

IN THE SUPREME COURT OF OHIO

Meryl Neiman, *et al.*,

League of Women Voters of Ohio, *et al.*,  
Petitioners,

v.

Secretary of State Frank LaRose, *et al.*,

Respondents.

Case No. 2022-0298

Case No. 2022-0303  
*Consolidated*

Original Action Filed Pursuant to Ohio  
Constitution, Article XIX, Section 3(A)

---

PRESENTATION OF EVIDENCE BY RESPONDENTS HUFFMAN AND CUPP  
VOLUME I

---

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

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

Donald J. McTigue\* (0022849)  
\*Counsel of Record

David Yost (0059260)  
Jonathan D. Blanton (0070035)  
Julie M. Pfeiffer (0069762)  
Michael A. Walton (0092201)  
Allison D. Daniel (0096186)  
**OHIO ATTORNEY GENERAL**  
30 E. Broad Street, 16<sup>th</sup> Floor  
Columbus, Ohio 43215  
T: (614) 466-2872; F: (614) 728-7592  
Jonathan.Blanton@OhioAGO.gov  
Julie.Pfeiffer@OhioAGO.gov  
Michael.Walton@OhioAGO.gov  
Allison.Daniel@OhioAGO.gov  
*Counsel for Respondent*  
*Secretary of State Frank LaRose*

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

Derek S. Clinger (0092075)  
**MCTIGUE & COLOMBO LLC**  
545 East Town Street  
Columbus, OH 43215  
dmctigue@electionlawgroup.com  
dclinger@electionlawgroup.com  
T: (614) 263-7000

*Counsel for Neiman Petitioners*

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

Anupam Sharma (PHV 25480-2022)  
Yiye Fu (PHV 2519-2022)  
**COVINGTON & BURLING LLP**  
Salesforce Tower  
3000 El Camino Real, 5 Palo Alto Square  
Palo Alto, CA 94306  
(650) 632-4709  
asharma@cov.com

James Smith (PHV 25241-2022)  
Sarah Suwanda (PHV 25602-2022)  
Alex Thomson (PHV 25462-2022)  
**COVINGTON & BURLING LLP**  
One City Center  
850 Tenth Street, NW  
Washington, DC 20001  
(202) 662-6000  
jmsmith@cov.com

Freda J. Levenson (0045916)  
\*Counsel of Record  
**ACLU of OHIO FOUNDATION, INC.**  
4506 Chester Avenue

*Counsel for Respondent  
Ohio Redistricting Commission*

Phillip J. Strach (PHV 25444-2022)  
phillip.strach@nelsonmullins.com  
Thomas A. Farr (PHV 25461-2022)  
tom.farr@nelsonmullins.com  
John E. Branch, III (PHV 25460-2022)  
john.branch@nelsonmullins.com  
Alyssa M. Riggins (PHV 25441-2022)  
alyssa.riggins@nelsonmullins.com  
**NELSON MULLINS RILEY &  
SCARBOROUGH LLP**  
4140 Parklake Avenue, Suite 200  
Raleigh, NC 27612  
Telephone: 919-329-3800

W. Stuart Dornette (0002955)  
dornette@taftlaw.com  
Beth A. Bryan (0082076)  
bryan@taftlaw.com  
Philip D. Williamson (0097174)  
pwilliamson@taftlaw.com  
**TAFT STETTINUS & HOLLISTER LLP**  
425 Walnut St., Suite 1800  
Cincinnati, OH 45202-3957  
Telephone: 513-381-2838

*Counsel for Respondents Huffman and Cupp*

Cleveland, OH 44103  
(614) 586-1792  
flevenson@acluohio.org

David J. Carey (0088787)  
**ACLU of OHIO FOUNDATION, INC.**  
1108 City Park Ave., Suite 203  
Columbus, OH 43215  
(614) 586-1972  
dcarey@acluohio.org

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

*Counsel for LWVO Petitioners*

**PRESENTATION OF EVIDENCE BY RESPONDENTS HUFFMAN AND CUPP**

**VOLUME I**

Respondents, Speaker of the Ohio House of Representatives Robert Cupp, and Senate President Matthew Huffman, submit the following evidence in this matter<sup>1</sup>:

<b>Exhibit</b>	<b>Item Description</b>	<b>Page No.</b>
1	Transcript of Ohio Redistricting Commission Meeting dated February 23, 2022	HC001-HC024
2	Transcript of Ohio Redistricting Commission Meeting dated February 24, 2022	HC025-HC091
3	Transcript of Ohio Redistricting Commission Hearing dated March 1, 2022	HC092-HC143
4	Transcript of Ohio Redistricting Commission Meeting dated March 2, 2022	HC144-HC190
5	Attorney General Opinion to Speaker Cupp	HC191-HC205
6	Compactness Report for enacted March 2, 2022 Congressional Plan	HC206-HC209
7	Compactness Report for proposed Democratic Plan	HC210-HC213
8	Compactness Report for proposed Imai Plan	HC214-HC217
<b>Volume II</b>		
9	Speaker Cupp’s Responses to LWVO Second Interrogatories	HC218-HC233
10	Speaker Cupp’s Responses to LWVO Second Set of Requests for Production	HC234-HC248
11	Speaker Cupp’s Responses to Neiman First Interrogatories	HC249-HC262
12	Speaker Cupp’s Responses to Neiman First Set of Requests for Production	HC263-HC275
13	Senate President Huffman’s Responses to LWVO Second Interrogatories	HC276-HC291
14	Senate President Huffman’s Responses to LWVO Second Requests for Production	HC292-HC305
15	Senate President Huffman’s to Neiman First Interrogatories	HC306-HC320
16	Senate President Huffman’s to Neiman First Set of Requests for Production	HC321-HC332
17	Mr. Raymond DiRossi’s Responses to Document Subpoena	HC333-HC343

<sup>1</sup> Respondents Huffman and Cupp also reserve the right to rely on any evidence presented in this matter by stipulation or presented by any party.

18	Mr. Blake Springhetti's Responses to Document Subpoena	HC344-HC354
19	SPRINGHETTI000003	HC355-HC356
20	SPRINGHETTI000053	HC357-HC358
21	SPRINGHETTI000058	HC359-HC360
<b>Volume III</b>		
22	Testimony of Dr. Kosuke Imai, Ph.D. <i>Graham et al v. Adams et al</i> Civil Action No. 22-00047, Commonwealth of Kentucky, Franklin Circuit Court, April 5, 2022.	HC361-HC556
23	Expert Report of Sean Trende	HC557-HC569

Respectfully submitted this the 25th day of April, 2022.

/s/ Phillip J. Strach

Phillip J. Strach (PHV 2022-25444)

phillip.strach@nelsonmullins.com

Thomas A. Farr (PHV 2022-25461)

tom.farr@nelsonmullins.com

John E. Branch, III (PHV 2022-25460)

john.branch@nelsonmullins.com

Alyssa M. Riggins (PHV 2022-2544)

alyssa.riggins@nelsonmullins.com

**NELSON MULLINS RILEY &  
SCARBOROUGH LLP**

4140 Parklake Avenue, Suite 200

Raleigh, NC 27612

Telephone: (919) 329-3800

W. Stuart Dornette (0002955)

Beth A. Bryan (0082076)

Philip D. Williamson (0097174)

**TAFT STETTINIUS & HOLLISTER LLP**

425 Walnut Street, Suite 1800

Cincinnati, OH 45202-3957

Telephone: (513) 381-2838

dornette@taftlaw.com

bryan@taftlaw.com

pwilliamson@taftlaw.com

*Counsel for Respondents Huffman and Cupp*

**CERTIFICATE OF SERVICE**

The foregoing document was served on all counsel in this matter listed below on the 25<sup>th</sup> of April, 2022 via email

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

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

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

*Counsel for Neiman Petitioners*

Robert D. Fram (PHV 25414-2022)  
Donald Brown (PHV 25480-2022)

David Yost (0059260)  
Jonathan D. Blanton (0070035)  
Julie M. Pfeiffer (0069762)  
Michael A. Walton (0092201)  
Allison D. Daniel (0096186)  
**OHIO ATTORNEY GENERAL**  
30 E. Broad Street, 16<sup>th</sup> Floor  
Columbus, Ohio 43215  
T: (614) 466-2872; F: (614) 728-7592  
Jonathan.Blanton@OhioAGO.gov  
Julie.Pfeiffer@OhioAGO.gov  
Michael.Walton@OhioAGO.gov  
Allison.Daniel@OhioAGO.gov  
*Counsel for Respondent*  
*Secretary of State Frank LaRose*

Erik J. Clark (0078732)  
Ashley Merino (0096853)  
**ORGAN LAW LLP**  
1330 Dublin Road  
Columbus, Ohio 43215  
T: (614) 481-0900  
F: (614) 481-0904  
ejclark@organlegal.com  
*Counsel for Respondent*  
*Ohio Redistricting Commission*

Phillip J. Strach (PHV 25444-2022)  
phillip.strach@nelsonmullins.com  
Thomas A. Farr (PHV 25461-2022)  
tom.farr@nelsonmullins.com  
John E. Branch, III (PHV 25460-2022)  
john.branch@nelsonmullins.com  
Alyssa M. Riggins (PHV 25441-2022)  
alyssa.riggins@nelsonmullins.com  
**NELSON MULLINS RILEY &  
SCARBOROUGH LLP**

David Denuyl (PHV 25452-2022)  
**COVINGTON & BURLING LLP**  
Salesforce Tower  
415 Mission Street, Suite 5400  
San Francisco, CA 94105  
(415) 591-6000  
rfram@cov.com

Anupam Sharma (PHV 25480-2022)  
Yiye Fu (PHV 2519-2022)  
**COVINGTON & BURLING LLP**  
Salesforce Tower  
3000 El Camino Real, 5 Palo Alto Square  
Palo Alto, CA 94306  
(650) 632-4709  
asharma@cov.com

James Smith (PHV 25241-2022)  
Sarah Suwanda (PHV 25602-2022)  
Alex Thomson (PHV 25462-2022)  
**COVINGTON & BURLING LLP**  
One City Center  
850 Tenth Street, NW  
Washington, DC 20001  
(202) 662-6000  
jmsmith@cov.com

Freda J. Levenson (0045916)  
\*Counsel of Record  
**ACLU of OHIO FOUNDATION, INC.**  
4506 Chester Avenue  
Cleveland, OH 44103  
(614) 586-1792  
flevenson@acluohio.org

David J. Carey (0088787)  
**ACLU of OHIO FOUNDATION, INC.**  
1108 City Park Ave., Suite 203  
Columbus, OH 43215  
(614) 586-1972  
dcarey@acluohio.org

4140 Parklake Avenue, Suite 200  
Raleigh, NC 27612  
Telephone: 919-329-3800

W. Stuart Dornette (0002955)  
dornette@taftlaw.com  
Beth A. Bryan (0082076)  
bryan@taftlaw.com  
Philip D. Williamson (0097174)  
pwilliamson@taftlaw.com  
**TAFT STETTINUS & HOLLISTER LLP**  
425 Walnut St., Suite 1800  
Cincinnati, OH 45202-3957  
Telephone: 513-381-2838

*Counsel for Respondents Huffman and Cupp*

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

*Counsel for LWVO Petitioners*

/s/ Phillip J. Strach  
Phillip J. Strach (PHV 2022-25444)



# **Exhibit 1**

## RC audio 0223.mp3

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

**Staff** [00:00:03] Speaker Cupp.

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

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

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

**Staff** [00:00:07] Governor DeWine.

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

**Staff** [00:00:09] Auditor Faber.

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

**Staff** [00:00:10] President Huffman.

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

**Staff** [00:00:12] Secretary LaRose.

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

**Staff** [00:00:13] Leader Russo.

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

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

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

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

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

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

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

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

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

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

**Staff** [00:01:56] Speaker Cupp.

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

**Staff** [00:01:57] Seqnator Sykes.

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

**Staff** [00:01:59] Governor DeWine.

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

**Staff** [00:02:02] Auditor Faber.

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

**Staff** [00:02:03] President Huffman.

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

**Staff** [00:02:05] Secretary LaRose.

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

**Staff** [00:02:06] Leader Russo.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Paul Miller** [00:16:49] Correct.

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

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

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

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

**Paul Miller** [00:17:43] 12.



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

**Paul Miller** [00:17:47] One.

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

**Paul Miller** [00:17:53] Zero.

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

**Paul Miller** [00:18:03] Yes.

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

**Paul Miller** [00:18:21] Yes.

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

**Paul Miller** [00:18:34] Yes.

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

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

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

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

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

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

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

**Paul Miller** [00:19:19] Yes.

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Paul Miller** [00:28:43] Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Paul Miller** [00:33:32] Yes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Paul Miller** [00:34:16] Up here

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

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

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

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

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

**Paul Miller** [00:34:37] Yes.

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

**Paul Miller** [00:34:42] Northwest.

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

**Paul Miller** [00:36:12] Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

**Catherine Turcer** [01:05:48] 14.

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

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

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

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

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

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

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

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

**Catherine Turcer** [01:07:08] Yes.

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

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

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

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

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

**Catherine Turcer** [01:07:46] Yes.

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

**Catherine Turcer** [01:08:00] Yes.

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

**Catherine Turcer** [01:08:02] Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



# **Exhibit 2**

OHIO REDISTRICTING COMMISSION

FEBRUARY 24, 2022

Transcribed by:

Denise Myers Byrd, CSR 8340, RPR  
Discovery Court Reporters and  
Legal Videographers, LLC  
4208 Six Forks Road  
Suite 1000  
Raleigh, North Carolina 27609  
(919) 424-8242  
denise@discoverydepo.com

1                   SPEAKER CUPP: The Ohio Redistricting  
2 Commission will reconvene pursuant to the  
3 recess. I will ask first that the staff please  
4 call the roll.

5                   THE CLERK: Co-Chair Speaker Cupp.

6                   SPEAKER CUPP: Present.

7                   THE CLERK: Co-Chair Senator Sykes.

8                   SENATOR SYKES: Present.

9                   THE CLERK: Governor DeWine.

10                  GOVERNOR DEWINE: Here.

11                  THE CLERK: Auditor Faber.

12                  AUDITOR FABER: Here.

13                  THE CLERK: President Huffman.

14                  PRESIDENT HUFFMAN: Here.

15                  THE CLERK: Secretary LaRose.

16                  SECRETARY LAROSE: Here.

17                  THE CLERK: Leader Russo.

18                  Mr. Co-Chair, a quorum is present.

19                  SPEAKER CUPP: With a quorum present,  
20 we will resume our meeting as a full commission.

21                  At this time, the commission will hear;  
22 public testimony from sponsors of complete  
23 statewide congressional plans. These  
24 proceedings will be recorded and broadcast by  
25 the Ohio Channel so the board, in its

1 deliberations, may consider things that are said  
2 here today.

3 We ask our audience to refrain from  
4 clapping or other loud noise out of respect for  
5 the witnesses and persons that may be watching  
6 the proceedings remotely because that sort of  
7 noise does interfere with the sound for those  
8 who are listening remotely.

9 If you are here to testify, and have  
10 not done so already, please complete a witness  
11 slip and give it to one of our staff. If you  
12 have written testimony, please submit a copy to  
13 our staff so it can be included in the official  
14 record of proceedings.

15 As previously agreed with the co-chair,  
16 a witness may testify before the commission for  
17 up to ten minutes on the plan. They are  
18 testifying about subject to any further  
19 limitation by the co-chairs. Witnesses should  
20 limit their testimony to the complete statewide  
21 congressional plan that they submitted.

22 We'll now begin with our first witness  
23 here today whose name is Trevor Martin. So  
24 please come forward. Is Trevor Martin here?

25 THE CLERK: He's not here yet.

1                   SPEAKER CUPP: Not here yet. Okay.  
2                   Okay. We'll skip over him and come back later.

3                   So our first witness will be Linus  
4                   Beatty. Mr. Beatty, come forward and please  
5                   state and spell your name for the record, speak  
6                   clearly, loudly enough for this panel to hear  
7                   and for the audience as well. So welcome.

8                   LINUS BEATTY: Thank you so much.

9                   My name is Linus Beatty. L-I-N-U-S  
10                  B-E-A-T-T-Y.

11                  First, I'd like to thank all of the  
12                  commissioners, the media that's present, and all  
13                  of the public for giving us your time today to  
14                  hear my plan.

15                  Like many in our state, I've been  
16                  deeply disappointed in how the process has  
17                  worked so far for redistricting. However, I'm  
18                  not here today to talk about the process so far.  
19                  Instead, I'd like to talk about a plan that I  
20                  have that can help move the state forward that I  
21                  believe is fair and compliant with the  
22                  constitution.

23                  This map which I have submitted has a  
24                  9/6 breakdown which I believe is in line with  
25                  what the supreme court has asked this commission

1 to do. Furthermore, it avoids double-bunking  
2 any incumbents who have -- who have signaled  
3 that they are seeking reelection.

4 I believe that my map does an excellent  
5 job of maintaining communities of interest  
6 particularly when compared to the map from last  
7 decade. The example that I would give is  
8 examining last decade's 12th and 15th districts,  
9 both of which went into Franklin county before  
10 going eastward into Appalachia. I don't need to  
11 tell you guys that these communities aren't that  
12 similar in their culture and the economic  
13 realities that they face. And as a result of  
14 that not being what it is, several parts of  
15 Appalachia were represented by two members from  
16 Franklin county for a decent chunk of the  
17 decade.

18 My map, however, splits Franklin county  
19 only twice, the minimum number needed to comply  
20 with the constitution. It keeps the 15th  
21 district, which is currently occupied by Joyce  
22 Beatty, entirely within Franklin county. And  
23 the 12th district, which goes up into Delaware  
24 county and slightly over into Licking, stays  
25 entirely within the Columbus metropolitan area.

1                   Furthermore, the 10th district, which  
2                   would be occupied by Charlie Balderson right  
3                   now, is about half contained within Appalachia  
4                   and the other half is in rural and exurban  
5                   communities near Columbus. This, in addition to  
6                   keeping the sixth district entirely within  
7                   Appalachia and the second district mostly within  
8                   Appalachia, will help ensure that this region is  
9                   accurately represented in Washington.

10                   I don't know if you guys have the  
11                   district statistics. I submitted them, but --

12                   SPEAKER CUPP: I believe they have been  
13                   distributed to members' folders. Yes, we have  
14                   them.

15                   LINUS BEATTY: So as you can see, it  
16                   will most likely function as a 9/6 map, nine  
17                   Republican, six Democrats. The statistics there  
18                   are from a 2016 to 2020 composite. And I  
19                   believe that this map avoids splitting counties  
20                   whenever possible. There are only 14 county  
21                   splits, the minimum needed, and there are only  
22                   13 counties that are split, with Cuyahoga being  
23                   split twice.

24                   As I wrap up my opening statement, I  
25                   would like to leave this commission with one

1 thought that I feel justifies where we're at  
2 right now. I ask each and every one of you: Do  
3 you weigh your own political future and your own  
4 political fortune over the values of our  
5 republic and the strength of our democracy?

6 I think that is a question that every  
7 single public servant should ask themselves  
8 before any action, and I ask that before every  
9 single vote, whether it's for my map or another  
10 map, you will do the same.

11 Thank you very much. And I yield for  
12 any questions related to my map.

13 SPEAKER CUPP: Thank you very much for  
14 taking the initiative to draw a map and come  
15 here and submit it and to testify. I don't know  
16 if you watched the hearing yesterday, but we do  
17 have some basic questions that are just  
18 requirements to go through to see whether your  
19 map -- to ask you whether your map complies with  
20 those.

21 LINUS BEATTY: Yes.

22 SPEAKER CUPP: The first is the  
23 congressional ratio of representation, and that  
24 is in Article XIX, Section 2(A)(2). The ratio  
25 of representation is 786,630. Did you apply a



1 standard of strict mathematical equality for the  
2 population of each district, or did you deviate  
3 from the ratio of representation?

4 LINUS BEATTY: No district deviates  
5 more than two people from that. And if I had  
6 better software, I could probably make it less.  
7 I did it on Dave's.

8 SPEAKER CUPP: Two is pretty good, and  
9 one yesterday was pretty good too.

10 Do you believe your district population  
11 meets the constitutional standard set out in the  
12 federal case law for one person, one vote?

13 LINUS BEATTY: I believe so.

14 SPEAKER CUPP: All right. Next is  
15 regarding the splits of political subdivisions.

16 Prior to drawing districts, did you  
17 determine which counties had populations that  
18 exceeded the ratio of representation pursuant to  
19 Article XIX, Section 2(B)(4).

20 LINUS BEATTY: Yes.

21 SPEAKER CUPP: And can you tell us what  
22 those are.

23 LINUS BEATTY: They are Franklin  
24 county, Cuyahoga county, and Hamilton county.

25 SPEAKER CUPP: In any of those

1 counties, were there any cities or townships  
2 whose population exceeded the congressional  
3 ratio of representation?

4 LINUS BEATTY: Columbus does.

5 SPEAKER CUPP: And therefore, did you  
6 follow the rules in section 2(B)(4)(a) to  
7 include a significant portion of that political  
8 subdivision in one district?

9 LINUS BEATTY: Yes.

10 SPEAKER CUPP: I think you testified to  
11 that.

12 Returning to those counties whose  
13 population exceeded the ratio of representation,  
14 were there any cities or townships that were  
15 larger than 100,000 persons but less than the  
16 congressional ratio of representation?

17 LINUS BEATTY: Parma would be, I  
18 believe, above that. And Cuyahoga county, I did  
19 not split that. And then -- oh, wait. Over  
20 100,000?

21 SPEAKER CUPP: Yes.

22 LINUS BEATTY: Oh, then I guess it  
23 would just be Cincinnati and then Cleveland  
24 which are all kept whole. Sorry. My bad.

25 SPEAKER CUPP: And did you follow the

1 rule about not splitting?

2 LINUS BEATTY: Not splitting. No.  
3 Those cities are not split.

4 SPEAKER CUPP: All right. Thank you.  
5 How many counties in your plan are  
6 whole in one congressional district?

7 LINUS BEATTY: It would be 75.

8 SPEAKER CUPP: And how many counties in  
9 your plan are split once?

10 LINUS BEATTY: It would be 12.

11 SPEAKER CUPP: And how many counties in  
12 your plan are split twice?

13 LINUS BEATTY: One.

14 SPEAKER CUPP: That would be Cuyahoga?

15 LINUS BEATTY: Yes, Cuyahoga.

16 SPEAKER CUPP: How many counties in  
17 your plan are split more than twice?

18 LINUS BEATTY: None.

19 SPEAKER CUPP: And so do you believe  
20 these numbers comply with Article XIX,  
21 Section 2(B)(5) regarding county splits?

22 LINUS BEATTY: I do.

23 SPEAKER CUPP: In regard to the  
24 contiguity of -- contiguity -- yeah, keeping  
25 them together, does your plan comply with

1 Article XIX, Section 2(B) in that if a district  
2 contains only part of a county, the part of the  
3 district that lies in that district is  
4 continuous within the boundaries of that county?

5 LINUS BEATTY: It does.

6 SPEAKER CUPP: All right. And then  
7 portions relating -- question relating to the  
8 portions of the territory in more than one  
9 county.

10 Prior to drawing the districts, did you  
11 determine which counties had populations that  
12 exceeded 400,000 in population?

13 LINUS BEATTY: Yes.

14 SPEAKER CUPP: And those would be?

15 LINUS BEATTY: They would be -- let's  
16 see if I can remember all of them. They would  
17 be Lucas, Montgomery, Hamilton, Cuyahoga,  
18 Franklin, and then Summit, I believe, are all of  
19 them.

20 SPEAKER CUPP: Does your plan comply  
21 with Article XIX, Section 2(B)(7) in that no two  
22 congressional districts shall share portions of  
23 the territory of more than one county except for  
24 those counties whose population exceeds 400,000  
25 persons?

1 LINUS BEATTY: Yes.

2 SPEAKER CUPP: And did you attempt to  
3 include at least one whole county in each  
4 congressional district in compliance with  
5 Article XIX, Section 2(B)(8).

6 LINUS BEATTY: Yes, I did.

7 SPEAKER CUPP: All right. That's all  
8 the questions I have.

9 Are there any members of the commission  
10 that have further questions?

11 Hearing none, thank you very much for  
12 your testimony.

13 Oh, I'm sorry. Auditor Faber.

14 AUDITOR FABER: I just had one. And I  
15 appreciate your work in putting this together  
16 because I know this took you a lot of time,  
17 especially with the detail you paid to try and  
18 keep communities of interest and it looks like  
19 incumbents and minimize the splits.

20 But as I look at District 9, it looks a  
21 lot like the famed Snake on the Lake that we've  
22 heard a lot about. Can you explain that  
23 distinction and why we heard so much concern  
24 about that but yet this isn't it.

25 LINUS BEATTY: So one thing that I

1 would note is that the Snake on the Lake  
2 does -- it splits Ottawa and Erie to go  
3 basically very narrowly along the lake, and does  
4 the same in Lorain before growing out and taking  
5 western Cleveland, which is very strongly  
6 Democrat, to make it into a vote sink.

7 When I designed my map, I tried to  
8 avoid splits, and furthermore, I looked at  
9 previous maps, including ones before this last  
10 congressional map, to see what counties were  
11 often kept together. For example, I put  
12 Sandusky county with the 5th because that had  
13 been with the 5th going back to the '70s prior  
14 to this configuration.

15 Does that answer your question, or  
16 would you like more clarity?

17 AUDITOR FABER: I guess it's as good as  
18 any. I can't tell the details, but it looks  
19 like you chose to slice Lorain county in half  
20 and made some other adjustments, but again, I am  
21 just curious --

22 LINUS BEATTY: I would note that this  
23 is pretty much the 9th district that existed  
24 prior to this decade. It's the same one that  
25 was on the 2000s. Lorain's not split the exact

1 same way, but that is where that comes from.

2 SPEAKER CUPP: All right. Is there any  
3 further questions? There being no further  
4 questions, we thank you for coming and making  
5 your presentation.

6 LINUS BEATTY: Thank you.

7 SPEAKER CUPP: So we also have Trevor  
8 Martin checked in. Is Trevor Martin here today?  
9 Trevor.

10 TREVOR MARTIN: Good afternoon. Thank  
11 you, co-chairs, members of this commission, for  
12 giving me this opportunity to speak.

13 My name is Trevor Martin. I'm a  
14 community organizer and member of the  
15 Fair Districts Ohio coalition. I have trained  
16 over 80 individual community members to use  
17 mapping software, specifically Dave's  
18 Redistricting tool and Districtr, to participate  
19 in the '22 Ohio redistricting process by  
20 creating informative, descriptive, and  
21 meaningful community maps that Ohio citizens can  
22 share and thereby advocate for fair and  
23 representative districts.

24 In addition, I have either facilitated  
25 or sat in on dozens of community-mapping

1 sessions organized and hosted by community  
2 members throughout Ohio. In doing so, I've  
3 heard from hundreds of community members from  
4 all over the state, and I've seen hundreds of  
5 community maps made by Ohio citizens that  
6 reflect a vision of their community, how they  
7 define that community, and how they would like  
8 to see these communities represented.

9 I was hoping to address some of the  
10 critiques made yesterday, February 23, 2022, in  
11 front of this body regarding the  
12 Fair Districts Ohio Model Map. First and  
13 foremost, the assertion that the Fair Districts  
14 Model Map is least fair of all proposals  
15 submitted to this commission. The fact is that  
16 the Fair Districts Model Map scores the highest  
17 of all submitted proposals on Dave's  
18 Redistricting cumulatively and in nearly every  
19 metric of fairness that we can observe, scoring  
20 very high in proportionality, splitting, and  
21 minority representation. It is the most compact  
22 and the most competitive of any plan that has  
23 been presented to this body during public  
24 testimony.

25 I would like to point out that the



1 Fair Districts Ohio Model Map is the only truly  
2 nonpartisan map that had been presented to this  
3 commission yesterday, February 23, 2022.

4 Unlike other proposals that had been  
5 presented on behalf of a particular party, the  
6 Fair Districts Model Map is a product of many  
7 people from across many walks of life. It is a  
8 matter of fact that voting members of the  
9 Republican Party in Ohio had participated in our  
10 community mapping and in our district drawing  
11 competitions. I myself sat in on a mapping  
12 session in Wyoming, Ohio, down by Cincinnati,  
13 that had several Republicans in attendance,  
14 including the chair of the Wyoming, Ohio,  
15 Republican Club. I was also present at a heated  
16 discussion in Portage county that was attended  
17 by both liberal and conservative Ohio voters.

18 The Fair Districts Model Map is a  
19 collaboration of multiple community maps created  
20 by self-proclaimed Democrats, Republicans, and  
21 unaffiliated Ohio citizens. To say that it  
22 unduly favors any party is preposterous.

23 More specifically, the district  
24 variance calculations presented by witness Paul  
25 Miller at the February 23, '22, meeting of the

1 Ohio Redistricting Commission should not be used  
2 to determine the constitutionality of any  
3 district plan being considered by this  
4 commission. In short, statistical variance  
5 measures the proximity of each data point, in  
6 this case a congressional district, in relation  
7 to an identified target outcome.

8 In the case of Mr. Miller's analysis,  
9 his target outcome is a 50/50 Republican-to-  
10 Democrat vote total per district and what he  
11 categorizes as a fair district. This is how  
12 Mr. Miller concluded that the GOP congressional  
13 plans were the fairest because those maps  
14 gerrymandered certain communities to produce a  
15 map with a higher number of districts with a  
16 relatively low partisan index split.

17 This argument was rightly struck down  
18 by the Supreme Court as a map that unduly  
19 favored the GOP because it was specifically  
20 Democratic counties that were split in such a  
21 way to create an artificially competitive  
22 environment.

23 This is a highly-flawed metric for  
24 identifying gerrymandering for several reasons.  
25 First, Ohio's political geography is not

1           conducive to a 15 district 50/50 split map.  
2           This is obvious to anyone who has spent even a  
3           marginal amount of time looking at the state.  
4           In fact, producing a map with little variance  
5           between districts requires gerrymandering.  
6           Think about it. How do you produce a 50/50  
7           district in Cuyahoga county or along Ohio's  
8           western border? You can't unless you  
9           specifically crack and pack together distant  
10          communities to construct a single district.

11                    We know some districts in Ohio are  
12           going to be solid Republican and others will be  
13           solid Democrat. That's just reality. A higher  
14           level of variance between districts is a sign  
15           that communities of interest are being  
16           respected.

17                    The Fair Districts Model Map inherently  
18           scores lower using Mr. Miller's approach  
19           precisely because it does represent communities  
20           of interest, keeping them together and within a  
21           given district. To be sure the Fair Districts  
22           Model Map does address competitiveness, but it  
23           does so within the areas of the state where the  
24           natural distribution of population and partisan  
25           spread of voters is competitive rather than the

1 artificial application of competitiveness across  
2 all districts.

3 Second, statistical variance analysis  
4 was never put forth as evidence during any of  
5 the court proceedings challenging the  
6 constitutionality of either the general assembly  
7 maps or congressional maps. This is striking  
8 considering Mr. Miller's analysis concluded the  
9 GOP maps were the fairest. If the methodology  
10 of statistical variance had even a fraction of  
11 legitimacy of other measures for identifying  
12 gerrymandering, for example, the efficiency gap,  
13 the vote-seat ratio, or mean-median analysis,  
14 then I'm sure lawyers representing the  
15 defendants in these cases would have made this  
16 analysis a central component to their legal  
17 arguments. Instead, they did not even mention  
18 this form of analysis in their court filings.

19 I would also like to confront the  
20 accusation made yesterday that the Fair  
21 Districts Model Map is racist. I and my fellow  
22 colleagues and citizen mapmakers who put much  
23 work into this map found it to be utterly  
24 disrespectful, offensive, and patently false.  
25 The Fair Districts Model Map is a product of

1           dozens, if not hundreds, of diverse individuals  
2           and organizations throughout the state,  
3           including members of black fraternities and  
4           sororities, including Alpha Kappa Alpha in the  
5           Cleveland area.

6                     The model map scores a 50 for minority  
7           representation in Dave's Redistricting tool  
8           which is equal to or higher than any other map  
9           that has been presented to this commission that  
10          I am aware of.

11                    The Fair Districts Model Map preserves  
12          the majority-minority district in CD 11 and  
13          creates a second opportunity district in CD 1 in  
14          Hamilton county in addition to the already  
15          present opportunity district in Franklin county,  
16          Congressional District 3.

17                    In comparison, other proposals  
18          submitted to this body yesterday dilute CD 11 so  
19          that it is downgraded from a majority-minority  
20          district to an opportunity district which could  
21          run afoul of the federal Voting Rights Act.  
22          They also provided fewer or weaker opportunity  
23          districts than the Fair Districts Model Map  
24          does. Therefore to say that the  
25          Fair Districts Model Map is racist, though very

1 offensive, that declaration is laughable and  
2 demonstrably false.

3 Furthermore, the claim that the model  
4 map is out of compliance with the Court's  
5 opinion in Adams v Dewine is also incorrect.  
6 The assumption is based off a misreading of the  
7 text. Splitting Summit county is permissible.  
8 The Court found that the struck down  
9 Senate Bill 258 splits of Summit and Cuyahoga  
10 counties unduly favored Republicans, conferring  
11 a partisan advantage, thus it was not that these  
12 counties were split but rather how they were  
13 split. The splits that are present in the  
14 Fair Districts Model Map confer no such  
15 advantage for either party and are there solely  
16 to preserve community boundaries, school  
17 districts, or other such nonpartisan criteria.

18 Now, as a community member -- or  
19 community organizer myself, I have a keen  
20 interest in keeping communities of interest  
21 together and to advocate for fair representation  
22 of those communities.

23 The definition of community can mean a  
24 lot of different things to a lot of different  
25 people, and each individual can be a member or

1 multiple communities. Believe me, this came up  
2 often in my discussions with Ohio voters about  
3 community and who the people were supposedly  
4 representing these communities.

5 what these community made maps do show  
6 is where these people live, where they work,  
7 where their children go to school, where they  
8 shop, where they eat, their parks, their trails,  
9 their community centers, their places of  
10 worship. These community maps tell stories of  
11 community concerns, what they considered  
12 important to them, and how decisions should be  
13 made when drawing district lines that will  
14 affect their day-to-day lives.

15 In conclusion, I would like to assert  
16 that the Fair Districts Model Map keeps  
17 political subdivisions and communities together  
18 as much as possible and more accurately reflects  
19 the partisan balance of this great state of  
20 Ohio. Fair Districts Ohio urges you to adopt  
21 this nonpartisan constitutionally compliant map  
22 that prioritizes voters. And please remember  
23 that Ohio voters overwhelmingly approved a new  
24 process to put an end to partisan  
25 gerrymandering. Thank you.

1                   SPEAKER CUPP: Are there questions for  
2 Mr. Martin?

3                   I do not believe there are. So thank  
4 you for coming and making your presentation. I  
5 think I asked about the map yesterday, the  
6 constitutional requirements, so we don't need to  
7 repeat that today.

8                   TREVOR MARTIN: I appreciate it. Thank  
9 you.

10                  SPEAKER CUPP: That is all of the  
11 witnesses that we have checked in to testify to  
12 submitted whole state congressional  
13 redistricting maps.

14                  At this time, is there further business  
15 to come before the commission?

16                  The chair recognizes Senator Huffman.

17                  PRESIDENT HUFFMAN: Yeah. Thank you,  
18 Mr. Speaker and members of the commission.

19                  As I think all commissioners know,  
20 we've been working a lot of these past several  
21 days to try to resolve the general assembly  
22 maps. We have had a map which we believe  
23 comports with all of the requirements of the  
24 Supreme Court, 54 -- well, we will call I think  
25 the Republican 54/18 map that I believe that's



1           been presented at -- in a session with the  
2           Democratic commissioners and their various  
3           experts.

4                     My understanding is that all of the  
5           Republican commissioners have had an opportunity  
6           to review that and look at it. Unfortunately,  
7           at the moment, there are not paper copies.  
8           We're doing this as quickly as we can.

9                     And also, I understood that at the  
10          request of Senator Sykes there was going to be  
11          some sort of break between this hearing and full  
12          consideration of that map.

13                    So I don't have anything more than that  
14          other than we believe it comports with  
15          everything in the constitution and in the  
16          dictates that the Court has given us. So at  
17          that -- at the point in time when I have -- at  
18          6:00, after the requested three-hour break, I'll  
19          present that and talk in detail.

20                    SPEAKER CUPP: Any further questions?  
21          Comments?

22                    SENATOR SYKES: One question,  
23          Mr. Co-Chair. Has this map or plan been  
24          distributed or made available to the public?

25                    PRESIDENT HUFFMAN: It's my

1 understanding is it's not been. It's about to  
2 be shortly. It's kind of getting in final form,  
3 and I'm not sure how quickly it can be loaded up  
4 to the website, but hopefully that will be  
5 in -- oh, apparently, in the next half an hour  
6 or so, so well before the hearing here in a few  
7 hours.

8 SENATOR SYKES: We're all the  
9 members -- if I can make --

10 SPEAKER CUPP: Go right ahead.

11 SENATOR SYKES: Have all the members,  
12 majority members of the commission, were they  
13 involved in the drafting of this -- of this  
14 plan?

15 PRESIDENT HUFFMAN: Senator, I  
16 don't -- I don't have a daily log or diary of  
17 what each of the other six members of the  
18 commission did. Everyone's had a chance to see  
19 it, make comments, suggestions, whatever it may  
20 be. So I don't -- I don't know the detail of  
21 what everybody said and did and when they did  
22 it.

23 SENATOR SYKES: Okay.

24 SPEAKER CUPP: All right. Without  
25 objection, the commission will recess until

1 6:00. In the meantime, the proposed map will be  
2 uploaded to the public website and maps will be  
3 printed and made available as quickly as  
4 possible. So the committee will recess until  
5 6:00 p.m.

6 (Recess.)

7 SPEAKER CUPP: The redistricting  
8 commission will come back to order pursuant to  
9 the recess earlier today. I would note for the  
10 record that all members of the commission are  
11 present here as we have reconvened.

12 Is there business to come before the  
13 commission? The chair recognizes Senator  
14 Huffman.

15 PRESIDENT HUFFMAN: Thank you, Co-Chair  
16 Cupp.

17 At this time I would move that the  
18 commission adopt the plan that is submitted on  
19 the commission's website known under the name  
20 Paul DeSantis. And that is my motion, and I'd  
21 like to speak to the motion.

22 SPEAKER CUPP: I'll second the motion.  
23 Senator Huffman.

24 PRESIDENT HUFFMAN: Thank you,  
25 Mr. Chair.

1           Just briefly, and obviously happy to  
2           answer any questions, this plan is a plan that  
3           designates 18 Republican Senate seats and 54  
4           House Republican seats, or an 18/15, 54/45 map  
5           which was designated in the Supreme Court's  
6           decision.

7           I would note that the Democratic map  
8           submitted last week had the same number as I  
9           believe the Rodden map referred to in the  
10          Supreme Court's decision at an 18/57 map.

11          I did want to comment that this --  
12          these maps, all of them, were drawn -- or at  
13          least I think the Glassburn map, Democratic map  
14          and ours, were done pursuant -- or with the data  
15          that was provided by Ohio University pursuant to  
16          the contract that was issued by the  
17          redistricting committee and the commission, in  
18          other words, the census data sent to Ohio  
19          University, and that's the data that was used  
20          and agreed to be used by everyone. I think  
21          since -- at least in the last few hours some  
22          folks have said, well, there may be districts on  
23          third party websites -- or opinions on third  
24          party websites that use different data. I think  
25          we've had a lot of testimony about how a lot of

1 that is inaccurate or not quite according to  
2 Hoyle. So these are -- this -- the indexes in  
3 the total are pursuant to the official data from  
4 Ohio University that the mapmakers on both sides  
5 of the aisle have been using, so it's an 18/54  
6 map.

7 The other requirement that the Supreme  
8 Court indicated in its second opinion is the  
9 issue regarding symmetry. I'm going to talk a  
10 little bit more about the Senate map. I'll  
11 allow Speaker Cupp to talk about the House map.  
12 But there are -- the issues or the districts  
13 regarding asymmetry are two in the Senate and  
14 five in the House. This is identical to, again,  
15 to the Democratic map that was submitted last  
16 Thursday.

17 And otherwise, this map follows all the  
18 other technical line-drawing rules provided in  
19 the constitution.

20 And I think that's the extent of my  
21 remarks. Obviously, we're all interested in  
22 getting this done quickly and -- as we've got a  
23 May 3rd primary. I'll let Secretary LaRose talk  
24 about that, if he chooses, regarding the  
25 urgency, perhaps talk even more than he already

1 has. I think he's put the commission in a  
2 pretty good place knowledgewise about it.

3 So those are the extent of my remarks  
4 now, Mr. Speaker. I'd be happy to answer any  
5 questions at this time.

6 SPEAKER CUPP: Before you do that, let  
7 me just talk a bit about the House map.

8 So I want to first say that I honestly  
9 believe that all members of the redistricting  
10 commission have worked long and hard to achieve  
11 a new General Assembly District Plan that is in  
12 compliance with all the requirements of the Ohio  
13 Constitution. The fact is that it is a new  
14 constitutional provision that has never before  
15 been utilized or navigated or litigated. And as  
16 such, it naturally results in differing opinions  
17 and understanding about what is required.

18 Decisions of the Ohio Supreme Court  
19 have subsequently filled in some of the meaning  
20 of certain constitutional provisions, thus the  
21 map -- this map before us now starts anew, with  
22 a goal of meeting those provision as  
23 adjudicated.

24 The House districts in this new General  
25 Assembly plan proposal I believe meets the

1 requirements of the Ohio Constitution as  
2 interpreted by the Ohio Supreme Court, including  
3 these requirements that the Court has ordered  
4 beyond those expressly stated in the text of  
5 Article XI.

6 In regard to partisan proportionality,  
7 the Supreme Court has held that the appropriate  
8 ratio based on the percentage of statewide votes  
9 for each major political party in statewide  
10 elections over the last ten years translates  
11 into 54 Republican-leaning House districts and  
12 45 Democrat-leaning House districts provided  
13 other requirements of the Ohio Constitution are  
14 not violated in drawing districts to meet this  
15 proportionality. The district plan approved by  
16 the commission in January of this year included  
17 57 Republican-leaning districts and 42  
18 Democrat-leaning districts.

19 The proposed new district map before us  
20 has 54 Republican-leaning seats and 45  
21 Democratic-leaning seats. I would point out  
22 that this was very difficult to achieve, and it  
23 was time-consuming to navigate the  
24 constitutional limitations on splits and  
25 divisions of political subdivisions in the

1 state, but after months of trying and retrying  
2 and trying again, and after several court  
3 decisions refining the meaning of the terms of  
4 the constitution, the target partisan  
5 proportionality as determined by the Court has  
6 been achieved in this proposed map.

7 The House plan, House part of this plan  
8 approved by this commission in January included  
9 12 so-called asymmetrical districts as defined  
10 by the Court. This new plan includes only five  
11 asymmetrical districts which is the same number  
12 of asymmetrical districts as contained in the  
13 House plan that Representative Russo moved to  
14 adopt and have this commission -- asked this  
15 commission to adopt on February 17th.

16 I have used the term new plan several  
17 times because this General Assembly District  
18 Plan has been developed anew. Approximately  
19 70 percent of the House districts are different  
20 from the districts approved by the commission in  
21 January and, taken together, approximately  
22 73 percent of all 132 general assembly districts  
23 are new.

24 That will conclude my overview of the  
25 House districts of the plan, and I would be



1 happy to respond to any questions that I may be  
2 able to answer.

3 So the floor is open.

4 SENATOR SYKES: Mr. Co-Chair, you know,  
5 I am just disappointed, you know, not so much  
6 for myself but disappointed in the -- for the  
7 Court and for the people of the state of Ohio  
8 particularly as it relates to, you know, just  
9 the process. You know, I'm the sponsor of  
10 Ohio's open meetings law, and, you know, we have  
11 some guidelines to try to make sure that the  
12 people's business, that they have access to it,  
13 have information about it, they have a chance to  
14 petition us, to hold us accountable, to give  
15 input whether that's through a public hearing or  
16 even just a telephone call.

17 We've been told that you've been  
18 working on this since February 11th, and we have  
19 not had a chance, an opportunity to give any  
20 input or have any knowledge about what you're  
21 doing.

22 So we're just wondering, do you expect  
23 us to vote on this? We just got it, the  
24 information about this, just a few hours ago.  
25 We've been deliberating over districts and

1           redistricting issues since the summer, but now,  
2           with just a few hours' notice, you want us -- do  
3           you want us to vote on this today?

4                   SPEAKER CUPP:  What's the pleasure of  
5           the commission?

6                   PRESIDENT HUFFMAN:  Mr. Chair.  Yeah,  
7           well, a couple of things.  I mean, I don't  
8           think -- and I appreciate what you're saying.  
9           And, you know, Senator Sykes, there are many,  
10          many, many meetings that are productive meetings  
11          that don't take place -- our -- you and I talked  
12          about this issue in your office, and the press  
13          and the public weren't a part of that.  We've  
14          had phone conversations, things like that, so  
15          sometimes those are productive meetings.

16                   I don't think these issues are new to  
17          anyone sitting here on the commission.  
18          Much -- you know, much of this plan are actually  
19          adoptions from the Democratic map and not in  
20          whole but at least in concept.  And I would  
21          prefer to vote on the plan tonight for a couple  
22          of reasons.  One is the Supreme Court has made  
23          it clear as to the urgency of responding to  
24          them.  And more importantly, I think, or as  
25          importantly is that we have a May 3rd election

1 and the secretary has made clear -- again, I'll  
2 let him speak to the specifics of it -- about  
3 the importance of having this -- and hopefully  
4 still possible, having these general assembly  
5 district elections on May 3rd.

6 And, you know, all of the other options  
7 are bad. Two primaries, bad idea because I  
8 happened to suggest it and people let me know  
9 pushing back the primary, people are not in  
10 favor of that also.

11 So I don't know. You know, I think at  
12 this point, a while ago days matter, at this  
13 point hours matter, and so I would prefer to  
14 vote on it tonight, and those are the reasons  
15 why. So those are my comments about the timing.

16 SENATOR SYKES: Mr. Co-Chair, the Court  
17 has instructed us to work on a commission plan  
18 and have the commission work on a plan, not to  
19 have a Democratic plan or a Republican plan.

20 And so what is your rationale since we  
21 have reached out to you to be involved to offer  
22 input, but we haven't been given any  
23 information, just the map once you finished and  
24 completed. How is that compliant with the  
25 directive of the Court?

1           PRESIDENT HUFFMAN: Well, if I could,  
2 we're here now and we can talk about it. I'm  
3 not sure how else the commission can meet and  
4 talk about it unless we notice up a meeting and  
5 we're all here to do that. So we have a  
6 meeting, we can talk about it now, things you  
7 like or dislike or whatever it may be.

8           SENATOR SYKES: Well, you know, we did  
9 have an opportunity in the last few hours to  
10 take a look at the map, and it looks like it  
11 puts the minority party in a more inferior  
12 position than before, with only six -- 26  
13 districts that are -- that would be most likely  
14 won by Democrats in the House and only eight  
15 districts that would most likely be won by  
16 Democrats in the Senate.

17           And so, you know, we don't believe that  
18 this -- we appreciate the idea that you maybe  
19 embrace the concept that you need to comply with  
20 the proportionality guidelines, but the Court  
21 also indicated that symmetry was also important,  
22 and we don't believe that you've complied with  
23 that. We believe that you've made that worse.

24           SPEAKER CUPP: If I might ask, what is  
25 your rationale for that?

1                   SENATOR SYKES: Rationale, you  
2                   have -- in the plan that was turned down by the  
3                   Court, in the House, districts that had a DPI  
4                   from 50 to 52, there were 14 leaning Democrat.  
5                   In this plan you have 19 for the House. And for  
6                   the Senate you have in fact five in the plan  
7                   that was turned down by the Court and then you  
8                   have seven in the one being presented here  
9                   today, between 50 and 52. And so we believe  
10                  that that placed the minority party in a more  
11                  inferior position.

12                 SPEAKER CUPP: Well, if I might respond  
13                 to that, I actually -- I read the Supreme Court  
14                 decision again today, Decision Number 2, and  
15                 specifically looked at the asymmetry question.  
16                 And when the Court addressed asymmetry, they  
17                 discussed the districts that were 51 percent or  
18                 less Democrat-leaning, and that's the -- that is  
19                 my understanding is the point where the Court  
20                 took issue. It did not take issue with any of  
21                 the districts that had a greater than 51 percent  
22                 partisan lean.

23                 In this map, as I've already indicated,  
24                 it does have five districts that are  
25                 asymmetrical. That is the same number of

1           asymmetrical districts that were in the map that  
2           Representative Russo moved and you seconded just  
3           a week ago to adopt. So I'm not sure I  
4           understand your issue unless you're saying that  
5           you don't believe districts that are over  
6           51 percent leaning Democratic based on the ratio  
7           that we're required to use are not winnable. So  
8           I completely don't understand because clearly  
9           the percentage is leaning Democrat. It's  
10          certainly not leaning Republican, and it's  
11          certainly not neutral.

12                    SENATOR SYKES: Well, the point that  
13           we're making is that all of these districts, 52  
14           or less, 52 percent with the Democratic index or  
15           less are all Democratic districts. There are  
16           none -- there are zero in the Republican area,  
17           and so we're just concerned, we're concerned  
18           about it.

19                    SPEAKER CUPP: Is this a new issue  
20           you're raising? Because that was not --  
21           52 percent was not something that the Court  
22           addressed, between 51 and 52. They addressed it  
23           between, you know, 50 and 51 is what I read.

24                    Representative Russo, did you --

25                    LEADER ELECT RUSSO: Thank you,

1 Mr. Co-Chair.

2 I'm just going to be frank here. I  
3 think this discussion and claiming that you  
4 addressed asymmetry as smoke and mirrors. Here,  
5 I am going to read paragraph 40 from the  
6 decision itself so that we're not interpreting  
7 what the Court said. We're actually reading the  
8 words.

9 In paragraph 40, it says.

10 "Article XI, section 6(B) provides that  
11 the commission shall attempt to draft a plan in  
12 which the statewide proportion of districts  
13 whose voters favor each political party shall  
14 correspond closely to the statewide preferences  
15 of the voters of Ohio. (Emphasis added.)

16 "Yet the commission knowingly adopted a  
17 plan in which all the House districts whose  
18 voters favor Republicans do so at vote shares of  
19 52.6 percent and above, while more than a  
20 quarter (12 of 42) of the House districts whose  
21 voters favor Democrats do so at a vote share  
22 between 50 and 51 percent (meaning that a  
23 1 percent swell in Republican vote share would  
24 sweep 12 additional districts into the  
25 Republican column). Nine of those districts

1 favor Democrats at a level under 50.5 percent."

2 So that has been pointed out, but it  
3 goes on further to say:

4 "while the Constitution does not  
5 require exact parity in terms of the vote share  
6 of each district, the commission's adoption of a  
7 plan in which the quality of partisan favoritism  
8 is monolithically disparate is further evidence  
9 of a Section 6(A) violation. In other words, in  
10 a plan in which every toss-up district is a  
11 Democratic district, the commission has not  
12 applied the term favor as used in Section 6(B)  
13 equally to the two parties.

14 "The commission's adoption of a plan  
15 that absurdly labels what are by any definition  
16 competitive or toss-up districts as  
17 Democratic-leaning -- at least when the plan  
18 contains no proportional share of similar  
19 Republican-leaning districts -- is demonstrative  
20 of an intent to favor the Republican Party."

21 So I will go back to the maps that you  
22 have submitted claiming that you have addressed  
23 this issue of symmetry, and in fact, what you  
24 have proposed is a 26/54 split for the House  
25 because you have 19 districts that fall between



1 50 and 52. Amazingly, you've actually created a  
2 bigger problem because previously you only had  
3 14 that fell within that range. Now, you've  
4 created 19 and claim that you have addressed  
5 symmetry.

6 The same is true in the Senate  
7 districts. You created a map that has seven  
8 districts that fall between 50 and 52, amazingly  
9 expanding the issue whereas previously there  
10 were five in the map that was declared  
11 unconstitutional and thrown out by the courts.

12 So, you know, this argument that you  
13 somehow have addressed asymmetry by creating  
14 fewer districts between the 50 and 51 percent  
15 range seems to ignore what the Court was saying  
16 in its decision.

17 So I ask the question: How have you  
18 addressed asymmetry given the full reading of  
19 the Court's decision in paragraph 40?

20 SPEAKER CUPP: Representative Russo,  
21 I'd ask you how many Democrat-leaning districts  
22 are between 50 and 51 percent which is what the  
23 Court addressed?

24 LEADER ELECT RUSSO: In which map?

25 SPEAKER CUPP: The House map.

1 LEADER ELECT RUSSO: In the House map  
2 that has been moved to be adopted, it is five.  
3 And you are correct that there were five in the  
4 Democratic district, but again, the Court  
5 decision is pretty clear that when you have  
6 monolithic asymmetry, regardless of whether  
7 we're using a threshold of 50.5, 50.8, 51, 51.5,  
8 52, the important piece of this is that you have  
9 zero Republican districts that fall within those  
10 ranges: 19 on the House side versus zero on the  
11 Republicans. And in the Senate, seven that are  
12 between 50 and 52 for Democrats and zero on the  
13 Senate.

14 So in my view, I don't think that this  
15 at all addresses what the Court noted was the  
16 issue as a violation of section 6(A) and 6(B) in  
17 their decision.

18 SPEAKER CUPP: I guess you and I are  
19 reading it differently.

20 Any further discussion? Questions?

21 I think the issue you threw out is, you  
22 know, when do we vote. So shall we go ahead and  
23 vote now or what?

24 LEADER ELECT RUSSO: Mr. Speaker, I do  
25 have another question.

1 SPEAKER CUPP: Sure.

2 LEADER ELECT RUSSO: Thank you.

3 I would ask to the commissioners, do  
4 the majority of the commissioners believe that  
5 this map which actually worsens partisan  
6 asymmetry, it does not improve it, will satisfy  
7 the Court and show that the commissioners, each  
8 member of this commission, when we appear on  
9 Tuesday before the Court, is not contemptuous of  
10 the Court and does not remain in contempt or  
11 possibly in contempt?

12 SPEAKER CUPP: Well, as I've indicated  
13 to the press, I'm not commenting on pending  
14 litigation, and I don't think it's wise for  
15 anybody to do that.

16 LEADER ELECT RUSSO: Mr. Co-Chair, I'm  
17 sorry, but we're sitting here because of pending  
18 litigation discussing these maps, so I would  
19 disagree with that assessment.

20 SPEAKER CUPP: All right. If there's  
21 no further discussion, is there a motion on the  
22 floor and a second? Are we --

23 Staff call the roll.

24 THE CLERK: Co-Chair Speaker Cupp.

25 SPEAKER CUPP: Yes.

1 THE CLERK: Co-Chair Senator Sykes.

2 SENATOR SYKES: No.

3 THE CLERK: Governor Dewine.

4 GOVERNOR DEWINE: Aye.

5 THE CLERK: Auditor Faber.

6 AUDITOR FABER: No.

7 THE CLERK: President Huffman.

8 PRESIDENT HUFFMAN: Yes.

9 THE CLERK: Secretary LaRose.

10 SECRETARY LAROSE: Yes.

11 THE CLERK: Leader Russo.

12 LEADER ELECT RUSSO: No.

13 THE CLERK: Co-Chair, it's 4-3.

14 SPEAKER CUPP: The vote is four to  
15 three. The motion does pass. It is not passed  
16 by the required majority to be a ten-year  
17 district plan, so it passes as a four-year  
18 district plan.

19 Secretary LaRose, did you have a  
20 motion?

21 SECRETARY LAROSE: Yeah, I do. Thank  
22 you, Mr. Co-Chair.

23 And I do want to reemphasize that which  
24 I have said many times from this seat and that  
25 which I have said many times in letters that

1 I've sent to the members of the general assembly  
2 and to the leadership that we are in one heck of  
3 a time crunch. And as it relates to conducting  
4 the election on May 3rd, I'm duty bound to make  
5 sure people understand really what's at peril  
6 for any further delay. I'm glad that we've just  
7 conducted this vote, by the way.

8 But one other thing that I thought we  
9 should consider here as we wrap up the work of  
10 this commission, having just adopted what I  
11 believe are constitutional maps, is to take a  
12 look at the section 9(C) provision that says, in  
13 part, "A General Assembly District Plan made  
14 pursuant to this section shall allow" -- again,  
15 shall allow -- "30 days for persons to change  
16 residence in order to be eligible for election."

17 My read of that is that the plan that  
18 we just adopted shall allow 30 days for persons  
19 to change residence in order to be eligible for  
20 the election. Of course, what that means is  
21 that a candidate who filed their petitions back  
22 on February 2nd to run for the House or Senate  
23 must now from today, from adoption of this plan,  
24 have an additional 30 days to notify the Board  
25 of Elections that they intend to move and then

1 to in fact move to a new residency and be  
2 eligible for the ballot. Because of that  
3 provision, the county boards of elections may  
4 read that to mean that they just have to wait  
5 30 days now for that to happen. My hope is to  
6 give them more clear guidance than that and, in  
7 fact, ask candidates to notify the Board of  
8 Elections of their intention to move. My guess  
9 is there may be very few that do so, but in the  
10 case where your county has somebody who has  
11 notified you that there's that intention, then  
12 the board would know how to deal with that based  
13 on the directive I would give them.

14 of course, that would take -- if they  
15 did just simply wait for 30 days, that would  
16 mean that they can't certify any petitions until  
17 March 26th. March 26th is a date long after the  
18 overseas and military ballots are required to go  
19 out. In fact, I'll remind us that we have three  
20 weeks until overseas and military ballots go  
21 out. That's three weeks from tomorrow until I'm  
22 required by law to mail out overseas and  
23 military ballots to our men and women serving  
24 overseas and to their families and those who are  
25 studying abroad, et cetera.

1           That is effectively the beginning of  
2           the election. Of course, election day is on  
3           May 3rd, but voting begins starting three weeks  
4           from now, and that is the time crunch that we're  
5           operating under, and to get this work done in  
6           those three weeks is nearly unimaginable,  
7           perhaps possible with some real amazing work by  
8           our county boards of elections.

9           So back to the matter at hand. Because  
10          of the severely compressed timeframe, we now  
11          have to hold primaries for these races  
12          potentially, you know, under a very compressed  
13          the timeframe.

14          What I'm asking the members of the  
15          commission to consider is simply adopting a  
16          statement that I have distributed to all of you,  
17          and I'll read it. It says:

18                 "The General Assembly District Plan  
19                 that this commission just adopted would  
20                 authorize me as Secretary of State to issue to  
21                 the boards of elections directives by which  
22                 House and Senate candidates who have filed to  
23                 run shall comply with Article XI, Section 9(C)  
24                 if any candidates wish to do so."

25                 Again, that they would have the

1 opportunity to meet that 30-day residency  
2 requirement under the rules that I would send to  
3 the boards of elections by directive and that we  
4 are adopting this as part of the plan that we  
5 just passed.

6 UNIDENTIFIED SPEAKER: Second.

7 SENATOR SYKES: Point of order.

8 SPEAKER CUPP: Mr. Co-Chair.

9 SENATOR SYKES: Yeah. Mr. Co-Chair,  
10 you know, I don't think we have the authority to  
11 authorize the Secretary of State to do anything.  
12 This motion exceeds the authority of the  
13 commission. The residency deadline is both a  
14 constitutional and a statutory issue, and I  
15 don't believe that the commission has the  
16 authority to change the election law to  
17 accommodate the 30-day residency requirement.  
18 This motion will not resolve the issue raised by  
19 the Secretary of State and Attorney General.

20 SECRETARY LAROSE: I'd like to respond  
21 to that, Mr. Co-Chair.

22 SPEAKER CUPP: Secretary LaRose.

23 SECRETARY LAROSE: First of all,  
24 arguably, I have the directive authority already  
25 to tell the boards of elections how to comply



1 with this part of the constitution, but I would  
2 argue that we as a commission have the duty to  
3 include this language in the plan that we're  
4 adopting right now because what the constitution  
5 says, again, is that a general assembly plan  
6 adopted pursuant to this section, the plan that  
7 we just adopted pursuant to this section shall  
8 allow 30 days for persons to change residence.

9 By adopting the statement that I just  
10 read into the record, we are allowing, as part  
11 of this plan that we just adopted, the 30 days  
12 for candidates to change residence in order to  
13 be eligible for election.

14 SPEAKER CUPP: Auditor Faber.

15 AUDITOR FABER: Thank you.

16 I tend to believe the secretary already  
17 has this authority. I believe the constitution  
18 makes it clear without regard to whether we give  
19 authority or don't give authority that somebody  
20 gets 30 days to move into the district once the  
21 district maps are final regardless of when  
22 they're on the ballot. And candidly, I suggest  
23 that the secretary could just issue guidance  
24 saying that file a statement if you intend to  
25 relocate and then verify that relocation when

1           you certify the election. I think that  
2           certainly would be within his discretion and  
3           certainly compliant with the constitution.

4                     And for that reason, I support this  
5           motion because I think it just makes it clear to  
6           everybody that that is the intent of what should  
7           happen to comply with the constitution. So in  
8           that regard, I think this is only a statement of  
9           intent. I don't know that it gives him any new  
10          authority, but I think it certainly is  
11          appropriate to make it clear to everybody that  
12          we believe people who may have already filed for  
13          one district and something got changed in a line  
14          adjustment, I think it's only fair for them to  
15          know that they can move under the constitution,  
16          which the constitution already gives them that  
17          right, within 30 days, so I have no problem  
18          putting in that statement for that reason.

19                    SPEAKER CUPP: Senator Sykes.

20                    SENATOR SYKES: Yes. If I could ask a  
21          question on the motion.

22                    What about those persons who had not  
23          filed already but based on the new configuration  
24          of the districts decided they want to run? Will  
25          they be given a constitutional right to 30 days

1 to move into the -- to file?

2 SECRETARY LAROSE: That's a question,  
3 Co-Chair, that only you and your colleagues in  
4 the general assembly can answer. I don't have  
5 the power to do that right now. As you know, my  
6 Boy Scout handbook is Title 35. I do what you  
7 all tell me to do and that is follow the law.

8 The law currently says that the  
9 petitions that were filed are the only ones that  
10 are being filed, and those were filed back on  
11 February 2nd.

12 SPEAKER CUPP: Senator Sykes.

13 SENATOR SYKES: How does that comply  
14 with the constitution giving someone 30 days in  
15 fact to move into the district?

16 SECRETARY LAROSE: Mr. Co-Chair, two  
17 separate matters. One relates to residency.  
18 The other one relates to declaring yourself a  
19 candidate for the ballot.

20 The candidates -- those who declared  
21 themselves a candidate for the ballot on  
22 February 2nd are a fixed group of people, we  
23 know who those are. What the constitution says  
24 is that group of people now have the ability to  
25 move if they find themselves living in a place

1 that is not where they intended to run or the  
2 district for which they intended to run. That's  
3 what 9(C) of Article XI allows for.

4 SENATOR SYKES: I respectfully  
5 disagree.

6 SPEAKER CUPP: The chair recognizes  
7 Senator Huffman.

8 PRESIDENT HUFFMAN: Thank you,  
9 Co-Chair.

10 I think some similar questions were  
11 raised last Thursday. There was a creation --  
12 and I'm not sure, there might have been some  
13 House districts, but at least one Senate  
14 district, where there would have been no one who  
15 had filed and no one who had the correct number  
16 in signatures, and I think Representative Russo  
17 raised a number of potential solutions,  
18 including write-in ballots and other perhaps  
19 legislative fixes.

20 And I guess I would say regarding these  
21 kinds of issues, you know, from my  
22 perspective -- I can't speak for the other 32  
23 members of the Senate, but perhaps I can  
24 tentatively speak for my caucus, we would be  
25 certainly interested and willing to draft

1           legislation on an emergency basis next week to  
2           make whatever rules are necessary for basic  
3           fairness to allow folks to go ahead and file for  
4           the various districts. Obviously, the timing of  
5           this has been difficult on everyone. So if  
6           there are changes, you know, maybe we can even  
7           get to work on that this weekend.

8                   SPEAKER CUPP: Okay. The motion has  
9           been made and seconded. I believe it's been  
10          seconded.

11                   UNIDENTIFIED SPEAKER: Yes, it has  
12          been.

13                   SPEAKER CUPP: Okay. Thank you.  
14           Any further discussion? If not, the  
15          staff will call the roll, please.

16                   THE CLERK: Co-Chair Speaker Cupp.

17                   SPEAKER CUPP: Yes.

18                   THE CLERK: Co-Chair Senator Sykes.

19                   SENATOR SYKES: No.

20                   THE CLERK: Governor DeWine.

21                   GOVERNOR DEWINE: Aye.

22                   THE CLERK: Auditor Faber.

23                   AUDITOR FABER: Yes.

24                   THE CLERK: President Huffman.

25                   PRESIDENT HUFFMAN: Yes.

1 THE CLERK: Secretary LaRose.

2 SECRETARY LAROSE: Yes.

3 THE CLERK: Leader Russo.

4 LEADER ELECT RUSSO: No.

5 THE CLERK: Five to two, Mr. Co-Chair.

6 SPEAKER CUPP: The vote is five to two.

7 The motion has carried.

8 SENATOR SYKES: Mr. Co-Chair, I move  
9 that we accept the written testimony for  
10 Kathleen Clyde who had planned on testifying  
11 here today, but we changed the time period and  
12 she was not able to stand around and wait, and  
13 so I respectfully submit it on her behalf.

14 SPEAKER CUPP: And I would second that  
15 and, without objection, it will be submitted  
16 into the record from the testimony for this  
17 afternoon.

18 Now, is there any further business to  
19 come before the commission this evening?

20 Auditor Faber.

21 AUDITOR FABER: Thank you.

22 Do we have an intention to set dates to  
23 continue our work on the congressional for next  
24 week, or do we have an idea of what we're  
25 looking at?

1           SPEAKER CUPP: I think probably next  
2           Tuesday. That doesn't prevent any plan from  
3           being circulated before that time.

4           Does that sound satisfactory, or do you  
5           have something else in mind?

6           SENATOR SYKES: That's fine.

7           SPEAKER CUPP: All right. We'll  
8           schedule a commission meeting for next Tuesday,  
9           and we may do it -- well, we have session next  
10          Wednesday as well so we can get this  
11          congressional districts done, wrap that up, at  
12          least our end of it, very quickly.

13          LEADER ELECT RUSSO: Mr. Speaker.

14          SPEAKER CUPP: Yes.

15          LEADER ELECT RUSSO: Are we going to do  
16          8(C)(2) statements from the majority and from  
17          the minority?

18          SPEAKER CUPP: We will, but I think  
19          we're going to need to recess to prepare the  
20          statement.

21          How much time do we think we're going  
22          to need?

23          I am advised that it will probably take  
24          one hour.

25          LEADER ELECT RUSSO: To clarify, you're

1 going to recess for an hour?

2 SPEAKER CUPP: Yes. I'm hoping to so  
3 we can comply with that portion that we're  
4 required to comply with.

5 LEADER ELECT RUSSO: Okay. Great. So  
6 we're reconvening this evening to read this.

7 SPEAKER CUPP: Yes. Yes.

8 All right. Without objection, the  
9 commission will be in recess for one hour. By  
10 my clock, that means it would be ten minutes  
11 till 8:00 and we'll reconvene.

12 (Recess.)

13 SPEAKER CUPP: Pursuant to the recess,  
14 the Ohio Redistricting Commission will come back  
15 to order.

16 I would note that all members of the  
17 commission are present.

18 Is there any -- we have a motion for  
19 the required statement? Well, we don't have one  
20 yet. All right. Well, in order to -- all  
21 right. Well, I guess there's nothing wrong with  
22 doing this in what might be considered reverse.

23 So, Representative Russo, are you ready  
24 with your statement?

25 LEADER ELECT RUSSO: Yes. Thank you,



1 Mr. Chair.

2 First I'd like to say that the maps  
3 approved by the majority commissioners tonight  
4 yet again fail to meet the Ohio Constitution and  
5 fail to meet the directive of the Ohio Supreme  
6 Court. We have had several opportunities to  
7 work together as a commission to draw maps, and  
8 each time the majority commissioners have  
9 squandered the chance to do so.

10 We would ask the commission: Have we  
11 learned nothing after two court orders? We have  
12 been directed to work together and put aside  
13 partisan interest in order to draw maps that  
14 meet the constitution of the state of Ohio,  
15 something that we are both duty and oath bound  
16 to uphold.

17 Instead of working together, this map  
18 that was passed this evening was drawn entirely  
19 by Republican legislators on the commission  
20 without our involvement and without allowing  
21 feedback or changes.

22 The Court has told us that this is  
23 problematic and a sign of partisan intent. In  
24 fact, they state in their decision in  
25 paragraph 31:

1            "We observed that when a single party  
2 exclusively controls the redistricting process,  
3 it should not be difficult to prove that the  
4 likely political consequences of the  
5 reapportionment were intended."

6            We should not repeat the same mistake  
7 again. And while the majority commissioners may  
8 claim that these maps meet the requirements of  
9 Article XI, Section 6, in reality, they fall  
10 short of that metric. Unequivocally, the Ohio  
11 Supreme Court has directed us to draw that  
12 closely -- maps that closely match statewide  
13 voter preferences.

14            And as the Court noted in paragraph 40,  
15 in fact, the most recent invalidated  
16 unconstitutional map had 14 Democratic-leaning  
17 House seats in the 50 to 52 percent Democratic  
18 index range. Today's plan has 19, five more.  
19 There are zero Republican-leaning House seats  
20 that are in the 50 to 52 percent range. The  
21 most recent invalidated unconstitutional map had  
22 five Democratic-leaning Senate seats in that  
23 range, and today's plan actually increases that  
24 asymmetry with seven districts between 50 and  
25 52 percent. There are zero Republican-leaning

1 Senate seats that are in the same 50 to  
2 52 percent range.

3 It is not hard to see that these maps  
4 do not meet the Court's direction on partisan  
5 symmetry and are yet again in violation of  
6 Article XI, Section 6.

7 Even with a contempt hearing on the  
8 horizon, the majority commissioners continue to  
9 show their contempt for the Court, the  
10 constitution, and the rule of law.

11 And to go back and state exactly what  
12 the language is in paragraph 40, it says:

13 "While the constitution does not  
14 require exact parity in terms of the vote share  
15 of each district, the commission's adoption of a  
16 plan in which the quality of partisan favoritism  
17 is monolithically disparate is further evidence  
18 of a section 6(A) violation. In other words, in  
19 a plan in which every toss-up district is a  
20 Democratic district, the commission has not  
21 applied the term favor as used in section 6(B)  
22 equally to the other two parties.

23 "The commission's adoption of a plan  
24 that absurdly labels what are by any definition  
25 competitive or toss-up districts as

1 Democratic-leaning -- at least when the plan  
2 contains no proportional share of similar  
3 Republican-leaning districts -- is demonstrative  
4 of an intent to favor the Republican Party."

5 Again, those are not my words. Those  
6 are the words from the Court's decision.

7 With time and collaboration, we could  
8 amend these maps to make them compliant with the  
9 law and the Court's orders. We know that it is  
10 possible to put forward constitutional maps for  
11 this body to consider. We developed these maps  
12 in a process where we continually -- we being  
13 the Democrats -- continually invited feedback  
14 from other members of the commission.

15 Unfortunately, the majority members of the  
16 commission voted them down and would not work  
17 with us.

18 The public has been completely shut out  
19 of any meaningful opportunity to analyze these  
20 maps, let alone provide testimony. This was not  
21 the process contemplated by Ohio voters in  
22 passing this constitutional reform. Instead of  
23 proportional and fair maps, Ohioans are once  
24 again left with maps that fail to meet the  
25 constitution. It is disappointing that instead

1 of simply working together, the majority  
2 commissioners are flagrantly ignoring Ohio  
3 voters and the Supreme Court of Ohio in an  
4 attempt to tighten their unyielding grasp on  
5 their supermajority power.

6 Thank you, Mr. Chair.

7 SPEAKER CUPP: Without objection, the  
8 statement that is authorized by the constitution  
9 will be considered submitted for the record.

10 Is there further motion?

11 PRESIDENT HUFFMAN: Mr. Chairman, the  
12 Section 8(C)(2) statement has been presented to  
13 the commissioners for their review, and I would  
14 move that it be accepted.

15 SPEAKER CUPP: I'll second that.

16 Is there any discussion on that  
17 statement?

18 All right. I guess in the interest of  
19 symmetry, I probably should read this statement.  
20 So it's the Section 8(C)(2) statement required  
21 under the Ohio Constitution.

22 In the League of Women Voters versus  
23 Dewine, Slip Opinion Number 2022-Ohio-342, the  
24 Ohio Supreme Court ordered the commission to  
25 draft and adopt an entirely new General Assembly

1 District Plan that conforms with the Ohio  
2 Constitution including Article XI, Section 6(A)  
3 and 6(B). The redistricting commission did so.

4 The commission drew an entirely new  
5 plan in which the statewide proportion of  
6 Republican-leaning to Democrat-leaning districts  
7 precisely corresponds to 54 percent  
8 Republican-leaning and 46 percent  
9 Democrat-leaning districts.

10 In doing so, the commission was mindful  
11 that all of Section 6, Article XI of the Ohio  
12 Constitution was to be complied with, not just  
13 certain sections. Plus no one division of  
14 Section 6 is subordinate to another.

15 The commission was also mindful that  
16 compliance with Section 6 shall not result in  
17 violations of Section 2, 3, 4, 5, or 7 of  
18 Article XI of the Ohio Constitution.

19 All members of the commission, through  
20 their respective staff and individually, were  
21 given the opportunity to meet with the map  
22 drawers to express concerns, make suggested  
23 edits and otherwise participate in the mapmaking  
24 process in a collaborative fashion. The final  
25 adopted plan contains input from those members

1 of the commission directly or through their  
2 staff who chose to participate.

3 The final adopted House district plan  
4 contains 54 Republican-leaning districts. This  
5 corresponds to approximately 55 percent of the  
6 total number of House districts.

7 The final adopted Senate district plan  
8 contains 18 Republican-leaning districts. This  
9 corresponds to approximately 54 percent of the  
10 total number of Senate districts.

11 In total, the final adopted General  
12 Assembly District Plan contains a total of 72  
13 Republican-leaning districts and 60  
14 Democrat-leaning districts. This corresponds to  
15 approximately 54 percent Republican-leaning  
16 districts and approximately 45 percent  
17 Democratic-leaning districts. These percentages  
18 meet strict proportionality.

19 The redistricting commission addressed  
20 the asymmetry holding -- asymmetry holding  
21 identified in League of Women Voters 2. Only  
22 five of the 99 House districts have a partisan  
23 lean between 50 and 50.99 percent. All other  
24 districts have a partisan lean greater than  
25 51 percent.

1           In the Senate map, only two districts  
2           have a partisan lean between 50 and  
3           50.99 percent. This is the exact same number of  
4           asymmetric House and Senate districts found in  
5           the Sykes-Russo House proposal map.

6           The commission believes that the number  
7           of Republican-leaning districts and  
8           Democrat-leaning districts meets the strict  
9           proportionality despite the distribution of  
10          voters and geography of Ohio.

11          Moreover, the final adopted General  
12          Assembly Plan does not contain any violations of  
13          section 2, 3, 4, 5, or 7 of Article XI of the  
14          Ohio Constitution and complies with Section 6 of  
15          Article XI of the Ohio Constitution.

16          Any objection to submitting this as the  
17          8(C)(2) statement? Hearing no objection, it's  
18          considered admitted.

19          You object.

20          SENATOR SYKES: Yes.

21          SPEAKER CUPP: All right. The clerk  
22          will -- the secretary will call the roll.

23          THE CLERK: Co-Chair Speaker Cupp.

24          SPEAKER CUPP: Yes.

25          THE CLERK: Co-Chair Senator Sykes.



1 SENATOR SYKES: No.

2 THE CLERK: Governor DeWine.

3 GOVERNOR DEWINE: Yes.

4 THE CLERK: Auditor Faber.

5 AUDITOR FABER: For the purposes of  
6 having that submitted as a statement, I guess my  
7 answer is yes.

8 THE CLERK: President Huffman.

9 PRESIDENT HUFFMAN: Yes.

10 THE CLERK: Secretary LaRose.

11 SECRETARY LAROSE: Yes.

12 THE CLERK: Leader Russo.

13 LEADER ELECT RUSSO: No.

14 THE CLERK: 5-2, Mr. Co-Chair.

15 SPEAKER CUPP: The vote is five to two.  
16 The statement is adopted and submitted with the  
17 record.

18 Any further business come before the  
19 commission this evening?

20 Auditor Faber.

21 AUDITOR FABER: Thank you, Mr. Speaker.

22 I want to make it clear on the record  
23 that the minority report issued by Senator Sykes  
24 and House minority leader is not a report that I  
25 concur with.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SPEAKER CUPP: Any further business?  
Hearing no further business, the  
commission is adjourned for tonight.  
(End of recording.)  
--o0o--

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

R E P O R T E R ' S C E R T I F I C A T E

STATE OF NORTH CAROLINA

--o0o--

I, DENISE MYERS BYRD, Court Reporter,  
do hereby certify that the transcription of the  
recorded OHIO REDISTRICTING COMMISSION held on  
February 24, 2022, was taken down by me  
stenographically to the best of my ability and  
thereafter transcribed under my supervision; and  
that the foregoing pages, inclusive, constitute  
a true and accurate transcription of said  
recording.

Signed this the 2nd day of March 2022.

*Denise Myers Byrd*  
Denise Myers Byrd  
CSR 8240, RPR, CLR 102409-2

# **Exhibit 3**

OHIO REDISTRICTING COMMISSION

MARCH 1, 2022

Transcribed by:

Denise Myers Byrd, CSR 8340, RPR  
Discovery Court Reporters and  
Legal Videographers, LLC  
4208 Six Forks Road  
Suite 1000  
Raleigh, North Carolina 27609  
(919) 424-8242  
denise@discoverydepo.com

1           SENATOR SYKES: ... bring the Ohio  
2           Redistricting Commission to order. Will the  
3           staff please call the roll.

4           THE CLERK: Co-Chair Speaker Cupp.

5           SPEAKER CUPP: Present.

6           THE CLERK: Co-Chair Senator Sykes.

7           SENATOR SYKES: Present.

8           THE CLERK: Governor DeWine.

9           GOVERNOR DEWINE: Here.

10          THE CLERK: Auditor Faber.

11          AUDITOR FABER: Yes.

12          THE CLERK: President Huffman.

13          PRESIDENT HUFFMAN: Here.

14          THE CLERK: Secretary LaRose.

15          SECRETARY LAROSE: Here.

16          THE CLERK: Leader Russo.

17          LEADER RUSSO: Here.

18          SENATOR SYKES: Quorum being present,  
19          we will meet as a full committee.

20                 The minutes are in your folder from our  
21                 previous meeting. Is there a motion to accept  
22                 the minutes?

23                 SPEAKER CUPP: I'll move the minutes be  
24                 accepted.

25                 SENATOR SYKES: Is there a second?

1 UNIDENTIFIED SPEAKER: Second.

2 SENATOR SYKES: Are there any changes  
3 to the minutes? Any objection to the minutes?  
4 We will accept them, then, as  
5 presented.

6 At this time we have before the  
7 commission another item. The Tribune, the  
8 Chronicle, an expense that's eligible to be paid  
9 by the commission. Is there a motion to approve  
10 this expenditure?

11 SPEAKER CUPP: I'll move to approve the  
12 payment in the amount of \$7,004.61 for the  
13 advertisement.

14 SENATOR SYKES: Is there a second?

15 SPEAKER CUPP: Or notice, I guess,  
16 rather than advertisement.

17 LEADER RUSSO: Second.

18 SENATOR SYKES: Any further comments or  
19 questions on the motion? Are there any  
20 objections to approving this expenditure?

21 Hearing none, we will accept the  
22 expenditure, approve the expenditure.

23 The next item on the agenda will be  
24 presentations of congressional maps. This  
25 proceeding will be recorded so that we can

1 deliberate over it, and it will be archived. We  
2 ask the audience to refrain from clapping or  
3 other loud noise out of respect for the  
4 witnesses and the persons watching this  
5 remotely.

6 If you want to testify, please complete  
7 a witness slip and we'll take care of that. The  
8 witnesses can testify up to ten minutes and is  
9 regulated by the co-chairs.

10 The first person to testify and present  
11 a plan is Ryan Brunn. Can you state and spell  
12 your name for the record, please.

13 RYAN BRUNE: Yes. My name is Ryan  
14 Brune. R-Y-A-N B-R-U-N-E.

15 SENATOR SYKES: You have ten minutes,  
16 sir.

17 RYAN BRUNE: How many minutes?

18 SENATOR SYKES: Ten.

19 RYAN BRUNE: All right. So I had some  
20 prepared remarks which you find in front of you  
21 today. I'm going to change it up a little bit,  
22 though, given the new map that I see will  
23 be -- well, not voted on today but likely  
24 tomorrow.

25 Before I begin, though, I would like to



1 say that it's an incredible experience to be  
2 before all of you. I've never seen the  
3 governor. I've never seen the auditor. I've  
4 never seen the majority or the minority leaders.  
5 I've never seen the secretary of state. The  
6 fact that that's possible is truly awesome and  
7 may be one of the better things about this  
8 commission which has obviously had some  
9 problems.

10 So the map that I made and present  
11 before you is not my favorite map. It is not an  
12 ideal map. In my opinion, an ideal map would be  
13 a proportional map, but I think everybody here  
14 knows that's not in the cards. If you want a  
15 map that I think is ideal, I would look at the  
16 League of Women Voters map.

17 But the map that I have before you here  
18 today has a slight Republican bias, but I think  
19 does not disfavor any political party too much  
20 one way or the other.

21 I would note that, unlike the  
22 legislative maps, there are no -- there are no  
23 constitutional requirements for a strictly  
24 proportional map, but as Maureen O'Connor said  
25 in her brief, it's a starting place of where to

1 look.

2 My map has -- you know, it varies a  
3 little bit throughout elections. In the 2020  
4 presidential election, Trump won ten districts,  
5 Biden won five, but Biden was .1 percent short  
6 of carrying a sixth, 2 percent short of carrying  
7 a seventh. In the 2018 gubernatorial election,  
8 Cordray, Dewine's 2018 opponent, won seven to  
9 Dewine's eight. It can vary around a little  
10 bit.

11 Also, I went to great lengths to ensure  
12 that -- incumbents should be pretty happy with  
13 this map. No incumbents that are running for  
14 reelection are double-bunked with the exception  
15 of Latta and Kaptur in the 8th -- you know,  
16 maybe you think of it as the 9th, but I call it  
17 the 8th, but in that district, it is narrowly  
18 Democratic by composite, but Trump won it in  
19 2020. It's, you know, about as even of a  
20 district as you can possibly have. It would be  
21 a fair fight between the two of them. I think  
22 that's the most reasonable way to have an  
23 incumbent-on-incumbent matchup.

24 You can look through the document I  
25 provided for specific partisan breakdowns

1           between the 2020 presidential and 2018  
2           gubernatorial elections. It's not a perfect  
3           map. It's a good map in my opinion. Satisfies  
4           all the constitutional requirements that are  
5           laid out, and I think it's a reasonable map in  
6           that I would hope that you guys would be able to  
7           accept it.

8                        I mean, I'm just looking at this new  
9           map that you have here, and I'm sure it follows  
10          all of the requirements regarding splitting,  
11          not -- you know, not splitting cities,  
12          et cetera, et cetera, et cetera, zeroed out  
13          population, like everything like I have, but I  
14          hope -- I hope the commissioners here know,  
15          like, I'm sure this is going to pass tomorrow,  
16          but there's no way that the Supreme Court is  
17          going to accept this map. Like -- it's just a  
18          fact. I mean, like, it's just going to create  
19          more chaos if you pass your map. It's --  
20          they're not -- I mean, there's even, like, a  
21          chance of a special master unlike for the  
22          legislative redistricting where I believe  
23          section 5 strictly prohibits the court from  
24          ordering a specific map or drawing a map  
25          themselves. There's no such requirement for the

1 Supreme Court in this case.

2 I mean, if you draw this map, I think  
3 there's a strong chance that incumbents from  
4 both parties are going to be drawn in a  
5 court-ordered map into districts together and  
6 everyone's going to be unhappy.

7 I'm offering a map, in my opinion,  
8 where I think both parties aren't exactly happy,  
9 but both parties, you know, can live with it. I  
10 mean, that's what I'm trying to offer, a map you  
11 can live with. The map that's going to pass  
12 tomorrow isn't going to be the map. I mean, I'm  
13 convinced of that. But I will take questions.

14 SENATOR SYKES: Thank you. I  
15 appreciate it. Any questions?

16 SPEAKER CUPP: I have a question.

17 SENATOR SYKES: Yes.

18 SPEAKER CUPP: Thank you, Mr. Chairman.

19 I have a question, Ryan. What got you  
20 interested in this, and what is your occupation  
21 or status?

22 RYAN BRUNE: Sure. So I work at  
23 Huntington Bank as a model risk analyst. I'm  
24 also pursuing a master's degree at Ohio State  
25 University in statistics.

1                   SPEAKER CUPP: And what got you  
2 interested in this? Statistics? Modeling?

3                   RYAN BRUNE: I don't know. I don't  
4 exactly know how it started, but I run a Twitter  
5 account @BruneElections which has nearly 10,000  
6 followers now, so it's kind of a passion.

7                   SPEAKER CUPP: Have my -- have you met  
8 all of the constitutional requirements  
9 about -- in terms of not splitting or splitting  
10 and keeping districts within certain counties  
11 and not -- I'm sure you're familiar with those.

12                   RYAN BRUNE: Yes.

13                   SPEAKER CUPP: Thank you, Mr. Co-Chair.

14                   SENATOR SYKES: Are there any  
15 additional questions? If not, we'd like to  
16 thank you very much. I appreciate it. I hope  
17 you had a good opportunity here to meet  
18 everybody.

19                   RYAN BRUNE: Yeah.

20                   SENATOR SYKES: You didn't mention my  
21 name, but that's all right.

22                   RYAN BRUNE: Okay. I'm sorry,  
23 Mr. Sykes.

24                   SENATOR SYKES: Next we have David  
25 Helmick, who has written testimony only, and

1           then Michael Metzinger. Michael Metzinger he's  
2           not here. Okay.

3                     Is there any other business to be  
4           brought before the commission?

5                     Commissioner Huffman.

6                     PRESIDENT HUFFMAN: Thank you very  
7           much, Co-Chairman Sykes. I would like to  
8           present, although I think we're going to wait  
9           until tomorrow's hearing to make a motion. I  
10          understand that's the preferred procedure from  
11          the chair.

12                    I'd like to present the map. I think  
13          it's styled now on the website as Strigari 2022  
14          Congressional Map. Certainly we'll get the name  
15          right, but it might be a little bit longer. So  
16          I'll present that at the time. It is presented  
17          on the website.

18                    Pursuant to request from Leader Russo,  
19          that was presented to -- I believe to at least  
20          Leader Russo and Senator Sykes earlier today for  
21          their examination. And I'm not -- I'm not sure,  
22          frankly, about the other commissioners. I think  
23          they've had an opportunity to look at it.

24                    As I mentioned in my letter of last  
25          week, I invited all the commissioners and/or

1           their staff to visit at least with the folks who  
2           are working on the map for the Senate. I  
3           believe that happened with the House also. So  
4           it's been about a five-day process.

5                        So this is the map that I'm presenting  
6           to the commission today. And again, I  
7           understand that a formal motion and vote would  
8           be tomorrow. And the map is there, the index  
9           and then all the specifics. If people want to  
10          look at particular counties or townships or what  
11          have you, that's all -- they can do that on the  
12          commission website.

13                      So I'll be happy to answer any  
14          questions now, or perhaps that's better for  
15          tomorrow, whatever the preference of the members  
16          are.

17                      SENATOR SYKES: Leader Russo.

18                      LEADER RUSSO: Thank you, Mr. Co-Chair.

19                      Thank you, Commissioner Huffman. I do  
20          appreciate the invitation on Friday from both  
21          you and Speaker Cupp. I believe our staff were  
22          able to meet on Sunday, and we -- there was not  
23          a map to share at that point. And I appreciate  
24          you honoring my request this morning to send  
25          over -- I think we got it at about 12:00, so we

1 have had just a few minutes to look over the map  
2 before coming in here.

3 And I guess my first, you know, couple  
4 of questions for you -- and again, I know we  
5 will have more questions tomorrow because we've  
6 had a very limited amount of time so far to look  
7 at the details of this. But when I look at  
8 Hamilton county, currently the Hamilton county  
9 district that you've drawn here, which looks  
10 like it's got a dem index -- well, it's -- I  
11 would call it a maybe a warren county-Cincinnati  
12 district of 51 percent.

13 Is there a reason that this -- a  
14 congressional district for Hamilton county was  
15 not drawn to be included entirely within  
16 Hamilton county? Is there a reason to split  
17 Hamilton county?

18 I mean, we have kept at least the city  
19 of Cleveland all within Cuyahoga county.  
20 We've -- in a Cuyahoga county district. We've  
21 kept Columbus entirely within a Franklin county  
22 district.

23 Is there a reason that we're not  
24 keeping Cincinnati within a Hamilton county  
25 district and moving it up into warren county?



1                   PRESIDENT HUFFMAN: Well, the  
2                   first -- Mr. Chairman, Co-Chair Sykes, I can  
3                   proceed.

4                   SENATOR SYKES: Yes.

5                   PRESIDENT HUFFMAN: Thank you.

6                   First thing that we tried to do  
7                   pursuant to the constitution, which is  
8                   Section 3(B)(2), is remedy any legal defects in  
9                   the previous plan identified by the Court which  
10                  shall include no other changes. Everyone can  
11                  read the rest of the language there if they want  
12                  to that's relevant.

13                  And the Court did identify Cuyahoga  
14                  county and Hamilton county as two problematic  
15                  areas, I guess I'll put it. I don't think they  
16                  used that word, but those are two things that  
17                  they did. So part of this is trying to draw a  
18                  map that, first of all, comports with what the  
19                  Supreme Court directed. We think that it does  
20                  that.

21                  Now, after that, there are still policy  
22                  preferences and choices that commission members  
23                  make. We, of course, are bound by the  
24                  constitution and the law in this case as the  
25                  Supreme Court identifies it, but I don't think

1           that simply means that the commission members  
2           individually and then collectively, as a body,  
3           don't have any separate preferences.

4                        So it may be your preference that it's  
5           all inside Hamilton county. We think this is a  
6           better version of the map.

7                        LEADER RUSSO: Follow-up.

8                        SENATOR SYKES: Yes.

9                        LEADER RUSSO: So looking back at the  
10          decision specifically about Hamilton county, I  
11          believe the concern of the enacted plan, I think  
12          it was Justice Donnelly concluded carves out the  
13          Hamilton county's northern black population from  
14          its surrounding neighborhoods and combines it  
15          with mostly a rural district that ends 85 miles  
16          to the north, extracts Cincinnati from its  
17          immediate inner ring suburbs, and combines the  
18          city proper with Warren county.

19                       Do you think that this map addresses  
20          the concern about carving out the northern black  
21          suburban populations in Hamilton county from the  
22          surrounding neighborhoods in Hamilton county by  
23          drawing it up with Warren county? Would it be  
24          more compact, for example, to draw this district  
25          entirely within Hamilton county?

1                   PRESIDENT HUFFMAN: Through the chair,  
2 I'll try to answer each of those.

3                   As I've indicated throughout this  
4 process, we did not use racial data when drawing  
5 these maps. And so, you know, obviously, that  
6 was not an intent or motive of any kind.

7                   And, you know, again, I think, you  
8 know, each of us can have policy preferences.  
9 Perhaps somebody from Hamilton county is in a  
10 better position to say what goes with what. As  
11 you know, in the multiple public hearings we had  
12 on the general assembly map and this map,  
13 keeping -- some people talked about splitting up  
14 various communities, but, you know, at some  
15 point you have to draw a line someplace, and I  
16 think this is appropriate, but certainly didn't  
17 have anything to do with racial data since we  
18 didn't have -- we didn't use that.

19                   LEADER RUSSO: Thank you.

20                   SENATOR SYKES: Yes.

21                   LEADER RUSSO: Mr. Co-Chair, I have a  
22 couple of other questions.

23                   Thank you, Commissioner Huffman. You  
24 know, I would say just about the Hamilton county  
25 district, if we're making a list of

1 recommendations, at least from me as a  
2 commissioner, it would be to consider drawing a  
3 district that is entirely within Hamilton  
4 county, and I think that that is achievable.

5 My second question is in northwest Ohio  
6 specifically. Is there -- we seem to have two,  
7 you know, Districts 9 and 5 that are quite  
8 extensive, and I'm trying to understand why  
9 Lucas county, for example, in District 9, to  
10 make it more compact would not be drawn over to  
11 Lorain county to create one district which would  
12 certainly be more compact than I think what we  
13 currently see for 9.

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

20 PRESIDENT HUFFMAN: Through the chair,  
21 I guess I'll respond to a variety of things  
22 there. And if I could -- just so I know that I  
23 covered this, Mr. Chair, the map is uploaded  
24 under the name Frank Strigari and is called  
25 March 1, 2022, for those in the public who may

1 be looking for that.

2 So back to the comments regarding  
3 Congressional District 9.

4 You know, one of the things that we  
5 tried to do, and I think we did a pretty good  
6 job of accomplishing this, is to try to keep  
7 areas together where there are some central  
8 cities. Now, some may say, well, you know,  
9 Warren county and parts of Hamilton county,  
10 certainly, if you look at population growth --  
11 and these are just -- these are just  
12 observations. A lot of folks who live in Butler  
13 and Warren and Clermont county at some point  
14 lived in Hamilton county. That's not  
15 necessarily true for everyone, but when you look  
16 at Toledo, folks from Toledo look at Toledo as  
17 the central core city for what we call the  
18 lakefront in northwest Ohio.

19 Now, folks in Lima don't consider  
20 themselves in northwest Ohio. We're in west  
21 central Ohio, and -- but everybody has their own  
22 versions of what regions there are.

23 And I'm not sure who first termed the  
24 District 9 as the Snake on the Lake. That was  
25 a -- maybe Jim Provence did, I would guess.

1           It's clever enough that he probably did it, but  
2           the -- that, of course, district was created  
3           because there was a deal the Democrats wanted to  
4           make in 2011 to make sure that Dennis Kucinich  
5           couldn't run and beat Marcy Kaptur, so we  
6           consented to that, and that's how we ended up  
7           getting Democrat votes for the map in 2011.

8                        This map doesn't do that, although all  
9           of these districts, with the exception of  
10          Defiance county, are either on the lake or on  
11          the Michigan border. So if you're traveling in  
12          those parts, if you're traveling on the  
13          interstate or traveling on Route 20, I think it  
14          is, that goes through that it, those are all  
15          convenient places to go to and from. Lorain is  
16          a little bit further away, obviously.

17                       So, you know, again, choices wherever  
18          you start drawing the line, someone can say,  
19          well, it would be better to include this county  
20          here. As you know, this is a little bit like,  
21          you know, a toy where if you push down here,  
22          another part pops up. But for the folks who  
23          would represent District 9, it's a pretty  
24          consistent part of the state.

25                       LEADER RUSSO: Thank you, Mr. Co-Chair.

1           Thank you, Commissioner Huffman, for  
2           answering that question. You know, again, the  
3           decision to not include Lucas county with going  
4           towards the east with Lorain county not only  
5           makes it more compact but, frankly, you know,  
6           this drawing, this decision seems to unduly  
7           favor Republicans and disfavor Democrats because  
8           it, frankly, drives the DPI down.

9           My second -- my third question  
10          is -- and again, you know, this would be another  
11          recommendation that I would add, that you  
12          consider redrawing this -- these two districts  
13          so that they are more compact in these areas.

14          My third question here regards Franklin  
15          county and District 15 in Franklin county. And  
16          at this point, we've got Franklin county, of  
17          course, paired -- it goes almost all the way  
18          over to the western side of the state. Just  
19          looking at this map, I'm not entirely sure what  
20          counties those are.

21          But is there a reason that the decision  
22          was made not to make this district more compact,  
23          for example, by pairing it with Union county or  
24          Delaware county or some combination of both?

25                 PRESIDENT HUFFMAN: Yeah. And through

1 the chair, Senator Sykes.

2 Just real quickly on District 9, I  
3 think that district remains unchanged from the  
4 previous map, and the Court did not comment on  
5 that map or on that district. And again, the  
6 constitutional charge is to try to make changes  
7 or remedy the defects that a court identifies in  
8 their opinion.

9 So back to your regarding 15, however.  
10 So one of the phenomenon is as you try to draw  
11 compact districts in districts that don't carve  
12 up counties and as most of these districts  
13 don't, at some point, really, as a necessity,  
14 you end up with what I would call a -- maybe a  
15 Frankenstein district or a district that is the  
16 parts that are left over, and we've largely  
17 avoided that in this map.

18 As you can see on the new District 13,  
19 all of Summit county and a portion of Stark  
20 county we've eliminated the -- where  
21 previous -- I think the current map maybe has  
22 four splits in Summit county. We've taken that  
23 down to one -- or four districts, we've taken it  
24 down to two. So Summit county had two or three  
25 divisions in it. It's all whole. Stark county



1 with only one.

2 And as you look around, you can see  
3 this is just a much different looking map than  
4 there was before, but as you try to do that, you  
5 know, you have to make choices in particular  
6 places. So, for example, in the 10th district,  
7 which includes Montgomery and Greene county, and  
8 the request from ten years ago from Republicans  
9 and Democrats and independents alike is that  
10 Wright-Patterson Air Force Base should be in the  
11 same district because part of it is in Greene  
12 county and part of it is in Montgomery county.  
13 If those two are combined, there have to be --  
14 with our equal population requirement, there has  
15 to be folks who come from somewhere.

16 So those trying to keep each of these  
17 districts and not divide counties, at some point  
18 I think you have to have a district where there  
19 are -- that certainly is less compact than other  
20 districts, and that's what you have with 15.

21 But again, going back to the Court's  
22 decision and the constitution, what we've done  
23 in this map is remedy those things that the  
24 Court pointed out.

25 LEADER RUSSO: Through the co-chair.

1           Thank you, Commissioner Huffman. You  
2           know, I would say, again, you know, 15 looks  
3           pretty much like a Frankenstein district to me  
4           when you can simply go north into Union and  
5           Delaware county. It certainly would look  
6           prettier and would be more compact, and there is  
7           an argument particularly for that northwestern  
8           corner of Franklin county which shares in fact  
9           even a school district with some of Union county  
10          and Delaware county. And again, you know, the  
11          decision I think not to do that to me represents  
12          a potential example where the Republicans were  
13          unduly favored and the Democrats unduly  
14          disfavored.

15                 My fourth question is about Cuyahoga  
16          county. You have a second district that is  
17          drawn in Cuyahoga county. I do appreciate that  
18          at least the Cleveland district was included  
19          entirely in Cuyahoga county, but that second  
20          district has the western and southern suburbs of  
21          Cuyahoga county going all the way into Amish  
22          country. That seems like very dissimilar  
23          communities there.

24                 Is there a reason -- you know, to me,  
25          there were a couple of choices that could have

1           been made. You could have gone to Lorain,  
2           Geauga county. You could have gone to Lake and  
3           Ashtabula county. That certainly would have  
4           perhaps made the district more compact and kept  
5           areas that were a little bit more similar  
6           together.

7                     Can you explain why the decision was  
8           made to go down into Wayne and Holmes county and  
9           include that with the suburbs of Cuyahoga  
10          county.

11                    PRESIDENT HUFFMAN: Through the chair.

12                    SENATOR SYKES: Yes.

13                    PRESIDENT HUFFMAN: Senator Sykes.  
14          Thanks.

15                    So just, I guess, for the public's  
16          edification and, frankly, maybe for some of the  
17          commission members, because this is actually a  
18          new phenomenon to me. There is an animal called  
19          the Polsby-Popper scoring having to do with  
20          compactness. Is that right? Did I get that  
21          right, guys?

22                    And this is -- this is a scoring method  
23          that they use to look at maps and decide how  
24          compact they are. It doesn't talk about other  
25          constitutional principles, some of the other

1 things, but just compactness.

2 So this proposal taken as a whole --  
3 and certainly we can look at one district and  
4 et cetera, but this proposal taken as a whole is  
5 either as compact or more compact than the  
6 Senate Democrat proposals. And again, taking  
7 the proposal altogether. So I would invite  
8 commission members to look at that scoring and  
9 see that. So it doesn't mean we can't be  
10 critical of individual districts or we shouldn't  
11 ask opinions, but if this is a compactness  
12 argument, then this is actually a better  
13 proposal than what Senate Democrats have put  
14 together.

15 So on to the questions regarding  
16 Cuyahoga county.

17 There's really -- and I think most  
18 people know this, but really a pretty massive  
19 concentration of population in northeast Ohio.  
20 In first what I would call the kind of seven  
21 districts and then from Cuyahoga to Summit,  
22 Geauga, Portage, Trumbull, Ashtabula, and Lake  
23 county, and then kind of an outer ring that  
24 would include Medina and Wayne and Stark and on  
25 into Mahoning county. And I might have left one

1 out there. So the first thing you have to  
2 consider -- and again, you need to draw  
3 these -- and consider these with all of the  
4 other population in mind. You can say, well, do  
5 this instead of that. Again, how does that  
6 affect everything.

7 So the 14th district which is bounded,  
8 of course, on the east by Pennsylvania, in the  
9 north by Lake Erie, there are only so many  
10 places you can go. Well, we've been able to  
11 draw this district, as you can see, with simply  
12 five counties. And I think there's an incursion  
13 into one of those counties. And again, that's  
14 strictly for the population. So I don't think  
15 there can be much of an argument about the  
16 compactness of that.

17 Next is the 13th district which is  
18 again all of Summit county, what the Court  
19 specifically provided, and part of Stark county,  
20 and that is a Democratic-drawn district. And  
21 that district, of course, is also as compact as  
22 it can be, one full county and a part of another  
23 county. We hear a lot the phrase the  
24 Canton-Akron corridor. If you're from Akron, I  
25 guess you say the Akron-Canton corridor. But

1 those in fact are often twin cities, so those  
2 districts are combined. And then, you know, the  
3 parts of inner city Cleveland.

4 Now, perhaps the 7th district is a  
5 little bit like 15 where it's made up of parts,  
6 but you have two full counties which are Wayne  
7 and Medina, I believe, and then the rest of  
8 Cuyahoga county. So we've done as the Court  
9 instructed us. Let's only have two districts  
10 inside Cuyahoga county. Let's try to keep  
11 counties whole. That's been part of the charge  
12 in this thing.

13 And, you know, these are the things  
14 that not only the Court has dictated in the  
15 constitution, but these are things that have  
16 been part of this public discussion for years  
17 and years.

18 So, you know, we can say the 7th  
19 district is not compact. Well, you know, it's  
20 one continuous line. I think some of these are  
21 appearance things, some of these are, you know,  
22 how to govern after the district is created and  
23 after the election, but I certainly think 7 is a  
24 compact district as is 13 and 11 and 14.

25 LEADER RUSSO: Thank you, Mr. Co-Chair.

1                   Thank you, Commissioner Huffman. You  
2                   know, to clarify, again, this would be another  
3                   area that I would recommend changes to the draft  
4                   map that we see before us because, again, my  
5                   concern here really goes back to the question  
6                   of -- again, what the constitution makes very  
7                   clear is that a congressional plan shall not  
8                   unduly favor or disfavor a political party, and  
9                   my concern about some of the decisions that are  
10                  made that I've asked about in these districts is  
11                  that it appears that decisions were made and  
12                  intentionally not made, again, to favor  
13                  Republicans and unduly favor Democrats.

14                  But I look forward to more discussions,  
15                  and I hope that you will take some of these  
16                  areas of recommended changes into consideration  
17                  before we come back tomorrow, and again make  
18                  myself and my staff available to have those  
19                  discussions.

20                  And that's all that I have right now,  
21                  Mr. Co-Chair.

22                  SENATOR SYKES: I'd like to also thank  
23                  Commissioner Huffman for extending his staff,  
24                  that they did meet over the weekend and had an  
25                  opportunity to have some dialogue. You know,

1           unfortunately, it was -- it was just a one-way  
2           communication for the most part. We were  
3           sharing our ideas about what we thought, our  
4           suggestions and recommendations. There weren't  
5           any necessarily forthcoming suggestions from the  
6           majority as it relates to the map.

7                         So the first time we had any indication  
8           of what the map -- your proposal looks like is  
9           just an hour or so ago. And I'm just wondering  
10          in this phase of cooperation, or lack of  
11          cooperation, and trying to make sure we  
12          collaborate, particularly as it relates to this  
13          commission, this commission about -- in guidance  
14          and conformity with the constitution was put in  
15          place to really try to promote a bipartisan  
16          process particularly as it relates to  
17          congressional districts.

18                        In fact, going through the second step  
19          is that you in fact have a bipartisan plan, have  
20          an opportunity to adopt a bipartisan plan  
21          through the commission. And I'm just concerned  
22          about you being open to some of the  
23          recommendations, some of the suggestions that  
24          Leader Russo has indicated. We have others. We  
25          haven't had a whole lot of time to look at this,



1 but I'm hopeful that some consideration would be  
2 given to suggestions and recommendations to try  
3 to move this in a more collaborative way and  
4 to -- in a more bipartisan way for a ten-year  
5 map, ten-year plan.

6 PRESIDENT HUFFMAN: Mr. Chairman, can I  
7 respond.

8 SENATOR SYKES: Yes.

9 PRESIDENT HUFFMAN: First of all, I  
10 differ with you in your characterization of the  
11 meetings over the weekend. As you know, I wrote  
12 a letter to you and to all the commissioners  
13 inviting them to meet personally with  
14 Mr. DiRossi. Mr. Springhetti works for the  
15 Speaker, and I think he did the same thing. And  
16 you were invited personally to come. You sent  
17 staff, that's fine with you, but I guess I'm  
18 going to disagree with you that that was all one  
19 way. Mr. DiRossi came to you, asked what your  
20 ideas were, told them what they were thinking.  
21 If you want to characterize it as a one-way  
22 conversation, I think that's unfair, but  
23 everybody has their own ideas.

24 The second thing I would say is it's  
25 one thing to say we have recommendations. If

1           you have a motion to change this map when this  
2           is formally moved, if you have specific ideas,  
3           let's hear them. We kind of got to this with  
4           the GA map where there were criticisms but no  
5           changes recommended.

6                        And, you know, we -- so I -- throughout  
7           this process there's been sort of this  
8           suggestion that we were unwilling to work with  
9           you. I think that's unfair. When I met with  
10          you last April and the other caucus leaders, I  
11          suggested that we get another 30 days in  
12          September because we would be on very short time  
13          to work out. The result of that wasn't someone  
14          coming back to me and saying, no, we disagree,  
15          how about 60 days, how about 15. It was a press  
16          conference where I was told what a rotten idea  
17          that was. So that's not my idea of working  
18          together.

19                       Now, I think we have the same issue  
20          here and throughout this process is there have  
21          to be alternative ideas, specific alternative  
22          ideas coming back and not merely criticisms of  
23          what's being done.

24                       And finally, I would say I'm not the  
25          only commissioner on this. I'm one of seven. I

1 don't have the ability to force a vote or get  
2 three other people to agree to this. I have  
3 ideas that I've brought forth that not only  
4 are -- comport with the constitution and what  
5 the Court said but are based on the input of all  
6 of the commissioners, or at least the  
7 commissioners who came and met or sent staff or  
8 otherwise sent ideas. I think it was all of  
9 them. It may not be that we did what you wanted  
10 to do, but as we know, that's probably not  
11 possible because not only do you and I disagree  
12 about all of these things, but Speaker Cupp and  
13 I disagree and Auditor Farber and I disagree and  
14 on and on and on, and that's the difficulty of  
15 saying, well, somehow four people are going to  
16 agree on something anyway.

17 So if there are changes to this map  
18 that you have, Leader Russo have, Speaker Cupp  
19 or anybody else, love to hear them. This is a  
20 proposal I'm bringing forward. I think it  
21 addresses what the Court wanted to do. And I  
22 stand ready to hear those at this moment, later  
23 tonight, tomorrow morning, whenever it is the  
24 commission would meet.

25 SENATOR SYKES: And thank you for your

1           comments. We will have particular and specific  
2           suggestions or recommendations or motions as it  
3           relates. I've talked previously with the  
4           co-chairs seeing if you're -- the majority was  
5           open to suggestions, recommendations or  
6           amendments. In the meetings that were held,  
7           again, I say they were one way in that we did  
8           not receive any detailed information about what  
9           ideas that you were having, and we did not  
10          receive those until we got access to this map  
11          just an hour or so ago.

12                        So we will have more detailed  
13          recommendations and motions, and we're hopeful  
14          that they will be considered.

15                       LEADER RUSSO: Mr. Co-Chair.

16                       SENATOR SYKES: Yes.

17                       LEADER RUSSO: I do have a question in  
18          regards to that. You know, if the members of  
19          this commission would consider any of our  
20          recommended changes, what is the timeline in  
21          which they would like to receive them to fairly  
22          consider them other than making motions tomorrow  
23          before the meeting, because I think we all know  
24          that they will be denied at that point.

25                       Are there -- is there a time that other

1 commissioners would like to have those changes?  
2 Again, we got the map at 12:00, about 12:00, a  
3 little bit after, but, you know, certainly we  
4 can put forward those changes so that you all  
5 have time to fairly consider them.

6 SPEAKER CUPP: Mr. Chairman, I'll just  
7 speak for myself. I'm available this afternoon  
8 and early evening to sit down and see what those  
9 changes are.

10 One of the -- one of the constraints,  
11 of course, is the time it would take to, you  
12 know, move things around because it's very  
13 difficult to move one thing without having to  
14 move a whole bunch of things because they're so  
15 interrelated. So I certainly make myself  
16 available to listen to that and then go back and  
17 see whether these are feasible or not. I'm open  
18 to that.

19 LEADER RUSSO: Well, thank you,  
20 Mr. Co-Chair. I appreciate that, and we will  
21 certainly work on these as quickly as possible.

22 You know, when we met -- our staff met  
23 on Sunday afternoon at 1:00. It was one of the  
24 reasons that we repeatedly asked for a draft of  
25 the map, which I understand some other members

1 of this commission actually saw on Sunday  
2 evening, but yet we were not able to, and we  
3 certainly would have been able to give some of  
4 this feedback at that point as well, but we can  
5 work as quickly as possible and get those to you  
6 as quickly as possible.

7 SENATOR SYKES: We're just hopeful that  
8 we take the adequate time to be able to review  
9 the proposals that we have available.

10 PRESIDENT HUFFMAN: Mr. Co-Chair.

11 SENATOR SYKES: Yes.

12 PRESIDENT HUFFMAN: I'd like to clarify  
13 a comment that Leader Russo made.

14 There was no map for other members of  
15 the commission to look at on Sunday night. That  
16 is not true. Because this is the map that I am  
17 proposing. This map did not exist until  
18 sometime Monday afternoon or Monday night. So  
19 there was -- certainly there were concepts that  
20 were presented to members of the commission,  
21 there were concepts that were presented by  
22 Mr. DiRossi to your staff. This map did not  
23 exist on Sunday, so that's not true.

24 And, you know, one of the problems with  
25 this whole thing is we all want to talk about

1           who got to see what, when and how instead of  
2           making specific proposals on how to change this.  
3           So that's what this is. If you want to make a  
4           motion and change something on the map,  
5           certainly the commission will consider it.  
6           That's what we're here to do, but there has to  
7           be a proposal for the commission to consider.

8                         SENATOR SYKES: One thing to just  
9           clarify, we have had a proposal on the table.  
10          Our map has been on the table. That's been our  
11          suggestion or recommendation all along, and we  
12          did make additional recommendations and  
13          suggestions as we move around the map to explain  
14          different aspects of it.

15                        PRESIDENT HUFFMAN: Right.

16                        SENATOR SYKES: But we did not get that  
17          same type of input when we met -- when our staff  
18          met, and that's the issue.

19                        LEADER RUSSO: Mr. --

20                        SENATOR SYKES: Yes.

21                        LEADER RUSSO: Mr. Co-Chair. And  
22          again, you know, I believe I said a draft map,  
23          not the map that sits before us. And I do want  
24          to clarify that our staff did not get any  
25          concepts presented to them during that meeting.

1           But the other question I have for this  
2           commission is, you know, there seems to maybe  
3           not be agreement in the constitutional  
4           requirement that in order for a map to come out  
5           of this commission, it does have to have  
6           Democratic votes with it. So we are very  
7           motivated to get some -- to get to some  
8           agreement about the map.

9           But my understanding from my  
10          conversations with Commissioner Huffman is that  
11          he does not agree with that assessment; that  
12          Article XIX does explicitly layout that at this  
13          stage in the process, when it comes back to the  
14          commission, that it requires minority votes for  
15          us to even have a map come out of this  
16          commission.

17                 SPEAKER CUPP: Mr. Chairman.

18                 SENATOR SYKES: Yes.

19                 SPEAKER CUPP: I would like to address  
20          that issue because I know this discussion has  
21          been at least bouncing around for a couple of  
22          weeks as to what kind of vote is required and  
23          whether this commission can do a four-year map  
24          or must only do a ten-year map and must only be  
25          approved with members of the minority party.



1           So in order to kind of get some clarity  
2           to that, I asked the attorney general if he  
3           would issue an opinion on it. That is something  
4           the attorney general does when requested by the  
5           general assembly. And I'll just pass out the  
6           full opinion, but just read the syllabus on it  
7           which I think is sort of -- there's -- not sort  
8           of -- is the conclusion.

9           That the Commission acting under Ohio  
10          Constitutional Article XI, Section 3(B)(2) may  
11          enact a congressional map by a simple majority  
12          vote.

13          And the second paragraph on the  
14          syllabus is a map adopted to Ohio Constitution  
15          Article XI, Section 3(B)(2) is valid for the  
16          time period that the previous map was valid for  
17          before becoming unconstitutional. This means  
18          that for the current redistricting cycle an  
19          adopted map would be valid for four years as the  
20          map that was found unconstitutional was valid  
21          for only four years.

22          And then there are citations and there  
23          is rationale. So I'm happy to pass that out,  
24          but that is the official from the state attorney  
25          general.

1           SENATOR SYKES: Well, I've got a  
2 question. Just a point of order, really, and  
3 that is that the general assembly can ask the  
4 attorney general, not the speaker of the House  
5 or a co-chair. Maybe the co-chairs could have  
6 asked the attorney general, but not just one  
7 co-chair. So I'm asking what authority did you  
8 have to -- for the attorney general to give you  
9 this opinion.

10           SPEAKER CUPP: I asked the attorney  
11 general what his opinion was because it was  
12 necessary to resolve the issue. And in  
13 response, this is the opinion the attorney  
14 general issued.

15           So, I mean, you're all free to  
16 disregard it, but I think it is certainly  
17 persuasive in deciding, you know, what the  
18 constitution requires or not.

19           SENATOR SYKES: Yeah. I think it's  
20 improper to reach out unilaterally to the  
21 attorney general without it being a request from  
22 the general assembly or the co-chairs of this  
23 commission, so I don't think it's proper.

24           LEADER RUSSO: Mr. Co-Chair, just in  
25 response to that. You know, to be clear, the

1 constitution and Article XI says unless  
2 otherwise specified in this article or in  
3 Article XIX of the Constitution. well,  
4 Article XIX does in fact otherwise specify.

5 Article XIX provides in Section 1(B)  
6 that the commission shall adopt a ten-year  
7 congressional map by the affirmative votes of  
8 four members of the commission, including at  
9 least two members of the commission who  
10 represent each of the two largest political  
11 parties represented in the general assembly.

12 And, you know, certainly, there can be  
13 some discussion about the appropriateness of  
14 asking the attorney general to issue an opinion  
15 on this, but frankly, the attorney general both  
16 solicited and not has issued many opinions  
17 throughout the course of these commission --  
18 this commission's meetings that the Court has  
19 firmly disagreed with.

20 So I think that if we're going to go  
21 down this path and use this opinion as a reason  
22 not to get bipartisan support of a map, then we  
23 will certainly find ourselves back in the same  
24 position that we have been in both with the  
25 state maps and with this map previously in that

1           this will be determined by the Court and we will  
2           be no further along with the citizens of Ohio  
3           knowing exactly what these districts are so that  
4           we can conduct an election.

5                   SPEAKER CUPP: Mr. Co-Chair, may I  
6           respond to that.

7                   SENATOR SYKES: Yes.

8                   SPEAKER CUPP: Well, first of all, it  
9           was my understanding before, and it's just been  
10          reconfirmed, that there's a long history of the  
11          speaker of the House being able to ask the  
12          attorney general for an opinion on some  
13          constitutional issue that is coming before the  
14          general assembly or, in this case, you know, as  
15          a member of the redistricting commission, and so  
16          this is not unusual.

17                   The second is I don't think this should  
18          be taken as an indication that there is not a  
19          desire for a ten-year bipartisan map. I think  
20          it should be taken as an indication that if we  
21          aren't able to do that within the timeframe that  
22          we have facing us that there is not a  
23          constitutional requirement for it. That doesn't  
24          mean there isn't necessarily a desire for it or  
25          an ability to do it. So that would be what I

1 would want to -- an impression I would want to  
2 leave in regard to this matter.

3 PRESIDENT HUFFMAN: Mr. Co-Chair.

4 SENATOR SYKES: Yes.

5 PRESIDENT HUFFMAN: Could I also  
6 comment on this issue.

7 So part of -- I think we can read  
8 different parts of the constitution. The  
9 redistricting commission was created in  
10 Article XI. Article XI clearly says unless  
11 otherwise specified, all actions of the  
12 commission will be taken by a majority vote, and  
13 that's the provision that guides here. And but  
14 for -- you know, we can read that, obviously  
15 look at the attorney general's decision, but for  
16 those who would like a little more global  
17 understanding of this.

18 So, you know, obviously, there's a  
19 census every ten years, and what this says is  
20 when that census is ready, it's on the blocks,  
21 there's a lot of discussion, that if in the year  
22 ending in 1, the general assembly, by the end of  
23 September, passes a map that has sort of these  
24 super majorities in both caucuses, we have a  
25 ten-year map. That didn't happen in this case.

1           And then the redistricting commission has an  
2           opportunity to pass a -- to work on this during  
3           the month of October.

4                        When -- but the redistricting  
5           commission in that can only pass a ten-year map.  
6           And what that, of course, means is that that  
7           must include minority party votes in order to do  
8           that. Well, there actually wasn't a vote and  
9           unlikely that there -- there wasn't a map  
10          presented in October. And this then went back  
11          to the general assembly.

12                       In the month of November, under this  
13          scheme, under this constitutional scheme that is  
14          set up, there's two things that can happen. The  
15          general assembly can pass a map also requiring  
16          certain minority party votes. It's lesser than  
17          it is in September, but under a lesser  
18          requirement, one third of the minority party in  
19          order to get a ten-year map. So you can still  
20          get a ten-year map in November of the year  
21          ending in 1, in this case 2021, if only one  
22          third of the minority party will agree in both  
23          the House and the Senate.

24                       Well, we didn't get one third. In  
25          fact, none of the minority party voted for this.

1           So we went ahead and passed a map with no  
2           Democratic support at the end of November, close  
3           to the -- maybe mid to late November. So there  
4           we are, we've passed a map. It's November of  
5           2021. We've go to a map. We're ready to run an  
6           election, and we had no Democratic votes for  
7           that because that's what the constitution  
8           requires.

9                        The map is challenged in court. The  
10           Supreme Court comes back and says we see these  
11           problems, especially, specifically, in Cuyahoga  
12           and Hamilton and Summit county, and those are  
13           specifics things that we think need to be  
14           remedied.

15                      So we look at Section 3 of Article XIX  
16           that tells us how to do this, and there's two  
17           things that can happen. And if you look at  
18           this -- if you want to look at them as stages,  
19           Stage 1, 2, and 3 at the beginning. If it's  
20           challenged and sent back, Stages 4 and 5 or  
21           silos 4 and 5, whatever.

22                      So in Silo 4, the general assembly then  
23           has 30 days to pass a map. There is no  
24           requirement that the general assembly include  
25           Democratic or minority party votes. In fact, we

1 can pass a new map as long as it does the things  
2 that the Supreme Court told us to do with no  
3 Democratic or minority party votes.

4 Now, in fact, that might have happened,  
5 but because of the time crunch we needed to do  
6 that with an emergency -- or 66 votes in the  
7 House and 22 votes in the Senate. In all  
8 probability, achievable in the Senate, but, as I  
9 understood it, not achievable in the House  
10 because there would not be minority -- enough  
11 minority party votes to get 66 votes in the  
12 House. And that was only to suspend it so we  
13 could do certain things and make it available  
14 for the May 3rd primary.

15 So we then go on to -- the map had to  
16 be available by May 3rd. By the time it got  
17 there wouldn't be effective by May 3rd and  
18 therefore we had to have 66 votes and didn't do  
19 it. So then we move on to the redistricting  
20 commission, which is where we are now. This  
21 comes back on February 14th. We have until  
22 March 14th to do something.

23 The attorney general, through the  
24 opinion requested by the speaker, is confirming  
25 what, of course, the constitutional scheme is.



1 We are now in Stage 5. We're at the end of this  
2 which necessarily -- after you've gotten to the  
3 end of November, there's been a challenge, the  
4 Court has sent it back, the general assembly has  
5 30 days. This redistricting commission could  
6 not even act until that 30 days was up after the  
7 general assembly.

8 So in every situation when this  
9 redistricting commission, when we get to  
10 Stage 5, it's really close to the primary, and  
11 if the answer is now -- even though we didn't  
12 need any minority party votes in Stage 4 and we  
13 didn't need any in Stage 3 in order to pass a  
14 map, now we need minority votes in Stage 5 as we  
15 get close to the election, it not only doesn't  
16 comport with the plain language of the  
17 constitution, it doesn't make sense in the whole  
18 scheme of how this works.

19 And again, the point of all of this is  
20 at the very beginning there are a set of  
21 incentives for the minority party and the  
22 majority party to get together in September and  
23 see if they can come up with a deal. And that's  
24 why I thought it was so important last April  
25 that we had additional time to work this out,

1 and that was rejected. No one apparently  
2 thought that was a good idea other than  
3 Speaker Cupp and I, but we weren't -- that was  
4 rejected by the minority party. And that's the  
5 time when we can get together, make a deal,  
6 there can be concessions made on both sides to  
7 get a ten-year map.

8 Now, can that still happen? Yes, but  
9 there has to be something specific for there to  
10 be a yea and a nay on rather than simply we'd  
11 like to hear -- we'd like for you to hear our  
12 proposals. We have to have something to  
13 specifically act on. It would have been good to  
14 do this in September or October or November, but  
15 those weren't forthcoming.

16 So constitutional language is clear.  
17 The attorney general has opined. It makes sense  
18 in terms of the scheme, and that's why I wanted  
19 to give that history.

20 Thank you, Mr. Co-Chair.

21 SENATOR SYKES: Thank you,  
22 Mr. President, for the history lesson, although  
23 just reliving it is still a little painful.

24 PRESIDENT HUFFMAN: I'm with you,  
25 brother.

1                   SENATOR SYKES: Are there any other  
2 items?

3                   LEADER RUSSO: Mr. Co-Chair, I would  
4 like to respond to that. And, you know, I will  
5 respectfully disagree.

6                   I do agree that the constitutional  
7 language is very plain, and I think any argument  
8 at this stage in the process that, you know,  
9 there is no check and that the people who voted  
10 for these changes didn't intend for there to be  
11 a check on gerrymandering is just simply a  
12 convenient interpretation of the constitution.

13                   I think the constitution is very clear  
14 that at this point, after the Court has  
15 invalidated maps and you've exhausted the GA,  
16 which, by the way, there was no plan presented  
17 for legislators to even vote on, nor did we ever  
18 see a map to say if we would have the votes or  
19 not have the votes, or the commission, you know,  
20 there are no more get-out-of-jail-free cards.  
21 It is time for us to come to the table and come  
22 up with some agreement that we can all agree to.

23                   And it is possible. I've laid out a  
24 few suggestions. You certainly don't have to  
25 take all of those suggestions. And we will give

1 more specifics about that, but to at least have  
2 the conversation and have some good faith  
3 negotiations at this stage in the process is, I  
4 think, both required by the constitution for  
5 this commission to even have valid maps come out  
6 of it, but it's also what the people of Ohio are  
7 asking us to do.

8 And, you know, certainly, we can all  
9 die on this hill if we want to, but again, that  
10 then leaves it up to the Court yet again to  
11 decide whether or not these were constitutional  
12 maps and whether or not they were even valid  
13 maps that came out of this commission without  
14 Democratic votes.

15 So that's all that I have to say.  
16 Thank you.

17 PRESIDENT HUFFMAN: Mr. Co-Chair.

18 SENATOR SYKES: Yes.

19 PRESIDENT HUFFMAN: One of the things  
20 that is seemingly lost over this is when  
21 Leader Russo says there's not a check, there is  
22 a check. This map, unless it gets minority  
23 party support, is only for four years, and that  
24 built-in check is a concession automatically to  
25 the minority party. Unless the majority party

1 does what they want or concedes or there can be  
2 some sort of agreement, however we want to  
3 describe it, the majority party doesn't get to  
4 do what the majority party gets to do everywhere  
5 else, and that is draw a map for the next ten  
6 years. And that is the check.

7 If there was a version of this which  
8 isn't quite as good from the majority party  
9 standpoint -- again, assuming we could get a  
10 majority of the commission -- Republican  
11 commissioners to vote for it, that may or may  
12 not be true, but if there is some version of  
13 that that is -- I'll just call it less than this  
14 that the minority party would vote for, well,  
15 then we could get our ten-year map, but the  
16 majority is already penalized by only getting a  
17 four-year map, and that's the penalty that is  
18 built in. And unless we can come to some  
19 consensus, the majority is going to be penalized  
20 and there is going to be a check.

21 SENATOR SYKES: The only other comment  
22 is that also the map should be constitutional,  
23 they should comply with the constitution, and  
24 the Ohio Supreme Court still has some purview as  
25 to --

1 UNIDENTIFIED SPEAKER:

2 [Unintelligible.]

3 SENATOR SYKES: Yeah, absolutely, to be  
4 considered.

5 At this time, seeing and hearing no  
6 other comments, I don't believe, we will --

7 AUDITOR FABER: I have a question.

8 SENATOR SYKES: Yes.

9 AUDITOR FABER: Do we have tomorrow's  
10 meeting schedule decided already? Did we  
11 announce that?

12 SENATOR SYKES: We have tentatively  
13 agreed -- we have agreed 10:00 tomorrow morning,  
14 to recess until 10:00 tomorrow morning.  
15 Hopefully, during that time, we will have an  
16 opportunity to exchange ideas and possibly come  
17 up with a collaboration.

18 AUDITOR FABER: Do we have a meeting  
19 time set for Thursday?

20 SENATOR SYKES: We have not -- we do  
21 not at this time.

22 Seeing and hearing no further business,  
23 we will recess until tomorrow at 10:00 a.m.

24 (End of recording.)

25 --o0o--

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

R E P O R T E R ' S C E R T I F I C A T E

STATE OF NORTH CAROLINA

--o0o--

I, DENISE MYERS BYRD, Court Reporter,  
do hereby certify that the transcription of the  
recorded OHIO REDISTRICTING COMMISSION held on  
March 1, 2022, was taken down by me  
stenographically to the best of my ability and  
thereafter transcribed under my supervision; and  
that the foregoing pages, inclusive, constitute  
a true and accurate transcription of said  
recording.

Signed this the 7th day of March 2022.

*Denise Myers Byrd*  
Denise Myers Byrd  
CSR 8240, RPR, CLR 102409-2

# **Exhibit 4**



OHIO REDISTRICTING COMMISSION

MARCH 2, 2022

Transcribed by:

Denise Myers Byrd, CSR 8340, RPR  
Discovery Court Reporters and  
Legal Videographers, LLC  
4208 Six Forks Road  
Suite 1000  
Raleigh, North Carolina 27609  
(919) 424-8242  
denise@discoverydepo.com

1           SPEAKER CUPP: I would ask that the  
2           staff please call the roll at this time.

3           THE CLERK: Co-Chair Speaker Cupp.

4           SPEAKER CUPP: Present.

5           THE CLERK: Co-Chair Senator Sykes.

6           SENATOR SYKES: Present.

7           THE CLERK: Governor DeWine.

8           GOVERNOR DEWINE: Here.

9           THE CLERK: Auditor Faber.

10          AUDITOR FABER: Yes.

11          THE CLERK: President Huffman.

12          PRESIDENT HUFFMAN: Here.

13          THE CLERK: Secretary LaRose.

14          SECRETARY LAROSE: Here.

15          THE CLERK: Leader Russo.

16          LEADER RUSSO: Here.

17          THE CLERK: You have a quorum.

18          SPEAKER CUPP: All members are present.

19                   Is there business to come before the  
20           meeting -- this meeting of the Ohio  
21           Redistricting Commission?

22                   The chair recognizes Co-Chair Sykes.

23           SENATOR SYKES: Thank you,

24           Mr. Co-Chair.

25                   At this time I'd like to move to amend.

1           The amendment aims to replace the map that's  
2           before us and to accept our map that we  
3           submitted here before and to the commission.  
4           It's Senate Bill 237. We have three different  
5           versions of it, but this would be the most  
6           recent version. It is an 8-7 map, and it does  
7           not unduly favor a political party, and we would  
8           ask that the commission consider this map.

9                   SPEAKER CUPP: There's a motion to  
10           adopt the map presented. What is the  
11           designation on that map? Do we know? Or the  
12           date that it was uploaded on to the website.

13                   SENATOR SYKES: February 8th.

14                   SPEAKER CUPP: February 8th's map. I'm  
15           not sure what name it was uploaded under.

16                   Is there a second to the motion?

17                   LEADER RUSSO: Second.

18                   SPEAKER CUPP: It's been moved and  
19           seconded. Is there discussion?

20                   PRESIDENT HUFFMAN: Mr. Chairman.

21                   SPEAKER CUPP: Senator Huffman.

22                   PRESIDENT HUFFMAN: Yeah, just to  
23           clarify if there was a motion to amend and then  
24           a motion to adopt. Is this a motion to amend?

25                   SENATOR SYKES: Motion to adopt.

1 Motion to adopt.

2 PRESIDENT HUFFMAN: Oh, there's no  
3 amendment.

4 SENATOR SYKES: The amendment -- we are  
5 looking at the general assembly motion -- map  
6 that was presented and was denied, invalidated  
7 by the Court, and so we're offering it as an  
8 amendment to that.

9 SPEAKER CUPP: Is it -- are you  
10 offering an amendment to the general assembly  
11 map or to the congressional map?

12 SENATOR SYKES: To the congressional  
13 map that was approved by the -- adopted  
14 initially by the general assembly but was in  
15 fact invalidated by the Court.

16 SPEAKER CUPP: My understanding is the  
17 motion is to amend the map that was previously  
18 approved by the commission and returned --

19 PRESIDENT HUFFMAN: To the general  
20 assembly.

21 SPEAKER CUPP: -- to the commission by  
22 the -- the map that was adopted by the general  
23 assembly for congressional districts and that  
24 was invalidated by the Ohio Supreme Court and  
25 returned to the redistricting process.

1 SENATOR SYKES: Yes.

2 SPEAKER CUPP: All right. And you have  
3 amendments to that map.

4 SENATOR SYKES: Yes. We're offering  
5 the map that we submitted to the commission on  
6 February 8th, to amend that map.

7 SPEAKER CUPP: Are you -- I'm sorry.  
8 Are you offering a whole map?

9 SENATOR SYKES: Yes, a whole map.

10 SPEAKER CUPP: Okay.

11 SENATOR SYKES: It's like a substitute.

12 SPEAKER CUPP: All right. Are we able  
13 to identify what that is?

14 SENATOR SYKES: It's on the commission  
15 website, February 8th.

16 SPEAKER CUPP: Okay. February 8th. Is  
17 it the only one, or is it under a name as well?

18 SENATOR SYKES: It was the Dem's  
19 congressional map.

20 SPEAKER CUPP: Democrat congressional  
21 map. Yuko -- would this be the title?

22 SENATOR SYKES: Yes.

23 SPEAKER CUPP: Yuko/Sykes  
24 Substitute Senate Bill 237 February 8th revision  
25 is the map that is offered.

1 Do you want to describe the map or your  
2 amendments?

3 SENATOR SYKES: It is an 8-7 map that  
4 complies with the constitution. It was  
5 presented prior, and you've gone over it in  
6 detail in the prior meeting. And we'd just like  
7 it to be considered now.

8 SPEAKER CUPP: All right. It's been  
9 moved and seconded that the Yuko/Sykes  
10 Senate Bill 237 February 8th revised map that  
11 was uploaded be adopted by the commission.

12 Discussion? There's no discussion.  
13 I'll ask the clerk to call the roll.

14 UNIDENTIFIED SPEAKER: May we see a  
15 copy of it. Do we have a copy of it?

16 SPEAKER CUPP: All right. The  
17 commission will be at ease for a moment while we  
18 make some copies.

19 (At ease.)

20 SPEAKER CUPP: We have had a request  
21 from Ryan Brune -- I'm not sure I'm pronouncing  
22 your name right, but you testified yesterday and  
23 you have an updated map.

24 Do you want to take a few moments to  
25 tell us what that is.

1 RYAN BRUNE: Sure.

2 SPEAKER CUPP: Why don't you come up to  
3 the microphone and state your name for the  
4 record, please.

5 RYAN BRUNE: Thank you. My name is  
6 Ryan Brune. I presented yesterday with a map.  
7 I'm here to present a different map, calling it  
8 compromise -- Compromise Map V2.

9 This map that I'm presenting is  
10 identical to the one that the Republicans  
11 proposed yesterday, with two districts being  
12 changed: The 4th district and the 15th district.

13 I made some simple county swaps, which  
14 citizens can see on the redistricting website.  
15 The commissioners, you have these in front of  
16 you, all the changes I've made.

17 I've reduced the total number of county  
18 splits. I've combined municipalities that were  
19 previously split. Municipalities that cross  
20 county lines are allowed to be split given the  
21 guidelines, but what I was able to do, I was  
22 able to reconnect Dublin with its Union and  
23 Franklin portions, and I was able to reconnect  
24 Plain City which is in Madison and Union county.

25 I talk a little bit about the

1 compactness in my brief, but basically what I  
2 propose is the exact same as the Republican map.  
3 Two districts changed. It's more compact in  
4 pretty much any metric you use. It doesn't have  
5 a split district connect to a split district  
6 connect to a split district, and it has the  
7 added benefit of being a little bit more fair.  
8 Instead of having five composite Democratic  
9 districts, it now has six, and all that in one  
10 change. The map's pretty much the exact same  
11 thing presented yesterday, just a little bit  
12 better in every way.

13 SPEAKER CUPP: Thank you.

14 Any questions for the witness?

15 Thank you for your continued work on  
16 this. It's quite impressive that you have this  
17 kind of interest and continue to work on it.  
18 Thank you.

19 RYAN BRUNE: Thank you.

20 SPEAKER CUPP: The commission will be  
21 back at ease while we're waiting on the map  
22 copies.

23 (At ease.)

24 SPEAKER CUPP: ... entitled Yuko/Sykes  
25 SB 237, February 8th revision that is before the



1 commission.

2 Is there any discussion on the motion?

3 The chair recognizes Senator Huffman.

4 PRESIDENT HUFFMAN: Thank you,  
5 Mr. Chairman.

6 So there was a map that was presented,  
7 although not yet moved, which I'll be doing  
8 later in this meeting, and there was a series of  
9 meetings as there have been, but I met with  
10 Senator Sykes and Leader Russo. As I understand  
11 it, the speaker did, I believe the auditor did.  
12 There may have been a meeting also with  
13 secretary and variety of folks. And then last  
14 night there was a series of amendments proposed  
15 to that map by the -- I believe by Senator Sykes  
16 and Leader Russo. So there is that version of  
17 that map which is also on the website.

18 This is a completely different setup.  
19 And as of today, I guess, maybe if we're trying  
20 to negotiate, this is a step backwards in what  
21 at least we were talking about and is a  
22 completely different consideration. So it's  
23 unclear to me why this is even being presented  
24 at this time since it's not related at all to  
25 what we were discussing at least in the meeting

1           that I was in last night.

2                       So I think it's a step backwards in  
3 terms of, you know, trying to put in a capsule  
4 what the differences are between the parties, so  
5 I would oppose the motion.

6                       SPEAKER CUPP: Further discussion.

7                       The motion is to adopt the plan that  
8 has been presented. And the staff will call the  
9 roll, please.

10                      THE CLERK: Co-Chair Speaker Cupp.

11                      SPEAKER CUPP: No.

12                      THE CLERK: Co-Chair Senator Sykes.

13                      SENATOR SYKES: Yes.

14                      THE CLERK: Governor Dewine.

15                      GOVERNOR DEWINE: No.

16                      THE CLERK: Auditor Faber.

17                      AUDITOR FABER: No.

18                      THE CLERK: President Huffman.

19                      PRESIDENT HUFFMAN: No.

20                      THE CLERK: Secretary LaRose.

21                      SECRETARY LAROSE: No.

22                      THE CLERK: Leader Russo.

23                      LEADER RUSSO: Yes.

24                      THE CLERK: Thank you. Five to two,  
25 Mr. Co-Chair.

1           SPEAKER CUPP: The vote is five to two.  
2           No. The vote is two to five. The motion has  
3           not carried.

4           Is there further business to come  
5           before the commission?

6           Senator Huffman.

7           PRESIDENT HUFFMAN: Thank you. At this  
8           time, Mr. Chairman, I move the commission adopt  
9           the updated congressional district plan which  
10          was uploaded to the commission's website this  
11          morning that is called March 2nd, 2022, under  
12          the name of Frank Strigari. And --

13          SPEAKER CUPP: Senator Huffman, is that  
14          the map that is -- that we have the map  
15          distributed.

16          PRESIDENT HUFFMAN: That's correct.

17          SPEAKER CUPP: Does everyone have that  
18          map? All right. You may proceed.

19          PRESIDENT HUFFMAN: Do I need a second?

20          SPEAKER CUPP: Is there a second to the  
21          motion?

22          I'll second the motion.

23          PRESIDENT HUFFMAN: Okay. Thank you.

24          So, Mr. Chairman, members of the  
25          commission, this map is identical to the map

1 that was submitted yesterday with two slight  
2 changes. One is our changes, then, in Franklin  
3 county which really completes a series of  
4 changes that were made in regarding Districts 3  
5 and 15.

6 My office, and perhaps other offices,  
7 received an inquiry from Congresswoman Beatty's  
8 office. I think one of the initial maps that  
9 was -- or renderings here in the last week or so  
10 had Congresswoman Beatty's district office  
11 outside of District 3. And it might be a  
12 federal requirement, but I believe that it's  
13 required that congressional district offices be  
14 inside the congressional district, so they asked  
15 us to make that change. And initially, I  
16 believe also Congresswoman Beatty's residence  
17 was outside of District 3, and so there were  
18 some changes made regarding both of those also  
19 resulting in Congressman Carey outside of  
20 District 15.

21 So the net result of all these changes,  
22 including the one that we're including today, is  
23 that Congresswoman Beatty's district office is  
24 in District 3, her residence is, and Congressman  
25 Carey is in his District 15. When I say his and

1           hers, of course I'm referring to the fact that  
2           they're both incumbents. So that solves that  
3           problem. So that's one change.

4                     The second change is in Hamilton  
5           county, and it was pointed out to us that we  
6           could eliminate some subdivision splits in  
7           District 1, and so -- and if you compare -- if  
8           you have both of the maps in front of you,  
9           yesterday, today, not only did we repair those  
10          subdivision splits, but certainly how the  
11          district is divided is much cleaner.

12                    So those are the two changes. Of  
13          course, in moving the map as a whole, and I  
14          would ask the commission to adopt the map  
15          pursuant to my amendment. Thank you.

16                    SPEAKER CUPP: It's been moved and  
17          seconded. Do we have a description for this  
18          map, a name on this?

19                    PRESIDENT HUFFMAN: Yes. Excuse me.  
20          This is called March 2nd, 2022, map, and it's  
21          submitted under the name of Frank Strigari.

22                    SPEAKER CUPP: Thank you. It's been  
23          moved and seconded.

24                    Is there discussion?

25                    LEADER RUSSO: Mr. Co-Chair.

1                   SPEAKER CUPP: The chair recognizes  
2                   Representative Russo.

3                   LEADER RUSSO: Thank you, Mr. Co-Chair.  
4                   Just to clarify the difference  
5                   specifically in Districts 3 and 15 from the map  
6                   that we saw yesterday that was uploaded to the  
7                   website to the map we saw today. The primary  
8                   difference here is that this revision puts  
9                   Congressman Carey back into the 15th because I  
10                  believe the issues with Congresswoman Beatty and  
11                  her office were resolved in the map that we saw  
12                  yesterday. So the primary change here is to put  
13                  Congressman Carey back in his 15th district, is  
14                  that correct, his residence?

15                  SPEAKER CUPP: You are recognized,  
16                  President Huffman.

17                  PRESIDENT HUFFMAN: Yes. Mr. Chairman,  
18                  that is accurate. In doing those other changes,  
19                  I think we had -- that's what resulted and  
20                  that's what we're trying to -- in remedying some  
21                  things, we caused other problems, but the only  
22                  change today from yesterday does as Leader Russo  
23                  described.

24                  SPEAKER CUPP: Further discussion.

25                  LEADER RUSSO: Mr. Co-Chair, would it

1 be appropriate, I'd like to suggest some  
2 amendments to this.

3 SPEAKER CUPP: Yes, that would be in  
4 order.

5 LEADER RUSSO: Thank you.

6 I have a number of amendments here  
7 because we are here because the general assembly  
8 drew a map that the state court held violated  
9 the state constitution. Specifically, the Court  
10 was clear that the congressional district plan  
11 that the general assembly passed in November is  
12 invalid in its entirety because it unduly favors  
13 the Republican Party and disfavors the  
14 Democratic Party in violation of Article XIX,  
15 Section 1(C)(3)(A).

16 The Court gave the example of Franklin  
17 county where Democratic-leaning voters were  
18 packed into only one district to confer partisan  
19 advantage to the party drawing the map, and the  
20 Court also held that the plan unduly splits  
21 Hamilton, Cuyahoga, and Summit counties in  
22 violation of Section 1(C)(3)(B).

23 The Court has ordered the general  
24 assembly, or the commission, if needed, to adopt  
25 a new congressional district plan that complies

1 in full with Article XIX of the Ohio  
2 Constitution and the directives of the Court.

3 So the task now is in the commission's  
4 hands because the state constitution calls for  
5 the commission to act as backup to the general  
6 assembly when the general assembly fails to  
7 assemble the bipartisan vote required by the  
8 voters in the state constitutional reform to  
9 pass a replacement map.

10 So my amendment, as was discussed with  
11 I believe nearly every member of this commission  
12 over the last 12 hours, makes four primary  
13 changes to the map that we see before -- it was  
14 the map that was presented yesterday, but these  
15 changes would also apply to the map that we see  
16 before us today.

17 We have actually uploaded these  
18 Democratic amendments to the Strigari March 1,  
19 2022, map on the commission website for the  
20 public to see and commissioners to see. Of  
21 course, we can slightly adapt that uploaded map  
22 to accommodate the two small changes that have  
23 been described by Senate President Huffman this  
24 morning with the map that he has offered before  
25 us.



1           But here are the four amendments again  
2           that have been discussed in detail with multiple  
3           members of this commission. And to note, these  
4           changes abided by the principle of taking the  
5           map that has been presented to us and making the  
6           least changes necessary to get this map to a map  
7           that we feel, again, upholds the constitution by  
8           not unduly favoring the Republicans and  
9           disfavoring the Democrats.

10           So the first changes to amend the  
11           districts in southwest Ohio, specifically  
12           Districts 1 and 8, this amendment -- or  
13           modification -- or this change, sorry, swaps  
14           territory from one district to the other with  
15           the result that District 1 would still contain  
16           Cincinnati, but it would be wholly within  
17           Hamilton county.

18           District 8 would now contain Warren  
19           county instead of -- Warren county being  
20           disconnected from Cincinnati, and the partisan  
21           index would change on each district accordingly.  
22           District 1 would move slightly above the toss-up  
23           range, and the heavily Republican-leaning  
24           District 8 would be slightly more Republican.  
25           And you can see those changes in the map

1 printout that we have provided as well as the  
2 table.

3 The second change is to amend districts  
4 in northwest Ohio. This amendment specifically  
5 would change the boundary between Districts 5  
6 and 9, and this modification swaps territory  
7 from one district to the other, with the result  
8 that District 9 would be more compact and its  
9 partisan index would move slightly above the  
10 toss-up range, and we also believe that the  
11 communities linked in this district would be  
12 more cohesive. The partisan index would change  
13 in each district accordingly. Again, you can  
14 see that in the printout that was provided.

15 Now, I will note specifically about  
16 this change, we had a nice, long discussion with  
17 Auditor Faber last evening. He had some other  
18 changes in this part of the state that we were  
19 very willing to consider and discuss further if  
20 we are given time to do that.

21 The third amendment is -- it would  
22 change the districts in central Ohio,  
23 specifically centered on District 15. This  
24 amendment would change the boundaries between  
25 15, 4 and 3. This modification swaps territory

1 from one district to another, with the result  
2 that District 15 and 4 would be more compact,  
3 and District 15 would have a partisan index that  
4 would be slightly above the toss-up range. We  
5 also believe that the communities linked in this  
6 district are more cohesive. For example,  
7 communities in the Delaware, Franklin, Union,  
8 and Madison, where those counties meet in that  
9 portion of the district.

10 I will also note, again, we discussed  
11 multiple potential options within this change.  
12 Again, if commissioners are willing to discuss  
13 this further, we certainly have shown a  
14 willingness to be open to further discussions  
15 with that change.

16 And then the final change that we have  
17 proposed amends -- or, sorry, impacts districts  
18 in northeast Ohio, touching Cuyahoga county.  
19 This amendment specifically would change the  
20 boundaries between District 7 and 11. This  
21 modification swaps territory from one district  
22 to the other, with the result that District 7  
23 would have a partisan index that would place it  
24 in the dem-leaning toss-up range.

25 And the purpose of this and the other

1 change is to have a total map that reflects the  
2 preferences of the Ohio -- of the voters of Ohio  
3 and does not unduly favor the Republican Party  
4 in excess of their support at the ballot box.

5 So, Mr. Speaker, again, I would like to  
6 thank the members of the commission who had  
7 these discussions with us. We have gone into  
8 these discussions about these amendments to the  
9 general assembly passed plan using your map that  
10 you have put forwarded today and yesterday as  
11 the basis for coming up with some sort of  
12 compromise that we believe, again, results in an  
13 overall map that is in line not only with the  
14 Court's decision but with the constitution and  
15 does not unduly favor the Republican Party and  
16 unduly disfavor the Democratic Party.

17 Thank you.

18 SPEAKER CUPP: Thank you, Leader Russo.

19 Let me ask, are these being offered as  
20 a single motion, or did you want to do these  
21 seriatim?

22 LEADER RUSSO: At this point,  
23 Mr. Speaker, these are being offered as a single  
24 motion. Certainly, again, we have not heard  
25 directly back from commissioners about what

1 individual changes they might be willing to  
2 entertain, but if we can continue discussions,  
3 we certainly can offer them as separate, but at  
4 this point they are offered in whole.

5 SPEAKER CUPP: All right. And are  
6 these -- the details of these, are they uploaded  
7 or available? I'm just -- so if they were  
8 adopted, are we going to know what they are is  
9 my point, I guess.

10 LEADER RUSSO: Thank you. Mr. Speaker,  
11 yes, the details of these changes, not only have  
12 they been uploaded, but they were provided to  
13 all of the commissioners and their staff last  
14 evening, I believe at approximately 9:30, 9:45.  
15 To your staff, we discussed them in detail. And  
16 again, we certainly can harmonize based on the  
17 two minor modifications that have been presented  
18 this morning, certainly can harmonize those, but  
19 they have been available not only to your staff  
20 and commissioners but also to the public.

21 SPEAKER CUPP: Yes. Do we have a name  
22 by which they were uploaded so we can identify  
23 them.

24 LEADER RUSSO: Yes. I believe they are  
25 named as the Democratic Amendments to Remedy

1 Invalidated General Assembly Plan.

2 SPEAKER CUPP: And the date of the  
3 upload is March 2nd?

4 LEADER RUSSO: March 2nd, yes.

5 SPEAKER CUPP: All right. Are  
6 there -- did you make a motion to move?

7 LEADER RUSSO: So I make a motion.  
8 Thank you. I know it's easy to get lost in the  
9 discussion here.

10 Making a motion to adopt these  
11 amendments to the general -- invalidated general  
12 assembly plan but adopt these changes to the  
13 plan that Mr. Huffman has put forward.

14 SPEAKER CUPP: All right. It's been  
15 moved. Is there a second?

16 SENATOR SYKES: Second.

17 SPEAKER CUPP: All right. It's been  
18 moved and seconded.

19 Discussion. The chair recognizes  
20 Senator Huffman.

21 PRESIDENT HUFFMAN: Thank you,  
22 Mr. Chairman.

23 I oppose the motion, and I guess a  
24 couple of comments. One -- and I appreciate  
25 Leader Russo's description as these are changes

1 to essentially the map that I moved today but  
2 was presented yesterday with slight changes.  
3 This, of course, is a wholly different map than  
4 what leader -- or Senator Sykes presented just a  
5 few minutes ago, so this is -- these are two  
6 different maps. I guess I want everyone --  
7 commission members and public who are listening  
8 to understand that. So these are two, I think  
9 fair to say, completely different plans  
10 presented here this morning.

11 I think it's important, again, and I  
12 went on a little bit of a history lesson  
13 yesterday, to understand Article XIX and its  
14 effects and how it was that -- or how it came to  
15 be and how -- why this unduly language does not  
16 in fact imply to the commission.

17 First, you could say simply because the  
18 constitution doesn't say anything about that as  
19 it relates to the commission. But why is that?  
20 why is that the design of this?

21 And keep in mind that we get the  
22 census -- as we all know, it's at the end of  
23 every ten years. Typically, we get the census  
24 data on April 1st, and it takes about three  
25 months to put it in the political, and then

1           there's an opportunity over a couple of months,  
2           perhaps, to come up with an agreement. And you  
3           know, we've talked a lot about how there were  
4           problems with that this year.

5                        But in the first stage of this, when  
6           there's a substantial amount of minority party  
7           buy-in that has to happen, so this is in  
8           September of any year, and there is no undue  
9           requirement in there. If in fact the parties  
10          can agree, it may be that some feel -- maybe a  
11          court or others feel that it unduly favors or  
12          disfavors a party, but there's no requirement  
13          regarding that in that September timeframe.  
14          Now, there is a requirement for substantial  
15          minority party buy-in, but the language doesn't  
16          appear anywhere in that stage.

17                       If that doesn't happen in October, the  
18          redistricting commission can adopt a map, but  
19          they can only adopt a ten-year map, and it must  
20          have -- and to do that you must have minority  
21          party buy-in. However, there's no undue  
22          language in there either. And some might  
23          recall, when we passed this map some time ago, I  
24          asked some advocates, well, what if -- what if  
25          there was an agreement among minority and



1 majority party members, but it wasn't a map that  
2 advocates wanted, and the response was no  
3 sweetheart deals. I don't know if anybody  
4 remembers that response. And what that  
5 anticipates is that there can be agreement on  
6 these maps for a whole variety of reasons, but  
7 this means, in the first stage in September,  
8 that unduly doesn't apply; in the second stage,  
9 unduly doesn't apply because the language isn't  
10 in there. Okay.

11 So in Stage 3, November, it goes back  
12 to the general assembly. And if the general  
13 assembly passes a congressional map pursuant to  
14 (C)(1) of the constitution -- and again, this is  
15 section 1(C)(1). If the general assembly does  
16 it and has this enhanced minority vote, the  
17 unduly doesn't apply. There's no requirement  
18 that the general assembly do that under  
19 section (C)(2) of the constitution, but again,  
20 you have an enhanced minority requirement,  
21 minority party requirement, and it's not as big  
22 as it is in September, it actually lowers, but  
23 that -- it, again, unduly doesn't apply there  
24 either.

25 Finally, if the general assembly passes

1 a map in November, which we did, without the  
2 requisite minority buy-in, the unduly part does  
3 apply. And the Court in their opinion said,  
4 well, we think it unduly favors one party over  
5 another and ruled the map invalid. well, what  
6 happens?

7 And before we get to Stage 4, I would  
8 point out that in the mid decennial  
9 redistricting, under Section (F)(1), we have  
10 that same unduly language appears again. So  
11 there are parts of the constitution that have  
12 the unduly language and parts that do not. So  
13 you can take a look at (F)(1). We all worry  
14 about that in four years, or those of you who  
15 are still standing can worry about it in four  
16 years.

17 So -- but what happens, then, if a  
18 court says, for whatever reason, we don't like  
19 the map, and it could be for a whole variety of  
20 reasons. well, in the -- in Section 4, if the  
21 general assembly passes a map pursuant -- or  
22 this is Section 3. Excuse me. In Silo 4, the  
23 general assembly can pass a map, but the unduly  
24 language doesn't appear there either. well, if  
25 the general assembly passes a map, they have all

1 the other requirements, but there's no unduly  
2 requirement, but the general assembly doesn't do  
3 that, and likely we could have passed some map,  
4 but we had restrictions on time and needed --  
5 and Leader Russo, I think, made a good point,  
6 said, well, we didn't take a vote. well, we  
7 didn't, but, you know, it's a bit of a fool's  
8 errand at that point, but now we go to the  
9 redistricting commission in Silo 5 which is  
10 where we are right now.

11 silo 5 doesn't have any language in it  
12 about unduly. And the question is, well, why  
13 not? well, remember, folks, this is a plan --  
14 this constitutional plan is designed to create a  
15 series of incentives on both sides to make an  
16 agreement. And the big incentive for the  
17 majority to make an agreement is if you don't  
18 do -- get enough support from the minority  
19 party, your map only lasts for four years, and  
20 that is not good for the majority because  
21 everybody wants to be able to draw their map for  
22 ten years and keep it where it is. well, they  
23 can't do that. So as we're sitting here in silo  
24 5, there's no unduly requirement. And we can  
25 talk about that and go back and forth and make

1           whatever arguments we want to do about that.

2                       So I guess I want to point that out to  
3           commission members. And again, going back to  
4           where we are, typically, you're going to be at  
5           the end of November with no map. The general  
6           assembly may be able to -- if it's challenged  
7           and the court sends it back maybe in the month  
8           of December perhaps -- we didn't in this case  
9           didn't get a court decision until January,  
10          but -- and if it comes back, the general  
11          assembly needs to come back, pass a map or not  
12          or then come to the redistricting commission all  
13          in a very short period of time.

14                     And if in fact what is required is this  
15          substantial buy-in that the minority party is  
16          describing, it's going to make it very, very  
17          difficult to get this map. And obviously, we're  
18          on a very short period of time. What the courts  
19          want, and I think what we all want, is to be  
20          able to have an election.

21                     And I would note that one of  
22          the -- there's a couple of things that I argue  
23          when I -- things, provisions that I wanted to  
24          put into this back in 2018. One is rather than  
25          have a general assembly bill that could be

1           referenda, we ought to do it by resolution.  
2           That was shot down, so we're stuck with a longer  
3           process with the bill.

4                       And I also pointed out that if we  
5           stretch this out to the end of November, then a  
6           court hearing and then a general assembly action  
7           and then commission action, it's going to be a  
8           problem when we get to elections. And as I  
9           noted to some of the media yesterday, you think  
10          the timing on this is a problem now, wait until  
11          2032 when the presidential primary is in March.  
12          And if we start going down this path that all of  
13          these additional requirements in other parts of  
14          the constitution apply to this stage, well,  
15          we're never going to make a primary the first  
16          week in March. And Secretary LaRose probably  
17          won't be secretary then, but maybe.

18                      SECRETARY LAROSE: Thank God.

19                      PRESIDENT HUFFMAN: Thank God. So  
20          that -- I just want to, I guess, let -- make  
21          sure that commission members are aware of that.

22                      Thanks very much, Mr. Chairman. And  
23          again, I oppose the motion.

24                      LEADER RUSSO: Mr. Chairman.

25                      SPEAKER CUPP: The chair recognizes

1 Representative Russo.

2 LEADER RUSSO: Thank you, Mr. Chair.

3 Those are certainly very interesting  
4 conclusions about the reading of not only the  
5 Court's decision but also the constitution.

6 So essentially what we are hearing is  
7 that Commissioner Huffman is arguing that there  
8 is no need to follow any of the  
9 anti-gerrymandering provisions of the  
10 constitution, including what the Court  
11 specifically stated in their decision that the  
12 plan that they overruled unduly favored the  
13 Republican Party over the Democratic Party.

14 That is essentially like me robbing a  
15 bank and saying that is my money. That is,  
16 frankly, absurd. And if this is, I think, the  
17 direction that this whole commission is going  
18 to -- or at least the majority members of this  
19 commission are going to buy into in this  
20 process, I can guarantee that we will be back  
21 here in a couple of weeks not only probably  
22 redrawing state maps but also again  
23 congressional maps.

24 The only reason that we are in this  
25 state is not because of the constitution and the

1 provisions that were overwhelmingly passed by  
2 Ohio voters, it's simply because we have  
3 commissioners who do not want to follow the  
4 constitution and do not want to follow the rule  
5 of law and do not want to follow the Court's  
6 decisions.

7 what we find ourselves in now regarding  
8 the election, completely avoidable and also  
9 easily remedied by moving the primary date and,  
10 most importantly, bypassing a constitutional  
11 map.

12 And we have an opportunity to work  
13 together as a commission. This deadline that we  
14 have this morning at 10:00 is completely  
15 artificial. We can right now meet and discuss,  
16 as long as it takes, to get this done, to come  
17 to some agreement, get to a map that will pass  
18 constitutional muster that will get bipartisan  
19 support, will be in effect for ten years and  
20 will allow us to conduct elections. And it's  
21 really that simple.

22 PRESIDENT HUFFMAN: Mr. Chairman.

23 SPEAKER CUPP: Senator Huffman.

24 PRESIDENT HUFFMAN: Thank you,  
25 Mr. Chairman.

1           So in regards to following -- I think  
2           the phrase was none of the anti-gerrymandering  
3           provisions. I think that's inaccurate.

4           Section 2, for example, has a variety  
5           of things that were built into this, in fact  
6           were demands of the various advocate groups.  
7           And I'll just go through some of those.

8           We wanted to make sure that each  
9           district included at least one whole county.  
10          This is section 2 -- section 2(B)(8). So that  
11          was included. That's something that has to be  
12          followed.

13          No two congressional districts shall  
14          share portions of the territory or more -- of  
15          more than one county except for a county  
16          population that exceeds 400,000. And that was  
17          done because if you -- for those of you who  
18          remember, they complained about District 4 that  
19          split two or three counties getting up to a  
20          certain point. We eliminated that as a -- if  
21          you want to call it gerrymandering or whatever  
22          you want to call it.

23          Of the 88 counties, 65 counties have to  
24          remain whole, 18 counties may be split, not more  
25          than once, and five counties may be split not



1 more than twice. Well, in this case, there's  
2 only -- we've eliminated counties that are split  
3 more than twice. So we've gone beyond the  
4 line-drawing requirements that are in the  
5 constitution.

6 And I'll let everyone read section 2  
7 and look at all of those various things that  
8 were demands by various folks to prevent all of  
9 this.

10 And of course, you have a much more  
11 compact map that's presented -- the map that I  
12 presented here to the commission today than what  
13 was presented in 2011. So I think that's  
14 inaccurate.

15 And the other part -- the part of  
16 this -- you know, the constitutional setup here  
17 is this is a different group of people making  
18 this decision than the general assembly. The  
19 general assembly can pass a map and each of the  
20 folks there may be affected by different things,  
21 you know, namely, their own congressional people  
22 and who may affect how they vote and, of course,  
23 getting 50 votes and 17 votes sometimes is very  
24 difficult to do, but we have folks on this  
25 commission who have a different view potentially

1           because they don't represent the same kind of  
2           constituencies, caucuses, all of those that the  
3           legislative members on this commission do.

4                       So I disagree with the comments  
5           respectfully, and I appreciate, again, and would  
6           ask that the motion to amend be denied.

7                       SPEAKER CUPP: Is there further  
8           discussion?

9                       Senator Sykes. Co-Chair Sykes.

10                      SENATOR SYKES: Thank you, Co-Chair.

11                      Just briefly. You know, it's been  
12           indicated that the -- you know, it's a major  
13           incentive to get a ten-year plan to -- in order  
14           to have bipartisan agreement, but when we look  
15           at both of the constitutional amendments, the  
16           largest component, the most significant aspect  
17           was really a different concept than just  
18           anti-gerrymandering. It was -- it was fairness,  
19           and that fairness in both of the changes was  
20           equated to proportionality with the state  
21           districts, and then with undue favor, not to  
22           unduly favor a political party with the  
23           congressional districts.

24                      And it's not just the line-drawing  
25           requirements. The line-drawing requirements are

1 not the focal here. And to simply overlook or  
2 try to bypass or not to consider the main focus  
3 of the initiative as, again, I agree with  
4 Leader Russo is absurd.

5 SPEAKER CUPP: Let me just, first of  
6 all, object to the assertion that Representative  
7 Russo made that the only reason we don't have  
8 maps that have so far withstood consideration by  
9 the Court is because the commissioners don't  
10 want to.

11 As I've pointed out on multiple  
12 occasions, this is a new provision of the  
13 constitution. We're working our way through it,  
14 trying to find a pathway forward. There are  
15 legitimate differing interpretations of what it  
16 means and what it requires. There's conflict on  
17 the Supreme Court as to what it requires.

18 This is not a clear path forward, and I  
19 do not agree that members of this commission  
20 have not tried to do this in good faith, erring  
21 in some respects for what the Court has looked  
22 at it and we have consistently tried to find our  
23 way forward.

24 So in all this rhetoric and  
25 disagreement and stuff, I think it's important

1           that we don't attribute bad faith to either side  
2           of this. And so I just want to go on record as  
3           what my position is on that.

4                     Any further discussion?

5                     The chair recognizes Auditor Faber.

6                     AUDITOR FABER: Thank you. A question  
7           for the sponsors of the amendment.

8                     As I look at it -- and it may be that I  
9           just can't tell. District 3 was reconvened  
10          significantly from the proposed map. How does  
11          that or does that comply with Article 2,  
12          Section (B)(4)(A) with regard to keeping  
13          Columbus largely in one district? And I can't  
14          tell. I don't know whether it does or doesn't,  
15          but it looks, based on the geography, that a  
16          substantial portion of this district is outside  
17          the city of Columbus. And so therefore it looks  
18          to me like you're doing what you indicated the  
19          concern was in other areas for the opposite  
20          effect. So I'm just curious about that. If you  
21          can help me understand that.

22                     LEADER RUSSO: Sure. Through the  
23          chair.

24                     Auditor Faber, yes, there were some  
25          changes made to District 3. It actually still

1 includes a substantial and I believe almost  
2 exactly the same proportion of Columbus that the  
3 previous version did, it's just a different way  
4 to split it. And overall, it creates a plan  
5 that meets the -- does not unduly favor  
6 Republicans and does favor Democrats, a  
7 requirement of the Court's decision.

8 Now, as we discussed in our meeting  
9 last evening, that change in particular to 15,  
10 4 and 3, there are a couple of different options  
11 there that we certainly are willing to discuss  
12 and consider. One of which, frankly, you know,  
13 does not require necessarily a change to  
14 District 3. Many different options. We are  
15 willing to continue those discussions about that  
16 particular district. This is certainly one  
17 option. Frankly, in my mind, there were  
18 probably about three to five different options.

19 AUDITOR FABER: And thank you for that,  
20 Leader Russo. And I'm just -- and maybe this is  
21 a question to everybody in general, but as I try  
22 and read and understand Section (B)(2)(4)(A), is  
23 it -- and was it when you guys drafted this  
24 provision the understanding that to the extent  
25 you can, we are required to -- it was easy with

1 Cincinnati because Cincinnati needs to be wholly  
2 within a district because of those ratios, but  
3 because the city of Columbus is larger than one  
4 congressional district, is it your understanding  
5 of this provision that you're supposed to put  
6 the majority of the city of Columbus, even  
7 though it's larger than one district, in one  
8 whole congressional district versus splitting  
9 Columbus in multiple different ways and  
10 essentially creating different options?

11 My interpretation is that you're  
12 required, to the extent you can, to keep  
13 Columbus -- most of Columbus in one district,  
14 and if not, you're supposed to affiliate it with  
15 communities that are closely affiliated with  
16 that at a minimum. And I'm just curious if  
17 that's your read of this as well, and if that's  
18 the case, it, frankly, doesn't look to me like 3  
19 is going to follow that.

20 LEADER RUSSO: Through the chair,  
21 Auditor Faber, yes, we believe that we have met  
22 the provision in the constitution and have kept  
23 a majority of Columbus within that district.  
24 And again, there are multiple -- Columbus is big  
25 enough, frankly, that there are multiple ways do

1           that.

2                   AUDITOR FABER: So again, I don't want  
3           to belabor this because I can't see the detail,  
4           and I'll take your word for it, but your  
5           interpretation is my interpretation is correct,  
6           we're required, to the extent we can, to keep  
7           Columbus largely together in one district. Is  
8           that the baseline understanding? I assume you  
9           did that because I can't tell. Am I -- does  
10          your view -- when I tried to draw my version,  
11          that's what I tried to do, and I just want to  
12          make sure we're in agreement on that.

13                   LEADER RUSSO: Through the chair,  
14          Mr. Auditor, yes. Certainly, again, we believe  
15          that we have met the provision. There are  
16          multiple ways do that. I would also note that  
17          Columbus is an interesting city and that we have  
18          many non-contiguous parts of the city as well.  
19          And so, you know, again, there are multiple ways  
20          do this.

21                   AUDITOR FABER: Very good.

22                   SPEAKER CUPP: Is there further  
23          discussion?

24                   I would just say that I did appreciate  
25          the conversation that we had yesterday late

1           afternoon, I guess, in terms of the proposed  
2           changes that were being suggested. And as far  
3           as I'm concerned, in the House side, we spent  
4           considerable amount of time with our map drawer  
5           to take a look at these and see how they would  
6           impact the overall map. But like with any  
7           change, it does create some -- you know, some  
8           opposite impacts as well.

9                         So, for example, Congressional  
10           District 9, which is in northwest Ohio, it then  
11           creates a district that runs from the Indiana  
12           line all the way to Lorain, I think, which is  
13           even less compact than it was before. And so in  
14           a constitutional sense, I don't believe it  
15           really makes any contribution to the  
16           constitutionality of it, although it might in  
17           terms of shifting the Republican-Democrat index.

18                        I look at District 15, and that one  
19           kind of stretches out across Ohio to the west  
20           because it was a remnant of other changes that  
21           were made, but to move that -- make that one  
22           more compact, House District 4 becomes less  
23           compact, and now you have a district that runs  
24           from -- I'm not sure what county that is,  
25           actually -- way below I-70 going all the



1 way -- almost all the way back up to Lorain  
2 which was a constant example of a gerrymandered  
3 district in the public hearings that we had. So  
4 those have some adverse impacts to it.

5 And I believe that the map that was  
6 offered does meet the constitutional objections  
7 that were pointed out to the Court -- by the  
8 Court in terms of the concerns. They pointed  
9 out particularly Hamilton county and that was  
10 because it was split twice instead of once. In  
11 the Strigari map, it is now split once.

12 I'm not entirely sure, but I think the  
13 compact ratio in District 7 that would be  
14 reconfigured makes it at least somewhat less  
15 compact.

16 And so the amendments don't  
17 particularly solve any of the problems. And I  
18 realize this is as much of an art as a science,  
19 but there are some things that it doesn't make  
20 it a perfect map either.

21 LEADER RUSSO: Mr. Chair.

22 SPEAKER CUPP: Yes. Representative  
23 Russo.

24 LEADER RUSSO: Thank you. Mr. Chair, I  
25 would like to respond to a couple of your

1           comments regarding certainly, you know, some of  
2           the changes to other districts and concerns  
3           about compactness.

4                       I would note that overall, the map,  
5           with the changes that we have proposed, actually  
6           make the map -- they score higher on the overall  
7           compactness score, but certainly, if there are  
8           specific concerns about districts -- for  
9           example, you noted Districts 5 and 4, I will  
10          note that certainly in our discussions with  
11          Auditor Faber, he actually brought forward a  
12          couple of different recommendations that I  
13          believe he may have shared with some other  
14          commissioners that I think reasonably may also  
15          address some of those concerns and address some  
16          of our concerns as well.

17                      So I say all of this to say, again, you  
18          know, let's take a day to have these discussions  
19          and come to some sort of resolution and  
20          compromise on this because I do believe that  
21          there is a path forward to do that. And again,  
22          not sure why we are under this artificial  
23          deadline to vote on this today when there are  
24          clearly some alternatives here that possibly  
25          could get us to bipartisan agreement, meet our

1 objectives, if the object is to get to a  
2 constitutional map that is bipartisan that lasts  
3 ten years, which that is my objective, and to  
4 not have the Court have to intervene in this  
5 again. If that is the objective, then we should  
6 take the time to do that. And I think that  
7 there are members on this commission from the  
8 majority party who have a willingness to do  
9 that, and I would strongly encourage that.

10 SPEAKER CUPP: Further discussion.

11 The question then is on the amendment,  
12 shall the amendment proposed by Representative  
13 Russo be adopted?

14 The staff will call the roll, please.

15 THE CLERK: Co-Chair Speaker Cupp.

16 SPEAKER CUPP: No.

17 THE CLERK: Co-Chair Senator Sykes.

18 SENATOR SYKES: Yes.

19 THE CLERK: Governor DeWine.

20 GOVERNOR DEWINE: No.

21 THE CLERK: Auditor Faber.

22 AUDITOR FABER: No.

23 THE CLERK: President Huffman.

24 PRESIDENT HUFFMAN: No.

25 THE CLERK: Secretary LaRose.

1 SECRETARY LAROSE: No.

2 THE CLERK: Leader Russo.

3 LEADER RUSSO: Yes.

4 THE CLERK: Mr. Speaker, two to five.

5 SPEAKER CUPP: The vote is two to five.

6 The amendment has not been agreed to.

7 We are now back to the original motion  
8 from Senator Huffman to approve the March 2,  
9 2022, Strigari map, by name, that has been  
10 uploaded.

11 Is there further discussion?

12 If there's no further discussion, the  
13 staff will call the roll, please.

14 THE CLERK: Co-Chair Speaker Cupp.

15 SPEAKER CUPP: Yes.

16 THE CLERK: Co-Chair Senator Sykes.

17 SENATOR SYKES: No.

18 THE CLERK: Governor DeWine.

19 GOVERNOR DEWINE: Yes.

20 THE CLERK: Auditor Faber.

21 AUDITOR FABER: Yes.

22 THE CLERK: President Huffman.

23 PRESIDENT HUFFMAN: Yes.

24 THE CLERK: Secretary LaRose.

25 SECRETARY LAROSE: Yes.

1 THE CLERK: Leader Russo.

2 LEADER RUSSO: No.

3 THE CLERK: Mr. Speaker, 5-2.

4 SPEAKER CUPP: The vote is five to two.

5 The motion has been agreed to and the map has  
6 been adopted, and would direct staff to upload  
7 this to the secretary of state as soon as  
8 possible so that the March 4th filing deadline  
9 will be available to candidates and that we can  
10 proceed with the March -- the May 3rd -- the May  
11 primary election.

12 Any further business come before the  
13 commission? Hearing none, the commission is  
14 adjourned.

15 (End of recording.)

16 --o0o--

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

R E P O R T E R ' S C E R T I F I C A T E

STATE OF NORTH CAROLINA

--o0o--

I, DENISE MYERS BYRD, Court Reporter,  
do hereby certify that the transcription of the  
recorded OHIO REDISTRICTING COMMISSION held on  
March 2, 2022, was taken down by me  
stenographically to the best of my ability and  
thereafter transcribed under my supervision; and  
that the foregoing pages, inclusive, constitute  
a true and accurate transcription of said  
recording.

Signed this the 7th day of March 2022.

Denise Myers Byrd  
Denise Myers Byrd  
CSR 8240, RPR, CLR 102409-2

# **Exhibit 5**

March 1, 2022

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

SYLLABUS:

2022-004

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





**DAVE YOST**  
OHIO ATTORNEY GENERAL

Opinions Section  
Office (614) 752-6417  
Fax (614) 466-0013

30 East Broad Street, 25<sup>th</sup> Floor  
Columbus, Ohio 43215  
[www.ohioattorneygeneral.gov](http://www.ohioattorneygeneral.gov)

March 1, 2022

OPINION NO. 2022-004

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

Dear Speaker Cupp:

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

1. What votes are required for the Commission to adopt a congressional map: Can maps be adopted by a simple majority of members of the Commission, or are at least 2 votes from members of each political party required?
2. Is the map adopted effective for 4 years or 10 years, and is that dependent on whether at least 2 members of each political party vote for the map?

I address the questions below.

### **Background of the Congressional Redistricting Process in Article XIX**

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

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

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

Before moving to the third step, it is important to highlight one important aspect of the Ohio Redistricting Commission's powers. The Commission is created by Article XI of the constitution. And Article XI, Section 1(B)(1) states that, "unless otherwise specified in this article or in Article XIX of this constitution, a simple majority of the commission members shall be required for any action by the commission." Section 1(B) does "otherwise specif[y]." But as this opinion will explain later, other sections governing the redistricting process do not.

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

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

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

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

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

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

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

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

until the next time for redistricting under this article in accordance with the provisions of this constitution that are then valid. The commission shall adopt that plan not later than the thirtieth day after the deadline described in division(B)(1) of this section. *A congressional district plan adopted under this division shall remedy any legal defects in the previous plan identified by the court but shall include no other changes to the previous plan other than those made in order to remedy those defects.* (Emphasis added).

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

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

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

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

Article XIX, Section 3(B)(2) states that the Commission "shall adopt a congressional district plan in accordance with the provisions of this constitution that are then valid[.]" Article XI, Section 1(B)(1) states that "unless otherwise specified in this article or in Article XIX of this constitution, a simple majority of the commission members shall be required for any action by the commission."

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

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

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

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

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

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

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

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

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

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



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

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

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

full 10-year period.” *Certified Ballot Language to Proposed Issue 1*, 2018 (available here: <https://www.sos.state.oh.us/globalassets/ballotboard/2018/2018-02-20-ballotlanguage-issue1.pdf>).

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

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

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

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

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

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

### Conclusions

Therefore, I conclude that:

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

Respectfully,

A handwritten signature in black ink that reads "Dave Yost". The signature is written in a cursive, flowing style.

DAVE YOST  
Ohio Attorney General

# **Exhibit 6**

User:  
Plan Name: **CD March 2nd Enacted**  
Plan Type:

# Measures of Compactness Report

Wednesday, March 9, 2022

10:23 AM

	<b>Reock</b>	<b>Polsby-Popper</b>
Sum	N/A	N/A
Min	0.23	0.14
Max	0.69	0.65
Mean	0.40	0.32
Std. Dev.	0.13	0.13

<b>District</b>	<b>Reock</b>	<b>Polsby-Popper</b>
1	0.31	0.24
2	0.49	0.31
3	0.69	0.50
4	0.37	0.31
5	0.23	0.20
6	0.28	0.21
7	0.32	0.22
8	0.29	0.28
9	0.26	0.27
10	0.50	0.43
11	0.46	0.39

	<b>Reock</b>	<b>Polsby-Popper</b>
Sum	N/A	N/A
Min	0.23	0.14
Max	0.69	0.65
Mean	0.40	0.32
Std. Dev.	0.13	0.13

<b>District</b>	<b>Reock</b>	<b>Polsby-Popper</b>
12	0.59	0.31
13	0.41	0.27
14	0.48	0.65
15	0.28	0.14



## Measures of Compactness Summary

**Reock**                    The measure is always between 0 and 1, with 1 being the most compact.  
**Polsby-Popper**        The measure is always between 0 and 1, with 1 being the most compact.

# **Exhibit 7**

User:

Plan Name: CD Dem March 2nd PProposal

Plan Type:

# Measures of Compactness Report

Wednesday, March 9, 2022

10:24 AM

	<b>Reock</b>	<b>Polsby-Popper</b>
Sum	N/A	N/A
Min	0.28	0.18
Max	0.59	0.65
Mean	0.42	0.33
Std. Dev.	0.10	0.12

<b>District</b>	<b>Reock</b>	<b>Polsby-Popper</b>
1	0.56	0.43
2	0.49	0.31
3	0.42	0.31
4	0.36	0.18
5	0.30	0.25
6	0.28	0.21
7	0.29	0.21
8	0.33	0.27
9	0.33	0.34
10	0.50	0.43
11	0.44	0.41

	<b>Reock</b>	<b>Polsby-Popper</b>
Sum	N/A	N/A
Min	0.28	0.18
Max	0.59	0.65
Mean	0.42	0.33
Std. Dev.	0.10	0.12

<b>District</b>	<b>Reock</b>	<b>Polsby-Popper</b>
12	0.59	0.31
13	0.41	0.27
14	0.48	0.65
15	0.56	0.42

## Measures of Compactness Summary

**Reock**                    The measure is always between 0 and 1, with 1 being the most compact.  
**Polsby-Popper**        The measure is always between 0 and 1, with 1 being the most compact.

# **Exhibit 8**

User:

Plan Name: CD Kosuke Imai LWV Proposal

Plan Type:

# Measures of Compactness Report

Wednesday, March 9, 2022

1:44 PM

	<b>Reock</b>	<b>Polsby-Popper</b>
Sum	N/A	N/A
Min	0.31	0.25
Max	0.56	0.52
Mean	0.42	0.39
Std. Dev.	0.08	0.08

<b>District</b>	<b>Reock</b>	<b>Polsby-Popper</b>
1	0.56	0.47
2	0.49	0.34
3	0.50	0.47
4	0.45	0.26
5	0.36	0.35
6	0.35	0.30
7	0.31	0.25
8	0.42	0.34
9	0.33	0.35
10	0.54	0.52
11	0.32	0.41

	<b>Reock</b>	<b>Polsby-Popper</b>
Sum	N/A	N/A
Min	0.31	0.25
Max	0.56	0.52
Mean	0.42	0.39
Std. Dev.	0.08	0.08

<b>District</b>	<b>Reock</b>	<b>Polsby-Popper</b>
12	0.37	0.37
13	0.41	0.42
14	0.44	0.51
15	0.51	0.43



## Measures of Compactness Summary

**Reock**                      The measure is always between 0 and 1, with 1 being the most compact.  
**Polsby-Popper**            The measure is always between 0 and 1, with 1 being the most compact.