

Ohio Redistricting Commission - 9-14-2021 - Part 2

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EXHIBIT

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Co-Chair Senator Vernon Sykes [00:00:04] At this time, we're going to close off the virtual testimony that's available at the Washington State Community College in Marietta at this time.

Clerk [00:00:17] The next witness is Senator Teresa Fedor, speaking on behalf of Terrilyn Copland.

Sen. Teresa Fedor [00:00:35] Thank you very much.

Co-Chair Senator Vernon Sykes [00:00:36] Can you please pronounce and spell your name, please, for the record,

Sen. Teresa Fedor [00:00:41] Senator Teresa Fedor representing the Toledo area.

Co-Chair Senator Vernon Sykes [00:00:48] Thank you.

Sen. Teresa Fedor on behalf of Terrilyn Copeland [00:00:50] And this is for my constituent, Terrilyn Copeland. Dear Sir, Madam, I am writing to implore you to act in accordance with the will of the voters of Ohio. The map proposed and submitted by the committee last week is unacceptable. It fell short of the spirit and letter of the voter mandate. I cannot tell you how disappointed I am in the map you presented. After studying your map, it appears that someone spent a considerable amount of time constructing a map more gerrymandered than the current one. The proposed map is a slap in the face to Ohio voters who expected committee members to take their charge seriously. Ohioans have voted overwhelmingly on two occasions for better maps. It appears that request fell on deaf ears. Simple software programs are available to assist in the complicated process of developing fair maps that meet specific criteria for fairness. In addition, collaborating with experts in a bipartisan fashion would foster transparency and ensure an ethical and fair process for all. Dave's Redistricting App was used by a number of people to offer much better maps than the one you proposed and adopted along party lines. Since we have many important critical deadlines, collaboration would have fostered expediency. Dave's Redistricting App required maps consider to the following key elements and yields a score with 100 percent perfect: proportionality or representational fairness, minority representation, compactness, splitting of political subdivisions, competitiveness. The proposed Ohio Senate map falls far too low on the score for Competitiveness 26, and Proportionality, 43. Proportionality representative fairness, 43. Minority Representation, 49. Compactness, 49. Splitting of Political Subdivisions, 91. Competitiveness, 26. For me, competitiveness and proportionality are two elements critical to fair elections. These two elements are central to eliminating gerrymandering so that elections reflect the will of the people. Competitive elections allow for more robust debate and a winner who is more likely to look to represent all of the people. Of the 20 maps submitted to fair districts for consideration, three had better scores for competitiveness and 20 had better scores for proportionality. I would strongly recommend that you consider the Senate map developed by Geoff Wise. His score for competitiveness is 36. He found twelve competitive districts. Your map actually resulted in a reduction in competitive seats. In addition, his proportionality score of 98 far exceeded yours. Lastly, and of critical importance, Mr. Wise wisely chose to draw a map that was compliant with the federal Voting Rights Act. See below. And you can read that, because my time's running out. During the Thursday meeting, it was found that your map did not even consider such a critical element, minority

representation in regards to the whole district map. I would respectfully ask that you use Mr. Wise's map as well. See below, it scored far better than yours in three categories and tied in one. Proportionality or represented fairness, 82. Minority representation, 64. Compactness, 56. Splitting up political subdivisions, 100. Competitiveness, 31 Proposed District Map. Proportionality of Representative Fairness 51. Minority Representative, 58. Compactness, 49. Splitting of Political Subdivisions, 100. Competitiveness, 22. As I stated previously in my letter to the committee at the Toledo hearing, gerrymandering districts are one of the major fuels propelling unprecedented voter discord in Ohio and in the country. And so House districts are currently configured. They are enabled. They have enabled the most extreme voices to be elected because the politician represents a contorted district that ensures their election rather than a district that represents the voters of a compact, continuous area. A lack of willingness to compromise because the party in power has no reason to do so. One party in Ohio to win 65 percent of the seats while receiving only 48 percent of the vote. Too much governmental gridlock because extreme voices are amplified and the voices of moderate and compromised are diluted. I will close. In closing, I remind you of my comments in my letter of August 22nd, 2021, quote, "Ohio voters are asking for your commitment to open, transparent, bipartisan and ethical congressional and Ohio legislative maps this year. Ohio voters have clearly said this is their wish, not once, but twice. Can we count on you to do what we ask you to do? Thank you. Sincerely. Terrilyn Copeland, Toledo, Ohio. Thank you.

Co-Chair Senator Vernon Sykes [00:06:54] Thank you. Are there any questions? Thank you very much. Thank you. Next witness?

Clerk [00:07:01] Donna Peterson, followed by David Pickett.

Co-Chair Senator Vernon Sykes [00:07:12] Next witness.

Clerk [00:07:13] Rima Rysiek, followed by Aaron Ryan.

Co-Chair Senator Vernon Sykes [00:07:23] Next witness,

Clerk [00:07:25] Debra Saunders, followed by Debbie Schmieding.

Co-Chair Senator Vernon Sykes [00:07:31] Would you please state and spell your name, please?

Debra Saunders [00:07:37] Hello, I'm Debra Saunders. I live here in Dublin and my current Ohio legislative districts are House 16 and Senate 21. I join the remarkable number of fellow Ohioans who have felt an imperative, a compelling purpose to testify to this commission over these last several weeks. It speaks to the passion, commitment and civic responsibility Ohio voters feel regarding this critical initiative that will impact lives on a day by day basis. There have been well-supported technical arguments on the shortfalls of the majority approved working maps as they relate to Article 11 of the Ohio Constitution and fervent testimony by impassioned citizens and leaders speaking to the peril these maps will bring to their neighborhoods and communities, particularly for the underserved and people of color. I add my voice of opposition to the proposed maps. If I look at where I live near the junction of Dublin and Upper Arlington, an area becoming much more diverse, merging the entire west side of Franklin County, a metropolitan population to the whole of Union County, a primarily rural area, demonstrates what appears as a purposeful intent to neutralize Senate District 16 votes, not aligned to what would be a supermajority. And for the House, a different approach was taken. Districts were chopped, seemingly to

weaken the power of voting and minimize the impact that the aggregate of votes can bring. We have heard there has been a great amount of work happening behind the scenes since last Thursday by Democratic and Republican staff members poring over revisions of the maps. We've heard this is the time where significant work can be done to find a middle ground. And yet I keep returning to a poignant comment offered by Leader Sykes last Thursday. She said the legislative body has been through this before, where a proposal is offered as an extreme, a provocation in fact, and through the process becomes only marginally better, if at all. Never finding center because it began too far from midline and sufficient concessions will never be made to get there. It feels like that's where we that's what we have here. Well, the majority members concede 10 or more seats in the proposed House map to reach proportional representation with a similar concession for the Senate? It seems to be an immense chasm to cross. I urge this commission to consider strongly the maps presented by the Democratic caucus as the foundational documents on which to build using salient input from maps that have been rigorously analyzed and debated. We, the voters of Ohio, move together as a bipartisan constituency and declare that we expect gerrymandering to end. We are holding on to hope that this commission can find that same spirit. Thank you.

Co-Chair Senator Vernon Sykes [00:11:04] Thank you. Are there any questions? Seeing none, Thank you very much. The next witness. Hi, can you state and spell your name?

Debbie Schmieding [00:11:18] Debbie, Schmeiding. Chairperson Cupp, Chairperson Sykes, members of the commission. Thank you for the opportunity to speak to you today. My name is Debbie Schmieding. I'm a member of the League of Women Voters of Athens County. I'm also the Voter Services Chair for the League of Women Voters of Ohio. As such, I am one of thousands of volunteers who collected petition signatures in 2015, 2018 in order to bring us to this moment and this task. I'm speaking on behalf of Ohio League members, many of whom you hear from directly on a regular basis, and particularly on behalf of the several dozen who show up every month for our voter services call. We meet to share ideas for improving our voter registration, voter guide and candidate forum activities, as well as ideas for advancing our working partnership with our local boards of elections. To be honest, we also share some frustration over the difficulty of getting candidates to participate in these long standing practices on behalf of Ohio voters. I'd like you to know that I'm a pretty regular person who knows a lot more about the connection between legislative and congressional maps and the practice of democracy than I did 10 years ago. I'm not unique by any means. I don't need to recite for you the unprecedented margin by which the redistricting bills passed. As a collective, Ohio voters have come a long way in our understanding of the fundamental role of fair maps in representative government. We understand that candidates and safe seats tend to skip opportunities to interact with voters more often than those in competitive districts. We understand that intra party primary contests become the place where general elections are, in fact, decided. We understand that our elected officials are becoming more and more extreme in their policy positions and are less likely to collaborate with their peers. We also understand that the map you are starting with will not come close to solving these issues. As a proud member of one of the premier nonpartisan good government organizations in the country, I expect you to take another look at your plan to revise it for representational fairness and minority balance. I know your time is ridiculously short and your constitutional duty here is huge. There are many excellent citizen-created maps to assist you. Please avail yourself of help from your highly invested and creative constituents. Thank you.

Co-Chair Senator Vernon Sykes [00:13:38] Thank you. Are there any questions? Thank you very much. Next witness, please,

Clerk [00:13:46] The next group of witnesses is Molly Shack, Derrick Holmes, and Akki Butler.

Molly Shack [00:14:00] Good afternoon, Co-chair Cupp, Co-chair Sykes, and members of the Ohio Redistricting Commission. Thank you for the opportunity to be here today. My name is Molly Shack and I serve as co-executive director of the Ohio Organizing Collaborative. It is our mission to organize everyday Ohioans for racial and economic justice. For the last ten years, I have worked with OOC on a wide range of issues to improve education, build healthy and safe communities and increase access to good jobs with living wages. I've spent literally thousands of hours educating my community on the civic process and training our members and their neighbors on how to make our voices heard. For the last ten years, I have witnessed the devastating impact of fighting for our lives, for our families and for our communities' futures only to have our concerns ignored by elected officials who represent gerrymandered districts. We teach people every day that their votes matter, that their voices matter. But the rules of our democracy have been rigged by partisan gerrymandering. If we had fair maps in Ohio, we would be having more debates of authentic differences of ideas in the public arena., differences about how to solve our toughest problems and pass policy solutions that our communities desperately need. Ohio is a big state. We definitely don't all think the same, and we don't all experience the same opportunity to succeed. But we do have a lot in common. Our communities might look different, but from suburbs to small towns and cities to the country, we are facing similar problems that require collective solutions. Addiction is decimating families. Schools do not have the resources they need. ICUs are overflowing and parents are losing sleep at night, wondering how they're going to make ends meet. Two times, Ohioans voted in overwhelming numbers to reform our Constitution to build a more fair democratic governing process together. Yet the majority party leadership of this commission continue to support proposed maps that fail to meet the basic requirements of the Constitution and fail to honor the spirit of these reforms. There have been thorough and robust processes like the one led by the Ohio Citizens Redistricting Commission, which you heard from earlier today, which was more accessible to many parents and working people and produced fair proportional maps with fair opportunities for minority communities to make their voices heard. The current supermajority enjoyed by the House and Senate Republicans was achieved through a rigged system. And it is clear every single day Ohioans have been left behind. All of Ohio has paid the price of a broken unemployment system, underfunded schools and the corrupt, dysfunctional and extremist legislators embroiled in the largest bribery scandal in Ohio's history. We need fair representation in this state, which means for proportional numbers, the number of Democratic and Republican seats in the House and Senate need to mirror how Ohioans actually vote. Roughly 46 percent Democrat and 54 percent Republican. That means our map should include 44 Democratic and 55 Republican leaning House districts, and the Senate should have 15 Democratic and Republican leaning districts. It is an Article 11, Section (6)(B), it requires us to get to that outcome. I have talked to thousands of Ohioans over the last ten years about their hopes and dreams, their fears and what keeps them up at night. One thing that unites us all is the hope and joy we find in our communities, the people and places that give color to our everyday lives. Each and every one deserves to be respected enough by this commission to have their voices heard over the next 10 years. Thank you.

Co-Chair Senator Vernon Sykes [00:17:31] Thank you. Are there any questions? Thank you very much. Would you state and spell your name, please,

Derrick Holmes [00:17:46] Derrick Holmes.

Co-Chair Senator Vernon Sykes [00:17:54] Thank you.

Derrick Holmes [00:17:54] Good afternoon Co-chair Cupp, co-chair Sykes and members of the Ohio Redistricting Commission. I am Reverend Derrick Holmes, faith organizer of the Amos Project here in Columbus, Ohio. I am a Columbus resident, have been for 30 years. I also pastor a church just south of the city in Circleville. When I think of the condition of my community, the communities in which my congregants reside, and many of the communities in this city and state, communities, by the way, that are populated by poor black and brown people, persons of color, I can't help but think about the ways in which gerrymandering has crippled them, the ways in which our communities have been inequitably districted cripples the ability of neighborhoods to elevate their station. Unfair districting mutes the voices of our citizens in that we don't have adequate representation to voice our needs. The absence of those political voices leads to an absence of resources. Limited resources lead to limited choices and limited choices point to poor ones being made. Just because the way that these maps have been drawn out have no effect on your community, does not mean that it doesn't affect ours. Redistricting our neighborhoods in a more fair and equitable way positions us to have the political power required to address issues on our streets. Issues that have race and class at the center of them. Better communities begin with better maps. Better communities begin with better maps. And to have elected leadership support and condone this type of abuse is actually insidious. And another decade of maps that signify where prosperity starts and where poverty ends is actually intolerable. We demand better service from our public servants. Children who end up with substandard schools, demand better. Families who live in fear because they are overpoliced, demand better. Black and brown and poor people who deserve all of the same first class living conditions that their counterparts have demand better. The God of justice and righteousness for all people demands better. Doing what is fair is not an act of favoritism. Rather, it is the radical act of just doing what is right. The first step towards making long term improvements in our communities is to change the way in which our communities are districted. It should not matter what zip code you have with regard to the high quality of your living. Thank you for your time.

Co-Chair Senator Vernon Sykes [00:20:26] Thank you. Are there any questions? Seeing none, thank you very much. The next witness, please.

Akii Butler [00:20:45] Hello.

Co-Chair Senator Vernon Sykes [00:20:45] State and spell your name, please.

Akii Butler [00:20:48] My name is Akii Butler. Good afternoon, Co-Chair Cupp and Co-chair Sykes and members of the Ohio Redistricting Committee. As I stated before. My name is Akii Butler. I am 24 years old and I have been a citizen of this state since the age of three. Growing up in Ohio, one of the things I was always interesting to me was the fact that Ohio was was a purple state. I've been told time and time again that's what we were. However, the maps that have been drawn in the past and the map that was unveiled last week does not only contradict that statement, but it's also a sign... A slap in the face to every voter here in Ohio. I am a new resident of the city of Columbus, as I was raised in Youngstown, Ohio. In school, I took an Advanced Placement government class and it touched on redistricting a bit, even talked about gerrymandering, but never, never fully went into with those topics actually meant. It wasn't until I did my own research later in college that I was fully able to understand the topics. And it wasn't until most recently that I

realized the district that I grew up in, in a district I currently live in are deemed unconstitutional gerrymanders. As someone that has grown up in Youngstown and has traveled to Warren many times, whether it was for work, to visit friends or family, it makes no sense for them to be split into two separate districts. This is just one example of how communities are split apart and certainly people's voices are diluted. With the Ohio Student Association, we work to educate and engage students in the civic process. Some colleges, some college campuses and students' residential areas across the state are broken up into multiple districts to dilute their voice. Students to be able to advocate for ourselves and for our futures with electing elected officials who know their power of their voice and the importance of our concerns. All too often, young people feel like their interests are ignored by the people who are supposed to represent them, even though they are told time and time again that their vote matters. As we all know, the Ohio Constitution and federal law require map drawers to consider whether communities of color have adequate and real pathways to political representation. However, the Republicans just admitted in the public hearing on September 9th that you didn't even take that into consideration. Students and all citizens of Ohio demand a fair redistricting process and fair maps and equal maps. This is not only a want, but a need. The citizens of this state deserve accurate maps so that they can have accurate and fair representation within their districts. For far too long, certain cities, counties and and more have suffered because they are lumped together with areas they have nothing in common with. You can tell us that our voice matters, or that our votes matter and but then introduce maps that would give Republicans more than 55 percent of the government seats when they only won about 55 percent of the Ohio vote. That doesn't make sense. In conclusion, I ask that you take what we are saying seriously and you draw maps that accurately reflect the citizens voice. You can't keep saying you work for the people and then ignore us and our demands are fair maps. Growing up, I was told power was in the hands of the people. Yet every time you draw maps, you take more and more power away until essentially, you're picking who you want to represent and that is not democracy.

Co-Chair Senator Vernon Sykes [00:24:03] Thank you. Thank you. Are there any questions? Thank you very much. Next, witness

Clerk [00:24:12] Katy Shanahan, followed by Gwendolyn Short.

Katy Shanahan [00:24:21] Good afternoon, commissioners, and a special thank you to Leader Sykes and Senator Sykes for actually being here to hear from us on the final hearing. My name is Katy Shanahan and I'm the Ohio State director for All on the Line, a grassroots advocacy organization that's fighting to end gerrymandering, and a member of the Equal Districts Coalition, a group of more than 30 prominent labor unions, advocacy and civil rights organizations who have come together to demand that all Ohioans have an equal voice in our political future. Speaker Cupp asked us to stop being so repetitive, and maybe that's why he's not here now to hear all of our talking points. But I would respectfully push back on that and ask that you all actually start listening to our reasonable demands. They bear repeating because you're still not hearing us. Since 2011, Ohio has lived under some of the most gerrymandered districts in the country with a legislature that's passed bills that have harmed our communities, attacked our rights and tanked our future. Last week, Republicans unveiled a map and the commission, along party lines, voted to consider a map that's even more gerrymandered than the ones that we have now. Quite the feat. Ohio's constitution, which, by the way, is the law of the land and not just a collection of mere aspirations, is a document that requires that our maps are drawn to reflect how we actually vote. As you've heard in great detail over the last couple of weeks, across the last decade, Ohioans have voted 54 percent Republican and 46 percent

Democratic. That means we should see 44 Democratic House seats and 15 Democratic Senate seats. Those are not rigged numbers. Those are fair numbers. Instead, the official commission proposed map would give the Republicans a whopping 66 percent of the seats, again relegating Ohioans to live under unearned Republican supermajorities in both chambers. Additionally, last week, Republican mappers astonishingly admitted that their leaders instructed them not to consider racial demographics when drawing maps. This claim would, I guess, be believable if the maps didn't so masterfully crack and pack, especially black communities across the state to undermine their political power. Even more, though, telling Ohio's communities of color that you didn't even take them into consideration when drawing maps that will impact their political future is an insult. It's also a dereliction of duty. Fair district does not require us to be colorblind. We should be drawing district maps to reflect the diversity of our communities. And the Ohio Constitution requires that you all, as the commission, draw maps that comply with federal law, including, importantly here, the Voting Rights Act. How can you claim that your maps are constitutional when you've admitted that you haven't even done the necessary analysis to ensure that that's the case? And while I think that the newly proposed Democratic maps are a vast improvement over what the GOP introduced last week, the commission... And that the commission officially proposed for consideration, it doesn't quite reach full representational fairness and we need more time to fully analyze its impact on our communities. And one quick note. I know I'm out of time. We would not endorse that the commission skipped through its next deadline, as someone else suggested before. Constitutional deadlines actually matter, as do all of the other rules guiding how the maps have to be drawn. We are not going to choose between a fair process or a fair map. We need both. In 2015, Ohioans sent a clear message on redistricting. We want fair maps drawn through a transparent process that brings us in at every step. As most of the commission has made clear, you've also sent a message to Ohio that you just don't care. You don't care about deadlines, which is why you blew past the first one. You don't care about requirements to draw districts that actually reflect how we vote, which is why the Republicans proposed maps that would give them another decade of undeserved supermajorities. You don't care about requirements to ensure that communities of color actually get real representation, which is why you told your mappers to crack and pack them. You don't care about public input, which is why most of the commissioners aren't even here to hear us on the final day to hear directly from Ohioans about what we need in our maps. But despite all of that and all of the efforts to curb public engagement, Ohioans from every corner of the state still showed up and we still showed out for the maps that we deserve. Our fight is not over yet, and we hope that you'll meet us where we are and that you'll draw maps and adopt maps that actually serve all of us. But if you don't, know that, we Ohioans will keep showing up to demand better. Thank you. Happy to take any questions.

Co-Chair Senator Vernon Sykes [00:29:07] Are there any question? Leader Sykes?

House Minority Leader Emilia Sykes [00:29:13] Thank you, Mr. Co-chair. Thank you Ms. Shanahan for your testimony today. So you mentioned about the amendment that... It's, we're getting there, it's a step there, but you just need a little bit of time, maybe this is much less of a question than a request, if you could help us get closer to where you think that the constitutional amendment requires our amendment to the map and the Constitutional amendment can meet at a place would be great. I know it's not your responsibility to do our work. But any suggestions that you have would be most appreciative so we can try to meet you in the middle.

Katy Shanahan [00:29:48] Sure, I'd be happy to follow up

House Minority Leader Emilia Sykes [00:29:50] Any additional questions. Thank you very much. Thank you. [applause] The next witness?

Clerk [00:30:00] Gwendolyn Short, followed by Harriet Slive.

House Minority Leader Emilia Sykes [00:30:09] Next, witness.

Clerk [00:30:11] Sameena So --.

Co-Chair Senator Vernon Sykes [00:30:12] I think we have them. They're leaving?

Clerk [00:30:19] Samina Sohail, followed by Percy Squire.

Co-Chair Senator Vernon Sykes [00:30:35] Please state and spell your name, please.

Percy Squire [00:30:40] Good afternoon, Mr. Chairman. My name is Percy Squire. Mr. Chairman, I am here on behalf of the class of voters protected by the provisions of the Voting Rights Act, certified in the case of *Armour v. The State of Ohio*, 775F.SUPP 1044 Sixth Circuit from 1991. I'm here the state my objection to the map proposed by this commission with respect to both House and Senate districts in the state of Ohio. My objection has multiple components to it. But most notably, I'd like to state that notwithstanding the fine work that's been done by Chairman Sykes and others and coming up with proposed and adopted amendments to the Ohio Constitution in relation to redistricting. The supreme law of the land still remains the United States Constitution and the statutes enacted by the federal legislature, one of which is the Voting Rights Act of 1965 as amended. That's why it was particularly alarming to me when I saw in the press that it was stated by the staff of this commission that race was not considered in connection with the creation of these districts, and the other was deliberately left out at the direction of legislative leaders in the state legislature. This is significant, not only from the standpoint of it being a direct violation of the procedure mandated by the Voting Rights Act, that this commission engaged in an intensely local appraisal of indigenous political reality in connection with discharging its duties in relation to redistricting. But this statement, that race was intentionally and deliberately omitted, brings this out of a mere violation of the Voting Rights Act, but into the realm of an intentional violation, which violates the 15th Amendment. And the jeopardy that the state faces with respect to an admission of this nature, is that you have a map here that is to use the legal jargon per se, unlawful. This map is per se unlawful because the Voting Rights Act requires that this commission engage in an intensive... intensely local appraisal of indigenous political reality and to consider the Senate report factors. We are particularly interested, in the case of my clients, with the districts in the Mahoning Valley, because there's been a previous determination by the 6th Circuit that the state engaged in intentional discrimination in the connection with redistricting in Mahoning County. The Senate report factors that this commission has a duty to undertake in connection with its process here include, among others, the history of official discrimination in the jurisdiction. The black population in the state of Ohio is pretty much localized into seven or eight major metropolitan districts. It was the duty of this commission to look at what extent there's been official discrimination in each of these situations. And in each of these locales, just about every school district has been found to have been traditionally and historically discriminatory in the way it was set up, leading to discrimination claims and most of the major school districts. In the Mahoning Valley, we have the *Armour* case. The other thing that this commission has the duty to look at was the extent that voting behavior is racially polarized in the various jurisdictions,

the extent to which minority candidates have won election. Going again, back to Mahoning and Trumbull County. If the commission had looked, it what have seen, there's never been a black elected to countywide office in either Mahoning or Trumbull County, separate and apart from a specific judicial finding that the state engaged in intentional discrimination. I dare say that these districts are going to have the unfortunate impact of sowing the seeds that are going to bear the fruits of racial unrest, chaos and polarization in the state in the future. And that it's a violation of not only the Voting Rights Act but the 15th Amendment as the candid representation by this commission staff that they were instructed not to consider race in connection with the construct of these districts. So I would ask that you reject the map and that you undertake your responsibilities as stated in the 15th Amendment, the Voting Rights Act, as interpreted by the United States Supreme Court and *Thornburg v. Gingles* and in the *Armour* case. Thank you very much.

Co-Chair Senator Vernon Sykes [00:36:10] Thank you. Are there any questions? Leader Sykes?

House Minority Leader Emilia Sykes [00:36:15] Thank you, Mr. Chair. Attorney Squires, thank you for your testimony today. In the court case that you're referring to, *Armour v. Ohio*. Is there any... Are there any tests or rules that we must follow as a commission or as map drawers to help meet the goals of that ruling?

Percy Squire [00:36:38] Mr. Chairman? Yes, Ms. Sykes, there is. What's referred to expressly, and there's a textually demonstrable requirement in the language of the Voting Rights Act that a violation of section A as established, based on the totality of circumstances, the totality of circumstances is talismanic language used by the Senate committees. If you go back and look at the legislative history of the Voting Rights Act, for the Senate report factors, there were nine of them that were set forth, that this commission had a duty to undertake and engage in, in connection with this process. One, the history of official discrimination in the jurisdiction, the degree to which voting in the jurisdiction is racially polarized, the extent to which the jurisdictions use a majority vote requirements or at large voting has been a factor. In Ohio in the past, prior to the creation of the reapportionment commission. Going back to the 60s, Ohio elected state representatives at large, a violation of *Reynolds v. Sims*. One person, one vote. The issue here is not only in the configuration of the districts, but also vote the basement. And what I mean by that is when you carve up these districts and these cock-eyed manners in which this has been done, it causes a vote cast in one jurisdiction to have less weight than the vote cast in another district. And that's why they call it vote dilution. And what's happened here, when you do things like separate Youngstown from Warren, that dilutes the vote of those members protected by the provisions of the Voting Rights Act. When you group a man with people like from Columbiana County and so forth, where in order to try to achieve the representative ratio, they have these unnecessary variances and the number of people in one district versus another. The votes end up having less weight in addition to creating these gerrymandered districts. And another important, and I think necessary factor, is the degree that elected officials are unresponsive to the concerns of the minority group. And what you have here is you create districts where you put people in Youngstown with people in Columbiana County, which is in south of Youngstown, outside of Mahoning County. You get officials who represent that district who aren't concerned about all the murders occurring in Youngstown. They aren't concerned about all the murders occurring in Columbus because their election doesn't depend upon appealing to the people who live in the neighborhoods where this crime and so forth is occurring. So there's been a dramatic and very unfortunate failure in this case to comply with federal law. The state constitution and the amendments that Mr. Sykes and others were responsible for causing

to come into being are to be commended. But unfortunately, the supreme law of the land still is the federal constitution and statutes. And there's been zero compliance here and it's been admitted. Which means that if these maps are attacked, not only will it be the violation of the totality of circumstances and the use of the results tests, this is evidence that this was intentional which constitutes a violation of the 15th Amendment. So any way you cut it, the state's gonna have a big problem with these maps. And I would urge you to give this a second look and do whatever you need to do to correct this.

Co-Chair Senator Vernon Sykes [00:40:47] Thank you. Sounds like we need to hire you for our counsel.

Percy Squire [00:40:49] Thank you Mr. Chairman.

Co-Chair Senator Vernon Sykes [00:40:52] Any additional questions? If not, thank you very much.

Percy Squire [00:40:57] Thank you, Mr. Chairman.

Co-Chair Senator Vernon Sykes [00:40:57] Next, witness, please.

Clerk [00:41:07] The next witness is Cheena Srinivasan, followed by Melissa Sull.

Co-Chair Senator Vernon Sykes [00:41:20] Next witness.

Clerk [00:41:21] The next witness is Paul Simonowski, followed by Richard Topper.

Richard Topper [00:41:32] Well, I guess that's me.

Co-Chair Senator Vernon Sykes [00:41:34] You can state your name.

Richard Topper [00:41:37] Good afternoon, my name is Richard Topper.

Co-Chair Senator Vernon Sykes [00:41:38] Could you spell it, please?

Richard Topper [00:41:40] Thank you very much, Chairman Sykes and. Representative Carfagna sitting in for...

Richard Topper [00:41:49] Could you spell your name, please? Yeah, thank you.

Richard Topper [00:41:54] I was going to be addressing, because I'm a lawyer, I was going to be addressing the lawyers on the committee, but the lawyers on the committee, except for Leader Sykes, are not here. But what I would like you to do is go back to the four out of the five lawyers and the Republicans and tell them when we took the oath as lawyers, we agreed to support the U.S. Constitution. Not aspire to it. Not follow it, but support the U.S. Constitution, and this includes the 15th, 19th and 26th Amendments, which command that the right to vote shall not be denied or abridged on the basis of race, color, sex or anybody over the age of 18. And our obligation as lawyers is not only to the US Constitution, it is to the Ohio Constitution, and in particular in this case, Article 11, Section 6. The map submitted by my colleague, Senator Huffman, gives one party advantage over the other. Yes, no question about it. And this flies in the face of article... Of Section six. In no way does it support the U.S. Constitution, the Ohio Constitution or our citizens right to vote. Nor would be a map that this esteemed committee should ever

accept or even emulate. Although the Supreme Court in *Rucho v. Common Cause* decided not to address gerrymandering, Chief Justice Roberts condemned partisan maps. He went on to say, "excessive partisanship in distracting leads to results that seem reasonably unjust." What he also did is spend paragraphs actually commending states for coming up to commissions just like this and the hard work you're doing. Since 2004, I have been a volunteer in voter protection. I have been in every election in the primaries and the general election, and the one thing that distresses me more than anything that I hear from people is my vote doesn't count. If you adopt this Republican map, I guarantee you you will hear that over and over again and the Ohio voters will not be happy, nor should they be happy. Let me tell you about how the Republican map affects my neighborhood. And the neighborhood I live in and the neighborhood that my wife and I raised our two children is in the city of Columbus, right off of Olentangy River Road. It's about five miles north of The Ohio State campus. In the Republican map, our neighborhood is a little peninsula that goes from west to east. Our neighbors to the south, our neighbors to the north, our neighbors to the east are not included in this. Our...the precinct is cut in half. Our schools, people that we share schools with, roads, facilities and Next Door app are in the Twenty Fifth District. Now we know why that is. Union County is in the district. Union County voted sixty five, thirty four Republican in 2020, in 2020 election. It comprises of 20 percent of my district in the city of Columbus. You know, I venture to say that what we think about and where I live and what they think about in Union County are two different things. These maps do a disservice not only to us, but to the residents of Union County. I remember Troy Balderson said, and Troy Balderson, by the way, was in, 2011, we were victimized by gerrymandering again, said, you know, we don't really care about being represented by anybody in Franklin County. Well, 34.5% of Mr. Balderson's district is in Franklin County. It does a disservice once again to people in Zanesville, Newark, Delaware, Mt. Gilead, Knox County and us to be represented by a person that doesn't even care about over a third of his electorate. You know, 2011 districts leave Ohioans feeling that their rights and interests are not being protected by the majority of lawmakers. With regard to healthcare, with response to covid, with women's rights, with LGBT equality, with racial equality, with other social and environmental interests, and good government. You know, you may want to tell Governor DeWine that I saw him sitting next to, standing next to Nan Whaley talking about gun, legal gun restrictions and gun registrations when 90 percent of all Ohioans think that that ought to happen. And you know what happened because of the majority, the ultra conservative majority in the Ohio legislature? Nothing. I'm going to finish up in a second here, but the... If you adopt the Republican map or anything close to it, there's only one conclusion to be drawn. Now, I would say you, but they, who are not here, they don't care about debate. They don't care about Democrats, they don't care about independents, they don't care about Kasich Republicans, they don't care about socially liberal Republicans. No, they would rather have Ohioans accept the ultra conservative views of a minority. I think by some of the questions I was hearing, and then the answer is maybe, maybe they think, maybe they who are not here think that we ought to do something different with these, that they recognize that the districts at the Republican Senate has put forward is bad, then I am putting my trust and faith in them. And you, Senator Sykes, and you Leader Sykes, that you'll do what right. It's right. That we will never hear, after these districts are decided, those four words I detest, my vote doesn't count. Thank you very much and I'll be happy to take any questions. [applause]

Co-Chair Senator Vernon Sykes [00:48:51] Mr. Topper, I do have one question. Sure, we have your name spelled is Richard Topper?

Richard Topper [00:48:59] That's correct. I'm sorry I didn't spell that out.

Co-Chair Senator Vernon Sykes [00:49:02] No problem. Any additional questions?
Thank you so much.

Richard Topper [00:49:07] Thank you very much.

Co-Chair Senator Vernon Sykes [00:49:11] The next witness,

Clerk [00:49:12] Louise Valentine, followed by Joan Van Baccalieri.

Co-Chair Senator Vernon Sykes [00:49:23] The next witness.

Clerk [00:49:25] Stipen Lavage, followed by Sarah Warner.

Co-Chair Senator Vernon Sykes [00:49:37] Next, witness

Clerk [00:49:39] Andrea Yagoda, followed by Jay Zanitsky.

Andrea Yagoda [00:49:43] Yes, it's me again. For those watching at home, I think you, because you don't see the panel, I just want to note for all the folks that are watching remotely that other than the attendance and the photo op to have their picture taken today, there has not been one half hour, not even that, where every five members of this commission, Republican members, have been present. And as I stand here right now, there is not one member of the Republican commission right now listening to my testimony. Why the heck am I here when the people who have the power can't even show me the respect of being here? I'm sorry. This really pisses me off. [applause] I am tired of feeling like I'm pissing in the wind, folks. I am also offended that Speaker Cupp who hasn't been here for any of this hearing other than the photo op has the nerve to tell us not to repeat what others has said when there have been 10 town halls, hundreds of people who have begged for proportionality and obviously their proxies failed to communicate that to them because on September 9th, we got a map that everyone, the person that wrote the maps said, they do not have the numbers on proportionality. And what did the Republican members of this panel do? They violated their constitutional oath and they voted to propose what they knew was an unconstitutional map. [applause] As late as Sunday on September 12th, Auditor Faber said that he still didn't have the numbers. This is the 12th. He didn't have the numbers. Mr. LaRose, he's not here, Mr. Faber, you keep telling us that all these town halls that your staff is working to come up with another alternative map, we don't believe you. And I'll tell you why we don't believe you because unlike the Democrats, I'm going to go over that one minute. Unlike the Democrats, you have not been transparent. If you've been talking and you're making changes, why haven't we seen them? Where are your amend maps? Goddammit, how long are we going to wait? We only have until tomorrow. And when? Here's my question. When are you going to release your partisan index? When are you going to release your data? When are you going to tell us what you believe proportionality in your proposed map is? This is not transparent. This is not a not an opportunity for the public to give input when we have no idea what data you used in this proposed map. And I suggest it's because you don't know. And you've admitted that all these hearings that you don't know what the data is, you don't know what the proportionality is, and we're obligated to come here and rebut it when you don't even have that information. And what really pissed me off was the other day, you have the nerve to criticize Dave's Redistricting App. You, the Republicans on this commission, you have failed in your responsibility to us. You have forced us to use Dave's Restrictacting Application in order to draft maps, in order to determine what your maps mean. And why is that? Because your website did not, does not have an app on it. You should have provided

to us. You are proposing a map. We should have had the app that you used to propose that map so we could use that same app. We could propose our own maps. We could make changes to your maps, which would have sped up the process and made it a lot easier for all of us. Rather than... There were plenty of maps before September 1st. And I think the Dems had one. You've heard about some of the ones that were on the Weiss map was on there before, the OCRC was on there before. But rather than use any of those maps as your guideline, as your starting point, excuse me for saying this, but you Republicans sat on your duffs for at least a week until you could come up with your gerrymandered map. You could have taken that week. You could have used something, agreed with the Dems and worked. What are we going to use as our starting point? It could have been any of those maps submitted. And you could have spent that week working on those maps. You could have maybe agreed for a starting point map on the 9th and you could have had meaningful hearings on Saturday, Sunday and Monday. But you chose not to do that. You chose really not to give us Ohioans, we the voters who voted for this amendment, you chose really not to give us a meaningful opportunity to respond to your map. And you willfully failed in your constitutional duties and you willfully failed to do what you were required to do under the Constitution. I wish... For someone skeptical like myself, I wonder if the Republicans on this commission will come up with a skewed calculation and a partisan index of proportionality at the last minute, which none of us will be able to comment on in order to justify your maps. This is not what we envisioned. So far, this process has been a total bust and a total sham and so disappointing. It leaves me wonder how any of us will ever be able to trust this process again. The five members of this commission, you breached your trust with us. You've dashed my hopes. I would love for you to prove me wrong, but I will not hold my breath because I want to live to see another day. Give us what we voted for. What you have proposed thus far does not even come close. [applause] If anyone has any questions.

Co-Chair Senator Vernon Sykes [00:56:08] Are there any questions? Thank you. Next witness.

Clerk [00:56:18] The next witness is Jay Zinitski, followed by Susan Linden.

Co-Chair Senator Vernon Sykes [00:56:36] Next witness.

Clerk [00:56:40] The next witness is Ruth Hanley, followed by a Anisa Miller.

Co-Chair Senator Vernon Sykes [00:56:53] Next witness.

Clerk [00:56:56] John Caruso, followed by Sharon Kim.

[00:57:07] Next witness.

Clerk [00:57:07] Jeff Seiver, followed by Steven Steel. Michael Aherne.

Co-Chair Senator Vernon Sykes [00:57:27] State and spell your name, please, sir.

Michael Ahern [00:57:29] Good afternoon, my name is Michael Ahern. Good afternoon Co-chairs Cupp and Sykes and designees of the other members of the redistricting commission and Senator Sykes. This is my third time speaking before the commission and I appreciate the opportunity to comment on the official map that is currently being considered by the commission. I'm not going to wade into the weeds. I know that we've been asked to give specific comments. For those of you commission members who have

been here, you have heard some very specific comments today that I support. But it's clear to me that the Republican members of the statehouse and the consultants that they used to develop the map that's under official consideration right now have no interest in meeting the spirit and the written requirements of the redistricting reforms passed in 2015 by over 70 percent of Ohio voters. I am so disheartened and I think Attorney Squires pointed out very well the legal aspects associated with the dereliction and failure to consider the Voting Rights Act in the official proposed map. He laid out a number of legal and constitutional fundamental flaws with failing to do that. I'm here today just to say what I heard last week was I heard a woman stand at the podium and say, I feel as if I'm disappeared, that I've vanished in this process. A poor African-American woman stood here as a voter, as a citizen of the United States, as a citizen of Ohio, to feel as if she's not seen at all in this process because of the decision making of the leadership in the Republican Party in developing the proposed map. That is horrible. So with that. Less I... I can hardly speak to the Republican members of the House and Senate that are on this commission, so I'm going to turn to the statewide elected officials. Governor DeWine was elected in twenty eighteen by 50.4 to 46.7 percent margin over his Democratic competitor. And I believe, and if you could pass this message on to him, he should approve a set of Senate and House district maps that reflects how he came to office, how the governor came to office. The governor has represented Ohioans very well, in my estimation, through the pandemic and has provided leadership during the pandemic. And he's strive to do what's best for all Ohioans, and I think on the commission, he needs to do that as well. By officially, officially presenting or requesting consideration, official consideration of the map that was submitted by the Ohio Citizens Redistricting Commission by Geoff Wise and others, so that consideration of those other maps are placed in the public record of this commission. If the commission is going to use that data, if the commission is going to use that input to develop a final map, those maps should be part of the public record in the way to do that is to make a motion to officially consider those maps. Auditor Faber, you were elected by 49.7 to 46.3 Percent margin against your Democratic opponent, a slightly closer margin than the governor. And on your website, auditor, you tell citizens, quote, "As Ohio's chief compliance officer, the Auditor of State makes Ohio government more efficient, effective and transparent by placing checks and balances on state and local governments for taxpayers." That's your quote. On this commission, you should have the confidence in Ohio citizens to place checks and balances on unbridled, unfairly obtained power of one party over another. The continued practice of political gerrymandering. And Secretary of State LaRose, thank you very much for being here this afternoon. In 2018, you bested your Democratic opponent by 50.7 to 47 percent margin. As a registered independent voter, I was heartened to observe firsthand the nonpartisan work of poll workers last November. People from both parties worked in a nonpartisan fashion at the risk of their health to provide a free and fair election to all eligible voters. As Secretary of State, you represent the leadership of that nonpartisan organization. I urge you accordingly to consider and vote in a nonpartisan manner on this commission. You, more than anyone else on this commission, knows that there are some in this country that are actively seeking to undermine the confidence in elections. Highly partisan gerrymandered districts feed this dangerous effort. I hope that I hear you make a motion to accept some of the citizen maps that have been presented throughout this process. All three statewide office holders on this commission won your votes, your seats in a margin consistent with the competitiveness that Ohio voters are demanding through the recent reforms to the Ohio Constitution. Each of you legitimately reflect the will of Ohio voters. And I hope that you'll join the Democrats on this commission and push back on the highly partisan, highly politically motivated effort by the state statehouse Republicans. Thank you very much. Happy to take any questions.

Co-Chair Senator Vernon Sykes [01:03:59] Are there any questions? Thank you. Thank you so much. Next, witness

Clerk [01:04:06] Tom Roberts.

Co-Chair Senator Vernon Sykes [01:04:08] He already spoke? No, I think he. He's gone.

Clerk [01:04:18] Sorry, Don, Don, sorry.

Don Roberts [01:04:29] Good afternoon. I'm Don Roberts. I'm a resident of Franklin County, a local attorney, a small business owner. I am a Republican and I'm speaking here on my own behalf today, unlike a lot of other people here today, with the exception actually of the very first speaker here. And thank you for the opportunity to speak before you. I heard a lot of speakers here today using the phrase nonpartisan as their group. Groups like the ACLU. The ACLU, who filed 400 lawsuits against the Trump administration and only one lawsuit against the Biden administration in spite of a human crisis at our border that has deteriorated and descended into health and safety dangers for Americans and migrants at levels never seen before. Also, among these nonpartisan, in name only, groups like Common Cause Ohio, League of Women Voters, relentlessly have criticized Ohio maps and Republicans as rigging the system and brutally criticized this group and the maps today. Bart Henshall, president of the Chillicothe's League of Women Voters, described previously part of Ohio's map is divided into some of the strangest machinations that anyone could contrive and contrived is exactly how it feels. Liz Walters, Ohio Democratic Party Chairman: "Ohio is not a red state. It is a rigged state. Republicans have deployed suppression tactics, tactics meant to disenfranchise voters and suppress their voice for years, including the way they drew the lines in 2011." Even the unapologetically liberal Columbus Dispatch said, "Ohio maps are jury rigged by Republicans and Ohio has, quote, some of the most gerrymandered political boundaries in the nation." That was Randy Ludlow and Anna Staver of the Columbus Dispatch. Meanwhile, these nonpartisan groups have lauded the Democrat proposed maps. Last week, for example, the League of Women Voters and Common Cause Ohio held a press conference briefing reporters in which they heaped accolades upon the Democrat gerrymandered map, and it's interesting that these nonpartisan groups are doing the bidding of the Democrats on their proposed partisan maps. But let's live in the let's live in the reality for a moment. In the past 20 years, Ohioans have elected four Republican governors and just one Democrat governor. Ohio is, in fact, a Republican state. These maps are reflective of the will of Ohio voters and not the political will of state officials. The bottom line, the name of the game for Democrats is what we found and what we've heard today, and that is lawsuits. They will sue until Ohio is blue. Whether or not the September 15th deadline is met or there's a 10 year or a 4 year map, the so-called nonpartisan groups like the ACLU, Common Cause Ohio, the League of Women Voters and the others, they will sue. Lawsuits against Republicans are the lifeblood of Common Cause and the League of Women Voters. That's how they make their money. In closing, Ohioans are being hoodwinked. Better yet, they're being psyched by the Sykes. The Sykes family personal agenda driven redistricting maps are bad for Ohioans, no matter what your political stripe. Thank you.

Co-Chair Senator Vernon Sykes [01:08:23] Thank you. You need a witness... would you complete a witness slip for us please?

Don Roberts [01:08:30] I'll do another one yes.

Co-Chair Senator Vernon Sykes [01:08:31] Yes, please. Appreciate it. Thank you. Any questions to the witness? Thank you. Next witness.

Clerk [01:08:41] Tim O'Hanlan. Sorry if I ruined your last name, sir.

Tim O'Hanlon [01:09:06] Did you want me to spell that?

Co-Chair Senator Vernon Sykes [01:09:09] Please.

Tim O'Hanlon [01:09:10] Timothy, is full name. And O'Hanlon. Good afternoon. I was going to say good morning and I know it's but we've passed that... This is going to be a little ad hoc because after four hours, much has been said that I was going to say. So I'll just say that I want to add my voice to the chorus of opposition to the map that has been adopted last... I had September 8th by the commission. It was described as a first draft that required intensive work over the weekend. And yet here we are on Tuesday with the map, apparently pretty much the same as it was when it went out the door before last weekend. Not surprisingly, the commission's current map ignores Section 6(A), Article 11 of the Ohio Constitution. Why? Because Section 6(B) requires proportional representation, which poses the most direct threat to the gerrymandered Senate and House districts we've been living with for the past 10 years. Parenthetically, let me say during the morning's testimony. I thought the exchange between Professor Niven and Commissioner LaRose and Commissioner Faber to be quite compelling about the difficulty of balancing proportional representation with competitive districts. Unfortunately, I don't see much effort, at least for public consumption in that direction thus far, with a deadline looming, September 15th deadline looming tomorrow. But it's certainly a good idea. According to Dave's Redistricting software program used by the Republican caucus staff who introduced the current map. The number of Democratic seats closest to proportional in the Ohio Senate would be 15. But the likely number of Democratic Senate seats is, would be 10. This proportional, this projected outcome of a 70 to 30 percent Republican Senate supermajority falls far short of the proportional representation required in the constitutional amendments of 2015. The commission's house map adopted last Thursday projects even fewer Democratic seats in the current gerrymandered map, according to Dave's Redistricting site. This was the one cited once again by the people who introduced the map. I'll hurry along here. Dave's analysis concludes a number of Democratic House seats closest to proportional is 46. The likely number of Democratic House seats is 32. Well, point six four. That projection will result in a loss of two Democratic seats strengthening the Republicans veto proof supermajority from 64 seats out of the 100, out of the 99 total House seats. The 2015 Amendment to the Ohio Constitution was sufficiently concerned with proportional representation, and I might add that Professor Niven's remarks about the difficulty of balancing competition, competitive districts and proportional representation, although well taken, he talked about proportional representation is the foundation for creating fair maps. And perhaps that's why it's required in. Title 11 of the Constitution. As I said, the 2015 amendments to the Ohio Constitution was, were sufficiently concerned with proportional representation in the Ohio House and Senate, that failure to draw a map that would closely correspond to the standards in Section 6(B) would be grounds for the seat, the Ohio Supreme Court to order the establishment of a brand new map by the commission. Paragraph (D)(3)(c) of Section 9 stipulates that in cases where, when state legislative redistricting plans are approved solely by a majority vote, which at this point one day before the deadline, we appear to be heading in that direction. The Supreme Court shall order the commission to adopt a new General Assembly district plan if both of the following are true. And I'll just read this, it's a bit convoluted, but if you read it carefully, it's fairly obvious. One, the plan significantly violates those requirements in a manner that

materially affects the ability of the plan to contain districts whose voters favor political parties in an overall proportion that corresponds closely to the statewide political party preferences of the voters of Ohio, as described in Division (B) of section 6 of this article. And two, the statewide proportion of districts in the plan whose voters, based on statewide, state and federal partisan general elections results during the last 10 years, favor each political party, does not correspond closely to the statewide preferences of the voters of Ohio. Those are two grounds in which the current map would be rejected. The current commission maps fail on both counts. Proportional representation in the Ohio Senate and House seats, of Ohio Senate and House seats, is not aspirational, and the current commission maps are out of compliance with the plain language of the Ohio Constitution. So where do we go from here and why are we doing this now if this is where we're headed? Thank you.

Co-Chair Senator Vernon Sykes [01:16:34] Thank you. Are there any questions of the witness? Hearing and seeing none, thank you very much. The next witness, please.

Clerk [01:16:43] Trevor Martin.

Trevor Martin [01:17:05] I do have some maps that I'd like the committee members to view.

Co-Chair Senator Vernon Sykes [01:17:41] State and spell your name, please.

Trevor Martin [01:17:47] Good afternoon. Thank you, co-chair Sykes, committee members. My name is Trevor Martin. I am a resident of Columbus, I'm a community organizer and activist. I have been working with multiple organizations over the last four months, nonpartisan, nonprofit organizations. But I am here today to speak on my own behalf, and so in no way am I simping in for the Democratic Party. In fact, I have no loyalty to that party. But I am here to talk about community. And, you know, I've been both in a paid capacity and a voluntary capacity. I have been helping Ohio citizens throughout the state create community maps with the DistrictR and Dave's Redistricting software. And as I said, I'm here to to speak on the experiences and discussions that I've had with community members and how communities would be impacted by these proposed districts. And when I start my trainings or mapping sessions, I always begin with communities should be the building blocks of redistricting. They should be the first step, community input. And when I'm speaking of communities, I'm not talking about municipal boundaries, I'm not talking about school districts, these lines are great and they're very important, but they're not perfect. Communities do not adhere to lines. So how do we determine community boundaries? Well, there's really only one way we ask the community. You know, as I said, we I have been doing, and other organizations like Common Cause and Fair Districts, and the OOC,i have been working for months of doing doing these maps. And, you know, the commission should have been having webinars, town halls, trainings, tutorials. These things should have been up on your website. You have, maybe should've had in your own competition. You know, Speaker Cupp was here last week patting himself on the back with all the preparation and planning that the committee has done. And I really don't... I had to laugh out loud because I understand what preparation has been done besides instructing a staff member to write down the URL for Dave's Redistricting tool. There's no bipartisanship, there's no transparency, and the only bipartisanship I honestly see is the complete lack of transparency and the total disregard for public input. You know, when I'm talking, when I speak of transparency, I mean, you know, these definitions that we're quibbling over, you know, competitiveness, partisan indexing, opportunity districts, you know, what are these definitions? What are the metrics? What are the measures,

methods, algorithms that we are using? You know, this stuff should be readily available not only on the website, but here on display so folks could reference them in their testimony. You know, what is competitiveness? Are we talking, you know, this 45, 55 degree? I mean, you know, I do a lot of campaign work. In the campaign world, a six point win is a hell of a win. That's significant. You know, what are we talking about when partisan index, what indexing are we using? What years, what races? When we talk about opportunity districts, what is the number that we are considering? 30 percent? 35 percent? You know, these things being so obtuse that it leaves room for individual parties to pick and choose, you know, which of these standards are aspirational? You know, there's no agreement. There's no bipartisanship in these standards. In the voting rights law, it's federal law. I mean, representative fairness, Article 11, Section 6, you know, it's been beaten up. You know, competition is important and not splitting, you know, municipal municipalities and things is important. But I believe, this is me personally. Community and fairness is of utmost importance. You know, when you when you cross the state and you see all these signs, they say fair districts, when you when you're looking at the social media says fair maps, fairness, not competitive districts, not competitive maps, fair maps. When, in both both of these proposed maps, both from the GOP and the Democratic Party, fail in this respect, both of them fail on fairness and community. And the GOP says they did, they didn't, you know, account for, you know, the the racial makeup of these districts, which if it were true, that would be insulting. But we know that's not true because the kind of racial gerrymandering that isn't present in this maps is only can only be deliberate and intentional. And the problems are in both, both proposed maps. And so I will get into specifics. I'm from Bronzeville neighborhood, the Bronzeville neighborhood here on the Near East Side. Some people call it the King-Lincoln. White folks called the King Lincoln neighborhood. It's the Bronzeville neighborhood you has the people that live there is Bronzeville neighborhood. I'm a member of the Bronzeville Neighborhood Association. I attend Near East Side Area Community. All right. This proposed GOP map completely obliterates the Bronzeville neighborhood. This is a neighborhood that has historically been screwed on many levels, you know, from from the imposition of the highways, from racial, from economic and and redlining, economic segregation and redlining in here. We here we are again, trying to destroy the community again. Right here you have... If you take a look at this map, you've gerrymandered East High School out of the Near East, Near East side. You've literally gerrymandered the east out of East High School. All right, this is a high school, you know, that has tremendous importance and ties to to the Bronzeville and Near East Side community, you know of Bernie Casey went there, Chuck Hurley, Jim Marshall, our own esteemed senator, Hearcel Craig went to this school. And here you've gerrymandered it right out of the Near East Side, along with the East High School. You've also gerrymandered Pilgrim Elementary. I live right on, right on Johnson Street. If, you know I have a young daughter, she's not in school yet, but if she did go to school, she would go to Pilgrim Elementary. That's outside of my district. She would go to high school East High. That's outside of my district in this proposed district. You know, I know the Eldon and Elsie Ward YMCA has been gerrymandered out of the Bronzeville Near East Side. The Eldon and Elsie... I mean, you may not know the history of this place. This you know, the the E.E. Ward Moving Company is the oldest black owned business in America, all right? The YMCA, used to be called the Spring Street Y, has huge historic significance to the community. Now it's called the Eldon and Elsie Ward YMCA. And if you've gerrymandered out of the district. You know, and the Democratic maps don't do better. Here, you know, look at Linden. All right. You've you've cut up Linden. Now, anybody from the Linden neighborhood knows this is a big no no. All right. They just put a new community center in Linden. And one of the big selling points was that it serves the entire community of Linden. And here you've cut up Linden. East Livingston. If you look at both the GOP map and the Democratic proposed map, all right? This area right here south of

Livingston is a big community of color. All right, Livingston Ave. is like the the you know, it's like their Main Street. It's like the main corridor. And you split it in half. And in the bottom in the Sykes, new proposed Sykes map. These folks here that are within the, within the belt here that just live south of Livingston, but north of the freeway are now, would be in a district with Pickaway County. I mean, it doesn't make sense. The GOP Livingston, that area doesn't do much better, completely. Hilltop, the GOP, the Democratic map, both of these have gerrymandered the West High out of out of Hilltop. Here, you have if someone lives here, the Elementary, West Broad Elementary is right here. The high school that they will attend is right here. Completely different districts. Same, same with the Democratic map. And this one District One with the GOP. This reaches all the way, grabs the West High out of the hilltop, completely pulling out of the west side, and this district one runs all the way over to damn Near East High School, right. And these these are Franklin County because I'm most familiar with Franklin County, but this is happening everywhere, Dayton. This is the Sykes, new proposed Sykes map. Dayton, this Fairview... North Riverdale community. You know, Trotwood, I hate to beat a dead horse, but going back to Trotwood. Look, Trotwood is 70 percent black. Their voting age population is 70 percent black. You've put them, the GOP proposed district puts them in a district that is 70 percent white. Cincinnati, Kennedy Heights, another community of color, completely chopped up. This has happened throughout the state. You know, these are community members I'm talking to. These are the folks that should be drawing these maps. And there's been plenty of very good proposed maps. You know, Geoffrey Wise, the Citizens Commission, other maps that do that. We don't have to sacrifice competitiveness with proportional fair representation. It can be done. We've shown that it can be done. And so, again, I want to, you know.... echo a colleague of mine, you know, we should have a county by county review, district by district review, we should be getting community input. You know, Ohioans want fair, bipartisan and transparent maps. And these these are not it. And, you know, if we if we do, you know, have to take another week, that'd be fine with me personally. You know, and and I don't know about the rest of the folks here, but I believe process is more important than deadlines. And I'd like to see this process done correctly. Thank you.

Co-Chair Senator Vernon Sykes [01:29:39] Are there any questions? Thank you very much.

Trevor Martin [01:29:43] Thank you sir.

Co-Chair Senator Vernon Sykes [01:29:46] The chair has been lenient with the time, but we would ask you if you could stick to as close as you can to the time it would be appreciated and provide courtesy for others. We were in in committee for six hours yesterday, and we're trying to be respectful of everybody's time. Next witness.

Clerk [01:30:07] Jen Miller.

Co-Chair Senator Vernon Sykes [01:30:19] Good afternoon, Commission, thank you so much for all of us being together for the last week. I want to make clear that this is the official testimony of the League of Women Voters of Ohio. You've heard from many of our members and supporters. I haven't seen their testimony. I didn't tell them what to say. Real quick. We are nonpartisan. We have fought the maps that were unfairly rigged for Democrats and Republicans in this state. And when we have gone to court nationally, we have fought in the courts on behalf of both sets of voters against Republican rigged maps and Democrat rigged maps. One more thing. We've never taken money from a lawsuit. So I just want to make sure you all know that. The press conference, just real clear on that,

we reviewed maps on criteria. We have not endorsed any map. We have reviewed the criteria of the first Democratic map and then the Republican map and on basically the same criteria just to try to give some understanding of what was in there. You will have I have emailed you this testimony. I will tell you that I was writing it and doing analysis all morning. But I want to say a few things. I'm going to talk about how the new Sykes map kind of lines up with the Republican map, as several of you, you three especially, have asked for. So first, the new Sykes map introduced yesterday is far better in regard to Section 6 compliance. We could still see some improvement in terms of proportionality, but it's much better. On the splits, I thought it was really interesting yesterday that the Democrats cartographer, Glasburn, and talked about measuring the constitutionality of only one map and regarding splits. And before we talk about which map that was, I just want to ask how we made those determinations? Did he use software? Did he hand count them? But why was only one reviewed under the microscope, which was created by an everyday Ohioan, Geoff Wise, why was that same review not conducted for the initial, official Republican map? And how do we know that the Democratic map kind of stacks up? Why did we not look at the other winner of our of our competition, which actually worked really hard to keep school districts together? So I think would not have the same concerns. And I just want to mention that I think metrics matter, legal definitions matter. And that's why I'm just asking that we get clear and transparent when we're measuring them. I'm going to have to take just a little more time because I've got technical stuff here. The efficiency gap. We heard from Dr. Niven, who is a very smart man, about the efficiency gap. I'll just mention that that's one way of looking at wasted votes. It's one way of looking at how partisan rigged a map can be or not. The official map of this commission at this point has an efficiency gap of 10.2 percent, which is wasted votes. That really, so it favors the Republican Party with that wasted vote. And then 7.5 percent when it comes to the House. Um, the Sykes maps actually score better, almost 4 percent, 3.8 percent and 3.7 percent, which is in where Dr. Niven, close to where Dr. Niven, was talking about, in terms of acceptability. Minority representation is the thing I'm most concerned about in the Democratic map. The updated Democratic map provides for eight minority majority districts, which is down from 11 in the Republican districts. It has the same number of opportunity districts I would like to see as you continue to try to work together on a map, that that you look at that piece. We need to review that more, because really I feel like their initial map, the Republican map should be the floor. But here's the thing that I think that Trevor was talking about, that I wanted to flag, and these are just some things. The neighborhoods of color, the lines through them throughout the state do not make sense. They do not make sense at all. And I'm going to give some examples. Parts of downtown Columbus and Berwick should not be with Pickaway County. They don't have anything in common with them. My neighborhood of Linden is a historic black neighborhood that has been in existence since the 1900s and it's split into two, which makes no sense. Districts 35 and 38 split Fairview in North Riverdale in Dayton for no apparent reason. Those are black neighborhoods. Kennedy Heights, McPherson Town and Silverton and Cincinnati are all split in confusing ways. In Cuyahoga County, on the south side of Cleveland, there's like this Pangea that where, District 7 appears to break off from 6 with a little sliver of 5 jammed between literally there's one little neighborhood that split into three Senate districts. I don't understand why we would do that. At the end of the day, we are asking that whatever map you choose, we do actually need to go through district by district, county by county, community by community to see if the lines should be that way. I think if we did this cleanup on the Democratic map, we actually would probably improve proportionality, minority representation and the efficiency gap all at once. I don't think it has to be drastic, but I think there are some just weird lines that if they're going to stay there need to be justified. My job is to demystify government so that people can participate as voters and advocates and leaders. I understand folks' frustration and pessimism. The

process has been chaotic, confusing and rushed. Some of the most important conversations appear to be happening behind closed doors. Even to your point, Auditor Faber, folks want to talk about the details of the maps, but it's exceedingly difficult. And so one thing I just want to say is the congressional process has to be better for you lawmakers. Please make it better. Hear from experts like Dr. Niven in advance. First, have the maps projected, provide the software you want us to use, post the hearing schedule well in advance, commit to public deliberations and not behind the scenes negotiations. But despite all the palpable fear and anger and frustration that you've heard, I'm a serial optimist. I can't do my work and not be both persistent and optimistic. So I appeal to your better angels to put the voters first. But our state first. Let's get this done. I do not support an extension. I think let's just dig in and let's let's dig into these lines and figure out how we can improve them. And with that, I thank you for your time.

Co-Chair Senator Vernon Sykes [01:36:34] Are there any questions? Thank you very much. Next witness.

Clerk [01:36:41] Ellen Rakowski.

Co-Chair Senator Vernon Sykes [01:36:50] Would you please state and spell your name?

Ellen Rakowski [01:36:53] Hi, my name is Ellen Rakowski. I'm not going to thank you for showing up to do your job. Someone elected you all. I'm from Hamilton County, so I didn't elect any of you. So good afternoon to the other Ohioans that have sat with us for this entire commission and a lot of hearings, and to everyone else who's listening to a really inconveniently timed hearing. I am representing myself here today. But it's important to note that I'm the interim executive director of the Hamilton County Democratic Party and I've taken time out of my day and my glorious volunteers' days to drive up here. And I would be remiss not to note that there is no one who looks like me in this room. And it's really frustrating that only two people in my age demographic have testified at this hearing and only two at the hearing that we had down in Cincinnati. So Speaker Cupp asked for specific recommendations on the proposed maps. So I'm going to speak to those in my community in Hamilton County. That's where I've lived for the past six years. It's the place I will continue to live for a very long time because Chicagoan myself, I love Cincinnati and the chili is really good. So in proposed House District 27, you've taken a really thriving blue collar communities of Silverton and Madeira and tacked them on to places that are really unidentifiable to those residents. Those are extremely compact, pretty urban or traditional neighborhoods. And they're now in a house district that is the full east side of the county tacked to parts of Columbia Township, which is an incongruous district as well as the whole of Anderson Township. So I would ask that you please return those communities specifically back to the proposed house district 26, if I can remember off the top of my head. In proposed House District 29, Forest Park and Pleasant Run Run farms, which our lovely Hamilton County Democratic Party chairwoman lives in our heavily Democratic and majority black and brown communities, were cut selectively and attached to the westernmost parts of the county. I would like to see a resident of Forest Park or Pleasant Runs Farms that identifies with a resident of Harrison Township because I just don't believe that there is one. Additionally, you've taken Jessica Miranda, who's the state representative in House District 28, and tagged her to a House district that is nowhere near the communities that she's represented in this building for the past four years. And proposed House District 24, which is formerly, currently, House District 32, historically minority represented. Currently represented by Cathy Ingram. You've taken the black communities in the West End, Over-the-Rhine, Camp Washington and Price Hill and

combined them with Western suburban neighborhoods. Again, Sayler Park and Riverside, which, it's not a mistake on of like it's the ribbon on the river. They do not identify with those communities. So tagging them along, it just doesn't make sense. You strategically split the communities and Hamilton County away from the other areas in which they identify. And no matter what I say, I know that these maps aren't going to be perfect. And I know Leader Sykes, you've been asking several questions about the Democratic proposed maps. I think a lot of the districts in Hamilton County, that's all I've been able to look at today, are really wonderful except one. And I believe it's proposed House District 24, because, again, it's like all the way from Cleves on the west side and it snakes along the river over to East Walnut Hills people in Cleves and Addyston, they're not in the same community with people in East Walnut Hills and downtown. So those are the things that I think you should take into note. As a recent college graduate, I know what it's like to procrastinate and to be at the end of the timeline. So get some crappy coffee, because it looks like it's going to be a long night. [applause]

Co-Chair Senator Vernon Sykes [01:40:46] Thank you. Any questions? Leader Sykes.

House Minority Leader Emilia Sykes [01:40:54] Thank you, chair, thank you, Director. So could you talk... Could you go back and say again what you said about House District 24 in the Cleves and Addyston and help me understand that? I'm not as familiar with Hamilton County as you are. Thank you.

Ellen Rakowski [01:41:06] Oh, yeah, it's OK. I've learned a lot. But Cleves, Addyston and North Bend are in the far southwestern corner of Hamilton County and in the proposed Sykes Democratic, whatever you want to call it, map, those are attached to the Sayler Park and Riverside communities and kind of like, move along the southern border of Ohio along the Ohio River, include downtown, the downtown, Over-the-Rhine area, and then go all the way over to Mount Adams in East Walnut Hills. Again, so if you took that district and split it east and west, the eastern half would be extremely urban and the western half is very rural. So in like in a neighborhood sense, those are just different types and styles of neighborhood. And I... There's the way those communities operate, they have never really been tied with one another before and they have very, very little in common.

House Minority Leader Emilia Sykes [01:42:02] Follow up?

Co-Chair Senator Vernon Sykes [01:42:03] Yes.

House Minority Leader Emilia Sykes [01:42:04] Thank you. That's very, very helpful. So. In moving forward with this, even though it is a part of the city, you're suggesting that it would be a split in the city that the community would be OK with because the neighborhoods in the culture is different enough that they deserve to be elsewhere?

Ellen Rakowski [01:42:23] Yes, in this case, I think the neighborhoods of specifically Riverside and Sayler Park would be OK with a split because demographically and culturally they identify more with parts that are not in the city, suburbs that are not in the city, municipalities that are not in the city.

Co-Chair Senator Vernon Sykes [01:42:42] Thank you. Any other questions? Thank you, Leader Sykes sparked the question for me. With Jen Miller with the League of Women Voters? You had suggested that there could be a few suggestions made to the Sykes Amendment that could be beneficial if you could provide those for us, we would appreciate it.

Jen Miller [01:43:10] Thank you, Chairman. I also did just get the overlay of actually voters of color with the Sykes map, so I could also share that with you. So I'll send you some notes, but I could also give you that overlay that may help assist you in looking at how these lines are working.

Co-Chair Senator Vernon Sykes [01:43:27] Thank you. Appreciate it. The next witness.

Clerk [01:43:34] Monica Lira.

Monica Lira [01:43:49] Thank you for this opportunity. Good afternoon. How do you do? My name is Monica Lira. I'm here to express my thoughts, my misgivings about the way this map was drawn. And we all know that this process that we're going through right now is just a pro forma. I'm a voter that lives in Cincinnati, and we voted twice for fair districting. The maps that we have seen are in no way, as illustrated by Ellen's statements, seemingly fair to the city that I live in. They're unfair to our constituents and it undermines the voting power of the minority communities in Cincinnati. Gerrymandering is basically racist, it's a racist tool used to suppress voters of color. It has been used this way since the beginning. First by the creator, Samuel, to keep his buddies out from voting. Then later on the tool was used to keep blacks from voting, and it continues. This drawing is a road map for one party to retain power in Ohio for the next 10 years. The Voting Rights Act of 65 provided communities of color some protection from gerrymandering. However, states continue to use this to suppress minorities. It's difficult for these voters to change suppressive voting bills or these unfair maps. They can't, they can't be present today because of the time factor, many are working poor in Cincinnati. Gerrymandering, if I may, and by saying it's fundamentally unfair, unrepresentative of a democracy. My mother always said, you know, nothing in life is fair, you know? And I think everybody else's mother has said this, too, but I beg you to prove her wrong. OK, thank you very much. [applause]

Co-Chair Senator Vernon Sykes [01:46:15] Are there any questions? Thank you. Next witness, please.

Clerk [01:46:21] Mindy Hedges.

Co-Chair Senator Vernon Sykes [01:46:28] Will you state and spell your name, please.

Mindy Hedges [01:46:31] Certainly it's my name is Mindy Hedges. and I'm in the 19th Senate, 67th House and the 12th Congressional District. I wanted to correct one of the past speakers. The League and Common Cause are nonpartisan. I would not be a part of their work unless they were. We take a pledge to be nonpartisan. Everything I do for them, I take a pledge to do it as a nonpartisan worker, and if I ever, ever would would state a party or state a position as a party, I would not be allowed to do any of the work for those organizations. And that's what I love most about them. They work very hard, particularly the League on voting rights, on rights, civil rights and all the rest of the wonderful work that I, that they do. And I was offended, quite frankly, by hearing what that person had said about these wonderful organizations. And I wanted to make sure that you understood exactly what they did. These groups intimately reviewed all of the maps, not just one, not just the Republican and Democratic maps. They reviewed all of the maps. And also Fair Districts even gave awards to the best maps for really good reasons. We voted for nonpartisan, fair and proportional representation. I want you to know that I'm personally supporting the OCRC map that was presented this morning, although quite frankly, they actually they actually gave us a new revised map, which I wasn't really able to analyze as

well as their map that was previously submitted. So I do have to go home and do more of the work on that. But I did support the one that was presented prior. I do want to make a comment about the Voting Rights Act, however. If Ohio continues with their map that they've publicly said they did not consider this issue, I believe that our state will potentially be spending major money and major time defending an indefensible and unlawful position. I was absolutely offended by that as well. When that was stated, when those maps were presented, I couldn't even believe that that was actually a statement that was publicly made. I really believe very strongly that whatever map is presented to us tomorrow needs to clearly, clearly take minority districts very, very, very seriously. Thank you. Any questions?

Co-Chair Senator Vernon Sykes [01:49:39] And questions? Thank you very much. Is there anyone else who would like to testify today? Is there anyone else who would like to testify today? Hearing and seeing none and no further business to be brought before the commission.

Auditor of State Keith Faber [01:50:03] Mr. Chair?

Co-Chair Senator Vernon Sykes [01:50:03] Yes.

Auditor of State Keith Faber [01:50:10] Are you planning on adjourning or are you planning on recessing?

Co-Chair Senator Vernon Sykes [01:50:11] Are you making a suggestion?

Auditor of State Keith Faber [01:50:12] I would suggest that we, instead of adjourning, we have business later in the day, we recess at the call of the chair that we need to look at whether this is really

Co-Chair Senator Vernon Sykes [01:50:23] Well, so be it. We will call a recess at the call of the chair.