IN THE SUPREME COURT OF OHIO

LEAGUE OF WOMEN VOTERS OF OHIO ET AL., *v.* **SECRETARY OF STATE FRANK LAROSE ET AL.**	**Case No.** _____ **Original Action Filed Pursuant to Ohio Constitution, Article XIX, Section 3(A)**

EXHIBITS TO COMPLAINT — VOLUME 1 OF 2

Robert D. Fram (PHV 25414-2022)*
Donald Brown (PHV 25480-2022)*
David Denuyl (PHV 25452-2022)*
Janelle Lamb*
COVINGTON & BURLING LLP
Salesforce Tower
415 Mission Street, Suite 5400
San Francisco, CA 94105-2533
(415) 591-6000
rfram@cov.com

James Smith (PHV 25421-2022)*
Sarah Suwanda (PHV 25602-2022)*
Alex Thomson (PHV 25462-2022)*
Kimberly Plumer*
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001-4956
(202) 662-6000
jmsmith@cov.com

Anupam Sharma (PHV 25418-2022)*
Yale Fu (PHV 25419-2022)*
COVINGTON & BURLING LLP
3000 El Camino Real
5 Palo Alto Square, 10th Floor
Palo Alto, CA 94306-2112
(650) 632-4700
asharma@cov.com

Freda J. Levenson (0045916)
   Counsel of Record
ACLU OF OHIO FOUNDATION, INC.
4506 Chester Avenue
Cleveland, OH 44103
(614) 586-1972 x125
flevenson@acluohio.org

David J. Carey (0088787)
ACLU OF OHIO FOUNDATION, INC.
1108 City Park Avenue, Suite 203
Columbus, OH 43206
(614) 586-1972 x2004
dcarey@acluohio.org

Alora Thomas (PHV 22010-2022)*
Julie A. Ebenstein (PHV 25423-2022)*
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
125 Broad Street
New York, NY 10004
(212) 519-7866
athomas@aclu.org

Counsel for Petitioners
Applications for Admission Pro Hac Vice Forthcoming

EXHIBIT 1

AFFIDAVIT OF JEN MILLER

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

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

1.   I am over the age of 18 and fully competent to testify to the statements and facts contained herein, and I have personal knowledge of all of them.

2.   I am a resident and elector of the State of Ohio.

3.   I am the Executive Director of the League of Women Voters of Ohio ("LWVO").

4.   Petitioner LWVO is the Ohio chapter of the League of Women Voters of the United States, a nonpartisan, statewide non-profit founded in May 1920, shortly before the ratification of the Nineteenth Amendment in August 1920 granting women's suffrage. With 3,816 members across the state, LWVO and its 29 local Leagues and 4 at-large units are dedicated to empowering citizens and ensuring an effective democracy. The LWVO has members, the vast majority of whom are registered Ohio voters, living in all of Ohio's current congressional districts.

5.   As part of its mission to empower voters and defend democracy, LWVO aims to shape public policy, to educate the public about policy issues and the functioning of our democracy, and to protect and expand Ohioans' access to elections and their government. Individual LWVO members invest substantial volunteer time in nonpartisan voter education, civic engagement, and voter registration.

6.   The revised gerrymandered congressional map impairs LWVO's work by deterring and discouraging its members and other Ohio voters from engaging in the political process, thereby

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

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

8.   Instead, LWVO has been forced to expend money and time advocating for fair districts. This advocacy by members and staff includes attending multiple hearings., mobilizing voter communications with elected officials, and organizing lobbying outreach, among other efforts. During the 2021–2022 redistricting cycle, LWVO has deployed all of its staff members on

redistricting-related work, contracted additional staff to work strictly on redistricting, and retained

a mapping expert to create demonstration maps and analyze the congressional map proposals as

they became available.

9.   In addition, fundraising by LWVO for its traditional programs has suffered during 2021–

2022 due to the fair districts campaign. Financial supporters of LWVO have been forced to choose

between supporting LWVO's traditional programs and funding the advocacy campaign for fair

districts in 2021–2022. As an example, LWVO's fundraising for Women's Equality Day is down

substantially in 2021 compared to 2020.

10.   The Ohio Redistricting Commission held hearings in February and March 2022 on

proposed congressional maps and then ultimately enacted the revised plan. I attended most if not

all of those hearings.

11.   The final proposed revised map, which was ultimately approved, was released by the

Republican Commissioners the morning of March 2, 2022, just hours before its ultimate adoption.

As a result of the last-minute release of the plan, I had to analyze the map during the hearing on

the spot. That was the only hearing before the Commission on the final, revised plan, and the

public was not able to offer testimony on the final map.

12.   Most of the Republicans' deliberations took place behind closed doors, so the public could

not see or hear it. Based on my prior experience testifying before the Ohio Redistricting

Commission, the Republicans were largely unwilling to consider or incorporate public input in the

congressional map-drawing process.

13.   LWVO is suing on its own behalf as well as in its capacity as representative of its members,

to seek congressional maps that comply with the provisions of the Ohio Constitution, which was

amended by the overwhelming majority of Ohio voters in 2018 in order to put an end to the practice

of partisan gerrymandering in our state.

FURTHER AFFIANT SAYETH NAUGHT.

Executed on __March 7_____, 2022.

_____

Jen Miller

Sworn to and subscribed before me this __7_____day of __March_____ 2022.

Online Notary Public. This notarial act involved the
use of online audio/video communication technology.

EXHIBIT 2

AFFIDAVIT OF ANDRE WASHINGTON

STATE OF OHIO	)	
	)	SS:
COUNTY OF FRANKLIN	)	

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

1.   I am over the age of 18 and fully competent to make this declaration. I have personal knowledge of the statements and facts contained herein.

2.   I am a resident and elector of the State of Ohio.

3.   I am the President of the Ohio Chapter of the A. Philip Randolph Institute ("APRI").

4.   Petitioner APRI is a national organization for African-American trade unionists and community activists, and is devoted to political, social, and economic justice for all working Americans. While APRI supports a variety of charitable ventures unrelated to voting, the bulk of APRI's work is focused on voter education, registration, civic engagement, and outreach efforts.

5.   APRI has eight local chapters in Ohio and hundreds of members and volunteers statewide, many of whom are registered voters in the State of Ohio. We organize, for example, voter registration drives, educational events, and "get out the vote" activities. We do this through door-to-door canvassing, community events like group meetings and clam bakes, and virtual events.

6.   In my role as President, I coordinate the local chapters and our statewide activities. It is my personal mission to help get everyone in my community registered to vote and involved in the political process, through my work with APRI, with other organizations, and in my private life.

7.   During COVID-19, APRI has continued conducting voter outreach and education events, both in person and virtually. Sometimes we "piggyback" on other virtual events, by arranging for some time to talk about voter registration and the importance of voting.

8.   We have partnered with churches all over the state, making announcements to ensure that voters understand how they can deliver absentee ballots, as well as to provide information on voting hours and locations. We also attend churches to talk to people, give brief presentations, and answer questions or take comments.

9.   The revised gerrymandered congressional map impairs APRI's work by deterring and discouraging its members and other Ohio voters from engaging in the political process. It makes it more difficult for APRI to engage voters through our education, registration, and outreach efforts.

10.   At voter outreach events throughout 2021 and 2022, both in person and virtual, APRI speakers and members have routinely heard variations of the same theme from attendees: "This shit don't matter." They are tired of feeling like nothing will change, and feeling like Ohioans can never get a fair district map where their votes will matter. As a result of the gerrymandered maps, it is very hard for our members to get Ohioans engaged.

11.   The prospect of another gerrymandered map has also consumed APRI's time and resources throughout this recent redistricting cycle, which we would otherwise have been able to spend on traditional voter registration and outreach efforts. If APRI's members could rely on Ohio's process to produce nonpartisan, fair maps with competitive districts, APRI would not have to divert those resources.

12.   For example, many of our members observed several of the Ohio Redistricting Commission's meetings virtually, in order to report back to our members and the broader

2

community, and to look for opportunities where the public could provide input. We have been forced to educate citizens and answer countless questions about the redistricting process, what "packing" and "cracking" are, why there is an initiative for fair districts and what its goals are, why their neighborhoods have been chopped up in unprecedented ways, and why a system has been designed that leads them to feel that their votes do not count.

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

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

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

FURTHER AFFIANT SAYETH NAUGHT.

Executed on _____3/7/_____, 2022.

_____
Andre Washington

Sworn to and subscribed before me this ____7____day of ____March____ 2022.

3

EXHIBIT 3

IN THE SUPREME COURT OF OHIO

Regina Adams, *et al.***,**	
Relators,	**Case No.** _____
v.	Original Action Filed Pursuant to Ohio Constitution, Article XIX, Section 3(A)
Governor Mike DeWine, *et al.***,**	
Respondents.	

EXHIBITS TO COMPLAINT – VOLUME 2 OF 2

Abha Khanna (Pro Hac Vice Pending)
Ben Stafford (Pro Hac Vice Pending)
ELIAS LAW GROUP LLP
1700 Seventh Ave, Suite 2100
Seattle, WA 98101
akhanna@elias.law
bstafford@elias.law
T: (206) 656-0176
F: (206) 656-0180

Aria C. Branch (Pro Hac Vice Pending)
Jyoti Jasrasaria (Pro Hac Vice Pending)
Spencer W. Klein (Pro Hac Vice Pending)
Harleen K. Gambhir (Pro Hac Vice Pending)
ELIAS LAW GROUP LLP
10 G St NE, Suite 600
Washington, DC 20002
abranch@elias.law
jjasrasaria@elias.law
sklein@elias.law
hgambhir@elias.law
T: (202) 968-4490
F: (202) 968-4498

Dave Yost (0056290)
OHIO ATTORNEY GENERAL
30 E. Broad Street
Columbus, Ohio 43215
T: (614) 466-2872
F: (614) 728-7592

Counsel for Respondents

Donald J. McTigue* (0022849)
  *Counsel of Record
Derek S. Clinger (0092075)
MCTIGUE & COLOMBO LLC
545 East Town Street
Columbus, OH 43215
dmctigue@electionlawgroup.com
dclinger@electionlawgroup.com
T: (614) 263-7000
F: (614) 368-6961

Counsel for Relators

Exhibit 41

IN THE SUPREME COURT OF OHIO

Regina Adams, *et al.*	
Relators,	**Case No.** _____
v.	Original Action Filed Pursuant to Ohio Constitution, Article XIX, Section 3(A)
Governor Mike DeWine, *et al.*	
Respondents.	

EXPERT AFFIDAVIT OF DR. JONATHAN RODDEN

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

I.   INTRODUCTION AND SUMMARY

1.   For the purpose of this report, I have been asked to examine whether and how the redistricting plan for the Ohio delegation to the United States House of Representatives, adopted by the Ohio General Assembly on November 18, 2021 and signed into law by Governor Mike DeWine two days later, and attached as Exhibit A ("2021 Congressional Plan" or the "Enacted Plan"), conforms to the requirement set forth in Article XIX, Section 1(C)(3)(a), namely, that the plan does not "unduly favor[] or disfavor[] a political party or its incumbents." I have also been asked to examine the extent to which the General Assembly's redistricting plan splits governmental units, and to assess the plan's adherence to other traditional redistricting criteria, including compactness.

2.   I demonstrate that given the statewide support for the two parties, the 2021 Congressional Plan provides an extreme advantage to the Republican Party. With around 53.2 percent of the statewide vote in the last three general elections, the Republican Party can expect to win around 80 percent of the seats under the Enacted Plan. This is an increase over the map that was in effect from 2012 to 2020, under which Republican candidates were able to consistently win 75 percent of the seats.

3.   I also examined the extent to which the General Assembly's plan disproportionately favors or disfavors the *incumbents* for one of the two parties. Under the previous plan, there were 12 Republican incumbents, one of which has already announced his retirement. All of the remaining districts with Republican incumbents continue to have Republican majorities—most of them quite comfortable. Of the four Democratic incumbents, only two continue to reside in majority-Democratic districts. The other two districts with Democratic incumbents have been dramatically reconfigured, both now with Republican majorities.

1

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

II.   QUALIFICATIONS

5.   I am currently a tenured Professor of Political Science at Stanford University and the founder and director of the Stanford Spatial Social Science Lab—a center for research and teaching with a focus on the analysis of geo-spatial data in the social sciences. I am engaged in a variety of research projects involving large, fine-grained geo-spatial data sets including ballots and election results at the level of polling places, individual records of registered voters, census data, and survey responses. I am also a senior fellow at the Stanford Institute for Economic Policy Research and the Hoover Institution. Prior to my employment at Stanford, I was the Ford Professor of Political Science at the Massachusetts Institute of Technology. I received my Ph.D. from Yale University and my B.A. from the University of Michigan, Ann Arbor, both in political science. A copy of my current C.V. is included as Exhibit F.

6.   In my current academic work, I conduct research on the relationship between the patterns of political representation, geographic location of demographic and partisan groups, and the drawing of electoral districts. I have published papers using statistical methods to assess political geography, balloting, and representation in a variety of academic journals including *Statistics and Public Policy, Proceedings of the National Academy of Science*, *American Economic Review Papers and Proceedings*, the *Journal of Economic Perspectives*, the *Virginia Law Review*, the *American Journal of Political Science*, the *British Journal of Political Science*, the *Annual Review of Political Science*, and the *Journal of Politics.* One of these papers was selected by the American Political Science Association as the winner of the Michael Wallerstein Award for the best paper on political economy published in the last year, and another received an award from the American Political Science Association section on social networks. In 2021, I received a John Simon Guggenheim Memorial Foundation Fellowship, and received the Martha Derthick Award of the American Political Science Association for "the best book published at least ten years ago that has made a lasting contribution to the study of federalism and intergovernmental relations."

7.   I have recently written a series of papers, along with my co-authors, using automated redistricting algorithms to assess partisan gerrymandering. This work has been published in the *Quarterly Journal of Political Science*, *Election Law Journal*, and *Political Analysis*, and it has been featured in more popular publications like the *Wall Street Journal*, the *New York Times*, and *Boston Review*. I have recently completed a book, published by *Basic Books* in June of 2019, on the relationship between political districts, the residential geography of social groups, and their political representation in the United States and other countries that use winner-take-all electoral districts. The book was reviewed in *The New York Times*, *The New York Review of Books*, *Wall Street Journal*, *The Economist*, and *The Atlantic*, among others.

8. I have expertise in the use of large data sets and geographic information systems (GIS), and I conduct research and teaching in the area of applied statistics related to elections. My PhD students frequently take academic and private sector jobs as statisticians and data scientists. I frequently work with geo-coded voter files and other large administrative data sets, including in recent papers published in the *Annals of Internal Medicine* and *The New England Journal of Medicine*. I have developed a national data set of geo-coded precinct-level election results that has been used extensively in policy-oriented research related to redistricting and representation.

9. I have been accepted and testified as an expert witness in several election law and redistricting cases: *Romo v. Detzner,* No. 2012-CA-000412 (Fla. Cir. Ct. 2012); *Mo. State Conference of the NAACP* v. *Ferguson-Florissant Sch. Dist.,* No. 4:2014-CV-02077 (E.D. Mo. 2014); *Lee v. Va. State Bd. of Elections,* No. 3:15-CV-00357 (E.D. Va. 2015); *Democratic Nat'l Committee et al. v. Hobbs et al.*, No. 16-1065-PHX-DLR (D. Ariz. 2016); *Bethune-Hill v. Virginia State Board of Elections*, No. 3:14-cv-00852-REP-AWA-BMK (E.D. Va. 2014); and *Jacobson et al. v. Lee*, No. 4:18-cv-00262 (N.D. Fla. 2018). I also worked with a coalition of academics to file Amicus Briefs in the Supreme Court in *Gill v. Whitford*, No. 16-1161, and *Rucho v. Common Cause*, No. 18-422. Much of the testimony in these cases had to do with geography, electoral districts, voting, ballots, and election administration. I recently worked as a consultant for the Maryland Redistricting Commission. I am being compensated at the rate of $550/hour for my work in this case. My compensation is not dependent upon my conclusions in any way.

III. DATA SOURCES

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

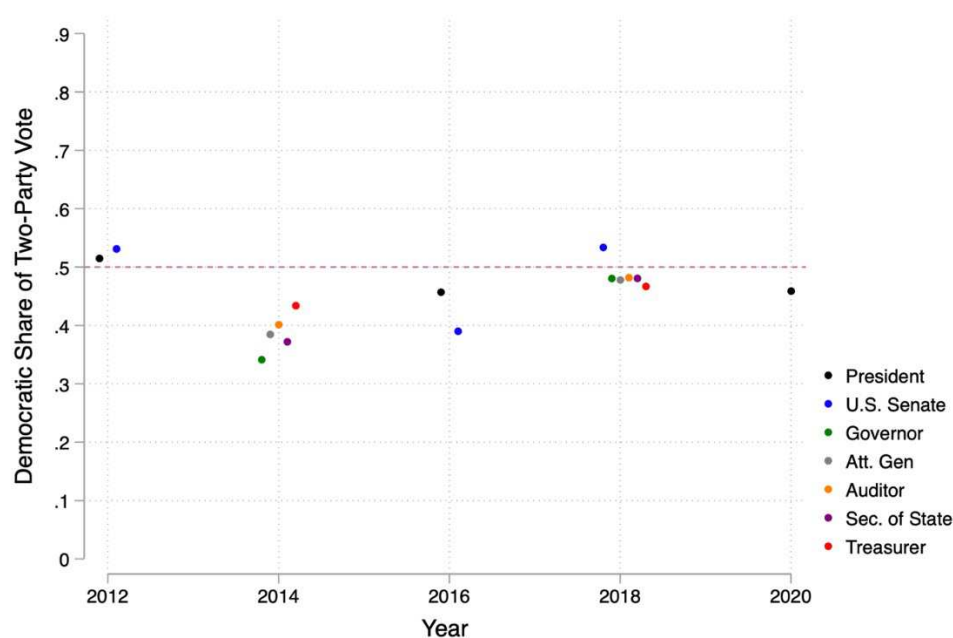[1] https://alarm-redist.github.io/posts/2021-08-10-census-2020/.
[2] https://redistricting.ohio.gov/maps.
[3] https://davesredistricting.org.
[4] https://www.redistricting.ohio.gov/resources.

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

IV. THE PARTISANSHIP OF THE 2021 CONGRESSIONAL PLAN

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

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

12. Figure 1 provides a visualization of Ohio statewide general election results from 2012 to 2020. Ohio is a hotly contested state with a tradition of split-ticket voting and significant swings from one year to another. The Democratic candidate won the presidential contest in 2012, but the Republican candidate won in 2016 and 2020. Ohio's U.S. Senate delegation is typically split between the parties, and other statewide elections are often very competitive, although 2014 was an exception, as was the 2016 U.S. Senate race.

13. Figure 1 reveals that while Ohio statewide elections have been mostly quite close over the last decade, Republican candidates have held a narrow advantage. To quantify this, Table 1 provides the raw data. Including all of the statewide general elections from 2012 to 2020, the

---

[5]https://docs.google.com/spreadsheets/d/17yr9mcAtuUdNjI9NEPYKxXsEldzzQ2ZaDwEAbnPR yS4/edit?pref=2&pli=1#gid=1641247082.

[6] https://opendata.columbus.gov/datasets/c4b483507f374e62bd705450e116e017/explore

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

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

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

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

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

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

15. As indicated in gray, when considering the specific data referenced above, there are only three districts with Democratic majorities in the Enacted Plan. Two of those districts have very comfortable Democratic majorities, and one has a very slight Democratic lean (District 13). There is one additional district (District 9) that leans just ever so slightly Republican.

16. This represents a considerable change in favor of Republicans from the status quo under the previous map, attached as Exhibit E. Table 2 also provides the results of the same exercise for the map that was in place from 2012 to 2020. That plan included four districts with relatively comfortable Democratic majorities. It is rather remarkable that the General

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

17. The district-level aggregated statewide election results displayed on the right-hand side of Table 2 are extremely reliable predictors of actual congressional election results. There were five general elections for Ohio's 16 seats from 2012 to 2020, for a total of 80 congressional races. In *every single* race, the candidate of the party with the higher vote share on the right-hand side of Table 2 was victorious.

18. If the same pattern continues, and the statewide aggregates continue to perfectly predict congressional outcomes, the Democrats can anticipate winning only 3 of 15 seats throughout the decade. Recall from Table 1 that Democrats' statewide vote share was around 47 percent from 2016 to 2020, but their anticipated seat share under the Enacted Plan is only 20 percent. Correspondingly, with around 53 percent of the statewide vote, the Republican Party can expect 80 percent of the seats.[7]

19. Districts 9 and 13 have statewide vote shares that are very close to 50 percent (within one percentage point). District 9 is a highly reconfigured district in which a Democratic incumbent will now be competing in very different territory with a slight Republican majority. District 13 is an open seat with a slim Democratic majority. Even if one considers both Districts 9 and 13 in the Enacted Plan to be tossups, and assigns a 50 percent probability of victory to Democratic candidates in each, the same conclusion holds: Republican candidates can expect to win around 12 of 15 seats.

20. Based on the statewide vote shares in Table 2, without any consideration of incumbency, one might get the mistaken impression that there are additional "competitive" seats in the Enacted Plan. Above all, one might imagine that District 1, with its roughly 52 percent Republican vote share, is a competitive seat. However, note that in the previous cycle the district had a slightly higher 54 percent Republican vote share in statewide races. The incumbent, Steve Chabot, very consistently outperformed his party's district vote share in statewide races, winning easily with, on average, around 58 percent of the vote. In other words, Representative Chabot enjoyed an incumbency advantage of around four percentage points. Much of the district remains unchanged, including parts of Cincinnati, its western suburbs, and Warren County, so there is no reason to anticipate that this advantage will suddenly disappear.

21. The remaining seats are even less competitive. For instance, the Republican vote share in statewide races in District 10 is around 53 percent, down slightly from 54 percent in the previous redistricting cycle. However, the Republican incumbent, Mike Turner, won each general election from 2012 to 2020 with an average two-party vote share above 62 percent. Once again, as with District 1, the incumbent enjoyed a sizable incumbency advantage, and again, there is no reason to anticipate that it will suddenly disappear. One simply cannot characterize District 10 in the Enacted Plan as competitive. The same can be said about

---

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

Districts 14 and 15—districts with Republican incumbents where the Republican vote share hovers around 54 percent.
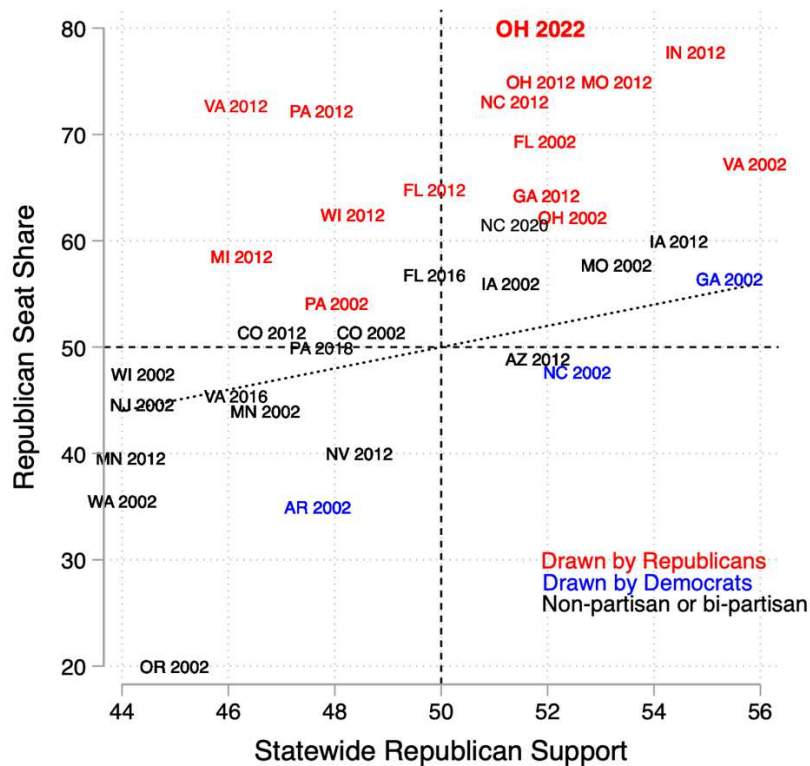
V. PUTTING THE 2021 CONGRESSIONAL PLAN IN PERSPECTIVE

22. In any two-party democracy, it is not normal for a party with an average of 53.2 percent of the vote to receive 80 percent of the seats. In fact, even in the United States, which has maintained the idiosyncratic practice of allowing incumbent partisan majorities to draw their own districts without constraint, this is a highly unusual result. To see this, let us focus on a set of states that are comparable to Ohio in that they have seen relatively competitive statewide races in recent decades and are large enough to have four or more congressional districts. To measure statewide partisanship in a way that facilitates cross-state comparison, I have assembled data on presidential and U.S. Senate elections. For each redistricting cycle, I calculate the average Republican share of the two-party vote in Senate and presidential elections.[8] Next, for each redistricting cycle, I calculate the share of all congressional seats won by Republican candidates.

23. In Figure 2, the data markers indicate the state and the year that the relevant redistricting plan went into effect. States with districts drawn by legislatures under unified Republican control are indicated in red. States with districts drawn by independent commissions, courts, or divided legislatures are indicated in black. And states where districts were drawn under unified Democratic control are indicated in blue.[9] The dotted line indicates proportionality—where, for instance, 50 percent of the vote translates into 50 percent of the seats, 52 percent of the vote translates into 52 percent of the seats, and so on. In Figure 2, in order to focus on states most similar to Ohio and facilitate legibility, I zoom in on a group of the most evenly divided states, where statewide partisanship is between 44 and 56 percent. I also include a graph that includes all the states in the appendix.

---

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

[9] Information about control of the redistricting process was obtained from https://redistricting.lls.edu/.

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

24. For the most part, districts drawn by courts, divided legislatures, and independent commissions come closer to proportionality than those drawn by legislators. This can be seen most clearly *within* states where the districts were redrawn during a redistricting cycle due to litigation—including Virginia, Pennsylvania, North Carolina, and Florida. In these states, Republican-drawn maps led to Republican seat shares far beyond the party's statewide support, and plans drawn by courts came much closer to proportionality. While Democrats have controlled the redistricting process in very Democratic states like Maryland, Illinois, and Massachusetts (see the appendix), they have rarely done so in the relatively competitive states featured in Figure 2. But the Republican Party has been able to draw the districts over the last two redistricting cycles in a large number of relatively competitive states, including Florida, Michigan, Virginia, Pennsylvania, Wisconsin, North Carolina, Georgia, Missouri, Indiana, and Ohio. As can be seen in Figure 2, throughout the range of statewide vote shares—from Democratic-leaning states like Pennsylvania to Republican-leaning states like Indiana—Republican candidates have been able to win surprisingly large seat shares in the states where districts were drawn by unified Republican legislatures. This group includes notoriously gerrymandered states, including North Carolina, Pennsylvania, and Florida, where state courts eventually invalidated maps that favored Republicans in ways that violated state constitutions.
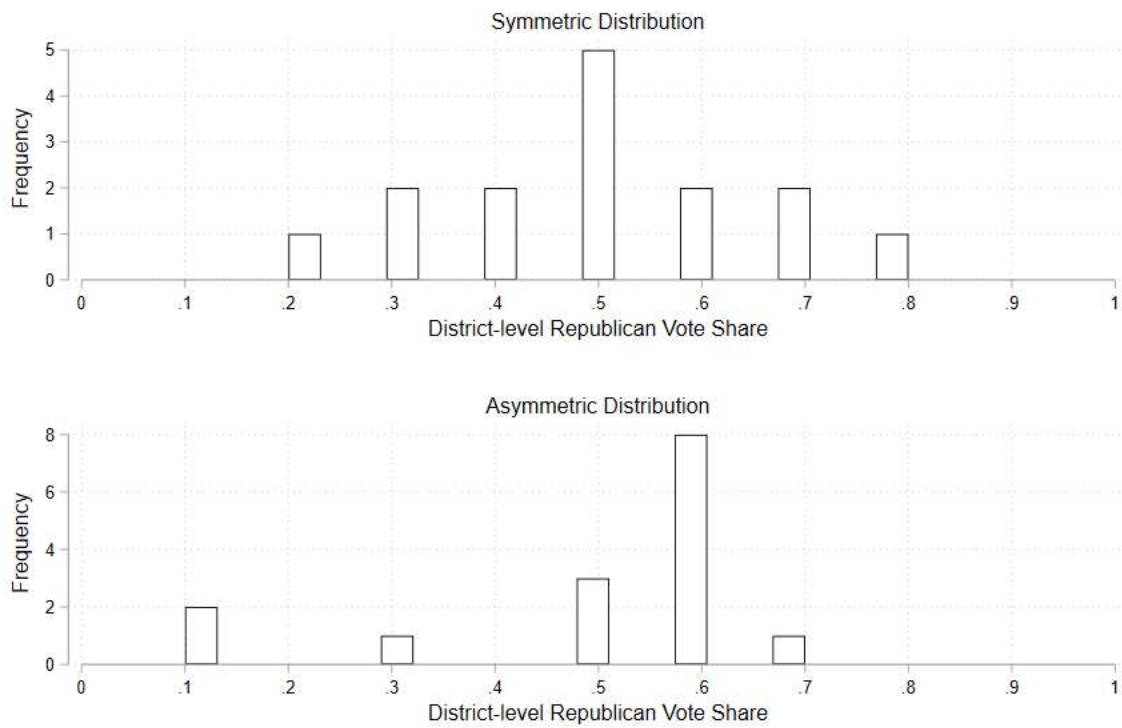
9

25. Even among this group of highly partisan maps, Ohio stands out. The data marker titled "Ohio 2012" corresponds to the observed seat share of Republican candidates throughout the 2010 redistricting cycle (12 of 16 seats in each election, or 75 percent). And the data marker titled "Ohio 2022" is the anticipated seat share, calculated as described above at 80 percent, for the 2021 Congressional Plan.

26. As can be visualized in Figure 2, with one exception, the absolute vertical distance from the dotted line of proportionality to the "Ohio 2022" data marker is larger than for all other relatively competitive states with four or more districts over the last two redistricting cycles.[10]

27. When attempting to assess the impact of a redistricting plan on the relative advantage or disadvantage it provides to the parties, it is important to go beyond simply calculating the difference between a party's statewide support and its seat share. For many realistic scenarios in which partisans are distributed across districts without political manipulation of the district boundaries, we can anticipate that the party with more votes will usually win more than a proportional share of seats. To see why this is true, imagine a simple example of a state with 15 districts, where there are 10 voters in each district, and party registration is distributed as displayed in the columns labeled "Example 1" in Table 3 below.

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

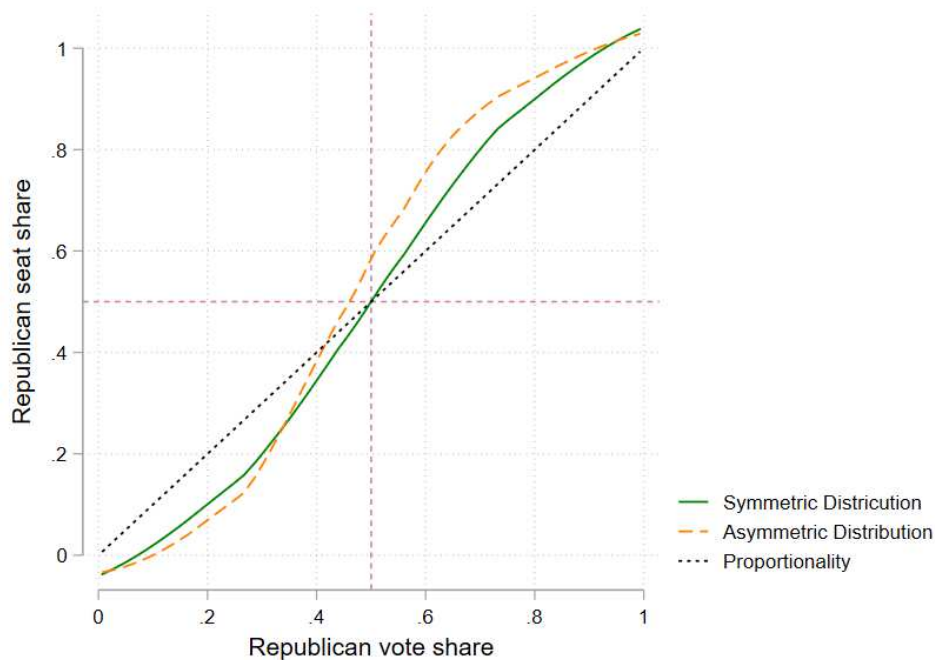| District	Example 1: Symmetric Distribution		Example 2: Asymmetric Distribution	
	Democrats	Republicans	Democrats	Republicans
1	2	8	3	7
2	3	7	4	6
3	3	7	4	6
4	4	6	4	6
5	4	6	4	6
6	5	5	4	6
7	5	5	4	6
8	5	5	4	6
9	5	5	4	6
10	5	5	5	5
11	6	4	5	5
12	6	4	5	5
13	7	3	7	3
14	7	3	9	1
15	8	2	9	1

---

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

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

28. In this example, there are 75 Democrats and 75 Republicans. Under normal circumstances, each party can expect to win 5 districts, but 5 districts are toss-ups containing even numbers of Democrats and Republicans.

29. The top panel of Figure 3 uses a histogram—a simple visual display of the data from Table 3—to display the distribution of expected vote shares of the parties across districts in this hypothetical state, with its symmetric distribution of partisanship.

30. Let us assume that the partisanship of some of the individuals in this state is malleable, such that a successful campaign, a good debate performance by a candidate, or a strong economy leads some of the registered Democrats to vote for Republicans. Let us randomly choose one Democrat in the state and turn her into a Republican. Let us perform this random vote-flipping exercise 10,000 times, take the average, and see how this very small change in voting behavior—just one party-switcher out of 150—can be expected to affect the parties' seat shares. Let us do that with two of the Democrats, three, and so on, all the way until the overall Republican vote share approaches 100 percent. We can perform the same operation in the other direction, systematically turning random Republicans into Democrats.

Figure 4: Hypothetical symmetric vote-seat curve

31. How do these alternative scenarios affect the seat share? The result of these simulated scenarios is displayed with the green line in Figure 4. The horizontal axis is the Republican vote share, and the vertical axis is the corresponding seat share. The green line provides a plot of what happens to the seat share as the Republican vote share increases and decreases from 50 percent.

32. The green line in Figure 4 is a standard vote-seat curve associated with a symmetric distribution of partisanship across districts. It is a foundational observation in the literature on majoritarian elections that when the distribution of partisanship across districts approximates the normal distribution, with its bell-shaped appearance, the transformation of votes to seats will look something like the green line in Figure 4. With 50 percent of the vote, a party can expect 50 percent of the seats. However, note what happens when the Republican Party is able to obtain 55 percent of the votes—it receives around 60 percent of the seats. This phenomenon is known as the "winner's bonus." This happens because there are several districts where the underlying partisanship of the electorate is evenly divided, such that with 55 percent of the overall statewide vote, the Republican Party can win several of these pivotal districts, thus providing it with a disproportionate share of the seats.

33. When we observe a situation in which a party wins 55 percent of the vote but something like 59 or 60 percent of the seats, we cannot necessarily conclude, without further analysis, that the district boundaries have been drawn to help or harm a political party. The "winner's bonus" is a basic feature of majoritarian electoral systems. An important feature of the green line in Figure 4, however, is that it treats each party exactly the same. That is, the Democrats can expect the exact same "winner's bonus" as the Republicans when they are able to win over more votes. This partisan symmetry is a lower standard to meet than one that requires

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

34. Next, let us consider the same state, with the same even split in party registration, but with a different set of district boundaries, drawn strategically by the Republican Party. In this example, provided numerically on the right-hand side of Table 3 (labeled as "Example 2"), and visually with a histogram in the lower panel of Figure 3, Democrats are "packed" into three extremely Democratic districts, and districts have been drawn so as to avoid Democratic majorities to the extent possible elsewhere. There are fewer truly competitive districts, and there is a much larger number of districts that are comfortably, but not overwhelmingly, Republican. With this type of arrangement, with 50 percent of the vote, the Republicans can expect to win well over half the seats.

35. I apply the same simulation procedure as described above and display the resulting relationship between seats and votes with the orange dashed line in Figure 4. We can see that in this example, the Republican Party enjoys a substantial advantage in the transformation of votes to seats over Democrats. It can lose a majority of votes statewide but still win legislative majorities, and it receives a very large seat premium when it achieves even a slight victory in statewide votes. In this second example, the treatment of the two parties is far from symmetric.

36. Political scientists and geographers have attempted to measure this type of asymmetric distribution of partisans across districts—and the resulting asymmetry in the transformation of votes to seats. What has now become the most common approach is rooted in the work of British political geographers. In his 2000 Annual Political Geography Lecture, Ron Johnston described "wasted votes" as votes obtained in constituencies that a party loses, while "surplus votes" are additional votes obtained by a party in constituencies it wins beyond the number needed for victory.[11] In the example above, for instance, 6 is the number of votes required for victory in each district. Thus, if a party received 9 votes, 3 of them would be considered "surplus." In that same district of 10 voters, the losing party received 1 "wasted" vote. Johnston calculated wasted and surplus votes for the Labour and the Conservative parties in post-war British elections, as well as the share of "effective" votes received by each party: that is, votes that were neither "wasted" nor "surplus." The latter is a measure of the relative efficiency of support for the parties, and the gap between them is an indicator of the extent to which support for the Conservatives has been more efficient than support for Labour (or vice-versa).

37. More recently, Nicholas Stephanopoulos and Eric McGhee have adapted this concept to the context of redistricting and gerrymandering in the United States.[12] The terminology is slightly different. For Stephanopoulos and McGhee, the term "wasted votes" captures not just the votes obtained in a constituency the party lost, but also the surplus votes obtained in

---

[11] Ron Johnston. 2002. "Manipulating Maps and Winning Elections: Measuring the Impact of Malapportionment and Gerrymandering." *Political Geography* 21: pages 1-31.
[12] See Nicholas Stephanopoulos and Eric McGhee. 2015. "Partisan Gerrymandering and the Efficiency Gap." *University of Chicago Law Review* 82,831.

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

Table 4: Efficiency Gap Calculations in Hypothetical Examples

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

38.   Table 4 includes columns to capture wasted votes for the Republicans and Democrats in both hypothetical examples. In the first example, the Republicans win the first district in a landslide, 8-2. They waste two votes (since they only needed 6 to win), and the Democrats waste two votes in their losing effort. At the bottom of the table, I sum the wasted votes for each party. The Democrats and Republicans each waste the same number of votes, 20. Thus, the efficiency gap is zero.

39.   Next, consider the second example. The Republicans have a very efficient distribution of support such that they received six votes in several districts, while the Democrats wasted votes in a handful of districts that they won by large majorities. In this example, the Republicans waste only three votes while the Democrats waste 42. Thus, there is an efficiency gap of 39, which amounts to 26 percent of all votes cast.

40. Let us now apply this approach to the 2021 Congressional Plan in Ohio. First, I have summed up all the votes received by Democratic and Republican candidates in each of the statewide races from 2016 to 2020 listed above, and use these sums to calculate the efficiency gap. Aggregating precinct-level data from these races to the level of districts in the Enacted Plan, we see the efficiency gap associated with the Enacted Plan is quite large—24 percent—indicating that Republicans' votes are distributed across districts with far greater efficiency than those of Democrats. In fact, the distribution of partisanship created by the General Assembly's plan is quite similar to that in the second hypothetical example of Table 3.

41. In order to put this in perspective, it is useful to engage in some simple cross-state comparisons. As a metric, the efficiency gap is known to be less reliable in non-competitive states, as well as states with few congressional districts. Thus, I calculate the efficiency gap for the districts used in the last redistricting cycle, focusing on states with more than four congressional districts among the relatively competitive states featured in Figure 2 above. One drawback of the efficiency gap is that the measure is not always stable for a set of districts when one switches from using data from one election to another, depending on the individual quirks of incumbents and challengers, and patterns of split-ticket voting. In order to compare apples with apples and mitigate candidate-specific effects, I use data from the 2016 and 2020 presidential elections, aggregated to the level of congressional districts.

42. Using data from the 2016 presidential election, the efficiency gap associated with the Enacted Plan is almost identical to what I calculated using all of the Ohio statewide elections from 2016 to 2020: 24 percent. I also calculated the efficiency gap using the 2016 presidential election for the other large, competitive states discussed above. The efficiency gap associated with the Enacted Plan is larger than those observed in Colorado, Florida, Missouri, Arizona, Virginia, Indiana, Minnesota, Michigan, Georgia, and Wisconsin, surpassed only by Pennsylvania's notorious (and ultimately invalidated) map, where the efficiency gap calculated using 2016 presidential data was 38 percent.

43. Using data from the 2020 presidential election, the efficiency gap associated with the Enacted Plan is around 16 percent. This is slightly lower than the 24 percent figure associated with all statewide races, largely because relative to a typical statewide race in Ohio, the Republican candidate, Donald Trump, won by larger margins in rural areas, hence producing more wasted votes for Republicans, and Democratic candidate Joseph Biden won by slightly smaller margins in urban core areas, leading to slightly fewer wasted votes for Democrats. A similar phenomenon occurred in other states, however, and 16 percent is larger than the efficiency gap calculated using 2020 data for any of the other states mentioned above, this time with the exception of Wisconsin, where the efficiency gap was 27 percent.[13]

44. In addition to the efficiency gap, another approach to measuring partisan asymmetry is to calculate so-called electoral bias.[14] This approach flows directly from the vote-seat curves in

---

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

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

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

45. From the observed distribution of district-level election results, one can simulate the relationship between votes and seats under other hypothetical vote shares than the one observed. Above all, it is useful to examine the hypothetical of a tied election: With 50 percent of the vote, can each party expect 50 percent of the seats? Or can one party expect a larger seat share due to its superior efficiency of support across districts? In the examples above, there is no electoral bias in the symmetric case, but in the asymmetric example, the (pro-Republican) electoral bias is 10 percent. This can be seen in Figure 4 above: a 50 percent vote share on the horizontal axis corresponds to a 60 percent seat share on the vertical axis.

46. I calculate the electoral bias based on all Ohio statewide elections from 2016 to 2020. This approach indicates that in a tied election, the Republican Party could nevertheless expect to win 10 of 15 seats, or around 66.7 percent, under the Enacted Plan. The measure of electoral bias, then, is 16.7 percent.

47. In recent years there has been a lively debate about whether courts should adopt a specific measure as a "talismanic" indicator of impermissible gerrymandering. The approach of this affidavit is neither to contribute to this debate nor endorse a specific measure. For the most part, critics of the various measures often dwell on the prospect that they will produce false negatives. That is, they might fail to recognize a gerrymander when one is in fact present.[15]

48. As can be appreciated from the discussion above, these metrics are not always stable when we switch from the analysis of one type of election to another. Statewide results and the spatial distribution of support can vary across elections in ways that push pivotal districts above the 50 percent threshold in some races but not others—especially when we are simulating hypothetical tied elections in order to calculate electoral bias. Perhaps the most vexing problem with these indicators is that, when we are attempting to assess the likely seat share associated with future elections in the next redistricting cycle from a single statewide election—for instance a presidential election—we ignore the power of incumbency. As described above, Ohio's Republican congressional incumbents typically outperform

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

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

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

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

VI.   HOW DOES THE 2021 CONGRESSIONAL PLAN TREAT INCUMBENTS?

50. In addition to analyzing the extent to which the Enacted Plan favors or disfavors a party in the aggregate, I have also been asked to examine the extent to which it disproportionately favors or disfavors the *incumbents* for one of the two parties. Under the previous plan, there were 12 Republican incumbents. One of these, Anthony Gonzalez, has announced his retirement. All of the remaining districts with Republican incumbents continue to have Republican majorities—most of them quite comfortable.

51. The only district with a Republican incumbent worthy of further discussion is District 1. The district had previously been drawn to bisect Cincinnati, which had the effect of preventing the emergence of a majority-Democratic district in a heavily Democratic urban area by creating two districts in which parts of Cincinnati were subsumed into Republican exurban and rural areas. The Ohio Constitution now requires that Cincinnati be wholly contained within a single district, which, to my understanding, given their residential addresses, required that two Republican incumbents end up in the same district (although there is no in-district residency requirement for candidates for the U.S. House in Ohio). However, one of the supposedly paired incumbents, Representative Brad Wenstrup, has announced that he intends to seek re-election in District 2, thereby eliminating the possibility of a double-bunking of incumbents in District 1.[16]

52. The legislature has redrawn District 1 to include many of the suburban and rural areas that had previously been in District 1, where Steve Chabot is a long-serving incumbent. By carving out the Democratic suburban areas north of Cincinnati and combining the city with extremely Republican rural areas, the legislature has managed to unify Cincinnati while only slightly increasing the district's Democratic vote share, thus likely keeping it safe for the Republican incumbent, who, as mentioned above, has benefited from a large incumbency advantage.

53. In all the other districts with Republican incumbents, safe margins have been maintained so that incumbents are likely to survive even a significant statewide swing toward the

---

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

Democratic Party.

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

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

55. Without a doubt, the Enacted Plan favors the Republican Party and its many incumbents, while disfavoring the Democratic Party and its handful of incumbents. One might suspect, however, that this outcome was driven not by the choices of the map-drawers, but by the Ohio Constitution—with its requirements about keeping counties, cities, and townships whole—combined with Ohio's political geography. I have written extensively about the difficulties for parties of the left in majoritarian democracies like the United States in an era when population density is becoming highly correlated with higher proportions of votes for more progressive candidates.[17] Democrats are highly concentrated in cities and, increasingly, their suburbs. When cities are very large relative to the size of districts, this tends to create some districts in which Democrats win very large majorities. This can make their geographic distribution of support relatively less efficient if Republican majorities in rural areas are not correspondingly large. Thinking visually in terms of cross-district histograms, like those in Figure 3 above, the presence of overwhelmingly Democratic cities can pull out the left tail of the distribution, thus wasting some Democratic votes. Anyone drawing congressional districts—including a non-partisan computer algorithm or even a Democratic activist—is likely to draw a very Democratic district in Cleveland or Columbus. It is also the case that such a map-drawer cannot avoid creating some extremely Republican districts in rural areas.

56. However, the larger implication for the transformation of votes to seats depends crucially on what is happening in the middle of the distribution of districts. This is precisely where those drawing the districts have maximum discretion. With a very Democratic city like Cincinnati that is *not* especially large relative to the size of congressional districts, it is possible to avoid the emergence of a Democratic district altogether by cutting off its most Democratic suburbs—splitting communities of interest along the way—and combining it with far-flung rural areas. If smaller Democratic cities are close to one another, as in northwestern Ohio, or as in the Canton/Akron/Youngstown area, boundaries can be drawn to make sure they do not combine to form any district with an urban, and hence Democratic, majority. And when cities are sufficiently large that they must be subdivided, and can thus provide *two* Democratic majorities, as in Columbus, it is possible to conduct this subdivision in a way that prevents the emergence of a second Democratic district by packing as many Democratic votes into a

---

[17] Jonathan Rodden, 2019, *Why Cities Lose: The Deep Roots of the Urban-Rural Political Divide*. New York: Basic Books.
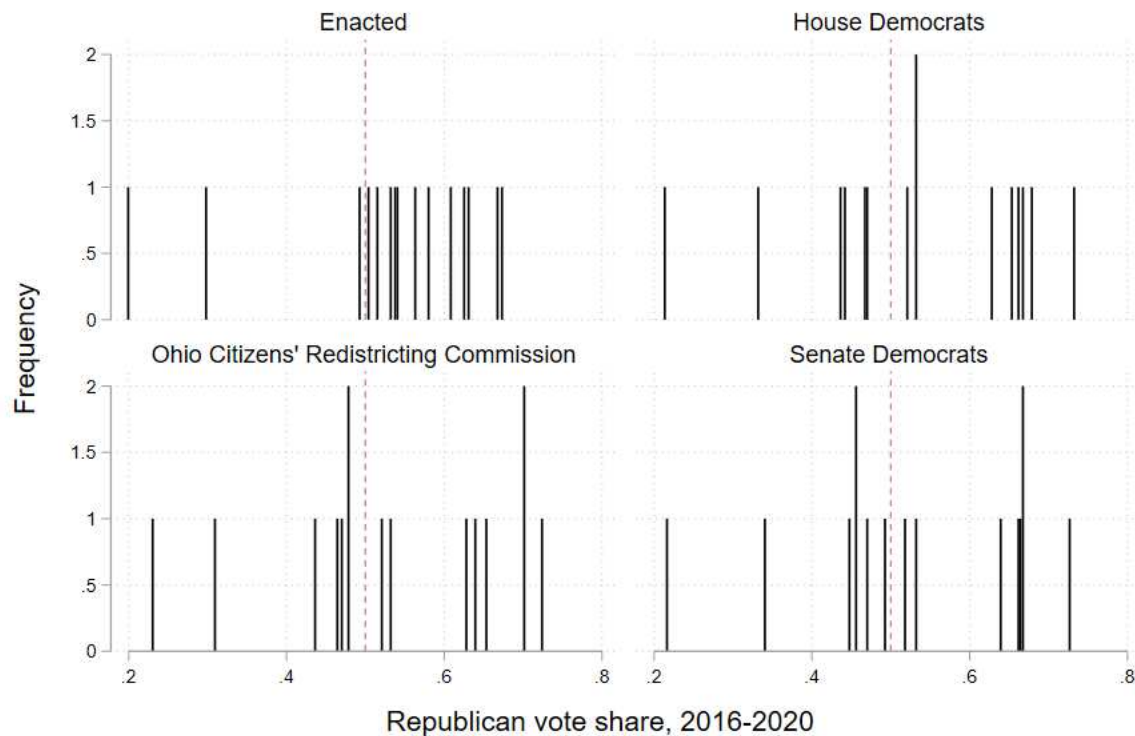
single district as possible. The legislature has pursued each of these strategies to prevent the emergence of majority-Democratic districts in Ohio.

57.   In my academic research, I have shown that residential geography can make life easier for those drawing districts with the intent of favoring Republicans. With maneuvers like those described in the preceding paragraph, a Republican map-drawer can produce a substantial advantage for Republican candidates without drawing highly non-compact or odd-shaped districts. My research has also pointed out that a mere concentration of Democrats in cities is insufficient to produce advantages for Republican candidates. It is clearly the case that in states where Republicans have controlled the redistricting process, districts have favored Republicans far more than anything that can be explained by residential geography alone. Recall the striking difference between the black and red data markers in Figure 2 above, indicating that with similar levels of partisanship, districts drawn by Republican legislators have had far larger Republican seat shares than those drawn by courts, commissions, and divided legislatures. In fact, in my academic writings, I have used Ohio in the 2010 redistricting cycle as a leading example of this phenomenon.[18]

58.   In order to verify that the extreme pro-Republican bias described above was not forced upon the legislature by the Ohio Constitution or residential geography of Ohio, it is useful to conduct a simple exercise: we can examine the congressional maps submitted by Democrats and other groups in the state legislature. The purpose of this exercise is not to recommend these maps for adoption. Rather, these maps are useful because they were available to the legislature prior to adopting their map and, if they comply with the Constitution, demonstrate similar or superior compactness, pursue fewer unnecessary county splits, and are less prone to splitting obvious communities of interest, we can conclude that the extreme pro-Republican slant of the Enacted Plan was not driven by residential geography or constitutional requirements, but by discretionary choices.

59.   Figure 5 provides histograms of the composite vote share of statewide Republican candidates from 2016 to 2020—the same measure used extensively above—aggregated to boundaries of proposed congressional districts. The top left panel represents the enacted districts. The panels on the right represent districts proposed by the House (top) and Senate (bottom) Democrats, attached as Exhibits C and B, respectively. In the lower left-hand corner, I include a districting plan submitted by a group called the Ohio Citizens Redistricting Committee (OCRC), attached as Exhibit D.

60.   Note that all the graphs share something in common. Each includes two extremely Democratic districts on the left-hand side of the graph. In each case, one is in Cleveland and one in Columbus. However, as described above, the Enacted Plan only includes a single additional district that is (barely) on the Democratic side of 50 percent, for a total of three. In the other comparison maps, there are seven districts with Democratic majorities in statewide races, six in the case of the House Democrats' plan. Thus, the Senate Democrats' plan and the OCRC plan, where 46.7 percent of the districts have Democratic majorities in statewide races, correspond almost exactly with the statewide aggregate vote share (see Table

---

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

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

Figure 5: Histograms of Enacted and Alternative Maps

61. The Enacted Plan is also unique in that it avoids creating extremely Republican rural districts on the right side of the histogram. The vast majority of districts have comfortable but not staggering Republican majorities. In all, it is a textbook case of a map that creates an extremely efficient distribution of support for one party and an inefficient distribution for the other. As mentioned above, the efficiency gap (using composite statewide election results between 2016-2020) is 24 percent. The other maps are far more even-handed. For the House Democrats' plan, it is 3.5 percent (still favoring Republicans). For the Senate Democrats' plan and the OCRC plan, the distribution of support is slightly more efficient for the Democrats, with gaps that are swung in the other direction of 3.7 percent and 3.6 percent respectively.

62. What accounts for these large differences in the efficiency of support for the two parties in the different maps? Above all, the answer lies in the treatment of urban areas.

63. First, consider the Enacted Plan's treatment of Hamilton County. Any treatment of Hamilton County that attempts to minimize splits and keep Cincinnati-area communities together would produce a majority-Democratic district. Any such district would keep northern suburbs with large Black populations, like North College Hill and Mount Healthy, together with similar neighborhoods across the Cincinnati boundary. Each of the alternative maps

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

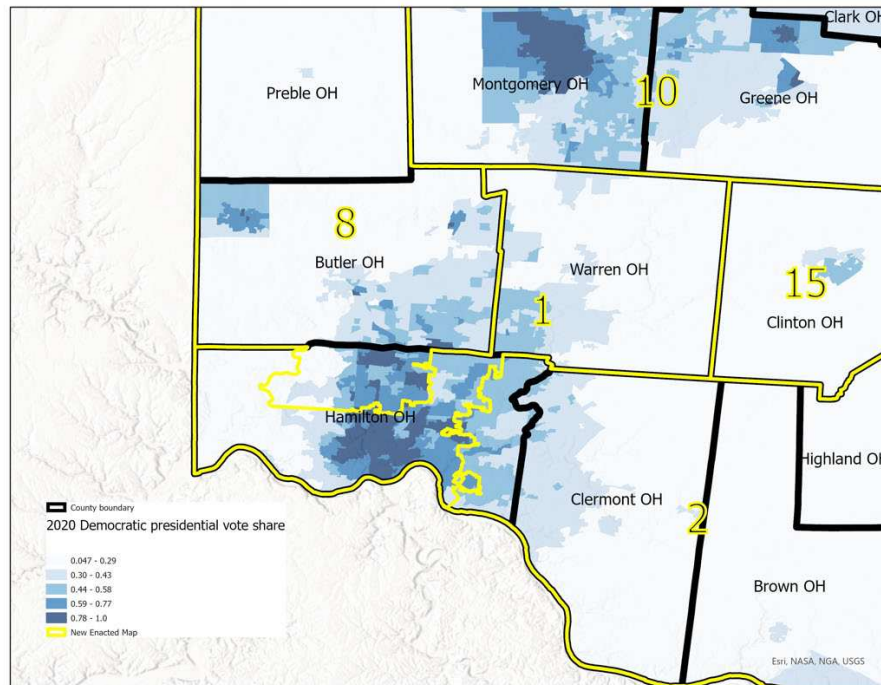**Figure 6: Partisanship and the Enacted Plan's Districts, Hamilton County and Surroundings**
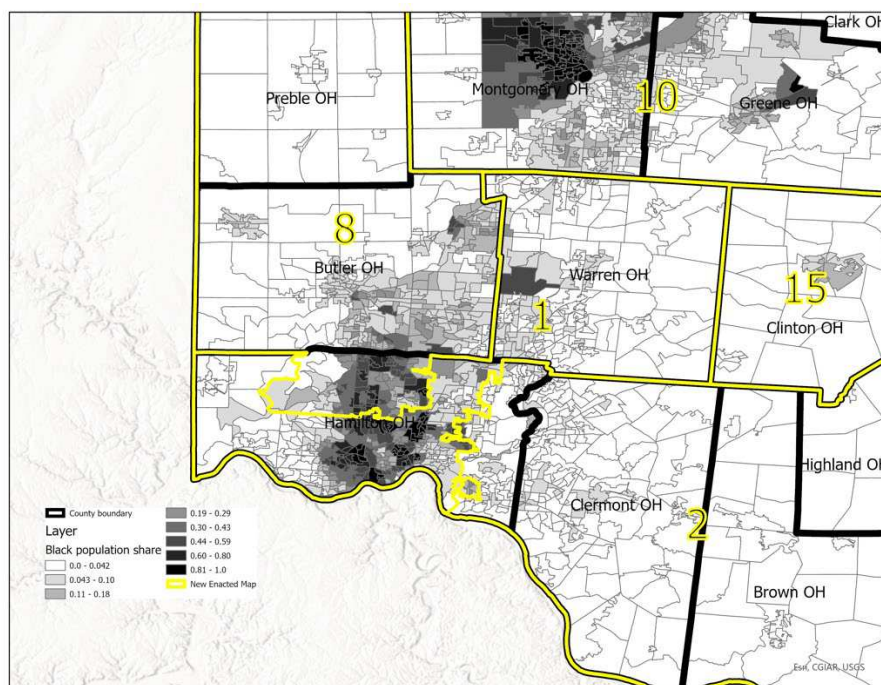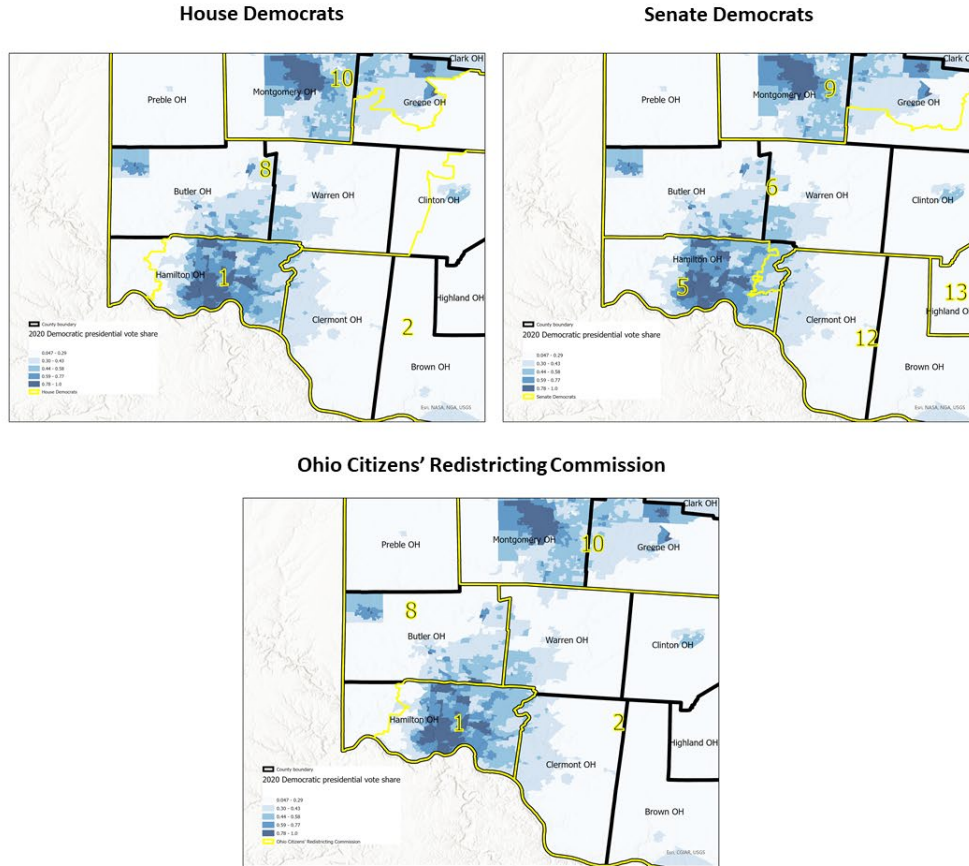

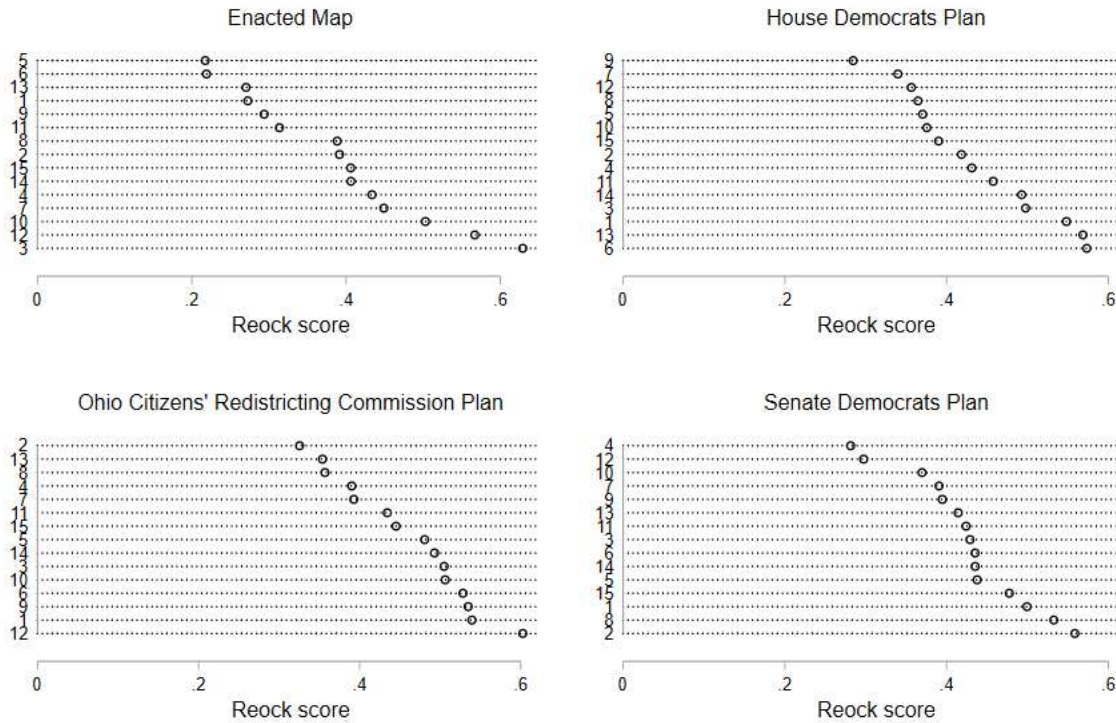**Figure 7: Race and the Enacted Plan's Districts, Hamilton County and Surroundings**

64. However, the Enacted Plan traverses the Hamilton County boundary in *three* different places in order to overwhelm Cincinnati's Democratic population with a sufficient number of exurban and rural Republicans. The entire urban, Black population of Northern Hamilton County is carved out from its urban surroundings and combined with a rural Republican district, District 8, whose northern boundary is 85 miles away. Second, instead of being combined with its immediate inner-ring suburbs, Cincinnati is combined with rural Warren County via a very narrow corridor in District 1. Finally, Cincinnati's eastern suburbs are extracted and combined with District 2, which is extremely rural and Republican.

65. This can be visualized in Figure 6, which overlays the Enacted Plan on a map of partisanship, from precinct-level results of the 2020 presidential election. Figure 7 then overlays the district boundaries on a map that shows the area's racial composition. It highlights the extent to which the Enacted Plan splits Hamilton County's Black population.

66. Under any method of counting splits, the Enacted Plan's approach involves at least two splits of Hamilton County—a line running north-south on the east side of the county and another one that carves out the northern suburbs. These maneuvers are clearly not necessary for any reason other than partisan advantage. Each of the alternative plans keeps metro Cincinnati together in a compact district remaining within the county, avoids splitting the Black community, and splits the county only once.

67. The arrangement of these plans can be seen in Figure 8. Clearly, it is quite straightforward to draw a district that is compact, minimizes splits, and keeps the Black community together. Notably, these arrangements all produce a majority-Democratic district (56.5 percent for the House Democrats' plan, 55.4 percent for the Senate Democrats' plan, and 56.4 percent for the OCRC plan).

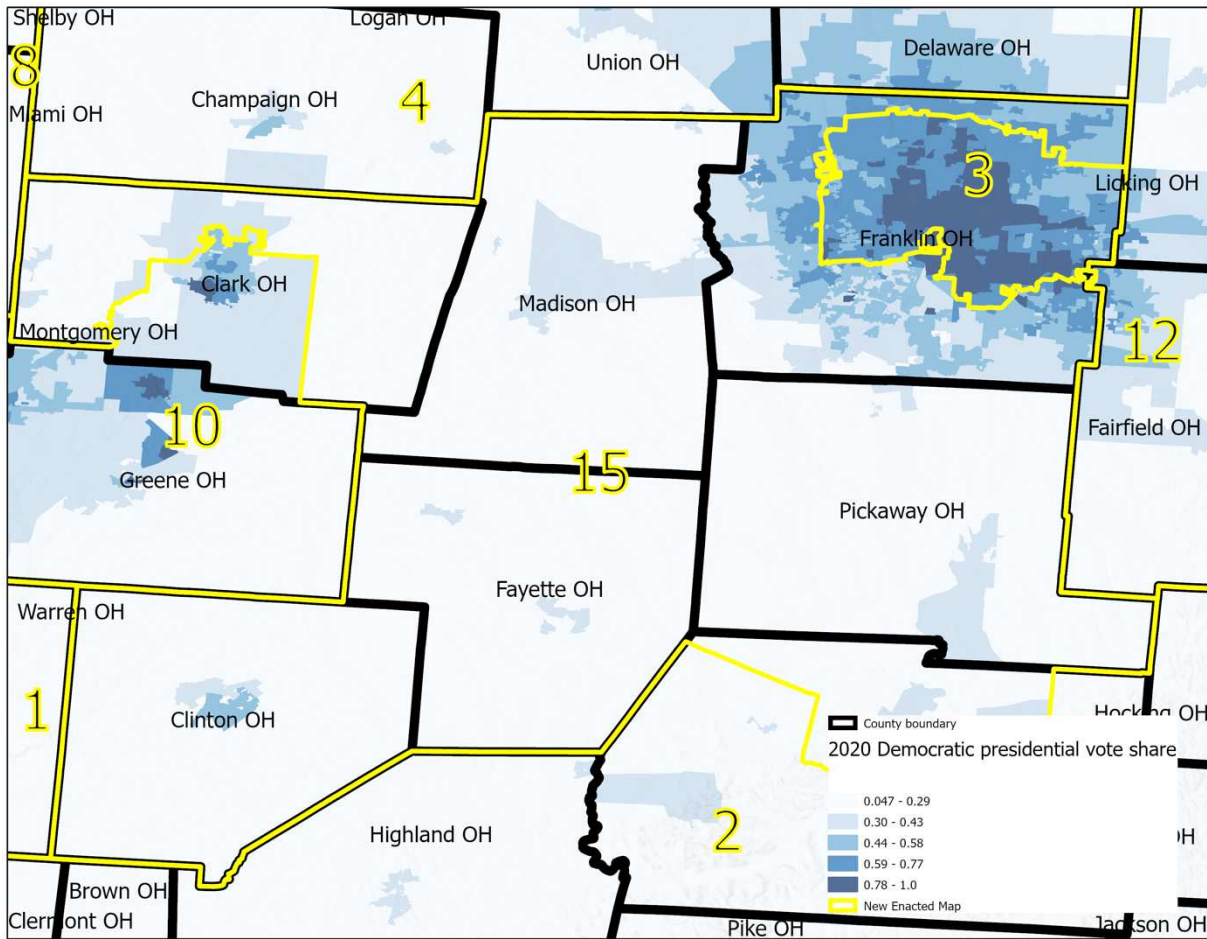**Figure 8: Partisanship and Districts of Alternative Plans, Hamilton County and Surroundings**

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

Figure 9: Reock Scores for Enacted and Alternative Plans

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

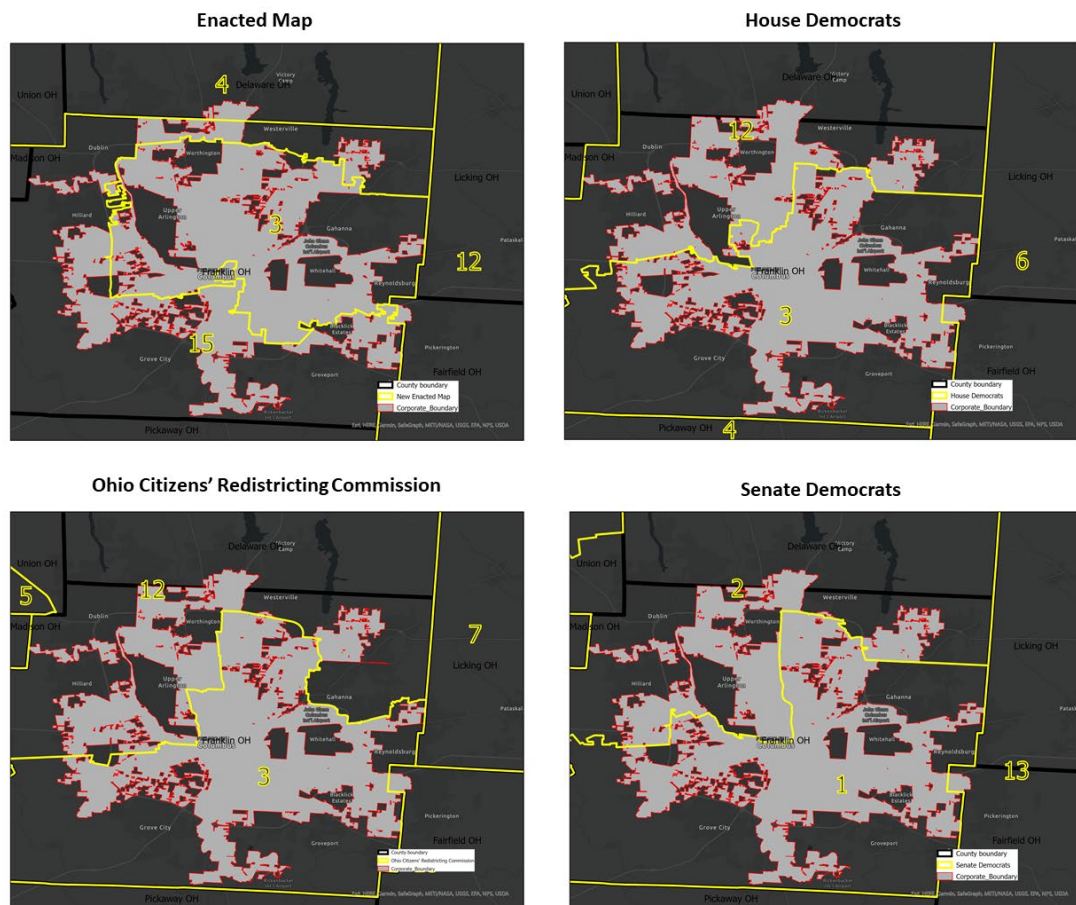**Figure 10: Partisanship and Enacted Districts, Columbus and Surroundings**

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

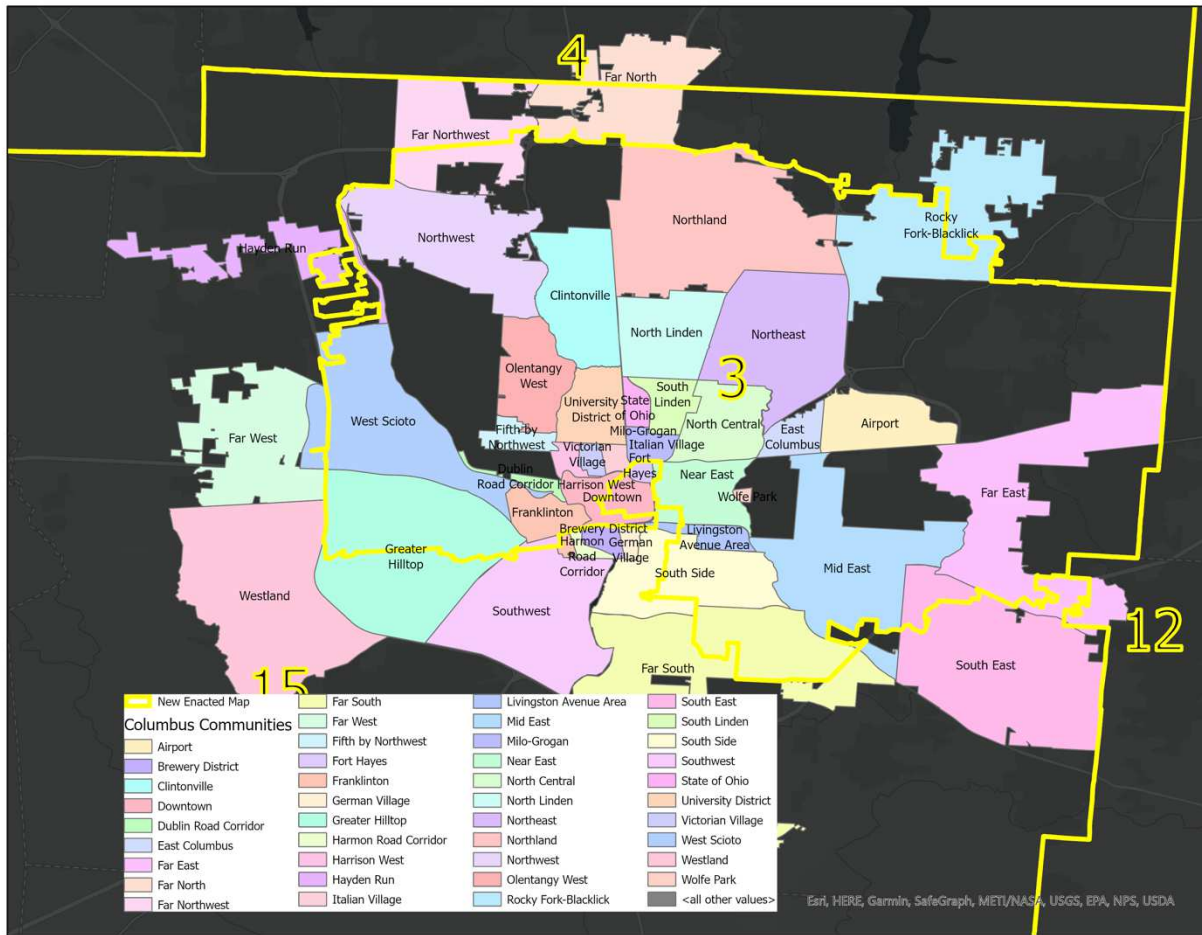**Figure 11: Partisanship and Enacted and Alternative Districts, Columbus and Surroundings**

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

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

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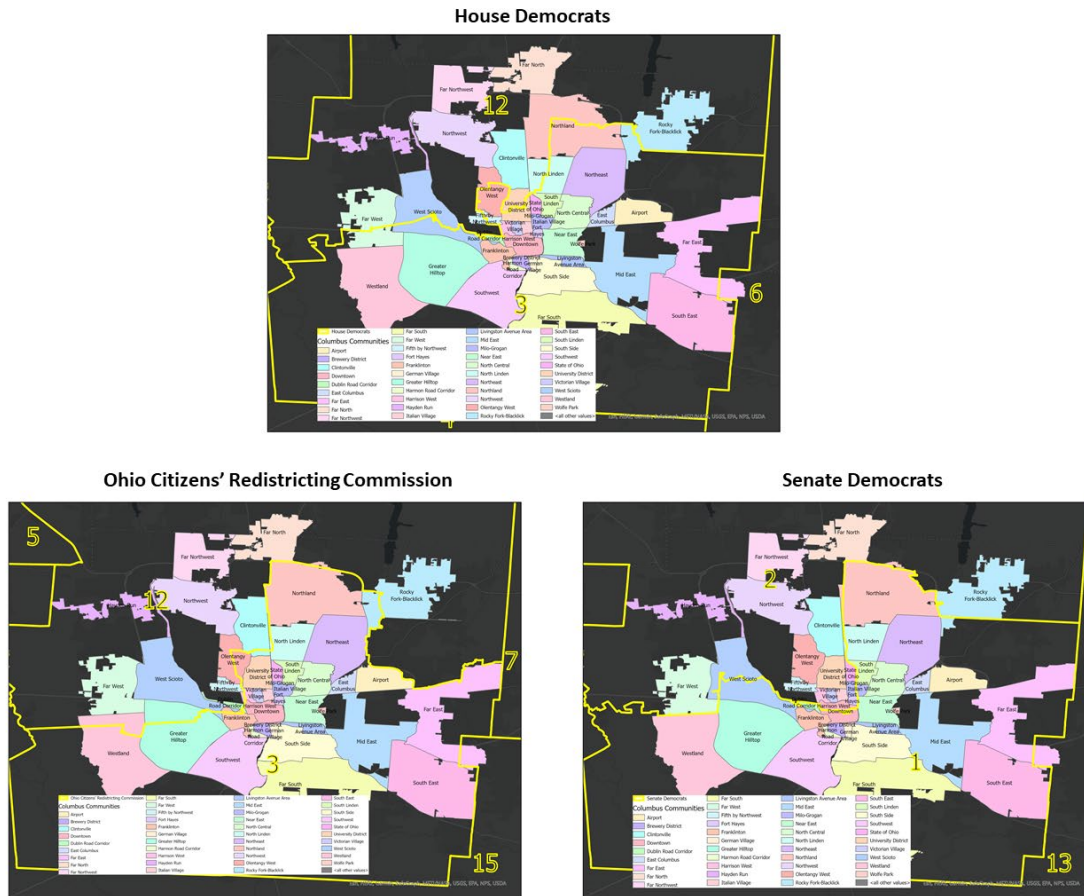
Figure 13: The Boundary of the Communities of the City of Columbus and Boundaries of the Enacted Plan

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

---

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

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

House Democrats

Ohio Citizens' Redistricting Commission

Senate Democrats

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

Figure 15: Partisanship and the Boundaries of the Enacted Plan, Northeast Ohio
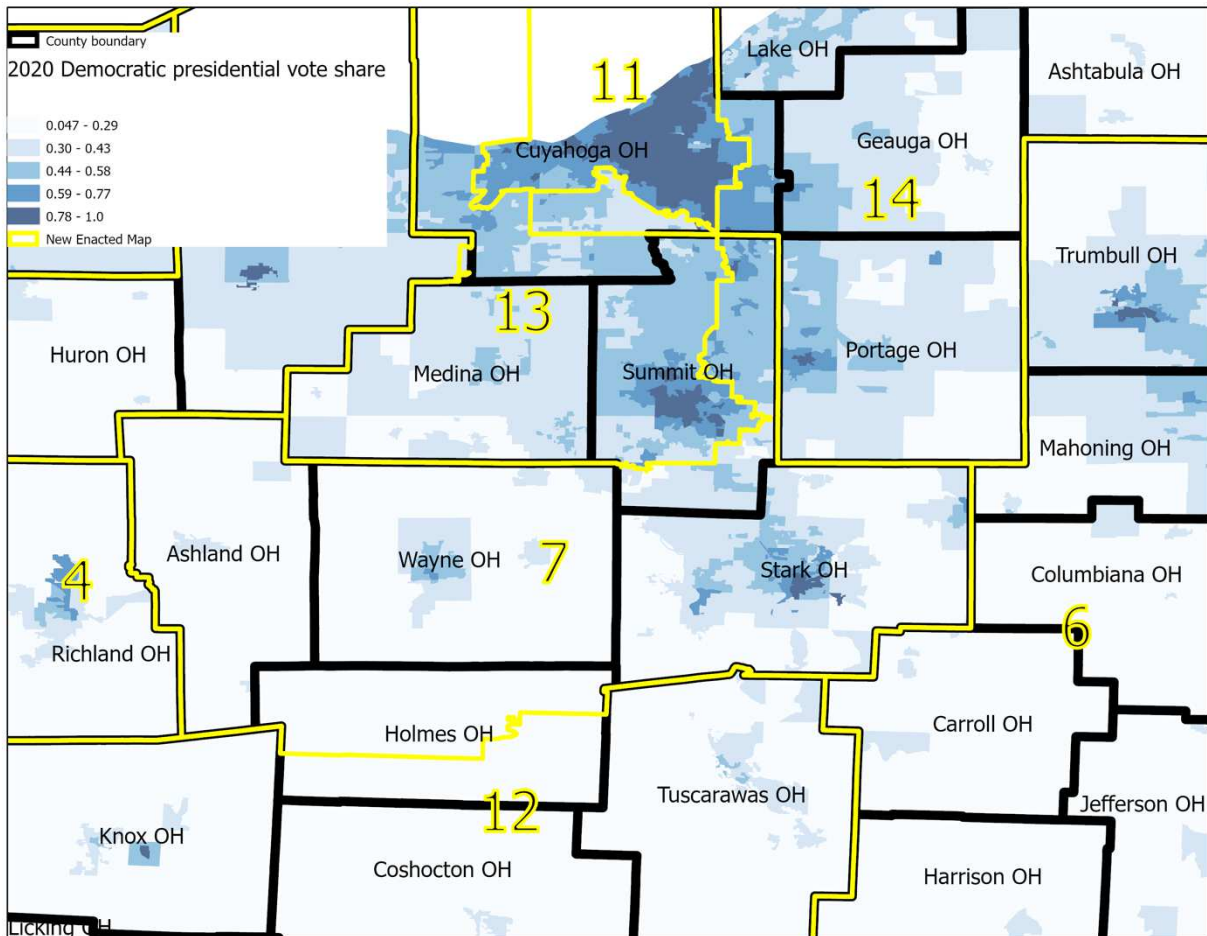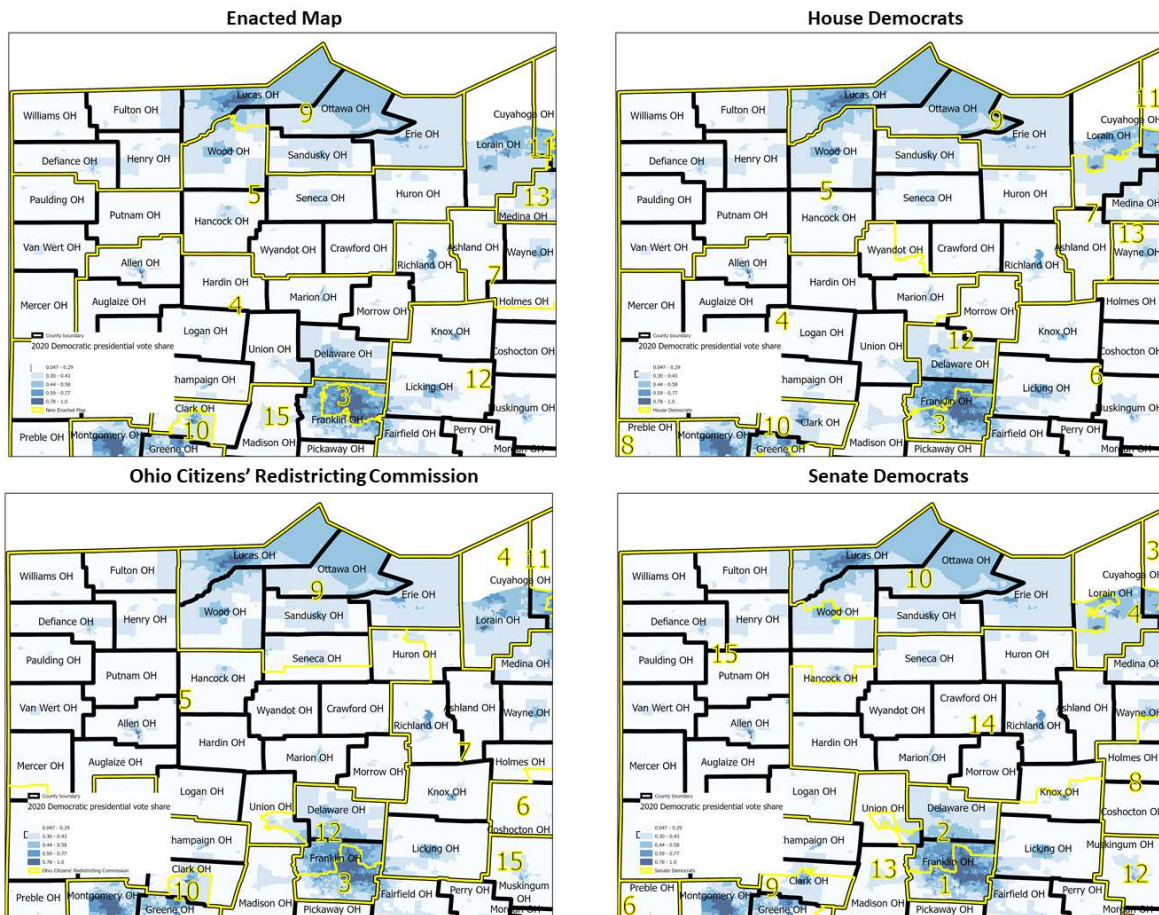
Figure 16: Partisanship and the Boundaries of the Enacted and Alternative Plans, Northeast Ohio

75. Next, consider Cuyahoga County and Cleveland. Here, the Enacted Plan produces multiple splits of Cuyahoga County—placing fragments in three different districts, and an arrangement featuring a narrow corridor that is, in one spot, the width of one census block, with no road connecting the fragments. In this area, four districts—7, 11, 13, and 14—converge upon an area spanning less than a square mile. The Cleveland-based District 11 nearly splits District 14 in half (i.e., making it noncontiguous), but for the grace of the one census block mentioned above.

76. Finally, consider Northwest Ohio. The Enacted plan and the three alternative plans are depicted in Figure 17. Each of the plans includes Toledo and draws a relatively narrow district that runs from West to East along the Michigan border and Lake Erie. However, the General Assembly's plan stops short of Lorain County and its Democratic cities, extending instead all the way to the Western border with an arrangement that, reminiscent of the Cincinnati strategy described above, combines Toledo with very rural areas. In this arrangement, the Democratic cities of Lorain County are removed from their geographic context and subsumed within a narrow rural district 5 that reaches all the way to the Indiana border.

77. In contrast, the plans created by the House Democrats and Senate Democrats simply extend the district slightly to the East—leaving out the Western rural counties—keeping the string of proximate industrial towns along Lake Erie together. The Senate Democrats' plan and the OCRC plan also extend into Wood County to keep Toledo's Southern suburbs together with the city. In contrast with the General Assembly's plan, each of these plans creates a Democratic-leaning district. According to the Reock score, the Senate Democrats and OCRC version of District 9 is more compact than the General Assembly's version.

78. In sum, the 2021 Congressional Plan includes consequential extra county splits vis-à-vis the alternative plans in Hamilton, Summit, and Cuyahoga Counties. It includes two counties—Hamilton and Cuyahoga—that are split between three districts, whereas the alternative plans never do this. If we simply add up county splits, there are 12 split counties in the Enacted Plan, but since two of them are split multiple times, the total number of splits is 14. The Senate and House Democrats' plans split 14 individual counties, while the OCRC plan splits 13 individual counties.

79. While prioritizing counties first, the Ohio Constitution also instructs those drawing the districts as a secondary priority to attempt to avoid splits of townships and as a third priority,

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

80. Of the four plans considered here, the plan submitted by the Senate Democrats performs the best when it comes to avoiding township splits. By my accounting, which is explained in Appendix B, this plan did not split any townships, while producing 15 city splits. The Enacted Plan created a total of 17 splits, 8 of which involved townships. The House Democrats' plan creates 19 splits, 13 of which involved townships. The OCRC plan produced 27 splits, all of which were townships except for the city of Columbus.

81. In addition to providing guidance about county splits, the Ohio Constitution also calls for compact districts. As already indicated in the discussion above, the Enacted Plan produces a set of districts that are less compact than those of the alternative plans. Average compactness scores across all districts, including the Reock, Polsby-Popper, and Convex Hull scores, are set forth in Table 5. With each of these scores, a higher number indicates a higher level of compactness. On each indicator, the Enacted Plan is less compact than the alternative plans.

Table 5: Average Compactness Scores

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

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

---

[20] Rodden, *Why Cities Lose*, op cit.

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

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

VIII. CONCLUSION

84. The 2021 Congressional Plan is highly favorable to the Republican Party and its incumbents, and it disfavors the Democratic Party and its incumbents. This is true not because of the requirements of the Ohio Constitution or the political geography of Ohio, but because of discretionary choices made by those drawing the districts, which had the effect of "packing" Democrats into districts that they win by large majorities and "cracking" Democratic communities that would otherwise have produced majority-Democratic districts. In drawing districts to achieve partisan gain, the General Assembly sacrificed compactness, introduced unnecessary splits to urban counties, and divided a number of urban and suburban communities, including minority communities, throughout the state.

85. I have read the Complaint filed in this action and affirm that the factual allegations contained in paragraphs 2, 4, 13, 14, 61, 98-100, 116-24, and 126-30 are true.

Jonathan Rodden
_____
Jonathan Rodden

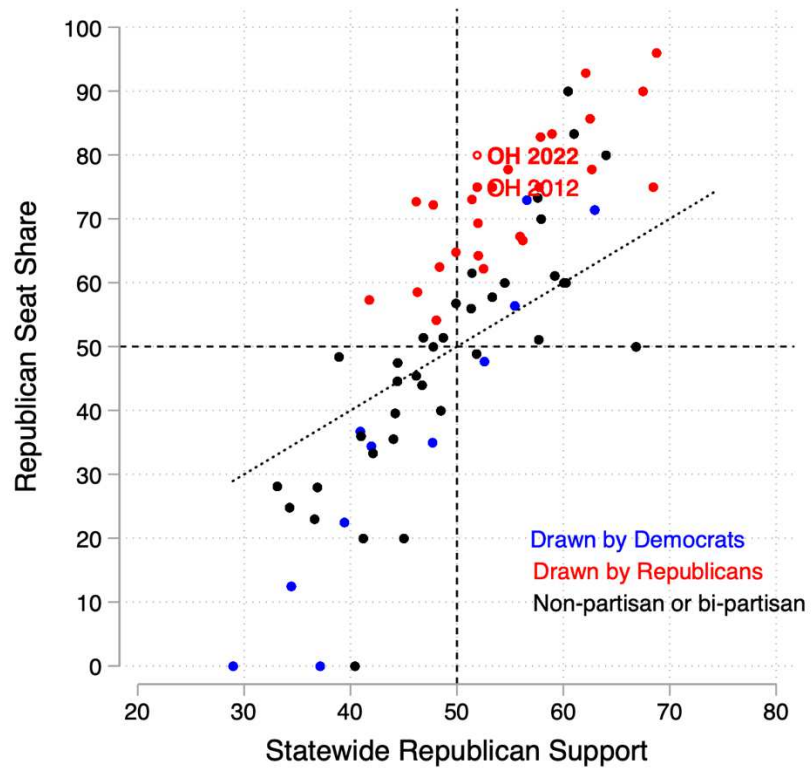Sworn to before me this ___22nd___ day of November 2021.

(See Attached Notarize.com Certificate for Notarization)
_____
Notary Public

My commission expires _____06/03/2025_____

34

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

Appendix B: Splits of Municipal Subdivisions

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

Enacted Plan

Sycamore Township and Kenwood CDP, Hamilton County
　　　(This also splits Rossmoyne CDP, which is also in Sycamore Township, so count once).
Glendale Village, Hamilton County
Union Township, Ross County
City of Columbus, Franklin County (5 splits total, see main text)
　　　Norwich Township is split, but this can potentially be explained by an effort to follow the
　　　Hilliard City line. Do not count
Green Township, Shelby County
Perrysburg Township, Wood County
Columbia Township, Lorain County
Belpre Township, Washington County
Berlin Township, Holmes County
Cuyahoga Falls City, Summit County
　　　Stony Ridge CDP, but presumably this was done to keep Lake Township whole, so do not
　　　count.
Mad River Township and Green Meadows CDP (only count once), Clark County
Rocky River City, Cuyahoga County
Oakwood Village, Cuyahoga County

Total splits: 17, 8 of which are townships.

Senate Democratic Plan

Columbus City (two splits, see main text)
Marysville City, Union County
Berea City, Cuyahoga County
Madeira City, Hamilton County
Beavercreek City, Greene County
Massillon City, Stark County
Cambridge City, Guernsey County

Campbell City, Mahoning County
Wooster City, Wayne County
Springfield City, Clark County
>*Pike Township split to keep New Carlisle City together, so do not count*
Amherst City, Elyria County
>*Amherst Township split to keep South Adams Village together, so do not count*
Bowling Green City, Wood County
Mount Vernon City, Knox County
Findlay City, Hancock County
Total splits: 15, all cities.

House Democratic Plan

Mack CDP, also splits Green Township, Hamilton County; only count once as Township split
Union Township, Clinton County
Liberty Township, Clinton County
Buckskin Township, Ross County
Concord Township, Ross County
Dunham Township, Washington
Columbus City (3 splits, see text, see main text), Franklin County
>*Prairie Township is nominally split, but to keep Lake Darby CDP whole, so do not count*
Waldo Township, Marion County
Antrim Township, Wyandot County
>*Pitt and Salem Townships nominally split in Wyandot County, but to keep the City of Upper Sandusky together, so do not count.*
Walnut Creek Township, Holmes County
Dunham Township, Washington County
Lake Township, Ashland County
Seven Hills City, Cuyahoga County
North Ridgeville City, Lorain County
Beavercreek City, Greene County
Canton Township, Stark County
Poland Township, Mahoning County

Total splits: 19 total splits, 13 are townships

Ohio Citizens Redistricting Commission Plan

Colerain Township, Hamilton County
Racoon Township, Gallia County
Prairie Township, Franklin County
Columbus City, Franklin County (2 splits)
Blendon Township, Franklin County
Jefferson Township, Franklin County

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

Total splits: 27, all townships except Columbus

JURAT

State/Commonwealthof_____TEXAS_____   )
)
☐City ☑County of _____Comal_____   )

On ____11/22/2021____, before me, _____Lauren Peterson_____ ,
           Date   *Notary Name*
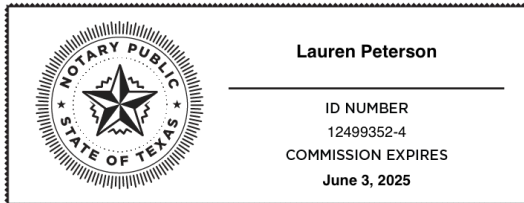
the foregoing instrument was subscribed and sworn (or affirmed) before me by:

_____Jonathan Rodden_____.
                        Name of Affiant(s)

❑   Personally known to me **-- OR --**

❑   Proved to me on the basis of the oath of _____N/A_____ **-- OR --**
                                                   Name of Credible Witness
☑   Proved to me on the basis of satisfactory evidence: _____driver_license_____
                                                              Type of ID Presented

WITNESS my hand and official seal.

Notary Public Signature: _____

Notary Name:_____Lauren Peterson_____
Notary Commission Number:__12499352-4_____
Notary Commission Expires:__06/03/2025_____

Notarized online using audio-video communication

Lauren Peterson
ID NUMBER
12499352-4
COMMISSION EXPIRES
June 3, 2025

NOTARY PUBLIC
STATE OF TEXAS

DESCRIPTION OF ATTACHED DOCUMENT

Title or Type of Document: _Ohio Congressional Redistricting- Expert Affidavit_____

Document Date: _____11/22/2021_____

Number of Pages (including notarial certificate): _____39_____

How to Verify This Transaction

Every Notarize transaction is recorded and saved for a minimum of five years. Whether you receive an electronic or printed paper copy of a Notarize document, you can access details of the transaction and verify its authenticity with the information below.

To get started, visit verify.notarize.com and enter this information:

Notarize ID:	DQR8Z8DM
Access PIN:	JPBW5D

For more information on how to verify Notarize transactions, please visit:
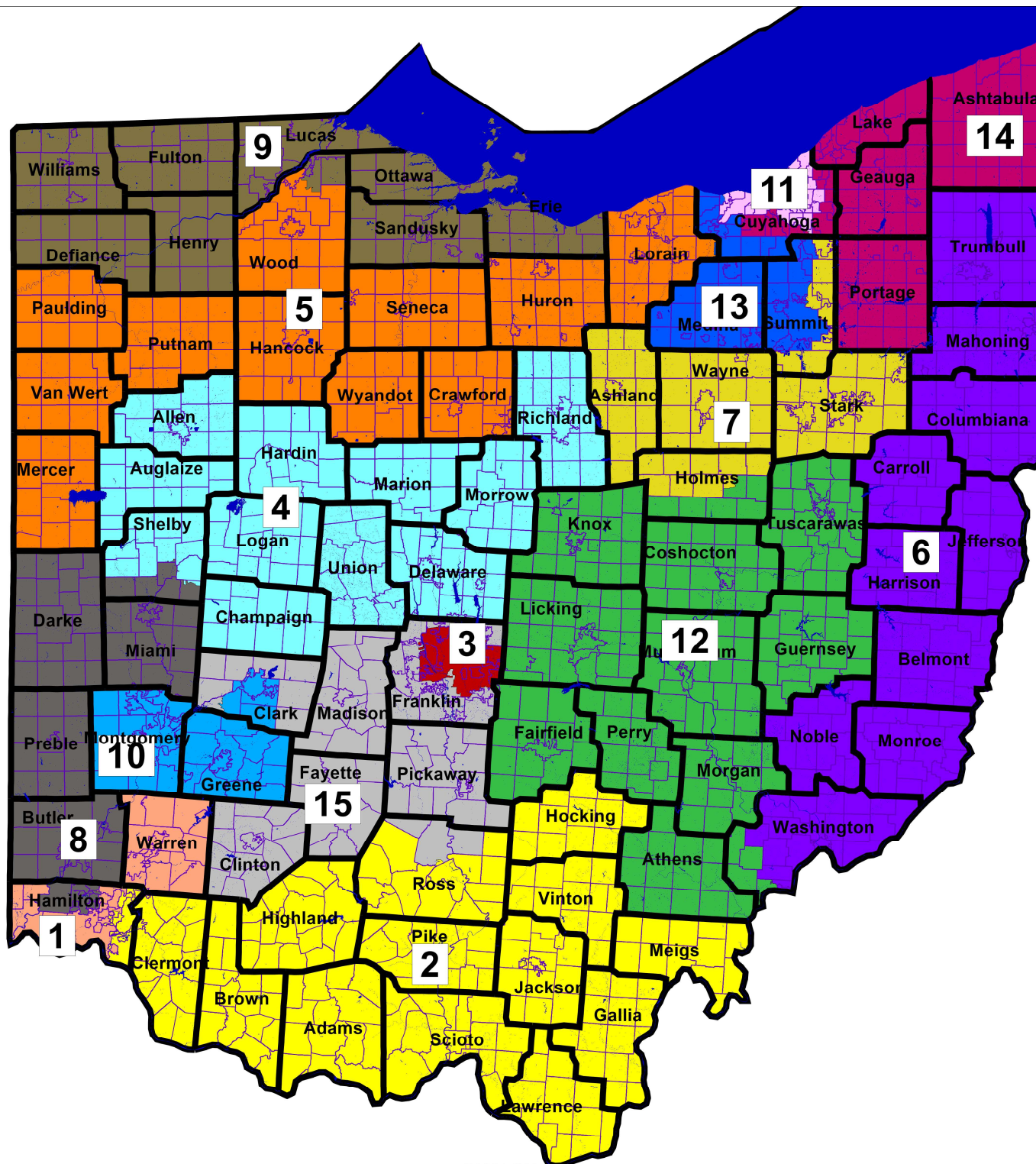support.notarize.com/notarize-for-signers/verifying-document-authenticity

N Notarize

Exhibit A

©2021 CALIPER
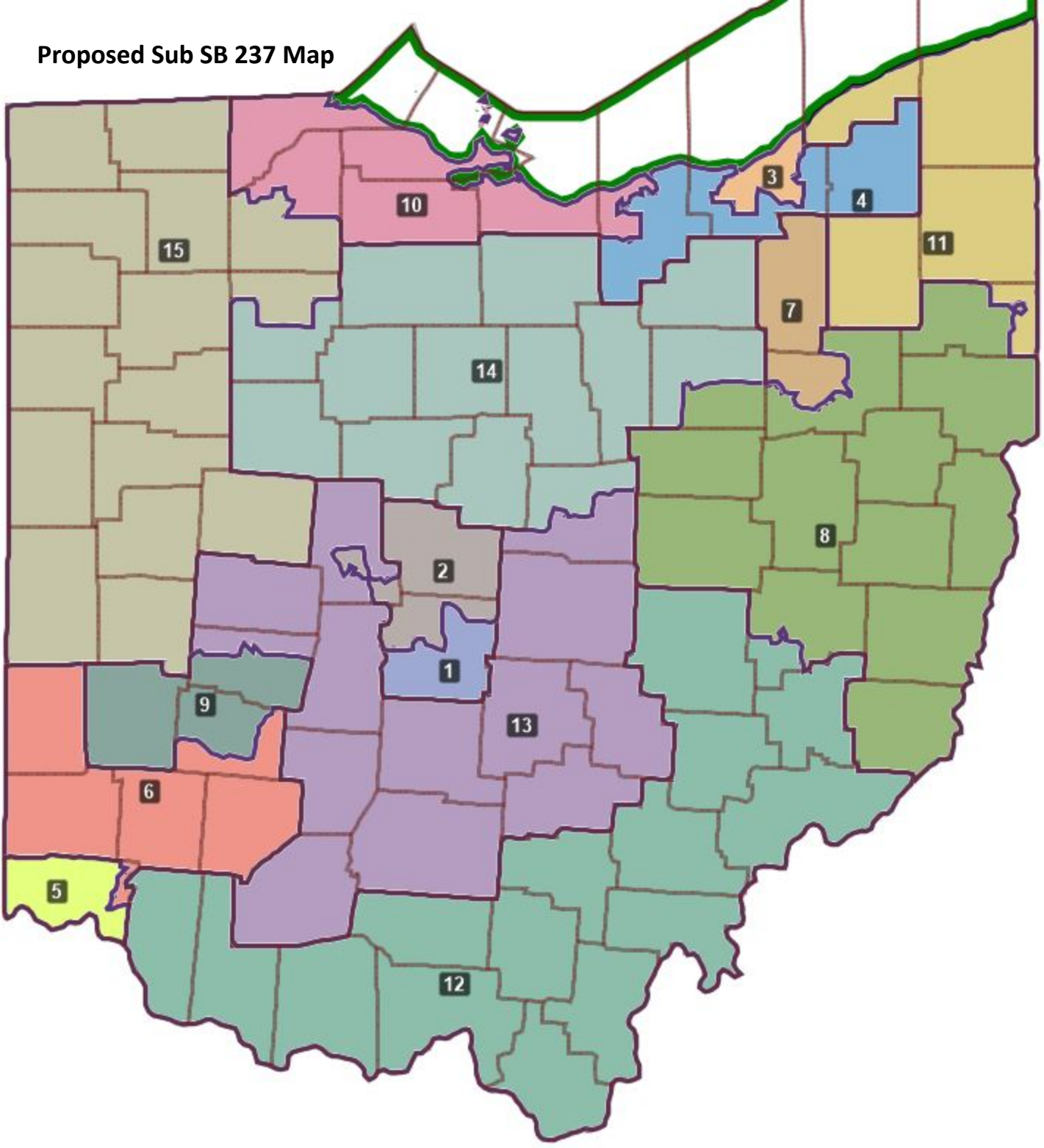
Exhibit B

Proposed Sub SB 237 Map

Exhibit C

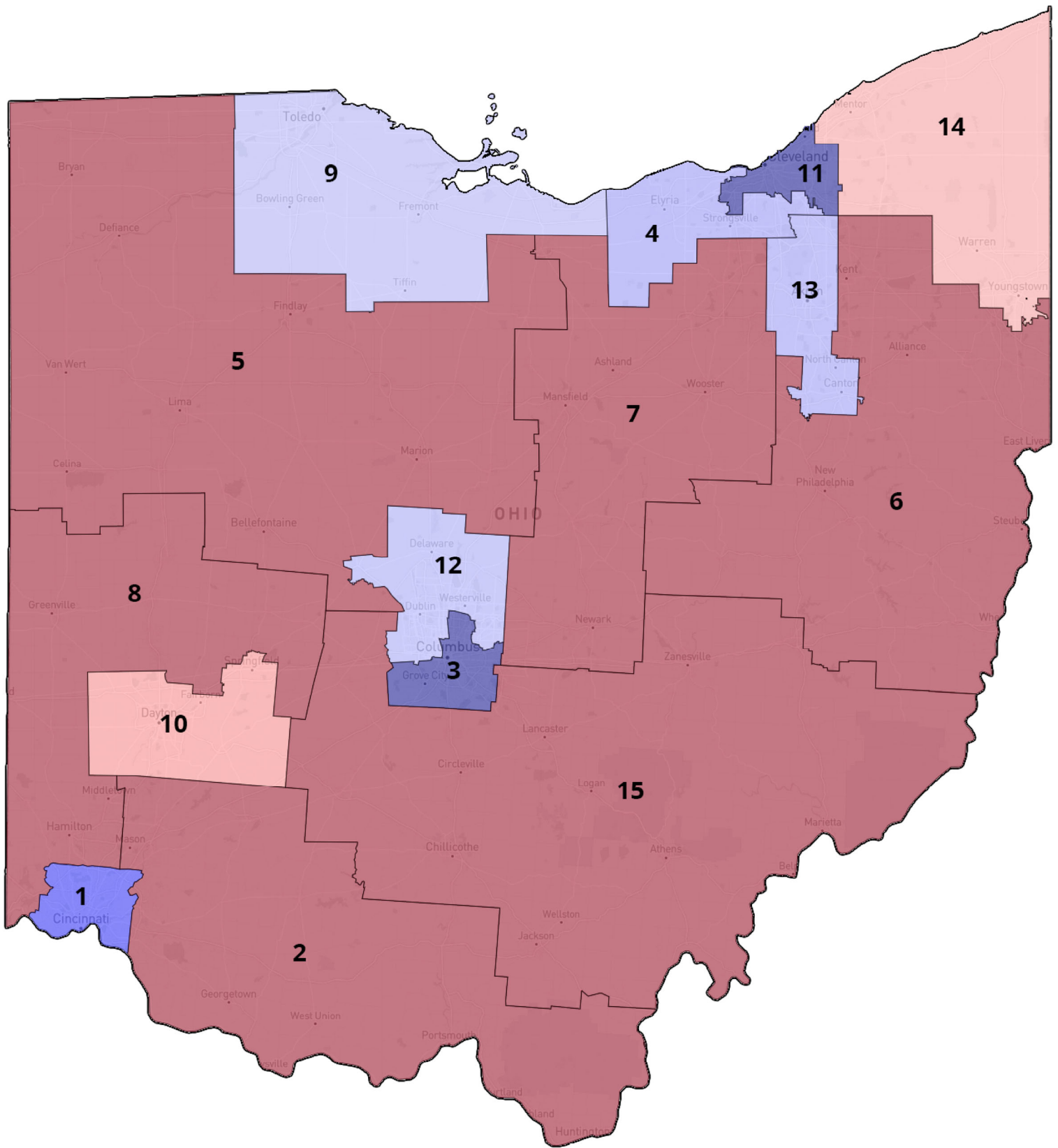# Brown/Galonski Congressional District Proposal

Exhibit D

Exhibit E

U.S. Congressional Districts 2012-2022 in Ohio
(As Adopted 2012)

Frank LaRose
Ohio Secretary of State

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

Last Revised 02/2018

Exhibit F

Jonathan Rodden

Stanford University
Department of Political Science
Encina Hall Central
616 Serra Street
Stanford, CA 94305

Phone: (650) 723-5219
Email: jrodden@stanford.edu
Homepage: http://www.jonathanrodden.com

Personal

Born on August 18. 1971, St. Louis, MO.

United States Citizen.

Education

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

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

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

Academic Positions

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

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

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

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

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

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

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

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

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

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

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

Publications

Books

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

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

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

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

Peer Reviewed Journal Articles

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Working Papers

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

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

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

Chapters in Books

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Online Interactive Visualization

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

Other Publications

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

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

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

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

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

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

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

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

Fellowships, Honors, and Grants

John Simon Guggenheim Memorial Foundation Fellowship, 2021.

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

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

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

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

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

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

Common Cause Gerrymandering Standard Writing Competition, 2015.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Prize Teaching Fellowship, Yale University, 1998-1999.

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

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

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

Other Professional Activities

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

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

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

Selection committee, Gregory Luebbert Best Book Award.

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

Courses

Undergraduate

Politics, Economics, and Democracy

Introduction to Comparative Politics

Introduction to Political Science

Political Science Scope and Methods

Institutional Economics

Spatial Approaches to Social Science

Graduate

Political Economy

Political Economy of Institutions

Federalism and Fiscal Decentralization

Politics and Geography

Consulting

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Last updated: September 23, 2021

EXHIBIT 4

IN THE SUPREME COURT OF OHIO

League of Women Voters of Ohio, *et al.*	Case No. _____
Relators,	
v.	Original Action Filed Pursuant to Ohio Constitution, Article XIX, Section 3(A)
Governor Michael DeWine, *et al.*	
Respondents.	

EXHIBITS TO COMPLAINT - VOLUME 1 OF 3

Robert D. Fram (PHV 25414-2021)*
Donald Brown (PHV 25480-2021)*
Joshua González (PHV 25424-2021)*
David Denuyl (PHV 25452-2021) *
Juliana Goldrosen (PHV 25193-2021)*
Salesforce Tower
415 Mission Street, Suite 5400
San Francisco, CA 94105-2533
(415) 591-6000
rfram@cov.com

James Smith*
Sarah Suwanda*
Alex Thomson (PHV 25462-2021)*
L. Brady Bender (PHV 25192-2021)*
One CityCenter
850 Tenth Street, NW
Washington, DC 20001-4956
(202) 662-6000
jmsmith@cov.com

Anupam Sharma (PHV 25418-2021)*
Yale Fu (PHV 25419-2021)
3000 El Camino Real
5 Palo Alto Square, 10th Floor
Palo Alto, CA 94306-2112
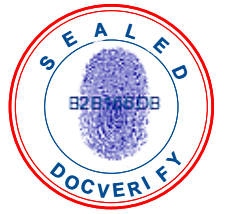(650) 632-4700
asharma@cov.com

Freda J. Levenson (0045916)
 Counsel of Record
ACLU of Ohio Foundation, Inc.
4506 Chester Avenue
Cleveland, OH 44103
(614) 586-1972 x125
flevenson@acluohio.org

David J. Carey (0088787)
ACLU of Ohio Foundation, Inc.
1108 City Park Avenue, Suite 203
Columbus, OH 43206
(614) 586-1972 x2004
dcarey@acluohio.org

Julie A. Ebenstein (PHV 25423-2021)*
American Civil Liberties Union
125 Broad Street
New York, NY 10004
(212) 519-7866
jebenstein@aclu.org

Counsel for Relators
* *Pro Hac Vice Motion Forthcoming*

EXHIBIT 1

Warshaw Affidavit.pdf

DocVerify ID:	B2B166DB-6377-4273-B752-0BC7D6BF945B
Created:	November 30, 2021 08:02:22 -8:00
Pages:	1
Remote Notary:	Yes / State: OH

This document is a DocVerify VeriVaulted protected version of the document named above. It was created by a notary or on the behalf of a notary, and it is also a DocVerify E-Sign document, which means this document was created for the purposes of Electronic Signatures and/or Electronic Notary. Tampered or altered documents can be easily verified and validated with the DocVerify veriCheck system. This remote online notarization involved the use of communication technology.

Go to www.docverify.com at any time to verify or validate the authenticity and integrity of this or any other DocVerify VeriVaulted document.

E-Signature Summary

E-Signature 1: Christopher Warshaw (CW)
November 30, 2021 08:13:08 -8:00 [9105E3126672] [68.33.74.68]
warshaw@email.gwu.edu (Principal) (Personally Known)

E-Signature Notary: Theresa M Sabo (TMS)
November 30, 2021 08:13:08 -8:00 [0C271766C922] [74.142.214.254]
tess.sabo@gmail.com
I, Theresa M Sabo, did witness the participants named above electronically sign this document.

IN THE SUPREME COURT OF OHIO

LEAGUE OF WOMEN VOTERS OF OHIO, et al.,

Relators

v.

GOVERNOR MIKE DEWINE, et al.,

Respondents.

Case No.

Original Action Pursuant to Ohio Const., Art. XIX

AFFIDAVIT OF CHRISTOPHER WARSHAW

Franklin County

/ss

State of Ohio

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

1. I am over the age of 18 and fully competent to make this declaration. I have personal knowledge of the statements and facts contained herein.

2. For the purposes of this litigation, I have been asked by counsel for Relators to analyze relevant data and provide my expert opinions.

3. To that end, I have personally prepared the report attached to this affidavit as Exhibit A, and swear to its authenticity and to the faithfulness of the opinions expressed and, to the best of my knowledge, the accuracy of the factual statements made therein.
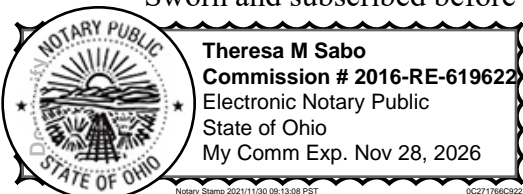
FURTHER AFFIANT SAYETH NAUGHT.

Executed on ___11/30/2021___, 2021.

Christopher Warshaw
Signed on 2021/11/30 08:13:08 -8:00

Christopher Warshaw

Sworn and subscribed before me this ___ day of ___11/30/2021___, 2021.

ThMSabo
Signed on 2021/11/30 08:13:08 -8:00

Notary Public

Notarial act performed by audio-visual communication

EXHIBIT A

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

Christopher Warshaw[*]

November 30, 2021

Contents

1   Introduction

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

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

2   Qualifications, Publications and Compensation

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

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

outlets.

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

- In order to calculate partisan bias in congressional elections on the enacted plan in Ohio, I examined:

  - GIS Files with the 2012-2020 Ohio Congressional plan and the enacted 2022-24 plan): I obtained the 2012-2020 plan from the state website and the enacted plan from Counsel in this case.

  - Precinct-level data on recent statewide Ohio elections: I use precinct-level data on Ohio's statewide elections between 2016-20 from the Voting and Election Science Team (University of Florida, Wichita State University). I obtained these data from the Harvard Dataverse.[1] As far as I know, there are no publicly available datasets with precinct-level returns from 2012-14 that are linked to precinct boundaries (e.g., shapefiles). For these elections, I obtained data via the ACLU that Bill Cooper, the relators' expert in League of Women Voters v. Ohio Redistricting Commission, No. 2021-1193, put together.[2]

  - Precinct-level data on recent statewide Ohio elections: I use a GIS file with precinct-level data on the results of the 2020 congressional elections in Ohio that I obtained from Counsel in this case.

  - The Plan Score website: PlanScore is a project of the nonpartisan Campaign Legal Center (CLC) that enables people to score proposed maps for their partisan, demographic, racial, and geometric features. I am on the social science advisory team for PlanScore.

---

1. See `https://dataverse.harvard.edu/dataverse/electionscience`.

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

- In order to compare the maps in Ohio to other congressional elections across the nation over the past five decades, I examined:

  - A large data set on candidacies and results in Congressional elections: I obtained results from 1972-2018 collected by the Constituency-Level Elections Archive (CLEA) (Kollman et al. 2017). The results from 1972-1990 are based on data collected and maintained by the Inter-university Consortium for Political and Social Research (ICPSR) and adjusted by CLEA. The data from 1992-2018 are based on data collected by CLEA from the Office of the Clerk at the House of the Representatives. I supplemented this dataset with recent election results collected by the MIT Election and Data Science Lab (MIT Election and Data Science Lab 2017) and Dave Leip's Atlas of U.S. Presidential Elections.

  - Data on presidential election returns and incumbency status in Congressional elections. I used data on elections in congressional districts from 1972-2020 collected by Professor Gary Jacobson (University of California, San Diego). This dataset has been used in many Political Science studies and has canonical status in the political science profession (Jacobson 2015).

  - Information on who controlled each redistricting plan in Congressional elections (e.g., Democrats, Republicans, or a Commission) from 1972-2012 assembled by the Brennan Center (Brennan Center 2017).

  - I imputed vote shares and turnout in uncontested districts and then calculated the partisan bias metrics described on pp. 6-14 of this report using the methodology described in Stephanopoulos and Warshaw (2020).

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

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

- In the current redistricting cycle, I have provided reports in *League of Women Voters* v. *Ohio Redistricting Commission*, No. 2021-1193 and *League of Women Voters* vs. *Kent County Apportionment Commission*.

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

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

3 Summary

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

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

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

---

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

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

complement this approach using the open source PlanScore.org website, which is a project of the Campaign Legal Center.[5] PlanScore uses a statistical model to estimate district-level vote shares for a new map based on the relationship between presidential election results and legislative results between 2012-2020.[6] Based on these three approaches, I characterize the bias in Ohio's plans based on a large set of established metrics of partisan fairness. I also place the bias in Ohio's plans into historical perspective. I also analyze whether the map unduly favors incumbents from one party.

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

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

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

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

---

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

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

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

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

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

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

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

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

4   Background on Partisan Gerrymandering

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

---

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

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

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

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

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

4.1 Efficiency Gap

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

---

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

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

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

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

$$EG = \frac{W_R}{n} - \frac{W_D}{n} \tag{1}$$

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

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

Table 1: Illustrative Example of Efficiency Gap

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

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

$$EG = S_D^{margin} - 2 * V_D^{margin} \tag{2}$$

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

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

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

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

4.2   Declination

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

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

---

12. In general, the two formulations of the efficiency gap formula yield very similar results. Because Democrats tend to win lower-turnout districts, however, the turnout adjusted version of the efficiency gap in equation 2 tends to produce results that suggest about a 2% smaller disadvantage for Democrats than the version in Equation 1 (see McGhee 2018).
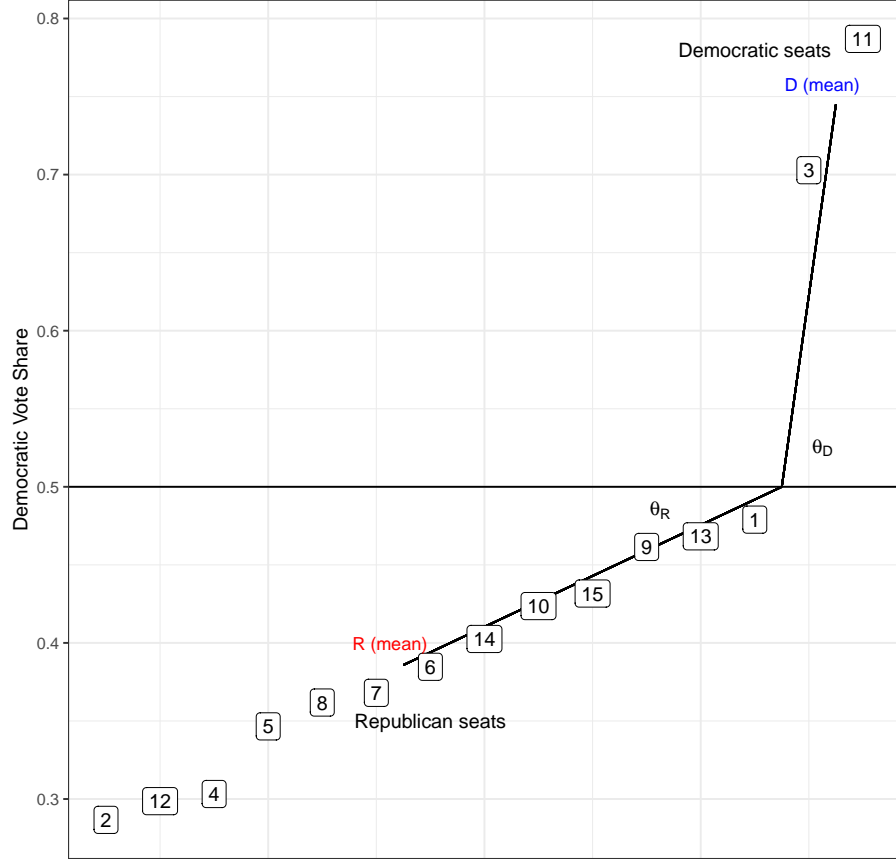
Figure 1: Plot illustrating declination based on votes in 2020 Congressional election re-aggregated to new plan

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

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

---

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

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

4.3   Mean-median Gap

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

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

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

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

---

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

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

4.4   Symmetry in the Vote-Seat Curve Across Parties

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

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

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

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

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

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

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

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

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

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

4.5   Comparison of Partisan Bias Measures

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

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

---

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

17. While each measure is highly correlated with one another, the efficiency gap and declination measures are particularly closed related and the symmetry and mean-median measures are very closely related. This could be because the efficiency gap and the declination consider the seats actually won by each party, while the symmetry metric and the mean-median difference do not (Stephanopoulos and McGhee 2018, 1557). In addition, the efficiency gap and the declination appear to best capture the packing and cracking that characterize partisan gerrymandering (Buzas and Warrington 2021).
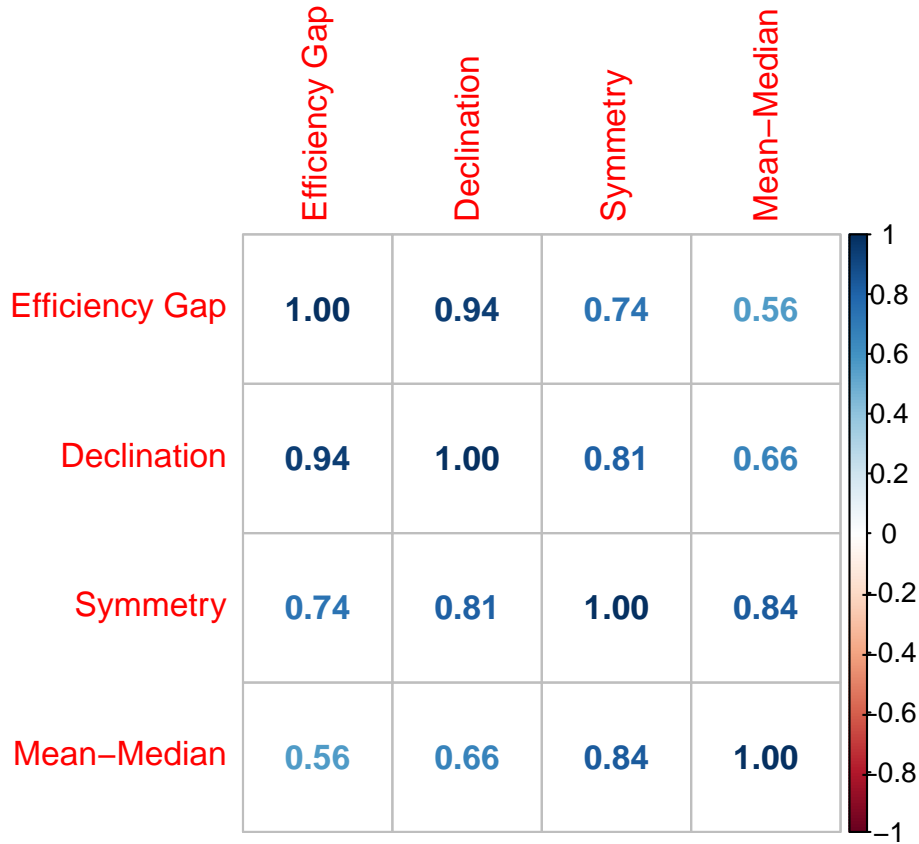
Figure 2: Correlation between measures of partisan bias in states.

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

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

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

4.6   Responsiveness and Competitive Elections

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

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

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

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

---

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

19. Fraga and Hersh (2018) justify this definition based on the fact that the Cook Political Report's "median 'leaning' race ended up with a vote margin of 10 percentage points (a 55%–45% race)."
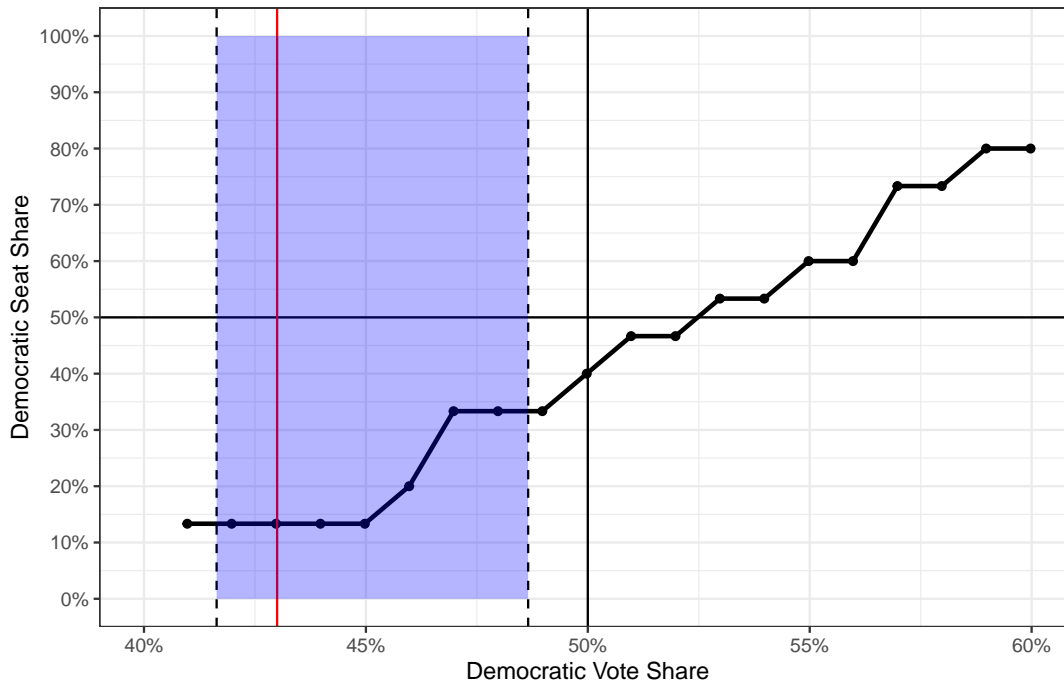
Figure 3: Vote-seat curve in Ohio using uniform swings in 2020 election results re-aggregated using enacted plan. The shaded area shows the range between the minimum and maximum Democratic statewide vote share in congressional elections from 2012-2020. The red line shows the actual Democratic statewide vote share in the 2020 House elections.

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

4.7 Partisan Control of the Redistricting Process and Gerrymandering

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

---

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

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

5   Partisan Bias in Ohio's Enacted Congressional Map

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

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

---

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

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

5.1   2020 Congressional election results

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

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

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

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

5.2 Composite of previous statewide elections

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

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

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

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

---

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

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

5.3 PlanScore

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

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

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

Table 6: PlanScore partisan bias metrics for enacted Congressional plan

5.4 Competitiveness of Districts

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

---

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

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

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

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

analyze the accuracy of this statement.

I use a variety of approaches to estimate the number of competitive districts in both the 2012-20 congressional plan and the enacted plan (see Table 7). None of these approaches, however, indicate there are seven competitive districts in the enacted plan. Instead, they indicate there are approximately three competitive districts. Moreover, none of these approaches indicate that the number of competitive districts significantly exceeds the number of competitive districts contained in Ohio's 2012-20 plan. On average, my analysis indicates that the enacted plan has just one more competitive district than the 2012-2020 plan. As a result, I find that the state legislature's claims regarding the competitive districts on the enacted plan are inaccurate.

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

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

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

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

---

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

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

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

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

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

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

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

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

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

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

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

6   Incumbency

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

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

---

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

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

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

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

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

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

thus would likely lose in 2022.

7 Conclusion

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

References

Best, Robin E, Shawn J Donahue, Jonathan Krasno, Daniel B Magleby, and Michael D McDonald. 2017. "Considering the Prospects for Establishing a Packing Gerrymandering Standard." *Election Law Journal: Rules, Politics, and Policy.*

Brace, Kimball, Bernard Grofman, and Lisa Handley. 1987. "Does Redistricting Aimed to Help Blacks Necessarily Help Republicans?" *Journal of Politics* 49 (1): 169–185.

Brennan Center. 2017. *Extreme Maps.* https://www.brennancenter.org/publication/extreme-maps.

Buzas, Jeffrey S, and Gregory S Warrington. 2021. "Simulated packing and cracking." *Election Law Journal: Rules, Politics, and Policy.*

Caughey, Devin, Chris Tausanovitch, and Christopher Warshaw. 2017. "Partisan Gerrymandering and the Political Process: Effects on Roll-Call Voting and State Policies." *Election Law Journal* 16 (4).

Chen, Jowei, and Jonathan Rodden. 2013. "Unintentional Gerrymandering: Political Geography and Electoral Bias in Legislatures." *Quarterly Journal of Political Science* 8 (3): 239–269.

Cox, Gary W., and Jonathan N. Katz. 1999. "The reapportionment revolution and bias in US congressional elections." *American Journal of Political Science:* 812–841.

———. 2002. *Elbridge Gerry's Salamander: The Electoral Consequences of the Reapportionment Revolution.* New York: Cambridge University Press.

Fraga, Bernard L, and Eitan D Hersh. 2018. "Are Americans stuck in uncompetitive enclaves? An appraisal of US electoral competition." *Quarterly Journal of Political Science* 13 (3): 291–311.

Gelman, Andrew, and Gary King. 1994a. "A unified method of evaluating electoral systems and redistricting plans." *American Journal of Political Science* 38 (2): 514–554.

———. 1994b. "Enhancing Democracy Through Legislative Redistricting." *American Political Science Review* 88 (03): 541–559.

Henderson, John A, Brian T Hamel, and Aaron M Goldzimer. 2018. "Gerrymandering Incumbency: Does Nonpartisan Redistricting Increase Electoral Competition?" *The Journal of Politics* 80 (3): 1011–1016.

Jacobson, Gary C. 2015. "It's nothing personal: The decline of the incumbency advantage in US House elections." *The Journal of Politics* 77 (3): 861–873.

———. 2021. "The presidential and congressional elections of 2020: A national referendum on the Trump presidency." *Political Science Quarterly (Wiley-Blackwell):* 11–45.

Jacobson, Gary C, and Jamie L Carson. 2015. *The politics of congressional elections.* Rowman & Littlefield.

Katz, Jonathan N, Gary King, and Elizabeth Rosenblatt. 2020. "Theoretical foundations and empirical evaluations of partisan fairness in district-based democracies." *American Political Science Review* 114 (1): 164–178.

Kollman, K., A. Hicken, D. Caramani, D. Backer, and D. Lublin. 2017. *Constituency-level elections archive [data file and codebook].* Ann Arbor, MI: Center for Political Studies, University of Michigan.

Krasno, Jonathan S, Daniel Magleby, Michael D McDonald, Shawn Donahue, and Robin E Best. 2018. "Can Gerrymanders Be Detected? An Examination of Wisconsin's State Assembly." *American Politics Research.*

McGhee, Eric. 2014. "Measuring Partisan Bias in Single-Member District Electoral Systems." *Legislative Studies Quarterly* 39 (1): 55–85.

———. 2017. "Measuring Efficiency in Redistricting." *Election Law Journal: Rules, Politics, and Policy.*

———. 2018. *Assessing California's Redistricting Commission: Effects on Partisan Fairness and Competitiveness.* Report from the Public Policy Institute of California. Available at `http://www.ppic.org/publication/assessing-californias-redistricting-commission-effects-on-partisan-fairness-and-competitiveness/`.

MIT Election and Data Science Lab. 2017. *U.S. House 1976–2016.* Available on the Harvard Dataverse at `http://dx.doi.org/10.7910/DVN/IG0UN2`.

Nagle, John F. 2015. "Measures of partisan bias for legislating fair elections." *Election Law Journal* 14 (4): 346–360.

Niemi, Richard G, and John Deegan. 1978. "A theory of political districting." *American Political Science Review* 72 (4): 1304–1323.

Powell, G. Bingham, Jr. 2004. "Political Representation in Comparative Politics." *Annual Review of Political Science* 7:273–296.

Royden, Laura, Michael Li, and Yurij Rudensky. 2018. *Extreme Gerrymandering & the 2018 Midterm.*

Stephanopoulos, Nicholas. 2018. "The Causes and Consequences of Gerrymandering." *William and Mary Law Review* 59.

Stephanopoulos, Nicholas O, and Christopher Warshaw. 2020. "The impact of partisan gerrymandering on political parties." *Legislative Studies Quarterly* 45 (4): 609–643.

Stephanopoulos, Nicholas O., and Eric M. McGhee. 2015. "Partisan Gerrymandering and the Efficiency Gap." *University of Chicago Law Review* 82 (2): 831–900.

———. 2018. "The measure of a metric: The debate over quantifying partisan gerrymandering." *Stan. L. Rev.* 70:1503.

Tufte, Edward R. 1973. "The relationship between seats and votes in two-party systems." *American Political Science Review* 67 (2): 540–554.

Wang, Samuel. 2016. "Three Tests for Practical Evaluation of Partisan Gerrymandering." *Stan. L. Rev.* 68:1263–1597.

Warrington, Gregory S. 2018a. "Introduction to the declination function for gerrymanders." *arXiv preprint arXiv:1803.04799.*

———. 2018b. "Quantifying Gerrymandering Using the Vote Distribution." *Election Law Journal* 17 (1): 39–57.

Supplementary Appendix

A   Alternative Composite Indices

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

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

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

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

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

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

EXHIBIT 5

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

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

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

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

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

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

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

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

- Smaller-population counties must be kept whole or split only once

- Splitting of larger-population counties is restricted

- Protections for cities large enough to be their own district

- No division of a congressional district within a county

- No multiple splits of counties to elongate districts

- Attempting to have at least one whole county in every district

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

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

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

EXHIBIT 6

Statewide Issue

JON HUSTED
Ohio Secretary of State

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

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

Jon Husted
OHIO SECRETARY OF STATE

Table of Contents

Ballot Language

Issue 1

Creates a bipartisan, public process for drawing congressional districts

Proposed Constitutional Amendment

Proposed by Joint Resolution of the General Assembly

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

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

The proposed amendment would:

- End the partisan process for drawing congressional districts, and replace it with a process with the goals of promoting bipartisanship, keeping local communities together, and having district boundaries that are more compact.

- Ensure a transparent process by requiring public hearings and allowing public submission of proposed plans.

- Require the General Assembly or the Ohio Redistricting Commission to adopt new congressional districts by a bipartisan vote for the plan to be effective for the full 10-year period.

- Require that if a plan is adopted by the General Assembly without significant bipartisan support, it cannot be effective for the entire 10-year period and must comply with explicit anti-gerrymandering requirements.

If passed, the amendment will become effective immediately.

Shall the amendment be approved?

- ◯   YES
- ◯   NO

Explanation for Issue 1

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

Proposed Constitutional Amendment

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**

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

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

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

Full Text of Amendment

(132nd General Assembly)

(Substitute Senate Joint Resolution Number 5)

A JOINT RESOLUTION

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

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

ARTICLE XI

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

(1) The governor;

(2) The auditor of state;

(3) The secretary of state;

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

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

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

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

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

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

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

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

Proposed Constitutional Amendment

Full Text of Amendment - Cont.

(i) Adopt rules of the commission;

(ii) Hire staff for the commission;

(iii) Expend funds.

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

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

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

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

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

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

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

ARTICLE XIX

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Proposed Constitutional Amendment

Full Text of Amendment - Cont.

general assembly shall attempt to draw districts that are compact.

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

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

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

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

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

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

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

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

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

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

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

(2) Every congressional district shall be compact.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EFFECTIVE DATE AND REPEAL

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

EXHIBIT 7

Dr. Vernon Sykes
Ohio State Senator
28th Senate District

October 5, 2021

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

Dear Speaker Cupp,

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

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

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

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

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

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

Sincerely,

Vernon Sykes, Co-Chair
Ohio Redistricting Commission

cc: Ohio Redistricting Commission members

EXHIBIT 8

Dr. Vernon Sykes
Ohio State Senator
28th Senate District

October 18, 2021

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

Dear Speaker Cupp,

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

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

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

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

Sincerely,

Vernon Sykes, Co-Chair
Ohio Redistricting Commission

cc: Ohio Redistricting Commission members

EXHIBIT 9

Sen. Gavarone (00:00):

... committee will now come to order. Will the clerk please call the role?

Speaker 1 (00:03):

Chair Gavarone?

Sen. Gavarone (00:03):

Here.

Speaker 1 (00:04):

Vice chair O'Brien?

Vice Chair O'Brien (00:06):

Here.

Speaker 1 (00:07):

Senator [inaudible 00:00:09]. Senator Kunze?

Sen. Kunze (00:09):

Present.

Speaker 1 (00:09):

Senator Maharath?

Sen. Maharath (00:10):

Here.

Speaker 1 (00:10):

Senator Sykes?

Sen. Vernon Sykes (00:15):

Here.

Sen. Gavarone (00:16):

And we have a quorum. Members, a copy of the minutes on from the October 19th meeting of the committee is on your iPads. The question is, shall the minutes be agreed too? Without objection, the minutes are agreed too. I want to start off today by just setting a few ground rules as we go through the next few committees. These committee hearings are being structured in a way that allows us to hear from as many citizens from Ohio as possible on a really important issue. Testimony should be sent to my office no less than 24 hours in advance of the committee time. We're going to be hearing a lot of testimony, so if you do not submit it to my office, at least 24 hours in advance, it is unlikely you'll be testifying that day.

Sen. Gavarone (01:03):

However, there will be additional hearings on these bills. We'll only be accepting a hearing testimony on the bill up for consideration at that time. In other words, there will not be dual testimony. You won't be testifying on both bills at the same time. We'll testify on one and then the other. If you want to testify on both bills, you need to submit testimony and witness slips for each bill. And I understand people are passionate about the issue before our committee, however, everyone is expected to keep decorum.

Sen. Gavarone (01:35):

During these hearings, we want to get through as many people as possible and cheering, applause, booing, heckling prevents us from doing that and it just will not be permitted. Finally, any video or pictures cannot be taken without the permission of the Chair. If you want to take video or pictures, we have a media form available for you to fill out for the Chair to consider. That said, the first order of business is the first hearing on Senate Bill 237. We have Senator Sykes and Yuko here to give sponsor testimony. Good afternoon.

Sen. Kenny Yuko (02:13):

Well, good afternoon. Nice to be here in sunny Columbus this afternoon. Thanks for having us.

Sen. Gavarone (02:20):

Yes.

Sen. Kenny Yuko (02:20):

Chair Gavarone, Vice Chair O'Brien, ranking member Maharath and the members of this committee, thank you for allowing us to provide sponsored testimony for Senate Bill 237. Working alongside my friend and colleague Dr. Vernon Sykes, Senate Bill 237 was drafted to lay out the Senate democratic caucus proposal for congressional district maps. The plan we are presenting today is fair. It keeps communities together and it doesn't gerrymander our State. Most importantly, it complies with all principles outlined in the Ohio constitution, including ensuring that the map doesn't favor or disfavor any political party. I'm hopeful that this can be a starting point for the creation of a bipartisan map that will guide Ohio through the next 10 years.

Sen. Kenny Yuko (03:10):

The map we are presenting here today does not just represent the dedicated work of Senator Sykes and our staff, but years of hard work across our great State. As I consider this plan, I often think of the hard working Ohioans who voted to end gerrymandering back in 2015. And then again, back in 2018, I'm also reminded of the current and former members that a general assembly who worked so hard and in good faith to achieve our compromise on the constitution reforms back in 2018. Over the last few months, I've also been inspired by the spirited, passionate testimony we heard from Ohioans at the redistricting commission meetings across the State.

Sen. Kenny Yuko (03:52):

This process and our work here today should represent the best of us. It should reflect how the will of the voters and the spirit of our constitution and the strength of an American democracy that spans hundreds of years as a beacon across this world. As elected leaders, we owe it to our constituents to produce fair maps. Let's work together and let's get this mission accomplished. We have too much to

lose by just complaining or withdrawing to our separate corners. I thank you for your full fair consideration of this plan, and at this point, I'll turn this over to my colleague and my friend, Senator Vernon Sykes.

Sen. Vernon Sykes (04:32):

Chair Gavarone and members of the committee, Senate Bill 237 established new congressional districts based on the results of the 2020 census, starting next year, Ohio will have 15 congressional seats down from the current 16 members. As you will see, our map is fair because it keeps communities together and does not unduly favor or disfavor a political party. A map also complies with the spirit of the constitutional reforms to ending gerrymandering that was overwhelmingly supported by the voters in 2018. Thank you for this time. And at this point, I'd like to introduce Randall Rout, policy advisor for the Senate democratic caucus, who will provide more details on the proposed map.

Randall Rout (05:22):

Thank you Senator. As leader Yuko and Senator Sykes mentioned already, the congressional redistricting plan presented to you today was created in compliance with, and in the spirit of the constitutional reforms to Ohio's congressional redistricting process that voters overwhelmingly adopted in 2018. As such, Senate Bill 237 seeks to maximize compliance with Article 19 of the Ohio constitution, which outlines the process for the creation of congressional districts in Ohio. Each district in our proposed plan, also adheres to the applicable provisions of the Ohio constitution and the United States constitution as well as federal laws, including federal laws protecting racial minority voting rights.

Randall Rout (06:13):

Each district is compact and composed of contiguous territory. In addition, the boundary of each district is a single non-intersecting continuous line. As you know, section two division, A4A of the article 19 requires the drawing of a district that includes a significant park of the City of Columbus in Franklin county district. One of Senate 237 was the first to be drawn, fulfills this requirement. Section 2A also requires the drawing of districts preserve municipal corporations, townships whose populations exceed 100,000 people, but are less than 786,630 people. This requirement applies to the cities of Cleveland and Cincinnati, under our plan none of these cities are split. Section 2B5 requires that 65 counties be contained entirely within a district.

Randall Rout (07:11):

18 counties are not split more than once, five counties be split not more than twice, 237 significantly exceeds this standard by preserving 77 counties splitting only 11 counties once and 0 counties twice. Section 2B6 requires the drawing of contiguous districts within counties. All districts created by Senate 237 satisfy this requirement. Section 2B7 requires that no 2 districts can share portions of Ted territory more than one county, but allows for one exception. 0 districts and Senate Bill 237 share more than one County. Section 2B8 requires congressional redistricting plans, shall attempt to include at least one whole county in each congressional district, unless the district is contained entirely within one county.

Randall Rout (08:12):

Once again, all districts in our plan satisfy this requirement. Section 2C1 describes how splits are to be counted. Senate Bill 237 contains three districts, 1, 3, and 5, which are entirely contained within a county and 0 County splits. Senate Bill 237 also contains 11 additional districts that splits 11 counties and do not split any townships and municipalities. District 12 is composed entirely of whole counties and

with 0 splits of any kind. Finally, there are a couple small technical issues involving splits in one township and district 1, in one precinct in district 6 that leader Yuko and Senator Sykes will amend in the next meeting of this committee.

Randall Rout (09:04):

Article 19 of the constitution is silent on the requirements of population variants. In Tenant vs. Jefferson County, 2012, the U.S. Supreme Court ruled that the U.S. constitution permits population deviations to achieve a legitimate state objective, such as preservation of political subdivisions. In this case, a deviation of 0.79 was deemed acceptable preserved counties. Our amended plan contains significantly lower population variants of 0.2, 2% in order to preserve counties and municipalities, townships to promote communities interest together and to respect anti-gerrymandering purpose of the 2018 constitutional amendment. As you know, should the Ohio general assembly not adopt a plan with sufficient bipartisan support, additional standards apply.

Randall Rout (09:57):

Section 13 article 19 contains provisions shall apply in such circumstances. Senate Bill 237 satisfies all these standards as well. In particular, a plan that is adopted without sufficient bipartisan support is required under section 13A to not unduly favor or disfavor a political party or its incumbents. To determine what qualifies as favoring or disfavoring a political party, we use a simple vote of each partisan statewide election from 2012 to 2020. This resulted in a ratio of 45.9% Democratic and 54.1 Republican. This means that a congressional map does not unduly favor or disfavor a political party, which would include seven Democratic and eight likely Democratic seats in Senate Bill 237. We're not including toss ups or competitive, we're just doing what's over 50%. That's what we factored that on.

Randall Rout (10:59):

Okay. Section 13B requires that the adopted plan without sufficient bipartisan support does not unduly split governmental units with an order preference. Senate Bill 237 minimizes splits only to 11 counties with 0 municipal and township splits. Finally, section 13C requires that maps adopted without sufficient bipartisan support, so attempt to be compact, Senate Bill 237 preserves governmental units and makes districts compact. In conclusion, our proposed congressional map fulfills the spirit of the reforms passed overwhelmingly by Ohio in 2018 and adheres to the provisions of article 19 of the Ohio constitution in all possible circumstances.

Randall Rout (11:45):

It complies with all applicable provisions of both Ohio and U.S. constitution and to federal law, including provisions concerning protection of minority voting rights. This is merely a starting proposal by the members of the Senate democratic caucus. We welcome all improvements and suggestions. As I mentioned already, Senator Sykes will be introducing an amendment to address the technical issues I addressed earlier. At this point, we'll be happy to answer any questions.

Sen. Gavarone (12:14):

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

Randall Rout (12:25):

Yes.

Sen. Gavarone ([12:25](#)):

Just so the committee members know, are those issues simply user errors or are they geography based issues that all of us need to know about?

Randall Rout ([12:34](#)):

There are a couple precincts that were inadvertently put in the wrong precinct related we put it in the incorrect district. So we attempted to address that error, so we consider that a technical error.

Sen. Gavarone ([12:50](#)):

Okay. Thank you. And this is not a question, but merely a point that I noticed reviewing your 10 years worth of election data that you provided. The total votes you listed for the 2020 election under the ...

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

Sen. Gavarone ([13:00](#)):

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

Randall Rout ([13:26](#)):

Thank you.

Sen. Gavarone ([13:27](#)):

Okay. In your testimony, you briefly touched upon the issue of population variance.

Randall Rout ([13:34](#)):

Correct.

Sen. Gavarone ([13:34](#)):

For the benefit of the public. What that's referring to is a fundamental one man, one vote rule set forth in the US Supreme Court approximately 50 years ago. And in particular, the question about to what degree any congressional district can differ from the ideal population threshold. If you don't mind, I'd like to dig into the issue just a little bit further. As you know, this decade, the ideal population of each of the 15 congressional districts in Ohio is 786,630. In your map, all 15 districts that you drew, they vary and rather significantly in population from one district to the next. For example, in District 13, there are 743 more people than the ideal population of 786,630, while your District Six has 498 fewer people than the ideal population threshold. In fact, I think from what I saw, not one of your 15 districts is within one person of the ideal population of 786,630. So can you help the committee better understand why that is?

Randall Rout ([14:51](#)):

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

Sen. Gavarone (15:15):

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

Randall Rout (15:27):

Again, you cannot minimize splits of counties, townships, and municipalities and keep an absolute zero equal population. It's impossible. You have to have some level of split. And that's why you see maps with multiple splits that has equal population, because you're splitting townships, you're splitting municipalities, you're splitting communities. We attempt to keep communities together in our map, and we think that's an overriding state objective.

Sen. Gavarone (16:03):

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

Randall Rout (16:26):

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

Sen. Gavarone (16:55):

Are you aware that Oregon, Nebraska, Maine, Colorado, Indiana, Iowa and Texas have all successfully enacted congressional maps within the last couple weeks with near absolute population equality?

Randall Rout (17:10):

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

Sen. Gavarone (17:21):

Okay. Of the current incumbents in Congress, which would be paired in the same district in your proposed map, do you know which ones would be paired in the same district?

Randall Rout (17:34):

When we originally drew the map, we were unaware of the pairings. But since leading up subsequently up to this date, we were aware of the pairings more recently. So we do understand in a couple of cases of that we're aware of, like in Cincinnati for example, Chairwoman, that two Congresspeople are within

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

Sen. Gavarone ([18:29](#)):

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

Randall Rout ([18:46](#)):

Well, one is there's only four Democrats statewide, so it would be really difficult to pair Democrats in the same district. Because especially the locations of where they're from. So that may be something to do with that. So, geography.

Sen. Gavarone ([19:05](#)):

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

Randall Rout ([19:32](#)):

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

Sen. Gavarone ([20:01](#)):

When do you believe that the unduly favoring language in Article 19 applies?

Randall Rout ([20:06](#)):

Well in our drawing our districts, we believe that because the map closely adheres to the statewide voting preference of the voters over the past 10 years, that would be a sign that that's not unduly favoring one party or another, because our math reflect that.

Sen. Gavarone ([20:34](#)):

Thank you. Are there any other questions for members of the committee? Senator Maharath.

Tina Maharath ([20:41](#)):

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

Randall Rout (21:07):

I will defer.

Sen. Kenny Yuko (21:09):

You'll defer? Can I take?

Randall Rout (21:10):

Go ahead.

Sen. Kenny Yuko (21:10):

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

Sen. Kenny Yuko (22:20):

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

Sen. Kenny Yuko (23:06):

And because of it, I think we gave hope to a lot of people that what we're going to see is a new process in Ohio. One that would be fair and offer us fair districts. And that's what people have been asking for for a long time. And when you look at the numbers and you look at the way we did things in the past, compared to what the new regulations were established in the constitutional amendments that we passed in 2015 and 2018, I think we gave us a tremendous opportunity to do just that. My hopes and my prayers were that we would all work together once again and establish something like this. I realize the impact on our political parties. I realize that as Senate minority leader, my job might have been less tenuous than what Senator Matt Huffman, the Senate president would be going through trying to explain what the potential of all this was.

Sen. Kenny Yuko (23:55):

I understand that. But I also stand that we represent 11.7 million people in Ohio who voted after reaching out to so many people. And I can't tell you how many meetings we attended in 2015 and in 2018 to discuss this with large groups of people. The interest was there, the passion was there, Ohio was there. And they rely on us as their elected leaders to be their voice. And we take an oath of office. And that oath of office begins with our name and our promise to uphold the Constitution of the United States, and our promise to uphold the Constitution of the state of Ohio. And with that being said, if we take everything we put into fruition in the constitutional Amendments of 2015 and 2018. What we're doing here in 2021, I would think would have some very strict guidelines which we would be expected to follow. Our attempts here with our maps and our conversations is to follow just that.

Sen. Kenny Yuko (24:50):

And I realize that there's a lot at stake here, I'm not trying to minimize it. And it's not pretty, and it's not going to make anybody particularly happy. But it's the fact, and it's the reality of how things work. And I think what we've done, and we've done our due diligence, and it's hard to draw a map that's fair and doesn't duly favor or unfavor one political party or another, because I know that's been probably the strongest argument I've heard about. How can you say that with a straight face, because it does unduly favor one party or another when you're making these types of significant changes.

Sen. Kenny Yuko (25:26):

But with that being said, that's what the people of Ohio asked for. Not once, but twice. And as you know, they've been out and very passionate in most recent times. We've seen it when we did the 10 city tour, and we've heard some tremendous testimony, and we've seen it in committees, we've heard it in our offices, we've gotten stacks of postcards. If we all put our postcards on the table in front of you on the counter, we wouldn't see you because there are so many of them. That's because this is what the people are asking for, and this is what we're trying to deliver. Thank you.

Sen. Vernon Sykes (26:01):

Additionally, I'd like to say that in part...

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

Sen. Vernon Sykes (26:01):

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

Tina Maharath (26:50):

Chair, followup? Thank you, Chair. Well, all three of you attended the Redistricting Commission Meetings, so what was the common theme that Ohioans were picking up for those meetings? I'm trying to just get a better understanding of what we can do over in Ohio Senate so that way we can deliver the message that we were promising Ohioans essentially from these meetings.

Sen. Kenny Yuko (27:14):

Thank you Senator, and to the Chair and to Senator Maharath. Senator Gavarone, I think you were there in Toledo with us.

Sen. Gavarone (27:22):

Yeah.

Sen. Kenny Yuko (27:22):

We had a full house at the Toledo Library. And for those of you who are unfamiliar with the facility, it's a gigantic facility, there was room for tons of people, and we did a great job of filling the room. We've heard the testimony, and I think it was overwhelmingly in favor of us creating fair districts that are truly representative of the vote of the people in the state of Ohio. That was our obligation, that was our commitment, and that's what they expect us to do.

Sen. Kenny Yuko (27:50):

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

Sen. Vernon Sykes (28:23):

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

Sen. Gavarone (28:49):

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

Sen. Vernon Sykes (28:56):

Thank you, Chair.

Sen. Gavarone (28:57):

Committee will stand at ease. Committee will come back to order. The second order of business is the first hearing on Senate Bill 258. We do have a substitute bill to accept as the working document of the bill. The Chair recognizes Senator O'Brien for a motion.

Speaker 2 (30:47):

Chair Gavarone, I move that we accept 113421062 as a substitute bill.

Sen. Gavarone (30:58):

Is there any discussion?

Tina Maharath (31:00):

Yes, Chair. We are just now seeing this bill. This is the first time reviewing this map, so I'd like for objection to this bill, please.

Sen. Gavarone (31:12):

Okay. Will the clerk please call the roll?

Speaker 3 (31:15):

Chair Gavarone?

Sen. Gavarone (31:16):

Yes.

Speaker 3 (31:22):

Wait a minute. You need to make a-

Sen. Gavarone (31:24):

Pardon me?

Speaker 3 (31:24):

... motion. You have to make the motion [inaudible 00:31:27] yeah, yeah. Just stand at ease. Stand at ease. Stand at ease.

Sen. Gavarone (32:21):

Stand at ease.

Sen. Gavarone (32:23):

Committee is back in order. The question is, will we accept the substitute bill? Will the clerk please call the roll?

Speaker 3 (32:31):

Chair Gavarone?

Sen. Gavarone (32:31):

Yes.

Speaker 3 (32:33):

Vice Chair O'Brien?

Vice Chair O'Brien (32:33):

Yes.

Speaker 3 (32:34):

Senator [Manning 00:32:35].

Sen. Manning (32:35):
Yes.

Speaker 3 (32:35):
Senator Kunze?

Sen. Stephanie Kunze (32:36):
Yes.

Speaker 3 (32:37):
Senator Maharath?

Tina Maharath (32:38):
No.

Speaker 3 (32:39):
Senator Sykes?

Sen. Vernon Sykes (32:40):
No.

Sen. Gavarone (32:42):
With the vote of four to two, the substitute bill is adopted.

Sen. Gavarone (32:46):
Senator McCauley is here to give sponsor testimony.

Sen. Rob McColley (32:50):
Thank you. Chairwoman Gavarone, Vice Chair O'Brien, ranking member Sykes and members of the Local Government and Elections Committee for allowing me to present testimony today for Senate bill 258, I suppose substitute Senate bill 258, which seeks to fulfill the Ohio General Assembly's responsibility under the Ohio Constitution for redistricting of United States congressional maps within this state.

Sen. Rob McColley (33:12):
I would like to start by providing an explanation of Article 19 of the Ohio Constitution regarding congressional redistricting and then I will go on to describe the proposed congressional map in substitute Senate bill 58.

Sen. Rob McColley (33:24):
As you will recall, Article 19 of the Ohio Constitution was added in 2018 by the voters of the State of Ohio after the Ohio General Assembly voted to put the proposed amendment on the ballot. Article 19

prescribes the process by which congressional redistricting shall occur in Ohio. The Article is divided into three sections. And of course, this process is conducted with United States census data gathered in the most recent decennial census relative to Ohio's population, which also determines how many seats the state will be apportioned under Section 2, Article 1 of the United States Constitution.

Sen. Rob McColley (34:02):

Section 1 of Article 19 describes the methods for adopting a congressional districting plan. From a timeline perspective, there are up to three opportunities to pass a congressional redistricting plan.

Sen. Rob McColley (34:13):

The first opportunity to pass a congressional redistricting plan shall occur not later than the last day of September ending in year ending in the numeral one. In order to pass a 10-year map at this stage, the Ohio General Assembly must secure the votes of three fifths of the members of each chamber, including the affirmative vote of at least one half of the members of each of the two largest political parties.

Sen. Rob McColley (34:35):

If the General Assembly is unsuccessful at passing a map by the last day of September, the Redistricting Commission comprised of the Governor's Secretary of State, Auditor of State and a majority and minority party delegate from each chamber shall have the next opportunity to pass a congressional redistricting plan. Just as with the state legislative districts, a plan would require the vote of at least four members of the seven-member commission, including two members from each of the two largest political parties making up the General Assembly in order to create a 10-year map. The Redistricting Commission shall have until the last day of October to do so.

Sen. Rob McColley (35:12):

If the Redistricting Commission is unsuccessful, the responsibility returns to the General Assembly where the bill must be passed not later than the last day of November. At this stage, a 10-year map can be passed with three fifths of the members of each chamber and at least one third of the members of the two largest political parties in the General Assembly.

Sen. Rob McColley (35:31):

Alternatively, if the General Assembly passes a congressional redistricting plan with a simple majority from each chamber and not in accordance with the vote threshold previously described, there are several requirements that must be met. The plan shall not unduly favor or disfavor a political party or its incumbents, the General Assembly shall not unduly split governmental units, and the General Assembly shall attempt to draw districts that are compact.

Sen. Rob McColley (35:57):

Additionally, Section 1 of Article 19 requires a joint committee of the General Assembly to hold at least two public committee hearings regarding a proposed plan.

Sen. Rob McColley (36:06):

Section 2 of Article 19 specifies additional requirements for the drawing of congressional districts. First, the plan shall comply with the Constitution of Ohio and the United States and federal laws, including federal laws protecting racial minority voting rights. Second, all districts shall be compact. Third, every

district shall be continuous and have a non-intersecting continuous line. It's worth noting that there is an exception to the compactness requirement in the event that a four-year map is passed under that section of the Constitution.

Sen. Rob McColley (36:38):

Most of the remaining requirements in this section deal with the splitting of political subdivisions in the map. One term to become familiar with is the ratio of representation. This is determined by dividing the state's population determined by the census by the number of congressional seats apportioned to the state. In this case, Ohio's population divided by 15 seats that Ohio was apportioned to turns out to be 786,630 people with some slight rounding in there. I believe it's 786,629.8, if we're being exact.

Sen. Rob McColley (37:14):

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

Sen. Rob McColley (38:07):

The remaining criteria regarding splitting up political subdivisions deal with the splitting of counties. Those requirements are as follows, 65 of Ohio's 88 counties shall not be split, 18 counties may be split not more than once and five counties may be split not more than twice. The parts of a congressional district within one county shall be contiguous. No two counties shall be split among the same two districts, unless one of the counties has a population of greater than 400,000. The drawing authority shall attempt to have at least one whole county in each district where possible.

Sen. Rob McColley (38:43):

Lastly, Section 3 of Article 19 deals with the legal process of channeling a constitutional redistricting plan.

Sen. Rob McColley (38:50):

Next, I would like to describe the proposed map in substitute Senate bill 258. Only 14 counties are split. You will recall we are permitted to split up to 23 counties, comparatively speaking-

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

Sen. Rob McColley (39:00):

... Are permitted to split up to 23 counties. Comparatively speaking, the 2011 map split 23 counties. This is also the lowest number of split counties in at least 50 years. The 11 counties split once are Delaware, Licking, Lorraine, Lucas, Montgomery, Pike, Portage, Ross, Stark, Summit, and Washington. Only three counties are split twice. We are permitted to have up to five of those such counties. Comparatively

speaking, the 2011 map had five such splits. The three counties split twice are Cuyahoga, Franklin and Hamilton. It is worth noting that each county would be required to be split at least once due to its population.

Sen. Rob McColley (39:39):

Every district that is not contained in entirely within one county has an entire county within it. This map truly balances one person, one vote with 13 districts having exactly 786,630 people and two districts having 786,629. That is as close as we can get as possible to one person one vote and that 786,630 person ratio representation. Our goal for this map was to draw districts that are compact while also keeping Ohio's largest cities whole. It is worth mentioning that the compactness requirement does not only apply to district comprised of urban and suburban areas. It also applies to rural districts.

Sen. Rob McColley (40:26):

While rural districts will generally be geographically larger than those in urban and suburban areas, the primary reason we decided to split some of the most populous counties in Ohio was to ensure geographic compactness of all districts in accordance with the Ohio constitution. However, even though we split some of the larger counties, we made it a point to keep the largest cities in those counties and the largest cities in the state whole with exception to Columbus, which had to be split because of its population, and with exception to Dublin and Middletown, which straddle county lines, and therefore do not count as splits under the Ohio constitution.

Sen. Rob McColley (41:03):

Each of the 25 most populous cities in the state of Ohio are kept whole within the proposed map. In fact, only seven municipalities and nine townships within the entire state are split in this proposed map. The map before you complies with the requirements placed upon the general assembly under the Ohio constitution. It is the product of a deliberate effort to draw compact districts while keeping Ohio's largest cities whole. Thank you to Chairwoman Gavarone, Vice Chair O'Brien, ranking member Sykes, and members of the local government and elections committee for allowing me to present testimony on substitute Senate bill 258 and the proposed congressional district map contained therein.

Sen. Rob McColley (41:44):

I will be happy to take any questions at this time.

Sen. Gavarone (41:47):

Thank you. Are there any questions for members of the committee? Senator Maharath.

Tina Maharath (41:52):

Thank you, Chair. And thank you, bill sponsor. I do want to make a correction on your sponsor testimony though. It is I who's the rank member of this committee in that Senator Sykes, but ...

Sen. Rob McColley (42:01):

I apologize.

Tina Maharath (42:04):

Yes. So I did want to ask who drew these maps or where did the data come from?

Sen. Rob McColley (42:09):

So to the Chair, to the ranking member, these maps were drawn primarily through consultation with Senate staff. They are the product of the concepts, I suppose, of a congressional map developed by me. And then those concepts were relayed to Ray DeRossi and he put them through the computer program that we have to draw these maps.

Tina Maharath (42:35):

Follow up?

Sen. Gavarone (42:36):

Go ahead.

Tina Maharath (42:37):

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

Sen. Rob McColley (42:44):

To the chair, to the ranking member, I feel I have a pretty good grasp of the map and the different attributes of it, which is why I'm the one here testifying today. And so I would not expect Ray. It's not out of the question I wouldn't say necessarily, but I would expect that it's probably just going to be me.

Tina Maharath (43:03):

Okay. And follow up?

Sen. Gavarone (43:04):

Follow up.

Tina Maharath (43:05):

So what is the partisan breakdown of this map in front of us today then?

Sen. Rob McColley (43:11):

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

Sen. Rob McColley (43:54):

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

Tina Maharath (44:24):

One last follow up?

Sen. Gavarone (44:25):

Follow up.

Tina Maharath (44:26):

So did you use any racial data as well into drawing your maps? I'm just trying to get a better understanding of where did his data come from exactly and how did we use any political data if any consideration was placed into these maps?

Sen. Rob McColley (44:40):

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

Tina Maharath (45:19):

Thank you.

Sen. Gavarone (45:19):

Yeah. Senator Sykes.

Sen. Vernon Sykes (45:19):

Thank you, Madam Chair. Thank you for your testimony. Just a question about the maps themselves. Have these map been uploaded to the website for the petitioning commission?

Sen. Rob McColley (45:34):

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

Sen. Vernon Sykes (46:04):

[inaudible 00:46:04]. Follow up?

Sen. Gavarone (46:04):

Follow up.

Sen. Vernon Sykes (46:06):

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

Sen. Rob McColley (46:18):

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

Sen. Gavarone (46:25):

Follow up.

Sen. Vernon Sykes (46:27):

The whole campaign dealing with fair districts, the constitutional provisions that were overwhelmingly supported by the people, how does that concept of fairness, how do you incorporate that or present that in your map? What's fairness to you and how is this map fair?

Sen. Rob McColley (46:52):

To the Chair, to the Senator, primarily what we were looking at when we crafted this map was abiding with the terms of the constitution. The terms of the constitution at this stage in the game primarily have two requirements. One is that we draw compact maps and the other is that we don't have non-contiguous areas within that map. I know there's been some discussion about whether it unduly favors or disfavors a political party or its incumbents. That is not a requirement unless we were to draw a four year map.

Sen. Rob McColley (47:22):

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

Sen. Rob McColley (48:06):

And we hope to have that opportunity to do that with bipartisan support.

Sen. Vernon Sykes (48:10):

Thank you.

Sen. Gavarone (48:12):

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

Sen. Rob McColley (48:19):

Thank you.

Sen. Gavarone (48:19):

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

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

EXHIBIT 10

Senator Gavarone (00:00:00):

The elections committee will now come to order. Will the clerk please call the role.

Clerk (00:00:04):

Chair Gavarone.

Senator Gavarone (00:00:05):

Here.

Clerk (00:00:05):

Vice Chair O'Brien.

Senator O'Brien (00:00:06):

Here.

Clerk (00:00:07):

Senator Manning.

Senator Manning (00:00:07):

Here.

Clerk (00:00:07):

Senator Cirino.

Senator Cirino (00:00:07):

Here.

Clerk (00:00:07):

Senator Kunze.

Senator Kunze (00:00:07):

Right here.

Clerk (00:00:07):

Ranking Member Maharath.

Senator Maharath (00:00:07):

Here.

Clerk (00:00:08):

Senator Sykes.

Senator Sykes (00:00:09):

Here.

Senator Gavarone ([00:00:09](#)):

And we have a quorum. Members, a copy of the minutes from the November 9th meeting of the committee is on your iPads. Please take a moment to look at it. Look it over. The question is, shall the minutes be agreed to? Without objection, the minutes are agreed to. I'd like to start off with a few ground rules for the committee today. So these committee hearings have been structured in a way that allows us to hear from as many citizens from Ohio as possible on an important issue. At 11:40, we'll take a brief recess if we're still in committee, so that Senator Kunze, Maharath and I can attend the rules and reference committee. There'll be no standing by the public in the committee room. In order for the committee run smoothly, we'd request that chairs in the room be reserved for people testifying today. And if you don't have a chair to sit in, you'll be directed to the north hearing room for overflow.

Senator Gavarone ([00:01:10](#)):

Witness slips and testimony should have been sent to my office prior to today's meeting. However, we're going to offer the opportunity to anyone who wants to testify in person today to complete a witness slip. In an effort to stay consistent and allow for as much testimony and questions from the members as possible, we'll be instituting a five minute time limit. We're putting the time on the screen to my left right over here, so that you can keep track of your time. I'll give a 15 second warning to wrap up your comments. I understand people are passionate about the issue before the committee today. However, everyone will be expected to keep decorum during these hearings. We want to get through as many people as possible and ensure that people watching online can understand clearly and follow along. So applause, booing, heckling prevents us from doing that and will not be permitted. No video or pictures should be taken without the permission of the co-chairs. And if you want to take video or pictures, we'll have a media form available for you to fill out for the chair to consider.

Senator Gavarone ([00:02:14](#)):

And finally, I want to thank our Sergeant at Arms for being around the building and the room today to help and assist staff and citizens in attendance. And I'd like to, again, thank them for everything they do.

Senator Gavarone ([00:02:28](#)):

The first order of business is the fifth hearing on Senate Bill 258. The chair recognizes Senator O'Brien for a motion.

Senator O'Brien ([00:02:35](#)):

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

Senator Gavarone ([00:02:47](#)):

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

Senator Rob McColley ([00:02:55](#)):

Good morning.

Speaker 1 ([00:02:56](#)):

Two of the slips. So after you call these guys, obviously not [inaudible 00:03:13].

Senator Gavarone (00:03:12):

Perfect. Thank you.

Senator Rob McColley (00:03:24):

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

Senator Rob McColley (00:04:06):

Article 19, section 2B5 of the Ohio Constitution describes the process that must be followed when splitting counties in a congressional map. In essence, a map may have up to 23 split counties, with up to 18 being split once and up to five being split twice. The counties that are split once ... This map splits only 12 counties with only two of those counties being split twice. The counties that are split once are Clark, Fairfield, Franklin, Holmes, Lorraine, Ross, Shelby, Summit, Washington, and Wood. The counties split twice are Hamilton and Cuyahoga. Notably for the first time since the map passed 30 years ago, Lucas County will be whole, and for the first time since the map passed 20 years ago, Stark County will be whole. The impact on several of Ohio's other large counties is also minimized by Franklin and Summit County having the least splits since the map passed 30 years ago.

Senator Rob McColley (00:05:07):

Finally, the map complies with article 19, section 2B8, by including an entire county in each district where possible. If passed, this map would have the least county split in over 50 years. Additionally, this map splits two less counties than both the House and Senate Democrat proposals.

Senator Rob McColley (00:05:27):

Since the introduction of Senate Bill 258, we have maintained that it is important to keep Ohio's largest cities whole. With the exception to Columbus, which much be split under the constitution, and cities that straddle county lines, and therefore do not count as a split under the constitution, 98 of Ohio's 100 largest cities are kept whole in this map. The two exceptions to that are Rocky River and Cuyahoga Falls. In total, only eight townships and six municipalities are split in this proposed map, which more than adequately complies with article 19, section 1C3B's requirement that the general assembly not unduly split governmental units. Article 19, section 2B2 also requires that districts be compact. The requirement is not applicable to a four year map, however, under section 1C3C. In such an instance, the general assembly shall attempt, but is not required to draw compact districts. Nevertheless, the districts presented before you are compact.

Senator Rob McColley (00:06:32):

Finally, the map before you is the most competitive map offered by any caucus to date and the most competitive Ohio congressional map in decades. Ohio is subject to swings in voter preferences, particularly in federal elections. Even though with exception to 2006, Republicans have swept every

election for statewide constitutional offices since 1994, Ohio has voted for both a Democrat and a Republican for president in the past four presidential elections, and continues to be represented by both the Democrat and Republican in the United States Senate. Clearly, Ohioans are bifurcating between federal and state elections and issues. Therefore, because the map before you is for United States congressional districts, it makes sense to judge the competitiveness based upon statewide federal elections over the last 10 years. This allows us to capture the true nature of Ohio's voting tendencies in federal elections and to insulate from outliers, when evaluating these districts in the federal statewide context and defining a competitive district as one with a 46% to 54% Republican index.

Senator Rob McColley (00:07:38):

This map has six seats that lean Republican, seven seats that are competitive, and two seats that lean Democrat. The indexes are in the table in my testimony for your review. Article 19, section 1C3A states that a map not unduly favor or disfavor a party or its incumbents. No sporting event should ever favor or disfavor a team by some predetermined final score before either team walks on the field. A congressional map should not be judged to favor or disfavor either party that way either. Rather it should be judged based upon how many districts are going to be determined by the various important issues and candidates in that election. This map embodies that belief by ensuring a plurality of the districts will be competitive in any given cycle. Its seven competitive districts are two more than any House or Senate Democrat proposal and five more than the map passed in 2011.

Senator Rob McColley (00:08:33):

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

Senator Rob McColley (00:09:05):

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

Senator Gavarone (00:09:24):

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

Senator Maharath (00:09:31):

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

Senator Rob McColley (00:09:44):

To the Chair, to the Ranking Member, so there were discussions that happened primarily between the Speaker and the Senate President as to what the maps should ultimately look like and how to reconcile

some of the differences between the maps and take into consideration some of the testimony we've heard and suggestions that have been given. So those discussions were conceptually happening over the last week, and I believe the maps were finalized at some point Friday.

Senator Maharath ([00:10:19](#)):

Follow-up?

Senator Gavarone ([00:10:20](#)):

Follow-up.

Senator Rob McColley ([00:10:21](#)):

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

Senator Maharath ([00:10:41](#)):

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

Senator Rob McColley ([00:11:04](#)):

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

Senator Maharath ([00:11:19](#)):

Another follow-up.

Senator Gavarone ([00:11:19](#)):

Follow-up.

Senator Maharath ([00:11:20](#)):

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

Senator Rob McColley ([00:11:36](#)):

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

bifurcation that actually leans Democrat in federal elections. So, we decided that that would be the appropriate way to look at the data as well as we were going forward.

Senator Maharath (00:12:25):

Last follow-up.

Senator Gavarone (00:12:26):

Follow-up.

Senator Maharath (00:12:26):

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

Senator Rob McColley (00:12:43):

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

Speaker 1 (00:13:03):

I think so.

Senator Gavarone (00:13:07):

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

Senator Sykes (00:13:28):

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

Senator Rob McColley (00:14:09):

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

Senator Sykes (00:14:29):

Okay, thank you.

Senator Gavarone (00:14:32):

Are there any further questions? Is there any discussion?

Senator Maharath (00:14:38):

Chair?

Senator Gavarone (00:14:38):

Yes.

Senator Maharath (00:14:39):

Can I request for us to have a recess for the purpose of a Democratic caucus?

Senator Gavarone (00:14:56):

We'll allow for a 30 minute recess.

Senator Maharath (00:14:59):

Thank you, Chair.

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

Senator Gavarone (00:46:21):

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

Speaker 2 (00:46:50):

Object.

Senator Gavarone (00:46:52):

There is an objection. The question is, "Shall the substitute bill be adopted?" Will the clerk please call the role?

Clerk (00:46:58):

Chair Governor?

Senator Gavarone (00:46:59):

Yes.

Clerk (00:47:00):

Vice Chair O'Brien?

Vice Chair O'Brien (00:47:01):

Yes.

Clerk (00:47:02):

Senator Manning?

Senator Manning ([00:47:03](#)):

Yes.

Clerk ([00:47:03](#)):

Senator Cirino?

Senator Cirino ([00:47:03](#)):

Yes.

Clerk ([00:47:03](#)):

Senator Kunze?

Senator Kunze ([00:47:03](#)):

Yes.

Clerk ([00:47:03](#)):

Nickie Antonio?

Nickie Antonio ([00:47:03](#)):

No.

Clerk ([00:47:09](#)):

Senator Sykes?

Senator Sykes ([00:47:09](#)):

No.

Senator Gavarone ([00:47:11](#)):

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

Tiffany Rumbalski ([00:47:33](#)):

Thank you. Thank you for having me. I'll be brief. I am not here because I believe... And you already voted, so nothing I would've said would've changed anyone's mind. Your mind was already made up about a map that was dropped at 8:12 last night. That was supposed to have times for the public to see it, to analyze it. And for the minority party, that did not happen.

Tiffany Rumbalski ([00:48:09](#)):

I am here for the more than 75% of the voters who voted for Issue 1 back in 2018. Because this is what we believed. We believed that because of Issue 1, we'd get fairness, transparency. Back in 2010, when

these maps for the next 10 years that were adopted, it was all done in private. That happened again. We believed that we would be represented. The last 10 years my congressional vote in Hilliard, Ohio has been diluted. It has not carried the weight that it should have because of the way that maps were drawn.

Tiffany Rumbalski ([00:49:06](#)):

So we believed that the people entrusted with the maps would take the data and at least attempt to make things fair instead of manipulate it for their own political game, which is what just happened. We believe in real competition. Because when we have competitive races, people at our State House, listen, that's not what we're getting. That's not what we've had for 10 years. And it looks like we're not going to get it for another four years. We believed in transparency and honesty, but that's not what we're getting. Instead, our voices continued to be diluted. And what we're shown is disdain, disrespect, and disregard.

Tiffany Rumbalski ([00:50:15](#)):

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

Tiffany Rumbalski ([00:51:22](#)):

And I'm here to say this is wrong. It's really wrong. This process is wrong. This map is wrong. And your vote for it is just wrong. It is a betrayal of public trust. I told people to vote for Issue 1. I told my Republican neighbors, I told my Republican family. I said, "Look, this is our chance to work together, which didn't happen. And get something that's fair for all of us. We deserve so much better than this. We deserve a lot better than what you've given to us. We deserve a lot better from you, senators. That's all I got to say. Thank you.

Senator Gavarone ([00:52:12](#)):

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

Tiffany Rumbalski ([00:52:24](#)):

That's good to know.

Senator Gavarone ([00:52:25](#)):

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

Tiffany Rumbalski ([00:52:31](#)):

Thank you.

Senator Gavarone ([00:52:33](#)):

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

Mia Lewis ([00:52:44](#)):

Good morning. Thank you. Thank you, Chair Gavarone, Vice Chair O'Brien, ranking member Maharath. My name's Mia Lewis. I'm Associate Director of Common Cause Ohio. Common Cause Ohio has worked on redistricting reform for 40 years. I'm here today to testify in opposition to this amended Senate bill 258. I did submit testimony yesterday about yesterday's map, but that was yesterday. Today we're looking at a totally different map, one that no one in Ohio had ever seen before late last night. Well, no one, but a handful of committed partisan operatives.

Mia Lewis ([00:53:21](#)):

It's kind of amazing that I was even able to submit testimony in time to make it onto the witness list today at all. An email was sent out at 9:40 AM yesterday, and luckily I happened to see it soon afterwards. I scrambled to get my testimony in before 10:30 AM to meet the required 24-hour in advance supposition, which I know you have suspended, but that is the regular rule. I hit send at 10:26 AM, with just minutes to spare. I was being careful to comply with the rules and procedures of this committee.

Mia Lewis ([00:53:59](#)):

If only the sponsor of Senate bill 258 had the same respect for the rules for the Constitution and for the people of Ohio. Because dropping a new map late in the evening, just hours before a vote with no opportunity or even possibility for in-depth analysis or discussion, that is disrespect. The exact opposite of the process that Ohioans voted for overwhelmingly and made part of the Ohio Constitution. We demanded and won an open, bipartisan transparent process with meaningful opportunities for public input. So what's up with that? We are left to wonder, do you want a public and transparent map-making process? Have you read the new rules? Do you care if you're breaking them? What about your oath to uphold the Constitution? Does that matter? Has a rigged partisan outcome become so urgent that you feel emboldened to put that ahead of your duty to serve the people of Ohio? It's a shame.

Mia Lewis ([00:55:04](#)):

About the new map, I read the press release put out at 8:17 PM yesterday evening, where Senator McColley is quoted as saying the map is the best thing since sliced bread. I'm so glad the senator is letting us know less than 24 hours before a vote with no detailed analysis available that this unknown quantity is perfection itself. I'm sure based on everything that's happened in this process, we all feel comfortable leaving the future of Ohio's voting districts in the hands of those who have demonstrated time and time again their disdain for the process, the people, and the rules.

Mia Lewis ([00:55:38](#)):

No, I don't have a detailed analysis. I can't have one. But even a quick glance shows that like the previous SB 258, this map divides communities in order to rob them of their ability to elect a representative of their choice. It robs them of their political power and voice in order to ensure a rigged partisan outcome, benefiting those drawing the lines. That's called gerrymandering. Counties, not municipalities are the building blocks of congressional map-making, established in the Ohio Constitution for 10 year maps. And the most populous counties have been unnecessarily divided.

Mia Lewis ([00:56:12](#)):

Just look at Hamilton County, split into three districts, broken up and paired with Butler, Warren, and Claremont counties. Do you think that's what the voters of Cincinnati want? Look at Cuyahoga County. Again, split into three districts. Is Congressional District 14 even contiguous? I need a magnifying glass to tell. Looks like someone in a west side Cleveland inner-ring suburb is in the same district as the residents of Connacht. I'm sure the map-makers, whoever they are, have demonstrated their slicing and dicing skills throughout Ohio, expertly wielding the knife to abide by some of the rules in the Ohio Constitution, while still dividing communities in order to deprive them of their political power and voice and ensure a rigged outcome. This map is being touted as the most competitive. If your measure is a competition that falls within 10 points, well, that's true. But let's look a little deeper.

Mia Lewis (00:57:05):

For a district to be truly competitive, it has to fall into a much narrower split. I'm sure when the dust has settled, we'll find that most of the competitive districts that lean R do so within a safe margin. I'll bet that the competitive districts that lean D do so by just a sliver. The bait and switch of having hearings on one map and then switching to a new version without bipartisan debate and deliberation over district lines-

Speaker 3 (00:57:31):

15 seconds.

Mia Lewis (00:57:32):

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

Senator Gavarone (00:57:54):

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

Mia Lewis (00:58:02):

Thank you.

Senator Gavarone (00:58:03):

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

Trevor Martin (00:58:12):

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

Trevor Martin (00:59:28):

We know over 75% of the folks who voted, a majority of every single one of your districts voted in favor of this bill. It reads in the text that we want a transparent and public process. It's right there. Right at the beginning. Open, public, transparent process. Two public hearings on any proposed map in the joint committee. I mean, this is a new map. This looks nothing like the old 258. It's completely different. This is a completely different map.

Trevor Martin (01:00:12):

And we can't even really get into the specifics. Again, we got this map last night. We got a notification at 9:40 AM yesterday. Again, less than an hour to prepare testimony and submit that, and general guidelines. And then you don't even know what's on your website. You said, "Oh, we released the shape files." No, you didn't. No, you didn't. We have no idea what we're looking at. We're looking at a mess, is what we're looking at. I mean, a PDF file doesn't tell you anything. All this does is give you the eye test, and it fails that. I mean, look at District 5. There's no reason... Right here. Mercer, Wood, Lorraine, all in the same county? Arguing about compactness, I mean, there's nothing compact about that. Your competitiveness, again, I sat last night and I eyeballed this map, and sat down with the redistricting, and I got maybe a good idea. District 10 might look pretty decent to me, because like I said, I done a lot of community mapping with folks, and I hear a lot of folks that want Montgomery County with Springfield. Oh, maybe that looks good. I have no idea, though, what the partisan lean is, what the minority representation is in that district.

Trevor Martin (01:02:03):

Again, going back to competitiveness, the reason why a lot of these districts are so competitive is for some... Well, we know the reason. You take urban centers, and instead of keeping them with the county that they're in, with the suburbs that surround them, you drag the district all the way out into rural Ohio, and to specifically dilute those urban and minority votes. That's the only reason. The only reason that that could be... Makes no sense. That's the only reason it could be done, and right in our faces. I mean, I did a bunch of mapping sessions with folks right here in Northern Hamilton, North College Hill, College Hill, Mount Healthy. I know damn well they don't want to be with Dark up there. I mean, they want to be with Cincinnati. There's no reason for District 1 to go outside of Hamilton County, other than to dilute votes. And this is the exact opposite of what the people in Ohio voted for. And I encourage every single one of you to vote in opposition of this map. But I hope to God Democrats don't vote for any of these maps.

Senator Gavarone (01:03:23):

Thank you very much for your testimony. I would like to point out that we did suspend the rules on having testimony in 24 hours in advance for this here.

Trevor Martin (01:03:32):

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

Senator Gavarone (01:03:41):

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

Trevor Martin (01:03:45):

It's not enough.

Senator Gavarone (01:03:46):

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

Senator Cirino (01:03:49):

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

Trevor Martin (01:03:58):

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

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

Speaker 4 (01:04:03):

I wasn't even home when I got that message. I got home. I had 15 minutes. I submitted a fact sheet, a paper on prison gerrymandering. It's from, I don't know, over a decade ago. These issues are compiling. Pardon me, Chair Gavarone keeps going on about one person, one vote. No one's ever addressed [inaudible 01:04:31] about prison gerrymandering. The current district 15 has over 14,500 inmates in that district alone that do not reside in that district. They go home to another zip code and you're talking about one person, one vote. That's just not true.

Jerry Cirino (01:04:47):

Chair. If I might, I asked the witness to, just question to, you chose not to go over your testimony. That was not an opportunity to go over your testimony now that since your time has expired, but I did have just one question. You made the comment that the current map that we have before us is completely different from the map of last week. Nothing like it, completely different, doesn't even resemble it. Now that you're looking at this map, are you telling me that you literally see nothing that is improved in this map versus last week's map?

Speaker 4 (01:05:26):

I did not say that.

Jerry Cirino (01:05:29):

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

Speaker 4 (01:05:32):

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

Senator Gavarone (01:05:36):

Please direct your answer to the Chair.

Speaker 4 (01:05:39):

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

Jerry Cirino (01:05:44):

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

Senator Gavarone (01:05:52):

Thank you. We'll need to take a brief recess so that Senator Cunsey, Senator Maharath and I can go to rules and reference committee. Will be re-adjourning 15 minutes more or less. Elections committee will reconvene. Next to testify, we have Zach McCune. Is there a Zach McCune here? Okay. Next to testify. We have Michael Ahern.

Michael Ahern (01:28:07):

I always have to find my reading glasses.

Senator Gavarone (01:28:09):

Good morning. Welcome to committee.

Michael Ahern (01:28:18):

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

Michael Ahern (01:29:32):

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

Michael Ahern (01:30:24):

In this case, this map was drawn as directed by two White men from the same area of the state who hold the two most powerful positions in the legislature. Rather than looking to ensure Ohio communities are fairly represented as demanded by the 2018 redistricting reforms, this map seeks

overwhelmingly to represent political power, the power of the Republican party in Ohio. This to the detriment of my community, my family and for some relegating them to taxation without true representation. George Washington, the legitimate icon of all the hopes of representative democracy that the United States constitution embodies, stated in his farewell address on September 19th, 1796 and I quote "however political parties may now and then answer popular ends, they're likely in the course of time and things to become potent engines by which cunning ambitious and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reigns of government, destroying afterwards the very engines which have lifted them to unjust dominion."

Michael Ahern (01:31:41):

With passage of this map, you will have achieved the prescient words of George Washington and consigned yourselves to the long list of cunning ambitious and unprincipled people in power. My only hope as an unaffiliated voter who has voted for Republicans and Democrats in the past is now to rely on the fidelity of the Ohio Supreme court to their constitutional obligation to strike down the final version of the map that you are considering in this committee. Members of this committee and the companion House committee who vote for a final heavily gerrymandered version of this map will forever be known as weak people with weak ideas who cheated because they could usurp for themselves the rein of government. And just as a final word, hanging down in the museum is this phrase, all political power is inherent in the people. If you pass such a gerrymandered map, that should come down in the state house museum. Thank you. I'd be happy to answer any questions.

Senator Gavarone (01:32:48):

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

Michael Ahern (01:32:54):

Thank you.

Senator Gavarone (01:32:55):

Next to testify. We have Andrea Yagoda.

Andrea Yagoda (01:33:05):

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

Andrea Yagoda (01:34:10):

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

Andrea Yagoda ([01:34:56](#)):

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

<div align="center">PART 3 OF 4 ENDS [01:36:04]</div>

Andrea Yagoda ([01:36:03](#)):

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

Senator Gavarone ([01:37:01](#)):

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

Andrea Yagoda ([01:37:07](#)):

Thank you.

Senator Gavarone ([01:37:09](#)):

Next to testify, we have Julia [Cattaneo 01:37:12]. Welcome to committee.

Julia Cattaneo ([01:37:18](#)):

Hi. Thank you, Chair and members of the Senate committee. Once again, I'd like to thank you for allowing me to testify today. My name is Julia Cattaneo. I live in Columbus, Ohio, and have family members in Toledo, Dayton, Cincinnati, as well as other communities in this state.

Julia Cattaneo ([01:37:42](#)):

Family is the main reason I moved back to Ohio from Pennsylvania. Family is also the reason a fair map with fair districts, I'm sorry, without gerrymandering is so important to me. The second is that I believe in the republic of America and our democratic process. Actually, I'm extremely passionate about it. Ohioans demand fair maps, and we've talked about what is fair. Is it communities, is it balance? Basically, it's our votes need to count, and each vote needs to count. My testimony, as everybody's here, I think, is totally torn apart due to the fact that the late new map that came out. But anyway, after reviewing the map, I strongly oppose Senate Bill 258, and I also am very upset with the lack of transparency, and the fact that this came out when it did. I prepare for each time I've come to testify. I look at the maps, I go through it. I look at all the different parts because I don't want to waste your time. I know time is precious. I've mentioned it, time and energy, before is very precious. Our time balance so that we can have time with family and other things that we do. This is your job. This is not my job.

Julia Cattaneo ([01:39:40](#)):

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

Senator Gavarone ([01:40:29](#)):

Go ahead.

Julia Cattaneo ([01:40:30](#)):

So when you take on this position of service, it is a service that you're doing, and it should be done with integrity, and it should be done following your oath.

Julia Cattaneo ([01:40:45](#)):

The new SB 258 is gerrymandering and a deliberate effect to limit invested representation by dividing up communities. This makes me wonder if the lack of transparency and difficulty getting information is also deliberate. You have one more chance to give me hope, and that would be to vote no on Senate Bill 258. I ask you to please show you have integrity, honest and respect for the Ohio constitution and Ohioans; to respect we the people and not we the party; do not settle for anything less than a fair representative map. And thank you again for this opportunity, and I hope you don't disappoint. I don't think that you will. I have confidence. Any questions?

Senator Gavarone ([01:41:43](#)):

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

Julia Cattaneo ([01:41:50](#)):

Thank you.

Senator Gavarone ([01:41:51](#)):

Next to testify, we have Katy Shanahan.

Katy Shanahan ([01:42:04](#)):

Good afternoon to room and Gavarone and ranking member Maharath. My name's Katy Shanahan. I'm the Ohio state director for All On The Line, and I'm also here as a proud member of the Equal District's Coalition, which is a coalition of more than 30 prominent labor advocacy and civil rights organizations. We are here for a serendipitously timed lobby day at the state house with so many of our advocates, many of whom were here earlier before going to head out to meet with others of your colleagues ahead of today's votes in this week's vote on final maps.

Katy Shanahan ([01:42:35](#)):

And we hadn't initially planned for our lobby day to be on the same week as the final votes. And I just feel like it would be helpful, perhaps, for me to share the remarks that I shared this morning at our press conference about why we're here today, and with a final plea that you all do the right thing and deliver for Ohioans.

Katy Shanahan ([01:42:54](#)):

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

Katy Shanahan ([01:43:38](#)):

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

Katy Shanahan ([01:44:36](#)):

It should be our collective driving purpose to ensure that all Ohioans from Lake Erie to the Ohio River, from Dayton to Marietta and from Napoleon to Portsmouth, stand on equal footing in our ability to elect representatives of our choosing. That's what we demanded in our reform. It's what we've continued to demand throughout the entirety of this redistricting process. How shameful that you all have and continue to ignore us. But no matter what happens this week with the final votes, our fight for fair maps marches on, and we will continue advocating for a future and a democracy in Ohio that works

for and actually serves all of us. We will not stop until we win on redistricting and until you all stop cheating us out of the fair process and the maps that we deserve. Thank you.

Senator Gavarone ([01:45:26](01:45:26)):

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

Jerry Cirino ([01:45:30](01:45:30)):

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

Katy Shanahan ([01:46:12](01:46:12)):

May I respond?

Jerry Cirino ([01:46:14](01:46:14)):

You may respond.

Katy Shanahan ([01:46:14](01:46:14)):

To the Chair, to the Senator, with all due respects, you all have shown us quite clearly that it doesn't actually matter what any of us have to say, no matter how polite we are or how stern we are in our pleas.

Katy Shanahan ([01:46:26](01:46:26)):

As voters, Ohioans, not just Democrats, Ohioans across the political spectrum, including your own leader, President Huffman, came out and overwhelmingly supported a ballot reform measure that demanded fair maps. And the first thing that you all did was propose a 13 to 2 map that would give your party nearly 90% of our congressional delegation. That is a showing of bad faith. You cannot argue with a straight face that that is showing respect to a congressional redistricting process that Ohioans demanded be better than what we saw 10 years ago.

Katy Shanahan ([01:47:04](01:47:04)):

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

Jerry Cirino ([01:47:50](01:47:50)):

Thank you.

Senator Gavarone ([01:47:52](01:47:52)):

Are there any further questions?

Julia Cattaneo ([01:47:54](01:47:54)):

[inaudible 01:47:54] asked a question [crosstalk 01:47:54]. I'm sorry.

Senator Gavarone ([01:47:57](01:47:57)):

Excuse me. We have a witness here. That's fine, though. Are there any further questions? Seeing none. Thank you very much for your testimony.

Julia Cattaneo ([01:48:08](01:48:08)):

I'm sorry [crosstalk 01:48:10]...

Senator Gavarone ([01:48:11](01:48:11)):

Next...

Julia Cattaneo ([01:48:13](01:48:13)):

... all of our testimonials, everyone. So do I have the right to respond?

Senator Gavarone ([01:48:18](01:48:18)):

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

Jen Miller ([01:48:30](01:48:30)):

Thank you. Thank you so much, Chair Gavarone and esteemed committee. I am still pulling together my analysis, but I wanted to make a couple points. Again, I'm the director of the League of Women Voters of Ohio. We have been fighting for fair maps for the people of Ohio since the seventies, both against maps that are rigged for both Democrats and Republicans, and in court cases have fought partisan gerrymandering that would benefit both parties. Gerrymandering always harms voters.

Jen Miller ([01:49:08](01:49:08)):

A couple things. First, I just wanted to mention, Chair Gavarone, I do appreciate that you are trying to help the general public kind of understand the legislative process. I would like to demystify a little bit of the map making process, which is that a PDF means nothing. You cannot under any circumstance really analyze a PDF. The shape files were not provided to the public, or my understanding, even the minority party until right before this hearing started. Like, minutes before this hearing started. I did not get them until I was sitting in this room.

Jen Miller ([01:49:44](01:49:44)):

And so this appears to be a new map of, yes, it's an amended bill, but it appears to be a new map, so I'm going to ask for more hearings. I, like everyone else, would really like to get to my Thanksgiving, but you know what I want more. I want fair maps for the people, and I want to process that really honors and respects the people. So I'm going to ask for more time on this.

Jen Miller ([01:50:08](01:50:08)):

A couple things that I think are interesting. Again, competition is not, is not in the constitution. But when I look at substitute 258, it's actually less competitive than the original. So the only way that you can say it's more competitive is if you do some funky stuff with the indexing. But if you use the same numbers that we've been using in Dave's redistricting, the general SB 258 scored a 52 out of 100. The updated score's a 41. So again, that is not a requirement of the Ohio constitution, but I wanted to point that out there.

Jen Miller (01:50:52):

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

Jen Miller (01:51:50):

So I'm not going to go into too much detail because I can't. And I think it's interesting that Senator Cirino was kind of pushing back on another person testifying saying that maybe their testimony wasn't that helpful. Bottom line is, we can't be helpful when we don't actually have shape files in time to analyze for these hearings. And so what I can say is that this map does not appear to be more fair. It appears to have all kinds of weird squiggly splits designed for partisan outcome only. And bottom line, if this is going to be our starting point, then let's have the time to look at it, district by district, line by line.

Jen Miller (01:52:37):

It does matter how the entire map performs statistically when it comes to splits and partisan lean and all that, but it also matters in terms of each district and how compact that is and how easy or hard it is for a Congress person to represent those voters. And with that, I thank you for your time.

Senator Gavarone (01:52:58):

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

Senator Maharath (01:53:04):

Thank you, Chair, and thank you, Jennifer, once again, providing us some insight into your perspectives on the updated maps. I appreciate your willingness to come in. I understand you're frustrated with the process and the information that's being relayed in a delayed matter, but I do appreciate still attempting to analyze the data.

Senator Maharath (01:53:26):

So with what information you were able to analyze, I understand that the sub bill sponsor had indicated that racial data was not any factor in these maps. Can you provide some insight of why it should be, because it looks like for Hamilton County, it looks like there's a heavy racial gerrymandering going in. But

I just want to get your professional perspective on if there should be some racial data put into perspective on these new maps?

Jen Miller (01:53:55):

Yeah. So there should be... Oh, I'm sorry. Thank you, Chair. Thank you, Senator. Yeah, we should be doing racially polarized voting analysis. This idea that we can't consider race when we're making congressional maps is a convenient excuse. Bottom-line is, we should be doing racially polarized voting analysis, which actually look at all of the three Cs and look at if the Voting Rights Act would be triggered, and if so, then how to comply.

Jen Miller (01:54:29):

And so, I do have a concern that the state isn't doing that, but the bigger concern I would argue is that this body has refused to invite experts on the Voting Rights Act or minority representation to even be part of this process. We are as a state so behind in this entire process. Hearing should have started in January, February, March, where we could be talking about, come to a common understanding of how it is... Like, best practices for minority representation, as well as overall compliance with the federal law.

Senator Maharath (01:55:11):

Thank you.

Senator Gavarone (01:55:16):

Are there any further questions? Yes, Senator Cirino.

Jerry Cirino (01:55:17):

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

Jen Miller (01:55:33):

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

Senator Gavarone (01:56:24):

Thank you any further questions. Seeing none. Thank you very much.

Jen Miller (01:56:29):

Thank you.

Senator Gavarone (01:56:30):

Next to testify is Deidra Reese.

Deidra Reese ([01:56:36](#)):

Thank you, Madam Chair and members of the committee. I am here on behalf of the Ohio Unity Coalition, National Coalition on Black Civic Participation, and I really was not going to testify because I did not feel that I had time to analyze with a new bill coming out. But as I sat and I listened, my heart just felt compelled to get up.

Deidra Reese ([01:56:56](#)):

Anyway, the coalition is a group of many organizations from across the state that primarily represent African Americans, but we have other members who are involved as well. Churches, civic organizations, civil rights organizations, just a lot of people who really care about making certain that we engage Black folks, primarily Brown folks, so that they understand their right to participate in the electoral process and that they understand how to build power.

Deidra Reese ([01:57:26](#)):

So, we have worked hard for years in the state for people to understand that their power is in their vote. And what we have been witnessing through this process is really feeling like our voice and our vote doesn't matter. When we were in the process for developing the legislative maps, I listened to a staff person get up and say just what we were just talking about when Jen was up, that they did not consider race as they were developing the maps.

Deidra Reese ([01:57:56](#)):

And if I could sort of respond to what was said before, we should consider race. Not because it's a primary reason, but to protect the state for making certain that we do not violate the Voting Rights Act. It is very important. We have had states who have been dinged very heavily and hard, and I stand here before you, as a person who had a family member who was lynched after the Voting Rights Act was passed because they went to vote. It's real, right? Maybe that's not happening in 2021, but that's in my personal family history. That's a horrible thing. And when we are passing laws and we are setting policy that diminish people's right to vote, and it's happening when you are cracking their districts, you are telling them that their voice doesn't matter when we had millions of people, over a million people go out and vote to say we want a process that's open, fair, transparent, that gives them an opportunity to come and engage; and we put out a map less than 24 hours for people to actually analyze, digest, we don't have the data to actually look at.

Deidra Reese ([01:59:07](#)):

I care about this stuff. I'm watching it. I'm paying attention. But I didn't have a chance to analyze it and look at it. I'm sitting here because I have a good friend... I used to work here. I sat here. I staffed right here in this building. So I have access to what probably other people sitting in this room don't have access to, and I'm looking here at Hamilton County, and I see what is happening with the split with the African American community in Hamilton county. Now, I was already taken aback with the fact that the district was split into three different counties, and I'm going, "How is that happening?" But in Hamilton county alone, you've got the African American community split three different ways. That's diluting their voice and their power.

Deidra Reese ([01:59:59](#)):

So how can I go out as unity coalition and encourage these people to get involved and engaged. It's kind of like the child that goes to their parent, they know mom's going to give me everything I want so I don't have to pay attention to dad. What if that happens with the legislature? So you've got somebody you've got this county and 17 other counties included, how are they going to represent them well? They don't always understand their interests. They don't have common interests.

Deidra Reese ([02:00:26](#)):

So we got to make certain that we're paying attention to those things, but you got to make certain this is a representative government. And we say we want a better system in terms of how we develop our districting system. And you all are here to represent us. And we've been coming in here by the hundreds, talking to you hour after hour after or hour. And what we're hearing from you by your actions, by your deeds is that you're really not hearing us. You're really not paying attention to us because you're giving us nothing in return, minimal things. And then even when questions are asked of the witnesses, it's almost like a gotcha thing.

Deidra Reese ([02:01:07](#)):

You don't see anything different in the map. I barely can tell you if there's anything different. I don't have any data. You didn't give me a chance. Of course, there are some things that are the same, but it's not enough. If I look at a map and I see a donut, that's a problem.

Deidra Reese ([02:01:24](#)):

Please listen. Please care. We want this right. That's what we ask for. Good faith. That's all we...

Senator Gavarone ([02:01:30](#)):

10 seconds.

Deidra Reese ([02:01:31](#)):

... need is good faith. Please, please. I'm begging you. I'm imploring you. Represent us and not your party. It's the people, not the party. Thank you.

Senator Gavarone ([02:01:40](#)):

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

Jerry Cirino ([02:01:44](#)):

Just a quick, quick question. Yes, Senator Cirino.

Senator Gavarone ([02:01:46](#)):

Thank you, Chair Gavarone. This is not a gotcha question. It's a legitimate question as all of mine have been. You mentioned that this bill would diminish the right to vote in Ohio. And I'm curious to know why you think that this map or any map diminishes the right to vote. Technically, I mean, this is a portionment here. This is not about voting rights. And Ohio has had a tremendous growth in turnout of voters and systems in place to help, everybody gets a vote and everybody should have a vote. So I just want to clarify your statement that the right to vote is diminished by this bill.

Deidra Reese ([02:02:33](#)):

Madam Chairman, Senator. That was probably a misstatement I'm passionate. However, everything is impacted by redistricting because how we district impacts who gets elected. And there are people sitting in this chamber and your companion chamber that actually have introduced legislation that would create barriers. And if you continue this trend of extreme districting that will allow extreme people will to be elected, that right could be taken away. And if you look across the nation, there are bills all over the place that are diminishing the right to vote. So that could happen, but I probably did misspeak in my statement. [crosstalk 02:03:13].

Jerry Cirino (02:03:15):

Thank you for clarifying. Thank you, Madame Chair.

Senator Gavarone (02:03:18):

Thank you. Are there any further questions? Thank you very much for your testimony. I'd like to see if Zach [McHume 02:03:23] is here to testify. Okay.

Senator Gavarone (02:03:28):

Members, please also note the written only testimonies you have on your iPads. What is the pleasure of the committee? The Chair recognizes Senator O'Brien to make a motion.

Sandra O'Brien (02:03:39):

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

Senator Gavarone (02:03:51):

Is there any discussion? Okay.

Senator Gavarone (02:03:59):

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

Senator Gavarone (02:04:25):

Some people may not agree with the work this committee has produced, but I think it's clear that the testimony from the countless Ohioans has had an impact. And the system the voters approved in 2018 was a success.

Senator Gavarone (02:04:39):

Before we proceed, I'd like to thank our hardworking staff, including Lexi and Maggie, Nick, and Isaac for manning the timer during these meetings. I'd like to thank both in the members' offices, the staff that's worked many hours on this process. In our respective caucuses, the LSC for their efforts and all their work during these hearings. I'd also like to thank members of my committee, both Republicans and Democrats, for their work and thoughtful consideration of the work that we were tasked to do on behalf of Ohioans. I'd also like to point out the work by Senator McColley, as you can imagine, this was a massive undertaking, and I think you did a really great job.

Senator Gavarone ([02:05:32](#)):

I'd like to thank all Ohioans who participated and made the process better, as well as our amazing surgeon at arms and highway patrol for their role in the committee hearings. The map before us today is drastically different than the first version of Senate Bill 258 that was presented to this committee, and that's because of the efforts for many of you today. The result of this map will be fair in competitive districts across the state of Ohio. That being said, will the clerk please call the role?

Clerk ([02:05:59](#)):

Chair Gavarone.

Senator Gavarone ([02:06:01](#)):

Yes.

Clerk ([02:06:02](#)):

Vice-chair O'Brien.

Sandra O'Brien ([02:06:03](#)):

Yes.

Clerk ([02:06:04](#)):

Senator Manning.

Nathan Manning ([02:06:05](#)):

Yes.

Clerk ([02:06:06](#)):

Senator Cirino.

Jerry Cirino ([02:06:06](#)):

Yeah.

Clerk ([02:06:07](#)):

Senator Kunze.

Stephanie Kunze ([02:06:08](#)):

Yes.

Clerk ([02:06:09](#)):

Ranking member Maharath.

Senator Maharath ([02:06:09](#)):

No.

Clerk ([02:06:11](#)):

Senator Sykes.

Senator Vernon Sykes ([02:06:12](#)):

No.

Senator Gavarone ([02:06:14](#)):

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

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