hudson is the Republican candidate for Ohio secretary of state.

COLUMBUS, Ohio -- Hey Washington, look what's happening in the heartland. We're working together to solve problems, and we are governing.

For years, Ohioans have recognized the need to reform the winner-take-all process for redistricting following the census every ten years. Under the current process, the party with the majority draws the maps as they see fit, with no need for input from the minority party. Historically, this has resulted in partisan excesses regardless of whether Republicans or Democrats held the pen. The voters of Ohio wanted us to put people before partisanship and work to address this seemingly intractable problem. Thankfully, we did.

In a historic move earlier this month, Ohio Republicans and Democrats came together to pass a redistricting reform proposal.

The hard work and dedication from the Ohioans advocating for fair districts was instrumental in bringing the discussion to the fore.

While it may seem that the spirit of statesmanship and compromise is dead in American politics, Ohio's efforts to improve the current system is a shining example that good governance is possible when partisanship takes a backseat.

I have spent much of the last eight years working on this issue, often trying to bridge the partisan divide and bring people together around this sometimes esoteric but always significant issue. In fact, I introduced legislation last March which helped form the basis for the resolution passed this week.

As a longtime proponent of reform, I've often been asked: "The current process has benefited your party over the last two decades; why do you want to mess with it?"

This issue has resonated with me because I believe competition makes us stronger. I want my party to win elections because we have better candidates and better ideas - not because we use modern GIS mapping software and pinpoint-accurate polling data to draw district lines better than the other party.

Now that both chambers in the Ohio General Assembly have passed Senate Joint Resolution 5, Ohioans get to vote on the plan in the May primary.

Here is what you should know...

The reform keeps communities together by limiting divisions of counties, townships and municipalities. The plan seeks to create reasonably compact districts by specifying that at least 65 of the 88 counties will be kept whole, and limits how many total county splits can occur.

Additional safeguards are put in place to prevent unnecessary splitting of Ohio's municipalities and townships.

For example, large cities like Cleveland and Cincinnati will remain whole within their districts.

The plan also includes important protections to assure that Voting Rights Act principles are upheld in Ohio.

Finally, significant measures are taken to assure that the process is transparent throughout and inclusive of public input when it's time to draw the maps.

The plan for a 10-year map requires significant support from both parties, ensuring a fair process with bipartisan approval.

- Step one: A map proposed by the General Assembly requires a three-fifths vote in each chamber, with at least half of the minority party's vote. If that is not reached, the process moves to the bipartisan Redistricting Commission, which Ohio voters approved in 2015.
- Step two: A map drawn by the seven-member commission requires two minority votes to pass. If that fails, the map-drawing responsibility moves back to the state legislature.
- Step three: A map requires a three-fifths vote in each chamber with a one-third vote of the minority party. If this doesn't occur, a map can be passed with a simple majority, but triggers significant safeguards to protect against partisan excess, and that map will only be in place for four years, during which time the balance of power could change.

Our work to improve congressional redistricting embodies the spirit of civility and compromise that voters want to see from their elected officials.

Benjamin Franklin, responding to a woman's question after the 1787 Constitutional Convention as to what would be the form of our government, said, "a Republic, if you can keep it."

There is no magic formula or perfectly unbiased panel of experts to call upon for redistricting. The process relies on sensible leaders, accountable to the citizens, who will work in good faith to compromise on reasonable maps that do not unduly benefit a narrow political interest. It takes people to keep it.

If this plan receives final approval, it will ultimately fall to the people charged with carrying out this process to do so in the same spirit of compromise with which it was drafted. We've created a balanced redistricting process, it will be up to the people of Ohio to keep it.

Frank LaRose is a state senator representing Wayne County and parts of Stark and Summit counties, and the Republican candidate for Ohio secretary of state.

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Exhibit 19

POLITICS & GOV

Senate Dems propose congressional map

BY: **SUSAN TEBBEN** - SEPTEMBER 30, 2021 12:40 AM

Senate Minority Leader Kenny Yuko is pictured at the Ohio Statehouse. Official photo.

The day before the first deadline for congressional maps in Ohio, Democrats in the state Senate released a map of district lines which reduce the Republican lean in the state.

The map was released as Senate Bill 237, and was introduced Wednesday by Ohio Senate Minority Leader Kenny Yuko, D-Richmond Heights, and state Sen. Vernon Sykes, D-Akron, who is also the co-chair of the Ohio Redistricting Commission.

The Ohio Senate Dems proposed congressional district map.

The maps propose six seats that would be competitive, along with a likely breakdown of eight Republican districts to seven Democratic or nine Republican to six Democrats. Currently Republicans control Ohio U.S. Congressional seats 12-4.

The Democrats' proposed map shows a partisan lean between 45% and 55%, closely reflecting the 46-54 Democratic to Republican average percentage of vote split in the last 16 partisan statewide elections. Legislative maps approved in a partisan 5-2 vote by the redistricting commission give Republicans at least a 62 of 99 district advantage, according to their own numbers, and were deeply criticized by Democrats.

The deadline set out in the Ohio Constitution for the General Assembly to pass a congressional map is set to pass on Thursday, with no indication that legislators plan to meet it.

"Our plan demonstrates that if the majority had the will, we could have drawn a bipartisan map before the September 30 deadline," Sykes said in a Wednesday statement announcing the maps.

John Fortney, spokesperson for the Senate GOP said the caucus was still reviewing the maps, but after an initial review, Fortney called the Dem maps a "new experiment in geometric shapes."

"A fatter snake on the lake, the district around Columbus gives new meaning to the 'horseshoe' and the 7th looks like a big thumbs up for maybe a new member of Congress," Fortney told the OCJ.

The Senate maps have initial support from anti-gerrymandering group All On the Line Ohio.

"This proposed map is a great starting point for community-led conversation about how best to serve Ohioans under new district lines," said Katy Shanahan, state director for AOTL. "Now we need public hearings so we can share our thoughts."

The only progress the legislature has made in the congressional redistricting process is approving rules for the Ohio Redistricting Commission, who will now take the lead on map approval as the GA deadline passes.

Ohio Gov. Mike DeWine signed House Bill 92 into law on Wednesday. The main focus of the bill regards child abuse or neglect investigations involving the military, but at the last minute, language was added bringing the rules of the Ohio Redistricting Commission into the

measure, such as the creation of a public website for submission of congressional district plans and access to data.

If the commission can't come to a bipartisan agreement by the end of October, the process goes back to legislators.

Currently, the democratic map in SB 237 only has the support of the Ohio Senate Democratic Caucus.

The legislative maps are facing multiple court challenges, and if the Ohio Supreme Court finds the maps unconstitutional, the redistricting commission will then have to take up the legislative maps again as they decide on congressional maps.

The state's highest court has given parties in the three lawsuits against the legislative maps until December to plan their arguments for and against the maps.

This flow chart shows the new process for redrawing congressional districts in Ohio. Circled is the deadline in question due to the U.S. Census data delay.

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SUSAN TEBBEN

Susan Tebben is an award-winning journalist with a decade of experience covering Ohio news, including courts and crime, Appalachian social issues, government, education, diversity and culture. She has worked for The Newark Advocate, The Glasgow Daily Times, The Athens Messenger, and WOUB Public Media. She has also had work featured on National Public Radio.

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Exhibit 20

Ohio lawmakers set to miss another redistricting deadline

By FARNOUSH AMIRI September 30, 2021

COLUMBUS, Ohio (AP) — State lawmakers in Ohio will miss their initial Thursday deadline for redrawing the state's congressional district maps for the next decade, a key lawmaker says.

The lapse predicted by Senate President Matt Huffman punts the job to the Ohio Redistricting Commission, a newly created panel already facing criticism and lawsuits challenging the fairness of the new map it passed for state legislative districts.

A new, voter-approved redistricting process is being used in Ohio for the first time this year. It has been complicated by a months-long delay in the release of 2020 census figures needed to draw the maps due to the coronavirus pandemic.

"This process is new. It's complicated and it's going to take some time to sort it through," Huffman, a Lima Republican, told reporters. "My guys were working on the state maps for 25 straight days and nights, so there really wasn't any practical way for us to get it done by this Thursday."

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But Democrats say GOP efforts to protect partisan interests are to blame.

“When it comes down to it, (Republicans) are going to side with their legislative colleagues for partisan interests,” said Sen. Vernon Sykes, co-chair of the redistricting commission. “And that’s what’s stopping us. That’s what’s holding us up.”

An Associated Press analysis found that Republican politicians used census data after election victories 10 years ago to draw voting districts that gave them a greater political advantage in more states than either party had in the past 50 years. Voters in Ohio have some of the nation’s most gerrymandered maps, the AP found.

What happens next in Ohio’s congressional redistricting process will be the scheduling of statewide public input sessions, similar to the more than a dozen hearings that took place over the summer about the drawing of the legislative districts.

In the meantime, the seven-member commission, already tasked with drawing legislative districts, will have until Oct. 31 to pass a 10-year congressional map with four “yes” votes and the support of both Democratic members.

If the panel does not submit a new map by that date, the process will go back to the Legislature with a reduced requirement of one-third of Democratic members voting in support by the end of November.

If lawmakers cannot reach that threshold, a simple majority can push through a 4-year congressional map.

The commission and then potentially lawmakers will also have to take into consideration that Ohio is set to lose a congressional seat because of slower population growth, bringing the total number to 15.

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Sykes and Senate Democrats introduced their version of a congressional map Wednesday. The proposal received immediate criticism from GOP leadership, with spokesperson John Fortney calling the map “a new experiment in geometric shapes.”

The congressional deadline comes weeks after the panel charged with redrawing state legislative districts missed its Sept. 1 deadline and went on to approve new district boundaries purely along party lines, meaning those maps, as they stand, will only last for four years.

The GOP-backed legislative district maps are now facing three lawsuits in the Ohio Supreme Court, which separately allege the process and end product are an example of "extreme, partisan" gerrymandering that violates voters' rights and the Ohio constitution.

Farnoush Amiri is a corps member for the Associated Press/Report for America Statehouse News Initiative. Report for America is a nonprofit national service program that places journalists in local newsrooms to report on undercovered issues.

Exhibit 21

Ohio Redistricting Commission - 9-15-2021

https://www.ohiochannel.org/video/ohio-redistricting-commission-9-15-2021

Co-chair Speaker Robert Cupp [00:00:00] Call to order this meeting of the Ohio Redistricting Commission. I ask the staff to please call the roll.

Clerk [00:00:08] Co-chair, Speaker Cupp (present), co-chair Senator Sykes (present), Governor DeWine (here), Auditor Faber (here), President Huffman (here), Secretary LaRose (here) Leader Sykes (here).

Co-chair Speaker Robert Cupp [00:00:22] We have a quorum and we'll proceed as a full commission. I think let's... We have some minutes that we maybe have not approved yet. There's minutes from the meetings of August the 31st, September 9th at 10 a.m. and September 9th at 2:00 p.m. They are before you. Is there a motion to accept the minutes as presented?

Senate President Matt Huffman [00:00:46] So moved.

Co-chair Speaker Robert Cupp [00:00:46] Is there any objection? Seeing and hearing none, the minutes of the previous meetings stand as accepted. Senator Huffman, for a motion.

Senate President Matt Huffman [00:01:01] Thank you Mr. Co-chair Cupp. At this time, I move that the commission stand in recess.

Co-chair Speaker Robert Cupp [00:01:08] Until...?

Co-chair Speaker Robert Cupp [00:01:09] Pardon me?

Senate President Matt Huffman [00:01:10] Until 3:00 p.m., I believe.

Co-chair Speaker Robert Cupp [00:01:14] It's so moved. The commission will be in recess until 3:00 p.m.

House Minority Leader Emilia Sykes [00:01:20] Mr. Co-chair?

Co-chair Speaker Robert Cupp [00:01:22] Leader Sykes.

House Minority Leader Emilia Sykes [00:01:23] Thank you. Thank you. Mr. Chair, if we could just... Obviously we have people who are anxious to understand what is happening next. So for the benefit of those who are here and perhaps watching, could we have a bit of a discussion of what the recess will entail and for what purpose are we recessing?

Co-chair Speaker Robert Cupp [00:01:42] We will be recessing so that we can continue some consultations that are going on, some work that is being done on the map for the finalization that needs to be done, as well as any changes that might be considered in the interim. Is there any objection to the motion to recess? Hearing none, the commission is recess till three o'clock.

Co-chair Speaker Robert Cupp [00:02:17] Pursuant to the recess, the meeting of the Ohio Redistricting Commission will come back to order. A little leftover business from this morning. And at this time, I would entertain a motion to accept any remaining written

testimony from the regional hearings on the introduced plan to be part of the record of the September 14th hearing. Do I have a motion for that?

Co-chair Senator Vernon Sykes [00:02:41] So moved.

Co-chair Speaker Robert Cupp [00:02:43] Is there a second?

Senate President Matt Huffman [00:02:45] Second.

Co-chair Speaker Robert Cupp [00:02:45] Second, is there any objection? Seeing none, the written testimony is accepted as part of the record. At this time, I will ask what is the will of the commission with regard to the introduced state redistricting plan?

Senate President Matt Huffman [00:03:00] Mr. Co-chair?

Co-chair Speaker Robert Cupp [00:03:02] Chair recognizes Senator Huffman.

Senate President Matt Huffman [00:03:03] Thank you, Mr. Co-Chair. I'd like to present to the commission an amendment to the introduced proposed General Assembly district plan for its consideration. Thank you, Speaker. The commission, as we know, introduced a proposed General Assembly district plan last week. And since that time, we've been actively talking with all of the commissioners, all the... Folks serving up here, including, of course, our Democratic colleagues. In response to those conversations. We've made a number of changes based on, really, a variety of suggestions and feedback. And of course, that feedback includes the several public hearings that we've had, the submitted testimony and, you know, other, other public input that we have had. Additionally, this amendment itself was presented to the seven commissioners last evening, along with the appropriate computer files and other items that could be reviewed. I, this amendment, moves to the introduced plan much closer to what our Democratic colleagues had sought in their amendment, which was presented and explained by Mr. Glassburn in Cleveland last week. So I want to talk a little bit about the amendment itself. I should say initially that we've made a number of technical changes. This is, of course, a big job with a lot of of data so that naturally these things happen. But there are a number of technical changes, these fix misassigned census blocks, and the block assignment files. And really those changes, for the most part, had no impact on on population. These were simply bits and pieces that that had to be cleaned up. However, there were a number of substantive changes that were made that did reconfigure the geography of the introduced plan, the plan that was introduced by the commission last week in a way that did change demographics in other parts of various districts. The first part, I would say, is that this plan reduces the this amendment, reduces the number of Republican seats collectively in both houses by six. And of course, these are House, according to the the indexes that were developed, I think that both sides were using. So the... And again, takes this much closer to the Democratic plan that was presented where this amendment will have 62 Republican seats in the Democratic amendment, had 57 Republican seats. So, so fairly close really. And then in the Senate, the numbers are 23 and 20. So, again, this, this amendment is much closer to the Democratic amendment than the original proposed plan. A couple of other comments. And I do want to compliment Mr. Glassbern... burg... burn. I apologize, I keep getting that name wrong. He did an excellent job in Cleveland explaining their plan. And there were a variety of maps that were submitted in a variety of ways, either through the website or in...and many of those maps were not constitutional. As was pointed out the other night, the winning map and the Fair Districts competition had 10 to 15 constitutional violations and about 50 or so other local splits that that weren't necessary. And so those

are all things, I think, that that need to be taken into account. The... Many of the... And actually, I should say this, the last proposed Democratic map, although I think took care of many of the things that were originally issues when first submitted, including numbering and a number of of constitutional problems. There were still some constitutional problems, especially related to the contiginuity of at least one of the districts that I know, know of. So I would say that, you know, I think it's important that this commission vote on a map that is constitutional. This is the only map.... So, you know, and with this amendment, will continue to be the only map that is, is constitutional that's been submitted to the plan. We have about 37 minutes, according to my watch, too, for this commission to act according to the Constitution. And these are things that, you know, I think many of us who've been here a while often act... In a...We have to act late at night, whether it's a budget on June 30th or other deadlines. So I'm sure we'd all rather be someplace else right now. But in this case, this is something, a task that we have to complete, according to the Ohio Constitution that all of us swore to uphold. That has to be done. So pursuant to the comments that I've made regarding the amendment and by the way, the amendment has been downloaded on the website for some time now. Of course, this is an amendment that has been circulating among all the commissioners since yesterday afternoon. So based on those comments, Mr. Cochairs, and pursuant to Article 11 of the Ohio Constitution, I move for the commission to amend the introduced proposed General Assembly district plan with the amendment that I just explained.

Co-chair Speaker Robert Cupp [00:09:18] Is there a second to the motion on the amendment? I'll second the motion, it's been moved in second and that the motion to amend the commission plan be adopted. Is there discussion. Hearing no discussion...

Co-chair Senator Vernon Sykes [00:09:40] Mr. Speaker. At this point, in looking at the different proposals that have been introduced over the course of the last couple of weeks, we appreciate the offer, the amendment that make, the adjustment that the amendment makes, but far falls far below what's considered to be fair. And for that reason, I object to it and do not support the amendment.

Co-chair Speaker Robert Cupp [00:10:19] Is there further discussion. The staff will call the roll, please.

Clerk [00:10:29] Co-Chair Senator Sykes.

Co-chair Senator Vernon Sykes [00:10:30] No.

Clerk [00:10:30] Co-Chair, Speaker Cupp.

Clerk [00:10:35] Yes.

Clerk [00:10:35] Governor DeWine.

Governor Mike DeWine [00:10:39] Yes.

Clerk [00:10:39] Auditor Faber.

Auditor of State Keith Faber [00:10:39] Yes.

Clerk [00:10:40] President Huffman.

Senate President Matt Huffman [00:10:40] Yes.

Clerk [00:10:42] Secretary LaRose.

Secretary of State Frank LaRose [00:10:43] Yes.

Clerk [00:10:43] Leader Sykes.

House Minority Leader Emilia Sykes [00:10:43] No

Co-chair Speaker Robert Cupp [00:10:50] Five votes to two, if I was right. The motion to amend has been adopted. Is there further motions?

Senate President Matt Huffman [00:11:00] Mr. Chairman?

Co-chair Speaker Robert Cupp [00:11:02] Chair recognizes Senator Huffman.

Senate President Matt Huffman [00:11:03] Thank you very much, Mr. Chairman. Pursuant to Article 11 of the Ohio Constitution, I move for the commission to adopt the introduced proposed General Assembly district plan as amended as the final General Assembly district plan.

House Minority Leader Emilia Sykes [00:11:16] Objection.

Co-chair Speaker Robert Cupp [00:11:16] Is there a second to the motion? I'll second the motion. There's been an objection. Discussion? Any discussion? Chair recognizes Leader Sykes.

House Minority Leader Emilia Sykes [00:11:30] Thank you, Mr. Co-Chair and members of the committee. And I know it is late and we are on a time crunch, but if you could indulge me a bit so I can share my thoughts about this plan, this map and why I will be voting no this evening.

Co-chair Speaker Robert Cupp [00:11:57] Commissioner may proceed.

House Minority Leader Emilia Sykes [00:11:59] Thank you. Thank you, Mr. Chair. People ask me pretty regularly, why do I wear white all of the time. And and if you indulge, it'll all make sense and all come together. I often wear white, especially in moments of importance. To honor the women of the suffrage movement who fought so hard for the right to vote. Women who, through no fault of their own except to be born as a female did not receive equal access to speaking up and about the government, to the government on behalf of themselves and their families. As the only woman on this commission, I take my responsibility incredibly, incredibly seriously. And beyond just what this vote may mean for a 10 year map I bring with me those women who suffered for generations for the right to speak up so that someone like me could have the audacity to stand up and speak out on a commission that is made of six men and one woman. I recognize that the men in the majority, in the majority party on this commission have never had ancestors or the experience of having to fight for their access to basic human rights that others enjoyed just simply because they were born. And to have before us today a map that summarily and arrogantly eliminates the ability for women like me, the women of the past, to engage in a process and have their votes heard is not only offensive, it is plain wrong. I think of the women of the suffrage movement. And we just celebrated a hundred years of white

women having the right to vote and people like Mary Church Terrell or Ida B. Wells and Sojourner Truth, who fought so that women like me, who look like me, could have the nerve to say the things that I say in rooms just like this when people tell me I don't belong here. I call it offensive and plain wrong to move forward this map after we heard hundreds of people come before us. Hours of testimony in cities across this great state. And to put forth something that so arrogantly flies in the face of what people, our voters, asked us to do not once but twice, through a citizen-led initiative that forced the hand of the legislature to ensure that people had the right to vote to... And not only that, they have that right that they feel that it is counted and they can make a difference in their government. I have often talked about my faith and I continue to have the faith of a mustard seed. And that faith does not live within men and including the men on this commission. And I'm reminded, and I was continuously reminded through the many hearings that I sat through a Proverbs 29:2 that says, "when the righteous are in authority, the people rejoice. But when the wicked beareth rule, the people mourn." The people of Ohio have been mourning. They have been in mourning. And it is because they have not been able to access their government and the way in which they deserve. We may no longer be in the 1920s where women or some women or even just 1963 when black people didn't have their full enfranchisement, but every day I am faced with the opportunity, and really the privilege, to push back and to stand up and be proud of where I am and not to ever disrespect the people who got me here. There is in no way that I can, in good conscience vote for this map, and I urge every single member of this commission to join me in voting no. This is not simply a matter of Republican versus Democrat, male versus women, Younger versus older, millennial, boomers. This is about the human right to access and participate in our government. The Democrats on this commission made it very clear that the maps that we saw yesterday were a nonstarter, that we would not be supporting them. And any suggestion that we should be voting for them or that they are closer is a patently false statement. And to make the suggestion that perhaps we should vote for this because it may get us closer is just wrong. I am not going to be fooled and neither will the people of this state. They have invested too much time and energy in this process, and they deserve better than what this map is. It is very clear that in drawing this map, because it was stated that no one considered the Voting Rights Act. An act that allowed me, someone like me, to even be able to be in this position. To allow someone like Co-Chair Sykes to be a co-chair of a constitutionally mandated commission. But I know the people who have never had to fight for their rights cannot appreciate what it means when people who have not had rights, beg for them. Things that they should have already had. These people who came and spent hours of testimony did not deserve to beg us to do right. It is just wrong. This map, we can talk about constitutionality, but I think all of us, especially those who have graduated from law school, know we don't have the ability to determine anything to be constitutional or not. That will be left up to the courts. But I do know one thing that is very clear. That there is a section in the Constitution that requires us to draw maps that follow the proportional results of elections over the last 10 years, and this map falls short of that. And we can argue all day about the legislative intent, but I don't have to do that because I can talk to my co-chair who was a part of writing this, and he will share with you that the proportionality or representational fairness is what he meant and that is why it's in the Constitution. Period. And you can ask him yourself if anyone else has any questions. And so as I conclude, I just want to say, and make another appeal to my colleagues on this commission. This is a vote that should be an easy no. It's an easy vote for me. I will not lose not a second of sleep over voting no on this, because at some point when the government refuses to listen to the people who elected us and direct us, there are consequences. And I am always going to stand on the side of the people who brought me here, whether it's those suffragettes, those civil rights fighters, the people of House District 34, the birthplace of champions. They got me here. And I am proud to vote no on their

behalf, because I know they deserve better than this, and I would hope every member on this commission feels the same way about their constituencies, whether it is a district or it is this state. And you join me in voting no. Thank you, Mr. Chair.

Co-chair Speaker Robert Cupp [00:22:03] Further discussion? Chair recognizes co-chair Sykes.

Co-chair Senator Vernon Sykes [00:22:09] Co-Chair and members of the commission and people of The State of Ohio. I have very, very heavy heart tonight. I have been advocating for fair districts since the 80s, when I first came on as a member of the Ohio House of Representatives. And I've worked really hard to formulate the provisions of the Constitution that the citizens adopted. And I'm so disappointed at this particular time that we're at this juncture. That now it's almost 12:00 on September the 15th in 2021, and we come to this juncture, I was hopeful, hopeful that the people in place at that particular time when we were contemplating this would have the will to promote fairness. I was hopeful that we could take an adjustment, make an adjustment in the apportionment board, expand it, make sure we have minority representation on it, adequate. Was hopeful that they would have the courage and the insight to promote fairness. And we put guardrails in it. One of the very distinctive factors of the constitutional provision in 2015 was we added a provision that dealt with fairness. Before we were just looking at technical compliance. Issues like compactness or the number of splits. But it's been proven with the map that's been presented for you today. That you can comply with the technical compliance, but still gerrymander districts as much as you like. And so it was the wisdom of the constitutional provision to put in place a different concept of representational fairness, and that concept was considered to be somewhat vague at the time, and so we wanted to make sure it was understood. So instead of putting the words representational fairness in, we actually define the concept, described it so it would be clearly understood what the intentions were. And this was the guardrail, because in Section 6(A) it says you can't favor or disfavor a party. And then in (B), it describes how we make sure that that doesn't take place. Because we're going to look at the voting preferences expressed by the people and the vote, in elections over a 10 year period. And we take all of the partisan elections, we're not going to be selective, we're going to take all of them. We do it over a 10 year span so we don't have problems with outliers, so it's kind of an average. We asked scholars to come forward to analyze it, to read the Constitution and then say, how would you interpret this? And they came one at a time. And every one of them came up with the, basically, the same quotient. Basically the same percentages, proportions. And that's considered to be fairness. And I can't stand up here and support anything but fairness. You know, I'm just astounded by the arrogance of the super majority having such a callous disregard for the people of this state. You know, I went I went to every one of the hearings. I presided over most of them. And I listened to every testimony. The people came and they pleaded with us. Some of them scolded us and others cried. Because they wanted us, they were trying to appeal, make an appeal, to our sense of good judgment. And they waited in hearings that were four, five and six hours long to present their written testimony. And as they spoke and they went over the time limit, they kept speaking. And as I tried to even gavel them down, they kept speaking. I asked them not to applaud and they kept clapping anyway. They have spoken, we, hundreds of them from all over the state. 15 regional hearings in 15 different locations, and they all, they all, want fairness. And when we campaigned, Senator Huffman, we campaigned, we campaigned on the slogan for the, our campaign committee statewide, we raised money and campaigned. Fair districts was the name of the committee. Fair districts. Not technically complying districts, but fair districts. And I can't, as bad as I would...I would love for us to have a 10 year plan. A fair plan. There's no way that I would slap the people in the face that promote fair districts. And put them in a

smooth... Put them in the misfortune that we've been suffering for decades, for another 10 years. And I ask this committee, please listen to the constituents this time.

Co-chair Speaker Robert Cupp [00:30:04] Further discussion on the motion? Chair recognizes Secretary LaRose.

Secretary of State Frank LaRose [00:30:11] Thank you, co-chair. Though our votes are different, I share the deep disappointment that co-chair Sykes just expressed. I'm no stranger to trying valiantly for a worthwhile cause. But I don't like to fail. I'm no stranger to striving hard and spending myself for a mission that matters. My mission has been clear. Bipartisan compromise that yields a 10 year map. I believed all along that it was possible. I even told a couple of you that our state motto is, With God, all things are possible. That was my guiding north arrow over the last couple weeks. With God, all things are possible. We've fallen short. Not enough members of this commission wanted to come along with that effort. I'm casting my yes vote with great unease. I fear, I fear we're going to be back in this room very soon. This map has many shortcomings, but they pale in comparison to the shortcomings of this process. It didn't have to be this way. It didn't have to be this way. Some of us worked in good faith, in a bipartisan way, to try to get a compromise. There are members of this committee who I do not believe worked in good faith to try to reach that compromise, but here we are. When we are back here, whenever that is, I know for sure, I believe October 1st we'll be back to back here with a new mission, drawing congressional districts for the state of Ohio. And when we are, this process will be different. It is not going to work this way next time. I'm casting a yes vote today. But I wish it didn't have to be this way,

Co-chair Speaker Robert Cupp [00:32:17] Further discussion on the motion? Governor DeWine.

Governor Mike DeWine [00:32:22] Thank you, Mr. Chairman. I am deeply disappointed at where we are tonight. I'm very, very sorry that we are where we are. I know, I know, this committee could have produced a more clearly constitutional bill. That's not the bill that we have in front of us. I have felt throughout this process that there was a compromise to be had. That the bill could be improved, become much more clearly constitutional, that we could produce a bill that all seven members, a map that all seven members, of this committee could vote for and that we would have a 10 year map. I was wrong. I felt even today, as late as early this evening, that there was still a deal to be had. And the parties could get together. And I thought if that could not occur tonight, that it could occur tomorrow or the next day, and that it was possible. The parties are not that far apart. I won't go into the details, but they're not. They think they are, but they're not. Tonight, it has become clear to me that there is not going to be a compromise. There can't be a coming together. I talked to the Republican legislative leaders. I talked to the Democrat legislative leaders separately. And it's clear in talking to both sides that there's not going to be an agreement. And that we could go tomorrow or the next day or the next day, and it simply was not going to occur. I have respect, deep respect, for all members of this committee, but I'm saddened by the fact that it was clear in talking to them that there was not going to be any real ability and so that tomorrow we would be exactly where we are today and the next day and the next day. So along with the secretary of state, I will vote to send this matter forward. But it will not be the end of it. We know that this matter will be in court. I'm not judging the bill one way or another. That's up for, up to a court to do. What I do, what I am sure in my heart is that this committee could have come up with a bill that was much more clearly, clearly, constitutional. I'm sorry we did not do that.

Co-chair Speaker Robert Cupp [00:36:10] Further discussion? Chair recognizes Auditor Faber.

Auditor of State Keith Faber [00:36:14] Thank you, Mr. Chairman, and a question to the sponsors, do we have a statement pursuant to 8(C)(2) to prepared to explain the proportionality issues?

Co-chair Speaker Robert Cupp [00:36:26] Mr. Chairman?

Co-chair Speaker Robert Cupp [00:36:27] Go ahead.

Co-chair Speaker Robert Cupp [00:36:27] Yeah, yeah, yeah. In fact, there is. That's not appropriate to present that until after the vote is taken, which I could present it now, but it's only presented in the case of a four year map, which I think we're going to have, but formally we have to have the vote first.

Auditor of State Keith Faber [00:36:45] Mr. Chairman, the reason I ask is, is that I think that that discussion may help at least, certainly, have a discussion as to at least, some folks' belief as to whether this map complies, or how it complies with Section 6. And so I don't know if that's helpful or we can wait to have that discussion. But I'm just... I'm at your discretion.

Co-chair Speaker Robert Cupp [00:37:13] I'm not sure if it's to my discretion or the co-chairs discretion, but would you like me to distribute the statement now, Auditor Faber? Is that what you're asking?

Auditor of State Keith Faber [00:37:22] I guess my short answer is yes, you know, it's not required until after that, but it certainly would help the proportionality explanation.

Co-chair Speaker Robert Cupp [00:37:38] At the request of Auditor Faber, if we could distribute the statement, that conditionally would be offered. Anybody need a minute here or?

Auditor of State Keith Faber [00:38:30] While we're doing that, Mr. Chair?

Co-chair Speaker Robert Cupp [00:38:33] Do you need to you need a minute? OK.

Auditor of State Keith Faber [00:38:36] No I have a question... Or a statement.

Co-chair Speaker Robert Cupp [00:38:38] Chair recognizes Auditor Faber.

Auditor of State Keith Faber [00:38:40] Thank you. This has been an interesting process. To say it has gone like I anticipated is probably not just an overstatement, but but frankly, a great disappointment. This process has been an example of, from a management perspective, of what needs to be improved going forward for future redistricting commissions. And candidly, I anticipate offering some suggestions on rule changes and things to better involve the non-legislative members in the process earlier and to give resources equally so we can have the ability to draw other maps. Having said that, I think it's important that everybody understand some truisms that we heard some of the witnesses testify to in the redistricting process. First, that Ohioans tend to live around people that think and vote like them. And that's why the compactness provisions in the Constitution are very important. And the no splitting provisions are very important because

we heard a lot of people testify that they didn't want to necessarily be drawn into districts that put them in places that didn't think like them, or to be represented by somebody who doesn't share their values. Now, we're in a representative form of government, and that always means that you're always going to have somebody representing you that you don't agree with in some ways. Heck, most of us who are legislators will say we don't always agree with ourselves. So it's tough to have 100 percent agreement. So we don't expect perfect alignment, but that's why we elect people, and why majorities in the district get the say. The problem with looking at other factors, when you have such a organization in Ohio, as we do with urban and suburban and rural areas, means that it's very difficult to draw districts that have some divine competitiveness ratio. One of the versions of the maps and I'm going to talk about the maps before I get to the process, one of the versions of the maps submitted by one of the legislative caucuses at one point almost had no competitive districts. And so most all of the races would have been determined in primaries, we heard over and over and over just how many people had concerns with that as to its potential to lead to extremism. So I did a quick count on this map based on information that we got a little earlier off of... and because we don't have access to the high tech programs, we were stuck using Dave's Redistricting, which seems to be an OK tool. But the reality is, is I counted the competitive districts. And we've had different debates about what competitive means between all the participants here. And so I use two different metrics. The one Dave's uses is 10 points, 45 to 55. I think a better, tighter competitive number is is 48-52. It's real tough for somebody to win a 55, or to lose a 55 district. And it's real tough for somebody to win a 45 district. But candidates matter. We have examples. Frankly, I think one of the members on this panel won a district that wasn't much above 45 and everybody said you could win. I remember being one of those people who said he could. He did. And I'm proud of him as my colleague. So you can win those districts, candidates, matters, campaigns matters and and those issues matters. So in this map that's presented, if I've got the right set of numbers, we've got 23 districts that are competitive. 12 of which happened to fall in the Democrat side, an 11 fall on the Republican side. If you're striving for a competitive map, that's pretty darn good with the number of tight districts that you have to draw that are going to be the sure things in the Republican strong areas and the Democrats strong areas of the state. So that means, depending on what happens, elections and candidates and issues and districts, you've got 23 districts in this map that could flop one way or another. That's not bad. Going through the rest of the map, there are things in it that I don't like. My colleagues have heard me repeatedly talk about why I think you need to keep communities that have a long track record of being represented together, together. My home community isn't such a community in this map, it's not tied to the state senator, including the now speaker, I think you represented this district some 20 plus years ago, with the counties that it's with. The moral of the story is, we all don't get everything we want, despite our efforts. So when you draw a map, sometimes you have to allocate disappointment. I will tell you, there's some disappointment, in my view, as the way some of the counties are split in northwest Ohio. That's just the way the cookie crumbles, some would say. But the reality is, compared to some of the other maps we've had a choice to go with, this map isn't that bad. It's not that good either. There are things in this map that given a perfect world, I would change. We tried to make some of those suggested changes, but that brings me now to the process. I spent a lot of time trying to figure out how to get to a seven person, 10 year map. We did that in good faith. After 24, 25 years as a mediator, I always said, you never stop negotiating until it's clear you're done. I still believe today, that if we had more time, putting the parties in a room in a way they could candidly talk without fear of lawsuits and without fear of showing their hand, we'd have got a better map. But I do agree that as of where we sit today, in the time frame and everything else that we see, this is as good as it's going to get today. I don't like that. I'm disappointed profoundly that we do not have a 10 year map, that we do not have a

seven-person vote. I can tell you that the Governor and Secretary LaRose and I spent hours trying to find compromise. I wish we'd found it. With that, because I believe votes are binary things, I don't have another choice to vote yes or no on. I don't have the ability, because of the resource allocation, to make amendments here or there that would have made a difference without causing more problems one way or another and potentially violating the Constitution. Because there is this provision that you can't unnecessarily split cities or townships and we don't even have good census blocks in Dave's Redistricting to do that. And I have to give a shout out to the Democrat staffers that helped educate me on some of that. Frankly, I wasn't aware of that. And their time and their work with us in good faith. I think at times, I think they worked good with us, was helpful to me and helpful to me to understand this. With that, I'm going to vote yes on this map. I'm going to vote yes with some apprehension and I'm going to vote yes in reliance on the representation that I've gotten from various legal counsel that these provisions fully meet with the constitutional parameters and the people who have had the ability to make those assessments, that this map meets all those standards because we have not had the ability to look at those things. Having said that, what I do get to see from Dave's, it does appear to do that. I just would encourage us to look at the process. To continue to talk to each other and find opportunities for compromise and if we have to go about this again, whether it's in four years or four weeks. I urge us to remember that when we negotiate, we shouldn't be negotiating from positions, we should be negotiating on shared interests, and if we do that, I think we'll have a better product. Thank you, Mr. Chair.

Co-chair Speaker Robert Cupp [00:46:47] The question is, shall the motion be agreed to, the staff will call the roll.

Clerk [00:46:52] Co-chair, Senator Sykes.

Co-chair Senator Vernon Sykes [00:46:53] No.

Clerk [00:46:54] Co-chair. Speaker Cupp.

Co-chair Speaker Robert Cupp [00:46:55] Yes.

Clerk [00:46:56] Governor DeWine.

Governor Mike DeWine [00:47:00] Yes.

Clerk [00:47:00] Auditor Faber.

Auditor of State Keith Faber [00:47:00] Yes.

Clerk [00:47:02] President Huffman.

Senate President Matt Huffman [00:47:02] Yes.

Clerk [00:47:02] Secretary LaRose.

Secretary of State Frank LaRose [00:47:04] Yes.

Clerk [00:47:04] Leader Sykes

House Minority Leader Emilia Sykes [00:47:12] No.

Co-chair Speaker Robert Cupp [00:47:12] Five votes in favor, two votes opposed. According to the constitutional provision, the map has not been adopted as a seven year plan, but has been adopted as a four year plan. Chair recognizes Senator Huffman.

Senate President Matt Huffman [00:47:28] Thank you, Mr. Co-chairman. Pursuant to Article 11 of the Ohio Constitution, I move for the commission to adopt the statement that has been distributed to the members of the commission, that was the statement that was distributed by, at the request of Auditor Faber.

Co-chair Speaker Robert Cupp [00:47:47] I'll second the motion. It's been seconded. And the chair recognizes Secretary LaRose.

Secretary of State Frank LaRose [00:47:57] Having just been presented with this and none of us like to vote on something that we just got, but I understand the time crunch that we're under here, I'm going to ask for some explanations on some things. This Section8(C)(2) statement explains the rationale that the people that drew this map used to reach what they considered the proportionality requirements. That's my understanding. It seems like they're sort of using two different factors. One is the raw number of races won of statewide, state and federal, and then the other is the number of votes and sort of mixing those two standards together instead of picking one. President Huffman, could you explain the rationale, since I assume it was your staff that drafted up this statement?

Senate President Matt Huffman [00:48:46] Yeah, I first thing I would say is, I don't I don't think that there's a requirement in the Constitution that there be one standard chosen over another. There is no formula in the Constitution, percentages of votes or percentages of of races won, etc. This is simply a statement, again, pursuant to the Constitution in only, and only to be submitted in where there is a four year map. And I think it might be helpful just to read, if I could, that portion of the Constitution. All right. So that's... Final General Assembly district plan adopted under, and this is the four year provision, shall include a statement explaining what the commission determined to be the statewide preferences of the voters of Ohio and the manner in which the statewide proportion of districts in the plan whose voters based on statewide, state and federal partisan general election results during the last ten years, favor each political party, corresponds closely to those preferences as described in Division B of Section 6 of this article. At the time the plan is adopted, a member of the commission who does not vote in favor of the plan may submit a declaration of members' opinion concerning the statement included with the plan. So Leader Sykes or Senator Sykes could do that, as those who voted no, if there's a separate plan. So this this is really nothing more than that. It's a statement of things that were considered and tried to include all of the relevant information that which, of course, includes many of the things that have been discussed here, including the percentages of votes. So we tried to, in this, in this case, to try to make it clear, just use basic factual information that I think's available to the public and everyone else.

Secretary of State Frank LaRose [00:50:59] Another question.

Co-chair Speaker Robert Cupp [00:51:01] Follow up?

Secretary of State Frank LaRose [00:51:02] Mr. President, I would guess that. This rationale was reached and guided the map making process, it would have to. I, for one, have been asking for the rationale for days. Is there a reason why that wasn't shared with us until now?

Co-chair Speaker Robert Cupp [00:51:25] Chair recognizes Senator Huffman.

Senate President Matt Huffman [00:51:27] Yeah, can you repeat the question, Secretary LaRose?

Secretary of State Frank LaRose [00:51:30] Yeah, Mr. President. So I've been trying to understand, as we've been talking to members of your staff and you yourself, how you believe that you're reaching the representational fairness or proportionality requirement in Section 6. And so I've been asking, how do you calculate those numbers? What do you consider that proportionality? I have not gotten an answer until tonight, but I would assume that this has been guiding the mapmaking process for a long time. Was there a reason for for not, sort of, sharing this sooner to sort of guide the conversations as we've been having them?

Senate President Matt Huffman [00:52:06] Sure.

Co-chair Speaker Robert Cupp [00:52:06] Chair recognizes Senator Huffman.

Senate President Matt Huffman [00:52:08] Yeah, this this statement was prepared probably in the last five or six hours. I think it was sent over to your office probably about four or five hours ago. And the, so these are facts that are well known, that are discoverable on the public website. I think we've been talking about these percentages, all of it. And so this is just simply a recapitulation of all of those in a simple statement that the Constitution requires. So, some of these things are, you know, some folks discard some of those, or think some are more important. And, you know, the simple fact is that that, you know, there are a lot of opinions about what that portion of the Constitution means, for example, when the word results is used. Does that mean, a, adding together of all the votes and all those races over the last 10 years? Well, I suppose it could mean that. Does it mean the results of the elections that are described therein, 13 out of the last 16 of those races won by Republicans? And so we're simply listing all of that is those are things that are considered. Now, I can tell you, you know, if you if you ask my personal opinion, I can tell you that a lot of this doesn't have a lot to do with why people win races. We know that Stephanie Kunze just won in a district that was a 40 percent index. We know that, I think it's Representative Troy, Dan Troy in Lake County? He just won in a 53 percent Republican district. So this is a, is a big discussion point among a lot of folks about what is exactly these things may be. But the the best thing we can do is put out all of the facts for everyone and anyone can make whatever conclusions they want to make about that.

Secretary of State Frank LaRose [00:54:11] Thank you. I appreciate that. Yeah, there has been a lot of discussion about what is, what do the words in Section 6 mean? I've mulled over what does "shall attempt" mean for, for example. And I think that going forward in the future, it would be nice to have this conversation in advance and try to come to a commission agreement on what the, what these factors are going to be so it can guide the rest of our negotiations. That's all. Thank you, Mr. President.

Senate President Matt Huffman [00:54:38] Mr. Co-Chair.

Co-chair Speaker Robert Cupp [00:54:38] Yes.

Senate President Matt Huffman [00:54:38] And if I could just respond to that, one of the. One of the designs of this going back to 2014 was that the census data is received on April

1st. And the the map work that needs to be done usually takes, in this case, it took only 10 days, but typically takes a couple of months. And the map makers can begin in mid-June to make this determination. They would have about two and a half months to negotiate, OK? Because that would take them till September, until September 1st to have this negotiation. Well, as we know, we didn't get the information until mid-August and really in a usable form until about the last week in August. And that began the process on both sides. As we know, there's money allocated and consultants and mapmakers hired by both sides. And no map was produced at least until August 31st. Now, I will tell you that the Senate Democrats map, although a map, was had several constitutional problems in it and that was solved a week later, about the same time that the Republican map was presented. So folks have done an extraordinary amount of work on both sides. My staff, and I'm sure it's the same for the Senate Democrats staff. My staff's worked 16 to 18 hours a day for 25 straight days working on this. So it's been an extraordinary task just to get this part. And I've said this, I've said this a number of times. It bears repeating now, that last April when I came to many folks and said, let's get a 30 day extension so we'll have time to do the negotiation that we wanted to do, that the governor's talked about, that you have talked about. For whatever reason, folks said that was a bad idea. We don't want more time. And now here we sit with a process that many are criticizing because not enough time was taken or given. So I appreciate that. But I also hope that's also something we can take into account. There may be another pandemic the next time we do this, and perhaps we need to be more flexible on the ability or what we have in the Constitution and these timelines.

Co-chair Speaker Robert Cupp [00:57:06] Further discussion? Chair recognizes Co-chair Sykes.

Co-chair Senator Vernon Sykes [00:57:12] Mr. Co-chair. I just want to make it clear that this is just the opinion of the majority on this particular issue. So by no way am I agreeing to any of this, but I would accept it as your opinion.

Senate President Matt Huffman [00:57:31] I appreciate that. If I could co-chair Cupp.

Co-chair Speaker Robert Cupp [00:57:34] ok.

Senate President Matt Huffman [00:57:34] I appreciate that. And as mentioned in the Constitution provision, I just read, those members, those members who vote no may submit a declaration of the, of that member's opinion, senators, Senator Sykes and Leader Sykes. So certainly that's appropriate if there's an alternate opinion that you wish to submit.

Co-chair Senator Vernon Sykes [00:57:58] So we do have that.

Senate President Matt Huffman [00:58:01] Very good.

Co-chair Speaker Robert Cupp [00:58:03] Further discussion?

House Minority Leader Emilia Sykes [00:58:05] Yes, I do have a question. As such... Co-Chair Sykes did mention that we have a minority report to offer as well. Procedurally, as we had not discussed how this will move forward, at what point in this evening before we adjourn, would you like this minority report to be put forth?

Co-chair Speaker Robert Cupp [00:58:36] Committee will stand at ease for a moment while we consider that and consult with the parliamentarian.

Co-chair Speaker Robert Cupp [00:58:44] Statement is available now if you just want to distribute it, that will be included with the record.

House Minority Leader Emilia Sykes [00:58:50] Thank you very much, Mr. Chairman. I would like to speak of the minority report, if I if I may.

Co-chair Speaker Robert Cupp [00:58:56] Yes, the chair recognizes Leader Sykes.

House Minority Leader Emilia Sykes [00:58:58] Thank you, Mr. Chair. And I'm going to read it in its entirety because I do believe it is important. And pursuant to Article 11, Section 8 of the Ohio Constitution, the Ohio Redistricting Commission and I do put forth this minority report on behalf of Senator Vernon Sykes, co-chair and myself, House Minority Leader Emilia Strong Sykes, commissioner. It reads, "The state legislative district plan adopted by the Republican members of the Ohio Redistricting Commission egregiously violates the anti gerrymandering provisions of the Ohio Constitution. These anti-gerrymandering provisions were enshrined in the Ohio Constitution just six years ago for state legislative districts by the overwhelming majority of Ohio voters. Gerrymandering is defined by the Merriam-Webster Dictionary as the practice of dividing or arranging a territorial unit into election districts in a way that gives one political party an unfair advantage in elections. Simply put, gerrymandering is partisan unfairness. The Ohio Constitution requires partisan fairness. Article 11 of the Ohio Constitution is clear in its provisions that dictate the drawing of our state legislative maps. It requires that the maps respect the existing boundaries of counties, townships and municipal, municipalities. It also requires that the maps reflect a statewide political preferences of Ohio voters over the previous decade of partisan statewide elections. Unfortunately, the maps adopted by the commission's Republican majority today do neither. Voters never intended for Republicans to draw themselves another 10 years of gerrymandered districts and give themselves another decade of unchecked power. Article 11, Section 6 of the Ohio Constitution contains two new elements not met by the Republican drawn district maps. Part A and Part B of Section 6 are important guardrails, not aspirational goals, which ensure that the main purpose of the reform effort in 2015 is met by the commission's majority. Districts must be drawn to meet the requirements of the Constitution, taking into account compactness and contiguousness, including the fairness concept demanded by voters that is enshrined and enforced and subsections A and B of Section 6. Subsection A of Section 6 states that quote, "no General Assembly district plan shall be drawn primarily to favor or disfavor a political party." end quote. In contrast, the maps adopted today go to absurd lengths to create a Republican monopoly on legislative power that they have not earned at the ballot box. Subsection B of Section 6 also states that quote, "the statewide proportion of districts whose voters based on a state and federal partisan general election results during the last 10 years favor each political party shall correspond closely with the statewide preferences of voters of Ohio." end quote. The district maps adopted by Republicans today in no way reflect the statewide preferences of voters in Ohio and do not closely correspond to the statewide election results of the last 10 years. Subsections A and B cannot be read separately. Subsection B is important because it creates the litmus test for what constitutes primarily favoring or disfavoring a political party. No reasonable person would interpret the maps adopted by the commission today as reflecting the will of Ohioans and not primarily favoring one party over another as required in Section 6, subsection A and B. In Ohio, over the past decade, the Republican Party won 54 percent of the statewide partisan general election votes, while Democrats won 46 percent. And please see Appendix A that is attached to this statement. The calculations were presented to the commission. And extensive, extensive witness testimony, as well as by researchers

at Ohio University as part of the contract between the Legislative Task Force on Redistricting, Reapportionment and Demographic Research, of which I am the co-chair, and OU to produce the Ohio Common Unified Redistricting Database. The election results are not in dispute. They are publicly available on the Ohio Secretary of State's website. One does not need to be an expert to know that the statewide... Does not need to be an expert to know the statewide partisan election results. Hundreds of Ohioans were able to draw maps in the constitutionally appropriate time frame. Legislative maps would closely correspond with the statewide voter preferences if they yielded close to 45 House districts that would likely be won by Democratic candidates, 54 House districts that would likely be won by Republican candidates, 15 Senate districts that would likely be won by Democratic candidates and 18 Senate districts that would likely be worn by Republican candidates. The Republicans on the commission, in a naked attempt to maintain a gerrymandered, unearned supermajority, drew and adopted districts that would likely yield 34 Democratic House districts, 65 Republican House districts, 8 Democratic Senate districts and 25 Republican Senate districts. The Senate district numbers and the maps approved today are even worse than under the current maps approved in 2011, which were so egregiously gerrymandered that they inspired voters to go to the polls twice to put fairness and equity in our redistricting process via constitutional amendments. In the interest of fairness, bipartisanship and the realities of geography, demography and politics, the Democratic members of the Ohio Redistricting Commission produced maps that followed the constitutional demands of proper district drawing, including Article 11, Section 6 and B, which were ignored by Republicans. These three maps, respectively, produce 14 likely Democratic Senate seats and 44 likely Democratic House seats, 13 likely Democratic Senate seats and 42 likely Democratic House seats, and 13 likely Democratic Senate seats and 42 likely Democratic House seats. These correspond closely to the ratio of proportionality that the Ohio Constitution prescribes in Article 11, Section 6. The Democratic members of the commission and their staff work tirelessly to incorporate Republican feedback into the mapmaking process, while also drawing maps that adhere to the requirements of the Ohio Constitution in Article 11, Section 6. The Democratic members of the commission produced three separate map plans that did not disproportionately favor either party, that did, that did represent the will of voters, demonstrated over the previous decade of statewide partisan elections and met the criteria of limiting splits of communities. Throughout the process, Republicans appear to follow a playbook of delay and deflection. They used as much time as possible for deadlines, skipped deadlines, and then offered unconstitutional map plans and unacceptable ultimatums to Democratic members of the legislature and the commission. Their actions included a last minute attempt this spring to change the Constitution, to give themselves control of the process, delaying the convening of the commission until early August, dragging their feet on approving the commission rules, blaming the census delay for not convening commission the commission before August 6, purposely missing the September 1st constitutional deadline for releasing a plan, holding hearings and adopting a plan and feigning interest in a compromise before the September 15th deadline by only offering gerrymandered maps. And please see Appendix B for a June 11th letter signed by myself and leader Kenny Yuko requesting that the Ohio Redistricting Commission be convened by the Governor in a most timely manner so that we could've avoided many of the things that we just heard in the Republican response and over several weeks of this testimony. Republicans did not demonstrate fully good faith participation in the process. Democratic solutions went unheeded while Republicans, made only token changes to their maps that appeared to be designed to protect their incumbents. This culminated again in heavily gerrymandered maps and their second offering sent to Democratic commission members and staff late on September 14th, the night before the constitutional deadline. Their latest maps have produced 9 likely Democratic Senate districts and a single additional 50/50

tossup Republican leaning Senate district. The remaining 23 Senate districts were clearly drawn to favor the Republican Party. It would produce 32 likely Democratic House districts and 5 tossup Democratic leaning House seats. This plan, like the first plan put forward by Republican map draws, does not reflect the statewide political preferences of Ohio voters because it creates a higher proportion of Republican districts than the proportion of votes they earn in Ohio. The GOP adopted map lays out an absurd description of how it allegedly meets the requirements of Section 6(B). The voters of Ohio do not favor Republicans in a range of 54 percent to 81 percent. We, the two members of the minority party, could not in good conscience violate the voter's real, but as expressed by the redistricting reforms approved in 2015 and 2018. Nor could we ignore the Ohio Constitution's clear language that legislative district maps must correspond closely to the statewide preferences of voters, as measured by the statewide partisan general election results over the past 10 years. The plan adopted by the majority violates that requirement. In fact, the Republican members did not demonstrate any attempt to meet the requirements. Until just a few moments ago, we had no idea how they decided to calculate or figure out proportional representation. For these reasons, we are voting against the maps of the majority of the commission is choosing to adopt. Thank you, Mr. Chairman.

Co-chair Speaker Robert Cupp [01:08:43] I need to back up for a moment. There was a motion to adopt the rationale offered by Senator Huffman and we didn't actually take a vote on that. So at this time is there further discussion, Senator Faber. I'm sorry Auditor Faber.

Auditor of State Keith Faber [01:09:07] I just made to make sure I heard Faber, that's all I need to hear. [laughter] Mr. Chairman, as I went through this and I know some of you will remember that a number of us were in the trenches at a similar hour working on the constitutional amendment that led to this. And I remember sitting there during the time actually going back and manually counting who won the last all the statewide and federal seats over the last decade. And putting that number together, I guess we didn't anticipate what exactly those words said and how they could be interpreted or we could have been clear. But I do recall having the conversation about whether it's percentage of vote or percentage of who won the races. And the great debate at the time was, do we go back in into the prior time period? Or do we go just into the time period of the decade? And so I think in that capacity, putting both of those terms in here is fair and certainly represents the intent of at least one side of the drafters at the time to talk about races won. And so with that, I can support this statement.

Co-chair Speaker Robert Cupp [01:10:16] Further discussion? OK. Staff will call the roll, please.

Co-chair Senator Vernon Sykes [01:10:28] If I may.

Co-chair Speaker Robert Cupp [01:10:32] Co-chair Sykes.

Co-chair Senator Vernon Sykes [01:10:33] Since, we're not voting to agree with this, just to allow it to officially go into the record, then I think it should go both statements without objection.

Senate President Matt Huffman [01:10:46] Yeah, Mr. Co-Chair, the first. I think the statement that leader Sykes read is does go into the record and that certainly would be without objection by me. So, yes.

Co-chair Speaker Robert Cupp [01:11:07] Let me consult the parliamentarian. Committee will be at ease.

Co-chair Speaker Robert Cupp [01:11:09] Which is the Constitution. It is an act of the commission and that would require a roll-call vote. So we will proceed with the roll-call vote on the statement to go with the four-year plan after which we can accept for filing, with the records, the Minority Report.

Co-chair Senator Vernon Sykes [01:11:38] Yes, Mr. Chairman, if I may?

Co-chair Speaker Robert Cupp [01:11:41] Yes.

Co-chair Senator Vernon Sykes [01:11:42] Just be clear that this is simply to accept the report.

Co-chair Speaker Robert Cupp [01:11:45] Alright. Staff will call the roll, please,

Clerk [01:11:51] Co-chair Senator Sykes.

Co-chair Senator Vernon Sykes [01:11:52] Yes.

Clerk [01:11:52] Co-chair, Speaker Cupp.

Co-chair Speaker Robert Cupp [01:11:54] Yes.

Clerk [01:11:54] Governor DeWine.

Governor Mike DeWine [01:11:56] Yes.

Clerk [01:11:58] Auditor Faber.

Auditor of State Keith Faber [01:11:58] Yes.

Clerk [01:11:58] President Huffman.

Senate President Matt Huffman [01:12:00] Yes.

Clerk [01:12:01] Secretary LaRose.

Secretary of State Frank LaRose [01:12:02] Yes.

Clerk [01:12:03] Speaker... Or, Leader Sykes, please excuse me.

House Minority Leader Emilia Sykes [01:12:07] I like the first one, but yes [laughter]

Co-chair Speaker Robert Cupp [01:12:13] The statement has been adopted unanimously and at this time, is there a motion to accept for filing the minority report?

Co-chair Senator Vernon Sykes [01:12:27] So moved.

Co-chair Speaker Robert Cupp [01:12:29] Is that without objection or?

Co-chair Senator Vernon Sykes [01:12:33] I think that would be done without objection.

Co-chair Speaker Robert Cupp [01:12:34] That one can?

Co-chair Senator Vernon Sykes [01:12:35] Yes sir.

Co-chair Speaker Robert Cupp [01:12:35] Is there any objection to the Minority Report? Hearing none, it will be admitted to the record of the proceedings. Was there any further business to come before the commission this evening? If not, the commission stands adjourned.

Exhibit 22

Ohio redistricting commission gives up on US House map

thehill.com/homenews/campaign/579405-ohio-redistricting-commission-gives-up-on-us-house-map

Reid Wilson November 1, 2021

A new bipartisan commission tasked with redrawing Ohio's political boundaries every decade surrendered its authority to draw congressional districts without even considering a proposal, punting the decision to a state legislature overwhelmingly controlled by Republicans.

The commission, created three years ago with the support of more than 70 percent of Ohio voters, held just one meeting to consider congressional district boundaries. At that meeting, commissioners heard testimony from Ohio voters, one of whom used candy corn to aid his visual presentation.

Commissioners did not bring up or vote on any of their own proposals.

The commission had until Sunday to approve congressional district maps. Its failure to do so means the legislature will now have about a month to craft, consider and approve new U.S. House district lines.

The constitutional amendment voters approved created a unique type of commission, one that includes the governor, the secretary of state, the state auditor, two legislative Republicans and two legislative Democrats. The three statewide elected officials — Gov. Mike DeWine

Mike DeWineOhio governor cancels appearances after coronavirus exposure Ohio redistricting commission gives up on US House map Ohio corrects Wright Brothers error on new license plates MORE, Secretary of State Frank LaRose and Auditor Keith Faber — are all Republicans; commissioners needed just four votes to approve district boundaries.

“In 2018 Ohioans sent a clear message on redistricting — we wanted a fair and transparent process. Today, once again, the Republican-led commission sent quite another message — they don’t care,” said Katy Shanahan, the Ohio state director for All On The Line, an affiliate of the National Democratic Redistricting Committee. “Not about transparency in map drawing, not about ensuring public engagement opportunities, not about the constitutional requirements, and not about our democracy.”

Dan Tierney, a spokesman for DeWine, said the commissioners simply ran out of time to draw new district lines after the U.S. Census Bureau delayed delivery of data used in the redistricting process. That delay, caused by lawsuits and the coronavirus pandemic, has left lawmakers in other states scrambling to complete their own redistricting in time to meet other deadlines.

“It essentially took five months out of the process,” Tierney said of the delay. “That is a significant reduction in time.”

Ohio is set to lose one of its congressional districts next year, after the state’s population grew at a slower rate than the rest of the country. The loss marks the sixth consecutive decade in which Ohio’s congressional delegation has dropped, after reaching its apex of 24 seats in the 1960s.

It is not clear how legislative Republicans will act. The state’s congressional delegation is made up of 12 Republicans and just four Democrats; one of those four districts, currently held by Rep. Tim Ryan

Timothy (Tim) RyanDemocrats brace for flood of retirements after Virginia rout Ohio Republicans swing for fences in redistricting proposals Ohio redistricting commission gives up on US House map MORE (D) and based east of Akron into Youngstown, favored President Biden

Joe BidenPennsylvania's GOP-controlled Senate to spend up to 0K on election investigation Biden's pick for Arizona's US Attorney confirmed by Senate Overnight Health Care — Presented by Emergent Biosolutions — Boosters for all MORE by a slim 4-point margin in 2020.

Ryan is running for a U.S. Senate seat being vacated by retiring Sen. Rob Portman

Robert (Rob) Jones PortmanOvernight Defense & National Security — Presented by Boeing — US mulls Afghan evacuees' future Hillicon Valley — Presented by Ericsson — DOJ unveils new election hacking charges GOP senators appalled by 'ridiculous' House infighting MORE (R), making his open district a potential candidate for elimination. The four neighboring districts, held by Reps. Bill Johnson

William (Bill) Leslie JohnsonOhio redistricting commission gives up on US House map Biden needs to be both Mr. Inside and Mr. Outside Maintain navigable waters rule to make homes more affordable MORE (R), Bob Gibbs

Robert (Bob) Brian GibbsOhio redistricting commission gives up on US House map Pennsylvania Republican becomes latest COVID-19 breakthrough case in Congress Ohio GOP congressman tests positive for COVID-19 MORE (R), Dave Joyce (R) and Anthony Gonzalez

Anthony GonzalezThe Hill's Morning Report - Presented by ExxonMobil - Will Biden's big bill pass the House this week? Republican Rep. Upton unsure if he'll run again Sunday shows - Biden officials craft inflation message MORE (R), who is also retiring, all backed former President Donald Trump

Donald TrumpPennsylvania's GOP-controlled Senate to spend up to 0K on election investigation Trump congratulates Rittenhouse on acquittal The Memo: Rittenhouse verdict reverberates across polarized nation MORE by wide margins in 2020.

State Senate President Matt Huffman (R), also a member of the commission, told reporters the Senate would begin hearings on two proposed revisions to U.S. House maps, one backed by Republicans and one supported by Democrats.

The Democratic map would create six Democratic districts, eight Republican-leaning seats and a competitive district near what is now Ryan’s district. The Republican plan has not yet been made public.

The constitutional amendment that created the commission did envision the prospect of a deadlocked panel, kicking the authority to draw districts to the legislature. The amendment allows the majority party to force through their maps, though if the winning proposal does not attract support from at least a third of the members of the minority party, it would be in place for only four years, instead of 10.

Tags Mike DeWine Anthony Gonzalez Donald Trump Bill Johnson Rob Portman Joe Biden Bob Gibbs Tim Ryan Ohio Gerrymandering

Exhibit 23

Wednesday, Nov 3, 2021 · 3:19:12 PM EDT · David Nir

OH Redistricting: Republicans in Ohio's Senate and House have each released a draft congressional map, both equally extreme. The House version would likely send 13 Republicans and just two Democrats to Congress, while the Senate plan would do the same, albeit with districts configured differently.

Republicans have also made proper assessment of these proposals difficult: The Senate only released a tiny image of its map and none of the normal data files that would make any sort of detailed analysis possible. The House did little better, providing a data file that would normally be in spreadsheet format as a 5,882-page PDF instead. Fortunately we were able to convert the House's PDF and obtain proper data files for the Senate.

Exhibit 24

November 04, 2021

Agenda

Agenda for November 04, 2021 View >

Minutes

Minutes from November 03, 2021 View >

Bills

S. B. No. 237 (2nd Hearing)

Name	Organization	Testifying As	
Gary Gale	Self	Interested Party	View >
Lucy Bishop	Campus Vote Project-Redistricting Fellows	Interested Party	View >
Katy Shanahan	All On The Line	Proponent	View >
Amina Barhumi	Council on American-Islamic Relations-Ohio	Opponent	View >
Richard Topper	Self	Proponent	View >
Andrea Yagoda	Self	Interested Party	View >
Sha'Tisha Young	Self	Interested Party	View >
Sandy Bolzenius	Self	Proponent	View >
Kobie Christian	For our Future Ohio	Interested Party	View >
Michael Ahern	Self	Interested Party	View >
Susan L. O'Donnell	Self	Interested Party	View >
Steve Castro	Self	Interested Party	View >
Erin Ryan	The Ohio Women's Public Policy Network	Interested Party	View >
Eric Morris	Self	Interested Party	View >
Tony D'Ambrosio	Self	Interested Party	View >

Geoffrey Sea	Self	Interested Party	View >
Cathy Becker	Self	Interested Party	View >
Dr. Mark Ryland	Self	Proponent	View >

S. B. No. 258 (2nd Hearing)

Name	Organization	Testifying As	
Christine Corba	League of Women Voters of the Greater Dayton Area	Interested Party	View >
Chris Tavenor	Ohio Environmental Council Action Fund	Opponent	View >
Michael Ahern	Self	Interested Party	View >
Julia Cattaneo	Self	Opponent	View >
Andrea Yagoda	Self	Interested Party	View >
Kobie Christian	For our Future Ohio	Interested Party	View >
Sha'Tisha Young	Self	Interested Party	View >
Amina Barhumi	Council on American-Islamic Relations-Ohio	Opponent	View >
Katy Shanahan	All on the Line	Interested Party	View >
Gary Gale	Self	Interested Party	View >
Steve Castro	Self	Interested Party	View >
Richard D. Topper	Self	Interested Party	View >
Jasmine Henderson	Ohio Women's Alliance Action Fund	Opponent	
Susan L. O'Donnell	Self	Interested Party	View >
Tony D'Ambrosio	Self	Interested Party	View >
Eric Morris	Self	Interested Party	View >
Cathy Becker	Self	Interested Party	

Erin Ryan	The Ohio Women's Public Policy Network	Interested Party	View >
Rachel Bowman	Self	Opponent	View >
Geoffrey Sea	Self	Interested Party	View >
Dr. Mark Ryland	Self	Proponent	View >
Linda Striefsky	–	Opponent	View >

Exhibit 25

Common Cause

Ohio

Holding Power Accountable

Testimony by Catherine Turcer, Common Cause Ohio
Before the Ohio Senate Local Government and Elections Committee
On Senate Bill 258
November 8, 2021

My name is Catherine Turcer and I am the executive director of Common Cause Ohio. I am here today to testify in opposition to Senate Bill 258.

I am here today to remind you that the newly revised Ohio Constitution requires you to do better this year than the Ohio General Assembly did in 2011. Ohioans overwhelmingly pushed back against the very gerrymandered 2011 congressional map and passed Issue 1 of May 2018 by nearly 75% of the vote.

Ohio voters want to participate in meaningful elections and the best way to ensure meaningful elections is by keeping communities together. The Ohio Constitution now focuses on **counties** as the building blocks of congressional districts. While counties are not a perfect proxy for communities, the rules against splitting them are intended to ensure that communities are kept together so that those folks we send to Washington are able to truly represent us.

While some spits are permitted -- primarily because the amendment was intended to last for decades-- it doesn't make sense to split counties and divide communities unless necessary. My testimony is going to focus on avoiding the division of any county more than once.

Senate Bill 258 does keep the majority of counties whole, but the mapmakers repeatedly and unnecessarily sliced and diced the most **populous** counties. Fourteen counties are split a total of 17 times. **These county splits impact nearly a third of Ohioans (31.26%).**

The result by design is a map that overtly favors the political party in power. Let's take **Franklin County** as an example.

Franklin County is divided into three congressional districts. There is no compelling need to divide the county in this way. This begs the question as to *why* the mapmakers decided to divide the county into three districts (instead of two), as well as *why* the district lines have been drawn exactly *where* they have been drawn. The answer to these questions becomes clear when we overlay the district map on top of a map showing the minority population in Columbus.

Even a cursory glance at the map reveals how problematic the slicing and dicing thorough Franklin County is. The careful and intentional placement of the district lines divides the minority population -- which predominantly extends to the north and east of downtown Columbus -- between **three** separate districts. Three. As a result, the mapmakers failed to create *even a single Opportunity District* (a district with more than 35% Black Voting Age Population) in Franklin County.

Intentionally dividing the voting power of the African-American population of Franklin County fails the intent and spirit of the reforms approved by Ohio voters in 2018. These divisions cannot stand. Voters deserve the opportunity to elect representation that reflect their community.

A closer examination of a single unified neighborhood in northeast Columbus shows the hard work (and chicanery) that has gone into drawing these districts: it's always harder to gerrymander than to draw fair maps! This neighborhood is nestled between the 270 beltway to

the east and the lovely Alum Creek multi-use trail to the west, and is accessible via either Rt. 161 or Sunbury Road.

Why, in this neighborhood, are neighbors divided into two separate congressional districts? How can such a division benefit the residents of this community? Has the map been drawn with their interests in mind? Clearly, it has not. Dividing this neighborhood, and other neighborhoods like it, will only sow confusion as to who a resident's representative is and where the resident should vote. If the intent is to depress voter turnout by people of color, as it seems to be, then shame. I urge you to focus on voters and keeping communities together and amend this bill so that voting districts empower voters, not political parties.

The strange divisions continue across other districts that include portions of Franklin.

Congressional District 3: While CD3 is entirely in Franklin County, CD 4 starts in the heart of the city of Columbus, then works its way northwest all the way to Allen County. Why? Congressional District 4 includes all or part of eight counties: Allen, Auglaize, Champaign, Delaware, Franklin, Logan, Shelby, and Union.

Congressional District 15:
Even these outrageous tricks are nothing compared to CD 15 which also starts in Columbus. It then stretches to Ohio's

southernmost county and includes 13 counties. Some of these counties are kept whole (Athens, Hocking, Jackson, Lawrence, Meigs, Morgan, Perry and Vinton), but five of them are split (Franklin, Licking, Pike, Ross and Washington).

While there is no “snake on the lake” (current Congressional District 9), many of SB 258’s unnecessarily skewed districts have equally startling shapes. Ohioans deserve better.

Akron-Kent-Canton

In northeast Ohio, Summit County does not need to be split. Senate Bill 258 splits it anyway. Why? The biggest city in the county, Akron, shares strong ties with the neighboring cities of Kent and Canton. It would be reasonable, even expected, to unite either Kent or Canton with Akron in a single district. Instead, The mapmakers have placed Akron in District 7, Kent in District 14, and Canton in District 12. The result is not just divided communities, but a successfully rigged map that gives skewed voting power to Republicans at the expense of the Ohio voters who want to be represented by other voices.

Hamilton County:

The meticulous cracking and packing goes on: There is simply no legitimate reason to divide Hamilton County and its neighborhoods into three separate congressional districts.

Recommendations: When district lines are moved there is a domino effect. Every change impacts the whole map. I urge you to focus on amending the bill so that counties are kept whole as much as possible. And if they need to be split for equal population requirements, counties should only be divided as few times as necessary.

Drawing maps that keep communities together goes hand in hand with drawing maps that have a fair and proportional outcome. If you choose a congressional district plan that unnecessarily divides counties and communities, you are also choosing to purposefully rig the result of elections to maintain power for the majority party. I urge you to only support plans in which counties and communities are respected. Do not deny the millions of Ohio voters the opportunity to cast a meaningful vote.

ALL Ohio voters deserve to have their voices heard; district lines should not be manipulated to favor the majority party or the political party in power.

It is quite possible to draw maps that keep communities together AND are more proportional. Here are three examples of maps which only split Franklin County and Hamilton County once:

https://davesredistricting.org/join/d0e96e3f-054c-42a0-9dbb-b14fbfdd2d40

Fair Districts Mapping Competition

1st Place Map by John Hagner of Yellow Springs

	John Hagner	Current Congressional
Likely D/R Split	7 Rep / 7 Dem / 1 Competitive	12 Rep / 4 Dem
County Splits	14 counties split 14 times	23 counties split 32 times
Compactness	74 out of 100	18 out of 100
Overall Score	351	121

https://davesredistricting.org/join/824d95df-0cf0-4e78-a7f6-641baeebbcbf

Fair Districts Mapping Competition

2nd Place Map by Paul Nieves

	Paul Nieves	Current Congressional
Likely D/R Split	7 Rep / 7 Dem / 1 Competitive	12 Rep / 4 Dem
County Splits	12 counties split 12 times	23 counties split 32 times
Compactness	77 out of 100	18 out of 100
Overall Score	346	121

https://davesredistricting.org/join/5eabaeac-4368-4799-8a05-ec18055b9f7c

Fair Districts Mapping Competition

3rd Place Map by Riley Jones of Loveland

	Riley Jones	Current Congressional
Likely D/R Split	7 Rep / 5 Dem / 3 Competitive	12 Rep / 4 Dem
County Splits	14 counties split 15 times	23 counties split 32 times
Compactness	70 out of 100	18 out of 100
Overall Score	325	121

Here is a link to an overview that I provided to the Ohio Redistricting Commission about these maps:
https://redistricting.ohio.gov/assets/organizations/redistricting-commission/events/commission-meeting-october-28-2021-96/turcer-catherine-fair-districts-ohio.pdf

Thank you very much for this opportunity to testify.

Exhibit 26

Testimony of Andrea R. Yagoda Opposing SB 258

Chair Gavarone, Vice Chair O'Brien, Ranking Member Maharath and Members of the Senate Local Government and Elections Committee thank you for affording me the opportunity to testify today on SB 258. My name is Andrea R. Yagoda and I have been a resident of Ohio for 47 years. I am testifying today as a private citizen. I am here today to oppose SB 258.

The introduction of this redistricting plan has confirmed my belief that the Republicans in the Ohio Legislature are not acting in good faith, and further that they never intended to abide by the mandates voted for overwhelmingly by the Ohio electorate. The introduction of a Congressional map which only awards two seats to the minority party while awarding itself, effectively 13 is unconscionable and reminiscent of 2011. In 2011 Democrats were at the mercy of Republicans- suffer with an egregious map or one barely less egregious for 10 years. The law has changed. Now the minority party can remain strong and suffer along with all Ohioans with a (4) year map which the Republicans must justify in writing. The Republican tactics in my mind have remained the same. In my way of thinking, the first deadline was purposefully missed so the dominating party would need less members of the minority to sign on to their proclaimed "compromise." As someone who was a domestic lawyer for many years I understand how negotiations work. When one side starts with extreme demands, chances are negotiations will fail because only one (1) party is actually compromising. The map introduced by Republicans is not a real starting point. They have to know it is a non starter. An extremely gerrymandered map like SB 258 forces the Democrats to negotiate against

themselves, when they have produced a map in good faith. When a map like that of SB 258 is proposed, I, as a realist, am confident we will have a four (4) year map because that is the way Republicans want it. The mere fact that they have started with a map that all but guarantees its party 13 seats tells me all I need to know. Senator Kunze when I threw out the 2:2 ratio I was being facetious. In his testimony, Senator McColley, when specifically asked, although he tried not to answer the question, finally stated first that the SB 258 map was more competitive than the present map. To make any comparison with our present map, a gerrymandered map on steroids is disingenuous at best. Finally Senator McColley admitted that, based upon one's definition, this map has five (5) safe Republican seats (Dave's Redistricting says 6 safe Republican seats), two (2) safe Democrat seats and eight (8) competitive seats. He did not explain why he started with a 5:2 split when voting in this state is approximately 54:46%. This would, by my calculation be a 4:3 split. Nor did he give us his definition of "competitive". But what the good Senator failed to disclose was that these alleged "competitive" seats all lean Republican according to Dave's Redistricting. Obviously this is not at all surprising to me. It demonstrated to me, not only by this map but by the statements of the Senator that Republicans believe that "unduly favoring/disfavoring" element does not come into play unless we have a four (4) year map. I believe this is a misinterpretation of Article XIX of the Ohio Constitution. The change to the Constitution presumes that if a bi partisan map is reached it will be fair to both parties. The rationale is that the minority party would not agree otherwise. The fact that a non partisan map is put to the favor/disfavor test demonstrates that this factor is to be considered in any map and the failure of the Republicans to consider this in any map they draw will result in a four (4) year map. Thus

the starting point for any Congressional map should take into consideration the duly/unduly factor especially when Republicans have complained that they could not get maps done to time constraints. If time were truly an issue, they would start with the unduly factor to speed up the process.

District 4 includes my home. From my home to Lima in Allen County is 72.8 miles. Compare this to the map submitted in SB 237 (Attachment "A"), or the map proposed by the OCRC (Attachment "B") or the three winners of the FairMaps competition, Hegner (attachment "C"), Nieves, (Attachment "D"), Jones (Attachment "E") [1]. Honestly, in my 47 years living in Ohio I have never been to Shelby, Allen, Logan, Auglazie nor Hardin Counties. I generally do not participate in activities in Counties which are greater than a one hour's drive from my home. Why is it that only in the SB 258 my district extends 72 .8 miles? Gerrymandering. Dilute the votes. Why on the SB 258 map are Franklin, Cuyahoga and Hamilton Counties divided twice while on all the other maps they are divided only once? Gerrymandering. SB 258 has more split counties than any of the other maps attached hereto.

Senator Galvarone when SB 237 was introduced you questioned the populations of each District as if to infer that there can be no population deviations. In Tennant v. Jefferson County, (2012) 567 US 758 the Supreme Court held that " a variance of 0.79% is no more (or less) vote dilution today than in 1983, when this Court said that such a minor harm could be justified by legitimate state objective. " Minimal splitting of counties, keeping communities together are just some of the legitimate state interests. All

[1] These are just examples that I could quickly access. There were many other maps submitted which would make the point.

the maps I referred to may have had minor deviations in population but they all fall within the 0.79% deviation and all had less splits of counties and precincts than SB 258 and affect less of the population. (Dave's Redistricting)

Map	County Splits	Precincts Split	% Affected by Splits	Population Deviation
258	17 [2]	50	31.26%	0
237	11	25	12.69	.16%
OCRC	13			Avg. .14% [3]
Hagner	14	38	8.68%	0
Nieves	12	12	9.30%	0.59%
Jones	14 [4]	15	23.48%	0.28%

I urge this Committee to vote No on this map. Honestly, I have lost all hope in faith in the Ohio Legislature and have lost all hope that Republicans remember how to act in good faith and no hope that we will have a 10 year map. I would love to be proven wrong but believe that the minority party must stay strong as Democracy demands it. I demand it. I demand that my vote count.

Andrea R. Yagoda

[2] Three counties split twice
[3] 12 Districts .20 or below; Franklin-Delaware .24; Cleveland .38; Columbus .23
[4] One county split twice

SB 237
Dist. 2

Attachment "A"

SB 237

Attachment "B"

Ohio Citizens' Redistricting Commission

Unity Congressional Map

	OCRC	Current Congressional
Likely D/R Split	8 Rep / 7 Dem	12 Rep / 4 Dem
County Splits	13 counties split 13 times	23 counties split 32 times
Compactness	70 out of 100	18 out of 100
Overall Score	326	121

District

FAIR DISTRICTS

Attachment "C"

Fair Districts Mapping Competition

1st Place Map by John Hagner of Yellow Springs

Dist. 15

	John Hagner	Current Congressional
Likely D/R Split	7 Rep / 7 Dem / 1 Competitive	12 Rep / 4 Dem
County Splits	14 counties split 14 times	23 counties split 32 times
Compactness	74 out of 100	18 out of 100
Overall Score	351	121

Attachment "D"

Fair Districts Mapping Competition

2nd Place Map by Paul Nieves

Dist. 12

	Paul Nieves	Current Congressional
Likely D/R Split	7 Rep / 7 Dem / 1 Competitive	12 Rep / 4 Dem
County Splits	12 counties split 12 times	23 counties split 32 times
Compactness	77 out of 100	18 out of 100
Overall Score	346	121

Attachment "E"

Fair Districts Mapping Competition

3rd Place Map by Riley Jones of Loveland

	Riley Jones	Current Congressional
Likely D/R Split	7 Rep / 5 Dem / 3 Competitive	12 Rep / 4 Dem
County Splits	14 counties split 15 times	23 counties split 32 times
Compactness	70 out of 100	18 out of 100
Overall Score	325	121

pust 5

FAIR DISTRICTS

Exhibit 27

ANNOUNCEMENT OF COMMITTEE MEETING

COMMITTEE	Joint Committee on Congressional Redistricting
CO-CHAIRS:	Rep. Shane Wilkin, Co-Chair Sen. Theresa Gavarone, Co-Chair
DATE:	Wednesday, November 10, 2021
TIME:	2:30 PM
LOCATION:	South Hearing Room (2nd Floor) Ohio Statehouse, Senate Building 1 Capitol Square Columbus, Ohio 43215-4275

AGENDA

Pursuant to Section 1(G), Article XIX of the Ohio Constitution, the Joint Committee on Congressional Redistricting will meet for the purposes set forth in that Section.

S.B. No. 237 Yuko, Sykes Establish congressional district boundaries 1st Hearing, Proponent/Opponent/Interested Party

S.B. No. 258 McColley Declare intent to establish Congressional districts 1st Hearing, Proponent/Opponent/ Interested Party

H.B. No. 479 Oelslager Declare intent to establish Congressional districts 1st Hearing, Proponent/Opponent/ Interested Party

H.B. No. 483 Brown, Galonski Declare intent to establish congressional districts 1st Hearing, Proponent/Opponent/ Interested Party

Cc:

House Clerk
Senate Clerk
Committee Members
Speaker's Office
Senate President's Office
House Minority Leader's Office
Senate Minority Leader' Office
Caucus Staff
LSC
Legislative Information Systems
Press Room

Exhibit 28

Sen. Theresa Ga...: And congressional redistricting will now come to order. Will the clerk please call the roll?

Clerk: Co-chair Gavarone?

Sen. Theresa Ga...: Here.

Clerk: Co-chair [Bolton]?

Speaker 1: Yes.

Clerk: Senator McCoffey?

Senator McCoffe...: Here.

Clerk: Representative [inaudible]?

Representative: Here.

Clerk: Senator Sykes?

Sen. Vernon Syk...: Here.

Clerk: Representative Liston?

Rep. Beth Listo...: Here.

Sen. Theresa Ga...: And we have a quorum. I'd first like to start this meeting with some ground rules to make sure everyone's on the same page. First, these committee hearings are being structured in a way that allows us to hear from as many citizens from Ohio as is possible on a really important issue. There will be no standing by the public in the committee room in order for the committee run smoothly. We will request that chairs in the room be reserved for people testifying today. If you do not have a chair to sit in, you will be directed to go to the North Hearing Room for overflow seating. And that room is directly across the hall.

Witness slips and testimony should have been sent to either my office or Co-Chair Wilkins's office prior to today's committee beginning. However, we're going to offer the opportunity for anyone who wants to testify in person today to complete a witness slip within 10 minutes. Anyone who has not submitted a witness slip after those 10 minutes will have the opportunity to testify on Friday. For Friday's committee, we'll be accepting witness slips and testimony no later than 24 hours in advance of Friday's hearing, which means the deadline will be 10:30 tomorrow morning.

In an effort to stay consistent and to allow for as much testimony and questions from members as possible, we'll be instituting a five-minute time limit. We're

putting the time on the screen to my left, and we'll give you 15-second warning to wrap up your comments.

I understand that 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 to ensure that people watching online can understand clearly and follow along. Cheering, applause, booing, heckling prevents us from doing that and will not be permitted.

No video or pictures will be taken without the permission of the co-chairs. If you want to take video or pictures we have a media form available for you to fill out for the chairs to consider.

Finally we have an incredible set of sergeant at arms and highway patrol in the room and around the building today who keep everyone safe and assist the members, staff and citizens in attendance. And I'd like to again thank them for everything they do. And with that-

Rep. Beth Listo...: Point of order, Chairwoman.

I've had a number of constituents ask about previous testimony that has been submitted on these four bills. Would you be able to clarify what this committee's procedure and consideration of that testimony would be so that those who are here know how to treat it?

Sen. Theresa Ga...: This is a new committee that's been formed, a joint committee. So, we'll be hearing testimony as a newly formed committee.

Rep. Beth Listo...: Followup. So, should people who have previously testified want that testimony to be considered they need to re-submit to your office either now or before the next hearing? Correct?

Sen. Theresa Ga...: If they would like the testimony considered by this committee then they are welcome to submit a witness slip and written testimony.

Rep. Beth Listo...: Thank you.

Sen. Theresa Ga...: All right. And our first witness is our Senator Minority Leader Kenny Yuko, and we also have Senator Vernon Sykes.

Sen. Kenny Yuko: Thank you to our Co-Chairs for having us this afternoon.

Sen. Theresa Ga...: Good afternoon. Welcome to committee.

Sen. Kenny Yuko: Well, we were here just it seemed like yesterday. I guess it was last week already. We kind of told you what we've done so far, what we hope to

accomplish. I think what we've done has been duly supported by the vote of the people, not once but twice going back to 2015, 2018. They're entrusting us to get it right. And just as I indicated in my floor speech on the Senate floor a few minutes ago, it's time to work together. And I'm asking you to please do this. Let's work together. Let's listen to what the folks have voted on in 2015 and 18, what we've tried to accomplish, what our intent is, okay?

And I realize this is a difficult subject for some people to digest. I understand that and I respect that. But I also respect the will of the people. And it's not just the Democrats, it's Democrats and Republicans because when you get over 70% of the vote twice … I wish I had 70% of the people in my caucus, but I don't. It's time for us to really … Let's get this job done. And I'm going to turn it over to Senator Sykes. Thank you.

Sen. Vernon Syk...: Thank you, Madam Chair.

Sen. Theresa Ga...: Good afternoon.

Sen. Vernon Syk...: Appreciate it. The map that we're presenting today was designed to respond to the majority's concern about equal population, emphasizing our commitment to negotiating in good faith. The proposal's sub-bill has been shared. It's been shared with Chair Gavarone's office and was posted on the redistricting commission website. We're hoping to have it formally considered by the state, the Senate, local government and elections committee soon.

Like our previous proposal, this plan is fair, keeps communities together and doesn't gerrymander Ohio. It again complies with all principles outlined in the Ohio Constitution, including ensuring that the map doesn't favor or disfavor a political party. By not splitting minority populations, our proposal also protects the voting rights of racial minorities.

I'd like to make a few observations about the map that we're presenting today. As I mentioned, the plan seeks to achieve equal population. This means that 13 districts have populations of 786,630 Ohioans, and two districts include one few person or 786,629 people. To make this adjustment we had to make some changes in our previous map. However, the proposal does still comply with all of the constitutional requirements regarding community splits.

In our map presented today, 74 counties are not split at all. 14 counties are split only once, and no counties are split twice. All districts are contiguous. All districts include at least one whole county. No townships are split at all. The plan does not unduly favor or disfavor any political party. Eight districts lean Republican and seven districts lean Democrat.

Our proposal today demonstrates that fairness is not in conflict with the principle of equal population. We can draw a congressional map that achieves

equal population while being fair and representative of Ohio's communities. Thank you again for this opportunity to present this new version of our plan.

Sen. Theresa Ga...: Thank you. Thank you, senators. I have a few higher level questions I'd like to ask the sponsors. If the committee needs clarification of your staff we can ask. Let's see. First, the sub-bill you explain has not been presented to my Senate standing committee, correct?

Sen. Vernon Syk...: It's presented to your office.

Sen. Theresa Ga...: Right, but it didn't go before the Senate committee.

Sen. Vernon Syk...: It didn't go before the committee yet. We just got it produced with LSC and didn't have enough time to get it to you before the committee yesterday.

Sen. Theresa Ga...: And, as we've discussed in committee several times, the maps you presented had significant deviations in population across all districts. The ones that did go before the Senate committee. The proposal before us today changed those deviations. What was the impetus to change those for this hearing today?

Sen. Vernon Syk...: The main concern was trying to meet you part way as far as negotiation. We don't believe that the changes, the deviations that we had in our plan, violated the constitution or weren't permissible because we had some other rationale for making sure that we complied with the constitutional requirements. So, we're trying to show that we're coming your way on this particular issue.

Sen. Theresa Ga...: Thank you. And we've been hearing for a while now the problems that people have had with so-called snake on the lake, the 9th Congressional District. And that was seemingly created to keep an incumbent in office. But looking at this map, instead of a snake on a lake it looks like an alligator on the lake. Do you think that your proposal addresses the concerns we've heard from so many people about the shape and partisan composition of that particular district?

Sen. Vernon Syk...: To give you a short answer, we do.

Sen. Theresa Ga...: Then can you elaborate more on why you think this addresses the concerns of so many people?

Sen. Vernon Syk...: Well, one of the issues, particularly with the majority map, is that you have so many splits in the larger counties. And that's splitting communities of interest apart. What we've done is to try to keep those communities together and have less splits in those counties. For instance, Summit County, you've got three splits, and we keep Summit County whole altogether. So, we believe that we are complying on some of the wishes expressed in all the hearings we've had on the congressional district so far to try to keep those communities together.

Sen. Theresa Ga...: We've heard from a whole lot of people who have a problem with the supposed lack of competition Ohio's current congressional districts. And looking at the information you provided there are only four competitive seats. Do you think your plan addresses the concerns from voters about maps being uncompetitive by only having four competitive seats? Only four seats are within 10%.

Randall Routt: We believe that our map is competitive. We have two seats that are within 50-48-52 range, which is highly competitive. We have the one fourth district which surrounds Cuyahoga County, and I believe that's the 11th District, it's in the four-point range, highly competitive. Additionally, our map, unlike the majority map, we have one district that leans Republican that's competitive. All the Republican maps lean in one direction competitively. And additionally we have six districts, if you want to use your 10-point margin, that are within that 10-point margin. So, it's not like it's that far off.

Sen. Theresa Ga...: There are only four districts out of the 15 that are within 10%.

Randall Routt: Okay. The distinct difference is that the majority of all of your competitive seats lean in one direction. They all lean Republican. Ours don't. So, our competitive seats, one of our competitive seats, leans Republican. The other three of them lean Democratic. But, again, we get four. We have a fair proportionality that doesn't unduly favor or disfavor any political party with our seats. Again, the constitution doesn't speak to competitiveness, it talks about unfairly or disfairly favoring one party or the other.

Sen. Theresa Ga...: While looking over the data submitted by your staff it appears that six of the eight Republican seats on your map would have a margin of victory of 28 points or more. While only two Democrat seats would have a margin of victory of 20 points or more. Based on those numbers it looks like Republicans are packed into districts while Democrats are dispersed into other districts. How does that create the type of competitive districts that the public is demanding and asking for?

Randall Routt: If you look at the statewide voter preferences last 10 years, 54% Republican, 46% Democratic, our maps fairly identify that. And we keep communities together. We have 14 splits, and they're all single splits. Whereas the Republican maps do multiple splits. They crack communities apart. We don't do that. So, in effect while you're separating urban communities and municipalities, we're keeping them together as they should be. And the fact is the communities of interest in rural counties are much alike in our map together, whereas rural counties are together and urban counties are together. So, to me that most fairly articulates what is the interest of the public than the Republican maps.

Sen. Theresa Ga...: It appears that 11 out of the 15 congressional seats are pre-determined one party or the other under this map. Can you address that concern?

Randall Routt: Well, we're following the Constitution terms of keeping the most strict criteria of the Constitution, lack of splits, keeping communities together and adhering to the unfairly … But fairly keeping communities together based on political preference.

Sen. Theresa Ga...: Thank you. And Randall, I apologize, you've got testimony here. I apologize. Please feel free to testify.

Randall Routt: Okay. As you know, Article 19 of the Ohio Constitution outlines the process for creating congressional districts in Ohio. The plan presented today seeks to maximize compliance of these provisions while achieving equal population in each district. All districts in our map include 786,630 people, except for two which include 786,629. Our new proposal also adheres to all applicable pursuits, provisions of the Constitution of Ohio and the United States as well, as well as the federal law including the federal law protecting voting rights of racial minorities.

Each district is composed of contiguous territory. In addition to boundary of each district in a single, non-intercepting continuous line. Section 2-4A of Article 19 requires the drawing of a district that includes a significant part of the city of Columbus. District 1 in our plan was the first to be drawn fulfills this requirement.

Section 2-4B requires the drawing of districts to preserve municipal corporations or townships whose populations are larger than 100,000 people, but smaller than 786,630 people. This requirement applies to the cities of Cleveland and Cincinnati. Under our plan none of these cities are split.

Section 2-B5 requires that 65 counties contain entirely within the district, 18 counties not split more than once. Five counties split no more than twice. Our plan significantly exceeds this standard by preserving 74 counties, splitting 14 counties once. And we split zero counties twice. Zero counties have split twice.

Section 2-B6 requires drawing a contiguous districts within counties. All districts in our [inaudible] proposal satisfy this requirement.

Section 2-B requires no two districts share proportions of territory more than one county but allow for one exception. Zero districts in our plan share more than one county.

Section 2-B8 requires that the congressional districts shall attempt to at least one whole county in each congressional district. Unless the district is contained within one county. Again, all districts in our plan satisfy this requirement.

Section 2-C1 describes how splits are to be counted. The plan presented today contains three districts, one, three, and five, which are entirely contained within one county and contain zero splits. And in addition, 14 counties, 14

municipalities, zero townships were split. May I repeat, zero townships are split on our map.

It's worth noting that Article 19 of the Ohio Constitution is silent on the requirements for population variance. However, to respond to Republican concerns about equal population, the map presented here today complies with the absolute equal population as I already mentioned, features 13 districts of exactly the same population, equivalent to the population ratio of 786,630. Two districts with one fewer person.

If the General Assembly fails to adopt the plan with sufficient bipartisan support, the Ohio Constitution requires that the adopted map must comply with a number of additional standards, Section 1-3 Article 19 contains provisions that shall apply in circumstances. Senate Bill 237 satisfies all these additional standards.

In particular, the plan adopted without sufficient bipartisan support is required under Section 1-3A not to unduly favor or disfavor a political party or its incumbents. To determine what qualifies disfavor in political party, we use a simple vote totals in each partisan statewide election from 2012 to 2020. This resulted in a ratio 45.9 Democratic and 54.1 Republican. This means that a congressional map does not unduly favor or disfavor a political party. Would include seven locked in Democratic seats and eight Republican seats. Senate Bill 237 includes seven districts that favor Democrats and eight districts that favor Republicans.

Section 1-3B requires that a plan adopted without sufficient bipartisan support does not unduly split governmental units with the order of preference. Our plan minimizes splits to only 14 counties, 14 municipality splits and, maybe I repeat, zero township splits. Of all congressional redistricting plans introduced only our plan has followed the prioritized community preservation in order of county, township and municipalities.

Finally, Section 1-3C requires that maps adopted without sufficient bipartisan support shall attempt to be compact. Our plan preserves governmental units and makes district compact.

In conclusion, our plan proposed congressional map fulfills the spirit of the [inaudible] pass overwhelmingly by Ohio voters in 2018. It adheres to the provisions of Article 19 of the Ohio Constitution in all possible circumstances. It complies with all applicable provisions of the Ohio and US Constitutions, and to federal law, including provisions concerning the protection of minority voting rights. It was designed to respond to Republican concerns about equal population proving our commitment to negotiating in public and in good faith. [inaudible] plans presented by our caucus during redistricting process. This proposal is intended as a starting point. We welcome improvements. At this point I'd be happy to any questions.

Sen. Theresa Ga...: Thank you very much. Are there any questions for members of the committee?

Rep. Beth Listo...: Question.

Sen. Theresa Ga...: Yes.

Rep. Beth Listo...: Thank you, Chairwoman. Thank you, gentlemen. I appreciate the testimony and obviously the commitment to following the Constitution as the citizens have asked us to do. I just wanted the opportunity to clarify a couple things. I know that people have talked about the snake on the lake and what I see and what I know is our current map has portions of five counties, including Toledo and Cuyahoga, connected by a road that my understanding is sometimes underwater. So, you can't even drive. And I hear it being applied to this map, but in no way to me does it look similar. So, I wanted to see if you guys could maybe talk about how the area on the lake differs from what people have been really concerned about in the past with that particular district.

Randall Routt: Chair Representative, our … Let me see that. Here it is. Yeah, our District 10, which is historically been referred to as snake on the lake, if you look at our map, and we can give you a blow up, doesn't connect by a land bridge. We actually connected using Sandusky County. So, it's connected by land mass from Toledo all the way to Lorain County. So, there is a connective base there and we believe that is a lake-based connective community that we think adheres to what we're talking about with avoiding that snake on the lake issue.

Rep. Beth Listo...: I see five whole counties and a portion of one other, and it doesn't include both Toledo and Cuyahoga.

Randall Routt: It includes Toledo [crosstalk]-

Rep. Beth Listo...: Sorry.

Randall Routt: It doesn't go into Cuyahoga County at all.

Rep. Beth Listo...: Right.

Randall Routt: It stops at Lorain.

Rep. Beth Listo...: Okay. Thank you. And then I look at the words of the Constitution and I see the unduly, I don't see the competitive. And I know that this unduly favoring or disfavoring a political party or incumbent is going to be a conversation that we continue to have. So, I wanted to give you the opportunity to maybe, in a sentence or so, clarify how this map represents that and what is the interpretation that you guys are using with it, unduly favoring a political party or not.

Randall Routt: I think we believe that by having a map that adheres to the statewide voter preferences over the past 10 years and kind of mirror that, we believe by doing that, while keeping communities together, we kind of follow by not favoring one party or another because we just follow what was passed in 2018 while keeping communities together and making sure that our proportionality is reflective of the past 10 years' voter preferences.

PART 1 OF 4 ENDS [00:24:04]

Randall Routt: ... reflective of the past 10 years of voter preferences. So we think we do that. And then we're also open, like the senators here said, if we feel like we need suggestion on changes, we're more than open to any changes that maybe address any problems that exist within our map, so...

Rep. Beth Listo...: So that seven out of 15 roughly matches with the 46%-

Randall Routt: Exactly.

Rep. Beth Listo...: ... of what the people have voted.

Randall Routt: Correct.

Rep. Beth Listo...: Wonderful. And I have one more question, it's a Maptitude question, and I feel like I have the opportunity here because you're the expert in front of me. I know Maptitude has the ability to do these ensembles. You put in the specific parameters and have it run a number of different maps.

Randall Routt: Reports. Yeah.

Rep. Beth Listo...: I've done that a little bit and played with it and I guess, would it surprise you to know if you put in the 15 districts and has Maptitude asks it to create 25,000 different maps, that zero of them result in a 13 to two split, in terms of proportionality?

Randall Routt: I was not aware of that. I do know that it has the capability of mass producing maps, but I wasn't aware that if you ran that scenario, none would produce a 13:2 map, which I found interesting.

Speaker 2: I haven't heard of it, but I'm not surprised by it. Let's put it that way.

Rep. Beth Listo...: All right. Thank you, gentlemen. Are there any further questions? Yes, Senator McColley.

Senator McColle...: Thank you. And I have a question. So in the... You all keep referring to the statewide voter preferences over the past 10 years, which is fine, but I just want to know your reasoning and your thoughts behind that being the... Because it's not required in Article 19. I thin we all acknowledge, that's not in Article 19. It

deals with the state redistricting, but it's not an article 19 dealing with the congressional redistricting. So why do you think it's important to comply with the 10 year voter preferences?

Sen. Vernon Syk...: It's a fairness standard. It has been set by the previous sections...

Michael Ahern: Senator.

Sen. Vernon Syk...: ... previous Section 11 of the constitution, as we relate to and deal with state house seats and Senate seats. So it's setting kind of a litmus test and some guidance on how to make sure that you're not unduly favoring one party or another. And to look at historically what has been the trend of voting patterns and preferences expressed by the people of the state to determine what parameters you should stay within. And that's why we're using it. You're correct, it's not specifically identified, but it's something that we're using to help guide us, the same guidance that we use with these state districts.

Senator McColle...: Follow up.

Michael Ahern: Sure.

Senator McColle...: So I guess if I could summarize, you're saying 10 years allows for a combination of a changing tide of political circumstances over the course of that time. Would you agree with that statement?

Sen. Vernon Syk...: Yes, to try to deal with outliers or you may have... Anything may happen under any particular year, but if you average the years out, it will give a better indication of what the preferences of the people might be.

Senator McColle...: Okay. Follow up.

Sen. Theresa Ga...: Follow up.

Senator McColle...: So I guess my question then would be, why did you choose when trying to score the partisan lean of your map 16, 18, and 20, which were two nine point presidential wins for the Republican candidate and a win for the Republican statewide candidates as well? Why wouldn't you use 10 year data with that?

Randall Routt: Okay. That's a good question, Senator. Back in August, when we were collecting this data, I was working with your legal counsel to get the data for all 10 years for all the elections, '12, '14, '16, '18, and '20, because Ohio University only gave us '20. Now, we were able to collect the data for '16 and '18 and... But the data for subsequent years on our side, we weren't able to get '12 and '14. And I remember having conversation with Frank [Shigari] about the '12 and '14, 12 was probably the best democratic year.

Obama won, Jed Brown won, so that was our high point. The Republican high point was '14, which was really a bad year. To me, they kind of offset. So we thought, well, those two kind of... I thought those two kind of offset, so '14, '16, '18, we had reliable data. So we thought those four election seasons with every statewide election would be the best we can do in getting an average, which isn't far off from the 10 year average. If you look at '14, '16, and '18, and compare that average to the 10 year average, it's pretty close.

Sen. Vernon Syk...: I also want to make a distinction here. When we talk about voter preferences, we're looking at statewide elections and we looked, and we were able to count all of the statewide elections in the last previous years to come up with that percentage. So it didn't have anything to do with what year, all the years were counted. We counted up from Secretary of State's records. We were able to count up the results, the person said that the number of votes that were cast for Republican candidates and those cast for Democratic candidates. So that's how we came up with the 54% and 46%.

Senator McColle...: And I understand your 10 year argument. What I don't understand is... I guess, what I kind of see as some apples and oranges here that are being used. One is the 10 year argument to prescribe what you feel the seats should shake out to be. And then the other is using an arguably Republican biased index taking three statewide Republican elections, two of which would be considered Republican presidential landslide elections in the state of Ohio.

Taking three of those elections and using them as the basis for your indexing and your scoring of what the partisan lean in each of these district is. I guess I don't understand why when you can go back and figure out this data, if you'd like, and there were also funds available to your caucus that have been appropriated, that if you needed to pay somebody to figure out that data for you, you could have, why would you narrow it down to just the three of the best Republican elections really in the last 10 years? Not the best necessarily, but three of the best.

Randall Routt: From our vantage point, we wanted to make sure we were on equal footing. So it wasn't data that was given to us by Republicans or Democrats. We wanted nonpartisan data. That's why we got the data from [inaudible] that we were supposed to use. That's why in conjunction with the Republicans, we got the '16 and '18 data. I wanted to make sure that the data we received was universally accepted by both sides. No one presented me with universally acceptable data for '12 and '14. If I was given that data, I would've utilized it, but no one provided to me on a nonpartisan basis, that data. So we didn't use that.

Senator McColle...: May follow up?

Sen. Theresa Ga...: Follow up.

Senator McColle...: I guess my question is, if it's so important to look back 10 years, why would there never have been a request for that data?

Sen. Vernon Syk...: Well, in a different capacity, you co-chair a taskforce dealing with... There's been several requests being made to that committee, the taskforce, and to the leadership of both the house and Senate to get this process started a lot earlier and to provide more resources so that we could address some of those issues, but that was not done in the timely basis. And when we finally got additional dollars that we needed, it was to hire and retain the consultants to just produce on a timely basis. And we were able only at the last minutes to produce maps in a timely basis. So we could not comply with that timeframe.

Senator McColle...: If I could, the census data didn't come out until August. I think we can all agree with that. By that point, we had a pending deadline that was looming pretty heavily. The money from this taskforce is money that's been being doled out since the beginning of the summer to help pay for this sort of stuff. And so I guess if somebody had the capability through their GIS capabilities or otherwise, or any of the consultants you've hired or if there were a program that had to be produced to try and make it apples and apples, where you're lining up 10 year indexes for each of these districts with the 10 year voting preferences, rather than saying the 10 year index should inform how many seats should go each way or another.

But we're going to use a three... Or the 10 year voting preferences should inform which seats go either way or another, but we're going to use a three year index to say whether they're a Republican or Democrat seat. I mean, I personally think that there could have been a request or an effort made to do that, that could have informed what the index of each of these seats are, because I think it's a Republican bias index that's in front of us right now.

Randall Routt: I believe we're working with the data that was given to us. Now, Ohio University was tasked with providing the data. That was their job. We're just working with the data that was provided to us. We believe in order to sit, work on an equal playing field, we need to work with the data. Now, if the majority has data that they want to share with us, that we can augment our maps, we're welcome to receive that data. So welcome to give it to us. That way, we can work on an equal playing field.

Sen. Vernon Syk...: And we are offering this, we're willing to... With the bias that you've indicated, we're willing to present and accept the data that we have.

Sen. Theresa Ga...: Follow up?

Senator McColle...: Yep. Thank you. I'm good.

Rep. Beth Listo...: Follow up.

Sen. Theresa Ga...: Yes, Representative.

Rep. Beth Listo...: Thank you. This one's quick. It is my understanding that the Secretary of State's office doesn't maintain shape files for 2014 and 2012. And so to apply it in map making is not possible based on what the SOS has kept in terms of records.

Randall Routt: That is correct and that's my understanding.

Rep. Beth Listo...: Thank you.

Sen. Theresa Ga...: Are there any further questions? Yes, co-chair Wilkin.

Rep. Shane Wilk...: Thank you very much. Thank you gentlemen, for being here and chairing the committee for about five hours this morning on this very same issue. Some of the terms that came up was talking about the compactness, and I'm very impressed with a couple of the names that we've heard from other maps, the sliver by the river and the snake by the lake. So in reference to the Ohio State University and where I would be living, I'm curious about the U around the shoe. How's that one come to be derived?

Randall Routt: We believe that districts one and two started in Franklin County. We started drawing with the most populous county, and we started with district one in Franklin county. Then we took the remainder and drew the second district. And we believe that we're having that district in Delaware, going into Union County is a proper per bringing together the second district. And so we went from most populous counties on down in terms of drawing our maps. That's the methodology we used

Rep. Shane Wilk...: Follow up.

Sen. Theresa Ga...: Follow up.

Rep. Shane Wilk...: So I guess my interest is more in the 13th district where you've got them split apart. It's a challenge for people in my... That would be the district that I live in.

Randall Routt: I understand, but there... That is the point taken, but we started based on constitutional standards about keep going from the largest to the smallest. And we drew based on keeping populations together, minimizing splits, and that's was our task and we drew these maps.

Rep. Shane Wilk...: One more follow up, please.

Sen. Theresa Ga...: Follow up.

Rep. Shane Wilk...: Then I would go down to what would make up some of the current district, which would be the 12th, making up 16 counties. When we talk about compactness, can you talk a little bit about that particular lineup, or is it the

same as we just looked at populations, and as some of us would argue you in Appalachia, we often get very overlooked?

Randall Routt: In our original map as introduced map, which was an equal population, those were whole counties. And we had one, I think one split that looks like in this map. So we keep counties together pretty good and pretty sufficiently in the 12th district. And they all fall around, for the most part, the Ohio river, so it makes sense. And you got to understand in these rural counties, the populations are smaller. So by necessity, they have to be larger.

Sen. Theresa Ga...: Follow up?

Rep. Shane Wilk...: Yeah. I live in the rural county, so I very well do understand that. I guess my thought process is just you've changed and I think made this district even substantially larger. So I guess when I listen through hours and hours of testimonial compactness, these two do not seem very compact to me. So thank you.

Sen. Theresa Ga...: Yes, Senator McColley.

Senator McColle...: A point of clarification, what we were talking about earlier while I'm not sure whether the Secretary of State's office would have shaped files for '12 and '14 or not. My understanding as it's been explained to me is that we have statewide GIS election data that's available going all the way back 10 years. And there are programs that could be made available that could overlay geography such as a district shape over that, and then put out a calculation based on a 10 year look back period. I just wanted to make that clear.

Randall Routt: If that's available... Senator, if that's available, I would be happy to accept that. Again-

Sen. Vernon Syk...: Precinct level.

Randall Routt: Huh?

Sen. Vernon Syk...: Not at the precinct level.

Randall Routt: Not at the precinct level. Yeah. I mean, but it could have the boundary lines, which I get. I asked specifically the Secretary State's office if they had that data, they said they didn't have it. So I just took them out their word.

Senator McColle...: And I'm not... If I may.

Sen. Theresa Ga...: Follow up.

Senator McColle...: And I'm not saying that the Secretary of States would be the ones who have it, but there are methods of getting it, I guess, is what I'm saying. And we can talk offline if you want to talk further about it.

Randall Routt: The majority... We're willing, since the very beginning, to work with the majority to get a common set of data to work with. That's never been an issue for us.

Speaker 2: If you have it, please share it.

Sen. Theresa Ga...: Are there any further questions? Seeing [inaudible], thank you very much.

Speaker 2: Thank you.

Sen. Theresa Ga...: And next to testify, we have Michael Ahern. and a reminder that we'll have a five minute limit on testimony. Thank you very much.

Michael Ahern: And which bill is this one on, because I'm speaking on multiple ones?

Sen. Theresa Ga...: I'm sorry, which bills are you-

Michael Ahern: So just one after the other?

Sen. Theresa Ga...: You can just testify to whatever bills you'd like to testify to before the committee right now

Michael Ahern: So five minutes for all the bills or five minutes per bill?

Sen. Theresa Ga...: Five minutes total.

Michael Ahern: Total. Okay.

Rep. Beth Listo...: There's two submitted testimonies?

Michael Ahern: I did submit testimony on two separate bills. So it's still five minutes total?

Sen. Theresa Ga...: We do have a five minute limit and the testimony is available on the website for the committee members to see. It's available on their iPads.

Michael Ahern: Okay. Then I will speak on Senate Bill 237. Good afternoon, members of the joint committee on congressional redistricting. My name is Michael Ahern. For those committee members who have not heard me testify, I hope you'll give my prior testimony consideration. I will testify specifically on House Bill 43 later and this testimony touches on a key aspect of considering Senate Bill 237.

As an unaffiliated voter, I am concerned about this process. Up to this point, there's been no debate within the respective committees on the proposed maps. One of the reasons the reforms were passed in 2018 was because the

2011 map was drawn in a private room out of public view and was passed with little public debate and no public input. Simply put, the voters demanded a public and transparent process. I hope that this joint committee will meet the letter and the requirements of the redistricting reforms and the art and desire of the public to be witness to the sausage making process that will result in either a 10 or four year map.

Consistent with the 2018 redistricting reform requirements, as a citizen, I should be able to listen to your debate, ideally provide input on a final map considered by this joint committee before it is passed, if it is different from the for maps presented in the two legislative committees. Similarly, this joint committee should be allowed to ask questions. The committee members should be allowed to ask questions of the actual mapmakers, which we did actually see here for the first time in the joint committee.

So those questions and responses are conducted in the open. For example, Representative Oelslager was asked questions about House Bill 479 by the house committee members and his responses were that he would have to get back to them because he was not the mapmaker. I assume the answers have been provided to the house committee members, but those answers are not part of the public record and have not been presented in a committee hearing. As a member of the public so far, I am not privy to those responses, and I have not been privy to any of explanation by the actual mapmaker of the choices that resulted in the house Republican map.

In fact, I felt kind of bad for Representative Oelslager because it seemed like at times, he had introduced legislation that he was familiar with only on a cursory level. When a critical part of the process is developed behind closed doors and key information is relayed only amongst the parties, those actions strike at the heart of the concerns that Ohio voters had with the prior map-making process, and exactly what they were trying to reform in the current map-making process.

And just so it's clear that I'm not speaking from a partisan perspective, even Representative Brown this morning indicated that he had to defer to the mapmaker in response to a question that was posed in that committee. The only map where the mapmaker was made available was the Senate Democrats map, Senate Bill 237 and that presentation today. It was particularly helpful when the mapmaker was allowed to respond directly to the questions posed by two different Republican committee members.

In that instance, when he was asked questions, he was able to provide specific answers in public, the way the reform's intended. We are here today to consider a congressional map. When Congress, the people employed through the map that you approve, drafts legislation, they bring in and question the experts in public hearings. Map-making is a complex process and of course it makes sense that experts are relied upon by the members of this body to initially draw

proposed maps. But is this legislative body less interested in public expert testimony than even Congress?

It is vitally important to this committee and the public the members of this committee are able to directly query the assumption and decisions that the mapmakers made in drafting the four maps that you are considering. Doing so helps you make a more informed decision and strengthens public confidence in the process and resulting map. Finally a word and a nod toward the dedicated Ohioans who have officially submitted maps to both the redistricting commission and these committees.

From what I have observed during the committee meetings, there has been zero focus or consideration by committee members on these maps. I hope to hear discussion and consideration of these maps and even a request for those mapmakers to come back and explain their maps as part of this joint committee process. I have 52 seconds. House Bill 43 testimony. I live in district three in the proposed map. The district is wholly contained in Franklin County. The remainder of Franklin County is contained in district 12.

The combination of these two districts minimizes the split of the central Ohio Columbus area into just two districts and reflect the general development patterns in Franklin and Delaware counties. This is a vast improvement over House Bill 479 and the Senate Bill 258 map, which carved this area into unrecognizable bits and paired it with communities as far flowing as those along the Ohio river and Senate President Huffman stronghold in Lima. There are many other good aspects of this map, and I've chosen to focus on just a few. It's in my written testimony, and I urge you to approve or consider House Bill 43 as a starting point. Thank you.

Sen. Theresa Ga...: Thank you very much. Are there questions for members of the committee? Before we go to questions, I do want to point out that Senator McColley, which is the mapmaker of the Senate Republican map testified in my Senate committee and answered every question that was asked of him. And he testified in great detail. So there certainly was testimony from the mapmaker on the Senate Republican map.

Michael Ahern: He was the mapmaker on that case? Okay.

Sen. Theresa Ga...: Absolutely. Are there any questions from members of the committee? Yes, Representative Bethliston.

Rep. Beth Listo...: Thank you, chairwoman. Thank you for your testimony and your passion. Would you mind just spending a minute or two talking about what was important to you in the map that you support? What were the key features that made it... That addressed, I guess, the reform that we're trying to enact here in our constitutional changes.

Michael Ahern: So the maps that I support reflect...

PART 2 OF 4 ENDS [00:48:04]

Michael Ahern: That I support reflect, in my opinion, in my layman's understanding, compactness, they represent communities. Community is extremely important. When you have a member of the House of Representatives at the federal level representing a portion of Ohio, I think it's really important that that member reflects the views, the life, the experience of the people that they're representing. And when you have a gerrymandered district, that makes it much more harder. It also does disservice to the disparate areas that are in that gerrymandered district.

So I'm looking for members of Congress that are going to represent my community. And my community is primarily Franklin County and central Ohio. And the development pressures in Franklin County and central Ohio are very different from some of the rural areas and House Bill 483 specifically, I think for me in my community does a great job because there is significant development pressure that's happening up in New Albany and that development pressure is going from that area, north and east. It's not going south and west.

And that is reflected by, I think, careful consideration of planning. In my testimony, just so you're aware, I do have maps related to the Mid Ohio Regional Planning Commission. MORPC is tasked with guiding ODOT in terms of federal funding, federal highway funds, road projects for regional planning purposes. And this map reflects, the House Bill 483 map reflects this planning agency, their sole focus. When they get together, they're getting together with citizens, elected officials here locally and businesses, and they're coming up with a policy associated with development.

That's what House Bill 483 reflects. And I think that's why I support that one in particular so much.

Speaker 3: Thank you. Are there any further questions? Seeing none.

Michael Ahern: Thank you.

Speaker 3: Thank you very much. And we're going to stand at ease for a moment. Testify is Trevor Martin. Good afternoon and welcome to committee.

Trevor Martin: Good afternoon. Thank you, Chair, committee, Co-chair. My name is Trevor Martin. I'm a Columbus resident, community organizer, activist. I'm an independent contractor. I've worked with a number of organizations over the years, non-profit, nonpartisan, good governance organizations. I don't have any testimony prepared as I just heard that you were accepting public comment. I will have something prepared for Friday, but really, I mean, I just would like to express my disappointment in the proposed bills, specifically those from the

Republicans. Just my disappointment comes from the disregard for the process and for bringing, like I said, I'm a community organizer.

So everything I do, I'm trying to get more folks involved in the political process. And I would think as legislators, you'd want to do the same. But the kind of barriers that have been put up to prevent people from participating and then the outright disrespect that is shown to folks who do testify. I mean, most folks do not get follow up questions. But when they do, it's often just to point out where they got specific articles incorrect, or they misinterpreted something or I hear her in committee the other day going on about a young lady who had ran for Congress here in Ohio and going on about her campaign contribution.

Here's a young woman who who's trying to run for, a young black woman who's trying to run for office to try to represent her community, and she's testifying on important legislation and you're going off on her campaign contributions. I mean, if you're advocating for like the end Citizens United or advocating for public funding of elections, then I'm all for it, but that wasn't the point. It's just the ... Chair, excuse me. You've brought up a couple times now in committee about how we were doing Marcy Kaptur a favor by drawing the snake on the lake. Come on.

It's no secret that that district was drawn to put two Democrats together in a primary, Dennis Kucinich and Marcy Kaptur. That's that's open knowledge. Everybody knows that. That's the kind of dirtiness that is involved with gerrymandering. You weren't doing her a favor trying to get her a strong constituency. And then some of these maps that are proposed now deliberately cut her community in half to make sure that no person like her represents that community. To me, again, community is really the most important thing about this process, the folks that you're supposed to be representing, your constituency.

And fair districts, this reform was passed throughout the state in all 88 counties. And in all of your districts, all of your constituents wanted this fairness and scheduling committee hearings at the same time on the separate bills in the middle of the day, telling folks that they need to resubmit everything now because this is a new committee and all your other testimony doesn't mean anything. What I did was train folks how to use the mapping software in order to create community maps, and then integrate those into a district map and what they would think a fair district looks like.

And I worked with folks all over the state, many communities, Republican, Democrat, conservative, liberal, urban, rural, and they all wanted the same thing, fairness. They wanted fair representation. They wanted a representative that would listen to their concerns instead of donor concerns and party priorities. And again, I've got so much to say, and I just didn't know where to start. I mean, it's ...

Speaker 3: 15 seconds.

Trevor Martin: It's just very disheartening and downright disrespectful. Thank you.

Speaker 3: Thank you very much for your testimony. Are the questions of the committee? Seeing none. Thank you very much.

Trevor Martin: Thank you.

Speaker 3: Next to testify. We have Christon I ... I'm going to butcher this last name, Ioannou.

Christos Ioanno...: It's Christos Ioannou. It trips me up, too. Sorry about that.

Speaker 3: Thank you for helping with that. I apologize.

Christos Ioanno...: No problem.

Speaker 3: Welcome to committee. Good afternoon.

Christos Ioanno...: Good afternoon. It's good to be here and I just had a little flashback to high school. Anytime we had a substitute teacher, I could always tell when they got to me because just silent for a second. I want to thank you all for holding this hearing. I, unlike some of the people speaking today, I'm not an expert in map making. I'm not too much of a numbers guy. What I am is a citizen of the state of Ohio and that's what I'm here speaking as. My name, again, is Christos Ioannou. I'm currently a political science student at Capital University.

So this was a quick little 15 minute drive for me to get over here after class. And I'm 20-years-old. I am one of the younger people in the room, I'd presume, and it's funny that people assume young folks just go ahead and kind of tune out and that we're generally apathetic towards this sort of stuff. Because I just want to let you know today I've been keeping up with the process, I know plenty of other kids who have been keeping up as well and we are paying attention. And frankly, a lot of us are really disappointed with what we're seeing.

These maps were out really late, much later than they should have been. And even then when the maps were finally presented, there were some very egregious gerrymanders. I heard somebody up here mention earlier that Trump won the state and the landslide twice. In 2016, he won with 51% of the vote, in 2020 with 53% of the vote. One of the proposed maps, the Senate GOP map would give the Republicans 86% of the congressional district. If Trump won Ohio with 86%, then I would not be up here saying that's not right, but frankly that's not right.

Even the current maps as is, 75% of the seats are going to the GOP and we passed reforms in 2018, hoping to get something out of it. And it looked like we

might, and I'm much more optimistic than I should be. And I frankly was very disappointed and continue to be very disappointed. And I wanted to go ahead and speak on the there's really no communities of interest in the Senate GOP map. Because again, I said I go to school over at Capital, I'm still registered up in Cleveland. But if a Capital student wanted to register to vote at Capital University, they'd be voting with the same kids who go to Ohio University in that 15th district there.

The fourth district lumps in Columbus suburbs with Urbana. It goes all the way out there west. The second district, Cincinnati goes all the way along the Ohio River to go ahead lump in more GOP votes there. And then that sixth district just comes all the way down the east side of the state. And there's a difference between compactness and going ahead keeping together communities of interest and making sure that like voters are with each other because otherwise what we're getting is borderline disenfranchisement, and it's really upsetting to see.

Because the democratic process, I wholly believe, is one of the greatest things on earth and it should be so easy to get a home run here. Just go ahead pass some fair maps, everybody looks good. And instead, it's being dragged out and we're just given a whole bunch of just bad maps and it's upsetting to see. And again, as a young person, I don't want more young people to go ahead and become more apathetic towards this. I want us to pay attention. I want us to get involved, because I want there to be reason to get involved, but there's no reason to get involved if you go ahead get lumped in with a bunch of voters who don't vote the same way as you do, because what's the point.

Does your vote even have meaning there anymore? And I know I've spoken against the Senate GOP map. I'd like to just quickly say that the Senate Democratic map does a good jo for the most part communities of interest. There's that one, it goes around Cuyahoga County. That one's a little iffy. But for the most part, most of the districts there are much more compact. They do a good job keeping communities of interest together and it's competitive. And I think that's the main thing. I'm not asking, hey, draw 15 Democratic seats here, because first off that's not possible.

Second off, I don't think that would be fair. I don't think it's fair what they're doing out in Illinois. It's about making competitive seats so that the people who can have their voice heard ought to have their voice heard. And I'd just like you to take my words into consideration. Again, I'm no expert on this stuff, but I'm a voter and I care and I think that should matter. Thank you.

Speaker 3: Thank you very much for your testimony. Are there questions from the committee? Seeing none. Thank you very much.

Christos Ioanno...: Thank you.

Speaker 3: Next to testify, I have Julia Cattaneo.

Julia Cattaneo: Hi. It's Cattaneo, but that's okay.

Speaker 3: Welcome to committee.

Julia Cattaneo: Hi. I'm going to take my mask off, if that's okay. And I was here Monday.

Speaker 3: Welcome back.

Julia Cattaneo: Yeah. So yes, my name is Julia Cattaneo. All my life, I have been community and politically aware and active. I'm a retired social worker and 20 years ago had an elected position in Pennsylvania. I am here to testify for legal, fair maps and equal districts. I'm not giving the same testimony. I'm going to some of the points I will from Monday, but I'm here to speak basically on all the four bills. I'm not here to propose a map. Should I wait or? Okay. I'm not here to propose a map as there are others testifying with better legal maps to consider. Those that do not take focus on the parties.

What I will do, first of all, is talk about transparency. Some of you here know that I am pretty active and very resourceful in finding information. This has been under a blanket. There's been no transparency. How does a regular, I hate to say regular, but say your normal everyday person find out about these hearings, the maps? And I will say I've also contacted our local news agencies because they're responsible, too. But I have called most of your offices to find out what this process is, when, what next, how do I get the information?, How do I get the copy of the maps.

I get shifted different places by different people. I know about legislator.ohio.gov and it does not have dates. It does not have, unless am not seeing the right place. I cannot find the information so that I can think out and submit to testify so that you're not hearing the same thing each time. So, I'm asking you as we move forward in this process to be more transparent, to get the information out there. I know you have people who do your public relations. This subject is so important and it was disappointing when they did the state maps, because we had the same issue.

Although, they did have a website that was much better that you could work from. So I ask you to please think about that and I would help if you want. I have no problem with that in anyway that I can. So the other thing I will say is I'm here to remind you and I know the drawing of these maps are difficult and I'm not saying that they're easy, but it's a great honor that you've all been given and the maps are the foundation of democracy. They protect the right of our votes to account, our voices heard and the legislation to fairly represent Ohioans.

In fact, people felt so strong that in 2018, which you all know, legislation was added to the constitution for the transparency and the process. I will say that of

all the maps, I agree most with Senate Bill 237, but I'm going to switch back to why gerrymandering is so harmful.

Speaker 3: That's the exact way to do it.

Julia Cattaneo: As a social worker and advocating for my communities, I've known how damaging gerrymandering is. It robs these communities and families invested representation and service. And it's shameful that this is a deliberate, thought-out process to harm, silence and disenfranchise individuals.

Speaker 3: 15 seconds.

Julia Cattaneo: Okay. So maps should be drawn to support we, the people and not we, the party. And once again, I ask that you consider this and the transparency.

Speaker 3: Thank you very much for your testimony.

Julia Cattaneo: Thank you.

Speaker 3: I do want to point before we open this up to questions, that you can get a copy of the maps if you go into legislature.ohio.gov.

Julia Cattaneo: I have the maps, but I don't have the meeting times, where the meetings are, when testimony.

Speaker 3: All of that should be available on this. You go into legislature.ohio.gov, committees, the committees tab, then go into joint committees, joint committee on redistricting, and then you can go into documents.

Julia Cattaneo: That's for this one. What about the others?

Speaker 3: This is the Joint Committee on Redistricting, so I want to make sure that you have that available.

Julia Cattaneo: Okay. And you don't have to know the Senate bill numbers?

Speaker 3: I believe all the documents would be available ...

Speaker 4: If you know the committee.

Speaker 3: ... If you know the committee, yeah. It's under the Joint Committee.

Julia Cattaneo: Okay. And how would I know that you were meeting under Joint Committee?

Speaker 3: Pardon me?

Julia Cattaneo: How would I know that this process was going on?

Speaker 3: This has been very public that we were having a Joint Committees meeting today.

Julia Cattaneo: Public in what way?

Speaker 3: On Friday.

Julia Cattaneo: Public in what way?

Speaker 3: We can add your name to the distribution list if you'd like notification sent to you.

Julia Cattaneo: I would love that. Okay.

Speaker 3: Okay.

Julia Cattaneo: But I'm one person. How does everybody else know that this is going on?

Speaker 3: Notices have been sent out and there's been extensive media coverage on this as well.

Julia Cattaneo: Yeah. I did see it on the news, but in the news, it doesn't state how you get this information and as far as when the meetings are. It just shows, and that's not your fault, but what I'm saying is if I didn't have the contacts that I have and the resources I have and the persistence that I think representative [inaudible] can tell you I am pretty persistent, that I would not have known about this.

Speaker 3: You certainly can contact your senator or representative.

Julia Cattaneo: I contacted-

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Sen. Theresa Ga...: You certainly can contact your Senator or Representative to get information.

Julia Cattaneo: I did. I've contacted the office Representative Wilkin, Senator McColley, Cupp And I forget who the other one was. And Representative Beth Liston's office, which your office is the one that told me about today. Most of the others said they weren't familiar. The office aids familiar with the process, they didn't really know. They directed me to the legislator.ohio.gov, which I've been on. That's how I found the maps.

Sen. Theresa Ga...: There's a schedule tab on that as well. It will give you a schedule of what's happening.

Julia Cattaneo: Okay. But that was me doing a lot of work to find it. With something this important, there should be a better way. If you want transparency, if you're

really living up to transparency, there should be a better way. Like why would you not just have the maps out and public and the dates and...

Sen. Theresa Ga...: Just for your reference, if you go onto that website, this information is all available. It's been downloaded to the website.

Julia Cattaneo: I understand that.

Sen. Theresa Ga...: And there is a scheduled tab. You can always contact your legislature.

Julia Cattaneo: Once again, I said, I've done that.

Sen. Theresa Ga...: Well, thank you very much. I'm really glad you were able to find information about today's hearing and participate in the testimony today.

Julia Cattaneo: Thank you. Are there any other questions?

Sen. Theresa Ga...: Questions for members of the committee? Yes. Representative Liston.

Rep. Beth Listo...: Thank you, Senator. Just going to be asking this of many people, just maybe highlight the things that are most important to them about the map that they're supporting. Right? You mentioned that it was the Senate bill 237, I think. And if you just wouldn't mind just sharing why that particular map sort of feels like, or is representative of you and your community.

Julia Cattaneo: Okay. One of the reasons is it doesn't break up Franklin County or Columbus in a way that I think, I have to think back because I've been looking at all the maps, that I think it only breaks it up twice where most of the others break it up more and the Senate map, Republican Senate map actually breaks up. If you go through the forms and everything, the website, you can actually see where it's breaking up color, people of color. And I think all the maps that I've seen coming from this process do favor in a way parties. I just think that that map favors parties less and has better representation.

Rep. Beth Listo...: Thank you. And thank you for your persistence and I'm sorry it's been hard. I appreciate you being here and everyone too as well.

Sen. Theresa Ga...: Thank you. Are there any further questions? Seeing none. Thank you very much.

Julia Cattaneo: Thank you.

Sen. Theresa Ga...: And next to testify, we have Jen Miller and Catherine Turner... Turcer. Okay. Thank you very much. And since there are two people testifying, we'll give 10 minutes total. And welcome to committee.

Jen Miller: Thank you so much chairwoman, [inaudible], and the entire committee. Thank you for your time. We're actually going to talk about all four maps. And I did

almost rewrite my testimony like the witness slip, because I said maybe you wouldn't be able to read my writing. So clearly that happened. Okay. We together are Fair District's Ohio. So we are Ohio's leading non partisan redistricting advocates and experts. We've been working on fair maps since the 70s. Our organizations have used direct advocacy, grassroots pressure, ballot initiatives and court cases to oppose partisan gerrymandering in maps that have favored both Republicans and Democrats. So we are truly nonpartisan in that we just want the best maps for voters. We would like to advocate that this body do a district by district, line by line analysis where you really get to hear from local community members about the splits that make sense.

But we do have a high level analysis by Dr. Chris Cusack that we think could help this body decide which of the four maps could be a starting point for deeper discussion. Dr. Cusack is a professor emeritus of geography at King State. He's a Fulbright scholar. His master's in PhD are from University of Akron. He has family in Ohio. With more notice, we could have gotten him here, but in the meantime, we can go through some things. We're going to talk about several different measures of these four maps. Proportionality, splitting, compactness, minority representation are all considerations that have some sort of legal, whether it's in the Ohio Constitution or in federal law, competitiveness does not. But that is also looked at just so you know, this first slide here, House Dem proposal, House GOP proposal, Senate Dem proposal, Senate GOP proposal.

This is scoring on those four measures. Each of those areas is out of 100 points. And so the higher the score, the better the map. So out of that and this is the former Senate Democratic proposal has the most points for being the most proportional for having the splitting the fewest communities, being the most compact, having the best minority representation and the competitiveness like when you add all those together. The competitive score, just so you know the indexing is the 2008, 2012, 2016, 2020 presidential races, US Senate data from the elections of 2016, 2018 and 2020, and then Ohio governor, Ohio Lieutenant governor, and AG from 2018. And so now it's off to Catherine.

Catherine Turce...: So one of the things that I have testified a lot about has to do with focusing on keeping communities whole, and one of the ways to think about how the district's impact all of the meandering around or the changing of district lines or the slicing and dicing is how it actually impacts competitiveness. So there should be a page in front of you that goes through the House Democratic map. So that's House bill 483 and then the Senate Dem, which is 237. And then you have the House GOP, which is 479. And then you have Senate bill 258. And the way to read this, that I can best explain it is there's some challenges about figuring out what competitiveness is. So for some folks, let's say Dave's [inaudible], we'll say, competitiveness is within 10 points, but when you think 10 points, that's a really big difference.

So you'll notice that there are some that you can look at them and okay, these are competitive, and you can look at them and say, okay, so clearly if you look,

we'll start with the House Democratic one. So you can see there are clearly six Republican districts, and then there are some that are in that category, some lean Republicans, some are a little more competitive. They're closer in that three point range. And then you have four Democratic, hard Democratic districts. And so that gives you a sense to compare. It's one of the ways to compare it. And I think as we're thinking about accountability, competition is connected to accountability. But of course, when we're thinking about the values that Ohioans have, we want our communities to be together. Now, these things are not always in conflict, but it's worth thinking about this as just one value. Now, at this point, Jen's going to talk about some other values to consider in ways as you look at all four maps.

Jen Miller: So the concept of unduly partisan or favoring one party over another is in the Ohio Constitution. That can be measured a couple different ways. I think proportionality is the one that we've been hearing the most about. The idea here being that as Ohio goes about 55% Republican, just slightly over half of the seats for Congress should go Republican. So we went through and we just encourage you to look at that. Again, this is the former state Democratic proposal, but we'd be happy to analyze that or actually have our expert do so, but looking at proportionality, some of these are clearly, especially the House GOP and the Senate GOP are not proportional and we would argue our unduly partisan. Catherine did talk a little bit about competitiveness. You have a slide there that we hope you'll look at. And then I think splitting is so critical. And so I'm going to ask my dear colleague to talk about that.

Catherine Turce...: Well, they thank you very much. So one of the things that when I look in a map that I'm always looking at is are the counties the building blocks. So one of the things that is clear in the Ohio Constitution is that the counties are the building blocks. They're rules against splitting. And of course, keeping those counties whole, it's not a perfect proxy for community's interest. It's not a perfect proxy for compactness.

But it is a way to focus on how well we're actually keeping communities together. And so if you take the house Democratic map, their 12 counties are split. That's a total of 12 splits and 11% of folks in Ohio are impacted by those splits. Now, the other way to look at this is you go through are some of the precinct level splits. So I talked about the House Democratic, you can work your way over to the House GOP map where they're 12 splits, but it's 12 counties that are split 16 times and it impacts nearly a quarter of Ohioans. And so then let's go to the Senate GOP map, where there are 14 counties that are split. 17 times there are splits and you're up to almost a third of Ohioans that live in counties that are impacted by these splits.

Jen Miller: Thank you. Compactness. There's two scores that are usually used, are often used by experts, nonpartisan experts. One's called REOC, one's called Polsby-Popper. And so if you see here, you can kind of see, and there is also does it look funky test? I'll see it. I'll know it when I see it test, but this is two scores that you

can see here in terms of which are better in terms of compactness with the House GOP being the weakest in that regard. The Senate Dem, the former Senate Dem and the Senate GOP being somewhat close and along with the House Dem. So minority representation is particularly important. We would encourage this body to do its analysis. So actually racially polarized voting analysis that would help you know how to best comply with the voting rights act. But we do have some thoughts here.

Catherine Turce...: So I would highlight that there is a difference between the Democratic maps and the Republican maps when it comes to minority representation. So there are one majority minority district, and that's the one that we usually think about that is congressional district 11 up in Cleveland. It works its way down to Akron. We used to call it the LeBron's district. So there's one minority majority district in each of all four of the maps. But when you look at the Democratic maps, they also have two additional opportunity districts. And this has to do with not carving up Franklin County and Hamilton County. By keeping those counties whole, you actually can create an opportunity for minorities to elect the representative of their choosing. There are a lot of different ways you could possibly define an opportunity district. 35% of voting age population of minorities can be a way to actually do that. You could say black voting age, non-white is another way to do that.

Jen Miller: Thank you. The efficiency gap is another way of looking to see if something is unduly favoring, if a map is unduly favoring one party over another, we talked about this earlier today. But in the case of cracking where you're splitting up the candidates for the losing candidate, it's those votes for the losing candidate that are inefficient. In the case of packing, it's all the votes cast for the candidate beyond the 50% plus one threshold. So it's really thinking about how inefficient votes are.

Sen. Theresa Ga...: 15 seconds.

Jen Miller: And so if you will look at these slides and we hope that you will look at them, because you now have them, thank you so much. You can see the efficiency gaps are for the House Dem is about 4% where the Democrats about 4% of votes for Democratic candidates are wasted versus the House GOP at about 17%.

Sen. Theresa Ga...: Thank you very much for your testimony. And thanks for submitting the analysis.

Jen Miller: So two more quick things I just wanted to mention if your folks want to find the maps, we do have this here for you so that if someone's calling so that they can find it in Dave's redistricting, which will be easier than a PDF.

Sen. Theresa Ga...: Thank you very much. Are there questions for members of the committee? Yes. Representative Liston.

Rep. Beth Listo...: Thank you, Senator. Thank you. This is wonderful. And so I think helpful visually to see the measures that we're talking about. I actually have one or two clarifications because I think we've been all using some of these terms a little bit differently. Proportionality, when we look at these, you're defining the seven, eight as actually what is the goal as defined by the outcomes in those previous elections that you guys put as 16, 18 and 20, ones that we've already kind of said actually maybe more are over performance, but when we look at these, that left side of each of the maps is the goal, right? You're not calculating the proportionality. You're saying if we assume that we want an eight to seven based on the voter preferences and then the right side is comparing, is that correct? I just want to make sure, because it took me a few seconds to decide that.

Jen Miller: Yes ma'am. And this was again created through using Dave's redistricting app. And so we did talk about the indexing that they use. Oh, I'm so sorry. Through Senator [inaudible]. When I get into the graphs, I get all nerdy and I forget about my manners. I apologize. But thank you chair [inaudible]. So we're looking at indexing that actually spans from 2008 through 2020 for presidential, for example. So I think that the indexing here in Dave's really is fair and balanced and yes, you'll see proportional. If you think about that about 55% and then the likely outcome is how that map would score in terms of that proportionality and how far away it is.

Rep. Beth Listo...: Thank you. One follow up.

Sen. Theresa Ga...: Follow up.

Rep. Beth Listo...: And then just clarifying. When I go to the efficiency gap, I think that's something that's really important for us to be thinking about because obviously one person, one vote, we want to make sure people's votes are heard, but what's striking to me, and again, I want to make sure I'm interpreting this correctly is all of the maps actually favor the Republicans for efficiency, that there are Democratic votes wasted in all, even the Democratic maps have that are sort of skew. Am I right on that?

Jen Miller: Thank you chair. Thank you Rep Liston and I'll let you jump in if you want, but I'll just say this much. Yes. And when we asked our academics, there would be a little bit of an efficiency gap potentially because of the geography of Ohio, but the idea being you want to make that efficiency gap to be zero, right? You want every vote to carry the same amount of weight. When you see efficiency gaps like the House GOP at 17% or the Senate GOP at 16%, what that means is that it's going to take far more Democratic votes than Republican votes for the map to move.

Rep. Beth Listo...: Or even 17% of people's votes.

Jen Miller: They're 17% weaker.

Catherine Turce...: Well, and if I may chair.

Sen. Theresa Ga...: Sure.

Catherine Turce...: So, for me, I hear the efficiency gap and I think, okay, the numbers. The thing that I think is useful with using the efficiency gap is to understand how much packing and cracking, because that's really what the efficiency gap is measuring. So yes, you can read all of the details and have conversations about with political scientists, but it's a really good measure of how much packing and cracking is going on.

Sen. Theresa Ga...: Thank you. Are there any further, yes, Senator Sykes?

Senator Sykes: Thank you, Madam chair. Thank you so much for your testimony, but also for your commitment over the years to this effort. When you look at the letter and the spirit of the constitution as it relates to congressional districts, do you think this proportionality concept kind is a goal, particularly with the 10 year plan, is it a goal?

Catherine Turce...: Chair, Senator Sykes, I do believe that the proportionality can help you consider the best way forward. Now it's a measure. It's to help you guide what works best for Ohioans. So I'm really hoping that you all have really good conversations about each and every district, that you're looking at things like, well, how compact are they? Are they dividing neighborhoods? Are they keeping the counties whole? And the proportionality can help you assess, okay, we're doing all these things, but are we somehow unfairly advantaging one party or the other?

So I would see it as a measure that's good for a backup, but at the end of the day, what you want is a map that keeps communities together. What Ohioans struggle with is the manipulation to district lines that manipulate our vote. And so if you have, we're going to have some red districts and we're going to have some R districts, it's when they're unduly manipulated that it's problematic. And so this goes back to the packing and cracking and thinking about the kind of gerrymandering that we all don't want to see, and that we know that Ohioans came out in 2015 and 2018 and pushed back and said, hey, we deserve better. And so I'm really glad that you have this opportunity to draw district lines that focus on communities.

Senator Sykes: Thank you.

Sen. Theresa Ga...: Are there any further questions? Seeing none. Thank you very much for your testimony.

Catherine Turce...: Thank you.

Sen. Theresa Ga...: And the chair recognizes Senator McColley for a motion.

Senator McColle...: Thank you, Madam chair. In light of some discussions we've had with people on both sides of the aisle on this committee, in the desire of people to want to see their testimony previously submitted in the various committees of each chamber, I would move that we allow for each of the chairs of those committees, which are also the co-chairs of this committee so that'd be the government oversight and reform committee in the House, in the Senate, local government and elections committee in the Senate to compile into a packet all the testimony that was gathered on all the bills related to the drawing of House maps, where they had a map submitted in them over the past several hearings or several weeks in those committees and to submit them in the record as an exhibit, for lack of a better term at the next hearing, and to be identified as such so they're not identified as testimony submitted in this committee, but they're identified as testimony that was submitted in the previous committee to be submitted in the record of this committee as well.

Sen. Theresa Ga...: Is there any discussion? Is there any objection? Seeing none. The motion is approved.

Senator McColle...: Thank you.

Sen. Theresa Ga...: Is there any further business to come before the committee? Seeing none. We are adjourned.

PART 4 OF 4 ENDS [01:33:41]