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. 2022-298** **Case No. 2022-303** ***Consolidated*** Original Action Filed Pursuant to Ohio Constitution, Article XIX, Section 3(A)

STIPULATION OF EVIDENCE

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WHEREAS, in the above-captioned consolidated cases (Nos. 2022-0298 and 2022-0303), the Ohio Supreme Court has entered an order providing that parties shall file any evidence they intend to present no later than Monday, April 25, 2022; and

WHEREAS, counsel for petitioners in both cases have met and conferred with counsel for the Ohio Redistricting Commission and have agreed that the documents attached to this stipulation are authentic copies of documents posted by the Ohio Redistricting Commission on its website, accurately reflect proceedings before the Commission, and may be presented to this Court as evidence in these cases, without waiving any arguments as to the meaning or interpretation of those documents;

NOW, THEREFORE, **IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN PETITIONERS AND THE OHIO REDISTRICTING COMMISSION IN EACH OF THE ABOVE-CAPTIONED CASES THAT:**

1.   The documents attached to this stipulation are true and correct copies of documents posted by the Ohio Redistricting Commission on its website.

2.   The transcripts attached to this stipulation are true and correct transcriptions of statements made during proceedings before the Ohio Redistricting Commission on the date stated on the transcript.

3.   The minutes attached to this stipulation are true and correct copies of minutes of the Ohio Redistricting Commission for the date stated on the minutes.

4.   The agendas attached to this stipulation are true and correct copies of agendas of the Ohio Redistricting Commission for the date stated on the agendas.

5.   The copies of testimony attached to this stipulation are true and correct copies of testimony submitted to the Ohio Redistricting Commission.

6. The attached Attorney General Opinion is a true and correct copy of the March 1, 2022 opinion of Attorney General Yost, sent to Speaker Cupp.

7. The map attached to this stipulation is the congressional map adopted by the Commission on March 2, 2022, for which data files are available at https://www.redistricting.ohio.gov/assets/district-maps/district-map-973.zip and will be provided to the Court on a USB drive.

8. The table below is an index of the documents attached to this stipulation.

Index of Documents Attached to this Stipulation

Item	Description	Appendix Page Number
1	2/22/22 Ohio Redistricting Commission Agenda	STIP_0001
2	2/22/22 Ohio Redistricting Commission Minutes	STIP_0002 - 0003
3	2/22/22 Ohio Redistricting Commission Transcript	STIP_0004 - 0006
4	2/23/22 Ohio Redistricting Commission Agenda	STIP_0007
5	2/23/22 Ohio Redistricting Commission Minutes	STIP_0008 - 0010
6	2/23/22 Ohio Redistricting Commission Transcript	STIP_0011 - 0033
7	2/24/22 Ohio Redistricting Commission Transcript	STIP_0034 - 0054
8	2/23/22 Testimony of Beatty, Linus	STIP_0055 - 0056
9	2/23/22 Testimony of Clyde, Kathleen	STIP_0057 - 0059
10	2/23/22 Testimony of Gale, Gary	STIP_0060 - 0073
11	2/23/22 Testimony of Green, Andrew	STIP_0074 - 0086
12	2/23/22 Testimony of Greene, Benjamin	STIP_0087 - 0103
13	2/23/22 Testimony of Kellat, Stephen	STIP_0104 - 0105
14	2/23/22 Testimony of Levenson, Freda	STIP_0106 - 0173
15	2/23/22 Testimony of Matejcic, Anthony	STIP_0174 - 0177
16	2/23/22 Testimony of Miller, Paul	STIP_0178 - 0191
17	2/23/22 Testimony of Turcer, Catherine	STIP_0192 - 0203
18	3/1/22 Ohio Redistricting Commission Agenda	STIP_0204
19	3/1/22 Ohio Redistricting Commission Minutes	STIP_0205 - 0207

Item	Description	Appendix Page Number
20	3/1/22 Ohio Redistricting Commission Transcript	STIP_0208 - 0222
21	3/2/22 Ohio Redistricting Commission Transcript	STIP_0223 - 0237
22	Attorney General Opinion	STIP_0238 - 0251
23	3/1/22 Testimony of Brune, Ryan	STIP_0252 - 0257
24	3/1/22 Testimony of Helmick, David	STIP_0258 - 0270
25	3/1/22 Testimony of Metzinger, Michael	STIP_0271
26	Congressional map adopted by the Commission	STIP_0272
27	Statistics for congressional districts	STIP_0273

Dated: April 22, 2022

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Stipulation was served via email on April

22, 2022 upon the following:

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ANNOUNCEMENT OF COMMISSION MEETING

TO: Members of the Ohio Redistricting Commission

FROM: Speaker Robert Cupp, Co-Chair
                    Senator Vernon Sykes, Co-Chair

DATE: Tuesday, February 22, 2022

TIME: 12:00 P.M.

LOCATION: Ohio House Finance Hearing Room (Room 313)
                    Ohio Statehouse
                    1 Capitol Square
                    Columbus, Ohio 43215-4275

AGENDA

The Ohio Redistricting Commission will convene at 12:00 P.M. in the House Finance Room 313 regarding Congressional redistricting.

Senate Contact: Mallory Golski, (614) 466-5899
House Contact: Aaron Mulvey, (614) 466-8759

Members Present:

- Governor Mike DeWine, member of the Ohio Redistricting Commission pursuant to Article XI, Section 1 of the Ohio Constitution
- Auditor of State Keith Faber, member of the Ohio Redistricting Commission pursuant to Article XI, Section 1 of the Ohio Constitution
- Secretary of State Frank LaRose, member of the Ohio Redistricting Commission pursuant to Article XI, Section 1 of the Ohio Constitution
- Speaker of the House of Representatives Robert R. Cupp, appointed to the Ohio Redistricting Commission by the Speaker of the House of Representatives pursuant to Article XI, Section 1 of the Ohio Constitution
- Minority Leader Allison Russo, appointed to the Ohio Redistricting Commission by the Acting Minority Leader of the House of Representatives pursuant to Article XI, Section 1 of the Ohio Constitution
- Senate President Matt Huffman, appointed to the Ohio Redistricting Commission by the President of the Senate pursuant to Article XI, Section 1 of the Ohio Constitution
- Senator Vernon Sykes, appointed to the Ohio Redistricting Commission by the Minority Leader of the Senate pursuant to Article XI, Section 1 of the Ohio Constitution

Members Absent:

- None

A. Call to Order

Co-Chair Cupp called the meeting to order.

B. Roll Call

With seven members in attendance, Co-Chair Cupp declared a quorum present.

C. Minutes

Co-Chair Sykes moved to accept the minutes of the February 17, 2022 meeting. Without objection, the minutes were approved.

STIP_0002

D. Member Statements

Various members of the Commission made statements.

E. Motion to Schedule Hearing(s)

Auditor Faber made a motion to reconvene on Wednesday, February 23, 2022 or Thursday, February 24, 2022 at a time to be determined by the Co-Chairs. The motion was seconded by Secretary LaRose. After standing at ease for a discussion with Co-Chair Sykes, Co-Chair Cupp stated that they would take Auditor Faber's motion as a request and that the Commission would attempt to schedule two hearings of the Commission.

F. Adjourn

With no further business to come before the Commission, Co-Chair Cupp adjourned the meeting.

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Co-Chair Speaker Bob Cupp [00:00:01] Staff to please call the roll.

Staff [00:00:05] Speaker Co-Chair Cupp.

Co-Chair Speaker Bob Cupp [00:00:07] Present.

Staff [00:00:08] Senator Co-Chair Sykes.

Co-Chair Sen. Vernon Sykes [00:00:09] Present.

Staff [00:00:10] Governor DeWine.

Governor Mike DeWine [00:00:10] Here.

Staff [00:00:12] Auditor Faber.

Auditor Keith Faber [00:00:12] Here.

Staff [00:00:13] President Huffman.

Senate President Matt Huffman [00:00:14] Here.

Staff [00:00:15] Secretary LaRose.

Sec. of State Frank LaRose [00:00:16] Here.

Staff [00:00:17] And Leader Russo.

House Minority Leader Allison Russo [00:00:17] Here.

Staff [00:00:19] Mr. Co-Chair, a quorum is present.

Co-Chair Speaker Bob Cupp [00:00:21] We do have a quorum, so we will meet as a full commission. In your folders are the minutes from the previous meeting of the Commission on February 17th, 2022. Is there a motion to accept the minutes?

Co-Chair Sen. Vernon Sykes [00:00:42] So moved.

Co-Chair Speaker Bob Cupp [00:00:43] It's been moved, and is there a second. The house - moved and seconded. Are there any corrections, additions, deletions or objections to the motion, to the motion to approve the minutes? Hearing none, the minutes are accepted without objection. At this time, this is the, the first meeting of the commission that is undertaking the task of drawing congressional district maps. This is the first time this constitutional provision has been utilized. The General Assembly has passed a congressional district map. The Supreme Court has reviewed the same and found it to be wanting in some constitutional elements. The General Assembly did not have time remaining in order to adopt a congressional district map that could be in effect for the primary election because it would take 90 days for such a bill to go into effect, which would be past the primary date. The Redistricting Commission's map, once approved, can go into effect immediately, so that provided the opportunity to try to maintain our May 3rd primary

date. So this is now, as I had mentioned the first time that this provision of the Ohio Constitution has been utilized since it is a new provision. And this is the first time that the redistricting commission has met to consider adopting or drafting and adopting congressional district maps. So I think the Co-Chair and I want to state on the record that we have asked our staffs to begin working together to take a look at drafting a constitutionally compliant congressional district map. There are a number of maps that are available that elements could be pulled for if appropriate. And so we're asking that the process be set in motion. Are there other members that wish to make any comments at this time? All right, the next item then would be scheduling public hearings. The Co-Chairs will be working together to schedule public hearings on congressional districts. We would anticipate doing that in a fairly prompt and expeditious manner and notice from that will be be forthcoming. [indecipherable] Yeah, I think that's good. [indecipherable.]

Co-Chair Sen. Vernon Sykes [00:04:04] Mr. Co-Chair, I just want to make a note to, in scheduling of the public hearings, we will be inviting individuals and organizations to submit plans that they've already submitted. So it will be a somewhat limited list of those persons who have submitted full plans to the, to the Commission, to help us address or receive some additional suggestions and recommendations how we can comply with the Constitution. And also since we have a court order, how we can comply with the court order as well. So it will be a limited public hearing to those who have submitted maps.

Co-Chair Speaker Bob Cupp [00:04:52] That is correct. Is there any further business to come before the Commission?

Governor Mike DeWine [00:05:02] Mr. Chairman?

Co-Chair Speaker Bob Cupp [00:05:05] Governor DeWine.

Governor Mike DeWine [00:05:08] Mr. Chairman, thank you, I want to return, if we could, to the issue of legislative district lines and want to repeat what I said at our last session. And that is that we have an obligation to follow the Constitution. We have an obligation to follow the court orders, the two court orders. And finally, we have an obligation to produce a map. This is, I think, a question of following the law, the rule of law, respect for law and I again would want to state that that's where we should head. It's my understanding that we have some progress being made on that, but I think it's, I just want to state again publicly, this is what we we have an obligation to do. We have an obligation to produce a map and we need to do that forthwith.

Co-Chair Speaker Bob Cupp [00:06:09] Senator Huffman.

Senate President Matt Huffman [00:06:10] I echo the Governor's comments.

Co-Chair Speaker Bob Cupp [00:06:16] Any - Auditor favor?

Auditor Keith Faber [00:06:18] As do I. I would go further and make a motion that this body reconvene either tomorrow, I believe four o'clock would be a time that we would be available, or Thursday morning, 9:00 a.m. or thereabouts. And I guess my motion would give the Co-Chairs some discretion to check with everybody's calendars and see what we can do, for the purposes of either discussing a map that I believe may be being discussed and/or prepared, or at the alternative, the Roden 3 [?] map.

Sec. of State Frank LaRose [00:06:49] I would second the Auditor's motion.

Co-Chair Speaker Bob Cupp [00:06:52] All right. Is that limited to a General Assembly map, or are we talking about also a public hearing on the congressional?

Auditor Keith Faber [00:07:00] I'm talking about General Assembly maps.

Co-Chair Sen. Vernon Sykes [00:07:11] Can we stand at ease?

At Ease [00:07:13] [The Commission is at ease]

Co-Chair Speaker Bob Cupp [00:07:18] Auditor Faber, if we might take your motion as a request and we will attempt to schedule a meeting of the commission tomorrow afternoon for a dual purpose to begin hearing on the congressional map, the two hearings that are required, as well as to report on any progress that may be made on a General Assembly district map.

Auditor Keith Faber [00:07:43] Can we also- Mr Speaker, and to the other vice chair, I would propose that, because I know that there is some discussions going on on a legislative maps, I would propose that we also schedule a meeting for Thursday. And again, I leave you guys to coordinate calendars because I know all of us have a very busy, busy schedule. Some things can be moved, some things can't. But I would, I just think it's important that we move forward on discussing either A or B or C or D, but I would propose that we schedule those meetings to do that.

House Minority Leader Allison Russo [00:08:24] Mr. Chair.

Co-Chair Speaker Bob Cupp [00:08:27] Leader Russo.

House Minority Leader Allison Russo [00:08:28] Thank you. I would also, there's been mention of discussions, ongoing discussions about potential proposed maps for the state legislative districts. I would note that the minority members of the commission have not so far been involved in if there have been any recent discussions. So I would ask that commissioners make their staff available for us to have those discussions that have not yet taken place, if there are indeed additional legislative maps that the commission would like to put forward either tomorrow or Thursday in regard to the state legislative maps.

Co-Chair Speaker Bob Cupp [00:09:09] All right, any further business? If not, the commission will stand adjourned, and we will meet again on Wednesday and Thursday.

ANNOUNCEMENT OF COMMISSION MEETING

TO:	Members of the Ohio Redistricting Commission
FROM:	Speaker Robert Cupp, Co-Chair Senator Vernon Sykes, Co-Chair
DATE:	Wednesday, February 23, 2022
TIME:	4:00 P.M. – 6:00 P.M.
LOCATION:	Ohio House Finance Hearing Room (Room 313) Ohio Statehouse 1 Capitol Square Columbus, Ohio 43215-4275

AGENDA

The Ohio Redistricting Commission will convene for the purposes of hearing testimony from sponsors of complete, statewide Congressional plans, subject to time limitations as set by the Co-Chairs within the allotted two hours.

Witnesses should complete the attached witness form and either:

(1) Submit it electronically with a copy of their testimony to info@redistricting.ohio.gov up to one hour before the commission meeting begins, or;
(2) Bring the completed witness form and a copy of their testimony to the commission meeting.

Note: Witnesses are strongly encouraged, but not required to submit written testimony. Witnesses may bring 10 copies of their testimony to give to staff at the beginning of the meeting if they wish commissioners to have a copy of their testimony.

Witnesses should also indicate:

(1) Which plan they sponsored and submitted;
(2) That their plan is a complete, statewide Congressional plan.

Senate Contact: Mallory Golski, (614) 466-5899
House Contact: Aaron Mulvey, (614) 466-8759

STIP_0007

OHIO REDISTRICTING COMMISSION
MINUTES – WEDNESDAY, FEBRUARY 23 @ 4 PM
OHIO STATEHOUSE, ROOM 313
ONE CAPITOL SQUARE, COLUMBUS, OHIO

Members Present:

- Governor Mike DeWine, member of the Ohio Redistricting Commission pursuant to Article XI, Section 1 of the Ohio Constitution
- Auditor of State Keith Faber, member of the Ohio Redistricting Commission pursuant to Article XI, Section 1 of the Ohio Constitution
- Secretary of State Frank LaRose, member of the Ohio Redistricting Commission pursuant to Article XI, Section 1 of the Ohio Constitution
- Speaker of the House of Representatives Robert R. Cupp, appointed to the Ohio Redistricting Commission by the Speaker of the House of Representatives pursuant to Article XI, Section 1 of the Ohio Constitution
- Minority Leader Allison Russo, appointed to the Ohio Redistricting Commission by the Acting Minority Leader of the House of Representatives pursuant to Article XI, Section 1 of the Ohio Constitution
- Senate President Matt Huffman, appointed to the Ohio Redistricting Commission by the President of the Senate pursuant to Article XI, Section 1 of the Ohio Constitution
- Senator Vernon Sykes, appointed to the Ohio Redistricting Commission by the Minority Leader of the Senate pursuant to Article XI, Section 1 of the Ohio Constitution

Members Absent:

- None

A. Call to Order

Co-Chair Sykes called the meeting to order.

B. Roll Call

With seven members in attendance, Co-Chair Sykes declared a quorum present.

C. Minutes

Co-Chair Cupp moved to accept the minutes of February 22, 2022. President Huffman seconded the motion. Without objection, the minutes were approved.

D. Motion to Approve Expenses

Co-Chair Cupp moved to approve payment in the amount of $11,125.79 to the Dispatch Media Group, and $5,087.55 to Enquirer Media for the November 7, 2021 public notice of the adopted

General Assembly plan, to be paid out of the Commission line item pursuant to Rule 11. Leader Russo seconded the motion. Without objection, the motion was approved.

E. Public Testimony

The Commission received testimony from the following sponsors of submitted, statewide Congressional district plans:

- Paul Miller
- Gary Gale (Stark County Democratic Party)
- Catherine Turcer & Trevor Martin (Fair Districts Ohio)
- Andrew Green (written testimony only)
- Benjamin Green (written testimony only)
- Stephen Kellat (written testimony only)
- Anthony Matejcic (written testimony only)

F. Member Discussion

Commission member discussed the status of pending General Assembly district plans.

G. Recess

Co-Chair Sykes stated that the Commission would stand in recess until 11:30 A.M. on Thursday, February 24, 2022.

H. Call to Order *(January 24, 2022)*

Co-Chair Cupp called the Commission to order at 2:30 P.M. on Thursday, February 24, 2022.

I. Roll Call

With seven members in attendance, a quorum was declared.

J. Public Testimony

The Commission received testimony from the following sponsors of submitted, statewide Congressional district plans:

- Linus Beatty
- Trevor Martin (Fair Districts Ohio)
- Freda Levenson (League of Women Voters of Ohio) (written only)

K. Discussion on General Assembly District Plan

Co-Chair Cupp recognized President Huffman to give an overview of a new General Assembly district plan. Members discussed the presentation.

L. Recess

Co-Chair Cupp recessed the meeting until 6:00 P.M. so that the proposed plan could be uploaded to the Redistricting Commission website.

M. Reconvene / Roll Call

Co-Chair Cupp called the meeting back into order at 6:00 P.M. and noted that all members of the Commission were present.

N. Commission Vote on General Assembly District Plan

Co-Chair Cupp recognized President Huffman for a motion. President Huffman moved that the Commission adopt the plan submitted on the Commission's website under the name Paul DiSantis (February 24 2022 HDs & SDs). Co-Chair Cupp seconded the motion. Discussion followed in response to questions from Commission members. By a vote of 4-3 (Faber, Russo, Sykes), the motion passed and the plan was adopted.

O. Vote on Adoption of Statement

Co-Chair Cupp recognized Secretary LaRose for a motion. Secretary LaRose moved that the Commission adopt the following statement: "The General Assembly district plan that this commission just adopted would authorize me as Secretary of State to issue to the boards of elections directives by which House and Senate candidates who have filed to run shall comply with Article 11, Section 9C, if any candidates wish to do so." Auditor Faber seconded the motion. Discussion followed in response to questions from Commission members. By a vote of 5-2 (Russo, Sykes), the motion passed.

P. Motion to accept written testimony

Co-Chair Sykes moved to accept the written testimony of Kathleen Clyde. Co-Chair Cupp seconded the motion. Without objection, the motion passed.

Q. Recess

Co-Chair Cupp announced that the Commission would stand in recess for one hour for preparation of the XI.08(C)(2) statement. The Commission reconvened at 7:50 P.M.

R. Reconvene

Co-Chair Cupp reconvened the meeting at 7:50 P.M. and noted that all Commission members were present.

S. Adoption of XI.08(C)(2) statement and minority statement

Leader Russo offered the XI.08(C)(2) minority statement submitted by Co-Chair Sykes and Leader Russo. Without objection, the statement was accepted.

President Huffman moved to adopt the XI.08(C)(2) statement. Co-Chair Cupp seconded the motion. By a vote of 5-2 (Russo, Sykes) the motion carried and the statement was adopted.

Auditor Faber stated for the record that he did not concur with the Minority Report submitted by Senator Sykes and Leader Russo.

T. Commission Adjourns

With no further business to come before the Commission, Co-Chair Cupp adjourned the meeting.

STIP_0010

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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] Seqqnator 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, piece 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 are 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 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 Ferriccio 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 Geagua. 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 errects 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 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 D istricts 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.

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Co-Chair Speaker Bob Cupp [00:00:00] The Ohio Redistricting Commission will reconvene pursuant to the recess. I will ask first that the staff please call the roll.

Staff [00:00:13] Co-chair Speaker Cupp.

Co-Chair Speaker Bob Cupp [00:00:15] Present.

Staff [00:00:16] Co-chair Senator Sykes.

Co-Chair Sen. Vernon Sykes [00:00:17] Present.

Staff [00:00:18] Governor DeWine.

Gov. Mike DeWine [00:00:18] Here.

Staff [00:00:19] Auditor Faber.

Auditor Keith Faber [00:00:20] Here.

Staff [00:00:20] President Huffman.

Senate President Matt Huffman [00:00:21] Here.

Staff [00:00:22] Secretary LaRose.

Sec. of State Frank LaRose [00:00:23] Here.

Staff [00:00:24] Leader Russo. Mr. Co-Chair, you, are a quorum is present.

Co-Chair Speaker Bob Cupp [00:00:29] With a quorum present, we'll resume our meeting as a full commission. At this time, the commission will hear public testimony from sponsors of complete statewide congressional plans. These proceedings will be recorded and broadcast by the Ohio Channel, so the board, in its deliberations, may consider things that are said here today. We ask our audience to refrain from clapping or other loud noise out of respect for the witnesses and persons that may be watching the proceedings remotely, because that sort of noise does interfere with the the sound for those who are listening remotely. If you are here to testify and have not done so already, please complete our witness slip and give it to one of our staff. If you have written testimony, please submit a copy to our staff so it can be included in the official record of proceedings. As previously agreed with the Co-Chair, a witness may testify before the commission for up to 10 minutes on the plan they are testifying about, subject to any further limitation by the Co-Chairs. Witnesses should limit their testimony to the complete statewide congressional plan that they submitted. We will now begin with our first witness here today whose name is Trevor Martin. So please come forward. Is Trevor Martin here? Not here yet. OK, well, we'll skip over him and come back later. So our first witness will be Linus Beatty. Mr. Beatty, come forward and please state and spell your name for the record. Speak clearly, loudly enough for this panel to hear and for the audience as well. Welcome.

Linus Beatty [00:02:21] Thank you so much. My name is Linus Beatty, L-I-N-U-S B-E-A-T-T-Y. First, I'd like to thank all of the commissioners, the media that's present and all the

public for giving us your time today to hear my plan. Like many in our state, I have been deeply disappointed in how the process has worked so far for redistricting. However, I'm not here today to talk about the process so far. Instead, I'd like to talk about a plan that I have that can help move the state forward that I believe is fair and compliant with the Constitution. This map, which I've submitted. It has a nine six breakdown, which I believe is in line with what the Supreme Court has asked this commission to do. Furthermore, it avoids double bunking any incumbents who have who have signaled that they are seeking reelection. I believe that my map does an excellent job of maintaining communities of interest, particularly when compared to the map from last decade. The example that I would give is examining last decade's 12th and 15th districts, both of which went into Franklin County before going eastward into Appalachia. I don't need to tell you guys that these communities aren't that similar in their culture and the economic realities that they face. And as a result of that, not being what it is, several parts of Appalachia were represented by two members from Franklin County for a decent chunk of the decade. My map, however, splits Franklin County only twice, the minimum number needed to comply with the Constitution. It keeps the 15th district, which is currently occupied by Joyce Beatty, entirely within Franklin County and the 12th District, which goes up into Delaware County and slightly over into Licking, stays entirely within the Columbus metropolitan area. Furthermore, the 10th district, which would be occupied by Troy Balderson right now, is about half contained within Appalachia, and the other half is in rural and ex-urban communities near Columbus. This, in addition to keeping the 6th district entirely within Appalachia, and the 2nd district mostly within Appalachia, will help ensure that this region is accurately represented in Washington. I don't know if you guys have the district statistics, I submitted them, but -

Co-Chair Speaker Bob Cupp [00:04:48] I believe they have been distributed to members folders. Yes, I have them.

Linus Beatty [00:04:52] So as you can see, it will most likely function as a nine six, nine Republicans, six Democrats. The statistics there are from 2016 to 2020 composite, and I believe that this map. Avoid splitting counties whenever possible, there are only 14 counties splits the minimum needed, and there are only 13 counties that are split, with Cuyahoga being split twice. As I wrap up my opening statement, I would like to leave this commission with one thought that I feel justified is where we're at right now. I ask each and every one of you, do you weigh your own political future and your own political fortune over the values of our republic and the strength of our democracy? I think that is a question that every single public servant should ask themselves before any action. And I ask that before every single vote, whether it's for my map or another map, you will do the same. Thank you very much and I yield for any questions related to my map.

Co-Chair Speaker Bob Cupp [00:06:00] Thank you very much for taking the initiative to to draw a map and come here in and submit it and to testify. I don't know if you watched the hearings yesterday, but we do have some basic questions that they're constitutional requirements to go through to see whether, if your map, to ask you whether your map complies with those. The first is the congressional ratio of representation and that is in Article 19, section 2A-2. The ratio of representation is 786,630.

Linus Beatty [00:06:37] Yeah.

Co-Chair Speaker Bob Cupp [00:06:38] Did you apply a standard of strict mathematical equality for the population of each district, or did you deviate from the ratio of representation?

Linus Beatty [00:06:48] No district deviates more than two people from that, and if I had better software, I could probably make less. I did it on Dave's.

Co-Chair Speaker Bob Cupp [00:06:56] Two is pretty good. And one yesterday was pretty good, too. Do you believe your district populations meet the constitutional standards set out in the federal case law for one person, one vote?

Linus Beatty [00:07:07] I believe so.

Co-Chair Speaker Bob Cupp [00:07:09] Right? Next is regarding the split of political subdivisions. Prior to drawing districts, did you determine which counties had populations that exceeded the ratio of representation pursuant to Article 19, Section 2B-4?

Linus Beatty [00:07:25] Yes.

Co-Chair Speaker Bob Cupp [00:07:26] And can you tell us what those are?

Linus Beatty [00:07:29] They are Franklin County, Cuyahoga County and Hamilton County.

Co-Chair Speaker Bob Cupp [00:07:33] In any of those counties, were there any cities or townships whose population exceeded the congressional ratio of representation?

Linus Beatty [00:07:40] Columbus does.

Co-Chair Speaker Bob Cupp [00:07:42] And therefore, did you follow the rules in section 2B-4A to include a significant portion of that political subdivision in one district?

Linus Beatty [00:07:50] Yes.

Co-Chair Speaker Bob Cupp [00:07:50] I think you testified to that. Returning to those counties whose population exceeded the ratio of representation, were there any cities or townships that were larger than 100,000 persons, but less than the congressional ratio of representation

Linus Beatty [00:08:06] Parma would be, I believe, above that, in Cuyahoga County, I did not split that. And then, oh wait, over a hundred thousand?

Co-Chair Speaker Bob Cupp [00:08:17] Yes.

Linus Beatty [00:08:18] Then I guess it just would be Cincinnati and then Cleveland, which are all controlled. Sorry. That's my bad.

Co-Chair Speaker Bob Cupp [00:08:22] But then did you follow the rule about not splitting?

Linus Beatty [00:08:26] Not splitting, no those cities are not split.

Co-Chair Speaker Bob Cupp [00:08:28] All right. Thank you. How many counties in your plan are whole in one congressional district?

Linus Beatty [00:08:37] It would be seventy five.

Co-Chair Speaker Bob Cupp [00:08:39] And how many counties in your plan are split once?

Linus Beatty [00:08:42] It would be twelve.

Co-Chair Speaker Bob Cupp [00:08:44] And how many counties in your plan are split twice?

Linus Beatty [00:08:48] One.

Co-Chair Speaker Bob Cupp [00:08:50] That would be Cuyahoga County. Right? How many counties in your plan are split more than twice?

Linus Beatty [00:08:56] None.

Co-Chair Speaker Bob Cupp [00:08:58] And so, do you believe these numbers comply with Article 19 section 2B-5 regarding county splits?

Linus Beatty [00:09:05] I do.

Co-Chair Speaker Bob Cupp [00:09:06] In regard to the contiguity of, contiguity? Yeah. Keeping them together. Does your plan comply with Article 19 section 2B in that if a district contains only part of a county, the part of the district that lies in that district is continuous within the boundaries of that county.

Linus Beatty [00:09:27] It does.

Co-Chair Speaker Bob Cupp [00:09:28] All right. And then portions relating to, question relating to portions of the territory more than one county. Prior to drawing the districts that determine which counties had population that exceeded 400,000 in population.

Linus Beatty [00:09:41] Yes.

Co-Chair Speaker Bob Cupp [00:09:43] And those would be?

Linus Beatty [00:09:44] They would be, let's see if I can remember all of them. They would be Lucas, Montgomery, Hamilton, Cuyahoga, Franklin and then Summit. I believe I got all of them.

Co-Chair Speaker Bob Cupp [00:09:56] And does your plan comply with Article 19, Section 2B-7, inthat no two congressional districts shall share portions of the territory of more than one county, except for those counties whose population exceeds 400000 persons?

Linus Beatty [00:10:13] Yep.

Co-Chair Speaker Bob Cupp [00:10:13] And did you attempt to include at least one whole county in each congressional district in compliance with Article 19, Section 2B-8?

Linus Beatty [00:10:21] Yes, I did.

Co-Chair Speaker Bob Cupp [00:10:22] All right. That's all the questions I have. Are there any members of the commission who have further questions? Hearing none, thank you very much for your testimony. Oh, I'm sorry. Auditor Faber.

Auditor Keith Faber [00:10:36] I just had one and I appreciate your work in putting this together because I know this took you a lot of time, especially with the detail you paid to try and keep communities of interest, and it looks like incumbents and minimize the splits. But as I look at District 9, it looks a lot like the famed snake on the lake that we've heard a lot about. Can you explain that distinction and why we have so much concern about that? But yet this isn't it.

Linus Beatty [00:11:03] So one thing that I would note is that the snake on the lake does, it splits Ottawa and Erie to go basically very narrowly along the lake and does the same in Lorain before growing out and taking western Cleveland, which is very strongly Democrat, to make it into a vote sink. When I designed my map, I tried to avoid splits and furthermore, I looked at previous maps, including ones before this last congressional map to see what counties were often kept together. For example, I put Sandusky County with the 5th because that had been with the 5th going back to the 70s prior to this configuration. Does that answer your question, or would you like more clarity?

Auditor Keith Faber [00:11:51] I guess it's as good as any. I can't tell the details, but it looks like you chose to slice Lorain County in half and made some other adjustments. But again, I just I'm just curious.

Linus Beatty [00:12:02] I would note that this is pretty much the 9th District that existed prior to this decade. It's the same one that was in the 2000s. Lorain's not split the exact same way, but that is where that comes from.

Co-Chair Speaker Bob Cupp [00:12:18] Is there any further questions? There being no further questions, we thank you for coming in and making your presentation.

Linus Beatty [00:12:25] Thank you.

Co-Chair Speaker Bob Cupp [00:12:28] So we also have Trevor Martin checked in, is Trevor Martin here today? Trevor.

Trevor Martin [00:12:45] Good afternoon, thank you, Co-Chairs, members of this commission, for giving me this opportunity to speak. My name is Trevor Martin. I'm a community organizer, a member of the Fair Districts Ohio Coalition. I have trained over 80 individual community members to use mapping software, specifically Dave's Redistricting Tool and Redistricter, to participate in the '22 Ohio redistricting process by creating informative, descriptive and meaningful community maps that Ohio citizens can share and thereby advocate for fair and representative districts. In addition, I have either facilitated or sat in on dozens of community mapping sessions organized and hosted by community members throughout Ohio. In doing so, I've heard from hundreds of community members from all over the state, and I've seen hundreds of community maps made by Ohio citizens that reflect a vision of their community, how they define their community and how they would like to see these communities represented. I was hoping to address some of the critiques made yesterday, February 23rd, 2022, in front of this party regarding the Fair Districts Ohio model map. First and foremost, the assertion that the Fair Districts model map is least fair of all proposals submitted to this commission. The fact is that the Fair

Districts Model Map scores the highest of all submitted proposals on Dave's Redistricting cumulatively, cumulatively and in nearly every metric of fairness that we can observe, scoring very high in proportionality, splitting and minority representation. It is the most compact and the most competitive of any plan that has been presented to this body during public testimony. I would like to point out that the Fair Districts Ohio Model Map is the only truly nonpartisan map that had been presented to this commission yesterday, February 23rd, 2022. Unlike other proposals that had been presented on behalf of particular party, the Fair Districts Model Map is a product of many people from across many walks of life. It is a matter of fact that voting members of the Republican Party in Ohio had participated in our community mapping and in our district drawing competitions. I myself sat in on a mapping session in Wyoming, Ohio, down by Cincinnati, that had several Republicans in attendance, including the chair of the Wyoming, Ohio Republican Club. I was also present at a heated discussion in Portage County that was attended by both liberal and conservative Ohio voters. The Fair Districts Model Map is a collaboration of multiple community maps created by self-proclaimed Democrats, Republicans and unaffiliated Ohio citizens. To say that it unduly favors any party is preposterous. More specifically, the district variance calculations presented by witness Paul Miller at the February 23rd, '22 meeting of the Ohio District Commission should not be used to determine the constitutionality of any district plan being considered by this commission. In short, statistical variance measures the proximity of each data point, in this case a congressional district, in relation to an identified target outcome. In the case of Mr. Miller's analysis, his target outcome is a 50-50 Republican to Democrat vote total per district and what he categorizes as a fair district. This is how Mr. Miller concluded that the GOP congressional plans were the fairest because those maps gerrymandered certain communities to produce a map with a higher number of districts with a relatively low partisan index. But this argument was rightly struck down by the Supreme Court as a map that unduly favored the GOP because it was specifically democratic counties that were split in such a way to create an artificially competitive environment. This is a highly flawed metric for identifying gerrymandering for several reasons. First, Ohio's political geography is not conducive to a 15 district, 50-50 split map. This is obvious to anyone who has spent even a marginal amount of time looking at the state. In fact, producing a map with little variance between districts requires gerrymandering. Think about it How do you produce a 50-50 district in Cuyahoga County or along Ohio's western border? You can't unless you specifically crack and pack together distant communities to construct a single district. We know some districts in Ohio are going to be solid Republican and others will be solid Democrat. That's just reality. A higher level of variance between districts is a sign that communities of interest are being respected. The Fair Districts model map inherently scores lower using Mr. Miller's approach precisely because it does represent communities of interest, keeping them together and within a given district. To be sure, the fair districts model map just does address competitiveness, but it does so within the areas of the state with a natural distribution of population and partisan spread of voters is competitive rather than the artificial application of competitiveness across all districts. Second, statistical variance analysis was never put forth as evidence during any of the court proceedings challenging the constitutionality of either the General Assembly maps or congressional maps. This is striking considering Mr. Miller's analysis concluded the GOP maps were the fairest. If the methodology of statistical variance had even a fraction of legitimacy of other measures for identifying gerrymandering, for example, the efficiency gap, the vote ratio or mean median analysis, then I'm sure lawyers representing the defendants in these cases would have made this analysis a central component to their legal arguments. Instead, they did not even mention this form of analysis in their court filings. I would also like to confront the accusation made yesterday that the Fair Districts model map is racist. I and my fellow colleagues and citizen map makers who put much work into this map found it to be utterly

disrespectful, offensive and patently false. The Fair Districts Model Map is a product of dozens, if not hundreds, of diverse individuals and organizations throughout the state, including members of black fraternities and sororities, including Alpha Kappa Alpha, in the Cleveland area. The model map scores a 50 for minority representation in Dave's Redistricting Tool, to which is equal to or higher than any other map that has been presented to this commission that I am aware of. The Fair Districts model map preserves the majority minority district in CD 11 and creates a second opportunity district and CD1 and Hamilton County, in addition to the already present opportunity district and Franklin County, Congressional District 3. In comparison, other proposals submitted to this body yesterday dilute CD 11 so that it is downgraded from a majority minority district to an opportunity district, which could run afoul of the Federal Voting Rights Act. They also provided fewer or weaker opportunity districts than the Fair Districts Model Map does. Therefore, to say that the Fair District Model map is racist, though very offensive, that declaration, the declaration is laughable and demonstrably false. Furthermore, the claim that the model map is out of compliance with the court's opinion and Adams V. DeWine, is also incorrect. The assumption is based off of misreading of the text. Splitting Summit County is permissible. The court found that the stripped down Senate bill 258 splits of Summit in Cuyahoga counties unduly favored Republicans, conferring a partisan advantage. Thus, it was not that these counties were split, but rather how they were split. The splits that are present in the Fair Districts Model Map confer no such advantage for either party and are there solely to preserve community boundaries, school districts or other such nonpartisan criteria. Now, as a community member or community organizer myself, I have a keen interest in keeping communities of interest together and to advocate for fair representation of those communities. The definition of community can mean a lot of different things to a lot of different people, and each individual can be a member of multiple communities. Believe me, this came up often in my discussions with Ohio voters about community and who the people were supposedly representing these communities. Though what these community made maps do show is where these people live, where they work, where their children go to school, where they shop, where they eat, their parks, their trails, their community centers, their places of worship. These community maps tell stories of community concerns, what they consider important to them and how decisions should be made when drawing district lines that will affect their day to day lives. Now in conclusion, I would like to assert that the Fair Districts model map keeps political subdivisions and communities together as much as possible and more accurately reflects the partisan balance of this great state of Ohio. Fair Districts Ohio urges you to adopt this nonpartisan, constitutionally compliant map that prioritizes voters. And please remember, that the Ohio vote, Ohio voters overwhelmingly approved a new process to put an end to partisan gerrymandering. Thank you.

Co-Chair Speaker Bob Cupp [00:22:05] Are there questions for Mr. Martin? I do not believe they are. So thank you for coming in and making your presentation. I think I asked about the map yesterday, the constitutional requirement, so we don't need to repeat that today.

Trevor Martin [00:22:21] I appreciate it, thank you.

Co-Chair Speaker Bob Cupp [00:22:22] That is all of the witnesses that we have checked in to testify to submitted whole state congressional redistricting maps at this at this time. At this time is there further business to come before the commission? Chair recognizes Senator Huffman.

Senate President Matt Huffman [00:22:50] Yeah. Thank you, Mr. Speaker and members of the commission. As I think all commissioners know, we've been working low these past several days to try to resolve the General Assembly maps. We have had a map which we, we believe comports with all of the requirements of the Supreme Court, 54, what we will call, I think, the Republican 54-18 map, that I believe that's been presented at a session with the Democratic commissioners and their various experts. My understanding is that all of the Republican commissioners have had an opportunity to review that and look at it. Unfortunately, at the moment, there's there, there are not paper copies. We're doing this as quickly as we can. And also, I understood that at the request of Senator Sykes, there was going to be some sort of break between this hearing and full consideration of that map. So I don't have anything more than that other than we believe it comports with everything the Constitution and in the dictates that the court has given us. So at that, the point in time when I have, at six o'clock after the requested three hour break, I'll present that and and talk in detail.

Co-Chair Speaker Bob Cupp [00:24:20] Any further questions coming?

Co-Chair Sen. Vernon Sykes [00:24:24] One question, Mr. Co-Chair, is this map or plan been distributed or made available to the public?

Senate President Matt Huffman [00:24:36] My understanding it has not been, it's about to be shortly, it's kind of gotten getting in final form, and I'm not sure how quickly it can be loaded up to the website, but hopefully that'll be in - oh, apparently in the next half an hour or so, so well before the the hearing here in a few hours.

Co-Chair Sen. Vernon Sykes [00:24:58] Were all the members, were all the members, majority members of the commission, were they involved in the drafting of this of this plan?

Senate President Matt Huffman [00:25:12] You know, Senator, I don't I don't have a daily logger diary of what each of all the other six members of the commission did. Everyone's had a chance to see it, make comments, suggestions, whatever it may be. So I don't know the detail of what everybody said and did and when they did it.

Co-Chair Sen. Vernon Sykes [00:25:36] We have questions.

Co-Chair Speaker Bob Cupp [00:25:39] All right. Without objection, the commission will recess until six o'clock. In the meantime, the the proposed map will be uploaded to the public website and maps will be printed and made available as quickly as possible, so the committee will recess until six p.m..

Recess [00:26:05] [Recess].

Co-Chair Speaker Bob Cupp [00:26:05] The Commission will come back to order pursuant to the recess earlier today. I would note, for the record, that all members of the commission are present here as we have reconvened. Is their business to come before the commission? Chair recognizes Senator Huffman.

Senate President Matt Huffman [00:26:22] Thank you, Co-Chair Cupp. At this time, I would move that the commission adopt the plan that is submitted on the commission's website known under the name Paul DeSantis, and that that is my motion and I'd like to speak to the motion.

Co-Chair Speaker Bob Cupp [00:26:41] I'll second the motion. Senator Huffman.

Senate President Matt Huffman [00:26:44] Thank you, Mr. Chair. Just briefly and obviously happy to answer any questions. This plan is a plan that designates 18 Republican Senate seats and 54 House Republican seats, or an 18-15 54-45 map, which was designated in the Supreme Court's decision. I'd note the democratic maps submitted last week had the same number as I believe the Roden map referred to in the Supreme Court's decision in 18-57 map. I did want to comment that this, these maps, all of them were drawn, or at least I think the Glassburn Map, Democratic Map and ours were done pursuant or with the data that was provided by Ohio University pursuant to the contract that was issued by the redistricting committee in the commission. In other words, the census data is sent to Ohio University, and that's the data that was used and agreed to be used by everyone. I think since at least in the last few hours, some folks have said, well, there may be districts on third party websites or opinions on third party websites that use different data. I think we've had a lot of testimony about how a lot of that is inaccurate or not, quite, according to Hoyle. So these are these are this the the the indexes in the total are pursuant to the official data from Ohio University that the map makers on both sides of the aisle have been using. So it's an 18-54 map. The other requirement that the Supreme Court indicated in its second opinion is the issue regarding symmetry. The I'm going to talk a little bit more about Senate map, allow Speaker Cupp to talk about the House map, but there are the issues or districts regarding assymetry are two in the Senate and five in the House. This is identical to again to the Democratic map that was submitted last Thursday. And otherwise, this map follows all the other technical line drawing rules provided in the Constitution, and I think that's the extent of my remarks. Obviously, we're all interested in getting this done quickly. And as we've got to May 3rd primary, I'll let Secretary LaRose, talk about that, if he chooses, regarding the the urgency, perhaps talk even more than he already has. I think he's he's put the commission in a pretty good place, knowledge wise, about it. So those are the extent of my remarks now. Mr. Speaker, I'd be happy to answer any questions at this time.

Co-Chair Speaker Bob Cupp [00:29:41] Before you do that, let me just talk a bit about the House map. So I want to first say that I honestly believe that all members of the redistricting commission have worked long and hard to achieve a new General Assembly district plan that is in compliance with all the requirements of the Ohio Constitution. The fact is that it is a new constitutional provision that has never before been utilized or navigated or litigated, and as such, natural results in differing opinions and understanding about what is required. Decisions of the Ohio Supreme Court have subsequently filled in some of the meaning of certain constitutional provisions. Thus, the map this map before us now start anew with a goal of meeting those provisions as adjudicated. The House districts in this new General Assembly plan proposal, I believe, meets the requirements of the Ohio Constitution as interpreted by the Ohio Supreme Court, including those requirements that the court has ordered beyond those expressly stated in the text of Article 11. In regard to partisan proportionality, the Supreme Court has held that the appropriate ratio based on the percentage of statewide votes for each major political party in statewide elections over the last 10 years translates into 54 Republican leaning House districts and 45 Democrat Party leaning House districts, provided other requirements of the Ohio Constitution are not violated in drawing districts to meet this proportionality. The district plan, approved by the commission in January of this year, included 57 Republican leaning districts and 42 Democrat leaning districts. The proposed new district map before us has 54 Republican leaning seats and 45 Democratic leaning seats. I would point out that this was very difficult to achieve, and it was time consuming to navigate the constitutional limitations on splits and divisions of political subdivisions in the state. But after months of trying and retrying

and trying again and after several court decisions refining the meaning of the terms of the Constitution, the target partisan proportionality, as determined by the court, has been achieved in this proposed map. The House plan, House part of this plan, approved by this commission in January, included 12 so-called asymmetrical districts, as defined by the court. This new plan includes only five asymmetrical districts, which is the same number of asymmetrical districts as contained in the House plan that Representative Russo moved to adopt and have this commission, have this commission to adopt, on Feb. 17. I have used the term new plan several times because this General Assembly District Plan has been developed anew. Approximately 70 percent of the House districts are different from the districts approved by the commission in January, and taken together, approximately 73 percent of all a hundred and thirty two General Assembly districts are new. That will conclude my overview of the House districts of the plan and would be happy to respond to any questions that I may be able to answer. So, the floor is open.

Co-Chair Sen. Vernon Sykes [00:33:25] Mr. Co-Chair, you know, I am just disappointed. You know, not so much for myself, but disappointed in the for the court and for the people of the state of Ohio. Particularly as it relates to, you know, just the process. You know, I'm the sponsor of Ohio's open meetings law and, you know, we have some guidelines to try to make sure that the people's business, that they have access to it have information about it. They have a chance to petition us, to to hold us accountable. To give input, whether that's through a public hearing or even just the telephone call. We've been told that you've been working on this since February the 11th. And we have not had a chance, an opportunity to give any input or have any knowledge about what you're doing. So we're just wondering, uh, do you expect us to vote on this? We just got it, the information about this, just a few hours ago. We've been deliberating over districts and redistricting issues since the summer. But now, with just a few hours notice, you want us, do you want us to vote on this today?

Co-Chair Speaker Bob Cupp [00:35:00] What's the pleasure of the commission?

Senate President Matt Huffman [00:35:05] Yeah. Well, a couple of things. I mean, I don't think, I appreciate what you're saying and and, you know, Senator Sykes, there are many, many, many meetings that are productive meetings that are don't take place. Are, you and I talked about this issue in your office and the press and the public weren't part of that. And I had phone conversations, things like that. So sometimes that, those are productive meetings. I don't think these issues are new to anyone sitting here on the commission. Much, you know, much of this playing are actually adoptions from the democratic map and not in whole, but at least in concept. And I would prefer to vote on the the plan tonight for a couple of reasons. One is, the Supreme Court has made it clear as to the urgency of of responding to them. And more importantly, I think, as importantly, is that we have a May 3rd election and the Secretary has made clear, and I'll let him speak to the specifics of it, about the importance of having this and hopefully still possible having these General Assembly district elections on May 3rd. And you know, all of the other options are bad. Two primaries? Bad idea because I happened to suggest it and people let me know. Pushing back the primary, people are not in favor of that also. So I don't know, you know, I think at this point- a while ago, days mattered, at this point, hours matter. And so I would prefer to vote on it tonight. And those are the reasons why. So those are my comments about the timing.

Co-Chair Speaker Bob Cupp [00:36:55] Mr. Co-Chair, the court has instructed us to work on a commission plan, and have the commission work on the plan, not to have a Democratic plan or Republican plan. And so what is your rationale, since we have reached

out to you to be involved or to offer input, but we haven't been given any information, just the map, once you finish and complete it, how is that complying with the directive of the court?

Senate President Matt Huffman [00:37:25] Well, if I could, we're here now and we can talk about it. I'm not sure how else the commission can meet and talk about it unless we notice up a meeting and we're all here to do that. So we have a meeting. We can talk about it now, things you like or dislike or whatever it may be.

Co-Chair Sen. Vernon Sykes [00:37:48] Well, you know, we did have an opportunity in the last few hours to take a look at the map, and it looks like it puts the minority party in a more inferior position than before, with only six, twenty six, districts that are that would be most likely won by Democrats and in the House and only eight districts that would most likely be won by Democrats in the in the Senate. And so, you know, we don't believe that this, we appreciate the idea that you maybe embrace the concept that you need to comply with the proportionality guidelines. But the court also indicated that symmetry was also important. And we do not believe that you comply with it. We believe that you've made that worse.

Co-Chair Speaker Bob Cupp [00:38:49] If if I might ask, what is your rationale for that?

Co-Chair Sen. Vernon Sykes [00:38:58] Rationale, you have in the plan that was turned down by the court, in the House, districts that had a DPI from 50 to 52. There were 14 leaning Democrat. And this plan you have 19, for the House, and for the Senate, you have, in fact five in the plan that was turned down by the, by the court and then you have seven and the one being presented here today between 50 and 52. And so we believe that that place the minority party in a more inferior position.

Co-Chair Speaker Bob Cupp [00:39:51] Well, if I if I might respond to that, I actually I read the Supreme Court decision again today. Decision number two and specifically looked at the the asymmetry question and it when the court addressed asymmetry, they discussed the districts that were 51 percent or less Democrat leaning. And that's the as my understanding is the the point where the court took issue. It did not take issue with any of the districts that had a greater than 51 percent partisan lean in this map. As I've already indicated, it does have five districts that are asymmetrical. That is the same number of asymmetrical districts, districts that were in the map that that that Representative Russo moved and you seconded just a week ago to to adopt. So I'm not sure I understand your issue unless you're saying that you don't believe districts that are over 51 percent leaning democratic based on the the ratio that were required to use are not winnable. So I completely don't understand, because clearly the percentage is leaning Democrat, it's certainly not leaning Republican and it's certainly not neutral.

Co-Chair Sen. Vernon Sykes [00:41:23] Well, the point that we're making is that all of these districts 52 or less, 52 percent with the Democratic Index or less all Democratic districts, none zero in the Republican area. And so we're just concerned the concern about it.

Co-Chair Speaker Bob Cupp [00:41:46] Is, is this a new issue you're raising because that was not 52 percent was not something the court addressed between 51 52. They addressed it between 50 and 51. This is what I read. Rep. Russo, did you? Go ahead.

House Minority Leader Allison Russo [00:42:06] Thank you, Mr. Co-Chair. I'm just going to be frank here, I think this discussion and claiming that you addressed asymmetry is smoke and mirrors here, I'm going to read paragraph 40 from the decision itself so that we're not interpreting what the court said. We're actually reading the words. In paragraph 40, it says, "article six, Section 6B, provides that the commission shall attempt to draft a plan in which the statewide proportion of districts whose voters favor each political party shall correspond closely to the statewide preferences of the voters of Ohio." Emphasis added. "Yet the commission knowingly adopted a plan in which the House districts whose voters favor Republicans do so at vote, shares a fifty two point six percent and above. While more than a quarter 12 of 42 of the House districts whose favor Democrats do so at a vote share between 50 and 51 percent, meaning that a one percent swell in Republican votes shares would sweep 12 additional districts into the Republican column. Nine of those districts favor Democrats at a level under fifty point five percent." So that has been pointed out. But it goes on further to say "while the Constitution does not require exact parity in terms of the vote share of each district, the commission's adoption of a plan in which the quality of partisan favoritism is monolithically disparate is further evidence of a Section 6A violation. In other words, in a plan in which every toss up district is a democratic district, the commission has not applied the term favor as used in Section 6B equally to the two parties. The commission's adoption of a plan that absurdly labels what or by any definition, competitive or toss up districts as Democratic leaning, at least when the plan contains no proportional share of similar Republican leaning districts, is demonstrative of an intent to favor the Republican Party." So I will go back to the maps that you have submitted claiming that you have addressed this issue of symmetry. And in fact, what you have proposed is a 26 five-four split for the house because you have 19 districts that fall between 50 and 52. Amazingly, you've actually created a bigger problem because previously you only had 14 that fell within that range. Now you've created 19 and claim that you have addressed symmetry. The same is true in the Senate districts. You created a map that has seven districts that fall between 50 and 52. Amazingly expanding the issue, whereas previously there were five and the messa, in the district, in the map that was declared unconstitutional and thrown out by the courts. So you know, this argument that you somehow have addressed asymmetry by creating fewer districts between the 50 and 51 percent range seems to ignore what the court was saying in its decision. So I asked the question How have you addressed asymmetry given the full reading of the court's decision and paragraph forty?

Co-Chair Speaker Bob Cupp [00:45:29] Rep. Russo, I'd ask you how many Democrat leaning districts are between 50 and 51 percent? Which is what the court addressed.

House Minority Leader Allison Russo [00:45:40] In which map?

Co-Chair Speaker Bob Cupp [00:45:42] The the house map.

House Minority Leader Allison Russo [00:45:44] In the house map that has been moved to be adopted, it is five and you are correct that there were five in the Democratic district. But again, the court decision is pretty clear that when you have monolithic asymmetry, regardless of whether we're using a threshold of fifty point five, fifty point eight, fifty one, fifty one point five, fifty two, the important piece of this is that you have zero Republican districts that fall within those ranges. Nineteen on the House side versus zero on the Republicans and in the Senate, seven that are between 50, 52 for Democrats and zero on the Senate. So in my view, I don't think that this at all addresses what the court noted was the issue as a violation of Section 6A and 6B in their decision.

Co-Chair Speaker Bob Cupp [00:46:43] Oh, I guess you and I are reading that differently. Any further discussion, questions? I think the question the issue you through out is, when do we vote? So do we go ahead and vote now or what?

House Minority Leader Allison Russo [00:47:04] Mr. Speaker, I do have another question. Thank you. I would ask the commissioners, do the majority of the commissioners believe that this map, which actually worsens partisan asymmetry, it does not improve it, will satisfy the court and show that the commissioners, each member of this commission, when we appear on Tuesday before the court is not contemptuous of the court and does not remain in contempt? Or possibly in contempt.

Co-Chair Speaker Bob Cupp [00:47:37] Well, as I've indicated to the press, I'm not commenting on pending litigation, and I don't think it's wise for anybody to do that.

House Minority Leader Allison Russo [00:47:50] Mr. Co-Chair, I'm sorry, but we're sitting here because of pending litigation discussing these maps. So I would disagree with that assessment.

Co-Chair Speaker Bob Cupp [00:48:05] All right, if there's no further discussion, are we? Is the motion on the floor and the second. Are we... Clerk called the roll, please, staff, call the roll.

Staff [00:48:19] Co-Chair Speaker Cupp.

Co-Chair Speaker Bob Cupp [00:48:21] Yes.

Staff [00:48:22] Co-chair Senator Sykes.

Co-Chair Sen. Vernon Sykes [00:48:23] No.

Staff [00:48:24] Governor DeWine.

Gov. Mike DeWine [00:48:25] Aye.

Staff [00:48:27] Auditor Faber.

Auditor Keith Faber [00:48:27] No.

Staff [00:48:29] President Huffman.

Senate President Matt Huffman [00:48:30] Yes.

Staff [00:48:31] Secretary LaRose.

Sec. of State Frank LaRose [00:48:32] Yes.

Staff [00:48:33] Leader Russo.

House Minority Leader Allison Russo [00:48:34] No.

Staff [00:48:37] Co-Chair, it's four to three.

Co-Chair Speaker Bob Cupp [00:48:40] The vote is four to three. The motion does pass. It is not passed by the required majority to be a 10 year district plan, so it passes as a four year district plan. Secretary LaRose, did you have a motion?

Sec. of State Frank LaRose [00:48:59] Yeah, I do. Thank you, Mr. Co-Chair. And I do want to re-emphasize that which I have said many times from the seat and that which I've said many times in letters that I've sent to the members of the General Assembly and to the leadership that we are in one heck of a time crunch. And as it relates to conducting the election on May 3rd, I'm duty bound to make sure people understand really what's at peril for any further delay. I'm glad that we've just conducted this, this vote, by the way. But one other thing that I thought we should consider here as we wrap up the work of this commission, having just adopted what I believe are constitutional maps, is to take a look at the Section 9C provision that says in part, a General Assembly district plan made pursuant to this section shall allow again shall allow 30 days for persons to change residence in order to be eligible for election. My read of that is that the plan that we just adopted shall allow 30 days for persons to chain change residents in order to be eligible for the election. Of course, what that means is that a candidate who filed their petitions back on February 2nd to run for the House or Senate must now from today from adoption of this plan, have an additional 30 days to notify the Board of Elections that they intend to move and then to in fact move to a new residency and be eligible for the ballot. Because of that provision, the county boards of elections may read that to mean that they just have to wait 30 days now for that to happen. My hope is to give them more clear guidance than that and in fact, ask candidates to notify the Board of elections of their intention to move. My guess is there may be very few that do so, but in the case where your county has somebody who has notified you that there's that intention, then the board would know how to deal with that based on the directive I would give them. Of course, that would take, if they did just simply wait for 30 days, that would mean that they can't certify any petitions until March 26th. March 26th is a date long after the overseas and military ballots are required to go out, in fact I'll remind us that we have three weeks until overseas and military ballots go out. That's three weeks from tomorrow until I'm required by law to mail out overseas and military ballots to our men and women serving overseas and to their families and those who are studying abroad, etc. That is effectively the beginning of the election. Of course, Election Day is on May 3rd, but voting begins starting three weeks from now, and that is the time crunch that we're operating under. And to get this work done in those three weeks is nearly unimaginable, perhaps possible with some really amazing work by our county boards of election. So back to the matter at hand, because of the severely compressed timeframe, we now have to hold primaries for these races, potentially, you know, under a very compressed timeframe. What I'm asking the members of the commission to consider is simply adopting a statement that I have distributed to all of you, and I'll read it, it says, "The General Assembly district plan that this commission just adopted would authorize me as Secretary of State to issue to the boards of elections directives by which House and Senate candidates who have filed to run shall comply with Article 11, Section 9C, if any candidates wish to do so." Again, that they would have the opportunity to meet that 30 day residency requirement under the rules that I would send to the boards of elections by directive and that we are adopting this as part of the plan that we just passed.

Auditor Keith Faber [00:52:42] Second.

Co-Chair Sen. Vernon Sykes [00:52:43] Point of order?

Co-Chair Speaker Bob Cupp [00:52:45] Mr. Co-Chair.

Co-Chair Sen. Vernon Sykes [00:52:46] Yes, Mr. Co-Chair, I, you know, I don't think we have the authority to authorize the Secretary of State to do that, but this motion exceeds the authority of the Commission and the residency deadline is both a constitutional and a statutory issue. And I don't believe that the Commission has the authority to change the election law to accommodate the 30 day residency requirement. This motion will not resolve the issue raised by the Secretary of State and Attorney General.

Sec. of State Frank LaRose [00:53:21] I'd like to respond to that, Mr. Co-Chair.

Co-Chair Speaker Bob Cupp [00:53:23] Secretary LaRose.

Sec. of State Frank LaRose [00:53:25] First of all, arguably, I have the directive authority already to tell the boards of elections how to comply with this part of the Constitution. But I would argue that we as a commission have the duty to include this language in the plan that we're adopting right now, because what the Constitution says again is that a General Assembly plan adopted pursuant to this section, the plan that we just adopted, pursuant to this section, shall allow 30 days for persons to change residents. By adopting the statement that I just read into the record, we are allowing as part of this plan that we just adopted the 30 days for candidates to change residents in order to be eligible for election.

Co-Chair Speaker Bob Cupp [00:54:10] Auditor Faber.

Auditor Keith Faber [00:54:12] Thank you. I tend to believe the Secretary already has this authority. I believe the Constitution makes it clear without regard to whether we give authority or don't give authority, that somebody gets 30 days to move in to the district once the district maps are final. Regardless of when they're on the ballot and candidly, I suggest the Secretary could just issue guidance saying that, file a statement if you intend to relocate and then verify that relocation when you certify the election, I think that certainly would be within his discretion and certainly comply with the Constitution. And for that reason, I support this motion because I think it just makes it clear to everybody that that is the intent of what should happen to comply with the Constitution. So in that regard, I think this is only a statement of intent. I don't know that it gives him any new authority, but I think it certainly is appropriate to make it clear to everybody that we believe people who may have already filed for one district in something that changed a line adjustment. I think it's only fair for them to know that they can move under the Constitution, which the Constitution already gives them that right, within 30 days. So I have no problem putting that statement in for that reason.

Co-Chair Speaker Bob Cupp [00:55:24] Senator Sykes.

Co-Chair Sen. Vernon Sykes [00:55:25] Yes, if I can ask the question on the motion. What about those persons who had not filed already, but based on the new configuration of the districts decided they want to run? Will they be given a constitutional right to for 30 days to move into the to file?

Sec. of State Frank LaRose [00:55:48] That's a question, Co-Chair, that only you and your colleagues in the General Assembly can answer. I don't have the power to do that right now. As you know, my Boy Scout handbook is Title 35. I do what you all tell me to do, and that is follow the law. The law currently says that the petitions that were filed are the only ones that are being filed, and those were filed back on February 2nd.

Co-Chair Speaker Bob Cupp [00:56:11] Chair Sykes?

Co-Chair Sen. Vernon Sykes [00:56:12] How does that comply with the Constitution giving someone 30 days, in fact, to move into the district?

Sec. of State Frank LaRose [00:56:20] Mr. Co-Chair, two separate matters, one relates to residency, the other one relates to declaring yourself a candidate for the ballot. The candidates, those who declared themselves a candidate for the ballot on February 2nd, are a fixed group of people. We know who those are. What the Constitution says is that group of people now have the ability to move if they find themselves living in a place that is not where they intended to run or the district for which they intended to run. That's what 9C of Article 11 allows for.

Co-Chair Sen. Vernon Sykes [00:56:53] I respectfully disagree.

Co-Chair Speaker Bob Cupp [00:56:57] Chair recognizes Senator Huffman.

Senate President Matt Huffman [00:57:01] Thank you, Co-Chair. I think some similar questions were raised last Thursday. There was a creation and I'm not sure there may have been some House districts of at least one Senate district where there would have been no one who had filed and no one who had the correct number and signatures. And I think Representative Russo raised a number of potential solutions, including a write in ballots and other, perhaps legislative fixes. And I guess I would say regarding these kinds of issues, you know, from from the my perspective, can't I can't speak for the other thirty two members of the Senate, but perhaps I can tentatively speak for my caucus. We would be certainly interested and willing to draft legislation on an emergency basis next week to make the whatever rules are necessary for basic fairness to allow folks to go ahead and file for the various districts. Obviously, the timing of this has been difficult and everyone. So if there are changes, you know, maybe we can even get to work on that this weekend.

Co-Chair Speaker Bob Cupp [00:58:22] The motion has been made and seconded, I believe it's been seconded.

Sec. of State Frank LaRose [00:58:28] Yes.

Co-Chair Speaker Bob Cupp [00:58:29] OK, thank you. All right. Any further discussion? If not, the staff will call the roll, please.

Staff [00:58:37] Co-Chair Speaker Cupp.

Co-Chair Speaker Bob Cupp [00:58:38] Yes.

Staff [00:58:39] Co-Chair Senator Sykes.

Co-Chair Sen. Vernon Sykes [00:58:40] No.

Staff [00:58:41] Governor DeWine.

Gov. Mike DeWine [00:58:42] Aye.

Staff [00:58:44] Auditor Faber.

Auditor Keith Faber [00:58:44] Yes.

Staff [00:58:45] President Huffman.

Senate President Matt Huffman [00:58:46] Yes.

Staff [00:58:46] Secretary LaRose.

Sec. of State Frank LaRose [00:58:47] Yes.

Staff [00:58:48] Leader Russo.

House Minority Leader Allison Russo [00:58:48] No.

Staff [00:58:52] Five to two, Mr. Chair.

Co-Chair Speaker Bob Cupp [00:58:53] Vote is five to two, the motion has carried. [indecipherable] You would have moved, it's submitted, and I'll second.

Co-Chair Sen. Vernon Sykes [00:59:03] Mr. Co-Chair, I'll move that we accept the written testimony for Kathleen Clyde, who had planned on testifying here today. But we changed the time period and she was not able to stand, stand around and wait. And so I respectfully submitted on her behalf.

Co-Chair Speaker Bob Cupp [00:59:22] And I would second that and without objection, it will be submitted into the record from the testimony for this afternoon this afternoon. Now is there any further, excuse me, is there any further business to come before the commission this evening?

Auditor Keith Faber [00:59:37] Are we-.

Co-Chair Speaker Bob Cupp [00:59:37] Auditor Faber.

Auditor Keith Faber [00:59:38] Thank you. Do we have an intention to set dates to continue our work on the congressional for next week? Or do we have an idea of what we're looking at?

Co-Chair Speaker Bob Cupp [00:59:52] I think probably next Tuesday. That doesn't prevent any plan from being circulated before that time. Does that sound satisfactory or do you have something else in mind?

Co-Chair Sen. Vernon Sykes [01:00:12] It's finec.

Co-Chair Speaker Bob Cupp [01:00:14] All right. We'll schedule a commission meeting for for next Tuesday, and we may do it or we have session next Wednesday as well so we can get this congressional districts done. Wrap that up, at least our end of it very quickly.

Co-Chair Speaker Bob Cupp [01:00:32] So, Mr. Speaker, are are we going to do 8C2 statements from the majority and from the minority?

Co-Chair Speaker Bob Cupp [01:00:44] All right. We will, but I think we're going to need to recess to to prepare the statement. How much time do we think we're going to need? [indecipherable] I am advised that it would probably take one hour.

House Minority Leader Allison Russo [01:01:21] To clarify, you're going to recess for an hour.

Co-Chair Speaker Bob Cupp [01:01:23] Yes. If I'm hoping to so we can comply with that portion that we're required to comply with.

House Minority Leader Allison Russo [01:01:31] OK, great. So we're reconvening this evening.

Co-Chair Speaker Bob Cupp [01:01:34] Yes.

House Minority Leader Allison Russo [01:01:34] OK.

Co-Chair Speaker Bob Cupp [01:01:35] All right. All right. Without objection, the commission will be in recess for one hour by my clock. That means it would be 10 minutes till 8:00 and we reconvene.

Recess [01:01:50] [Recess].

Co-Chair Speaker Bob Cupp [01:01:50] Pursuant to the recess, the Ohio Redistricting Commission will come back to order. I would note that all members of the commission are present. Is there any, do we have a motion for the required statement. Well, we don't have one. All right, well, in order to, all right. Well, I guess there's nothing wrong with doing this in what might be considered reverse. So Representative Russo, are you ready with your statement?

House Minority Leader Allison Russo [01:02:27] Yes, thank you, Mr. Chair. First, I'd like to say that the maps approved by the majority commissioners tonight yet again failed to meet the Ohio Constitution and failed to meet the directive of the Ohio Supreme Court. We have had several opportunities to work together as a commission to draw maps, and each time the majority commissioners have squandered the chance to do so. We would ask the commission, have we learned nothing after two court orders? We have been directed to work together and put aside partisan interest in order to draw maps that meet the Constitution of the State of Ohio, something that we are both duty and oath bound to uphold. Instead of working together, this map that was passed this evening was drawn entirely by Republican legislators on the commission, without our involvement and without allowing feedback or changes. The court has told us that this is problematic and a sign of partisan intent. In fact, they state in their decision in paragraph 31, we observed that when a single party exclusively controls the redistricting process, it should not be difficult to prove that the likely political consequences of the reapportionment were intended. We should not repeat the same mistake again. And while the majority commissioners may claim that these maps meet the requirements of Article 11, Section 6, in reality, they fall short of that metric. Unequivocally, the Ohio Supreme Court has directed us to draw that closely, maps that closely match statewide voter preferences and, as the court noted in paragraph 40, in fact, the most recent invalidate an unconstitutional map had 14 Democratic leaning House seats in the 50 to 52 percent democratic index range. Today's plan has 19, five more. There are zero Republican leaning House seats that are in the 50 to 52 percent range. The most recent invalidated, unconstitutional map had five Democratic leaning Senate seats in that range. And today's plan actually increases that asymmetry with seven districts between 50 and 52 percent. There are zero Republican leaning Senate seats that are in the same 50 to 52 percent range. It is not hard to see that

these maps do not meet the court's direction on partisan symmetry and are yet again in violation of Article 11, Section six. Even with a contempt hearing on the horizon, the majority commissioners continue to show their contempt for the court, the Constitution and the rule of law. And to go back in state exactly what the language is in paragraph 40, it says "while the Constitution does not require exact parity in terms of the vote share of each district, the commission's adoption of a plan in which the quality of partisan favoritism is monolithically disparate is further evidence of a Section 6A violation. In other words, and a plan in which every toss up district is a democratic district, the commission has not applied the term favor as used in Section 6B equally to the other two parties. The commission's adoption of a plan that absurdly labels what are by any definition competitive are toss up districts as Democratic leaning, at least when the plan contains no proportional share of similar Republican leaning districts is demonstrative of an intent to favor the Republican Party." Again, those are not my words, those are the words from the court's decision. With time and collaboration, we could amend these maps to make them compliant with the law and the court's orders. We know that it is possible to put forward constitutional maps for this body to consider. We developed these maps in a process where we continually, we being the Democrats, continually invited feedback from other members of the commission. Unfortunately, the majority members of the commission voted them down and would not work with us. The public has been completely shut out of any meaningful opportunity to analyze these maps, let alone provide testimony. This was not the process contemplated, contemplated by Ohio voters in passing this constitutional reform. Instead of proportional and fair maps, Ohioans are once again left with maps that fail to meet the Constitution. It is disappointing that instead of simply working together, the majority commissioners are flagrantly ignoring Ohio voters and the Supreme Court of Ohio in an attempt to tighten their unyielding grasp on their supermajority power. Thank you, Mr. Chair.

Co-Chair Speaker Bob Cupp [01:07:47] Without objection, the the statement that that is authorized by the Constitution will be considered submitted, for the record. Is there further motion?

Senate President Matt Huffman [01:08:10] Mr. Chairman, the Section 8C2 statement has been presented to the commissioners for their review, and I would move that it be accepted.

Co-Chair Speaker Bob Cupp [01:08:22] I'll second that, is there any discussion on that statement? All right. I guess in the interest of symmetry, I probably should read this statement. So it's the Section 8C2 statement required under the Ohio Constitution in League of Women Voters versus DeWine's opinion. No. 2022-Ohio342. The Ohio Supreme Court ordered the commission to draft and adopt an entirely new General Assembly district plan that conforms with the Ohio Constitution, including Article 11, Section 6A and 6B. The redistricting commission did so. The commission drew an entirely new plan in which the statewide proportion of Republican leaning to Democrat leaning districts precisely corresponds to 54 percent Republican leaning and 46 percent Democrat leaning districts. In doing so, the commission was mindful that all of Section 6, Article 11 of the Ohio Constitution was to be complied with not just certain sections. Plus, no one division of Section 6 is subordinate to another. The commission was also mindful of compliance with Section 6 shall not result in violations of section 2, 3, 4, 5, or 7 of Article 11 of the Ohio Constitution. All members of the commission, through their respective staff and individually were given the opportunity to meet with the map drawers to express concerns. Make suggested edits and otherwise participated in the map making process in a collaborative fashion. The final adopted plan contains input from those members of the

Commission directly or through their staff who chose to participate. The final adopted House District Plan contains 54 Republican leaning districts. This corresponds to approximately 55 percent of the total number of House districts. The final adopted Senate district plan contains 18 Republican leaning districts. This corresponds to approximately 54 percent of the total number of Senate districts. In total, the final adopted General Assembly district plan contains a total of 72 Republican leaning districts and 60 Democrat leaning districts. This corresponds to approximate 54 percent Republican leaning districts and approximately 45 percent Democratic leaning districts. These percentages meet strict proportionality. The Redistricting Commission addressed the asymmetry holding asymmetry holding identified in League of Women Voters two. Only five of the ninety nine House districts have a partisan lean between 50 and fifty point ninety nine percent. All other districts have a partisan lean greater than 51 percent. In the Senate map, only two districts have a partisan lean between 50 and fifty point ninety nine percent. This is the exact same number of asymmetric House and Senate districts found in the Sykes Russo House proposal map. The commission believes that the number of Republican leaning districts and Democrat leaning districts meets the strict proportionality despite the distribution of voters and geography of Ohio. Moreover, the final adopted General Assembly plan does not contain any violations of Section 2, 3, 4, 5, or 7 of Article 11 of the Ohio Constitution and complies with Section 6 of Article 11 of the Ohio Constitution. Any objection to submitting this as the 8C2 statements? Hearing no objection it's considered admitted. [indecipherable] The secretary will now call the roll.

Staff [01:11:57] Co-Chair Speaker Cupp.

Co-Chair Speaker Bob Cupp [01:11:59] Yes.

Staff [01:12:00] Co-Chair Senator Sykes.

Co-Chair Sen. Vernon Sykes [01:12:01] No.

Staff [01:12:02] Governor DeWine.

Gov. Mike DeWine [01:12:02] Yes.

Staff [01:12:04] Auditor Faber.

Auditor Keith Faber [01:12:09] For the purposes of having that submitted as a statement, I guess my answer is yes.

Staff [01:12:15] President Huffman.

Senate President Matt Huffman [01:12:15] Yes.

Staff [01:12:16] Secretary LaRose.

Sec. of State Frank LaRose [01:12:17] Yes.

Staff [01:12:18] Leader Russo.

House Minority Leader Allison Russo [01:12:21] No.

Staff [01:12:21] Five - two, Mr. Chair.

Co-Chair Speaker Bob Cupp [01:12:22] The vote is five to two. The statement is adopted and submitted with the record. Any further buiness to come before the commission this evening? Auditor Faber.

Auditor Keith Faber [01:12:31] Thank you, Mr. Speaker. I want to make it clear on the record that the Minority Report issued by Senator Sykes and House Minority Leader is not a report that I concur with.

Co-Chair Speaker Bob Cupp [01:12:46] Any further business? Hearing no further business the commission is adjourned for tonight.

Linus Beatty Ohio Redistricting Commission Testimony

First, I would like to thank all commissioners, media personnel, and members of the public for their time today. Like many in our state, I have been frustrated with how the redistricting process has unfolded. However, I am not here to talk about the process so far but rather to look forward. I come before you to advocate for a map that I have proposed that I think is a fair compromise.

This map I submitted would satisfy the Supreme Court's decision while not double bunking any of the incumbents who intend on running for reelection. Additionally, incumbents were kept with counties and municipalities they had experience representing in the past, when possible. Furthermore, this map does an excellent job of maintaining communities of interest throughout the state and ensuring all communities a represented. An example of this would be examining the 12th and 15th districts from the last decade. Both of these districts connected parts of the city of Columbus with Appalachia. These two regions of our state are in very different positions economically and culturally. Under my proposed map, Franklin county is split between two districts. The 15th, which is contained within the county, and the 12th, which stays entirely in the Columbus metropolitan area. Likewise, I created a new 10th district that includes a large portion of Appalachia and some exurban communities of Columbus. In addition to the 2nd and 6th, this district ensures that the Appalachian region is kept together and can elect representatives who live in Appalachia to better advocate for the region in Congress.

District statistics can be viewed in the table attached. This map will most likely function as 9R-6D, which I believe is in line with the Supreme Courts' decision. You can also see that the image of the map shows that the map only splits thirteen counties a total of fourteen times.

Fundamentally, this map is compliant with the constitution without unduly disfavoring incumbents. I think I speak for so many Ohioans when I say that I desperately want to see a fair map adopted as soon as possible. I want to leave the committee with a simple question do you weigh your political ambitions over the values of our republic and the strength of our democracy?[1] Before every vote, I ask that each commission member ask themselves that question. I thank you for your time.

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[1] Paraphrased from Mitt Romney speech given before the United States Senate 1/6/2021

Testimony before the Ohio Redistricting Commission
Kathleen Clyde
Co-Chair, Ohio Citizens Redistricting Commission
February 24, 2022

Co-Chair Speaker Cupp, Co-Chair Senator Sykes, and members of the Ohio Redistricting Commission, I am Kathleen Clyde, Co-Chair of the Ohio Citizens Redistricting Commission. Our Citizens Commission was convened by the Ohio Organizing Collaborative, the Ohio Conference of the NAACP, and the A. Philip Randolph Institute of Ohio to serve as an independent model commission to mirror the work of this official commission. Our charge was to host a robust public engagement process to develop fair and constitutional congressional and state legislative districts to contribute to the official process, as we are doing here today with the re-submission of our congressional maps for your consideration.

Our Citizens Commission is made up of 16 volunteer members, including interested citizens, political scientists, community leaders, current and former elected officials, attorneys, and more. Members were deliberately chosen to reflect the diversity of Ohio, and include persons of color, persons of all ages and backgrounds, persons from the LGBTQ community, and persons from different regions of the state. Some members of the Commission helped to craft the constitutional amendments that Ohio voters approved in 2015 and 2018 in an effort to end the partisan gerrymandering that has plagued our state for so long. Our Commission members devoted hundreds of hours of volunteer time to this effort and demonstrated what a small group of committed individuals can do when they come together to work for the important goal of creating fair districts for the state of Ohio.

The Citizens Commission published and previously submitted two in-depth reports summarizing our work developing our congressional and state legislative districts plans that can be found on our website at ohredistrict.org.

Today I am here to discuss our proposed congressional district map. Our map was developed based on input from thousands of Ohio citizens with careful adherence to all of the requirements under Article 19 of the Ohio Constitution. Our proposed map was first submitted to the Commission in November 2021, and we resubmitted it earlier this week through the Commission's website with some very minor technical changes dealing with city and township boundaries and differences between software datasets.

Ensuring equal population

First, our proposed congressional map ensures equal population. Under Article 19, Section 2(A)(2) of the Ohio Constitution, the whole population of Ohio shall be divided by the number of districts apportioned. The whole population is everyone residing in Ohio, not just citizens, adults or registered voters. The whole population of Ohio is 11,808,848 divided by 15 results in approximately 787,257 inhabitants per Congressional district.

The equal population requirement is not exact down to the individual person. The "one person, one vote" decision by the U.S. Supreme Court in *Reynolds v. Sims* (1964) concluded that the equal protection clause of the U.S. Constitution requires that the population residing in each congressional district should be "substantially equal." In *Tennant v. Jefferson County Commission* (2012), the U.S. Supreme Court clarified this criterion by finding that a West Virginia congressional map whose district magnitudes varied

between the largest and the smallest districts by an average of 0.79 percent was constitutional if such divergences were necessary to meet other legitimate goals such as avoiding excessive splitting of political boundaries.

The deviations in our proposed congressional map range from -0.13 percent to 0.38 percent, well below the 0.79 percent variance permitted in the *Tennant* decision.

Partisan Fairness

Next, our proposed congressional map ensures partisan fairness. Article 19, Section 1(F)(3)(a) of the Ohio Constitution states that no district plan shall be adopted that "unduly favors or disfavors a political party or its incumbents." In other words, no congressional map should include partisan gerrymandering.

This prohibition against partisan gerrymandering is to go into effect if the General Assembly and the Ohio Redistricting Commission fail to pass a plan with bipartisan support. However, all district plans should take this important anti-gerrymandering criterion into account, particularly since it lies at the heart of all of the redistricting reform efforts in Ohio over the past decade.

In the five general elections that have taken place over the past decade, Republican candidates for President, U.S. Senator, Governor, Secretary of State, Auditor, Attorney General and Treasurer have received 54.3% of the votes cast by Ohio voters, while Democratic candidates for those offices have received 45.7% of the votes cast. To ensure that one political party is not unduly favored over another, the partisan make-up of Ohio's districts should mirror the partisan make-up of Ohio's voters.

Our proposed map has 8 districts that lean over 50% Republican and 7 districts that lean over 50% Democratic. This means that 53.3% of the districts lean Republican and 46.7% Democratic. This 53% Republican/47% Democratic ratio closely aligns with the 54%/46% partisan make-up of Ohio's voters over the last 10 years.

Keeping Communities Together

Congressional districts were drawn in our plan to protect Ohio's communities by keeping them together as much as practically possible and in line with the constitutional requirements to minimize the splitting of counties, townships, and cities. The overwhelming consensus of opinion throughout the 12 public hearings convened by the Citizens Commission to discuss how maps should be drawn was that, to the greatest extent possible, district boundaries should keep communities together. Accordingly, our map drew district boundaries in a manner that minimized the splitting of counties, cities and townships, in accord with constitutional requirements.

Under Article 19, Section 2 of the Ohio Constitution, the following specific rules apply to keep communities together for any congressional district plan.
- The cities of Cleveland and Cincinnati must not be split apart. Our map meets this requirement.
- Columbus is too big to include in just one congressional district, but it must be split responsibly to protect communities of interest. Our map contains 69% of Columbus within one district, and the remaining 31% in a second full district. The district boundary line splitting the portion of Columbus honors recognized neighborhood boundaries. Care was taken to not break apart communities of interest within Columbus.

- Akron, Dayton and Toledo should not be split. Our map does not split any of these cities and meets this requirement.
- Statewide, 65 counties must be kept whole, 18 counties may be split once, and 5 counties may be split twice. While the criterion allow for 23 county splits, it should be noted that doing so is neither required nor necessary. Our map meets this requirement, keeping 75 counties whole, splitting 13 counties once, and splitting zero counties twice. No cities are split, except for Columbus because it is too large to fit in one district and must be split.
- Each congressional district should include at least one whole county. This does not apply for districts contained entirely within a county (e.g. the districts contained entirely in Cuyahoga, Franklin, and Hamilton) or where doing so would violate federal law. Our map meets this requirement.

Compact and Contiguous

Under Article 19, Section (B)(3) of the Ohio Constitution, the territory of each congressional district should be compact and must be contiguous, with the boundary of each district being a single non-intersecting continuous line. Each district in our proposed map is 100% contiguous and our map scores a 70% on the Dave's Redistricting App compactness analysis, for a "Good" rating.

Minority Representation

Districts were reviewed to understand the extent to which minority voters can meaningfully influence elections. Following county and political subdivision split rules allowed communities of color to be drawn into compact districts and at the same time avoided packing and cracking. Minority vote dilution by packing or cracking was avoided. Packing is when minority voters are artificially concentrated into a small number of districts so that their overall electoral influence is weakened. Cracking splits minority communities and spreads minority voters thinly into many districts in which they have little or no electoral influence. Our proposed map has three districts where minority voters have a substantial opportunity to be represented electorally.

In conclusion, the Ohio Supreme Court has made clear that the congressional maps must meet every constitutional criteria, including partisan fairness. The Citizens Commission has demonstrated that it is possible to draw districts that comply with the Supreme Court's mandate. It is the responsibility of the Ohio Redistricting Commission to comply with the Supreme Court's order and follow the law. We therefore call on this Commission to produce a congressional map that complies with the Ohio Constitution without further delay.

Thank you for the opportunity to address the Commission today. I'd be happy to answer any questions you may have.

My name is Gary Gale and I live in Stark County and 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 Thomas West (D-Canton). On October 26, 2021 I submitted a 15 District Statewide Congressional to the Commission as well as subsequently testifying about it ; which I believe are the prerequisites to testifying today.

I earlier testified before the Commission when it sat in Akron advocating for a Stark-Mahoning-Trumbull Congressional District where all 3 counties are today partially in the 13th Congressional District, where the counties share common educational levels, economic status, racial diversity, forms of local governance, and both a common economic downturn and its concomitant population loss.

My intent in that endeavor was to draw a Congressional map that accurately reflected the partisanship of Ohio -- 6 Republic Districts, 5 Democratic Districts , 2 Republican leaning Competitive Districts and 2 Democratic learning competitive Districts—earning me a 100% proportionality score from Dave's Redistricting and in so doing I split only 10 counties and just one single precinct.

Since that time a lot has happened with Congressional Redistricting. A Congressional map was passed on a party line vote that was successfully challenged before the Oho Supreme Court in *Adams v. DeWine.*

Following the Ohio Supreme Court rendering its decision in *Adams v. DeWine et. al.;* and due to the wording of pages 37-39 (Exhibit 1) in the *Adams* decision that Summit County was not to be split and Cuyahoga County was to be split only once be we came to the conclusion based on math and geography that the district we had envisioned was simply not going to be possible and we needed to find the best alternative that has been presented thus far.

Because I have only lived in Ohio for eight years – and then only in Northeast Ohio --I am going to restrict my comments to that part of the state.

We found that the Democratic House and Senate Caucuses' map presented on February 8, 2022 (Exhibit 2) or the OCRC Unity Map are that best alternative for the people of our corner of Northeast Ohio including Summit and Stark counties, not the Fair Districts Model Congressional Map that is being advanced before the Commission.

I am presenting you with "an inconvenient truth"— That the Akron based District 13 in the Fair District Model Map due to the power of incumbency and the power of money is not a competitive

1

Congressional District as claimed; and how that can be remedied. I will explain why that is what we believe.

1)   The Fair District Model map is out of compliance with the wording in pages 37-39 of the Ohio Supreme Court decision in *Adams v. DeWine* (Exhibit 1) in that it splits Summit County and splits Cuyahoga County twice. Both of those impermissible splits involve the corner of Northeast Ohio I am testifying about – one in the Chagrin Falls area where the Fair Districts Model puts five Cuyahoga County precincts into the Akron based District, and the second where five Summit County precincts in the Clinton area would be removed from the Akron based District and placed in their rural dominated 7th District .

2)   Stark County is the only single county adjacent to Summit other than Cuyahoga that has a large enough population to provide the 245,858 residents that when combined with Summit County would be necessary to reach the desired District population of 786,630 making for a more compact Congressional District than the Summit-Portage-Geauga county District in the Model map (Exhibits 2 & 3) and better meets that requirement of Article XIX.

3)   That where the Black Community in Geauga County is virtually non-existent (1.2%) and in Portage County is 4.18%; the Stark County's Black population is 8.0%. As a result the Black population when Stark County is included in the Akron based District are 21,289 greater than if the Fair Districts Model is implemented. Substituting Geauga and Portage for Stark reduces the Black population of the District by one fifth from 15.7% to 13.0%. At the 5 hour Gerrymandering CLE course I took from the NAACP they would describe that as an example of "cracking" and in my opinion would violate Section 2 of the Voting Rights Act (Exhibit 6).

4)   The Black Community in Stark County is more compact than that of Portage County where there does not appear to be many Black majority precincts if there are any at all making it difficult to organize.

5)   In Stark County there are Black elected leaders including Representative Thomas West who is both the Assistant Minority Leader of the Ohio House and the President of the Ohio Legislative Black Caucus; three Black members of the Canton City Council and one Black member of the Canton City School District Board.

6)   Summit County and Stark County already have close governmental, educational, medical, economic and charitable ties including:

> the Akron-Canton Airport governed by an Airport Authority <u>which is a political subdivision of the State of Ohio</u> with Four Trustees on the Authority Board- appointed by the Stark County Commissioners and four are appointed by the Summit County Executive and approved by the Summit County Council;
> Stark State has a location in Akron;
> Both Akron Children's Hospital and Crystal Clinic have locations in Stark County;
> Akron/Canton Area Agency on Aging designated as an Aging Disability Resource Center (ADRC) by the Ohio Department of Aging;
> And the Akron Canton Regional Food Bank.

7)   Additionally the Fair Districts Model Map for the Akron anchored District erects a significant obstacle to a Democrat winning in that it includes the home county and base of Congressman Dave Joyce and the county where before going to Congress he was the elected County Prosecutor. During his time as a prosecutor Congressman Joyce not only was on the team that prosecuted serial murderer and cult leader Jeffrey Lundgren for the Kirtland cult killings; but he also prosecuted the gunman in the Chardon High School shooting of six students that took place in 2012. That Chardon High shooting event is being remembered this week twice daily with stories on Cleveland-Akron's NBC affiliate. Besides having a hero status to some,   Congressman Joyce has several additional advantages against any opponent.

8)   Even with the Democratic successes in 2018, in the last four election cycles nationally 94.5% of all Congressmen who ran for re-election won. Here in Ohio since the 2010 reapportionment it was 100% who were re-elected.

9)   Congressman Joyce has according to February 3, 2022 edition of *Cleveland.com* according to the most recent FEC filing $1,379,197 cash on hand, the third highest of any Ohio Congressman.

10)   Congressman Joyce has for the last decade run in 205 of the new Congressional District's precincts if the Model Map's configuration for the Akron based District is adopted (some in each of the three counties) for the last ten years, which anyone who has run a campaign is a significant advantage. Any claims of Congressman Joyce being a carpetbagger in this new District would be

3

demonstrably false. Any Summit County legislator running for that seat would have run in only a fraction of that number.

11) A further complication in electing a Democratic candidate in the Fair District's Summit-Portage-Geauga District is the disparity in turnout percentages. Using 2020 as the basis for comparison Geauga County – where Joyce is from and where he had been the elected County Prosecutor prior to going to Congress - had an 83.27 % turnout rate compared to Portage County's 76.66% and the turnout in Summit County of 74.67%. This is in contrast to the turnout in Stark County where the turnout of 75.6% is more in line with the turnout in Summit County. If instead the Akron based District is drawn in the configuration of the Democratic Caucuses' Map and the Unity Map joining Summit County with 65% of Stark County there would be a level playing field with no incumbent and an expected equality of turnout among the District's counties

I will also explain why Stark County does not want to be sequestered into the Fair District Model's 7th Congressional District. When I interned for Lou Stokes and was a staffer for Arnold Pinkney's second mayoral race I learned that in America race matters. If we have learned nothing else in the last few years up to and including the verdict in the Civil Rights case Georgia yesterday; that is still the case.

A) Despite Stark County having an 8% Black population, we were placed in a Congressional District in the Fair Districts Model map into a Congressional District with a paltry 4.86% Black Voting Age population—the 4th least Black percentage for any Congressional District in Ohio (see the Statistics tab in Dave's Redistricting of the Fair Districts' Model Map). The Democratic Caucuses' Map puts 65% of our population in a District that is 15.7% Black and the remaining 35% in a District (Exhibit 5) that is 9.8% Black, so between two or three times the Fair Districts Model Map's Black percentage for their District 7.

B) While Stark County borders 8 other counties including 3 with Black populations of 16.1%, 15.1% and 4.8% the Fair Districts Model map's drafter chose not to link us with any of them. He instead found five counties with no more than a 1.6% Black population to attach us to. On its face for the Residents of Stark County this is a racial gerrymander.

C) From what we were told at the Fair Districts Zoom on February 9, 2022 the primary drafter of their revised map released earlier this month was Paul Nieves, a graduate student from Yonkers, New York who was the runner-up in their map making contest. I have no idea what if anything

4

he knows about Ohio or its communities, his partisanship, or what if any campaign experience he has. I was taught in law school that no one can testify to someone else's state of mind, so I am not accusing him or anyone else of racism, but the outcome for Stark County if you place us into the Model Map's 7th District speaks for itself. Regardless of intent, a racial gerrymander is a racial gerrymander and will cause harm to Stark County's Black residents as the current map has done for the last 10 years.

D)   Unlike the Summit County-Stark Congressional District in the map advanced by the Senate and House Democratic Caucuses, the Fair Districts Model's configuration put all of Stark County into a noncompetitive District where the Democratic vote is only 37.0% (Exhibit 4). The Democratic Caucuses' map not only puts 65% of Stark County into a district that is 51.2% Democratic with the remainder of Stark County in a district that is 45% Democratic(Exhibit 5), both light years more competitive than the 37% in the Fair Districts Model's map.

E)   Stark County is an urban county according to the Federal OMB. The Model Map combines in part or in whole Stark County with four rural counties with whom we have no community of interest as well as one county that is largely rural but not classified that way by the State of Ohio. We would again be drowned as most of us have been for the last decade in a sea of rural voters who have different issues and concerns than we do.

Please do not subject the people of Stark County to 10 more years of being in a Congressional District where we are in such a minority that the Congressman neither understands nor seemingly cares about our issues and our problems, as the Fair Districts Model map would once again do to us.   Please instead follow the path laid out in the Democratic Caucuses' Map and the Unity Map by combining the Northwest portion of Stark County with all of Summit County in a racially diverse competitive Congressional District where there is no incumbent tipping the scales due to a $1.4 million war chest before the campaign even starts.

Thank you for your attention, I will try to answer any additional questions that you may have.

##

NOTICE

SLIP OPINION NO. 2022-OHIO-89

ADAMS ET AL. *v.* DEWINE, GOVERNOR, ET AL.

LEAGUE OF WOMEN VOTERS OF OHIO ET AL. *v.* OHIO REDISTRICTING COMMISSION ET AL.

Redistricting—Original actions under Ohio Constitution, Article XIX, Section 3(A)—General Assembly did not comply with Article XIX, Section 1(C)(3)(a) and (b) of the Ohio Constitution in passing the congressional-district plan—Plan invalid—General Assembly ordered to pass within 30 days a new congressional-district plan that complies in full with Article XIX of the Ohio Constitution and is not dictated by partisan considerations.

(Nos. 2021-1428 and 2021-1449—Submitted December 28, 2021—Decided January 14, 2022.)

ORIGINAL ACTIONS filed pursuant to Ohio Constitution, Article XIX, Section 3(A).

———————————

the enacted plan achieves this "unnaturally high" Republican-vote share by "splitting Hamilton County into three districts and combining the Cincinnati portion of Hamilton County with Warren County"; the result is a "very non-compact shape[d]" District 1, with a compactness score that is much lower than the Cincinnati-based districts in virtually all the computer-simulated districts. The enacted plan, Dr. Chen concluded, creates "an extreme partisan outcome" in District 1 "by splitting Hamilton County excessively and sacrificing geographic compactness in this district."

{¶ 88} In their brief, Senate President Huffman and House Speaker Cupp do not adequately explain why the enacted plan splits Hamilton County into three districts. Based on this record, we find that the two splits in Hamilton County were excessive and unwarranted. The evidence overwhelmingly shows that the effect of those splits was to confer significant partisan advantage on the party that drew the districts.

3. The district plan unduly splits Summit and Cuyahoga Counties

{¶ 89} The evidence also demonstrates that the enacted plan splits Summit and Cuyahoga Counties to confer partisan advantages on the Republican Party.

{¶ 90} Dr. Rodden concluded that the enacted plan splits Summit County by cutting Akron off from its eastern Democratic-leaning suburbs, placing those suburbs in a "long, narrow north-south corridor that is, in one spot, less than one mile wide" and connecting those areas with highly Republican rural areas up to 70 miles away. Dr. Rodden further noted that rather than combining Akron with its own suburbs, the enacted plan combines the city with Medina County in District 13 and "the most Republican outer exurbs of Cleveland." Alternative plans, he noted, mostly kept Summit County together. Dr. Rodden concluded that District 13 "appears to have been crafted as part of an effort to make sure there is only one very Democratic district in Northeast Ohio." What would have otherwise been a comfortable

Democratic, Akron-based district, he concludes, is instead a "toss up." The following illustration from Dr. Rodden's report demonstrates his points:

Figure 19: Partisanship and the Boundaries of the Enacted Plan, Northeast Ohio
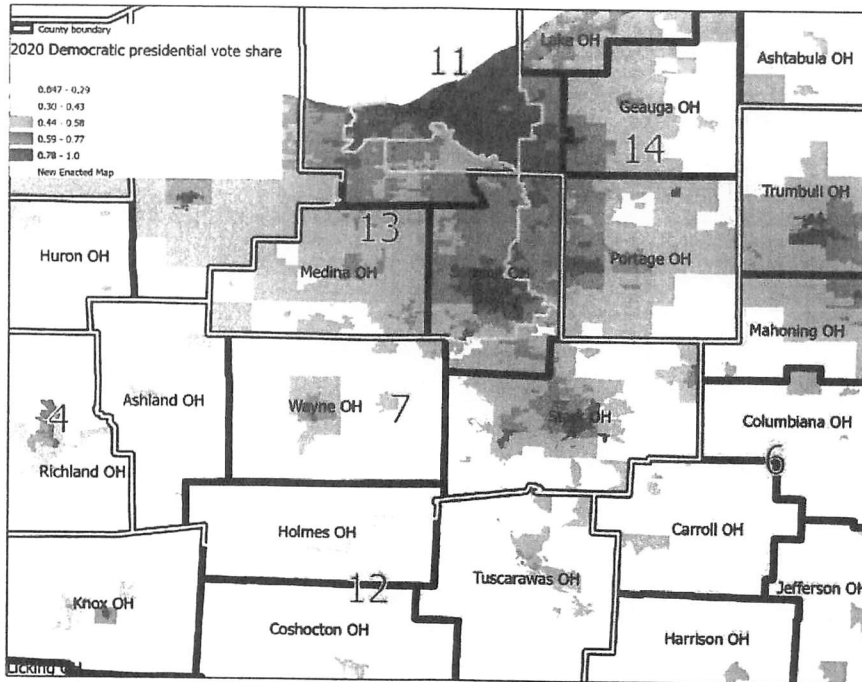
{¶ 91} As it does with Hamilton County, the enacted plan splits Cuyahoga County into three districts—although Dr. Imai found that only 8 of his 5,000 simulated plans split two counties twice. One of those Cuyahoga County districts—District 14—includes a narrow corridor jutting into the county that, according to Dr. Rodden, is "in one spot, the width of one census block, with no road connecting" the two portions of the district. The result, according to Dr. Rodden, is that District 14 extracts large numbers of Democrats in suburban Cuyahoga County and places them in a district that is far more Republican.

{¶ 92} Dr. Imai concluded that the enacted plan overly packs Democratic voters into District 11—the district that includes Cleveland—and that the

surrounding districts were drawn to "crack the remaining Democratic voters outside of Cleveland and in the cities of Lorain and Akron." As a result, in northeast Ohio, the enacted plan creates three Republican-leaning districts and one competitive district, even though Dr. Imai's simulated plans generally show that the areas south and west of Cleveland would otherwise belong to a competitive or Democratic-leaning district. Dr. Chen similarly found that the Cleveland-based district was "less geographically compact than is reasonable for a Cleveland-based district" and instead appears "to have been drawn in order to create an extreme packing of Democratic voters that would not have naturally emerged from drawing a more compact Cleveland-based district."
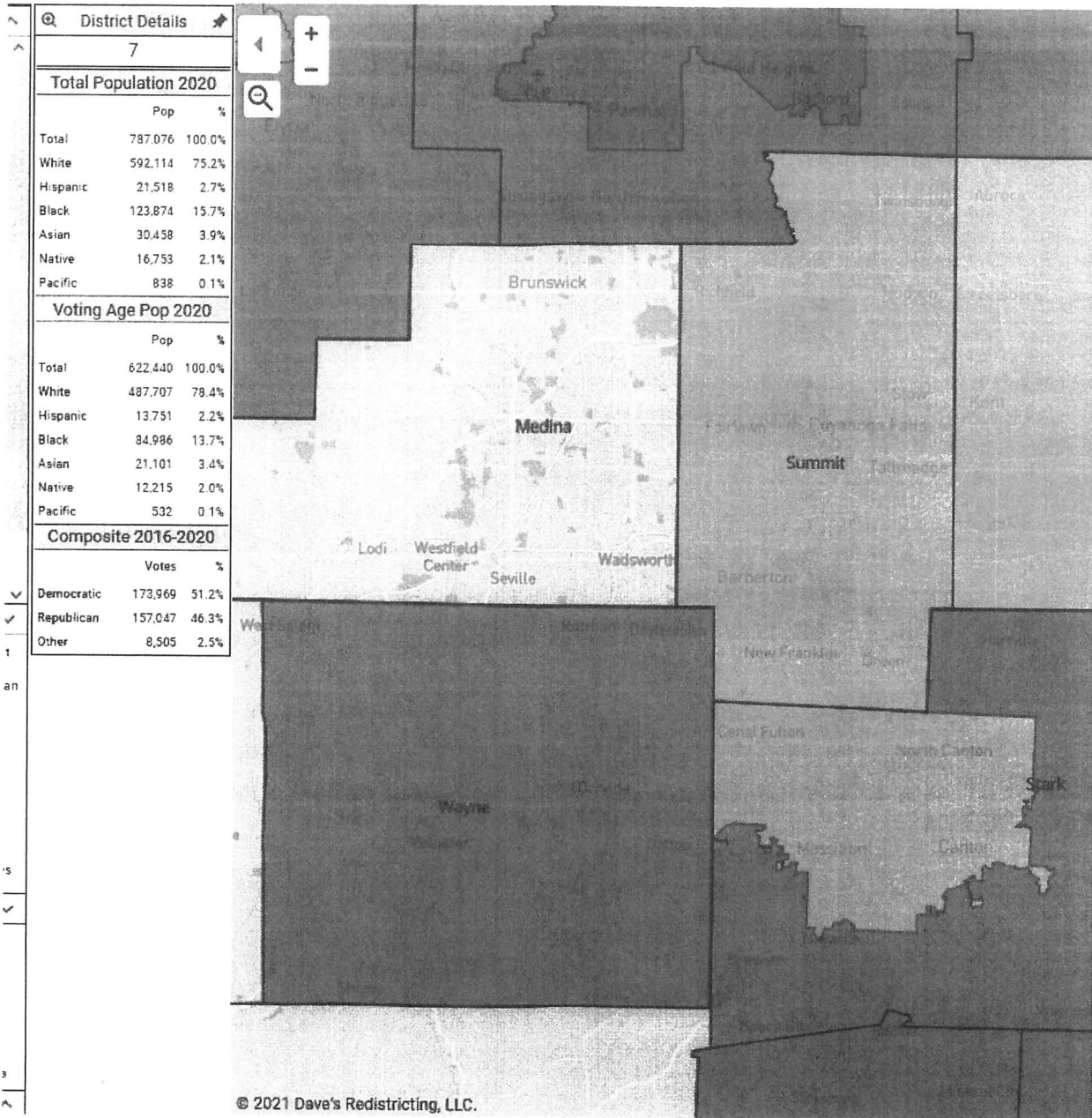
{¶ 93} Senate President Huffman and House Speaker Cupp do not explain the basis for the splits in Summit or Cuyahoga Counties, nor do they attempt to explain the irregular shapes of the districts resulting from those splits. Under these circumstances, we conclude that the evidence shows that the enacted plan splits Summit and Cuyahoga Counties in ways that cannot be explained by any neutral criteria and instead confers a partisan advantage on the political party that drew the map.

D. Systemic defects require the passage of a new plan that complies with Article XIX

{¶ 94} Article XIX, Section 3(B)(1) authorizes this court to determine that a congressional-district plan, or any congressional district or group of congressional districts, is invalid. It further provides that a corrective plan "shall remedy any legal defects in the previous plan identified by the court but shall include no changes to the previous plan other than those made in order to remedy those defects." *Id.*

{¶ 95} Article XIX, Section 3(B)(1) thus recognizes that in some circumstances, congressional plans that contain isolated defects may be subject to remediation by simply correcting the defects in the affected district or districts. But when a congressional-district plan contains systemic flaws such that constitutional
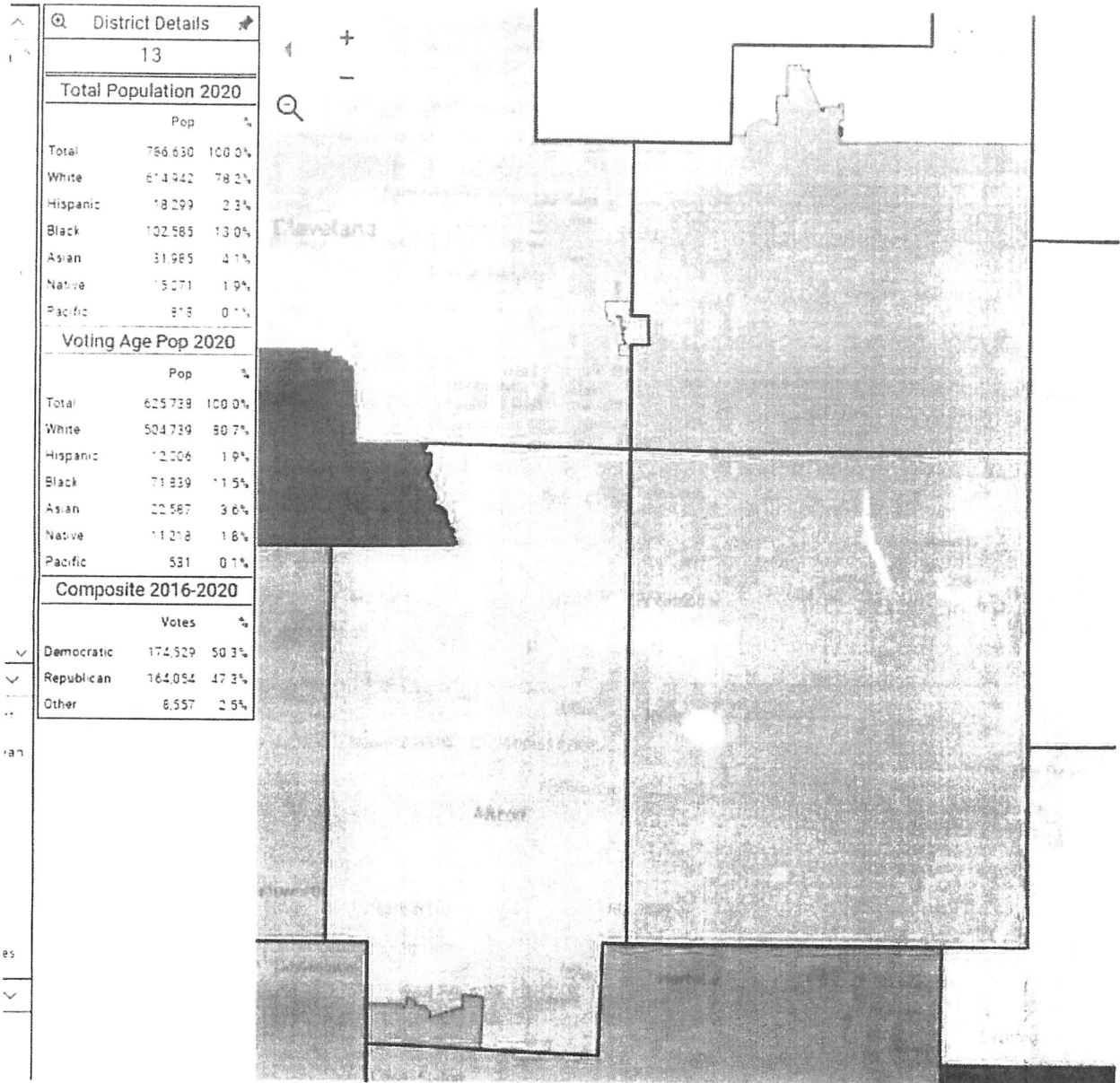
CONGRESSIONAL DISTRICT 7 FROM
HOUSE & SENATE DEMOCRATIC CAUCUSES' MAP
February 8, 2022

District Details — 7

Total Population 2020

	Pop	%
Total	787,076	100.0%
White	592,114	75.2%
Hispanic	21,518	2.7%
Black	123,874	15.7%
Asian	30,458	3.9%
Native	16,753	2.1%
Pacific	838	0.1%

Voting Age Pop 2020

	Pop	%
Total	622,440	100.0%
White	487,707	78.4%
Hispanic	13,751	2.2%
Black	84,986	13.7%
Asian	21,101	3.4%
Native	12,215	2.0%
Pacific	532	0.1%

Composite 2016-2020

	Votes	%
Democratic	173,969	51.2%
Republican	157,047	46.3%
Other	8,505	2.5%

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CONGRESSIONAL DISTRICT 13 FROM FAIR DISTRICTS MODEL MAP

February 2022

District Details

13

Total Population 2020

	Pop	%
Total	796,630	100.0%
White	614,942	78.2%
Hispanic	18,299	2.3%
Black	102,585	13.0%
Asian	31,985	4.1%
Native	15,071	1.9%
Pacific	813	0.1%

Voting Age Pop 2020

	Pop	%
Total	625,738	100.0%
White	504,739	80.7%
Hispanic	12,006	1.9%
Black	71,839	11.5%
Asian	22,587	3.6%
Native	11,218	1.8%
Pacific	531	0.1%

Composite 2016-2020

	Votes	%
Democratic	174,529	50.3%
Republican	164,054	47.3%
Other	8,557	2.5%

CONGRESSIONAL DISTRICT 7 FROM FAIR DISTRICTS MODEL MAP
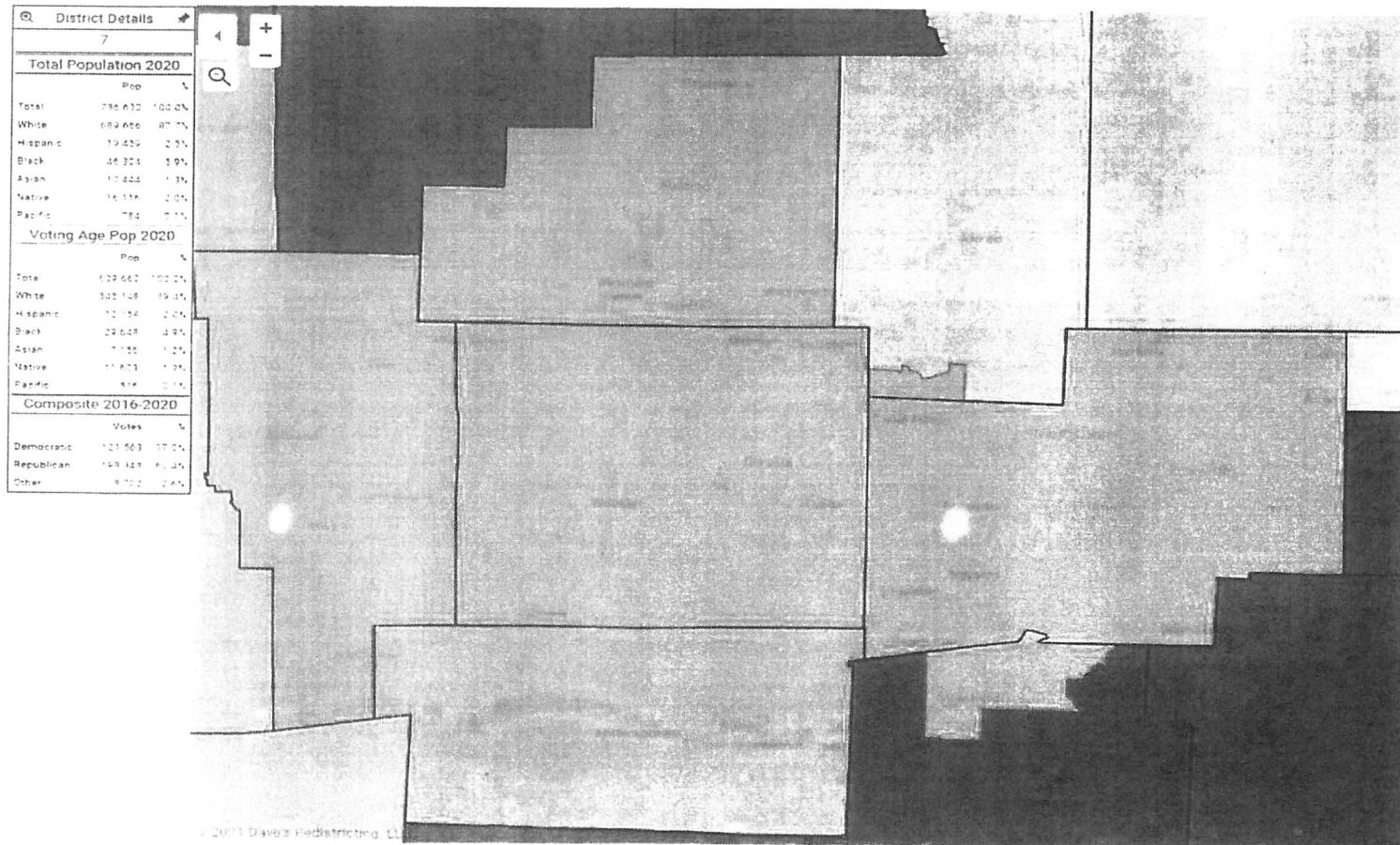
February 2022

DEMOCRATIC CAUCUSES' CONGRESSIONAL DISTRICT 11

February 8, 2022

District Details		
1		

Total Population 2020

	Pop	%
Total	786,630	100.0%
White	385,372	49.0%
Hispanic	64,360	8.2%
Black	290,140	36.9%
Asian	36,597	4.7%
Native	18,072	2.3%
Pacific	1,205	0.2%

Voting Age Pop 2020

	Pop	%
Total	590,737	100.0%
White	318,168	53.9%
Hispanic	40,652	6.9%
Black	196,392	33.2%
Asian	26,125	4.4%
Native	13,240	2.2%
Pacific	829	0.1%

Composite 2016-2020

	Votes	%
Democratic	182,749	64.1%
Republican	95,784	33.6%
Other	6,586	2.3%

EXHIBIT

5

STIP_0072

An official website of the United States government
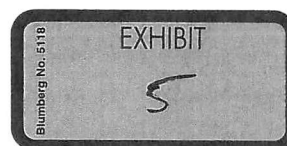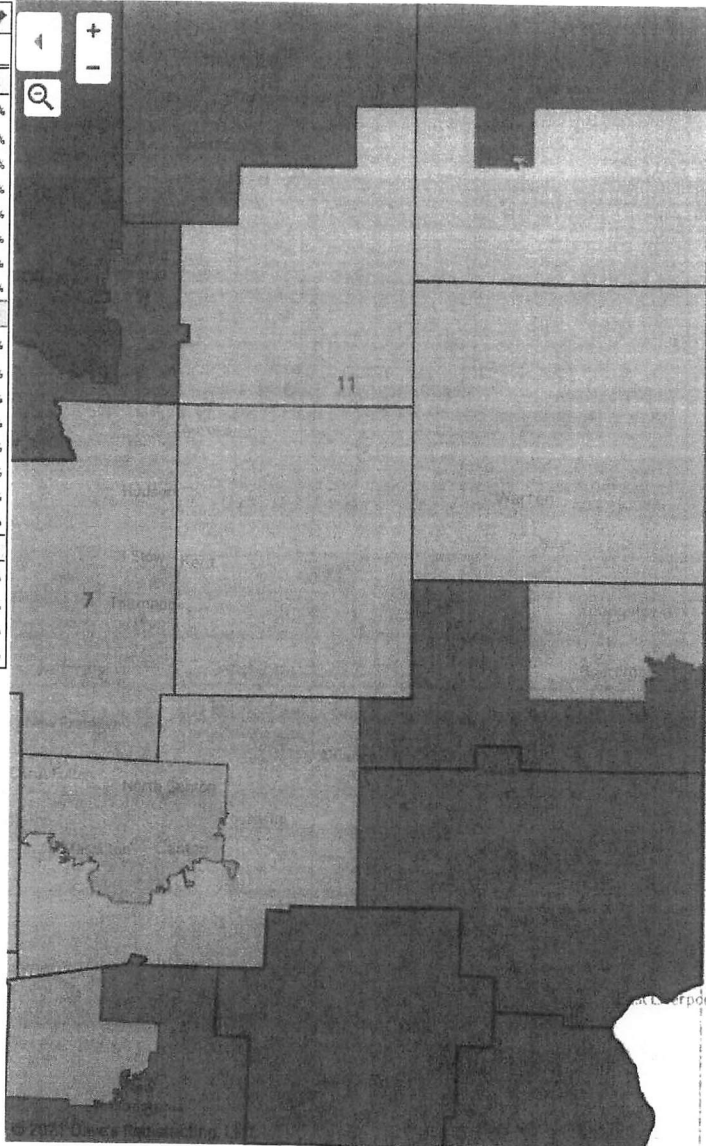
QuickFacts

Stark County, Ohio; Wayne County, Ohio; Medina County, Ohio; Tuscarawas County, Ohio; Ashland County, Ohio; Holmes County, Ohio

QuickFacts provides statistics for all states and counties, and for cities and towns with a *population of 5,000 or more*.

Table

Race and Hispanic Origin	Stark County, Ohio	Wayne County, Ohio	Medina County, Ohio	Tuscarawas County, Ohio	Ashland County, Ohio	Holmes County, Ohio
Population, Census, April 1, 2020	374,853	116,894	182,470	93,263	52,447	44,223

👤 PEOPLE

Race and Hispanic Origin

Race and Hispanic Origin	Stark County, Ohio	Wayne County, Ohio	Medina County, Ohio	Tuscarawas County, Ohio	Ashland County, Ohio	Holmes County, Ohio
White alone, percent	88.0%	95.2%	95.6%	96.3%	96.7%	98.6%
Black or African American alone, percent (a)	8.0%	1.6%	1.5%	1.0%	0.9%	0.4%
American Indian and Alaska Native alone, percent (a)	0.3%	0.2%	0.2%	0.5%	0.3%	0.1%
Asian alone, percent (a)	1.0%	1.1%	1.3%	0.4%	0.7%	0.2%
Native Hawaiian and Other Pacific Islander alone, percent (a)	Z	Z	Z	0.2%	0.1%	Z
Two or More Races, percent	2.7%	1.8%	1.4%	1.5%	1.3%	0.7%
Hispanic or Latino, percent (b)	2.2%	2.1%	2.3%	3.2%	1.5%	1.0%
White alone, not Hispanic or Latino, percent	86.2%	93.5%	93.6%	94.0%	95.5%	97.7%

EXHIBIT 6

STIP_0073

Andrew Green

Testimony to the Ohio Redistricting Commission Regarding Congressional Redistricting

Wednesday, February 23, 2022

Co-chair Senator Sykes, co-chair Speaker Cupp, and members of the Ohio Redistricting Commission, thank you for affording me the opportunity to submit written testimony regarding congressional redistricting. Since, as of this writing, on the evening of February 22, there has been no information made public about any official congressional map under consideration by the commission, I will comment on two maps that have been submitted to the Ohio Redistricting Commission that I think you should use to begin your work in drawing new congressional districts. One of these submissions was by a group known as Fair Districts Ohio and one by myself. The former was submitted on February 3, 2022 and the latter on November 18, 2021. These two maps are quite similar to each other, and the differences between them are small enough that I personally believe that either is an equally acceptable place to start this redraw process as the other.

Certainly, I'm sure you are all thinking, "ok, Andrew, but how do we know these maps better meet the constitutional standards in Article XIX with which the court is concerned than the map that the General Assembly originally adopted and that was subsequently overturned by the Ohio Supreme Court?"

First, it is worth noting that my map, which I will refer to as my "Better Plan," has 14 county splits, the minimum number possible to ensure equal population in each district and 14[1] township and municipal corporation splits (according to my count). My Better Plan notably splits zero townships (according to my count) because, in my reading of Article XIX, I believe that the splitting of municipal corporations is preferred to the splitting of townships. However, due to the vague wording, I acknowledge that someone else could interpret that same language to mean that townships and municipal corporations should be treated equally when splits are being made. I made the decision to err on the side of caution and split only municipal corporations. While the Fair Districts Model has 15 county splits, I describe later in my testimony how one county split can be eliminated with relative ease and little impact on the overall map if the Redistricting Commission deems this singular extra split to be unnecessary and/or unjustified.

Second, neither map splits Hamilton County more than the one time required to ensure equipopulous districts, something that the Supreme Court noted as resulting in undue partisan favoritism.

Third, both maps take the court's suggestion to include Delaware County (or at least a large portion of Delaware County) in the district containing the second largest portion of Columbus.

Fourth, while both maps split Cuyahoga County twice, something that the court noted as resulting in undue partisan favoritism in SB258, they each place only about 4,500 people (less than 0.4% of Cuyahoga County's population) into the district containing the third largest portion of Cuyahoga

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[1] By my count, my better plan has 16 split municipal corporations and zero split townships. However, two of these splits involve zero population and can be eliminated without moving a single person from one district to another. The Census Blocks that must be moved to accomplish this are detailed in Appendix A.

County. This is only done because the combined populations of Cuyahoga and Lorain Counties are about 4,500 people more than two times the congressional ratio of representation, meaning two districts can fit entirely within Cuyahoga and Lorain Counties with about 4,500 people left over. Because Article XIX, Section 2(B)(8) gives a strong direction to attempt to have each district either contain at least one entire county or be fully contained in just one county, splitting Lorain County (and therefore not following the directive in Section 2(B)(8) as it would pertain to District 4 in these two plans) was deemed to be unacceptable. Instead, since Article XIX has no similar strict prohibitions on splitting counties twice, the choice was made by me and the drawer of the Fair Districts Model to place a small portion of Cuyahoga County in a third Cuyahoga County District. It is critically important to note that, while the Supreme Court was unhappy with Cuyahoga County being split twice, it was unhappy because the second split *resulted in* undue partisan favoritism. In the case of both of these maps, neither one of them cause undue partisan favoritism as a result of the second Cuyahoga County split, in part, because the second split involves less than 0.4% of Cuyahoga County's population. Furthermore, as a former resident of Cuyahoga County, I can attest that the communities of both counties, especially those such Westlake, Bay Village, North Olmsted, Avon, and North Ridgeville share many interests on both sides of the county line and thus make a logical grouping to form a district. Additionally, the combination of Lorain and Cuyahoga Counties make almost exactly two congressional districts, both of which can form extremely compact shapes, as shown by both my Better Plan and the Fair Districts Model Map. Consequently, I highly suggest that the commission, regardless of their decision to adopt my Better Plan or the Fair Districts Model Map, adopt a map with a Cuyahoga/Lorain County pairing similar to both of the maps I have discussed.

Fifth, my Better Plan does not split Summit County, something that the Supreme Court determined resulted in undue partisan favoritism in SB258. While the Fair Districts plan splits Summit County, it only places a small portion (about 4,500 people) in District 7 and the rest in District 13. This split keeps the vast majority (over 99%) of Summit County in one district, meaning the split itself cannot have any significant effect on the partisanship of either of the Summit County districts. It is worth nothing that changes can be made to this map with relative ease to ensure that all of Summit County is kept whole. To do this (and eliminate one county split), move the Summit County portion of District 7 into District 13, move an equal population in Geauga County from District 13 to District 14, move an equal population in Columbiana County from District 14 to District 6, and move an equal population in Tuscarawas County from District 6 to District 7. Alternatively, move the Summit County portion of District 7 into District 13 and move an equal population in Portage County from District 13 to District 7. This alternative option will not eliminate the 15th county split.

Finally, as I read through the evidence in the two cases that overturned SB258, one chart in particular stood out to me. It was Figure 2 in Dr. Jowei Chen's expert report. I think this one chart encapsulates the essence of the undue partisan favoritism in SB258 that was at the heart of the court's decision to overturn SB258. Through my recreation of Dr. Chen's chart, I will illustrate that neither of the proposed maps that I have drawn your attention to display anything close to the undue partisanship that is present in SB258. Below is a picture of the original chart from Dr. Chen's report.

2

Figure 2: Comparisons of Enacted Plan Districts to 1,000 Computer−Simulated Plans' Districts
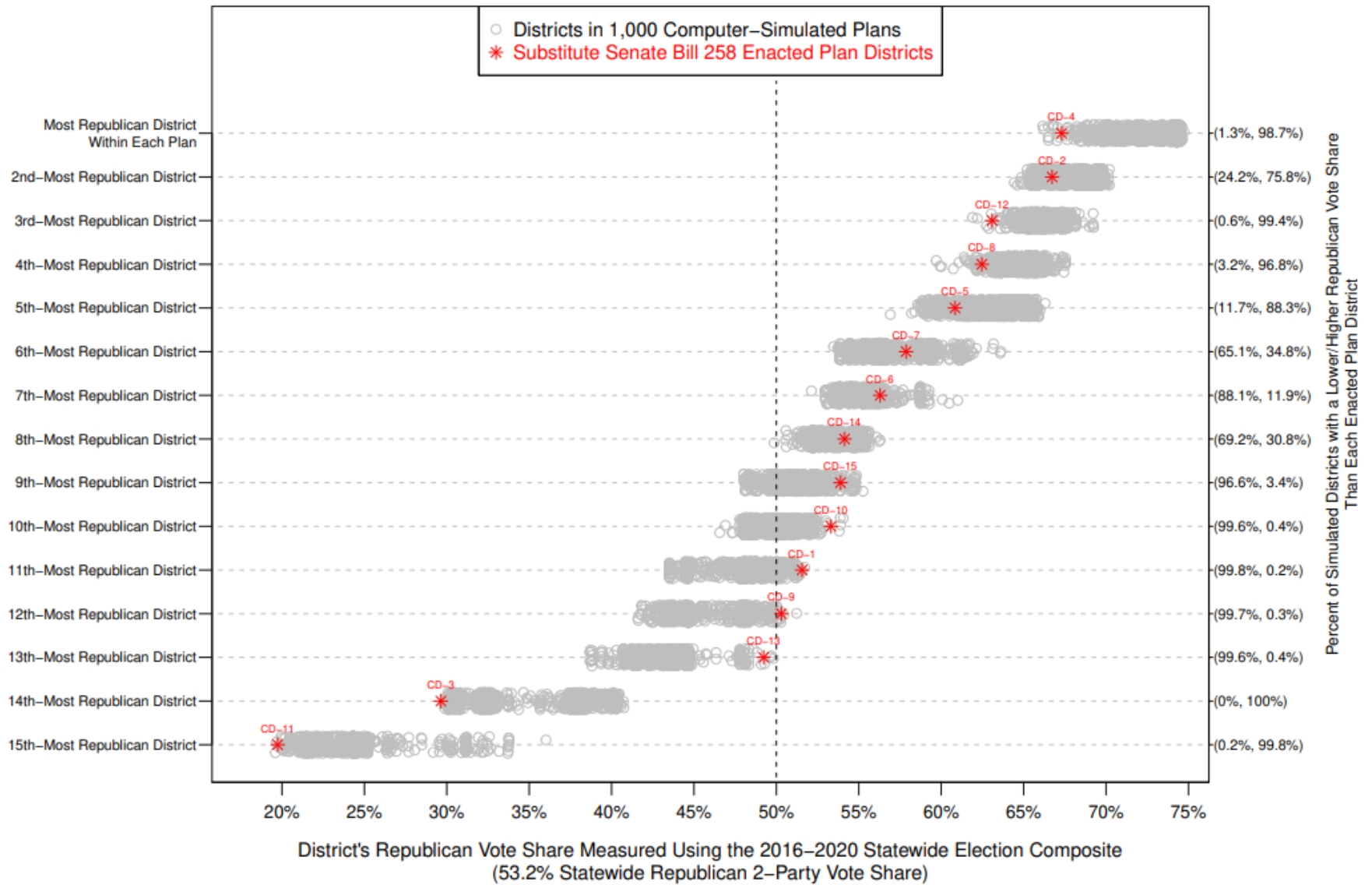
In his report, Dr. Chen went on to explain how Figure 2 shows that 8 of the 15 districts in SB258 are statistical outliers compared to the districts that he simulated. I strove to look at where my map and the Fair Districts Model stacked up among Dr. Chen's simulations. To do so, I simply calculated the two-party vote shares in each of the 15 districts in my Better Plan and the Fair Districts Model and plotted them accordingly on a copy of Dr. Chen's Figure 2. A picture of that chart can be seen below.

Figure 2: Comparisons of Enacted Plan Districts to 1,000 Computer−Simulated Plans' Districts

STIP_0078
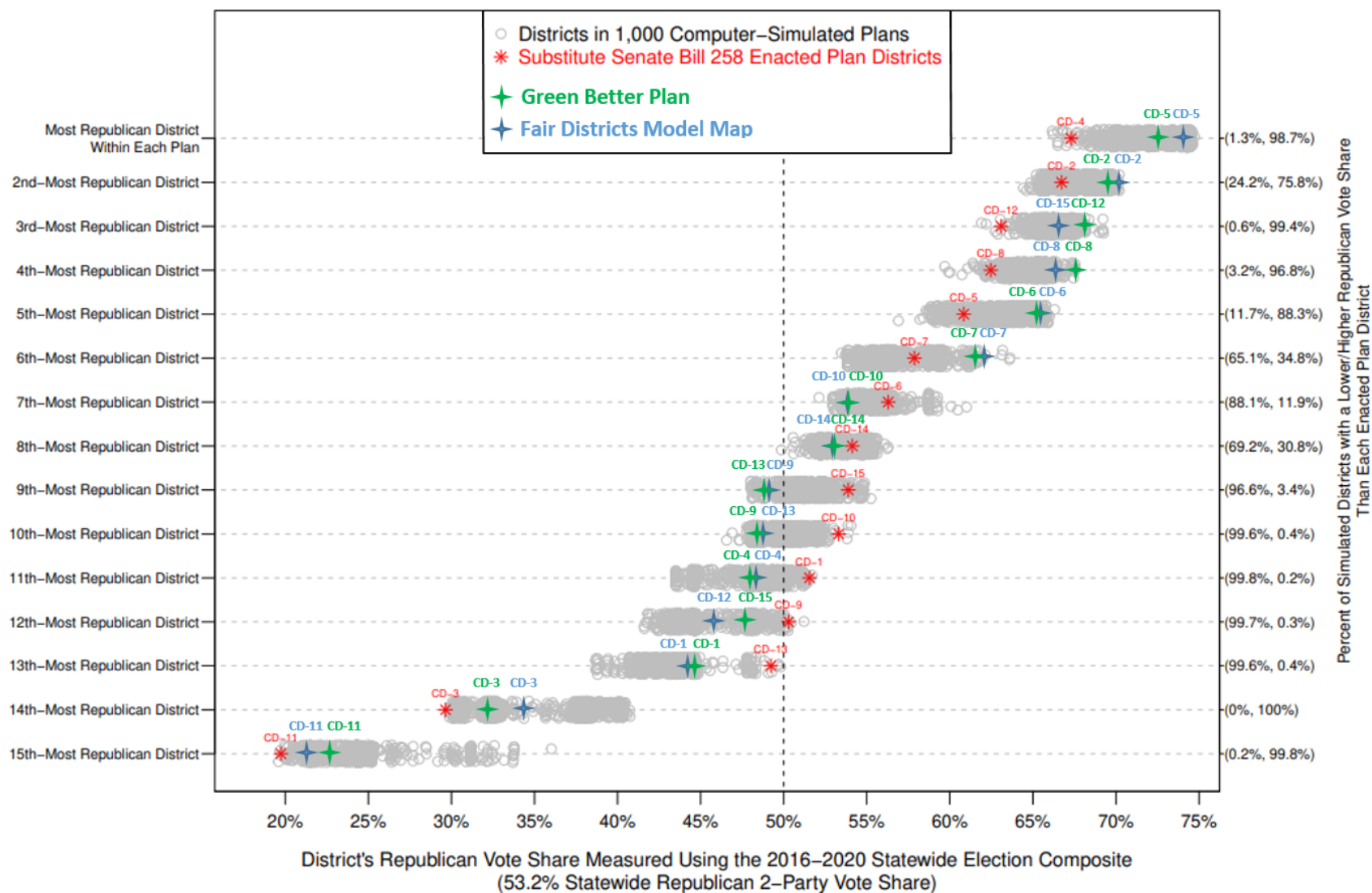
It is clearly evident in my recreation of Dr. Chen's Figure 2 that far fewer districts are statistical partisan outliers in *either* my Better Plan or the Fair Districts Model when compared to SB258. In fact, the only districts that *might* be characterized as statistical outliers are Districts 7 and 2 in the Fair Districts Model and Districts 7 and 8 in my Better Plan. It is important to note that I simply plotted these points by hand, and I cannot be certain that they fall exactly in the correct spot, but they are certainly very close. For your use in verifying the points that I have plotted, I have included the chart below that details the two-party vote shares in each of the 15 districts in both the Fair Districts Model and my Better Plan in order from most heavily-Republican to most heavily-Democratic.

Fair Districts Model			AG-Better Plan		
District	Dem %	Rep %	District	Dem %	Rep %
5	25.74%	74.26%	5	27.11%	72.89%
2	29.54%	70.46%	2	30.48%	69.52%
15	33.49%	66.51%	12	31.81%	68.19%
8	33.64%	66.36%	8	32.16%	67.84%
6	34.23%	65.77%	6	34.65%	65.35%
7	38.00%	62.00%	7	38.31%	61.69%
10	46.47%	53.53%	10	46.46%	53.54%
14	47.19%	52.81%	14	47.16%	52.84%
9	51.37%	48.63%	13	51.57%	48.43%
13	51.55%	48.45%	9	51.69%	48.31%
4	51.70%	48.30%	4	52.11%	47.89%
12	54.16%	45.84%	15	52.39%	47.61%
1	55.42%	44.58%	1	55.12%	44.88%
3	65.54%	34.46%	3	67.47%	32.53%
11	78.16%	21.84%	11	77.61%	22.39%

It is critically important to note, however, that the data set I used in calculating partisanship is the one publically available and readily accessible in Dave's Redistricting App (DRA). That dataset is similar (though not identical) to the dataset used by Dr. Chen in his analysis. Dr. Chen used election results of Ohio's 2016, 2018, and 2020 statewide election contests. The dataset in DRA uses election results of Ohio's statewide elections from the same three years, but does not include all of them. Out of the nine statewide elections between 2016 and 2020, the DRA dataset omits the 2018 elections of Secretary of State, State Auditor, and State Treasurer. The statewide Republican share of the two-party vote in these three omitted elections range from 51.7% to 53.3%, slightly below 53.6%, the statewide Republican vote share in the average of the other six 2016-2020 elections that are used in DRA. This suggests that if I were to have included these three additional elections in my analysis (to have a true apples-to-apples comparison to Dr. Chen's analysis), each district would turn out to be *slightly* more Democratic-leaning than I actually calculated. This tends to indicate that the districts that I mentioned above that *may* be partisan statistical outliers in the Fair Districts model or my Better Plan would actually fall more in line with Dr. Chen's simulations and are likely not actually outliers.

Thank you, again, to the co-chairs and members of the commission for allowing me to submit written testimony in support of these two plans. I am available via email or phone (which are both provided in my witness slip) if anyone on the commission has any questions about my plan or the analysis I conducted on either of these two plans.

Appendix A: Political Subdivision Splits

Table 1: List of county splits in my Better Plan, including how many people is in each of the districts that covers each county that is split. This map has a total 13 counties split a total of 14 times.

County	District w/ Majority of Pop.	District w/ Minority of Pop.	District w/ Minority of Pop.	Population in District w/ Maj. Of Pop.	Population in District w/ Min. Of Pop.	Population in District w/ Min. Of Pop.	% of Pop. in District w/ Maj. of Pop.	% of Pop. in District w/ Min. of Pop.	% of Pop. in District w/ Min. of Pop.
Clark	10	8	#N/A	81,355	54,646	0	59.82%	40.18%	#N/A
Crawford	5	12	#N/A	25,199	16,826	0	59.96%	40.04%	#N/A
Cuyahoga	11	4	7	786,630	473,665	4,522	62.19%	37.45%	0.36%
Fairfield	2	12	#N/A	105,161	53,760	0	66.17%	33.83%	#N/A
Franklin	3	15	#N/A	786,630	537,177	0	59.42%	40.58%	#N/A
Geauga	13	14	#N/A	69,535	25,862	0	72.89%	27.11%	#N/A
Hamilton	1	8	#N/A	786,629	44,010	0	94.70%	5.30%	#N/A
Huron	9	12	#N/A	48,221	10,344	0	82.34%	17.66%	#N/A
Madison	8	2	#N/A	29,794	14,030	0	67.99%	32.01%	#N/A
Stark	7	13	#N/A	359,977	14,876	0	96.03%	3.97%	#N/A
Tuscarawas	12	6	#N/A	79,051	14,212	0	84.76%	15.24%	#N/A
Union	8	15	#N/A	35,329	27,455	0	56.27%	43.73%	#N/A
Wayne	7	12	#N/A	111,063	5,831	0	95.01%	4.99%	#N/A

Table 2: List of township and municipal corporation splits in my Better Plan, including how many people is in each of the districts that covers each subdivision that is split. This map has a total 16 county subdivisions split a total of 16 times. (Note: The villages of Carroll and Gnadenhutten have zero-population splits, meaning the village boundary is split between two districts, but the portion of the village in one of those districts has a population of zero. I discuss at the end of this appendix the Census Blocks that must be moved to eliminate these zero-population splits without moving a single person from one district to another.)

Better Plan County Subdivision Splits								
County	County Subdivision	Subdivision Type	District w/ Majority of Pop.	District w/ Minority of Pop.	Population in District w/ Maj. Of Pop.	Population in District w/ Min. Of Pop.	% of Pop. in District w/ Maj. of Pop.	% of Pop. in District w/ Min. of Pop.
Clark	Springfield	City	10	8	57,948	714	98.78%	1.22%
Crawford	Galion	City	12	5	9,971	482	95.39%	4.61%
Cuyahoga	Strongsville	City	4	7	41,969	4,522	90.27%	9.73%
Cuyahoga	Brook Park	City	11	4	17,950	645	96.53%	3.47%
Fairfield	Lancaster	City	2	12	24,947	15,605	61.52%	38.48%
Fairfield	Carroll*	Village	2	12	501	0	100.00%	0.00%
Franklin	Columbus	City	3	15	595,131	285,198	67.60%	32.40%
Geauga	Chardon	City	13	14	3,462	1,680	67.33%	32.67%
Hamilton	Springdale	City	1	8	7,896	3,111	71.74%	28.26%
Huron	Willard	City	12	9	4,408	1,789	71.13%	28.87%
Madison	London	City	8	2	9,515	764	92.57%	7.43%
Stark	Alliance	City	7	13	11,671	9,951	53.98%	46.02%
Tuscarawas	Dennison	Village	12	6	2,121	476	81.67%	18.33%
Tuscarawas	Gnadenhutten*	Village	6	12	1,240	0	100.00%	0.00%
Union	Marysville	City	8	15	20,925	4,646	81.83%	18.17%
Wayne	Wooster	City	7	12	25,636	1,596	94.14%	5.86%

Table 3: List of county splits in the Fair Districts Model Map, including how many people is in each of the districts that covers each county that is split. This map has a total 14 counties split a total of 15 times.

County	District w/ Majority of Pop.	District w/ Minority of Pop.	District w/ Minority of Pop.	Population in District w/ Maj. Of Pop.	Population in District w/ Min. Of Pop.	Population in District w/ Min. Of Pop.	% of Pop. in District w/ Maj. of Pop.	% of Pop. in District w/ Min. of Pop.	% of Pop. in District w/ Min. of Pop.
Clark	10	5	#N/A	81,355	54,646	0	59.82%	40.18%	#N/A
Clermont	2	8	#N/A	139,674	38,927	0	78.20%	21.80%	#N/A
Columbiana	6	14	#N/A	87,001	14,876	0	85.40%	14.60%	#N/A
Cuyahoga	11	4	13	786,630	473,666	4,521	62.19%	37.45%	0.95%
Delaware	12	15	#N/A	186,669	27,455	0	87.18%	12.82%	#N/A
Fairfield	2	15	#N/A	82,057	76,864	0	51.63%	48.37%	#N/A
Franklin	3	12	#N/A	786,630	537,177	0	59.42%	40.58%	#N/A
Geauga	13	14	#N/A	84,411	10,986	0	88.48%	11.52%	#N/A
Hamilton	1	8	#N/A	786,629	44,010	0	94.70%	5.30%	#N/A
Hancock	5	15	#N/A	61,841	13,079	0	82.54%	17.46%	#N/A
Perry	2	6	#N/A	25,404	10,004	0	71.75%	28.25%	#N/A
Seneca	15	9	#N/A	49,561	5,508	0	90.00%	10.00%	#N/A
Summit	13	7	#N/A	535,907	4,521	0	99.16%	0.84%	#N/A
Tuscarawas	6	7	#N/A	82,041	11,222	0	87.97%	12.03%	#N/A

Table 2: List of township and municipal corporation splits in the Fair Districts Model Map, including how many people is in each of the districts that covers each subdivision that is split. This map has a total 18 county subdivisions split a total of 18 times. (Note: The city of Chardon has a zero-population split, meaning the city boundary is split between two districts, but the portion of the city in one of those districts is zero. I discuss at the end of this appendix the Census Block that must be moved to eliminate this zero-population split without moving a single person from one district to another. Additionally, Columbiana and Hamilton Counties have more subdivision splits than are mathematically necessary to ensure equal population. Since both split subdivision in each of those two counties are split between the same two districts, it is rather trivial to move equal numbers of people between the two districts in the two appropriate subdivisions to reduce the total number of subdivision splits.)

|									
Fair Districts Model County Subdivision Splits									
County	County Subdivision	Subdivision Type	District w/ Majority of Pop.	District w/ Minority of Pop.	Population in District w/ Maj. Of Pop.	Population in District w/ Min. Of Pop.	% of Pop. in District w/ Maj. of Pop.	% of Pop. in District w/ Min. of Pop.
Clark	Mad River	Township	10	5	5,091	3,444	59.65%	40.35%
Clermont	Miami	Township	8	2	43,747	196	99.55%	0.45%
Columbiana	Perry	Township	14	6	2936	1456	66.85%	33.15%
Columbiana	Salem	Township	6	14	3409	14	99.59%	0.41%
Cuyahoga	Moreland Hills	Village	11	13	3262	204	94.11%	5.89%
Cuyahoga	Parma	City	4	11	80,646	500	99.38%	0.62%
Delaware	Genoa	Township	12	15	24,196	508	97.94%	2.06%
Fairfield	Bloom	Township	2	15	4,407	3,153	58.29%	41.71%
Franklin	Columbus	City	3	12	548,336	331,993	62.29%	37.71%
Geauga	Chardon*	City	13	14	5,242	0	100.00%	0.00%
Geauga	Chardon	Township	13	14	2,266	2,228	50.42%	49.58%
Hamilton	Silverton	Village	1	8	4,853	55	98.88%	1.12%
Hamilton	Sycamore	Township	1	8	12,666	644	95.16%	4.84%
Hancock	Jackson	Township	15	5	612	419	59.36%	40.64%
Perry	Clayton	Township	6	2	1,196	369	76.42%	23.58%
Seneca	Liberty	Township	9	15	769	665	53.63%	46.37%
Summit	New Franklin	City	13	7	10,553	3,319	76.07%	23.93%
Tuscarawas	Sandy	Township	6	7	1,788	506	77.94%	22.06%

In order to remedy the zero-population splits in my Better Plan, move the following Census Blocks accordingly:

- 391570219001037 in Gnadenhutten from District 12 to District 6
- 391570219001036 in Gnadenhutten from District 12 to District 6
- 391570219001032 in Gnadenhutten from District 12 to District 6
- 391570219002007 in Gnadenhutten from District 12 to District 6
- 390450308001026 in Carroll from District 2 to District 12
- 390450308001027 in Carroll from District 2 to District 12
- 390450308001028 in Carroll from District 2 to District 12
- 390450308001029 in Carroll from District 2 to District 12
- 390450308001041 in Carroll from District 2 to District 12
- 390450308001042 in Carroll from District 2 to District 12
- 190450308001038 in Carroll from District 2 to District 12
- 390450308001039 in Carroll from District 2 to District 12
- 390450308001040 in Carroll from District 2 to District 12
- 390450308001066 in Carroll from District 2 to District 12

In order to remedy the zero-population splits in the Fair Districts Model map, move the following Census Block accordingly:

- 390553122011015 in Chardon from District 14 to District 13

Appendix B: Map Images
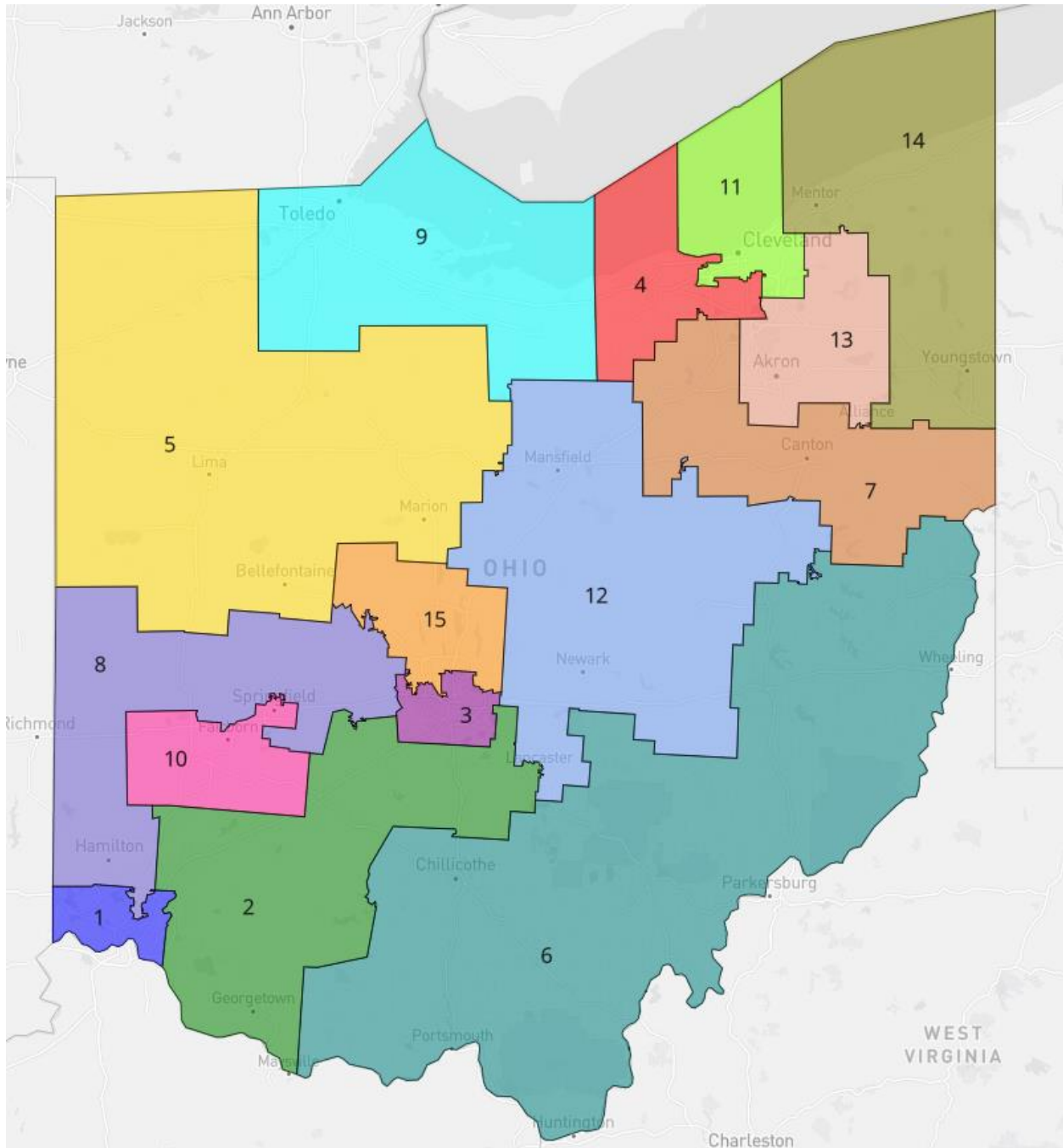
Figure 1: Map of My Better Plan. A block assignment file was uploaded to the Ohio Redistricting Commission's website on November 18, 2021 at https://redistricting.ohio.gov/assets/district-maps/district-map-473.zip. Additionally, this map can be accessed in Dave's Redistricting App at https://davesredistricting.org/join/d403e19e-c56a-47bc-8ea5-863b8d9bd3b8
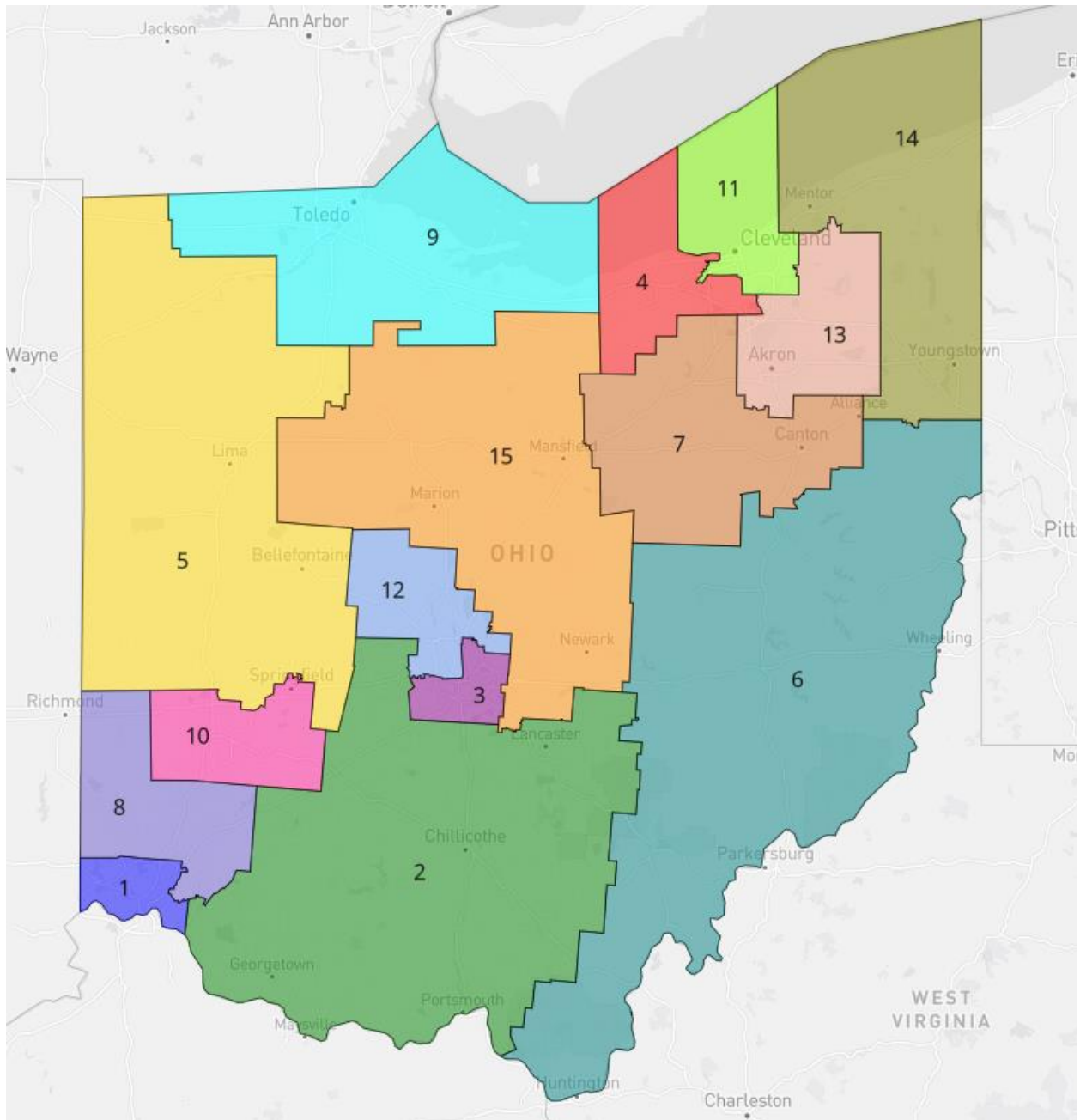
Figure 2: Map of Fair Districts Ohio Model Map. A block assignment file was uploaded to the Ohio Redistricting Commission's website on February 3, 2022 at https://redistricting.ohio.gov/assets/district-maps/district-map-693.zip.

13

STIP_0086

Benjamin Greene – Written Testimony for Feb 23 Commission Meeting

      Hello, and thank you for providing the public with an opportunity to give input regarding Ohio's congressional redistricting process. The redistricting process is undoubtedly a difficult one and I admire the work that each commissioner has put in towards creating a map that serves Ohio in the best way they see fit. I submitted a map to the commission on February 18, 2022 on the public website and that is the map I will be discussing in this testimony. The email this testimony is sent in contains files for the map so it can be viewed in greater detail. Below is an image of the map in question:
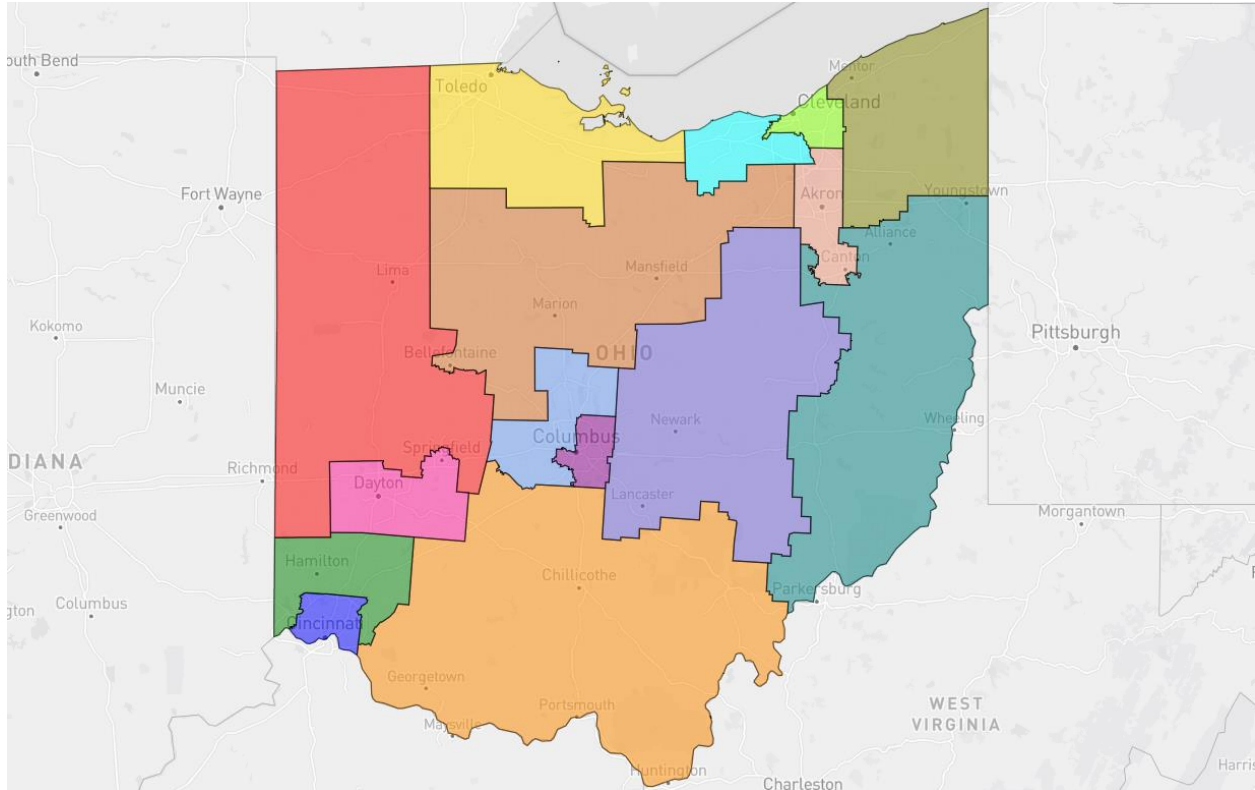
      I will provide a summary of my goals with the map overall and how it adheres to the constitutional guidelines for a congressional map, and I will then provide a brief overview of each district on a separate page to allow for the commission to only read the overview and individual districts as needed.

      Overall, the map contains fifteen districts, with every district either having a 0-person deviation or a deviation within one person of the ideal population (786,631). Fourteen counties are split, with no county being split more than once. The map struck down by the court contains twelve split counties but splits two counties twice. 55 precincts/VTDs are split as well, compared to 41 precinct splits in the original map. There is one black plurality district and an additional black opportunity district. My main focus was on maintaining city boundaries, pairing similar communities of interest, and creating competitive districts with a statewide balance that reflects Ohio's voting patterns.

According to Article XIX, Section 2 of the Ohio Constitution, a congressional map must:

    i. Be compact
   ii. Be contiguous
  iii. Split cities large than a district in a manner which pairs like communities
  iv. Contain 65 counties entirely within districts, with no more than 18 splits, and no more than 5 being split twice
   v. Have districts that contain at least one whole county if possible

The map I am proposing adheres to all of Article XIX, Section 2. It has a compactness score of 0.4185 following the Reock measurement and 0.3472 following Polsby-Popper (compared to scores of 0.3639 and 0.2815 on the struck down map). All districts are contiguous. The only large city split is Columbus as it is larger than a district, and this map pairs like communities in that instance. 74 counties are contained entirely within a district, and as mentioned previously, 14 are split, with none split more than once. Every district contains at least one whole county, outside of district 9, which splits Lorain in order to prevent a city split in Cuyahoga.

Partisan wise, it contains four solid Democrat seats, seven solid Republican seats, three competitive Democrat seats, and one competitive Republican seat, based off of the 2020 presidential election. Republicans on average would win 53.3% of the seats and Democrats would win 46.7% of the seats. This level of proportionality is ideal and adheres precisely to the court order while maintaining competitive seats for both parties. Democrats could win up to 8 seats and Republicans could win 11 or 12 seats, depending on the national environment. Most of the competitive seats are Democrat ones, due to the partisan geography of the state and due to the primary objective of meeting constitutional criteria.

I hope the commission will read this testimony and recognize the value in the map I am proposing to them. It adheres to constitutional criteria and will pass court review due to its proportionality and compliance. It is a clean, thoughtful map that Ohio citizens deserve.
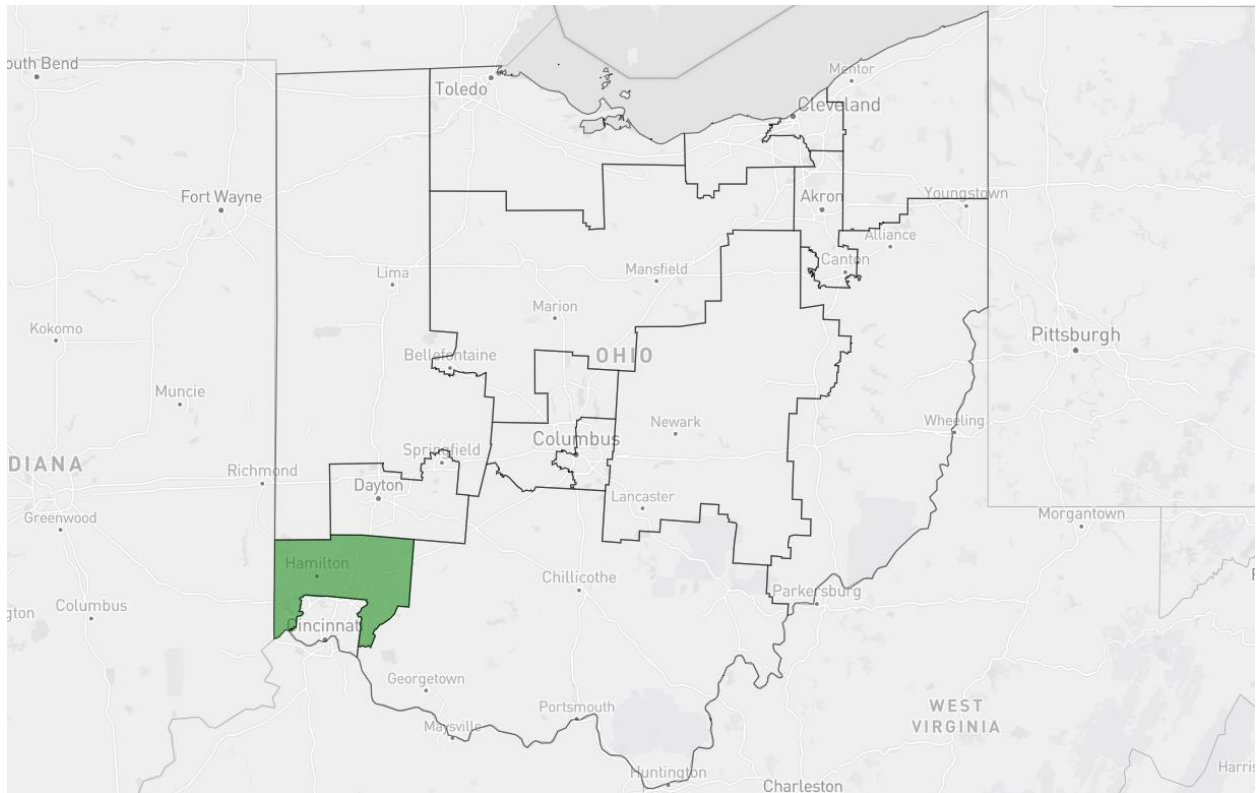
With an overview provided, I will now go into individual districts.

<u>OH-01</u>
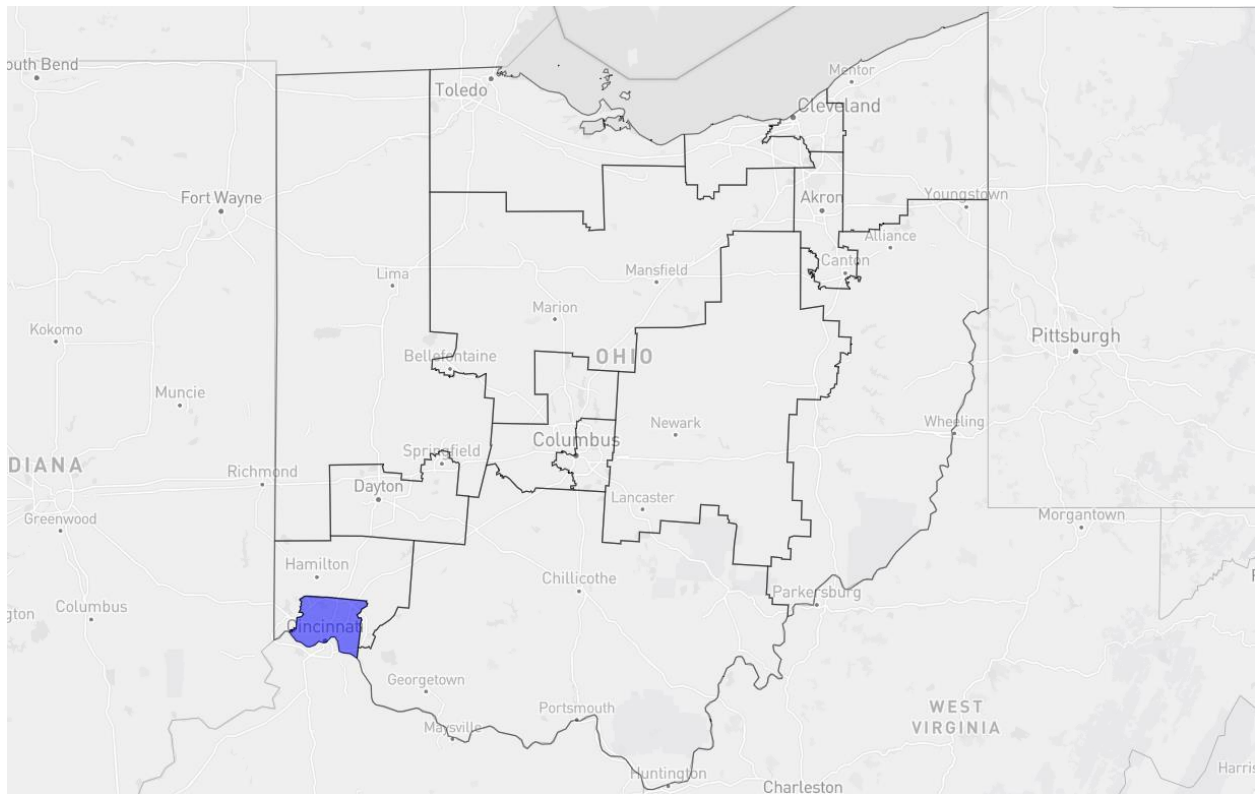
Ohio's first district under this map is entirely within Hamilton County. It consists of Cincinnati as well as most of its surrounding towns. It has a deviation of 0, and a black VAP of 26.2%. On a partisan level, it is a solid Democrat seat, having only went Republican in the 2016 senate race.

OH-02

Ohio's second district contains the remainder of Hamilton County as well as all of Butler and Warren. It splits Clermont County, done so due to the prominence of the Cincinnati by-pass that loops around the city. I wanted to have a seat that contains as much of the Cincinnati MSA outside of the city as possible, and this seat achieves that. It has a deviation of 0, and a black VAP of 6.3%. It is a solid Republican seat.

OH-03
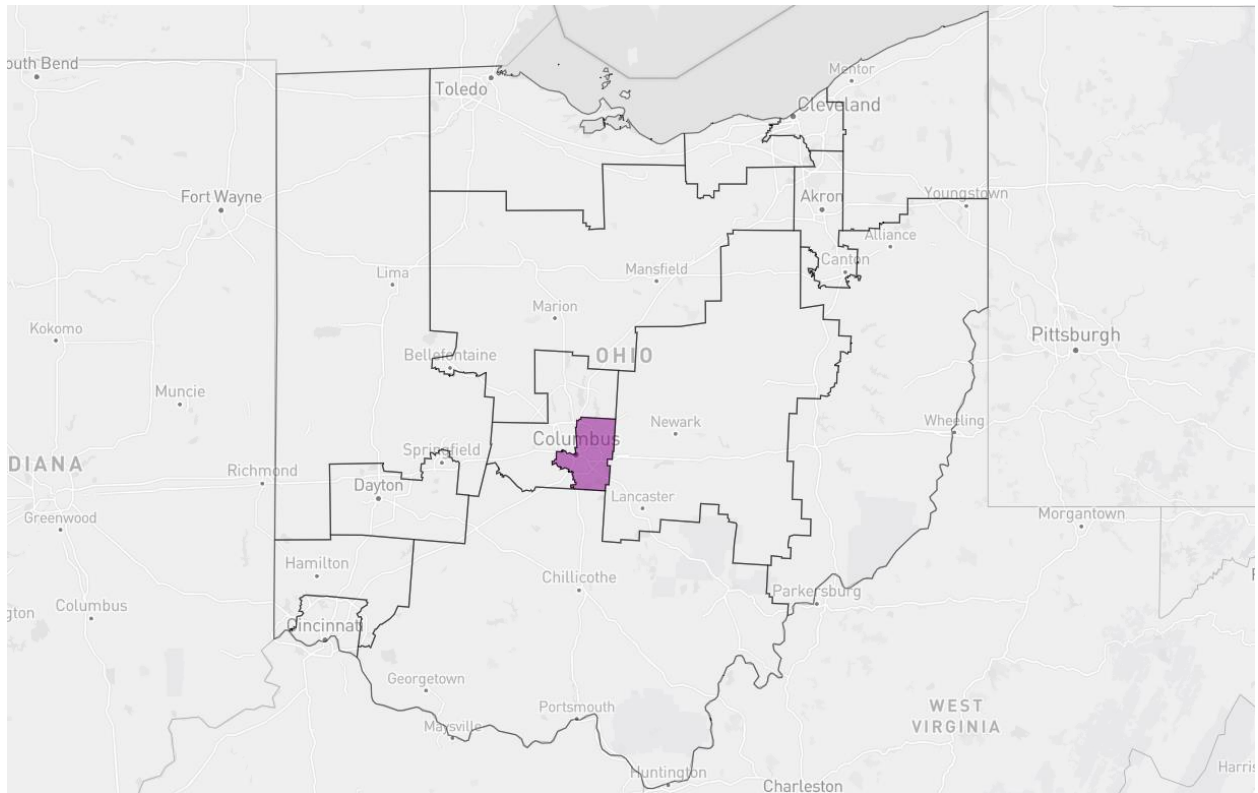
Ohio's 3rd district is contained entirely within Franklin County. It contains portions of the city of Columbus and its surrounding suburb towns. It has a deviation of -1 and a black VAP of 33.9%. It is a solid Democrat seat. I drew it intending for it to be minority access.

OH-04
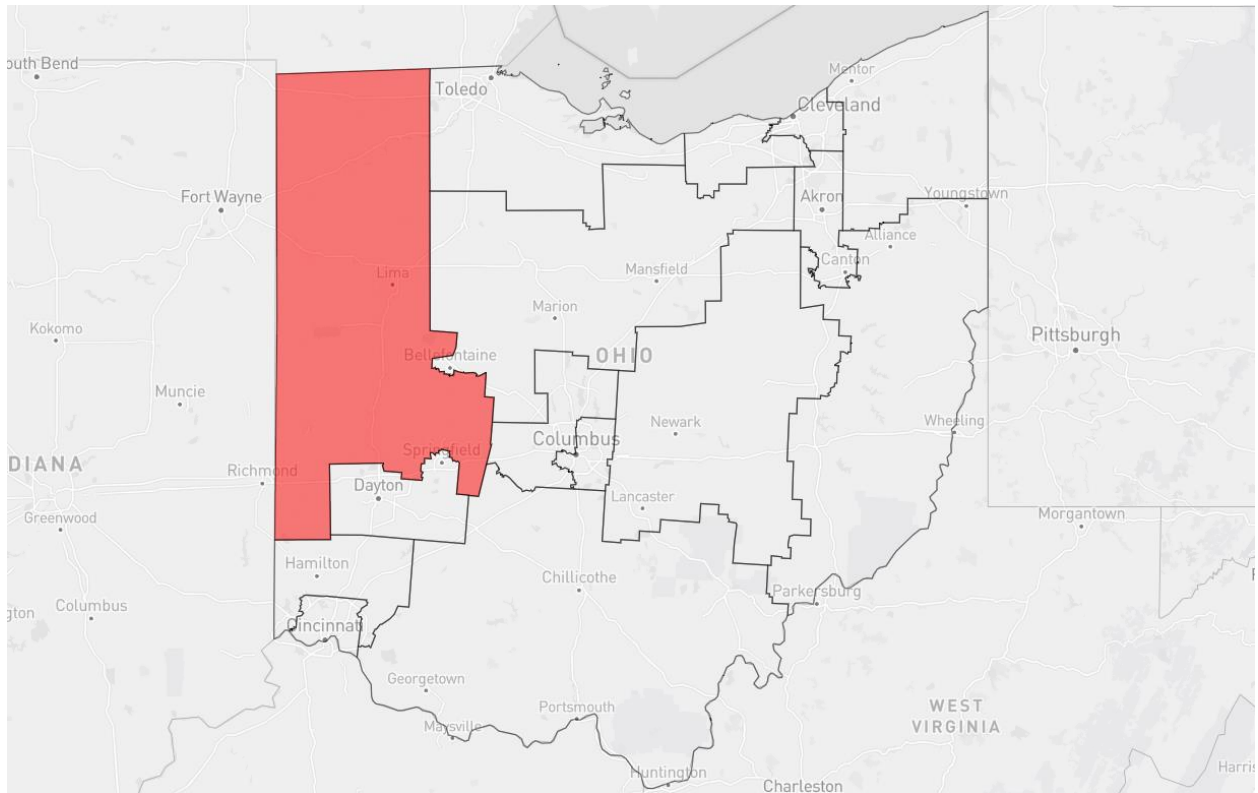
Ohio's 4th district contains 15 whole counties, with one split of Logan and Clark County. It is intended as a seat which represents the very rural western and northwestern portion of Ohio. It has a deviation of -1. It is a solid Republican seat and is the most Republican seat in the state.

OH-05
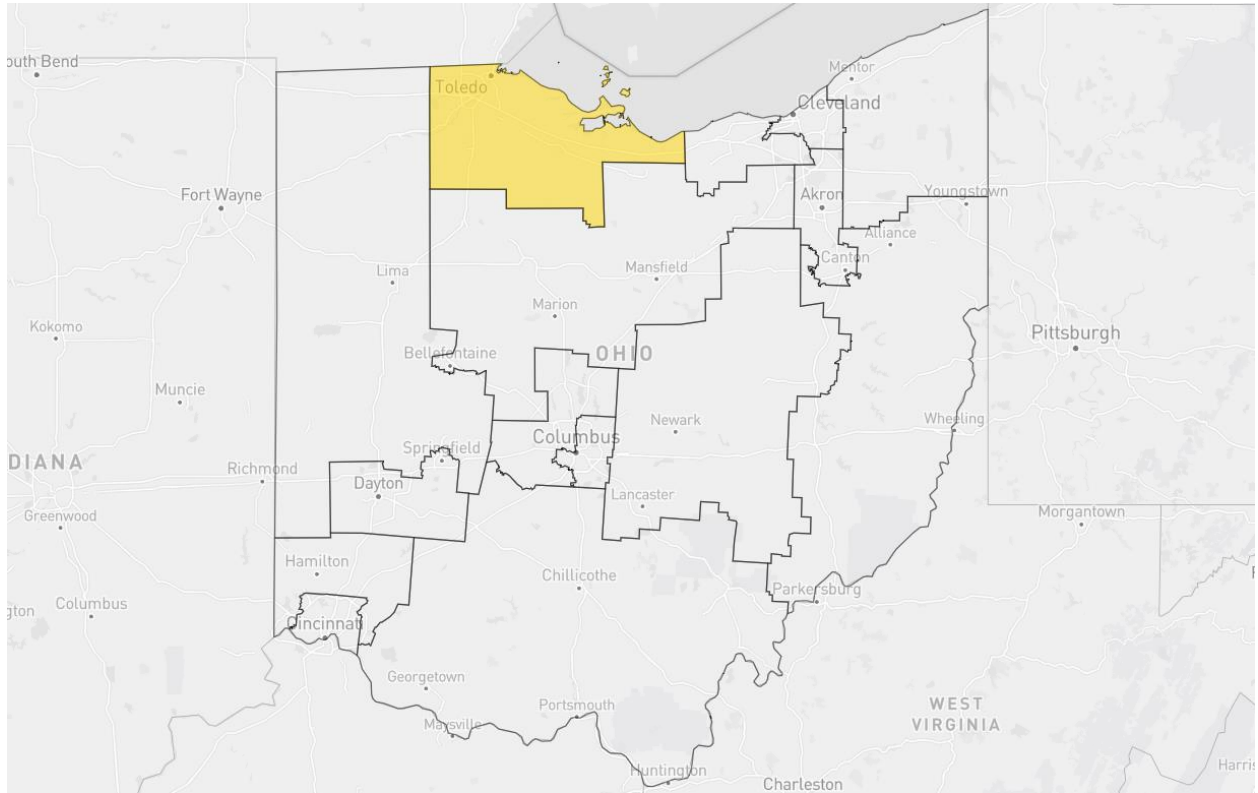
Ohio's 5th district contains as much of the Toledo MSA as I was able to put in the seat. It contains five whole counties and splits Seneca. It has a deviation of -1 and a black VAP of 12.9%. Partisan-wise, it is a Democrat-leaning competitive seat that voted under 3 points for the Democrat presidential nominee in 2016 and 2020, and has seen a shift to the right in recent years.
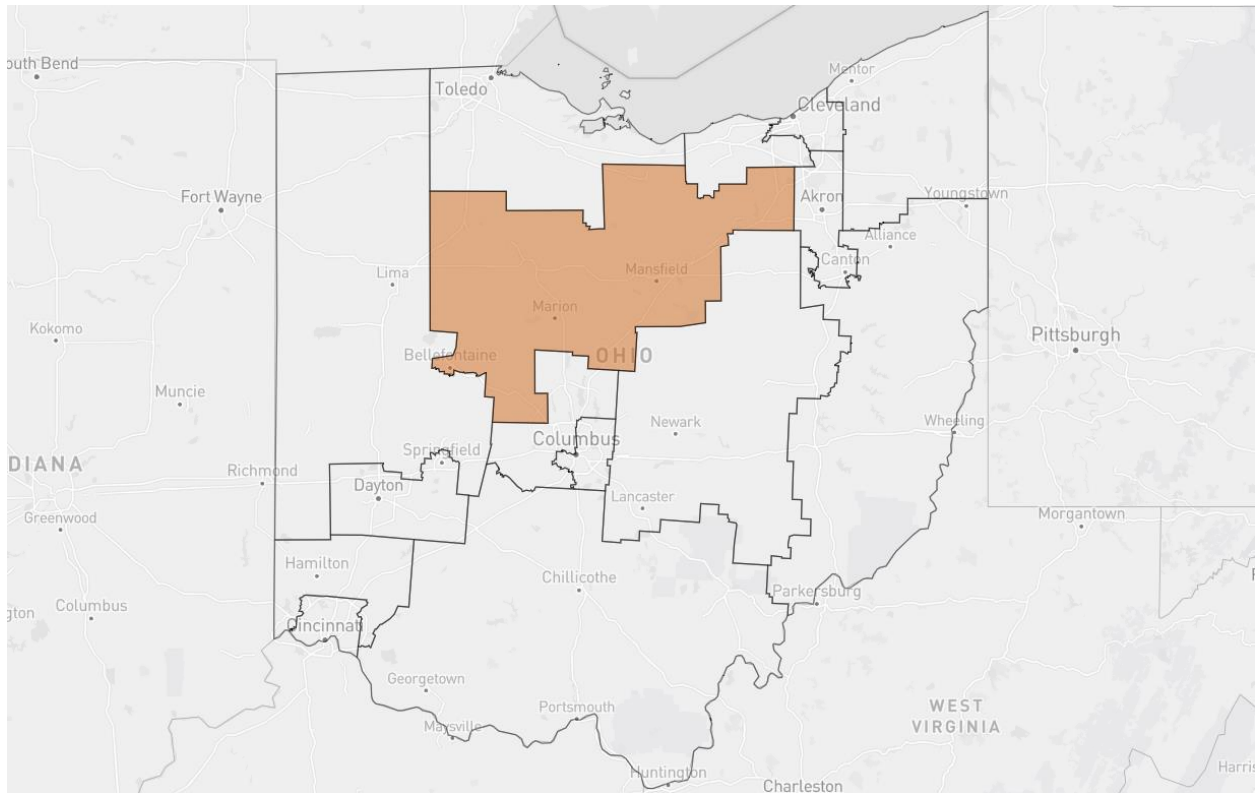
OH-06
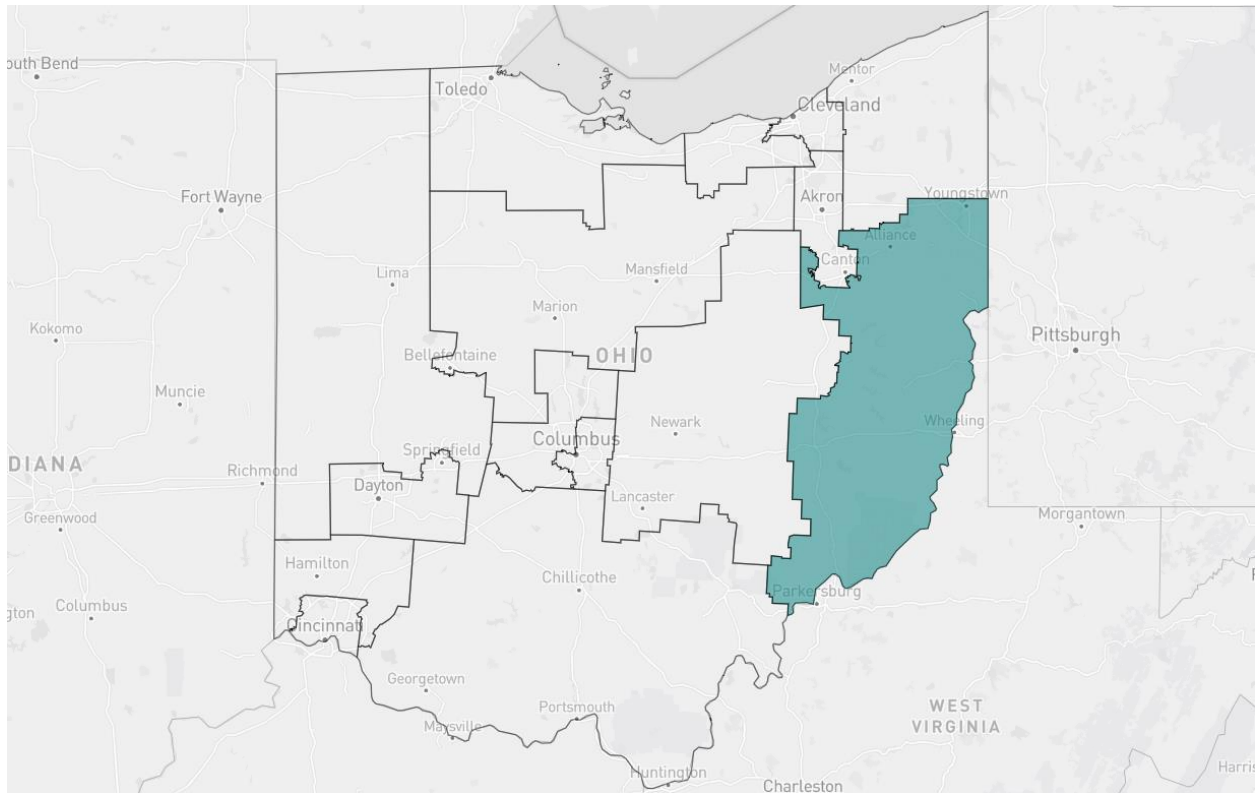
Ohio's 6th district focuses heavily on the Appalachian region and Steel Valley. It has ten whole counties and splits Stark, Portage, and Tuscarawas. It has a deviation of 0 and a black VAP of 6.6%. It is a solid Republican seat, although Sherrod Brown came within five points of winning it in his 2018 senatorial reelection victory.
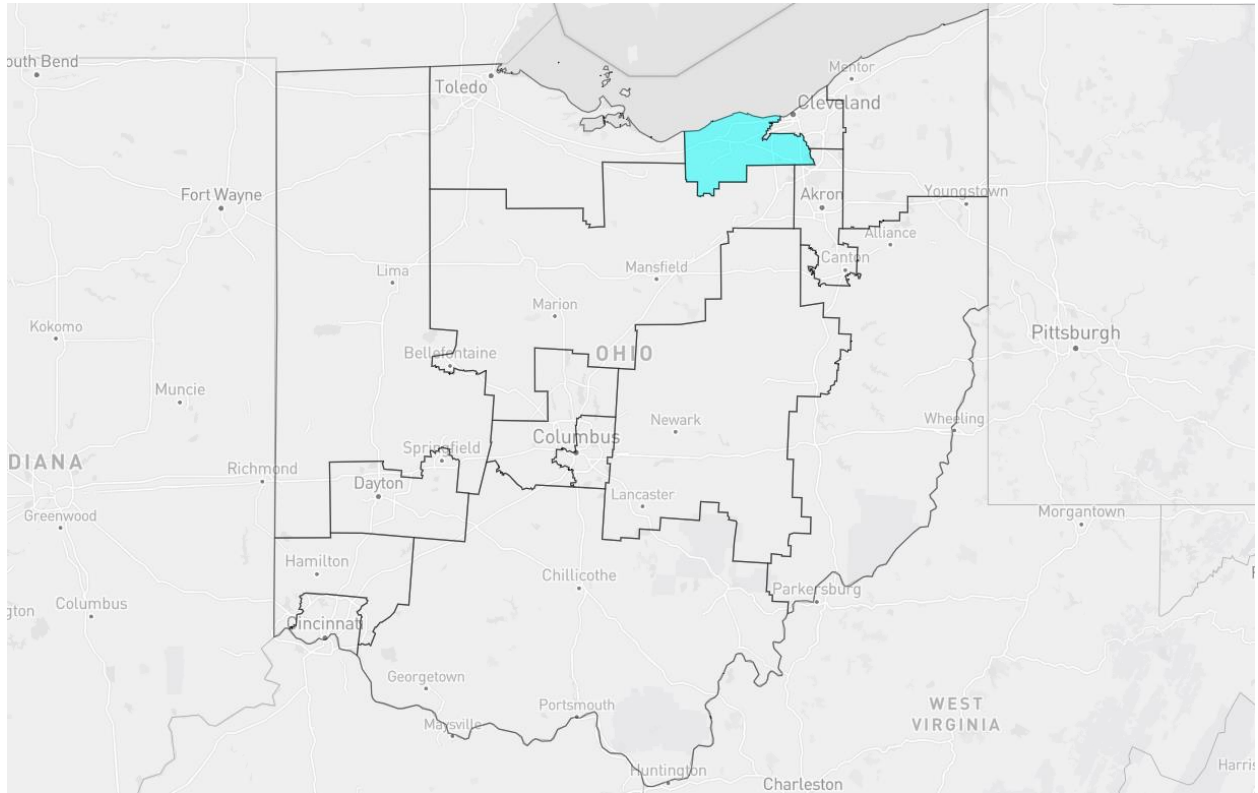
OH-07

Ohio's 7th district contains 11 whole counties as well as the rest of Logan and Seneca counties, splitting Wayne and Lorain additionally. It serves as a seat to represent the less urbanized portion of Ohio and it allows for a seat that is not dominated by the interests of the lake-bordering region. It has a deviation of 1 and is a solid Republican seat.

<u>OH-08</u>
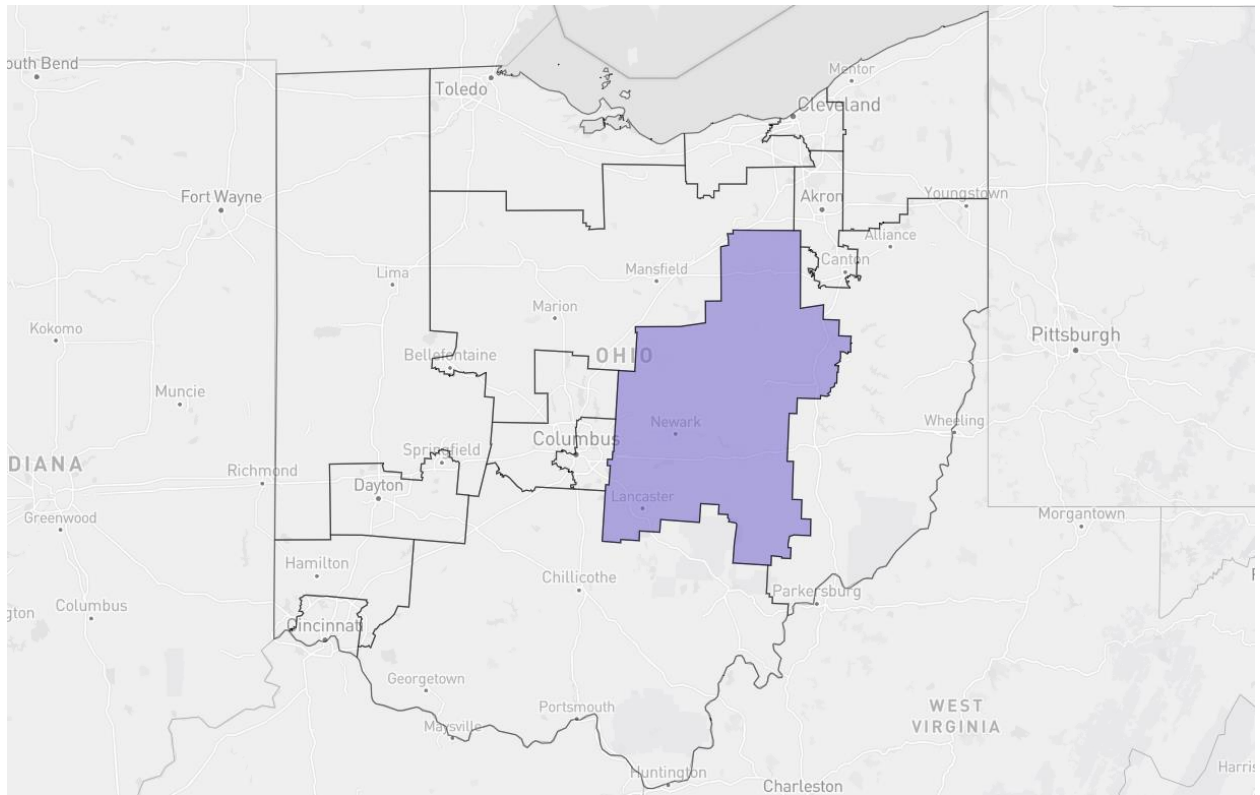
Ohio's 8th district contains 7 whole counties as well as the rest of Wayne and Tuscarawas counties, additionally splitting Perry County. It is largely like the 12th district on the struck down map and attempts to maintain the same general communities of interest east of Columbus. It has a deviation of 0 and is a solid Republican seat.

OH-09

Ohio's 9th district contains the rest of Lorain County not found in OH-07 as well as part of Cuyahoga County. While the Ohio constitution calls for districts to contain at least one whole county, if possible, that is not possible for this district without splitting the town of Strongsville, North Royalton, or Broadview Heights into OH-07. It makes more sense from a community and regional point of view to keep these towns intact and to instead splits off the more rural southern part of Lorain. It serves as a Cleveland suburb area seat that contains Cleveland's west, more white suburbs. It has a deviation of -1 and is a Democrat-leaning competitive seat.

OH-10
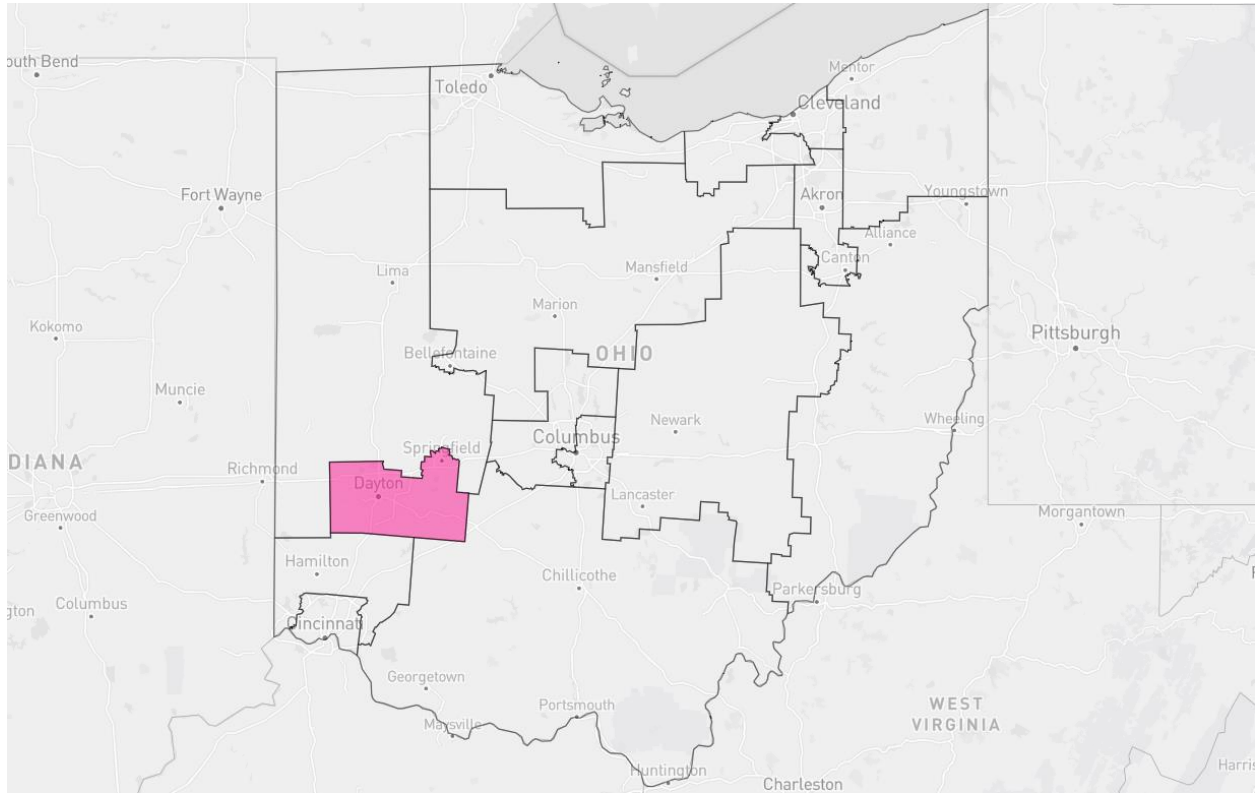
Ohio's 10th district contains all of Montgomery and Greene counties as well as the more urbanized portion of Clark County. It takes inspiration from the 10th district as seen on the struck down map and serves as a Dayton-focused seat. It has a black VAP of 19.8% and a deviation of 1. It is a Republican-leaning competitive seat.

OH-11
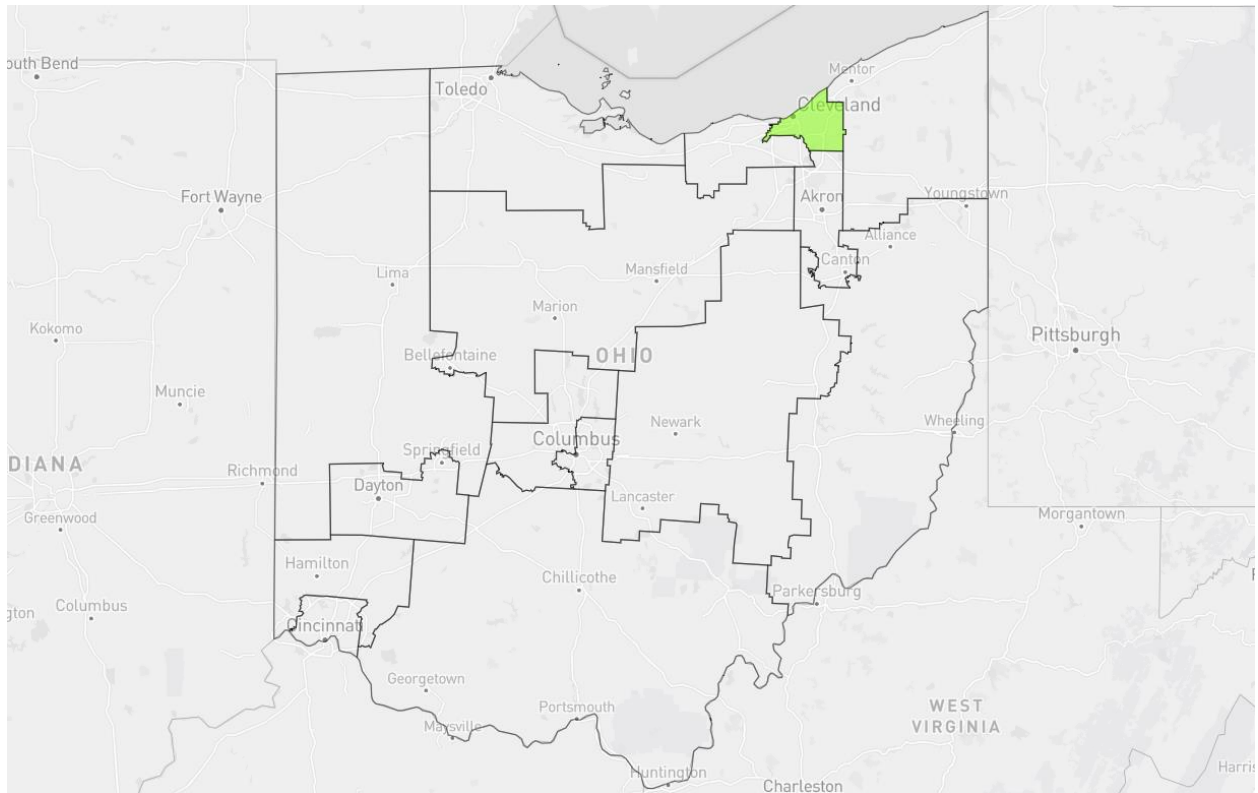
Ohio's 11th district is contained entirely within Cuyahoga County and focuses on the city of Cleveland and its eastmost and more black suburbs. It has a deviation of -1 and a black VAP of 45.1%. It is also the most Democrat district in the state.

OH-12
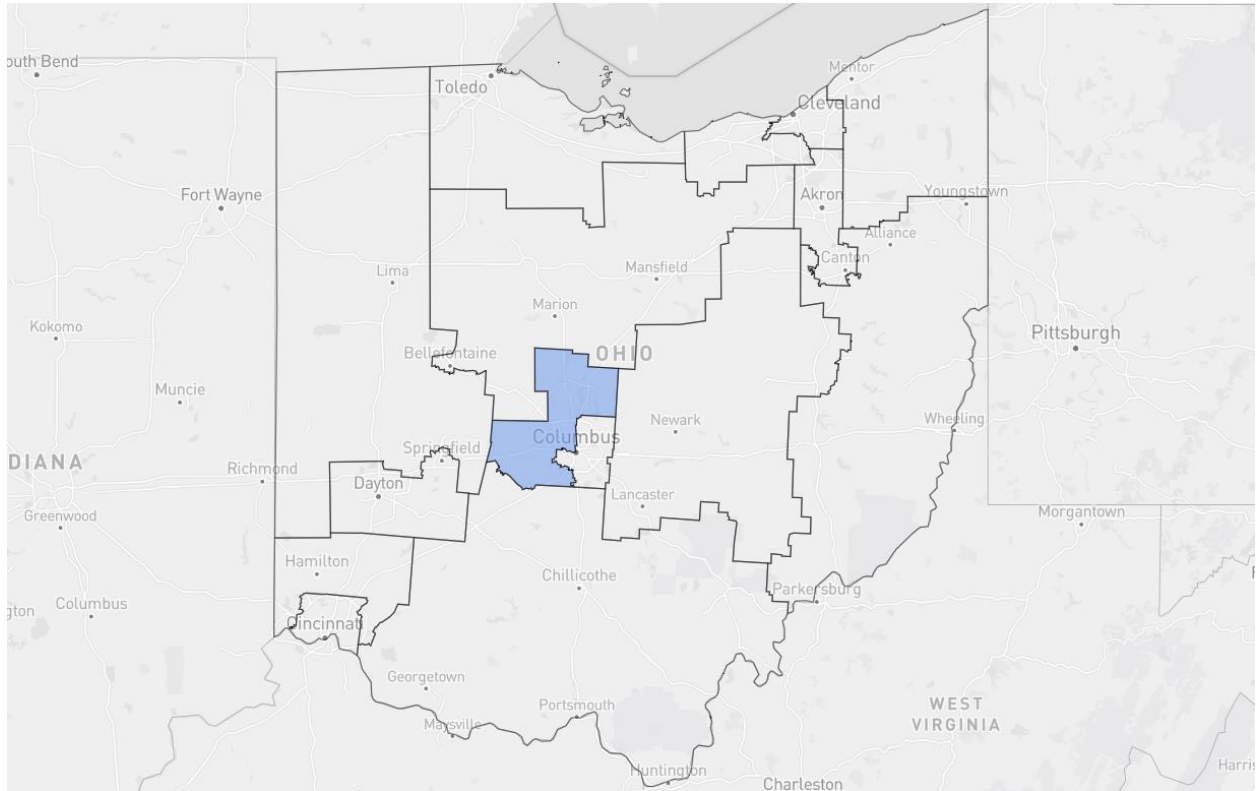
Ohio's 12th district contains the rest of Franklin County as well as all of Delaware County and part of Madison County. It contains the westmost Columbus suburbs. It has a deviation of -1. It is currently a solid Democrat seat due to partisan trends in the Columbus suburbs and Delaware County, despite being within ten points in the 2018 gubernatorial race, within six points in the 2016 presidential race, within three points in the 2018 Attorney General race, and voting Republican in the 2016 senate race. It does have some potential to be competitive with a strong Republican candidate.

OH-13
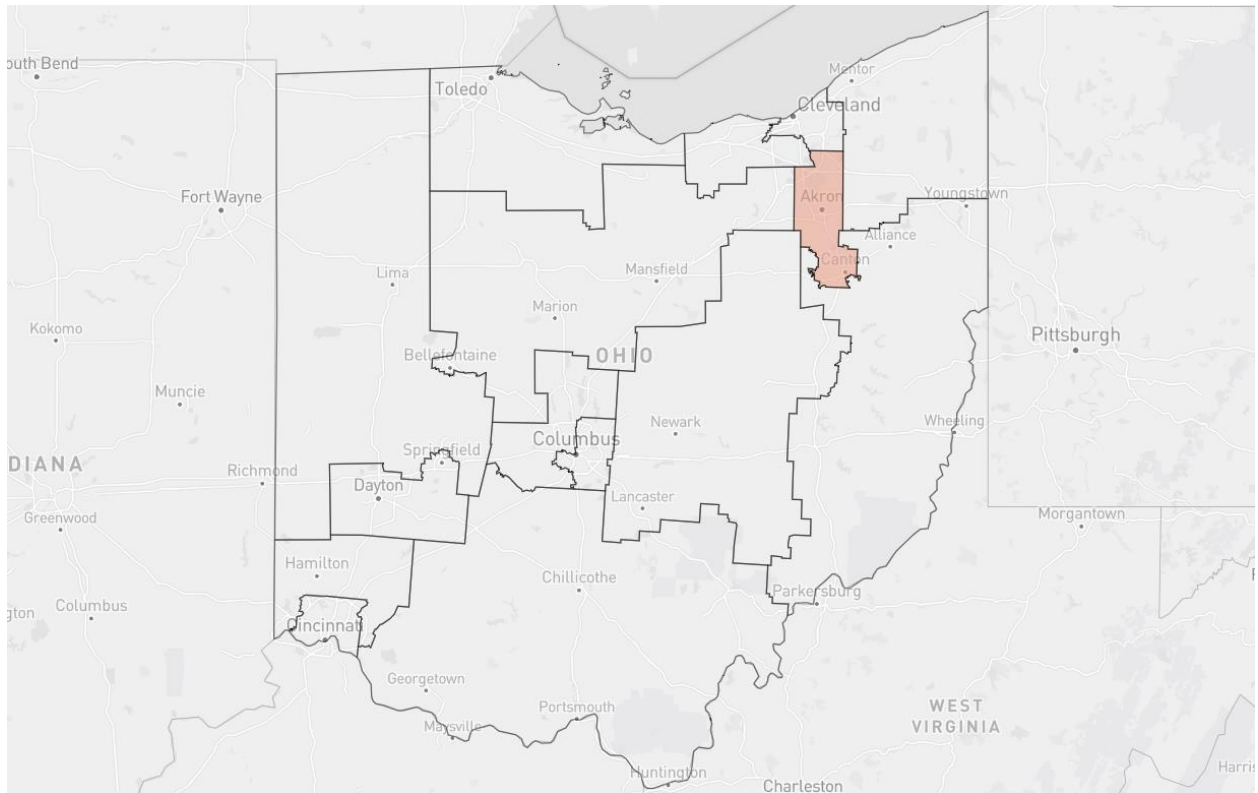
Ohio's 13th district contains all of Summit County and the urbanized portion of Stark County. It is intended to link the cities of Akron and Canton, which share a commercial airport, I-77, and a strong industrial tradition. It has a deviation of 1, with a black VAP of 13.7%. This district is a Democrat-leaning competitive seat.
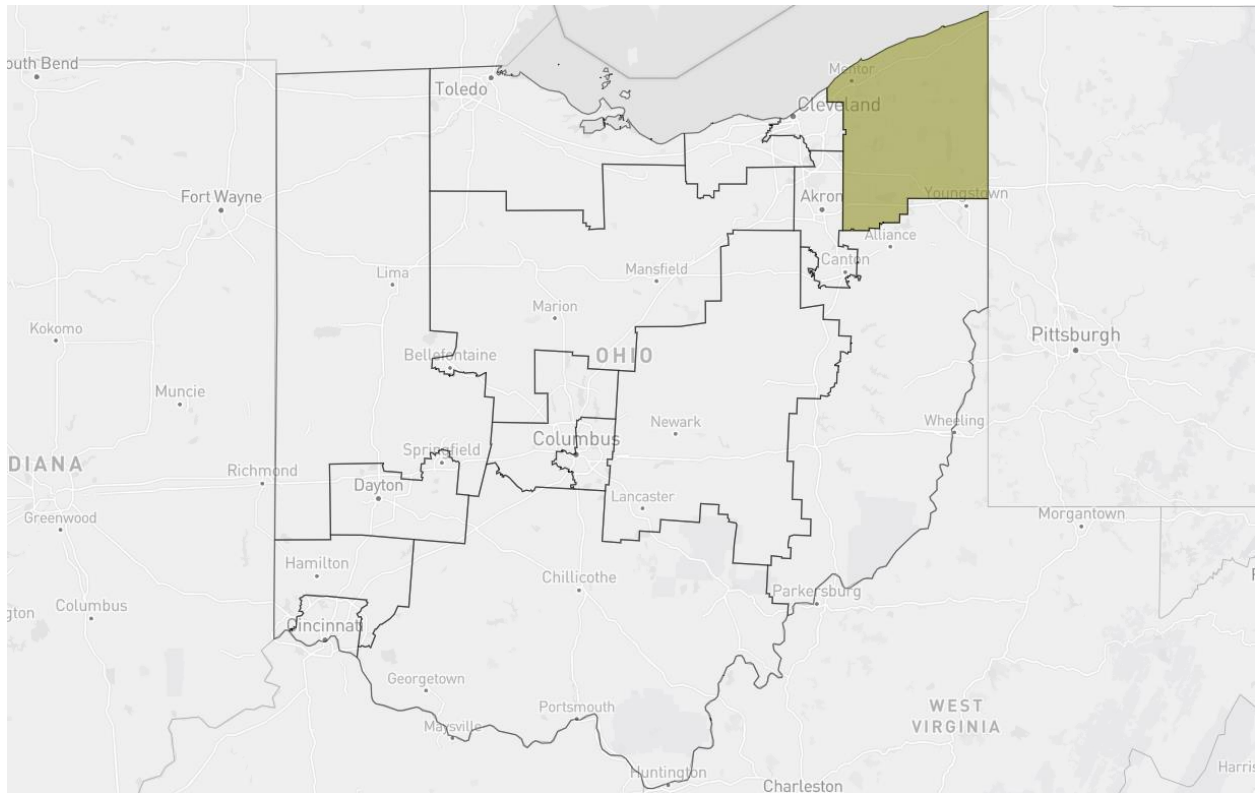
Ohio's 14th district contains all of Ashtabula, Lake, Geauga, and Trumbull County, as well as the remainder of Portage County. It draws inspiration from the 14th district as seen in the struck down map, but it does not take in any of Cuyahoga County. It has a deviation of 0 and is a solid Republican seat, trending to the right, and only having been won by a Democrat in the 2018 senatorial race.

OH-15
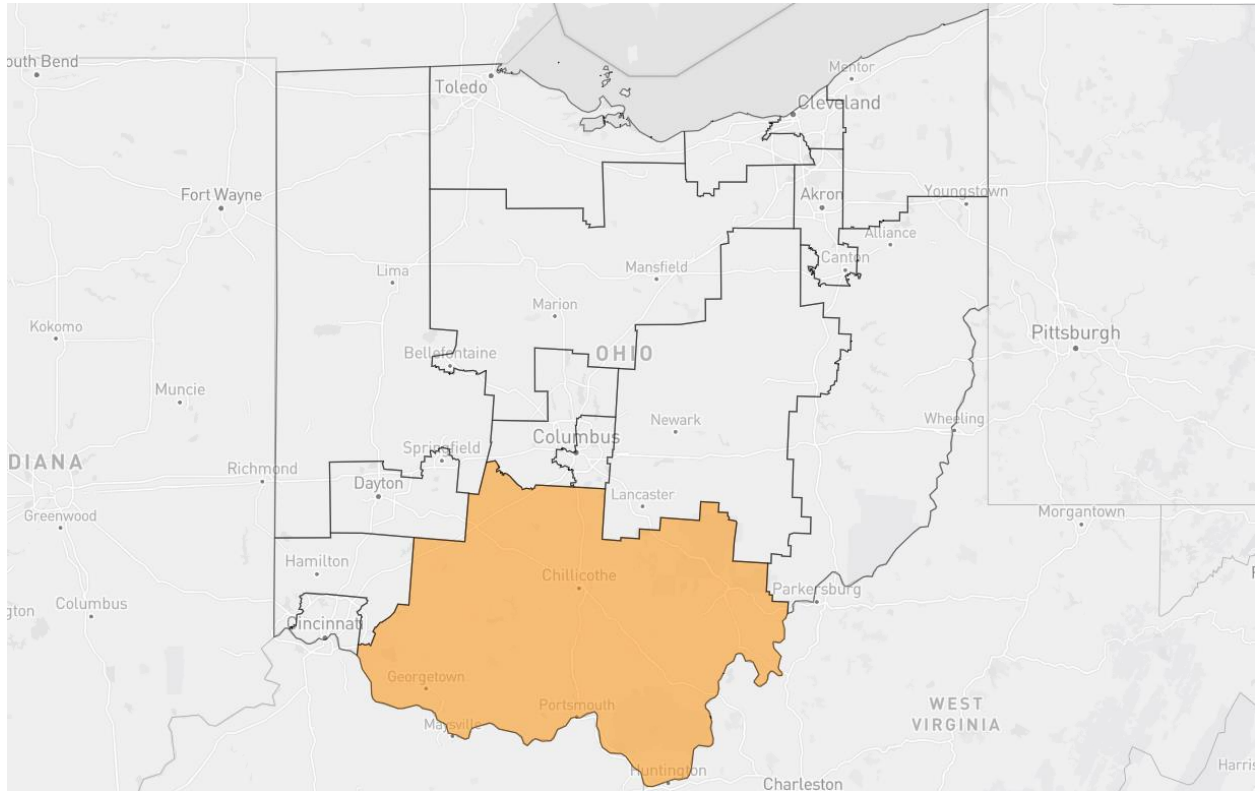
Ohio's 15th district focuses on the southernmost border of Ohio, containing 16 whole counties as well as the remainders of Perry, Madison, and Clermont County. It provides a voice to South-Central Ohio and the Southeastern most part of the Appalachian region, again bearing many similarities to the 15th district on the struck down map. It has a deviation of 1 and is a solid Republican seat.

Memorandum

To: Ohio Redistricting Commission

From: Stephen Michael Kellat

Subject: Written Testimony Relative To Congressional Maps

Date: February 23, 2022

I regret that I am unable to appear before the Commission at its meeting today. Ecclesiastical business requires my direct attention in Ashtabula County. I am the sponsor of a submitted map and will provide general discussion as best I can.[1]

In keeping with the Commission's observed practices so far, the map that I submitted on September 30th last year will be referred to as "Kellat II".[2] My original submission on September 19th has a variety of fatal defects and is otherwise superseded. In keeping with the notions of Free/Libre Open Source Software development I had tried to "release early, release often". Even if it wasn't a completely correct map it was better that I have *something* out there instead of waiting for perfection.

The map was submitted in September and with the lack of information at-hand then it was as close to constitutional as I understood then. I have not updated the map to take into account the opinion of the Supreme Court of Ohio as announced in *Adams v. DeWine*.[3] The map may not completely meet the Court's standards today.

Unfortunately the only mapping software I have access to happens to be Dave's Redistricting. The Kellat II map visible there is predicted by Dave's Redistricting to lead to eight Republican-leaning districts, four Democratic-leaning districts, and three that Dave's deems "competitive". Out of those three deemed competitive two lean slightly Democratic and one would be nearly evenly matched. As Dave's doesn't work with the correct data set used for evaluation of partisan index that recap is not necessarily accurate on my part. It is what we have, though.

In terms of drawing districts I kept similar shapes to districts *if possible*. Since we lost a district that results in territory changes rippling across the map that result in there being no simple set of changes. Taking that in addition to the firm rules that require certain cities not be split create some pressures in map design that result in necessary boundary changes. Whether we like it or not some people will be introducing themselves to entirely new congressional candidates in the primary.

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[1] For the sake of the record I will also note that I have an earned master's degree in library science from Clarion University of Pennsylvania, an earned bachelor's degree in history from Rochester University outside Detroit, an earned associate's degree in Emergency Management and Planning Administration from Lakeland Community College, and an earned associate's degree from Kent State University Ashtabula. I previously worked as a civil servant in the United States Treasury serving our fellow Americans from sea to shining sea in resolving tax problems. I also have prior experience as a faculty-rank librarian in higher education. In terms of political experience I lost to my challenger from the Democratic Party in the race last November for the Ward 4 seat on Ashtabula City Council.

[2] The map is available for download from the Commission's maps repository at `https://redistricting.ohio.gov/assets/district-maps/district-map-218.zip`.

[3] *See*: Adams v. DeWine, Slip Opinion No. 2022-Ohio-89.

A major change made in my map compared to status quo was to associate Ashtabula County with Trumbull and Mahoning counties rather than where it sits now for a congressional district. This is not unheard of in Ohio history. The executive director of the Democratic Caucus in the Ohio Senate posted to Twitter a picture of the state's congressional districts map from 1913 that shows the three counties together in one district.[4] Ashtabula County is part of the Eastgate Council of Governments regional planning organization in contrast to the rest of its present congressional district being part of the Northeast Ohio Areawide Coordinating Agency.

The change to shift Ashtabula County out of its present district alignment more towards Trumbull and Mahoning is reflected in the model maps being put forward by Fair Districts Ohio.[5] I inquired when they put their maps up for comment if they could incorporate that change and they attempted to do so. This is not an impossible change to make as the three map variants that were being discussed at the time were able to handle the change.

I regret not being there in-person to be able to answer any questions. The map is available on Dave's Redistricting for ease of viewing at https://davesredistricting.org/join/98f59007-5602-44ed-8372-fa6891c5acf6. We all need to work to avoid the nightmarish scenario discussed in Attorney General Yost's letter of February 22nd where we wind up with plurality elections for congressional seats at-large state-wide.[6]

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[4]*See*: https://web.archive.org/web/20220118193041/https://twitter.com/Simon_D_Dallas/status/1483520964180783104.

[5]Common Cause Ohio presents discussion about the model map at https://www.commoncause.org/ohio/press-release/fair-districts-ohio-unveils-a-model-congressional-map/.

[6]Josh Rultenberg posted a copy of the letter to Twitter at https://twitter.com/JoshRultNews/status/1496238990508314624.

Written Testimony about the League of Women
Voters of Ohio Petitioners Congressional Map
Freda J. Levenson
February 23, 2022

1. On February 22, 2022 Dr. Imai submitted a Congressional district plan to the Ohio Redistricting Commission website ("the submitted plan"). Below, I set forth (a) the overall partisan composition of the submitted plan, (b) the overall compactness of the submitted plan, and (c) compliance with the federal Voting Rights Act.

2. In his evaluation of the partisan composition of the submitted plan, Dr. Imai used the method discussed on page 6 of his expert Affidavit (attached as Exhibit A) submitted on January 25th, 2022 in LWV of Ohio et al v. Ohio Redistricting Commission (Case No 2021-1193), and the election set discussed on page 4. The election set included all statewide elections for the period 2016-2020.

3. Using this approach, the overall partisan balance of the submitted map is 5.89 Democratic seats, and 9.11 Republican seats.

4. Table 1 sets forth the average two-party Republican and Democratic voteshares across the nine elections in the election set for each district. The first column ("District") indicates the number of each district in the map. The second column ("Average Democratic Voteshare") provides the average two-party voteshare for the Democratic candidate in each of the nine statewide elections between 2016 and 2020. The third column ("Average Republican Voteshare") provides the average two-party voteshare for the Republican candidate in each of the nine statewide elections during that period.

5. The districts in the submitted plan are compact. Two standard scoring methods, Polsby-Popper and Reock, provide the following compactness scores: The minimum Polsby-Popper and Reock scores across all 15 districts, respectively, are .264 and .321. The average Polsby-Popper and Reock scores across all 15 districts, respectively, are .384 and .432.

6. Table 2 sets forth the Reock and Polsby-Popper scores for each district. The first column ("District") indicates the number of each district in the map. The second column ("Polsby-Popper Score") gives the Polsby-Popper score of that district. The third column ("Reock Score") gives the Reock score of that district.

7. Finally, the map is compliant with the federal Voting Rights Act. The standards for compliance with the Voting Rights Act were discussed by Dr. Lisa Handley in her expert affidavit submitted December 10th, 2021 (attached as Exhibit B) in LWV of Ohio et al v. Ohio Redistricting Commission (Case No 2021-1449). Her report states on page 5 that to comply with the federal Voting Rights Act, a district with a minimum of 42% any-part Black Voting Age Population or higher should be drawn in the area of Cuyahoga County. The corresponding district in the submitted map, CD 11, has an any-part Black Voting Age Population percentage of 44.7%.

Table 1:

District	Average Democratic Voteshare	Average Republican Voteshare
1	56.5%	43.5%
2	33.4%	66.6%
3	66.0%	34.0%
4	34.4%	65.6%
5	25.8%	74.2%
6	35.5%	64.5%
7	45.6%	54.4%
8	33.1%	66.9%
9	55.7%	44.3%
10	46.1%	53.9%
11	80.4%	19.6%
12	53.9%	46.1%
13	54.6%	45.4%
14	46.9%	53.1%
15	38.1%	61.9%

Table 2:

District	Polsby-Popper Score	Reock Score
1	0.471	0.563
2	0.344	0.489
3	0.468	0.505
4	0.264	0.453
5	0.354	0.364
6	0.303	0.354
7	0.335	0.366
8	0.343	0.417
9	0.328	0.321
10	0.517	0.542
11	0.375	0.357
12	0.371	0.374
13	0.421	0.409
14	0.442	0.447
15	0.428	0.514

EXHIBIT A

IN THE SUPREME COURT OF OHIO

League of Women Voters of Ohio,
A. Phillip Randolph Institute of Ohio,
Tom Harry,
Tracy Beavers,
Valerie Lee,
Iris Meltzer,
Sherry Rose,
Bonnie Bishop

Relators,

v.

Ohio Redistricting Commission,
Michael DeWine,
Frank LaRose,
Keith Faber,
Matt Huffman,
Robert R. Cupp,
Vernon Sykes,
Emilia S. Sykes

Respondents.

Case No. 2021-1193
Original Action Pursuant to
Ohio Const., Art. XI

EXPERT REPORT
Kosuke Imai, Ph.D.
January 25, 2022

Table of Contents

I.   INTRODUCTION AND SCOPE OF WORK

1.   My name is Kosuke Imai, Ph.D., and I am a Professor in the Department of Government and the Department of Statistics at Harvard University. I specialize in the development of statistical methods and computational algorithms for and their applications to social science research. I am also affiliated with Harvard's Institute for Quantitative Social Science. My qualifications and compensation are described in my initial report that was submitted to this court.

2.   I have been asked by counsel representing the Relators in this case to analyze relevant data and provide my expert opinions related to whether Ohio's recently revised state House districting plan (hereafter the "revised plan") meets the criteria in Article XI, Section 6 of Ohio's Constitution. More specifically, I have been asked to statistically analyze the revised plan's compliance with Article XI, Sections 6(A) and 6(B) by comparing it against other alternative plans that are as or more compliant with other relevant requirements of Article XI.

II.   SUMMARY OF OPINIONS

3.   My analysis yields the following findings:

- The Commission's methodology of measuring district-level partisan lean is susceptible to inaccuracies. Classification into Republican-leaning versus Democratic-leaning districts based on the 50% threshold ignores the varying strength of partisanship across districts. The revised plan contains 12 districts whose Democratic vote shares are within one percentage point above the 50% threshold, based on the 2016–2020 election set used by the Commission. Out of these 12 "Democratic-leaning" districts, 9 districts have the Democratic vote share less than a half percentage point above the 50% threshold. The Commission's methodology classifies all of these toss-up districts as Democratic-leaning, grossly overestimating the total number of Democratic-leaning districts under the revised plan.

- The Commission's methodology is highly sensitive to its choice of elections to include for analysis. Removing any one election out of the 2016–2020 election set used by the Commission yields increases the total number of Republican-leaning districts under the

3

revised plan by 6 to 12 percentage points. The preferred methodology, which I used in my initial expert report as well as in this report, overcomes this problem of the Commission's methodology by computing the fraction of elections that are expected to be won by each party as a measure of partisanship under a given redistricting plan.

- The revised plan exhibits a significant partisan bias in favor of the Republican party. The magnitude of bias is still much greater under the revised plan than *any* of my 5,000 simulated plans, according to the expected number of Republican seats as well as several other standard partisan bias metrics used in the academic literature.

- The revised plan fails to meet the proportionality criteria, making it almost certain for the Republican party to win disproportionately more seats relative to their statewide vote share. The degree of disproportionality is still much greater under the revised plan than *any* of my 5,000 simulated plans.

III. METHODOLOGY TO EVALUATE THE REVISED PLAN

A. The Problem of the Commission's Methodology

4. In its Section 8(C)(2) Statement, the Commission evaluates the partisan bias of the revised plan by computing the number of Republican-leaning and Democratic-leaning districts based on the 9 statewide elections from 2016 to 2020. The Commission concludes in the statement that the revised plan "contains 57 Republican-leaning House districts. This corresponds to approximately 57% of the total number of house districts."

5. To calculate the number of Republican-leaning districts, the Commission first computes, for each precinct in the state, the total number of Republican votes and Democratic votes, tallied across the 2016–2020 statewide elections. Then, the Commission classifies a district as "Republican-leaning" if the total number of Republican votes exceeds the total number of Democratic votes, and as "Democratic-leaning" otherwise.

6. This methodology of measuring district-level partisan lean is susceptible to inaccuracies. Consider two hypothetical districts: District A, with a Republican vote share of 50.1%,
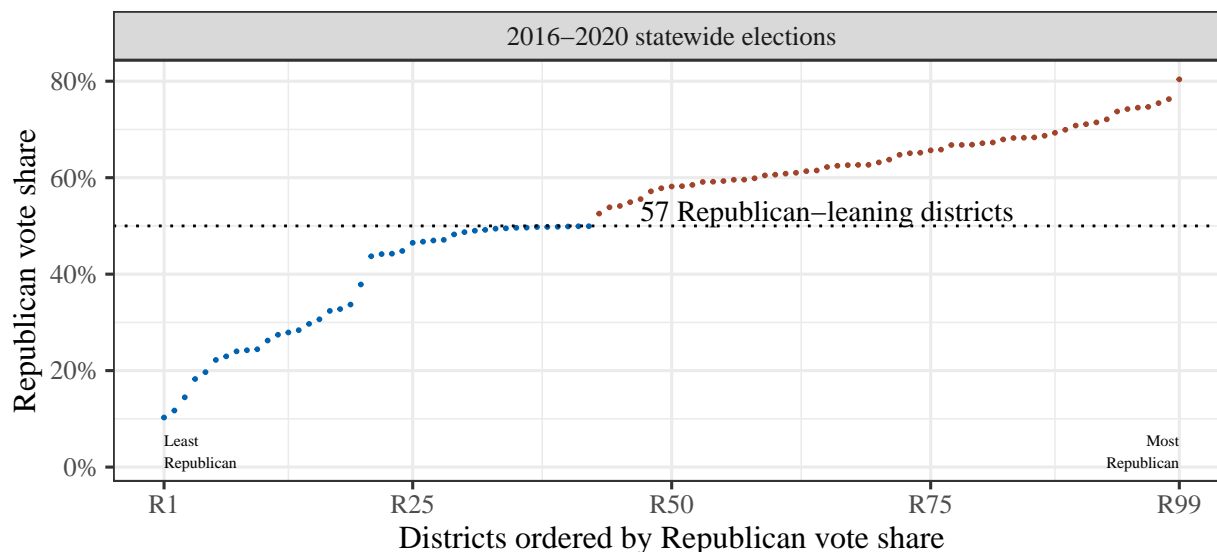
EXPERT REPORT

Figure 1: Republican votes shares calculated for the revised plan, computed by adding votes across the 9 statewide elections from 2016-2020.

and District B, with a Republican vote share of 49.9%, under the Commission's calculation of vote share. Since the Republican vote shares of these two districts differ only by 0.2 percentage points, they essentially have the same partisan lean. According to the Commission's methodology, however, District A would be considered "Republican-leaning" while District B would be classified as "Democratic-leaning." In other words, the Commission treats these two toss-up districts in the exactly same way as two lopsided districts, one with the Republican vote share of 100% and another which has the Democratic vote share of 100%.

7.   This methodological deficiency biases the Commission's evaluation of the revised plan. Figure 1 shows the Republican vote shares, based on the 2016–2020 elections, of all 99 House districts under the revised plan. In this plot, the districts of the revised plan are ordered by the magnitude of their Republican vote share with the leftmost dot indicating the least Republican district and the rightmost dot representing the most Republican district. This means that district R1 has the lowest Republican vote share while district R99 is has the highest Republican vote share. (To be clear, the R1 through R99 district identifiers do not correspond to the House district numbers in the revised plan.)

8.   There are 12 districts whose Republican vote share lies within one percentage point

5

below the 50% threshold (indicated by a group of blue dots right below the dotted horizontal line). And, 9 out of these 12 districts are within a half percentage point below the threshold. According to the Commission's methodology, these toss-up districts are all classified as "Democratic-leaning" districts. In contrast, there is no toss-up district whose Republican vote share is just above the 50% threshold. Among the districts that are considered by the Commission as "Republican-leaning" (i.e., those above the 50% line), the lowest Republican vote share is 52.6%, representing more than a 5 percentage point lead over Democrats. In other words, using the Commissions' own numbers, a shift in election results by just one percentage point towards the Republicans could lead to as many as 12 more Republican-won seats. By counting what are really toss-up districts as "Democratic-leaning" in this way, the Commission's methodology grossly overestimates the number of Democratic-leaning districts under the revised plan.

B.   A Preferred Methodology

9.   I now present a preferred methodology that overcomes the problem of the Commission's methodology explained above. This methodology was used in my initial expert report to this Court to evaluate the enacted plan. Specifically, for any given district of a redistricting plan, I first determine the likely winner based on the vote totals for each statewide election. I then average this number across all the statewide elections, arriving at the fraction of elections in which Republican candidates are expected to win this district (Tallying this number across districts yields the expected number of Republican seats under a redistricting plan).

10.   This preferred methodology is based on the key observation that toss-up districts, unlike safe districts, are sometimes won by Republican candidates and other times won by Democrats, depending on elections. Thus, the fraction of elections, for which the Republican party receives more than 50% of votes, represents a superior measure of district-level partisan lean. In fact, political methodologists advocate evaluating redistricting plans by averaging across elections (Gelman and King 1994; Katz, King, and Rosenblatt 2020).

11.   Table 1 illustrates the preferred methodology by presenting the proportions of statewide elections that are likely to be won by Republican candidates (based on the 2016–2020

6

District number	Rep. vote share	Rep. fraction of elections won
Classified by the Commission as "Democratic-leaning"		
52	49.94%	44.44%
23	49.93%	33.33%
27	49.88%	33.33%
10	49.82%	55.56%
15	49.78%	33.33%
Classified by the Commission as "Republican-leaning"		
76	52.55%	88.89%
56	53.86%	88.89%
94	54.14%	88.89%
35	54.92%	88.89%
53	55.56%	88.89%

Table 1: Districts classified by the Commission as "Democratic-leaning" and "Republican-leaning" whose Republican vote shares, based on the 2016-2020 statewide elections, are the closest to the 50% threshold (five districts each). The fraction of elections won represents the proportion of 9 statewide elections, for which the Republican vote share exceeds 50% for that district.

election set) for five districts classified by the Commission as "Democratic-leaning" and another set of five districts considered by the Commission as "Republican-leaning" districts. These two sets of districts were selected because their Republican vote shares are closest to 50% among the "Democratic-leaning" and "Republican-leaning" districts, respectively.

12.   District 52 of the revised plan has a Republican vote share of 49.94%, which is less than one tenth of one percentage point shy of the 50% threshold. The Commission's methodology classifies this district as "Democratic-leaning," but based on the vote shares from each of the 2016–2020 statewide elections, this district would have been won by Republican candidates in 4 out of 9 elections (and by Democratic candidates in the remaining 5 elections). So, District 52 is clearly a toss-up district. Similarly, the other four "Democratic-leaning" districts in the table have the Republican vote share that is less than a quarter of one percentage point below of the 50% threshold. Republican candidates would have won these "Democratic-leaning" districts in 3 to 5 out of 9 elections, implying that they are toss-up districts and could often be won by Republican candidates.

13.   The revised plan contains a total of 12 districts, whose Democratic vote share is

between 50% and 51% (5 of which are included in Table 1). The Commission's methodology considers all of these districts as "Democratic-leaning." The preferred methodology, however, reveals that the Republican party would have won about 6 out of these 12 districts when averaging across the 2016–2020 statewide elections.

14. In contrast, five "Republican-leaning" districts in Table 1 exceed the 50% threshold by a greater margin, ranging from 2.6 to 5.6 percentage points (Recall that these districts were selected because they have the lowest Republican vote share among all of the 57 "Republican-leaning" districts). Given the large margin, these districts are expected to be much safer than the five "Democratic-leaning" districts listed in the table. Indeed, the fraction of elections won by the Republican party for these districts is much higher, reaching 88.9% (8 out of 9 elections). Thus, the preferred methodology is able to more accurately measure the varying magnitude of partisan lean than the Commission's methodology.

15. Finally, I demonstrate that the preferred methodology is much less sensitive to the choice of election set used for analysis than the Commission's methodology. To do this, I conduct a so-called *leave-one-out* analysis by removing one election out of the 2016-2020 election set used by the Commission and applying their methodology to the remaining election data. This type of leave-one-out analysis is often used in statistics to examine the robustness of methodology. Since there exist a total number of 9 statewide elections in this set, repeating this procedure yields 9 different estimates of the number of "Republican-leaning" districts under the revised plan. I then compare these results to the Commission's official result based on all of the 9 statewide elections. If the Commission's methodology is not sensitive to the choice of election set used, then removing one election should not greatly affect the resulting estimate. I conduct the same analysis using the preferred methodology and investigate the sensitivity of each methodology to the choice of election set.

16. The left plot of Figure 2 shows that the Commission's methodology is highly sensitive to the choice of election set. When any one election is removed, the total number of "Republican-leaning" districts under the revised plan is much greater than the result based on

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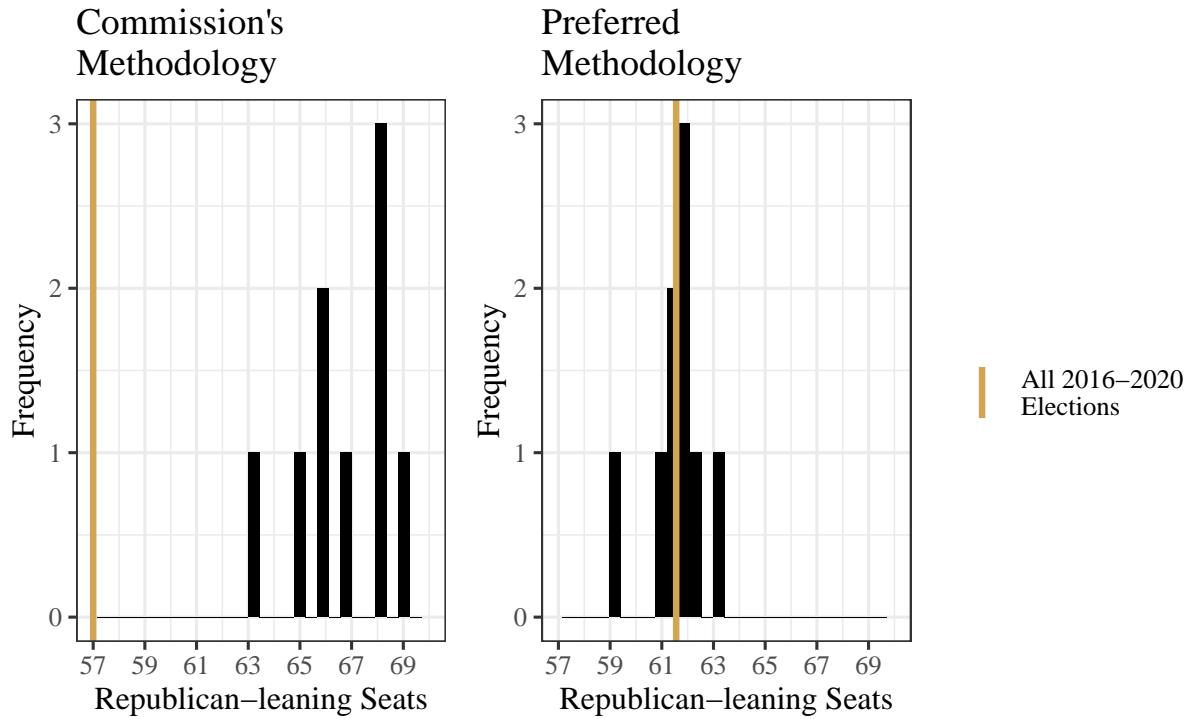
Figure 2: Comparison of election calculations for counting Republican-leaning seats for the 9 statewide elections for 2016-2020, leaving one election out for each calculation.

all 9 statewide elections. Indeed, according to the leave-one-out analysis, the total number of "Republican-leaning" districts ranges from 63 to 69, while the Commission's result based on all 9 statewide elections is only 57 districts. Thus, removing any single election from the 2016–2020 election set increases the total number of Republican-leaning districts by 6 to 12 percentage points. Thus, the Commission's approach is not only sensitive to which elections are included but also grossly underestimates the total number of "Republican-leaning" districts.

17.   In contrast, the right plot of Figure 2 shows that the preferred methodology is less sensitive to the choice of election set used. The total number of expected Republican seats under the revised plan ranges from 59.2 to 63.1 with the estimate based on all 9 statewide elections located in the middle of the leave-one-out distribution. Indeed, under the preferred methodology, leaving out one election could only have only a modest effect on expected seat share corresponding to no more than one-ninth of the partisan lean scoring for each district. This and other analyses

presented above demonstrate the advantages of the preferred methodology over the Commission's methodology.

IV.   COMPARISON OF THE REVISED PLAN WITH THE SIMULATED PLANS

18.   In my initial expert report for this case, I conducted simulation analyses to evaluate the enacted plan. As explained in that report, the redistricting simulation analysis has the ability to directly account for political geography and redistricting rules specific to the state. By comparing a proposed plan with simulated plans that are generated using a set of redistricting criteria, it is possible to assess the partisan bias of the plan relative to the set of alternative plans one could have drawn by following those specified criteria.

19.   I evaluate the revised plan's compliance with Sections 6(A) and 6(B) by comparing it with the same set of 5,000 simulated plans used in my initial report. Recall that these simulated plans are equally or more compliant with Sections 3, 4, and 6(c) than the enacted plan (see the initial report for details). As done in my initial report and my analysis above, I present the evaluation of the revised plan based on a total of 9 statewide elections from 2016 to 2020, which were used by the Commission. My analysis shows that the revised plan still has worse partisan bias and proportionality scores than any of my 5,000 simulated plans.

A.   Compliance with Section 6(A)

20.   Figure 3 presents the results regarding the enacted plan's compliance with Section 6(A). As detailed in my initial report, the compliance with Section 6(A) was measured based on four partisan bias metrics that are commonly used in the political science literature. The exact formula for these metrics differs slightly across sources, and I rely on the methods described in Stephanopoulos and McGhee 2015 and Katz, King, and Rosenblatt 2020. I adjusted the sign of each metric so that a smaller value implies less partisan bias with a positive value representing a bias towards the Republican party.

21.   When compared to my 5,000 simulated plans (black histogram), the revised plan (yellow vertical line) is a clear outlier favoring the Republican party. Indeed, the revised map is more biased towards the Republican party than any of 5,000 simulated plans for all four partisan

Figure 3: Four partisan bias measures calculated for the 5,000 simulated House redistricting plans computed by averaging across the 9 statewide elections from 2016 to 2020. Overlaid are the values for the revised plan (yellow) and the enacted plan (red). For each measure, larger values (towards the right) correspond to more Republican-favoring plans.

bias metrics I considered. With the exception of the mean-median metric, the revised plan somewhat improves upon the enacted plan. This improvement, however, is too small to make the revised plan comparable to the simulated plans in terms of partisan bias.

22.   Under the revised plan, the efficiency gap score is still more than 5 standard deviations greater than the corresponding score under the average simulated plan. Similarly, the revised plan yields the values of mean-median, partisan symmetry, and declination metrics that are over 8, 9, and 6 standard deviations greater than the average simulated plan, respectively. These statistically significant results imply that the revised plan is substantially biased towards the Republican party when compared to the simulated plans.

11

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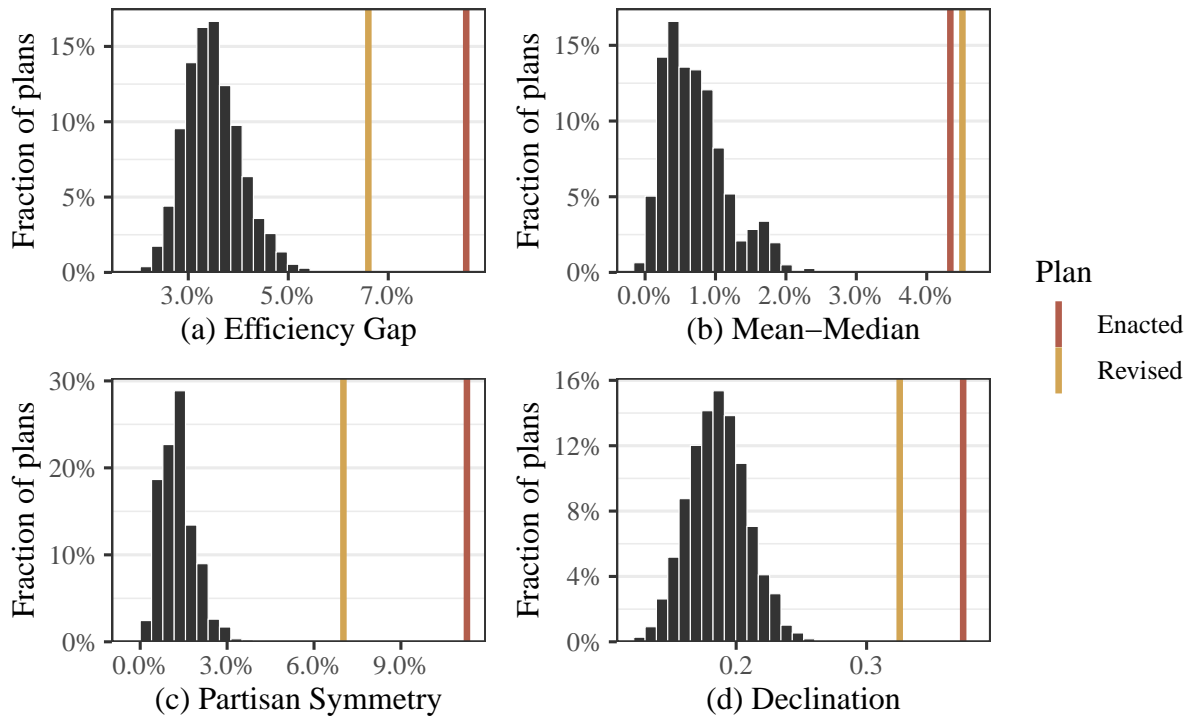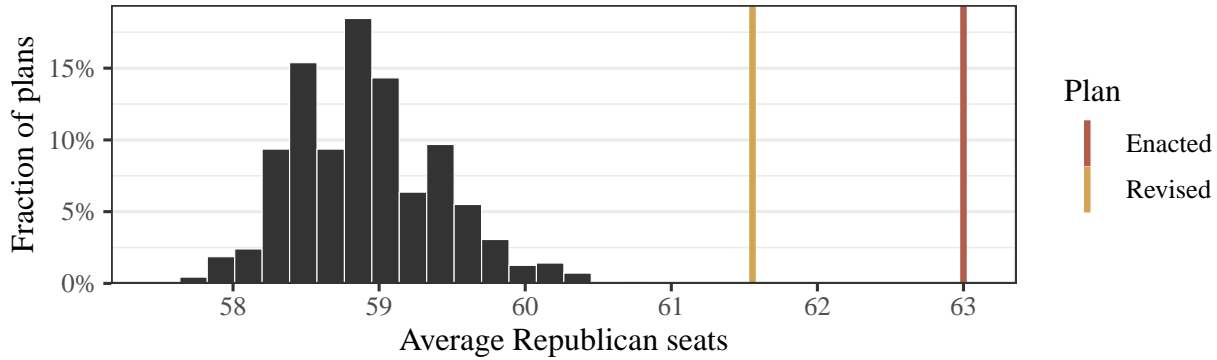Figure 4: Average number of Repulican seats calculated for the 5,000 simulated House redistricting plans computed by averaging across the 9 statewide elections from 2016 to 2020. Overlaid are the values for the revised plan (yellow) and the enacted plan (red).

B. Compliance with Section 6(B)

23. I next present the results regarding the plans' compliance with Section 6(B). I use the proportionality metric to examine whether or not the statewide seat share of each party corresponds closely to its statewide vote share under each plan. As I show below, the revised plan is a clear outlier relative to the simulated plans. That is, all of my 5,000 simulated plans are more compliant with Section 6(B) than the revised plan.

24. Following my initial report, I next compare the expected number of Republican seats under the revised plan with that under the same 5,000 simulated plans. The calculation of the expected number of Republican seats is based on the preferred methodology explained above. Figure 4 shows that under the revised plan, the Republican party is expected to win 61.6 seats, which is about 2.7 seats higher than the average simulated plan of 58.9 seats. Indeed, none of my 5,000 simulated plans awards that many seats to Republicans. The difference between the revised plan and the average simulated plan exceeds 5 standard deviations of the simulated plans and is therefore statistically significant. Although the revised plan awards, on average, about 1.4 fewer seat to Republicans than the enacted plan, the revised plan is still much more favorable to the Republican than any of the 5,000 simulated plans.

25. This discrepancy is reflected in the proportionality metric, which is shown in Figure 5. A value of zero for this measure implies complete proportionality, while positive values indicate

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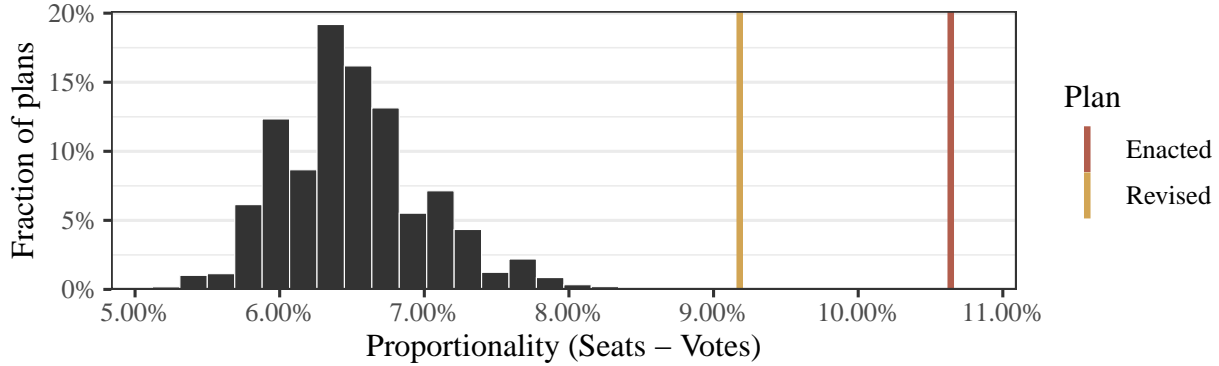
Figure 5: Corresponding proportionality measure calculated for the 5,000 simulated House redistricting plans computed by averaging across the 9 statewide elections from 2016 to 2020. Overlaid are the values for the revised plan (yellow) and the enacted plan (red).

that Republicans win a larger share of seats than vote share, on average. A smaller value indicates a plan's better compliance with Section 6(B). The revised plan has a proportionality score of 9.2%, implying that the Republican party would receive an average of 9.2% more seats under the revised plan than under a proportional plan where the vote share is equal to the seat share. In contrast, under the simulated plans, the average proportionality score is only 6.5%. Indeed, all simulated plans score better than the revised plan. The difference between the revised plan and the average simulated plan is more than 5 standard deviations of the simulated plans and therefore is statistically significant. Although the revised plan improves upon the enacted plan (red) by about 1.5 percentage points, the revised plan is still much more favorable towards the Republican party than any of the 5,000 simulated plans.

STIP_0121

V. APPENDIX

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STIP_0122

EXHIBIT A

Curriculum Vitae

Kosuke Imai

Curriculum Vitae

January 2022

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Education

Ph.D. in Political Science, Harvard University (1999–2003)

A.M. in Statistics, Harvard University (2000–2002)

B.A. in Liberal Arts, The University of Tokyo (1994–1998)

Positions

Professor, Department of Government and Department of Statistics, Harvard University (2018 – present)

Professor, Department of Politics and Center for Statistics and Machine Learning, Princeton University (2013 – 2018)

> Founding Director, Program in Statistics and Machine Learning (2013 – 2017)

Professor of Visiting Status, Graduate Schools of Law and Politics, The University of Tokyo (2016 – present)

Associate Professor, Department of Politics, Princeton University (2012 – 2013)

Assistant Professor, Department of Politics, Princeton University (2004 – 2012)

Visiting Researcher, Faculty of Economics, The University of Tokyo (August, 2006)

Instructor, Department of Politics, Princeton University (2003 – 2004)

Honors and Awards

1. Invited to read "Experimental Evaluation of Computer-Assisted Human Decision-Making: Application to Pretrial Risk Assessment Instrument." before the Royal Statistical Society Research Section, London (2022).

2. *Highly Cited Researcher* (cross-field category) for "production of multiple highly cited papers that rank in the top 1% by citations for field and year in Web of Science," awarded by Clarivate Analytics (2018, 2019, 2020, 2021).

3. *Excellence in Mentoring Award*, awarded by the Society for Political Methodology (2021).

4. *Statistical Software Award* for developing statistical software that makes a significant research contribution, for "fastLink: Fast Probabilistic Record Linkage," awarded by the Society for Political Methodology (2021).

5. *President*, The Society for Political Methodology (2017–2019). *Vice President and President-elect* (2015–2017).

6. *Elected Fellow*, The Society for Political Methodology (2017).

7. *The Nils Petter Gleditsch Article of the Year Award* (2017), awarded by *Journal of Peace Research.*

8. *Statistical Software Award* for developing statistical software that makes a significant research contribution, for "mediation: R Package for Causal Mediation Analysis," awarded by the Society for Political Methodology (2015).

9. *Outstanding Reviewer Award* for Journal of Educational and Behavioral Statistics, given by the American Educational Research Association (2014).

10. *The Stanley Kelley, Jr. Teaching Award*, given by the Department of Politics, Princeton University (2013).

11. *Pi Sigma Alpha Award* for the best paper presented at the 2012 Midwest Political Science Association annual meeting, for "Explaining Support for Combatants during Wartime: A Survey Experiment in Afghanistan," awarded by the Midwest Political Science Association (2013).

12. Invited to read "Experimental Designs for Identifying Causal Mechanisms" before the Royal Statistical Society Research Section, London (2012).

13. Inaugural recipient of the *Emerging Scholar Award* for a young scholar making exceptional contributions to political methodology who is within ten years of their terminal degree, awarded by the Society for Political Methodology (2011).

14. *Political Analysis Editors' Choice Award* for an article providing an especially significant contribution to political methodology, for "Estimation of Heterogeneous Treatment Effects from Randomized Experiments, with Application to the Optimal Planning of the Get-out-the-vote Campaign," awarded by the Society for Political Methodology and Oxford University Press (2011).

15. *Tom Ten Have Memorial Award* for the best poster presented at the 2011 Atlantic Causal Inference Conference, for "Identifying Treatment Effect Heterogeneity through Optimal Classification and Variable Selection," awarded by the Departments of Biostatistics and Statistics, University of Michigan (2011).

16. Nominated for the *Graduate Mentoring Award*, The McGraw Center for Teaching and Learning, Princeton University (2010, 2011).

17. *New Hot Paper*, for the most-cited paper in the field of Economics & Business in the last two months among papers published in the last year, for "Misunderstandings among Experimentalists and Observationalists about Causal Inference," named by Thomson Reuters' ScienceWatch (2009).

18. *Warren Miller Prize* for the best article published in *Political Analysis*, for "Matching as Nonparametric Preprocessing for Reducing Model Dependence in Parametric Causal Inference," awarded by the Society for Political Methodology and Oxford University Press (2008).

19. *Fast Breaking Paper* for the article with the largest percentage increase in citations among those in the top 1% of total citations across the social sciences in the last two years, for "Matching as Nonparametric Preprocessing for Reducing Model Dependence in Parametric Causal Inference," named by Thomson Reuters' ScienceWatch (2008).

20. *Pharmacoepidemiology and Drug Safety Outstanding Reviewer Recognition* (2008).

21. *Miyake Award* for the best political science article published in 2005, for "Do Get-Out-The-Vote Calls Reduce Turnout? The Importance of Statistical Methods for Field Experiments," awarded by the Japanese Political Science Association (2006).

22. *Toppan Prize* for the best dissertation in political science, for *Essays on Political Methodology*, awarded by Harvard University (2004). Also, nominated for American Political Science Association E.E. Schattschneider Award for the best doctoral dissertation in the field of American government and politics.

Publications in English

Book

Imai, Kosuke. (2017). *Quantitative Social Science: An Introduction.* Princeton University Press. Translated into Japanese (2018), Chinese (2020), and Korean (2021).

Stata version (2021) with Lori D. Bougher.

Tidyverse version (forthcoming) with Nora Webb Williams

Refereed Journal Articles

1. Olivella, Santiago, Tyler Pratt, and Kosuke Imai. "Dynamic Stochastic Blockmodel Regression for Social Networks: Application to International Conflicts." *Journal of the American Statistical Association*, Forthcoming.

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3. Imai, Kosuke, Zhichao Jiang, D. James Greiner, Ryan Halen, and Sooahn Shin. "Experimental Evaluation of Computer-Assisted Human Decision-Making: Application to Pretrial Risk Assessment Instrument." (with discussion) *Journal of the Royal Statistical Society, Series A (Statistics in Society)*, Forthcoming. To be read before the Royal Statistical Society.

4. Imai, Kosuke, In Song Kim, and Erik Wang. "Matching Methods for Causal Inference with Time-Series Cross-Sectional Data." *American Journal of Political Science*, Forthcoming.

5. Imai, Kosuke and Michael Lingzhi Li. "Experimental Evaluation of Individualized Treatment Rules." *Journal of the American Statistical Association*, Forthcoming.

6. de la Cuesta, Brandon, Naoki Egami, and Kosuke Imai. (2022). "Experimental Design and Statistical Inference for Conjoint Analysis: The Essential Role of Population Distribution." *Political Analysis*, Vol. 30, No. 1 (January), pp. 19–45.

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9. Imai, Kosuke, Zhichao Jiang, and Anup Malani. (2021). "Causal Inference with Interference and Noncompliance in the Two-Stage Randomized Experiments." *Journal of the American Statistical Association*, Vol. 116, No. 534, pp. 632-644.

10. Imai, Kosuke, and In Song Kim. (2021). "On the Use of Two-way Fixed Effects Regression Models for Causal Inference with Panel Data." *Political Analysis*, Vol. 29, No. 3 (July), pp. 405–415.

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14. Ning, Yang, Sida Peng, and Kosuke Imai. (2020). "Robust Estimation of Causal Effects via High-Dimensional Covariate Balancing Propensity Score." *Biometrika*, Vol. 107, No. 3 (September), pp. 533—554.

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16. Imai, Kosuke, Gary King, and Carlos Velasco Rivera. (2020). "Do Nonpartisan Programmatic Policies Have Partisan Electoral Effects? Evidence from Two Large Scale Randomized Experiments." *Journal of Politics*, Vol. 82, No. 2 (April), pp. 714–730.

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January 2022

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50. Imai, Kosuke, Luke Keele, and Dustin Tingley. (2010). "A General Approach to Causal Mediation Analysis." *Psychological Methods*, Vol. 15, No. 4 (December), pp. 309–334. (lead article)

51. Imai, Kosuke and Teppei Yamamoto. (2010). "Causal Inference with Differential Measurement Error: Nonparametric Identification and Sensitivity Analysis." *American Journal of Political Science*, Vol. 54, No. 2 (April), pp. 543–560.

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53. King, Gary, Emmanuela Gakidou, Kosuke Imai, Jason Lakin, Ryan T. Moore, Clayton Nall, Nirmala Ravishankar, Manett Vargas, Martha María Téllez-Rojo, Juan Eugenio Hernández Ávila, Mauricio Hernández Ávila, and Héctor Hernández Llamas. (2009). "Public Policy for the Poor? A Randomized Ten-Month Evaluation of the Mexican Universal Health Insurance Program." (with a comment) *The Lancet*, Vol. 373, No. 9673 (April), pp. 1447–1454.

54. Imai, Kosuke, Gary King, and Clayton Nall. (2009). "The Essential Role of Pair Matching in Cluster-Randomized Experiments, with Application to the Mexican Universal Health Insurance Evaluation." (with discussions) *Statistical Science*, Vol. 24, No. 1 (February), pp. 29–53.

55. Imai, Kosuke. (2009). "Statistical Analysis of Randomized Experiments with Nonignorable Missing Binary Outcomes: An Application to a Voting Experiment." *Journal of the Royal Statistical Society, Series C (Applied Statistics)*, Vol. 58, No. 1 (February), pp. 83–104.

56. Imai, Kosuke, Gary King, and Olivia Lau. (2008). "Toward A Common Framework of Statistical Analysis and Development." *Journal of Computational and Graphical Statistics*, Vol. 17, No. 4 (December), pp. 892–913.

57. Imai, Kosuke. (2008). "Variance Identification and Efficiency Analysis in Experiments under the Matched-Pair Design." *Statistics in Medicine*, Vol. 27, No. 4 (October), pp. 4857–4873.

58. Ho, Daniel E., and Kosuke Imai. (2008). "Estimating Causal Effects of Ballot Order from a Randomized Natural Experiment: California Alphabet Lottery, 1978–2002." *Public Opinion Quarterly*, Vol. 72, No. 2 (Summer), pp. 216–240.

59. Imai, Kosuke, Gary King, and Elizabeth A. Stuart. (2008). "Misunderstandings among Experimentalists and Observationalists: Balance Test Fallacies in Causal Inference." *Journal of the Royal Statistical Society, Series A (Statistics in Society)*, Vol. 171, No. 2 (April), pp. 481–502. Reprinted in *Field Experiments and their Critics*, D. Teele ed., New Haven: Yale University Press, 2013.

60. Imai, Kosuke, Ying Lu, and Aaron Strauss. (2008). "Bayesian and Likelihood Ecological Inference for 2×2 Tables: An Incomplete Data Approach." *Political Analysis*, Vol. 16, No. 1 (Winter), pp. 41–69.

61. Imai, Kosuke. (2008). "Sharp Bounds on the Causal Effects in Randomized Experiments with "Truncation-by-Death"." *Statistics & Probability Letters*, Vol. 78, No. 2 (February), pp. 144–149.

62. Imai, Kosuke and Samir Soneji. (2007). "On the Estimation of Disability-Free Life Expectancy: Sullivan's Method and Its Extension." *Journal of the American Statistical Association*, Vol. 102, No. 480 (December), pp. 1199–1211.

63. Horiuchi, Yusaku, Kosuke Imai, and Naoko Taniguchi. (2007). "Designing and Analyzing Randomized Experiments: Application to a Japanese Election Survey Experiment." *American Journal of Political Science*, Vol. 51, No. 3 (July), pp. 669–687.

STIP_0131

64. Ho, Daniel E., Kosuke Imai, Gary King, and Elizabeth A. Stuart. (2007). "Matching as Nonparametric Preprocessing for Reducing Model Dependence in Parametric Causal Inference." *Political Analysis*, Vol. 15, No. 3 (Summer), pp. 199–236. (lead article) Winner of the Warren Miller Prize.

65. Ho, Daniel E., and Kosuke Imai. (2006). "Randomization Inference with Natural Experiments: An Analysis of Ballot Effects in the 2003 California Recall Election." *Journal of the American Statistical Association*, Vol. 101, No. 475 (September), pp. 888–900.

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8. Imai, Kosuke, Dustin Tingley, and Teppei Yamamoto. (2013). "Reply to Discussions of "Experimental Designs for Identifying Causal Mechanisms"." *Journal of the Royal Statistical Society, Series A (Statistics in Society)*, Vol. 173, No. 1 (January), pp. 46–49.

9. Imai, Kosuke. (2012). "Comments: Improving Weighting Methods for Causal Mediation Analysis." *Journal of Research on Educational Effectiveness*, Vol. 5, No. 3, pp. 293–295.

10. Imai, Kosuke. (2011). "Introduction to the Virtual Issue: Past and Future Research Agenda on Causal Inference." *Political Analysis*, Virtual Issue: Causal Inference and Political Methodology.

11. Imai, Kosuke, Booil Jo, and Elizabeth A. Stuart. (2011). "Commentary: Using Potential Outcomes to Understand Causal Mediation Analysis." *Multivariate Behavioral Research*, Vol. 46, No. 5, pp. 842–854.

12. Imai, Kosuke, Luke Keele, Dustin Tingley, and Teppei Yamamoto. (2010). "Causal Mediation Analysis Using R," in *Advances in Social Science Research Using R*, H. D. Vinod (ed.), New York: Springer (Lecture Notes in Statistics), pp. 129–154.

13. Imai, Kosuke, Gary King, and Clayton Nall. (2009). "Rejoinder: Matched Pairs and the Future of Cluster-Randomized Experiments." *Statistical Science*, Vol. 24, No. 1 (February), pp. 65–72.

14. Imai, Kosuke. (2003). "Review of Jeff Gill's *Bayesian Methods: A Social and Behavioral Sciences Approach*," *The Political Methodologist*, Vol. 11 No. 1, 9–10.

Refereed Conference Proceedings

1. Svyatkovskiy, Alexey, Kosuke Imai, Mary Kroeger, and Yuki Shiraito. (2016). "Large-scale text processing pipeline with Apache Spark," *IEEE International Conference on Big Data*, Washington, DC, pp. 3928-3935.

Other Publications and Manuscripts

1. Goldstein, Daniel, Kosuke Imai, Anja S. Göritz, and Peter M. Gollwitzer. (2008). "Nudging Turnout: Mere Measurement and Implementation Planning of Intentions to Vote."

2. Ho, Daniel E. and Kosuke Imai. (2004). " The Impact of Partisan Electoral Regulation: Ballot Effects from the California Alphabet Lottery, 1978–2002." Princeton Law & Public Affairs Paper No. 04-001; Harvard Public Law Working Paper No. 89.

STIP_0133

3. Imai, Kosuke. (2003). "Essays on Political Methodology," *Ph.D. Thesis.* Department of Government, Harvard University.

4. Imai, Kosuke, and Jeremy M. Weinstein. (2000). "Measuring the Economic Impact of Civil War," Working Paper Series No. 51, Center for International Development, Harvard University.

Selected Manuscripts

1. Goplerud, Max, Kosuke Imai, Nicole E. Pashley. "Estimating Heterogeneous Causal Effects of High-Dimensional Treatments: Application to Conjoint Analysis."

2. Malani, Anup, Phoebe Holtzman, Kosuke Imai, Cynthia Kinnan, Morgen Miller, Shailender Swaminathan, Alessandra Voena, Bartosz Woda, and Gabriella Conti. "Effect of Health Insurance in India: A Randomized Controlled Trial."

3. McCartan, Cory, Jacob Brown, and Kosuke Imai. "Measuring and Modeling Neighborhoods."

4. Ben-Michael, Eli, D. James Greiner, Kosuke Imai, and Zhichao Jiang. "Safe Policy Learning through Extrapolation: Application to Pre-trial Risk Assessment."

5. Tarr, Alexander and Kosuke Imai. "Estimating Average Treatment Effects with Support Vector Machines."

6. McCartan, Cory and Kosuke Imai. "Sequential Monte Carlo for Sampling Balanced and Compact Redistricting Plans."

7. Imai, Kosuke and Zhichao Jiang. "Principal Fairness for Human and Algorithmic Decision-Making."

8. Papadogeorgou, Georgia, Kosuke Imai, Jason Lyall, and Fan Li. "Causal Inference with Spatio-temporal Data: Estimating the Effects of Airstrikes on Insurgent Violence in Iraq."

9. Eshima, Shusei, Kosuke Imai, and Tomoya Sasaki. "Keyword Assisted Topic Models."

10. Tarr, Alexander, June Hwang, and Kosuke Imai. "Automated Coding of Political Campaign Advertisement Videos: An Empirical Validation Study."

11. Chan, K.C.G, K. Imai, S.C.P. Yam, Z. Zhang. "Efficient Nonparametric Estimation of Causal Mediation Effects."

12. Barber, Michael and Kosuke Imai. "Estimating Neighborhood Effects on Turnout from Geocoded Voter Registration Records."

13. Hirano, Shigeo, Kosuke Imai, Yuki Shiraito, and Masaki Taniguchi. "Policy Positions in Mixed Member Electoral Systems: Evidence from Japan."

STIP_0134

Publications in Japanese

1. Imai, Kosuke. (2007). "Keiryō Seijigaku niokeru Ingateki Suiron (Causal Inference in Quantitative Political Science)." *Leviathan*, Vol. 40, Spring, pp. 224–233.

2. Horiuchi, Yusaku, Kosuke Imai, and Naoko Taniguchi. (2005). "Seisaku Jyōhō to Tōhyō Sanka: Field Jikken ni yoru Kensyō (Policy Information and Voter Participation: A Field Experiment)." *Nenpō Seijigaku (The Annals of the Japanese Political Science Association)*, 2005–I, pp. 161–180.

3. Taniguchi, Naoko, Yusaku Horiuchi, and Kosuke Imai. (2004). "Seitō Saito no Etsuran ha Tohyō Kōdō ni Eikyō Suruka? (Does Visiting Political Party Websites Influence Voting Behavior?)" *Nikkei Research Report*, Vol. IV, pp. 16–19.

Statistical Software

1. Eshima, Shusei, Kosuke Imai, and Tomoya Sasaki. "Keyword Assisted Topic Models." The Comprehensive R Archive Network and GitHub. 2020.

2. Li, Michael Lingzhi and Kosuke Imai. "evalITR: Evaluating Individualized Treatment Rules." available through The Comprehensive R Archive Network and GitHub. 2020.

3. Egami, Naoki, Brandon de la Cuesta, and Kosuke Imai. "factorEx: Design and Analysis for Factorial Experiments." available through The Comprehensive R Archive Network and GitHub. 2019.

4. Kim, In Song, Erik Wang, Adam Rauh, and Kosuke Imai. "PanelMatch: Matching Methods for Causal Inference with Time-Series Cross-Section Data." available through GitHub. 2018.

5. Olivella, Santiago, Adeline Lo, Tyler Pratt, and Kosuke Imai. "NetMix: Mixed-membership Regression Stochastic Blockmodel for Networks." available through CRAN and Github. 2019.

6. Enamorado, Ted, Benjamin Fifield, and Kosuke Imai. "fastLink: Fast Probabilistic Record Linkage." available through The Comprehensive R Archive Network and GitHub. Winner of the Statistical Software Award. 2017.

7. Khanna, Kabir, and Kosuke Imai. "wru: Who Are You? Bayesian Predictions of Racial Category Using Surname and Geolocation." available through The Comprehensive R Archive Network and GitHub. 2015.

8. Fifield, Benjamin, Christopher T. Kenny, Cory McCartan, and Kosuke Imai. "redist: Markov Chain Monte Carlo Methods for Redistricting Simulation." available through The Comprehensive R Archive Network and GitHub. 2015.

9. Imai, Kosuke, James Lo, and Jonathan Olmsted. "emIRT: EM Algorithms for Estimating Item Response Theory Models." available through The Comprehensive R Archive Network. 2015.

10. Blair, Graeme, Yang-Yang Zhou, and Kosuke Imai. "rr: Statistical Methods for the Randomized Response Technique." available through The Comprehensive R Archive Network and GitHub. 2015.

STIP_0135

11. Fong, Christian, Marc Ratkovic, and Kosuke Imai. "CBPS: R Package for Covariate Balancing Propensity Score." available through The Comprehensive R Archive Network and GitHub. 2012.

12. Egami, Naoki, Marc Ratkovic, and Kosuke Imai. "FindIt: R Package for Finding Heterogeneous Treatment Effects." available through The Comprehensive R Archive Network and GitHub. 2012.

13. Kim, In Song, and Kosuke Imai. "wfe: Weighted Linear Fixed Effects Regression Models for Causal Inference." available through The Comprehensive R Archive Network. 2011.

14. Shiraito, Yuki, and Kosuke Imai. "endorse: R Package for Analyzing Endorsement Experiments." available through The Comprehensive R Archive Network and GitHub. 2012.

15. Blair, Graeme, and Kosuke Imai. "list: Statistical Methods for the Item Count Technique and List Experiments." available through The Comprehensive R Archive Network and GitHub. 2011.

16. Tingley, Dustin, Teppei Yamamoto, Kentaro Hirose, Luke Keele, and Kosuke Imai. "mediation: R Package for Causal Mediation Analysis." available through The Comprehensive R Archive Network and GitHub. 2009. Winner of the Statistical Software Award. Reviewed in *Journal of Educational and Behavioral Statistics.*

17. Imai, Kosuke. "experiment: R Package for Designing and Analyzing Randomized Experiments." available through The Comprehensive R Archive Network. 2007.

18. Ho, Daniel E., Kosuke Imai, Gary King, and Elizabeth Stuart. "MatchIt: Nonparametric Preprocessing for Parametric Causal Inference." available through The Comprehensive R Archive Network and GitHub. 2005.

19. Imai, Kosuke, Ying Lu, and Aaron Strauss. "eco: Ecological Inference in 2×2 Tables." available through The Comprehensive R Archive Network and GitHub. 2004.

20. Imai, Kosuke, and David A. van Dyk. "MNP: R Package for Fitting the Multinomial Probit Model." available through The Comprehensive R Archive Network and GitHub. 2004.

21. Imai, Kosuke, Gary King, and Olivia Lau. "Zelig: Everyone's Statistical Software." available through The Comprehensive R Archive Network. 2004.

External Research Grants

Principal Investigator

1. National Science Foundation (2021–2024). "Collaborative Research: Causal Inference with Spatio-Temporal Data on Human Dynamics in Conflict Settings." (Algorithm for Threat Detection Program; DMS-2124463). Principal Investigator (with Georgia Papadogeorgou and Jason Lyall) $485,340.

2. National Science Foundation (2021–2023). "Evaluating the Impacts of Machine Learning Algorithms on Human Decisions." (Methodology, Measurement, and Statistics Program; SES-2051196). Principal Investigator (with D. James Greiner and Zhichao Jiang) $330,000.

3. Cisco Systems, Inc. (2020–2022). "Evaluating the Impacts of Algorithmic Recommendations on the Fairness of Human Decisions." (Ethics in AI; CG# 2370386) Principal Investigator (with D. James Greiner and Zhichao Jiang) $110,085.

4. The Alfred P. Sloan Foundation (2020–2022). "Causal Inference with Complex Treatment Regimes: Design, Identification, Estimation, and Heterogeneity." (Economics Program; 2020–13946) Co-Principal Investigator (with Francesca Dominici and Jose Zubizarreta) $996,299

5. Facebook Research Grant (2018). $25,000.

6. National Science Foundation (2016–2021). "Collaborative Conference Proposal: Support for Conferences and Mentoring of Women and Underrepresented Groups in Political Methodology." (Methodology, Measurement and Statistics and Political Science Programs; SES–1628102) Principal Investigator (with Jeffrey Lewis) $312,322. Supplement (SES–1831370) $60,000.

7. The United States Agency for International Development (2015–2017). "Unemployment and Insurgent Violence in Afghanistan: Evidence from the Community Development Program." (AID–OAA–A–12–00096) Principal Investigator (with Jason Lyall) $188,037

8. The United States Institute of Peace (2015–2016). "Assessing the Links between Economic Interventions and Stability: An impact evaluation of vocational and skills training in Kandahar, Afghanistan," Principal Investigator (with David Haines, Jon Kurtz, and Jason Lyall) $144,494.

9. Amazon Web Services in Education Research Grant (2014). Principal Investigator (with Graeme Blair and Carlos Velasco Rivera) $3,000.

10. Development Bank of Latin America (CAF) (2013). "The Origins of Citizen Support for Narcos: An Empirical Investigation," Principal Investigator (with Graeme Blair, Fabiana Machado, and Carlos Velasco Rivera). $15,000.

11. The International Growth Centre (2011–2013). "Poverty, Militancy, and Citizen Demands in Natural Resource-Rich Regions: Randomized Evaluation of the Oil Profits Dividend Plan for the Niger Delta" (RA–2010–12–013). Principal Investigator (with Graeme Blair). $117,116.

12. National Science Foundation, (2009–2012). "Statistical Analysis of Causal Mechanisms: Identification, Inference, and Sensitivity Analysis," (Methodology, Measurement, and Statistics Program and Political Science Program; SES–0918968). Principal Investigator. $97,574.

13. National Science Foundation, (2009–2011). "Collaborative Research: The Measurement and Identification of Media Priming Effects in Political Science," (Methodology, Measurement, and Statistics Program and Political Science Program; SES–0849715). Principal Investigator (with Nicholas Valentino). $317,126.

14. National Science Foundation, (2008–2009). "New Statistical Methods for Randomized Experiments in Political Science and Public Policy," (Political Science Program; SES–0752050). Principal Investigator. $52,565.

STIP_0137

15. National Science Foundation, (2006–2009). "Collaborative Research: Generalized Propensity Score Methods," (Methodology, Measurement and Statistics Program; SES–0550873). Principal Investigator (with Donald B. Rubin and David A. van Dyk). $460,000.

16. The Telecommunications Advancement Foundation, (2004). "Analyzing the Effects of Party Webpages on Political Opinions and Voting Behavior," Principal Investigator (with Naoko Taniguchi and Yusaku Horiuchi). $12,000.

Adviser and Statistical Consultant

1. National Science Foundation (2016–2017). "Doctoral Dissertation Research: Crossing Africa's Arbitrary Borders: How Refugees Shape National Boundaries by Challenging Them." (Political Science Program, SES–1560636). Principal Investigator and Adviser for Co-PI Yang-Yang Zhou's Dissertation Research. $18,900.

2. Institute of Education Sciences (2012–2014). "Academic and Behavioral Consequences of Visible Security Measures in Schools" (R305A120181). Statistical Consultant (Emily Tanner-Smith, Principal Investigator). $351,228.

3. National Science Foundation (2013–2014). "Doctoral Dissertation Research: Open Trade for Sale: Lobbying by Productive Exporting Firm" (Political Science Program, SES–1264090). Principal Investigator and Adviser for Co-PI In Song Kim's Dissertation Research. $22,540.

4. National Science Foundation (2012–2013). "Doctoral Dissertation Research: The Politics of Location in Resource Rent Distribution and the Projection of Power in Africa" (Political Science Program, SES–1260754). Principal Investigator and Adviser for Co-PI Graeme Blair's Dissertation Research. $17,640.

Invited Short Courses and Outreach Lectures

1. Short Course on Causal Inference and Statistics – Department of Political Science, Rice University, 2009; Institute of Political Science, Academia Sinica, 2014.

2. Short Course on Causal Inference and Identification, The Empirical Implications of Theoretical Models (EITM) Summer Institute – Harris School of Public Policy, University of Chicago, 2011; Department of Politics, Princeton University, 2012.

3. Short Course on Causal Mediation Analysis – Summer Graduate Seminar, Institute of Statistical Mathematics, Tokyo Japan, 2010; Society for Research on Educational Effectiveness Conference, Washington DC, Fall 2011, Spring 2012, Spring 2015; Inter-American Development Bank, 2012; Center for Education Research, University of Wisconsin, Madison, 2012; Bobst Center for Peace and Justice, Princeton University, 2014; Graduate School of Education, University of Pennsylvania, 2014; EITM Summer Institute, Duke University, 2014; Center for Lifespan Psychology, Max Planck Institute for Human Development, 2015; School of Communication Research, University of Amsterdam, 2015; Uppsala University, 2016

4. Short Course on Covariate Balancing Propensity Score – Society for Research on Educational Effectiveness Conference, Washington DC, Spring 2013; Uppsala University, 2016

STIP_0138

5. Short Course on Matching Methods for Causal Inference – Institute of Behavioral Science, University of Colorado, Boulder, 2009; Department of Political Science, Duke University, 2013.

6. Lecture on Statistics and Social Sciences – New Jersey Japanese School, 2011, 2016; Kaisei Academy, 2012, 2014; Princeton University Wilson College, 2012; University of Tokyo, 2014

Selected Presentations

1. Distinguished speaker, Harvard College Summer Program for Undergraduates in Data Science, 2021.

2. Keynote speaker, Kansas-Western Missouri Chapter of the American Statistical Association, 2021.

3. Invited plenary panelist, Association for Computing Machinery Conference on Fairness, Accountability, and Transparency (ACM FAccT) 2021.

4. Keynote speaker, Taiwan Political Science Association, 2020.

5. Keynote speaker, Boston Japanese Researchers Forum, Massachusetts Institute of Technology, 2020.

6. Keynote speaker, Causal Mediation Analysis Training Workshop, Mailman School of Public Health, Columbia University, 2020.

7. Keynote speaker, Special Workshop on Evidence-based Policy Making. World Economic Forum, Centre for the Fourth Industrial Revolution, Japan, 2020.

8. Distinguished speaker, Institute for Data, Systems, and Society. Massachusetts Institute of Technology, 2019.

9. Keynote speaker, The Harvard Experimental Political Science Graduate Student Conference, Harvard University, 2019.

10. Invited speaker, Beyond Curve Fitting: Causation, Counterfactuals, and Imagination-based AI. Association for the Advancement of Artificial Intelligence, Spring Symposium, Stanford University, 2019.

11. Inaugural speaker, Causal Inference Seminar, Departments of Biostatistics and Statistics, Boston University, 2019.

12. Keynote speaker, The Second Latin American Political Methodology Meeting, Universidad de los Andes (Department of Political Science), 2018.

13. Keynote speaker, The First Latin American Political Methodology Meeting, Pontifical Catholic University of Chile (Department of Political Science), 2017.

14. Keynote speaker, Workshop on Uncovering Causal Mechanisms, University of Munich (Department of Economics), 2016.

15. Keynote speaker, The National Quality Registry Research Conference, Stockholm, 2016.

STIP_0139

16. Keynote speaker, The UK-Causal Inference Meeting, University of Bristol (School of Mathematics), 2015.

17. Keynote speaker, The UP-STAT Conference, the Upstate Chapters of the American Statistical Association, 2015.

18. Keynote speaker, The Winter Conference in Statistics, Swedish Statistical Society and Umeå University (Department of Mathematics and Mathematical Statistics), 2015.

19. Inaugural invited speaker, The International Methods Colloquium, Rice University, 2015.

20. Invited speaker, The International Meeting on Experimental and Behavioral Social Sciences, University of Oxford (Nuffield College), 2014.

21. Keynote speaker, The Annual Conference of Australian Society for Quantitative Political Science, University of Sydney, 2013.

22. Keynote speaker, The Graduate Student Conference on Experiments in Interactive Decision Making, Princeton University. 2008.

Conferences Organized

1. The Asian Political Methodology Meetings (January 2014, 2015, 2016, 2017, 2018; co-organizer)

2. The Experimental Research Workshop (September 2012; co-organizer)

3. The 12th World Meeting of the International Society for Bayesian Analysis (June 2012; a member of the organizing committee)

4. Conference on Causal Inference and the Study of Conflict and State Building (May 2012; organizer)

5. The 28th Annual Society for Political Methodology Summer Meeting (July 2011; host)

6. Conference on New Methodologies and their Applications in Comparative Politics and International Relations (February 2011; co-organizer)

Teaching

Courses Taught at Harvard

1. Stat 286/Gov 2003 Causal Inference (formally Stat 186/Gov 2002): introduction to causal inference

2. Gov 2003 Topics in Quantitative Methodology: causal inference, applied Bayesian statistics, machine learning

STIP_0140

Courses Taught at Princeton

1. POL 245 Visualizing Data: exploratory data analysis, graphical statistics, data visualization

2. POL 345 Quantitative Analysis and Politics: a first course in quantitative social science

3. POL 451 Statistical Methods in Political Science: basic probability and statistical theory, their applications in the social sciences

4. POL 502 Mathematics for Political Science: real analysis, linear algebra, calculus

5. POL 571 Quantitative Analysis I: probability theory, statistical theory, linear models

6. POL 572 Quantitative Analysis II: intermediate applied statistics

7. POL 573 Quantitative Analysis III: advanced applied statistics

8. POL 574 Quantitative Analysis IV: advanced applied statistics with various topics including Bayesian statistics and causal inference

9. Reading Courses: basic mathematical probability and statistics, applied bayesian statistics, spatial statistics

Advising

Current Students

1. Soubhik Barari (Government)

2. Adam Breuer (Computer Science and Government). To be Assistant Professor, Department of Government and Department of Computer Science, Dartmouth College

3. Jacob Brown (Government)

4. Ambarish Chattopadhyay (Statistics)

5. Shusei Eshima (Government)

6. Georgina Evans (Government)

7. Dae Woong Ham (Statistics)

8. Christopher T. Kenny (Government)

9. Michael Lingzhe Li (MIT, Operations Research Center)

10. Jialu Li (Government)

11. Cory McCartan (Statistics)

12. Sayumi Miyano (Princeton, Politics)

13. Sun Young Park (Government)

14. Casey Petroff (Political Economy and Government)

STIP_0141

15. Averell Schmidt (Kennedy School)

16. Sooahn Shin (Government)

17. Tyler Simko (Government)

18. Soichiro Yamauchi (Government)

19. Yi Zhang (Statistics)

Current Postdocs

1. Eli Ben-Michael

2. Evan Rosenman

Former Students

1. Alexander Tarr (Ph.D. in 2021, Department of Electrical and Computer Engineering, Princeton University; Dissertation Committee Chair)

2. Connor Jerzak (Ph.D. in 2021, Department of Government, Harvard University). Postdoctoral Fellow, Linkoping University. To be Assistant Professor, Department of Government, University of Texas, Austin

3. Shiro Kuriwaki (Ph.D. in 2021, Department of Government, Harvard University). Postdoctoral Fellow, Stanford University. To be Assistant Professor, Department of Political Science, Yale University

4. Erik Wang (Ph.D. in 2020, Department of Politics, Princeton University). Assistant Professor, Department of Political and Social Change, Australian National University

5. Diana Stanescu (Ph.D. in 2020, Department of Politics, Princeton University). Postdoctoral Fellow, Stanford University

6. Nicole Pashley (Ph.D. in 2020, Department of Statistics, Harvard University). Assistant Professor, Department of Statistics, Rutgers University

7. Asya Magazinnik (Ph.D. in 2020, Department of Politics, Princeton University). Assistant Professor, Department of Political Science, Massachusetts Institute of Technology

8. Max Goplerud (Ph.D. in 2020, Department of Government, Harvard University). Assistant Professor, Department of Political Science, University of Pittsburgh

9. Naoki Egami (Ph.D. in 2020, Department of Politics, Princeton University; Dissertation Committee Chair). Assistant Professor, Department of Political Science, Columbia University

10. Brandon de la Cuesta (Ph.D. in 2019, Department of Politics, Princeton University). Postdoctoral Fellow, Center on Global Poverty and Development, Stanford University

11. Yang-Yang Zhou (Ph.D. in 2019, Department of Politics, Princeton University). Assistant Professor, Department of Political Science, University of British Columbia

January 2022

STIP_0142

12. Winston Chou (Ph.D. in 2019, Department of Politics, Princeton University). Senior Data Scientist at Apple

13. Ted Enamorado (Ph.D. in 2019, Department of Politics, Princeton University; Dissertation Committee Chair). Assistant Professor, Department of Political Science, Washington University in St. Louis

14. Benjamin Fifield (Ph.D. in 2018, Department of Politics, Princeton University; Dissertation Committee Chair). Data Scientist, American Civil Liberties Union

15. Tyler Pratt. (Ph.D. in 2018, Department of Politics, Princeton University). Assistant Professor, Department of Political Science, Yale University

16. Romain Ferrali (Ph.D. in 2018, Department of Politics, Princeton University). Assistant Professor, Aix-Marseille School of Economics

17. Julia Morse (Ph.D. in 2017, Woodrow Wilson School, Princeton University). Assistant Professor, Department of Political Science, University of California, Santa Barbara

18. Yuki Shiraito (Ph.D. in 2017, Department of Politics, Princeton University; Dissertation Committee Chair). Assistant Professor, Department of Political Science, University of Michigan

19. Carlos Velasco Rivera (Ph.D. in 2016, Department of Politics, Princeton University). Research Scientist, Facebook

20. Gabriel Lopez Moctezuma (Ph.D. in 2016, Department of Politics, Princeton University). Assistant Professor, Division of the Humanities and Social Sciences, California Institute of Technology

21. Graeme Blair (Ph.D. in 2016, Department of Politics, Princeton University). Assistant Professor, University of California, Los Angeles

22. Jaquilyn R. Waddell Boie (Ph.D. in 2015, Department of Politics, Princeton University). Private consultant

23. Scott Abramson (Ph.D. in 2014, Department of Politics, Princeton University). Associate Professor, Department of Political Science, University of Rochester

24. Michael Barber (Ph.D. in 2014, Department of Politics, Princeton University). Associate Professor, Department of Political Science, Brigham Young University

25. In Song Kim (Ph.D. in 2014, Department of Politics, Princeton University). Associate Professor, Department of Political Science, Massachusetts Institute of Technology

26. Alex Ruder (Ph.D. in 2014, Department of Politics, Princeton University). Senior Community Economic Development Advisor, Federal Reserve Bank of Atlanta

27. Meredith Wilf (Ph.D. in 2014, Department of Politics, Princeton University). Senior Director, Capital Rx

28. Will Bullock. (Ph.D. candidate, Department of Politics, Princeton University). Senior Researcher, Facebook

29. Teppei Yamamoto (Ph.D. in 2011, Department of Politics, Princeton University; Dissertation Committee Chair). Associate Professor, Department of Political Science, Massachusetts Institute of Technology

30. Dustin Tingley (Ph.D. in 2010, Department of Politics, Princeton University). Professor, Department of Government, Harvard University

31. Aaron Strauss (Ph.D. in 2009, Department of Politics, Princeton University). Former Executive Director, Analyst Institute

32. Samir Soneji (Ph.D. in 2008, Office of Population Research, Princeton University; Dissertation Committee Chair). Associate Professor, Department of Health Behavior at the Gillings School of Global Public Health, University of North Carolina, Chapel Hill

33. Ying Lu (Ph.D. in 2005, Woodrow Wilson School, Princeton University; Dissertation Committee Chair). Associate Professor, Steinhardt School of Culture, Education, and Human Development, New York University

Former Predocs and Postdocs

1. Zhichao Jiang (Postdoctoral Fellow, 2016–2019). Assistant Professor, Department of Biostatistics and Epidemiology, School of Public Health and Health Sciences, University of Massachusetts, Amherst

2. Adeline Lo (Postdoctoral Fellow, 2016–2019). Assistant Professor, Department of Political Science, University of Wisconsin, Madison

3. Yunkyu Sohn (Postdoctoral Fellow, 2016–2018). Assistant Professor, School of Political Science and Economics, Waseda University

4. Xiaolin Yang (Postdoctoral Fellow, 2015–2017). Research Scientist, Amazon

5. Santiago Olivella (Postdoctoral Fellow, 2015–2016). Associate Professor, Department of Political Science, University of North Carolina

6. Drew Dimmery (Predoctoral Fellow, 2015–2016). Research Scientist, Facebook

7. James Lo (Postdoctoral Fellow, 2014–2016). Assistant Professor, Department of Political Science, University of Southern California

8. Steven Liao (Predoctoral Fellow, 2014–2015). Assistant Professor, Department of Political Science, University of California, Riverside

9. Michael Higgins (Postdoctoral Fellow, 2013–2015). Associate Professor, Department of Statistics, Kansas State University

10. Kentaro Hirose (Postdoctoral Fellow, 2012–2015). Assistant Professor, Waseda Institute for Advanced Studies

11. Chad Hazlett (Predoctoral Fellow, 2013–2014). Associate Professor, Departments of Political Science and Statistics, University of California, Los Angeles

12. Florian Hollenbach (Predoctoral Fellow, 2013–2014). Associate Professor, Department of International Economics, Government and Business at the Copenhagen Business School

13. Marc Ratkovic (Predoctoral and Postdoctoral Fellow, 2010–2012). Assistant Professor, Department of Politics, Princeton University

Editorial and Referee Service

<u>Co-editor</u> for *Journal of Causal Inference* (2014 – present)

<u>Associate editor</u> for *American Journal of Political Science* (2014 – 2019), *Journal of Business & Economic Statistics* (2015 – 2024), *Journal of Causal Inference* (2011 – 2014), *Journal of Experimental Political Science* (2013 – 2017), *Observational Studies* (2014 – present), *Political Analysis* (2014 – 2017).

<u>Editorial board member</u> for *Asian Journal of Comparative Politics* (2014 – present), *Journal of Educational and Behavioral Statistics* (2011 – present), *Journal of Politics* (2007 – 2008, 2019–2020), *Journal of Research on Educational Effectiveness* (2014 – 2016), *Political Analysis* (2010 – 2013), *Political Science Research and Methods* (2019 – present).

<u>Guest editor</u> for *Political Analysis* virtual issue on causal inference (2011).

<u>Referee</u> for *ACM Computing Surveys, American Economic Journal: Applied Economics, American Economic Review: Insights, American Journal of Epidemiology, American Journal of Evaluation, American Journal of Political Science, American Political Science Review, American Politics Research, American Sociological Review, Annals of Applied Statistics, Annals of Statistics, Annals of the Institute of Statistical Mathematics, Biometrics, Biometrika, Biostatistics, BMC Medical Research Methodology, British Journal of Mathematical and Statistical Psychology, British Journal of Political Science, Canadian Journal of Statistics, Chapman & Hall/CRC Press, Child Development, Communications for Statistical Applications and Methods, Computational Statistics and Data Analysis, Electoral Studies, Econometrica, Econometrics, Empirical Economics, Environmental Management, Epidemiology, European Union Politics, IEEE Transactions on Information Theory, International Journal of Biostatistics, International Journal of Epidemiology, International Journal of Public Opinion Research, International Migration Review,* John Wiley & Sons, *Journal of Applied Econometrics, Journal of Applied Statistics, Journal of Biopharmaceutical Statistics, Journal of Business and Economic Statistics, Journal of Causal Inference, Journal of Computational and Graphical Statistics, Journal of Conflict Resolution, Journal of Consulting and Clinical Psychology, Journal of Econometrics, Journal of Educational and Behavioral Statistics, Journal of Empirical Legal Studies, Journal of Multivariate Analysis, Journal of Official Statistics, Journal of Peace Research, Journal of Politics, Journal of Research on Educational Effectiveness, Journal of Statistical Planning and Inference, Journal of Statistical Software, Journal of Survey Statistics and Methodology, Journal of the American Statistical Association (Case Studies and Applications; Theory and Methods), Journal of the Japanese and International Economies, Journal of the Japan Statistical Society, Journal of the Royal Statistical Society (Series A; Series B; Series C), Law & Social Inquiry, Legislative Studies Quarterly, Management Science,* Multivariate Behavioral Research, National Science Foundation (Economics; Methodology, Measurement, and Statistics; Political Science), Natural Sciences and Engineering Research Council of Canada, *Nature Machine Intelligence, NeuroImage, Osteoporosis International, Oxford Bulletin of Economics and Statistics, Pharmaceutical Statistics, Pharmacoepidemiology and Drug Safety, PLOS One,*

Policy and Internet, *Political Analysis*, *Political Behavior*, *Political Communication*, *Political Research Quarterly*, *Political Science Research and Methods*, *Population Health Metrics*, *Population Studies*, *Prevention Science*, *Proceedings of the National Academy of Sciences*, Princeton University Press, *Psychological Methods*, *Psychometrika*, *Public Opinion Quarterly*, *Quarterly Journal of Economics*, *Quarterly Journal of Political Science*, *Review of Economics and Statistics*, Routledge, Sage Publications, *Scandinavian Journal of Statistics*, *Science*, Sloan Foundation, Springer, *Sociological Methodology*, *Sociological Methods & Research*, *Statistical Methodology*, *Statistical Methods and Applications*, *Statistical Methods in Medical Research*, *Statistical Science*, *Statistica Sinica*, *Statistics & Probability Letters*, *Statistics in Medicine*, *Systems Biology*, U.S.-Israel Binational Science Foundation, *Value in Health*, *World Politics*.

University and Departmental Committees

Harvard University

Department of Government

> Member, Curriculum and Educational Policy Committee (2020–2021)
>
> Member, Second-year Progress Committee (2019–2020)
>
> Member, Graduate Placement Committee (2019–2020)
>
> Member, Graduate Admissions Committee (2018–2019)
>
> Member, Graduate Poster Session Committee (2018–2019)

Department of Statistics

> Chair, Senior Faculty Search Committee (2021–2022)
>
> Member, Junior Faculty Search Committee (2018–2019)
>
> Member, Second-year Progress Committee (2018–2019, 2020–2021)

Princeton University

University

> Executive Committee Member, Program in Statistics and Machine Learning (2013–2018)
>
> Executive Committee Member, Committee for Statistical Studies (2011-2018)
>
> Member, Organizing Committee, Retreat on Data and Information Science at Princeton (2016)
>
> Member, Council of the Princeton University Community (2015)
>
> Member, Search Committee for the Dean of College (2015)
>
> Member, Committee on the Library and Computing (2013–2016)
>
> Member, Committee on the Fund for Experimental Social Science (2013–2018)
>
> Member, Personally Identifiable Research Data Group (2012–2018)
>
> Member, Research Computing Advisory Group (2013–2018)
>
> Member, Task Force on Statistics and Machine Learning (2014–2015)

STIP_0146

Department of Politics

> Chair, Department Committee on Research and Computing (2012–2018)
>
> Chair, Formal and Quantitative Methods Junior Search Committee (2012–2013, 2014–2015, 2016–2017)
>
> Chair, Reappointment Committee (2015–2016)
>
> Member, Diversity Initiative Committee (2014–2015)
>
> Member, American Politics Junior Search Committee (2012–2014)
>
> Member, Department Chair's Advisory Committee (2010–2013, 2015–2016)
>
> Member, Department Priority Committee (2012–2013, 2014–2015, 2016–2017)
>
> Member, Formal and Quantitative Methods Curriculum Committee (2005–2006)
>
> Member, Formal and Quantitative Methods Junior Search Committee (2009–2010, 2015–2016)
>
> Member, Formal and Quantitative Methods Postdoc Search Committee (2009–2018)
>
> Member, Graduate Admissions Committee (2012–2013)
>
> Member, Reappointment Committee (2014–2016)
>
> Member, Space Committee (2014–2016)
>
> Member, Undergraduate Curriculum Committee (2014–2015)
>
> Member, Undergraduate Exam Committee (2007–2008)
>
> Member, Undergraduate Thesis Prize Committee (2005–2006, 2008–2011)

Center for Statistics and Machine Learning

> Executive Committee Member (2016–2018)
>
> Member, Search Committee (2015–2017)

Services to the Profession

National Academies of Sciences, Engineering, and Medicine

> Committee on National Statistics, Division of Behavioral and Social Sciences and Education, Panel on the Review and Evaluation of the 2014 Survey of Income and Program Participation Content and Design (2014–2017)

National Science Foundation

> Proposal Review Panel (2020)

The Society for Political Methodology

> President (2017–2019)
>
> Vice President and President Elect (2015–2017)
>
> Annual Meeting Committee, Chair (2011)
>
> Career Award Committee (2015–2017)
>
> Program Committee for Annual Meeting (2012), Chair (2011)

Graduate Student Selection Committee for the Annual Meeting (2005), Chair (2011)

Miller Prize Selection Committee (2010–2011)

Statistical Software Award Committee (2009–2010)

Emerging Scholar Award Committee (2013)

American Statistical Association

Journal of Educational and Behavioral Statistics Management Committee (2016 – present)

Others

External Expert, Department of Methodology, London School of Economics and Political Science (2017)

Memberships

American Political Science Association; American Statistical Association; Midwest Political Science Association; The Society for Political Methodology.

CERTIFICATE OF SERVICE

I, Freda J. Levenson, hereby certify that on this 25th day of January, 2022, I caused a true

and correct copy of the foregoing document to be served by email upon the counsel listed below:

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Counsel for Respondent Ohio Redistricting Commission

/s/ Freda J. Levenson
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Counsel for Relators

EXHIBIT B

Affidavit of Dr. Lisa Handley
PROVIDING BLACK VOTERS WITH AN OPPORTUNITY TO ELECT:
A DISTRICT-SPECIFIC, FUNCTIONAL ANALYSIS OF OHIO VOTING BY RACE

Summary.

1. I was retained by counsel for Relators in this matter to conduct a district-specific, functional analysis of voting patterns by race in Cuyahoga County, where there is a significant Black population and it is possible to draw a majority Black congressional district. My task was to ascertain the Black voting age population ("BVAP") necessary to provide Black voters with an opportunity to elect their candidates of choice based on the participation rates and voting patterns by race in recent elections.[1] This affidavit reports the results of my analysis of voting patterns in Cuyahoga County, including recent congressional elections in the 11th Congressional District.

2. A district-specific, functional analysis is required to determine whether a district is likely to provide minority voters with an opportunity to elect their candidates of choice. There is no single universal or statewide demographic target that can be applied for Black voters to elect their candidates of choice – the population needed to create an "effective minority district" varies by location and depends upon the participation rates and voting patterns of Black and white voters in that specific area.

3. An analysis of voting patterns is required to estimate voter participation rates by race, as well as the level of support from Black and white voters for each of the candidates competing in the examined elections. This information can then be used to calculate the Black population concentration required for the Black voters' preferred candidates to win election to office in a specific district. Drawing districts informed by this percentage avoids creating districts that either fail to provide Black voters with the opportunity to elect their candidates of choice or unnecessarily pack minority voters into districts to reduce the number of minority opportunity districts.

4. In *Ohio APRI v. Householder*, I submitted a report concluding that the previous 11th Congressional District of Ohio would be an effective minority district with 45% Black BVAP. 373 F.Supp.3d 978 (S.D. Ohio, May 3, 2019). As summarized by the court, I

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[1] I am being compensated at a rate of $300 per hour.

concluded: "[W]ith a 45% BVAP in District 11, African-American voters would have a realistic opportunity to elect their candidate of choice with a 'comfortable margin.' In fact, even with a BVAP as low as 40%, African-American voters would have elected the Black-preferred candidate in the elections studied. [I] concluded that there is no need to draw a majority African-American District 11 in order to allow African-American voters to elect their candidate of choice there." *Id*. at 1044-46.

5. In this report, I shift the focus of my analysis from residents of the 11th Congressional District to residents of Cuyahoga County more broadly and I update the elections analyzed to include those held since I submitted my 2018 report. My reason for studying voting patterns in Cuyahoga County in its entirety is the recognition that the congressional district boundaries will change – no longer including all of the same voters as the current Congressional District 11 – and Congressional District 11 is likely to be redrawn to fall entirely within Cuyahoga County as a consequence of recent amendments to the Ohio Constitution.[2]

6. The results of this updated analysis of voting patterns in Cuyahoga County are consistent with my previous findings: a majority Black district is not required to provide Black voters with a realistic opportunity to elect candidates of their choice to Congress in this area of Ohio. My estimates of participation rates and voting patterns by race in Cuyahoga County has led me to conclude, on the basis of the most challenging election for a Black-preferred candidate to win in Cuyahoga County that I examined (the 2014 gubernatorial election), a 42% BVAP district would offer Black voters an effective opportunity to elect their preferred candidates to Congress.

Professional Experience.

7. I have over thirty-five years of experience as a voting rights and redistricting expert. I have advised scores of jurisdictions and other clients on minority voting rights and redistricting-related issues. I have served as an expert in dozens of voting rights cases. My clients have included state and local jurisdictions, independent redistricting

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[2] The Ohio State Constitution was amended in 2018 to specify that if the general assembly draws the congressional plan, the assembly "shall not unduly split governmental units, giving preference to keeping whole, in the order named, counties, then townships and municipal corporations." Article XIX Section 1. (C)(3)(b) of the Ohio Constitution.

commissions (Arizona, Colorado, Michigan), the U.S. Department of Justice, national civil rights organizations, and such international organizations as the United Nations.

8. I have been actively involved in researching, writing, and teaching on subjects relating to voting rights, including minority representation, electoral system design, and redistricting. I co-authored a book, *Minority Representation and the Quest for Voting Equality* (Cambridge University Press, 1992) and co-edited a volume, *Redistricting in Comparative Perspective* (Oxford University Press, 2008), on these subjects. In addition, my research on these topics has appeared in peer-reviewed journals such as *Journal of Politics*, *Legislative Studies Quarterly*, *American Politics Quarterly*, *Journal of Law and Politics*, and *Law and Policy,* as well as law reviews (e.g., *North Carolina Law Review*) and a number of edited books. I hold a Ph.D. in political science from The George Washington University.

9. I have been a principal of Frontier International Electoral Consulting since co-founding the company in 1998. Frontier IEC specializes in providing electoral assistance in transitional democracies and post-conflict countries. In addition, I am a Visiting Research Academic at Oxford Brookes University in Oxford, United Kingdom. Attached to the end of this report as Appendix B is a copy of my *curriculum vitae*.

Calculating the Black Voting Age Population Needed to Elect Black-Preferred Candidates.

10. The Black voting age population (BVAP) percentage needed to elect Black-preferred candidates is calculated by taking into account the relative participation rates of Black and white Ohioans, as well as the expected level of Black support for the Black-preferred candidates (their "cohesiveness") in an area, and the expected level of white voters' "crossover" voting for the Black-preferred candidates. This requires constructing a database that combines demographic information and election results, then analyzing the data for patterns. These patterns are then used to produce estimates of participation rates and voting patterns by race.

11. **Database.** To analyze voting patterns in Ohio requires a database that combines election returns and population data by race (or registration or turnout by race if this information is available). To build this dataset in this instance, 2016, 2018, and 2020 precinct-level shapefiles were acquired from the Voting and Election Science Team. These shapefiles

were joined to precinct-level election returns from the Ohio Secretary of State's office, which were processed and cleaned by OpenElections. In addition, 2012 and 2014 election returns pro-rated to the 2010 voting district ("VTD") level, were acquired from Bill Cooper, who submitted an expert affidavit in *LWVO v. Ohio Redistricting Commission*, 2021-1193. The 2020 Census Block shapefiles, and total and voting age population by race and ethnicity, were obtained from the Census FTP portal. The election returns data was disaggregated down to the level of the 2020 Census block and, for the 2016, 2018, and 2020 election cycles separately, re-aggregated up to the level of the voting precincts used in those years, accounting for precincts split by congressional districts. For the 2012 and 2014 election cycles, the block-level election results were re-aggregated up to the level of the 2010 VTDs, taking into account splits of VTDs by congressional districts.

12. **Elections Analyzed.** I analyzed all recent statewide Ohio general elections held in 2016, 2018, and 2020 to estimate voting patterns by race in Cuyahoga County. This included contests for U.S. President, U.S. Senate, Governor, Attorney General, Secretary of State, Treasurer, and Auditor. I also examined the 2014 general election contests for Governor and Secretary of State,[3] as well as the 2012 election contests for U.S. President and U.S. Senate. In addition, I analyzed the 2016, 2018, and 2020 general elections for U.S. Congress in District 11.

13. **Primary Elections.** As is usually the case in the United States, there is a two-stage election process in Ohio – a primary election and a general election. Black-preferred candidates must win both elections to gain office. The overwhelming majority of Black voters in Ohio vote in the Democratic primary rather than the Republican primary. As a consequence, it is not possible to estimate Black voting behavior in Republican primaries and, in any case, Black voters' candidates of choice are found in Democratic primaries. In the past ten years, there were two statewide Democratic primaries that included African American candidates: the 2018 Democratic primary for Governor and the 2016 Democratic primary for U.S. Senate. I analyzed both of these elections. (Although both contests included African American candidates, these candidates were not, in fact, the candidates preferred by Black voters.) In addition, I analyzed recent Democratic primaries for Congressional District 11.

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[3] Data on the other statewide elections held in 2014 (Attorney General, Treasurer, and Auditor) was not readily available. No minority candidates competed in these three statewide election contests.

There were no contested primaries for the congressional seats in 2016 or 2018, but the district had a primary in 2020. There was also a special Democratic primary held in Congressional District 11 in August 2021 when President Biden appointed the incumbent, Rep. Marcia Fudge, as Secretary of the U.S. Department of Housing and Urban Development.[4]

14. The results of the 2016 elections reported here vary slightly from those in my *Ohio APRI v. Householder* report. There are two reasons for this. First, this analysis incorporates all Cuyahoga County precincts, not simply those precincts that fall within the prior boundaries of Congressional District 11. (Congressional District 11 previously included Summit County precincts – these were included in the analysis for my *Ohio APRI v. Householder* report but are excluded here from the countywide analysis; they are, however, included in the congressional elections analyzed.) Second, my *Ohio APRI v. Householder* report relies on 2010 census data, whereas my analysis in this report uses 2020 census data to determine the demographic composition of the precincts for 2016.

15. **Racial Bloc Voting Analysis.** Direct information on how Black and white voters cast their votes is not available; voters' race is not included in their voter registration in Ohio and the race of the voter is not, of course, obtainable from a ballot. To estimate vote choices by race, I used three standard statistical techniques: homogeneous precinct analysis, ecological regression, and ecological inference.

16. Two of these analytic procedures – homogeneous precinct analysis and ecological regression – were employed by the plaintiffs' expert in *Thornburg v. Gingles*, 478 U.S. 30 (1986), and have the benefit of the Supreme Court's approval in that case, and other courts' approval in most subsequent voting rights cases. The third technique, ecological inference, was developed after the *Gingles* decision, and was designed, in part, to address the issue of out-of-bounds estimates (estimates that exceed 100 percent or are less than zero percent), which can arise in ecological regression analysis. Ecological inference analysis has been introduced and accepted in numerous federal and state court proceedings.

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[4] The precinct election results for the November 2021 general election have yet to be released by the Secretary of State so I have been unable to analyze the 2021 general election for Congressional District 11.

17. *Homogeneous precinct* ("HP") analysis is the simplest technique: it involves comparing the percentage of votes received by each of the candidates in precincts that are racially homogeneous. The general practice is to label a precinct as homogeneous if at least 90 percent of the voting age population is composed of a single race. In fact, the homogeneous results reported are not estimates – they are the actual precinct results. However, most voters in Ohio do not reside in homogeneous precincts, and voters who reside in homogeneous precincts may not be representative of voters who live in more integrated precincts. For this reason, I refer to these percentages as estimates.

18. The second statistical technique I employed, *ecological regression* ("ER"), uses information from all precincts, not simply the homogeneous ones, to derive estimates of the voting behavior of Black and white Ohioans. If there is a strong linear relationship across precincts between the percentage of Blacks (or whites) and the percentage of votes cast for a given candidate, this relationship can be used to estimate the percentage of Blacks and whites voting for each of the candidates in the election contest being examined.

19. The third technique, *ecological inference* ("EI"), was developed by Professor Gary King. This approach also uses information from all precincts but, unlike ecological regression, it does not rely on an assumption of linearity. Instead, it incorporates maximum likelihood statistics to produce estimates of voting patterns by race. In addition, it utilizes the method of bounds, which uses more of the available information from the precinct returns and provides more information about the voting behavior being estimated.[5] The method of bounds also precludes the estimates from exceeding the possible limits. However, unlike ecological regression, EI does not guarantee that the candidate estimates add to 100 percent of each racial group in the elections examined.

20. In addition, I utilized a more recently developed version of ecological inference which I have labeled "EI RxC" in the summary tables found in Appendix A. EI RxC expands the

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[5] The following is an example of how the method of bounds works: if a given precinct has 100 voters, of which 75 are Black and 25 are white, and the Black candidate received 80 votes, then at least 55 of the Black voters voted for the Black candidate and at most all 75 did. (The method of bounds is less useful for calculating estimates for white voters, as anywhere between none of the whites and all of the whites could have voted for the candidate.) These bounds are used when calculating EI estimates but not when using ecological regression.

analysis so that differences in the relative rates of minority and white turnout can be taken into account in deriving the estimates of minority and white support for the candidates.

21. Estimates using all four methodological approaches (homogeneous precinct analysis, ecological regression, and the two approaches to ecological inference) are reported in the summary racial bloc voting tables for Cuyahoga County found in Appendix A.

22. **Equalizing Black and white turnout.** Because Black Ohioans who are eligible to vote often turn out to vote at lower rates than white Ohioans (this is consistently the case in Cuyahoga County in recent elections, as indicated by the summary table of voting patterns found in Appendix A), the BVAP needed to ensure that Black voters comprise at least half of the voters in an election is often higher than 50 percent. Once I estimated the respective turnout rates of Black and white voters using the statistical techniques described above, I could mathematically calculate the percentage needed to equalize minority and white voters.[6] But equalizing turnout is only the first step in the process – it does not take into account the voting patterns of Black and white voters. If voting is

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[6] The equalizing percentage is calculated mathematically by solving the following equation:

Let

M	=	the proportion of the district's voting age population that is Black
W = 1-M	=	the proportion of the district's voting age population that is white
A	=	the proportion of the Black voting age population that turned out to vote
B	=	the proportion of the white voting age population that turned out to vote

Therefore,

M(A)	=	the proportion of the population that is Black and turned out to vote (1)
(1-M)B	=	the proportion of total population that is white and turned out to vote (2)

To find the value of M that is needed for (1) and (2) to be equal, (1) and (2) are set as equal and we solve for M algebraically:

$$M(A) = (1 - M) B$$
$$M(A) = B - M(B)$$
$$M(A) + M(B) = B$$
$$M (A + B) = B$$
$$M = B/ (A+B)$$

Thus, for example, if 39.3% of the black population turned out and 48.3% of the white population turned out, B= .483 and A = .393, and M = .483/ (.393+.483) = .483/.876 = .5513, therefore a black VAP of 55.1% would produce an equal number of black and white voters. (For a more in-depth discussion of equalizing turnout see Kimball Brace, Bernard Grofman, Lisa Handley and Richard Niemi, "Minority Voting Equality: The 65 Percent Rule in Theory and Practice," *Law and Policy*, 10 (1), January 1988.)

racially polarized but a significant number of white voters typically "crossover" to vote for Black voters' preferred candidate, it may be that white crossover voting can compensate for depressed Black turnout relative to white turnout. If this is the case, Black voters need not make up at least 50 percent of the voters in an election for the Black-preferred candidate to win.

23. **Incorporating Minority Cohesion and White Crossover Voting.** Even if Black voters are turning out at lower rates than whites, and voting is racially polarized, if a relatively consistent percentage of white voters support Black-preferred candidates, these candidates can be elected despite the lower Black turnout. This is especially true if Black voters are very cohesive in supporting their preferred candidates. A district-specific, functional analysis should take into account not only differences in the turnout rates of Black and white voters, but also voting patterns by race.[7]

24. To illustrate this mathematically, consider a district that has 1000 persons of voting age, 50% of who are Black and 50% of who are white. Let us begin by assuming that Black turnout is lower than white turnout in a two-candidate general election. In our hypothetical election example, 42% of the Black voting age population (VAP) turn out to vote and 60% of the white VAP vote. This means that, for our illustrative election, there are 210 Black voters and 300 white voters. Further suppose that 96% of the Black voters supported their candidate of choice and 25% of the white voters cast their votes for this candidate (with the other 75% supporting her opponent in the election contest). Thus, in our example, Black voters cast 200 of their 210 votes for the Black-preferred candidate and their other 8 votes for her opponent; white voters cast 75 of their 300 votes for the Black-preferred candidate and 225 votes for their preferred candidate:

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[7] For an in-depth discussion of this approach to creating effective minority districts, see Bernard Grofman, Lisa Handley and David Lublin, "Drawing Effective Minority Districts: A Conceptual Framework and Some Empirical Evidence," *North Carolina Law Review*, volume 79 (5), June 2001.

	VAP	turnout	voters	support for Black-preferred candidate	votes for Black-preferred candidate	support for white-preferred candidate	votes for white-preferred candidate
Black	500	0.42	210	0.96	202	0.04	8
White	500	0.60	300	0.25	75	0.75	225
			510		277		233

The candidate of choice of Black voters would receive a total of 277 votes (202 from Black voters and 75 from white voters), while the candidate preferred by white voters would receive only 233 votes (8 from Black voters and 225 from white voters). The Black-preferred candidate would win the election with 55.4% (277/500) of the vote in this hypothetical 50% Black VAP district. And the Black-preferred candidate would be successful despite the fact that the election was racially polarized and that Blacks turned out to vote at a lower rate than whites.

25. The candidate of choice of Black voters would still win the election by a very small margin (50.9%) in a district that is 45% Black with these same voting patterns:

	VAP	turnout	voters	support for Black-preferred candidate	votes for Black-preferred candidate	support for white-preferred candidate	votes for white-preferred candidate
Black	450	0.42	189	0.96	181	0.04	8
White	550	0.60	330	0.25	83	0.75	248
			519		264		255

In a district with a 40% BVAP, however, the Black-preferred candidate would garner only 47.5% of the vote.

Cuyahoga County and Congressional District 11

26. Table 1, below, incorporates the estimates of turnout and votes by race reported in the summary table for Cuyahoga County found in Appendix A,[8] and calculates the percentage of the vote the candidate preferred by Black voters would receive in a district with a given BVAP. The BVAP percentages considered are 35, 40, 45, 50, and 55%. Looking down the last few columns of Table 1, it is apparent that the Black-preferred candidate would win all but one of the 13 statewide general election contests considered in a district with a BVAP of 40%. Moreover, the Black-preferred candidate would win the three congressional general election contests in landslides.

27. Only the 2014 Governor's race would require a district with more than a 40% BVAP for the candidate of choice of Black voters to win. More precisely, the percent BVAP needed for the Black-preferred candidate to win the 2014 Governor's race is 41.4%. This is because the white incumbent (John Kasich) received more support from white voters in Cuyahoga County than any other Republican in the elections I examined.

28. In every general election since 2018, the Black-preferred candidate would receive at least 67% of the vote – and as much as 73% (75% in a congressional contest)– in a 40% BVAP district.

29. Primary elections are more challenging for Black-preferred candidates, but only when there are more than two or three candidates competing. For example, in the 2018 Democratic primary for Governor, six candidates ran for the nomination. The 2021 Special Primary for Congressional District 11 drew 13 candidates, although only two received more than 2% of the vote.

30. On the basis of my analysis of voting patterns in statewide elections over the past decade, and an examination of recent congressional contests, I conclude that a district with a 42% BVAP is likely to provide Black voters with a realistic opportunity to elect their candidates of choice in a newly drawn congressional district located within Cuyahoga County. This is because the election contest that proved the most challenging for the candidate of choice of Black voters to win was the 2014 Governor contest and the percent BVAP needed for the Black-preferred candidate to win this election is 41.4%.

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[8] The EI estimate that controls for differential turnout – labeled "EI RxC" in the summary racial bloc voting results tables in the Appendix – was used to calculate the percent Black VAP needed to win.

31. A congressional district that is less than majority Black provides Black voters with an opportunity to elect their candidates of choice in Cuyahoga County because, although Black voters in the county usually turn out to vote at lower rates than white voters, Black voters are very cohesive in supporting their preferred candidates, and white voters vote for these Black-preferred candidates in sufficient percentages for the candidate of choice of the Black voters to prevail.

Table 1: Percent Black VAP Needed to Win Election in Cuyahoga County and Congressional District 11

Cuyahoga County Percent Black VAP needed to win	race of B-P candidate	turnout rate for office and percent vote for black-preferred candidates						percent of vote B-P cand would have received if district was 55% black VAP	percent of vote B-P cand would have received if district was 50% black VAP	percent of vote B-P cand would have received if district was 45% black VAP	percent of vote B-P cand would have received if district was 40% black VAP	percent of vote B-P cand would have received if district was 35% black VAP
		Black votes			White votes							
		votes cast for office	B-P	all others	votes cast for office	B-P	all others					
GENERAL ELECTIONS												
2020 President	W	54.1	97.1	2.9	75.3	53.2	46.8	73.7	71.6	69.5	67.4	65.4
2018 Governor	W	46.2	96.1	3.9	58.2	52.9	47.1	74.2	72.0	69.9	67.9	65.8
2018 Treasurer	AA	45.8	98.1	1.9	56.0	51.9	48.1	75.0	72.7	70.4	68.2	66.0
2018 Attorney General	W	45.5	97.7	2.3	57.2	56.4	43.6	76.8	74.7	72.7	70.7	68.8
2018 Auditor	W	45.2	95.9	4.1	55.9	52.7	47.3	74.2	72.0	69.9	67.8	65.8
2018 Secretary State	W	45.7	96.8	3.2	56.7	54.2	45.8	75.3	73.2	71.1	69.1	67.1
2018 U.S. Senate	W	45.9	98.3	1.7	57.9	60.4	39.6	79.1	77.2	75.3	73.5	71.7
2016 President	W	63.8	97.8	2.2	65.9	47.9	52.1	74.9	72.4	70.0	67.5	65.0
2016 U.S. Senate	W	59.9	93.9	6.1	64.4	36.2	63.8	66.9	64.0	61.1	58.3	55.5
2014 Governor	W	30.4	88.0	12.0	41.2	30.2	69.8	57.6	54.7	52.0	49.3	46.6
2014 Secretary State	AA	32.1	97.8	2.2	40.3	40.7	59.3	68.9	66.0	63.2	60.5	57.8
2012 President	AA	71.6	99.0	1.0	65.7	53.9	46.1	79.7	77.4	75.2	72.9	70.6
2012 U.S. Senate	W	66.3	98.7	1.3	62.6	57.4	42.6	80.7	78.6	76.6	74.5	72.4
DEMOCRATIC PRIMARIES												
2018 Governor	W	17.8	51.0	49.0	15.4	31.4	68.6	42.9	41.9	40.9	39.9	38.9
2016 U.S. Senate	W	30.3	69.2	30.8	16.2	55.8	44.2	65.1	64.5	63.9	63.2	62.5
CONGRESSIONAL DISTRICT 11												
2020 General	AA	53.6	97.4	2.6	71.6	61.2	38.8	78.5	76.7	75.0	73.3	71.6
2018 General	AA	47.2	98.0	2.0	58.7	62.7	37.3	80.2	78.4	76.7	75.0	73.4
2016 General	AA	62.0	98.0	2.0	60.0	53.4	46.6	78.3	76.1	73.8	71.6	69.3
2020 Dem Primary	AA	16.2	93.0	7.0	22.8	88.6	11.4	90.6	90.4	90.2	90.0	89.8
2021 Special Primary	AA	18.0	48.6	51.4	21.8	53.2	46.8	50.9	51.1	51.3	51.6	51.8

Cuyahoga County, Ohio	Party	Race	Estimates for Black Voters				Estimates for White Voters			
			HP	ER	EI 2x2	EI RxC	HP	ER	EI 2x2	EI RxC
General Elections										
2020 General										
U.S. President										
Joseph Biden	D	W/AA*	95.8	100.6	98.4	97.1	50.3	48.9	50.1	53.2
Donald Trump	R	W/W	3.3	-1.6	1.2	1.7	48.8	49.9	48.7	46.0
others			0.9	1.0	1.0	1.2	1.0	1.1	1.2	0.8
votes for office			*57.1*	*50.5*	*54.1*	*54.1*	*79.9*	*73.2*	*75.3*	*75.3*
2018 General										
Governor										
Richard Cordray	D	W/W	94.8	99.7	97.5	96.1	48.9	48.9	49.8	52.9
Mike Dewine	R	W/W	3.6	-1.6	1.2	1.8	48.9	48.3	47.3	45.0
others			1.7	1.9	1.7	2.1	2.2	2.7	2.5	2.1
votes for office			*48.6*	*42.7*	*46.2*	*46.2*	*63.2*	*55.7*	*58.2*	*58.2*
Treasurer										
Rob Richardson	D	AA	97.2	103.0	99.2	98.1	47.6	48.0	49.4	51.9
Robert Sprague	R	W	2.8	-3.0	0.8	1.9	52.4	52.0	50.6	48.1
votes for office			*48.0*	*42.4*	*45.8*	*45.8*	*60.7*	*53.6*	*56.0*	*56.0*
Attorney General										
Steve Dettelbach	D	W	96.2	101.4	98.7	97.7	51.9	52.5	53.8	56.4
Dave Yost	R	W	3.8	-1.4	1.4	2.3	48.1	47.4	46.2	43.6
votes for office			*47.8*	*42.0*	*45.5*	*45.5*	*62.1*	*54.8*	*57.2*	*57.2*
Auditor										
Zack Space	D	W	95.0	100.3	97.7	95.9	48.5	48.5	49.6	52.7
Keith Faber	R	W	2.3	-3.1	0.7	1.4	47.4	46.7	45.2	43.0
Robert Coogan	Lib	W	2.7	2.8	2.5	2.7	4.1	4.8	4.6	4.3
votes for office			*47.3*	*41.8*	*45.2*	*45.2*	*60.6*	*53.5*	*55.9*	*55.9*
Secretary of State										
Kathleen Clyde	D	W	95.8	101.0	98.4	96.8	49.9	50.2	51.2	54.2
Frank LaRose	R	W	3.0	-2.3	0.9	1.6	48.0	47.3	46.0	43.8
Dustin Nanna	Lib	W	1.2	1.3	1.3	1.5	2.1	2.5	2.4	2.0
votes for office			*47.9*	*42.3*	*45.7*	*45.7*	*61.5*	*54.3*	*56.7*	*56.7*

Cuyahoga County, Ohio	Party	Race	Estimates for Black Voters				Estimates for White Voters			
			HP	ER	EI 2x2	EI RxC	HP	ER	EI 2x2	EI RxC
2018 General (cont)										
U.S. Senate										
Sherrod Brown	D	W	97.8	102.6	99.3	98.3	55.9	56.5	57.8	60.4
Jim Renacci	R	W	2.2	-2.7	0.6	1.7	44.1	43.5	42.3	39.6
votes for office			*48.3*	*42.5*	*45.9*	*45.9*	*62.8*	*55.4*	*57.9*	*57.9*
2016 General										
U.S. President										
Hillary Clinton	D	W	97.3	103.0	99.3	97.8	45.9	45.1	46.2	47.9
Donald Trump	R	W	1.7	-9.8	0.6	1.1	50.1	50.2	48.8	47.7
others			1.0	0.8	0.9	1.1	4.1	4.8	4.7	4.4
votes for office			*67.1*	*61.3*	*63.8*	*63.8*	*72.5*	*63.4*	*65.9*	*65.9*
U.S. Senate										
Ted Strickland	D	W	91.6	97.5	95.0	93.9	35.1	33.9	34.2	36.2
Rob Portman	R	W	4.6	-1.8	1.5	1.7	60.4	60.7	60.0	59.1
others			3.8	4.3	4.0	4.3	4.5	5.4	5.2	4.7
votes for office			*62.9*	*57.2*	*59.9*	*59.9*	*71.1*	*62.1*	*64.4*	*64.4*
2014 General										
Governor										
Edward FitzGerald	D	W	85.1	89.8	88.2	88.0	29.2	29.2	28.4	30.2
Joh Kasich	R	W	14.9	10.2	11.9	12.0	70.8	70.8	71.7	69.8
votes for office			*31.3*	*27.4*	*30.4*	*30.4*	*42.8*	*37.9*	*41.2*	*41.2*
Secretary of State										
Nina Turner	D	AA	97.2	103.2	98.8	97.8	38.1	38.9	39.2	40.7
Jon Husted	R	W	2.8	-3.2	1.3	2.2	61.9	61.0	60.8	59.3
votes for office			*32.5*	*29.0*	*32.1*	*32.1*	*41.6*	*36.9*	*40.3*	*40.3*
2012 General										
U.S. President										
Barack Obama	D	AA	99.1	104.5	99.4	99.0	51.6	53.3	54.6	53.9
Mitt Romney	R	W	0.9	-4.5	0.4	1.0	48.4	46.7	45.4	46.1
votes for office			*73.2*	*69.7*	*71.6*	*71.6*	*70.2*	*64.3*	*65.7*	*65.7*

Cuyahoga County, Ohio	Party	Race	Estimates for Black Voters				Estimates for White Voters			
			HP	ER	EI 2x2	EI RxC	HP	ER	EI 2x2	EI RxC
2012 General (cont)										
U.S. Senate										
Sherrod Brown	D	W	98.2	103.1	99.4	98.7	55.2	56.6	57.4	57.4
Josh Mandel	R	W	1.8	-3.2	0.6	1.3	44.8	43.4	42.6	42.6
votes for office			*67.5*	*64.4*	*66.3*	*66.3*	*66.5*	*60.8*	*62.6*	*62.6*
Democratic Primaries										
2018 Primary										
Governor										
Richard Cordray	D	W/W	43.0	39.5	42.0	41.2	58.3	59.5	61.8	60.7
Dennis Kucinich	D	W/AA*	50.5	53.3	51.2	51.0	34.1	33.0	31.5	31.4
Bill O'Neill	D	W/AA*	29.0	3.3	3.1	3.3	1.5	1.3	1.3	1.5
Paul Ray	D	W/W	0.7	0.7	0.7	1.0	0.5	0.5	0.6	0.6
Joe Schiavoni	D	W/W	1.8	1.8	1.8	2.2	5.3	5.5	4.9	5.2
Larry Ealy	D	AA/W	1.2	1.4	1.0	1.3	0.3	0.2	0.4	0.6
votes for office			*17.5*	*14.9*	*17.8*	*17.8*	*14.4*	*12.9*	*15.4*	*15.4*
2016 Primary										
U.S. Senator										
Kelli Prather	D	AA	12.4	13.4	13.0	13.4	10.4	11.5	11.3	10.3
P.G. Sittenfeld	D	W	17.5	15.9	16.4	17.4	31.8	32.1	32.4	33.9
Ted Strickland	D	W	70.1	70.7	70.7	69.2	57.8	56.4	56.3	55.8
votes for office			*29.4*	*27.9*	*30.3*	*30.3*	*16.6*	*14.1*	*16.2*	*16.2*

Congressional District 11	Party	Race	Vote	Estimates for Black Voters				Estimates for White Voters			
				HP	ER	EI 2x2	EI RxC	HP	ER	EI 2x2	EI RxC
2016 General											
Marcia Fudge	D	AA	80.3	96.4	100.4	98.6	98.0	42.0	51.5	53.7	53.4
Beverly Goldstein	R	W	19.8	3.6	-0.4	1.4	2.0	58.0	48.5	46.3	46.6
votes for office				*62.8*	*58.9*	*62.0*		*69.6*	*57.6*	*60.0*	
2018 General											
Marcia Fudge	D	AA	82.2	97.5	100.6	99.2	98.0	46.7	57.5	59.4	62.7
Beverly Goldstein	R	W	17.8	2.5	-0.6	0.7	2.0	53.4	42.5	40.6	37.3
votes for office				*48.4*	*43.7*	*47.2*		*64.8*	*55.5*	*58.7*	
2020 General											
Marcia Fudge	D	AA	80.1	95.5	98.9	97.6	97.4	44.7	55.5	57.4	61.2
Laverne Gore	R	AA	20	4.5	1.1	2.4	2.6	55.3	44.6	3.6	38.8
votes for office				*54.9*	*49.8*	*53.6*		*78.5*	*70.0*	*71.6*	
2020 Democratic Primary											
Marcia Fudge	D	AA	90.5	93.1	92.6	93.9	93.0	87.2	85.3	86.7	88.6
Others	D		9.5	6.9	7.3	6.1	7.0	12.8	14.7	13.2	11.4
votes for office				*16.7*	*13.4*	*16.2*		*15.9*	*17.4*	*22.8*	
2021 Special Primary											
Shontel Brown	D	AA	50.1	49.3	48.0	49.6	48.6	52.9	49.7	52.1	53.2
Nina Turner	D	AA	44.6	44.7	45.8	44.5	45.3	37.1	44.4	43.3	41.9
Others	D		5.3	6.0	6.1	5.7	6.1	10.0	5.8	4.6	4.9
Turnout/VAP				*18.4*	*15.1*	*18.0*		*11.8*	*14.6*	*21.8*	
2021 Special General											
Shontel Brown	D	AA	78.8								
Laverne Gore	R	AA	21.2								
votes for office											

Lisa R. Handley
CURRICULUM VITAE

Professional Experience

Dr. Handley has over thirty years of experience in the areas of redistricting and voting rights, both as a practitioner and an academician, and is recognized nationally and internationally as an expert on these subjects. She has advised numerous clients on redistricting and has served as an expert in dozens of redistricting and voting rights court cases. Her clients have included the U.S. Department of Justice, civil rights organizations, independent redistricting commissions and scores of state and local jurisdictions. Internationally, Dr. Handley has provided electoral assistance in more than a dozen countries, serving as a consultant on electoral system design and redistricting for the United Nations, UNDP, IFES, and International IDEA. In addition, Dr. Handley served as Chairman of the Electoral Boundaries Commission in the Cayman Islands.

Dr. Handley has been actively involved in research, writing and teaching on the subjects of redistricting and voting rights. She has co-written a book, Minority Representation and the Quest for Voting Equality (Cambridge University Press, 1992) and co-edited a volume (Redistricting in Comparative Perspective, Oxford University Press, 2008) on these subjects. Her research has also appeared in peer-reviewed journals such as *Journal of Politics*, *Legislative Studies Quarterly*, *American Politics Quarterly*, *Journal of Law and Politics*, and *Law and Policy,* as well as law reviews and edited books. She has taught political science undergraduate and graduate courses related to these subjects at several universities including the University of Virginia and George Washington University. Dr. Handley is a Visiting Research Academic at Oxford Brookes University in the United Kingdom.

Dr. Handley is the President of Frontier International Consulting, a consulting firm that specializes in providing electoral assistance in transitional and post-conflict democracies. She also works as an independent election consultant both in the United States and internationally.

Education

Ph.D.   The George Washington University, Political Science, 1991

Present Employment

President, Frontier International Electoral Consulting LLC (since co-founding company in 1998).

Senior International Electoral Consultant Technical assistance for clients such as the UN, UNDP and IFES on electoral system design and boundary delimitation

Visiting Research Academic, Centre for Development and Emergency Practice (CENDEP), Oxford Brookes University

U.S. Clients since 2000

American Civil Liberties Union (expert testimony in Ohio partisan gerrymander challenge and challenge to Commerce Department inclusion of citizenship question on 2020 census form)

Lawyers Committee for Civil Rights Under Law (expert testimony in challenges to statewide judicial elections in Texas and Alabama)

US Department of Justice (expert witness testimony in several Section 2 and Section 5 cases)

Alaska: Alaska Redistricting Board (redistricting consultation, expert witness testimony)

Arizona: Arizona Independent Redistricting Board (redistricting consultation, expert witness)

Arkansas: expert witness for Plaintiffs in Jeffers v. Beebe

Colorado: Colorado Redistricting Board (redistricting consultation)

Connecticut: State Senate and State House of Representatives (redistricting consultation)

Florida: State Senate (redistricting consultation)

Kansas: State Senate and House Legislative Services (redistricting consultation)

Louisiana: Louisiana Legislative Black Caucus (expert witness testimony)

Massachusetts: State Senate (redistricting consultation)

Maryland: Attorney General (redistricting consultation, expert witness testimony)

Miami-Dade County, Florida: County Attorney (redistricting consultation)

Nassau County, New York: Redistricting Commission (redistricting consulting)

New Mexico: State House (redistricting consultation, expert witness testimony)

New York: State Assembly (redistricting consultation)

New York City: Redistricting Commission and Charter Commission (redistricting consultation and Section 5 submission assistance)

New York State Court: Expert to the Special Master (drew congressional lines for state court)

Ohio: State Democratic Party (redistricting litigation support, expert witness testimony)

Pennsylvania: Senate Democratic Caucus (redistricting consultation)

Rhode Island: State Senate and State House (litigation support, expert witness testimony)

Vermont: Secretary of State (redistricting consultation)

International Clients since 2000

United Nations
- Afghanistan – electoral system design and district delimitation expert
- Bangladesh (UNDP) – redistricting expert
- Sierra Leone (UNDP) – redistricting expert
- Liberia (UNMIL, UN peacekeeping mission) – redistricting expert
- Democratic Republic of the Congo (MONUC, UN peacekeeping mission) – election feasibility mission, electoral system design and redistricting expert
- Kenya (UN) – electoral system design and redistricting expert
- Haiti (UN) – election feasibility mission, electoral system design and redistricting expert
- Zimbabwe (UNDP) – redistricting expert
- Lead Writer on the topic of boundary delimitation (redistricting) for ACE (Joint UN, IFES and IDEA project on the Administration and Cost of Elections Project)

International Foundation for Election Systems (IFES)
- Afghanistan – district delimitation expert
- Sudan – redistricting expert
- Kosovo – electoral system design and redistricting expert
- Nigeria – redistricting expert
- Nepal – redistricting expert
- Georgia – electoral system design and district delimitation expert
- Yemen – redistricting expert
- Lebanon – electoral system design and redistricting expert
- Malaysia – electoral system design and redistricting expert
- Myanmar – electoral system design and redistricting expert
- Ukraine – electoral system design and redistricting expert
- Pakistan – consultant for developing redistricting software
- Principal consultant for the Delimitation Equity Project – conducted research, wrote reference manual and developed training curriculum
- Writer on electoral boundary delimitation (redistricting), Elections Standards Project
- Training – developed training curriculum and conducted training workshops on electoral boundary delimitation (redistricting) in Azerbaijan and Jamaica

International Institute for Democracy and Electoral Assistance (International IDEA):
- Consultant on electoral dispute resolution systems
- Technology consultant on use of GIS for electoral district delimitation
- Training – developed training material and conducted training workshop on electoral boundary delimitation (redistricting) for African election officials (Mauritius)
- Curriculum development – boundary delimitation curriculum for the BRIDGE Project

Other international clients have included The Cayman Islands; the Australian Election Commission; the Boundary Commission of British Columbia, Canada; and the Global Justice Project for Iraq.

Publications

Books:

Does Torture Prevention Work? Liverpool University Press, 2016 (served as editor and author, with Richard Carver)

Comparative Redistricting in Perspective, Oxford University Press, 2008 (first editor, with Bernard Grofman).

Delimitation Equity Project: Resource Guide, Center for Transitional and Post-Conflict Governance at IFES and USAID publication, 2006 (lead author).

Minority Representation and the Quest for Voting Equality, Cambridge University Press, 1992 (with Bernard Grofman and Richard Niemi).

Academic Journal Articles:

"Drawing Electoral Districts to Promote Minority Representation" Representation, forthcoming, published online DOI:10.1080/00344893.2020.1815076.

"Evaluating national preventive mechanisms: a conceptual model," Journal of Human Rights Practice, Volume 12 (2), July 2020 (with Richard Carver).

"Minority Success in Non-Majority Minority Districts: Finding the 'Sweet Spot'," Journal of Race, Ethnicity and Politics, forthcoming (with David Lublin, Thomas Brunell and Bernard Grofman).

"Has the Voting Rights Act Outlived its Usefulness: In a Word, "No," Legislative Studies Quarterly, volume 34 (4), November 2009 (with David Lublin, Thomas Brunell and Bernard Grofman).

"Delimitation Consulting in the US and Elsewhere," Zeitschrift für Politikberatung, volume 1 (3/4), 2008 (with Peter Schrott).

"Drawing Effective Minority Districts: A Conceptual Framework and Some Empirical Evidence," North Carolina Law Review, volume 79 (5), June 2001 (with Bernard Grofman and David Lublin).

"A Guide to 2000 Redistricting Tools and Technology" in The Real Y2K Problem: Census 2000 Data and Redistricting Technology, edited by Nathaniel Persily, New York: Brennan Center, 2000.

"1990s Issues in Voting Rights," Mississippi Law Journal, 65 (2), Winter 1995 (with Bernard Grofman).

"Minority Turnout and the Creation of Majority-Minority Districts," American Politics Quarterly, 23 (2), April 1995 (with Kimball Brace, Richard Niemi and Harold Stanley).

"Identifying and Remedying Racial Gerrymandering," <u>Journal of Law and Politics</u>, 8 (2), Winter 1992 (with Bernard Grofman).

"The Impact of the Voting Rights Act on Minority Representation in Southern State Legislatures," <u>Legislative Studies Quarterly</u>, 16 (1), February 1991 (with Bernard Grofman).

"Minority Population Proportion and Black and Hispanic Congressional Success in the 1970s and 1980s," <u>American Politics Quarterly</u>, 17 (4), October 1989 (with Bernard Grofman).

"Black Representation: Making Sense of Electoral Geography at Different Levels of Government," <u>Legislative Studies Quarterly</u>, 14 (2), May 1989 (with Bernard Grofman).

"Minority Voting Equality: The 65 Percent Rule in Theory and Practice," <u>Law and Policy</u>, 10 (1), January 1988 (with Kimball Brace, Bernard Grofman and Richard Niemi).

"Does Redistricting Aimed to Help Blacks Necessarily Help Republicans?" <u>Journal of Politics</u>, 49 (1), February 1987 (with Kimball Brace and Bernard Grofman).

Chapters in Edited Volumes:

"Effective torture prevention," <u>Research Handbook on Torture</u>, Sir Malcolm Evans and Jens Modvig (eds), Cheltenham: Edward Elgar, 2020 (with Richard Carver).

"Redistricting" in <u>Oxford Handbook of Electoral Systems</u>, Erik Herron Robert Pekkanen and Matthew Shugart (eds), Oxford: Oxford University Press, 2018.

"Role of the Courts in the Electoral Boundary Delimitation Process," in <u>International Election Remedies</u>, John Hardin Young (ed.), Chicago: American Bar Association Press, 2017.

"One Person, One Vote, Different Values: Comparing Delimitation Practices in India, Canada, the United Kingdom, and the United States," in <u>Fixing Electoral Boundaries in India</u>, edited by Mohd. Sanjeer Alam and K.C. Sivaramakrishman, New Delhi: Oxford University Press, 2015.

"Delimiting Electoral Boundaries in Post-Conflict Settings," in <u>Comparative Redistricting in Perspective</u>, edited by Lisa Handley and Bernard Grofman, Oxford: Oxford University Press, 2008.

"A Comparative Survey of Structures and Criteria for Boundary Delimitation," in <u>Comparative Redistricting in Perspective</u>, edited by Lisa Handley and Bernard Grofman, Oxford: Oxford University Press, 2008.

"Drawing Effective Minority Districts: A Conceptual Model," in <u>Voting Rights and Minority Representation</u>, edited by David Bositis, published by the Joint Center for Political and Economic Studies, Washington DC, and University Press of America, New York, 2006.

"Electing Minority-Preferred Candidates to Legislative Office: The Relationship Between Minority Percentages in Districts and the Election of Minority-Preferred Candidates," in <u>Race and Redistricting in the 1990s</u>, edited by Bernard Grofman; New York: Agathon Press, 1998 (with Bernard Grofman and Wayne Arden).

"Estimating the Impact of Voting-Rights-Related Districting on Democratic Strength in the U.S. House of Representatives," in <u>Race and Redistricting in the 1990s</u>, edited by Bernard Grofman; New York: Agathon Press, 1998 (with Bernard Grofman).

"Voting Rights in the 1990s: An Overview," in <u>Race and Redistricting in the 1990s</u>, edited by Bernard Grofman; New York: Agathon Press, 1998 (with Bernard Grofman and Wayne Arden).

"Racial Context, the 1968 Wallace Vote and Southern Presidential Dealignment: Evidence from North Carolina and Elsewhere," in <u>Spatial and Contextual Models in Political Research</u>, edited by Munroe Eagles; Taylor and Francis Publishing Co., 1995 (with Bernard Grofman).

"The Impact of the Voting Rights Act on Minority Representation: Black Officeholding in Southern State Legislatures and Congressional Delegations," in <u>The Quiet Revolution: The Impact of the Voting Rights Act in the South, 1965-1990</u>, eds. Chandler Davidson and Bernard Grofman, Princeton University Press, 1994 (with Bernard Grofman).

"Preconditions for Black and Hispanic Congressional Success," in <u>United States Electoral Systems: Their Impact on Women and Minorities</u>, eds. Wilma Rule and Joseph Zimmerman, Greenwood Press, 1992 (with Bernard Grofman).

Electronic Publication:

"Boundary Delimitation" Topic Area for the Administration and Cost of Elections (ACE) Project, 1998. Published by the ACE Project on the ACE website (www.aceproject.org).

Additional Writings of Note:

Amicus brief presented to the US Supreme Court in <u>Gill v. Whitford</u>, Brief of Political Science Professors as Amici Curiae, 2017 (one of many social scientists to sign brief)

Amicus brief presented to the US Supreme Court in <u>Shelby County v. Holder</u>, Brief of Historians and Social Scientists as Amici Curiae, 2013 (one of several dozen historians and social scientists to sign brief)

Amicus brief presented to the US Supreme Court in <u>Bartlett v. Strickland</u>, 2008 (with Nathaniel Persily, Bernard Grofman, Bruce Cain, and Theodore Arrington).

Recent Court Cases

In the past ten years, Dr. Handley has served as an testifying expert or expert consultant in the following cases:

<u>Ohio Philip Randolph Institute v. Larry Householder</u> (2019) – partisan gerrymander challenge to Ohio congressional districts; testifying expert for ACLU on minority voting patterns

<u>State of New York v. U.S. Department of Commerce/ New York Immigration Coalition v. U.S. Department of Commerce</u> (2018-2019) – challenge to inclusion of citizenship question on 2020 census form; testifying expert on behalf of ACLU

<u>U.S. v. City of Eastpointe</u> (settled 2019) – minority vote dilution challenge to City of Eastpointe, Michigan, at-large city council election system; testifying expert on behalf of U.S. Department of Justice

<u>Alabama NAACP v. State of Alabama</u> (decided 2020) – minority vote dilution challenge to Alabama statewide judicial election system; testifying expert on behalf of Lawyers Committee for Civil Rights Under Law

<u>Lopez v. Abbott</u> (2017-2018) – minority vote dilution challenge to Texas statewide judicial election system; testifying expert on behalf of Lawyers Committee for Civil Rights Under Law

<u>Personhuballuah v. Alcorn</u> (2015-2017) – racial gerrymandering challenge to Virginia congressional districts; expert for the Attorney General and Governor of the State of Virginia; written testimony on behalf of Governor

<u>Perry v. Perez</u> (2014) – Texas congressional and state house districts (Section 2 case before federal court in San Antonio, Texas; testifying expert for the U.S. Department of Justice)

<u>Jeffers v. Beebe</u> (2012) – Arkansas state house districts (testifying expert for the Plaintiffs)

<u>State of Texas v. U.S.</u> (2011-2012) – Texas congressional and state house districts (Section 5 case before the Circuit Court of the District of Columbia; testifying expert for the U.S. Department of Justice)

<u>In RE 2011 Redistricting Cases</u> (2011-2012) – State legislative districts for State of Alaska (testifying expert for the Alaska Redistricting Board)

Contact Information

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February 23, 2022

Ohio Redistricting Committee
Ohio Statehouse
1 Capitol Square
Columbus, Ohio 43215-4275

Members of the Ohio Redistricting Committee,

I am very pleased to provide this written testimony regarding redistricting for the upcoming 2022 election cycle. It is an honor and privilege to submit the attached proposal for your review, and I am humbled that you are considering your constituents' voices in our representative government.

The map you will be receiving is titled "OH - Proposal for Redistricting Commission." You will be pleased to know my proposed map, made using Dave's Redistricting software, scores well on the metrics of proportionality, minority representation, county splitting, compactness, as well as competitiveness. This proposal, using composite data from selected statewide races from 2016-2020, features 15 total Congressional districts. Eight districts are Republican-leaning and seven are Democratic-leaning districts. This is proportional representation for the state of Ohio.

Using the aforementioned data, Ohio averages a 53.62% statewide Republican vote share, and Democrats 46.38% of the statewide vote. Therefore, eight Republican-leaning districts are proportional in this map. This is because eight out of fifteen seats being held by Republicans at any given time would give Ohioans 53.3% Republican representation in the House of Representatives - identical to the average percentage of the vote received by Republicans in statewide races. Likewise, seven out of fifteen seats held by Democrats at any given time would result in Ohioans receiving 46.7% Democratic representation in Congress - also identical to the percentage of the vote they receive in statewide races.

Republicans do maintain a slight edge in statewide elections here in Ohio, and all legislative maps should reflect that statement. This map is no different, as they will receive a majority of Congressional seats and will largely be representing safe seats. However, competitiveness is a key value in maintaining free and fair elections. This map maintains a favorable competitive advantage for both parties, with seven of the fifteen seats falling in the competitive range of 45-55% vote share. Republicans are competitive in Districts 1, 5, 9, 12, and 13, whereas Democrats are competitive in Districts 10 and 14. This is illustrated in both the 2016 and 2018 Senatorial races. In 2016, Republican Rob Portman won statewide with 58.03% of the vote. In this map, Portman achieves the majority of the vote in every district, with the exception of the safely Democratic 3rd and 11th districts. In 2018, Democrat Sherrod Brown won statewide with 53.41% of the vote. In this map, Brown flips both Republican-leaning 10th and 14th districts into the Democratic column. This represents the competitive nature Ohio maintains in the majority of its elections, valued by voters statewide.

Minority representation is another key tenet in redistricting. 21.6% of Ohio's population are composed of people of color. The most prominent minority group in Ohio are African-Americans, who make up 12.91% of the population. With that in mind, at least two seats should give Ohio's minority population the ability to elect representatives of choice. The 3rd and 11th districts satisfy this need. The 3rd district, containing central Columbus and the majority-black neighborhoods of Bexley, Gahanna, Reynoldsburg, and Whitehall located in eastern Franklin County, is a plurality-minority district containing a 45.51% minority population. The 11th district, containing all of Cleveland, as well as the heavily black neighborhoods of Bedford, Cleveland Heights, East Cleveland, Euclid, and Garfield Heights, contain a 56.82% minority population, and give a significant voice to the region's black residents, who make up 45.22% of the voting-age population. Therefore, this map would be an excellent choice in providing our state's minority population the ability to elect representatives of choice.

Lastly, this map scores well in keeping communities of interest together. Districts 1, 3, and 11 are all entirely contained within a single county to account for Ohio's three largest cities (District 1 = Hamilton/Cincinnati, District 3 = Franklin/Columbus, and District 11 = Cuyahoga/Cleveland). This keeps the districts compact and ensures city residents are not mixed with suburban, exurban, or rural communities who do not share the same interests. Likewise, this pattern is found across the map. District 2, based entirely within the outer Cincinnati metropolitan area, is held together by taking in the remainder of Hamilton County not contained in the 1st district, as well as including Butler, Warren, and northwestern Clermont Counties. District 4 represents the largely rural geography found in western Ohio, and sprawls along the entire Ohio-Indiana border. District 5 takes in communities based in the Toledo Metropolitan Statistical Area, encompassing all of Erie, Lucas, Ottawa, Sandusky, Wood Counties, as well as the majority of Seneca County. District 6 is based in southeast Ohio, and maintains similar lines to the current 6th Congressional District. This district, running from Washington County in the south up north to Mahoning County, is designed to keep many of the rural, industrial river towns in the Appalachian region of the state together. District 7 keeps the exurban communities north of Columbus together, stretching from Hancock and Hardin Counties in the west, to Medina County in the east.

District 8 keeps the exurban communities east of Columbus together, stretching from Fairfield County in the south, to Wayne County in the north. District 9 is reconfigured from its current configuration to encompass nearly the entire lakefront to a more compact region, encompassing all of Lorain County, as well as western Cuyahoga County (which was not taken in by the 11th district). District 10 is a majority suburban district which is similar to the current 10th district, encompassing all of Montgomery and Greene Counties, as well as central Clark County to include the city of Springfield. District 12 incorporates the rapidly growing neighborhoods of Dublin, Hilliard, Upper Arlington, and Worthington, located in northwestern Franklin County, as well as all of Delaware County and northern Madison County. District 13 finds its roots based entirely in the Akron-Canton Metropolitan area, taking in all of Summit County, as well as the Stark-based cities of Canton and Massolin. District 14 remains in northeastern Ohio, taking in the eastern Cleveland suburbs found in Lake County, the manufacturing-based counties of Ashtabula and Trumbull, as well as the exurban/rural areas found in Geauga and Portage Counties. Lastly, District 15 is reconfigured to encompass all of southern Ohio, taking in the Columbus' southern exurbs, as well as the more industrial counties of Athens and Morgan, which were not taken in by the 6th district.

In closing, I sincerely appreciate the time you, the members of Ohio's redistricting committee, have taken to review and consider my proposal. I look forward to seeing you select a map that most fairly, accurately, and best represents the people of our great state.

Kind regards,
Anthony Matejcic
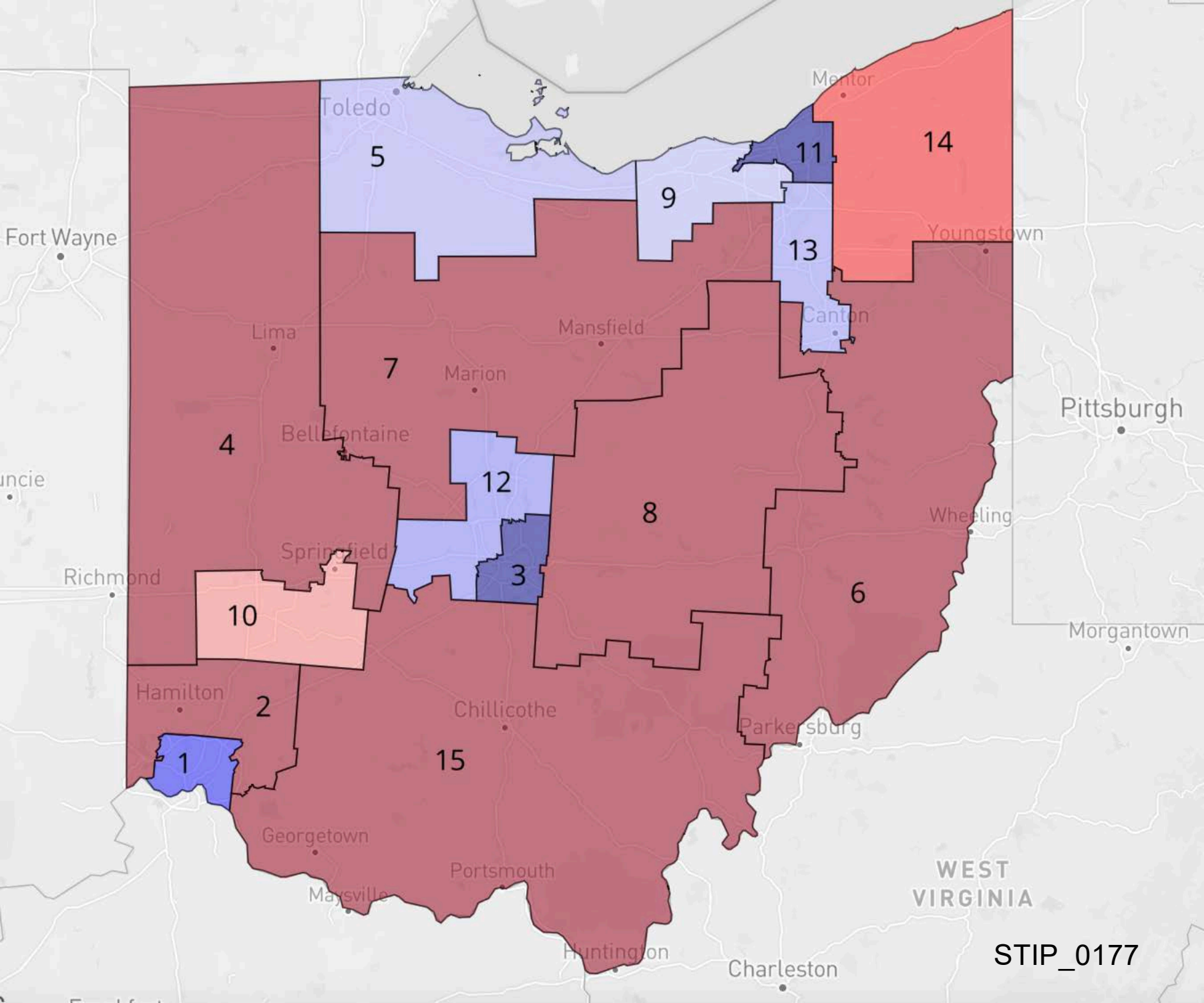
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Members of the commission,

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 assigned numerical values to a variety of plans presented before you so you could judge objectively. I argued 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 matter over to the General Assembly, which you did. While the liberal activists proclaimed you would not do the right thing and that you were 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 and 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 no more than 90 days in advance of May 3, which we all know is not going to happen, because the minority party has 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 nationwide strategy orchestrated under their party's national redistricting committee, as I've already exposed and explained 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.

So let's talk about what it actually means to favor or disfavor a political party or its incumbents, since that's what this is all about.

Not having district lines in February when the constitution doesn't allow for the map to not be set in stone after November unduly favors an incumbent. Not allowing candidates to turn in petitions until the window is closed and then giving them a narrow window right before the primary on the basis that there might be a change later which would invalidate them, unduly favors incumbents. Not knowing for certain when the primary will be barely 90 days out unduly favors an incumbent by unduly putting a challenger at a disadvantage. And moving the primary, say, to August, with a general election in November, severely disadvantages a challenger who has to focus on a primary when the incumbent being challenged doesn't. The longer it takes, the more meaningless and haphazard the election is bound to be. No one wants to donate to a campaign when the challenger is still in a primary race. Even 90 days isn't nearly long enough for a grassroots candidate to canvass a district, much less print and distribute literature telling prospective voters when the primary election will be. In order for voters to have any voice in their government, they need to be acquainted with their options, which means that all candidates need to be able to get their names out and explain their platforms, otherwise the incumbent

has the advantage in both areas. By restricting challengers, you're unduly tipping the balance in favor of one party and its incumbents over another, in each and every district.

But this isn't your fault. It's the court's fault—and only then, a bare majority of the court. You will only share in the blame if you fail to act in accordance with the mandate which Ohio residents gave you. And I know you know this, because Secretary LaRose and Governor DeWine have been insistent that you give election workers the time they need to get their jobs done. Governor DeWine has lamented that he was not aware of any plan which both met all the constitutional criteria and satisfied the court's requirement of "proportional" representation. If such a one existed, he said, he was not aware of it. That's because it's impossible, as other members of the commission have rightly pointed out.

The questions you need to consider are these:

1) What are the statewide margins, 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?
3) Which constitutional criteria should be sacrificed to meet the goal of following the statewide margins?

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. 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 been tipped in the favor of textualists, 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 the top of the ticket. Otherwise you're liable to making a mistake which will determine the outcome in a close race.

The court has made suggestions but has no say in the process and didn't give you any specific guidelines to follow. Since it arbitrarily made the same determination with regard to the congressional redistricting process outlined in Article XIX as it did with the general assembly process outlined in Article XI, the court has interpreted its role in each situation interchangeably, which means it is limited under Article XI, §8, ¶(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's "snake on the lake" but gives the incumbent a 50/50 chance to retain her seat in

Toledo, the Democrats have re-gerrymandered the district to give her 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 and unduly disfavors both a political party and one of its incumbents.

But that's not enough for them. They also want to force Congressmen Warren Davidson and Jim Jordan—both popular Freedom Caucus members—into a primary against 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 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 thing 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 a plan which necessarily disfavors half the Republican incumbents, because it's the only way for them to achieve their aim of hijacking a requisite number of congressional seats, which is all they've ever truly cared about. Even the plan submitted by David Helmick which he billed as a compromise and allows the Democrats no more than 5 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 limits it, 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 are entitled to, and anything beyond that is a deviation from the statewide margin favoring Republicans by nearly 20 points. And you can't legally break up the urban to rural concentration gradient. Senator Huffman rightly pointed out last week that racial gerrymandering is illegal, and Auditor Faber that the Democrats' plan uses cracking and packing to even out the margins. This is inevitable. 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 Democrat district outside Cleveland's District 11 for Shontel 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 re-elect 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 strict adherence to the statewide preferences as determined by the last ten 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 another two 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 Ohio voters are not willing to make, given recent elections.

Republicans will only ever have 1 congressional seat in the state of Oregon, because Democrats don't believe in fairness or even in proportionality. They won't give up any one of their 14 out of 17 districts in Illinois, or any of their 9 out of 9 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 9-to-4 spread with 2 hypercompetitive districts is as great a concession as the GOP can make without blatantly violating our state's constitution several ways. 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, a motivated Republican might challenge a map proferred 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. This will satisfy the requirement of ¶(C)(2) that a general assembly redistricting plan, "shall include a statement explaining what the commission determined to be the statewide preferences of the voters of Ohio." Although this requirement is in Article XI, it is in the spirit of the transparency which the constitutional reform was intended to enact so that one party can't 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. We the People are watching and will hold you accountable at the ballot box. 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.

<u>Rationale</u>

Article XI, §6, ¶(B) of the Ohio Constitution stipulates that, "The statewide proportion of districts whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party shall correspond closely to the statewide preferences of the voters of Ohio."

The Supreme Court of Ohio which has original jurisdiction in the matter, per Article XIX, §3, has interpreted the clause in §6(B) as requiring that a proportion of votes result in a like proportion of legislative seats by party lines. Due to the heavy concentration of Democrat voters in urban areas, combined with the fact that the state and federal partisan election results in Ohio over the last ten years have strongly favored Republican candidates, this result can only be accomplished by a deliberate partisan gerrymander favoring the Democratic Party by diluting Democrat votes in urban areas through the unnecessary splitting of political units to create more Democrat-leaning districts. The court has effectively decided that this clause is the only necessary constitutional criterion for determining the validity of a redistricting plan, as at least some provisions intended to prevent partisan gerrymandering must be expressly violated in order to achieve the partisan ratio required by the court's recent ruling.

The Supreme Court of the United States has recently ruled that federal courts do not have the authority to arbitrate these disputes, so it is each state's prerogative. The Supreme Court of Ohio's majority opinion makes reference to ostensibly anti-gerrymandering resources organized under the Democrats' partisan national redistricting initiatives in its suggestion of remedial action. However, the court has no explicit constitutional authority to draw up or implement a congressional redistricting plan of its own accord, as the Democrat-majority Supreme Court of Pennsylvania did recently under the Democrats' direction against the Republican-majority legislature's authority, nor to determine which, if any, citizen(s) or citizens group(s) or their competing interests be given whatever amount of consideration or delegated role in the redistricting process, nor does it have the authority to prevent the general assembly from passing a redistricting plan altogether. Therefore, to even suggest any particular redistricting plan or process to the legislature in lieu of its own constitutional prerogative is against the court's mandate.

The role of the court in arbitrating cases which arise from challenges to the general assembly's adoption of a redistricting plan is limited in Article XI, §8, ¶(C)(2) which stipulates that, "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."

The Ohio Redistricting Commission's role is a necessary provision for getting through an impasse between the court with the general assembly, and the bipartisan composition of the ORC provided by Article XI, §1 was intended to ensure the process was fair and could not succumb to partisan gerrymandering without the will of the voters via a major political party sweeping statewide elections, and even then, a partisan plan may still only be in effect for four years. The fact that the new redistricting process has failed utterly in the first instance, to the point that it is still going with no end in sight and less than 100 days to the May primaries when it was supposed to be completed not later than November, suggests that the flaw in the design was in the constitutional amendment referendum which did not achieve the intended outcome, simply because a majority of Ohio voters would not have supported the referendum if they had known of the subversive intent of its authors to undermine their

own will and, in many cases, their interests as electors, on account of it being falsely touted as aiming for what the majority of us want, which is fairness. At the end of last year's public ORC hearings, there was still no consensus of what fairness actually entails, and when incontestable statistical measures were provided to objectively measure the extent of gerrymandering in any given plan, the activists summarily ignored them in favor of partisan propaganda, misinformation and hearsay, and proceeded to challenge the general assembly's plan in court.

It is clear that the court's majority opinion seeks to compel the general assembly to adopt the plan proposed by one of the National Democratic Redistricting Committee's activist fronts, such as that submitted recently by Fair Districts Ohio and pushed as "un-gerrymandered" by liberal hacks in the press. Yet the best intent of the Democrat activists is not only to repeat the problem caused by the creation of gerrymandered districts, but to aggravate it; instead of one district which extends 105 miles along Lake Erie, they have proposed one which extends 147 miles along the border with Indiana and cuts through different watersheds and different, clearly recognizable communities, and in so doing, pigeonholed two Republican incumbents into a primary race and another into a safe Democrat district. This could just as easily be avoided by a more sensible plan which gives more consideration to geography than to partisan interests, or even which recognizes the authority of the general assembly to adopt whatever plan it deems fit, provided that there is no specific legal hindrance. While changes to any congressional district to give the Democrats more seats must necessarily affect other districts, the massive changes to the safe Republican districts in the extreme west, south and east of the state such as those proposed by Fair Districts Ohio serve no other purpose but to unduly disfavor the majority party and its incumbents, and are therefore unjustifiable.

While most of the activists have argued for competitive districts, and the consensus among everyone who has provided their input to the ORC is that a range of plus or minus a minimum of 3 and a maximum of 5 percentage points from an equal proportion constitutes competitiveness, the solution to this problem is not to create more competitive districts. Senate Bill 258 provided 2 safe Democrat and 6 competitive districts, so that in a good year it would be theoretically possible for the Democrats to win 8 seats, or the majority of the 15. What they really wanted was more safe Democrat seats; otherwise, they would not have sued the legislators who gave us the map. Instead, a combination of safe Democrat seats and of highly competitive seats (as close to a 1:1 ratio as possible) is what is needed to abide by the court's decision without violating the anti-gerrymandering provisions. Whereas a good election result under SB 258 would give Democrats perhaps 5 seats and a poor result would give them only 2, a good election result for the Democrats under my plan will award them as many as 6 seats with a high degree of likelihood, and a poor result will guarantee them 4. As this is certainly fair to both parties, so long as our elections are likewise free and fair, rather than to just the majority or the minority party, or otherwise to the one which commits the most voter fraud, it should be regarded as the type of compromise which the voters from both parties recently passed by referendum and which the general assembly and the governor signed into law—what we all expected of the ORC when we created it— provided that the other constitutional criteria are met. The question of to what degree the map should be gerrymandered for the Democrats is, of course, open to debate, but to expressly favor the minority party over the majority is no less unconstitutional than the opposite would be, so the most obvious way to placate everyone is to just stop gerrymandering altogether. Therefore, the court should not accept a plan which provides the Democrats more than they would be likely to get in any other state with the same voting demographics, just as it did not accept the plan which gave them less than that.

With the loss of one seat overall, strictly adhering to the rule of the statewide voting preferences of the last ten years would suggest that the Democrats should be entitled to 4 or perhaps 3 seats, and that to get nearer the extreme partisan gerrymander of a 8:7 ratio desired by the plaintiffs, a few more highly competitive districts be drawn in highly competitive areas of Ohio's mid-sized cities and suburbs. As Congressmen Anthony Gonzalez and Tim Ryan are not running for re-election, it makes more sense to eliminate one of them (and of the two, Rep. Gonzalez's seat because it is District 16) than to keep both while fiddling with the lines to produce safe Democrat districts, as Fair Districts Ohio and the other Democratic Party-sponsored activist fronts intend. Either way, any plan which tries to subvert rather than amend SB 258 is invalid by the constitutional procedure and should be rejected outright.

It is clear from the intent of the constitutional amendment that a safe Democrat district be carved out of Hamilton County, as Cincinnati is the only municipality in Ohio which falls under the provision of Article XIX, §2, ¶(B)(4)(a) that a city over 100,000 population but below the apportionment not be split, but which was split at the time, but also not to the advantage of the Democrats. (Akron, Cleveland and Toledo also fall into this category, but each had a Democrat representative, and Dayton, though predominantly Democrat, is too small to give the Democrats a foothold in or around any district including a portion of Montgomery County which is otherwise solidly Republican.)

Whereas District 1 is necessarily flipped from a lean-Republican to a safe Democrat district, District 2 is effectively eliminated by the court's ruling. While another district cannot be carved out of Hamilton County for the Democrats, neither the flip of Rep. Steve Chabot's seat nor the loss of Rep. Brad Wenstrup's seat in Cincinnati is unnecessary or unjustified. I have therefore placed the new District 2 where it was needed to fill the gap in Ohio's northeast. Also, as Warren County cannot be kept in District 1, I have added it to District 10 with its center on Montgomery, which means Greene County and the portion of Clark County under SB 258 need to be added to District 4 or 15. (I chose 4 by default based on its location.)

With the elimination of District 16 and the court's ruling, the area of Cuyahoga with its surrounding counties requires substantial change to the plan adopted in SB 258. Sprawling districts are otherwise unjustified by the constitution, so Districts 5, 7, 13 and 14 are those which need to be redrawn, and redrawing 11 is justified. I have placed Rep. Shontel Brown whose residence is in Cuyahoga County but outside of Cleveland in the new, safe Democrat District 13 which includes all of Summit County and makes no other splits. A third safe Democrat seat in this region is not possible without an extreme amount of gerrymandering, which also means that the seat held by Tim Ryan will become a safe Republican seat, so these account for 2 of the 4 which the Democrats are entitled to by the court's ruling, and the changes do not unduly favor or disfavor any political party or its incumbents. However, the combination of the elimination of the unnecessary sprawl of SB 258's District 7 along the eastern edge of Summit County with the creation of a new district which includes Stark County apart from Summit, effectively eliminates District 7. While this could very well force Rep. Bob Gibbs to retire or otherwise face a primary race against Rep. Troy Balderson in District 12, it is necessary and therefore not an undue disfavoring of either incumbent, as neither Gibbs' seat in Holmes County nor the village of Lakeville in particular has a population justifying its own district, much less one which includes the entirety of Stark County. Instead, the new District 7 in this plan keeps the remainder of Cuyahoga County with Lorain and Medina Counties for the sake of compactness and keeping communities intact.

The other two incumbents whose seats are not safe are Rep. Marcy Kaptur, as SB 258's District 9 is highly competitive and cannot be made into a safe Democrat seat without extensive gerrymandering or otherwise disfavor her by making it a safe Republican seat, or else disfavor Rep. Bob Latta by placing him in a safe Democrat district, and Rep. Mike Carey in District 15, as the loss of Lorain County from District 5 necessitates revisions to Districts 4 and 5, which I have fixed by moving much of District 4 into SB 258's District 15, with the understanding that a highly competitive seat from a safe Republican seat centered around Franklin County is justified by the court's ruling, but that the extensive gerrymandering required to create an additional safe Democrat seat is not. In order to make it as fair as possible, I added Morrow County to Delaware and a portion of Franklin which was divided with District 3, in order for District 15 to be as close to a 50/50 split as possible, as measured by the Dave's Redistricting App composite data summary.

The creation of the new District 2 which includes all of Mahoning and Stark Counties means that the sprawl of District 6 along Ohio's eastern borders is no longer justified. Most of the citizens' groups plans sought to split Appalachia into three parts, as that is by far the best way to create new districts for the Democrats without making a lot of sprawling districts, and should not adversely impact the representation of the population of the region as long as they are still safe Republican districts. Rather than unnecessarily force Rep. Bill Johnson (Marietta) into a primary against Rep. Troy Balderson (Muskingum), as the partisan Democrat activists have done, I have included the bulk of SB 258's District 2 in District 6, including Washington County, so that the electors in each of the three Appalachian districts are grouped by geographical and community interests as much as possible without significant revisions to the area around Hamilton County.

No other edits were necessary to improve Senate Bill 258, and the court should find no other problems with this plan unless they are based purely in partisan interest, without respect to any other criterion.

Summary of Divisions

The Ohio Constitution allows up to 23 counties to be split, and for up to 5 counties to be split twice. This plan splits 12 counties (Allen, Cuyahoga, Franklin, Greene, Hamilton, Hocking, Jefferson, Marion, Morgan, Portage, Wayne, and Wood) once and 1 county (Cuyahoga) twice. There are as many single-county districts as possible.

Every township split is necessary for keeping the population deviation to plus or minus one for each district. Only Hamilton County has two townships split between Districts 1 and 8; the rest of the splits are one township per county split once.

The municipality of Columbus (pop. 905,748) is split by necessity of its population being above the apportionment value. The only other cities which are split are Bellbrook (pop. 7,317) as part of the Sugar Creek township split in Greene County, and Broadview Heights (pop. 19,936) and Highland Heights (pop. 8,719) in Cuyahoga County. All other cities divided by districts are not regarded as separate under the Ohio Constitution as they are divided by county lines, with either county in a separate district.

The total number of 14 splits is the bare minimum required to meet the population deviation requirement without the county populations within a given district adding to exactly within the plus or minus 1 range. Therefore, every division is necessary.

Method of Aggregation and Division of Safe Democrat Seats

District 1 – Hamilton County is divided in the townships of Colerain and Miami in order to create a safe Democrat district centered in Cincinnati, with a population deviation of -1. No other counties, townships or municipalities in District 1 have been divided.

District 3 – Franklin County is divided in the township of Jackson and by necessity in the municipality of Columbus to achieve a population deviation of 1. Changes to SB 258's District 3 were necessary to keep District 15 as compact as possible without adding another split to the county, while diluting some Republican votes in the southeast of the county in order to make District 15 more competitive. No other counties, townships or municipalities in District 3 have been divided.

District 13 – The whole of Summit County and the eastern portion of Cuyahoga County are joined to create a safe Democrat district which includes Warrensville Heights (Rep. Brown). Highland Heights is divided to achieve a population deviation of 1. No other counties, townships or municipalities in District 13 have been divided.

District 11 – The sprawling portion of SB 258's District 14 is added to Cleveland, with little other change except what was necessary to give District 13 the target population value and minimize splits in political units and voting demographics. Broadview Heights is divided to achieve a population deviation of -1. No other counties, townships or municipalities in District 11 have been divided.

Method of Aggregation and Division of Highly Competitive Seats

District 15 – The whole of Delaware and Morrow Counties, and the remainder of Franklin County after the target population in District 3 was reached, are grouped together to keep District 15 as compact as possible. A small portion of the township of Hilliar in the southwest of Knox County is added to achieve a population deviation of 1. No other counties, townships or municipalities in District 15 have been divided.

District 9 – The whole of Defiance, Erie, Fulton, Henry, Lucas, Ottawa, Sandusky and Williams Counties, and a portion of Wood County are grouped together to keep District 9 as compact as possible without combining Bowling Green (Rep. Latta) and Toledo (Rep. Kaptur) into the same district. A very minor change from SB 258's District 9 is made in the block assignments in the division of the township of Perrysburg, but other than that, it is exactly the same, with a population deviation of 0, and no other counties, townships or municipalities in District 9 have been divided.

Method of Aggregation and Division of Safe Republican Seats

District 8 – The whole of Butler, Darke, Miami and Preble Counties are grouped together to keep District 8 as compact and as near to the district as drawn in SB 258 as possible. As SB 258 split Hamilton County between Districts 1 and 8, but the changes to District 1 require less of the population of District 8 be within Hamilton County, the whole of Shelby County, rather than a portion, as well as the whole of Auglaize and Mercer Counties are added to make up the difference and get as near to the population target as possible. The southwestern portion of Allen County is also added with a division in the township of Shawnee to achieve a population deviation of 0. No other counties, townships or municipalities in District 8 have been divided.

District 10 – The whole of Montgomery County is kept in District 10 to keep it as near to the district as drawn in SB 258 as possible. As SB 258's addition of Warren County to District 1 is untenable, it is added to District 10 instead, to keep the district as compact as possible. A small portion of Greene County which includes that county's portions of Centerville and Kettering and a portion of Bellbrook is added with a division in the township of Sugar Creek to achieve a population deviation of -1. No other counties, townships or municipalities in District 10 have been divided.

District 14 – The whole of Ashtabula, Geauga, Lake and Trumbull Counties, and most of Portage County, are grouped together to keep District 14 as compact as possible. The township of Suffield is divided to achieve a population deviation of 1. No other counties, townships or municipalities in District 14 have been divided.

District 2 – Carroll, Columbiana, Mahoning and Stark Counties, and the portion of Portage County remaining from the division of District 14, are grouped together to keep District 14 as compact as possible. A portion of Jefferson County is added with a division in the township of Wells to achieve a population deviation of -1. No other counties, townships or municipalities in District 2 have been divided.

District 6 – The whole of Adams, Brown, Clermont, Highland, Jackson, Pike and Scioto Counties are kept in District 6 to keep the district as near as possible to District 2 as drawn in SB 258. The whole of Ross and Washington Counties, rather than portions, as well as the whole of Athens County, are added to make up the difference and get as near to the population target as possible without unduly disfavoring the incumbent in Marietta (Rep. Johnson). The southwestern portion of Morgan County is also added with a division in the township of Bloom to achieve a population deviation of 0. No other counties, townships or municipalities in District 6 have been divided.

District 7 – As District 7 is the one which has been most significantly changed from SB 258, but the western portion of Cuyahoga County remaining after the after the divisions of Districts 11 and 13 cannot be added elsewhere, the new district is made up of this portion and the adjacent Lorain and Medina Counties. A portion of Wayne County has been added with a division in the township of East Union to achieve a population deviation of -1. No other counties, townships or municipalities in District 7 have been divided.

District 12 – The whole of Coshocton, Guernsey, Knox, Licking, Muskingum, Perry and Tuscarawas Counties are kept in District 12 to keep it as near the district as drawn in SB 258 as possible, while allowing for the required changes in the northeast and southwest of the state. The whole of Holmes County, rather than a portion, as in SB 258's District 7, as well as the whole of Belmont, Harrison, Monroe and Noble Counties, and the remainder of Jefferson, Morgan and Wayne Counties left over from the divisions of Districts 2, 7 and 6, respectively, are added to get as near to the population target as possible. Most of Hocking County is added with a division in the township of Perry to achieve a population deviation of -1. No other counties, townships or municipalities in District 12 have been divided.

District 5 – As the southern boundary of District 5 is already set by the addition of Mercer County to District 8, and SB 258's plan to extend District 5 all the way into Cuyahoga County is mitigated by the creation of the new District 7, but the new District 15 extends into SB 258's District 4 enough to cut off the eastern portion from the incumbent's seat in Champaign County, the boundary between Districts 4

and 5 must extend further south than it does in the SB 258 plan in order to make up for the population loss in District 5. The whole of Hancock, Huron, Paulding, Putnam, Seneca, Van Wert and Wyandot Counties, and the remainder of Wood County after the division of District 9, are kept in District 5 to keep it as near the district as drawn in SB 258 as possible, while allowing for these changes. Ashland, Hardin and Richland Counties, as well as the remainder of Allen County after the division of District 8, and most of Marion County, are added to keep the district as compact as possible and get as near to the population target as possible. Marion County is divided in the township of Pleasant to achieve a population deviation of 0. No other counties, townships or municipalities in District 5 have been divided.

District 4 – District 4 is composed of the remainder of the state after the previous divisions. This includes the whole of Champaign, Clark, Clinton, Fairfield, Fayette, Logan, Madison, Pickaway and Union Counties, and portions of Greene, Hocking and Marion Counties. These divisions create a population deviation of 0. No other counties, townships or municipalities in District 4 have been divided.
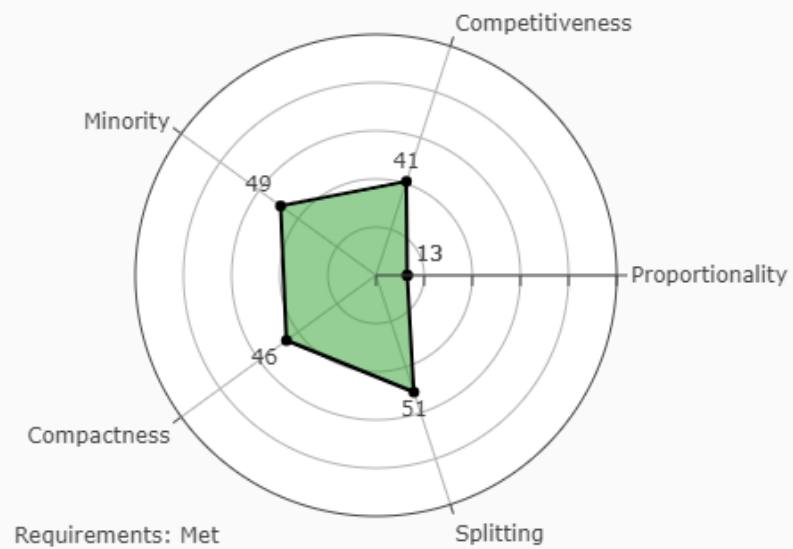
Comparison of the Current Plan with the Original SB 258 Plan

Ratings: Paul Miller - US House (Ohio)

Ratings: OH 2022 Congressional (Struck Down)

Statistical Summary (Gerrymandering Proof)

The statistical variance of the sets of values of US House districts margins by proposed plan are as follows (the higher the value, the more likely it is the result of intentional manipulation to artificially benefit one party over the other):

Ohio House GOP plan (HB 479):	549.442
Current Ohio Senate GOP plan (SB 258):	**608.890**
My original proposal (standard of ungerrymandered):	608.975
Current proposed SB 258 remedial plan:	**656.584**
Ohio Senate Democrats plan (SB 237):	720.382
Ohio House Democrats plan (HB 483):	744.098
Ohio Citizens Redistricting Commission proposal (previous):	752.308
Fair District Ohio proposal (approximate):	775.352

As shown above, the range of fairness yields a statistical variance of approximately 608 at the lower bound favoring Republicans 13-2, to approximately 657 at the upper bound favoring Republicans 10.5-4.5. Anything outside of this range constitutes clear evidence of deliberate gerrymandering, such as would be necessary to produce a map favoring Republicans by more than 13-2 or less than 10.5-4.5. Regardless of any subjective argument to the contrary, or the opinion of any court, this is an objective statistical measure and cannot be disputed as mathematically or theoretically unsound. While the court has required a partisan gerrymander favoring the Democrats, the Constitution of Ohio explicitly forbids it, so that the court's ruling should be understood as requiring the upper bound of fairness, i.e., that the Democrats be given a chance to gerrymander the map up to but not beyond the range of statistical variance which demonstrates clear intent and is mathematically certain to result from such intent. While the court's majority may wish to see the Fair District Ohio proposal be pushed through the ORC, it is worth noting that their most recent attempt to present a "fair" map is even more of an overreach than all the partisan Democrat activists' previous attempts, that Ohio voters never gave them the mandate to subvert the legislature in this manner, and that we did give this authority to the Ohio Redistricting Commission to act on our behalf, within the bounds of fairness. These bounds being clearly established, the proper distribution of seats by party lines as mandated by our constitution is 8 safe Republican, 4 safe Democrat, 1 lean Republican, and 2 highly competitive seats. While other Ohioans have been motivated strictly by partisan interests, I have worked tirelessly since July of 2021 to provide the correct map, the means and the necessary proofs to demonstrate exactly what fairness entails, and I am confident that the plan being proposed here meets all of the constitutional requirements while giving Democrats the chance to benefit from the upper bounds of fairness due to significant but minimal gerrymandering. As such, I believe my plan is the best remediation available to the flaws detected in Senate Bill 258 by the Supreme Court of Ohio.

Testimony about the Fair Districts Model Congressional Map
Before the Ohio Redistricting Commission
By Catherine Turcer, Common Cause Ohio and Fair Districts Ohio
February 23, 2022

Model Map Overview

We are pleased to present the Fair Districts Ohio Model Congressional map. This plan has negligible partisan bias, meaning that it doesn't unfairly favor any party, according to the analytical measurements utilized in Dave's Redistricting App. Our model map is better than the struck down congressional map on every measure, scoring high for proportionality, compactness, competitiveness and minority representation, while minimizing splits in political subdivisions.

Model Map Creation

After the January 14 decision invalidating the congressional maps, I was really looking forward to the re-draw and waited not terribly patiently for legislative hearings to begin. On January 26, Senate Bill 286 was introduced as a declaration to "*revise congressional district boundaries*." Rather than waiting for the legislature to take up the pen, the Fair Districts Ohio team decided that we could get back to the drawing board too.

In the fall, we held the Fair Districts Mapping Competition, and our Advisory Committee[1] identified three winning maps.[2] You likely remember these winning maps which I reviewed for the Ohio Redistricting Commission on Oct. 28. Each of these maps was created based on the rules established in the Ohio Constitution, avoiding county splits since counties are the building blocks of congressional districts, and keeping communities together.

The Fair Districts team focused on exploring and analyzing each of these winning maps, reviewing community maps created during 2021, and looking at regional resource maps. Paul Nieves, an amateur mapmaker who is part of the Princeton Gerrymandering Project's Mapping Corp, took the lead on the creation of the demonstration or model map we have put before you today. Mr. Nieves came in second in both the state legislative and congressional competitions.

Sarah Andre of Common Cause reviewed the maps in Maptitude, the software that the official mapmakers use. Trevor Martin of Columbus assessed the new district lines with a focus on community maps, and Michael Ahern from Blacklick who has more than a dozen years of zoning experience focused on how the districts best align with metropolitan and rural planning organizations' district lines.[3]

Model Map Description

A comparison with the now struck-down map shows that our model map outperforms on every measure.

Comparison to Sub SB258 (Struck down)
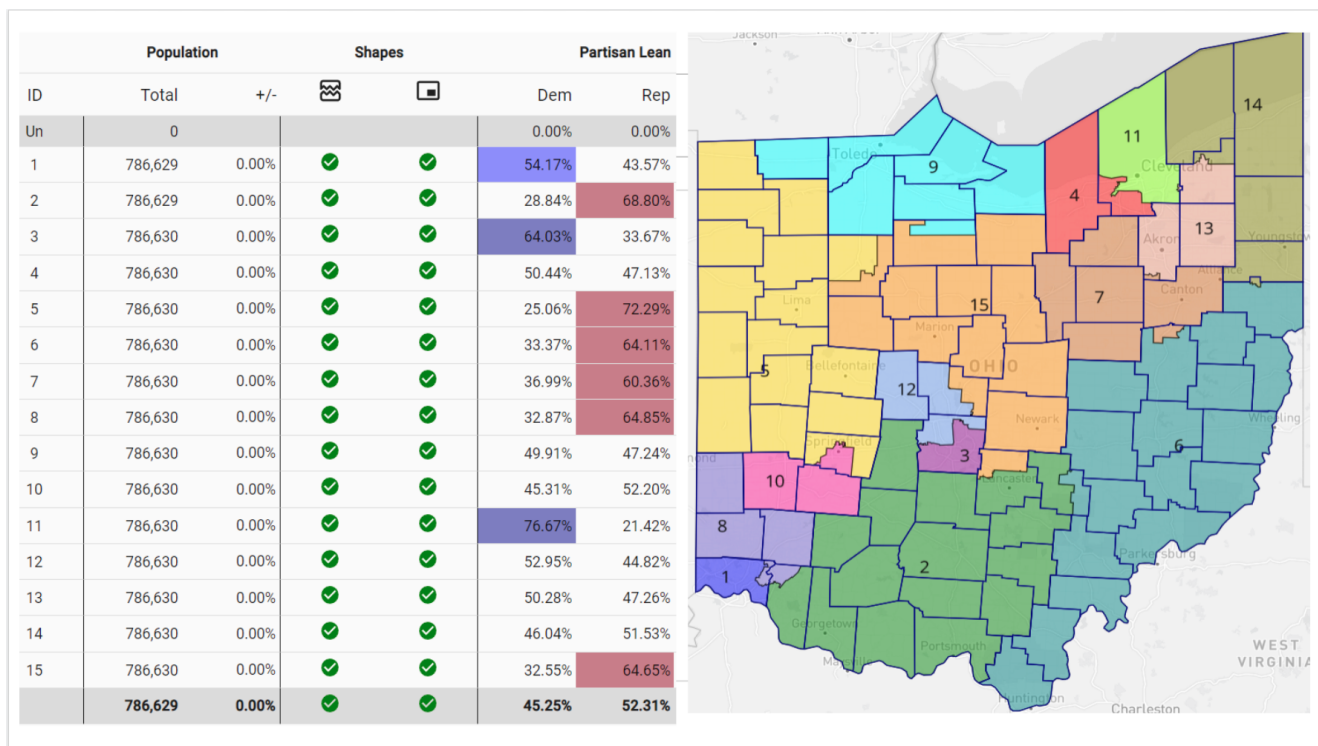
Model Map

Sub SB258
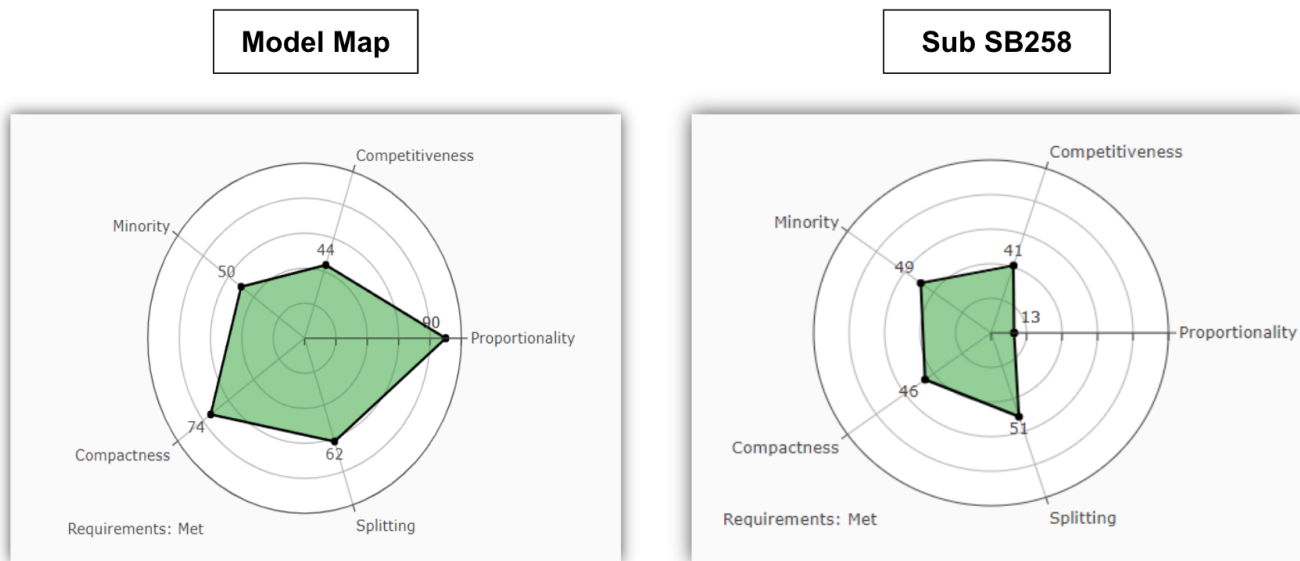
(Bigger is better in the rankings above)

Only fourteen counties are split and districts are drawn for coherent representation, encompassing areas with similar economic and geographic characteristics that share media markets, transportation routes, planning priorities, school districts, and other governmental units. In addition to keeping small local communities together, this proposal also identifies and keeps regional communities of interest together as well. For example, the Greater Toledo area including Wood County and the Western Erie shoreline; the North Central Ohio region including the cities of Tiffin, Mansfield, and Marion; and the Appalachian Region which hugs the Southeastern portion of the Ohio River Valley.

The congressional districts have a population deviation of only one person (786,629 or 786,630 Ohioans). In order to avoid favoring or disfavoring incumbents, this map was drawn "blind" without knowledge or consideration of incumbent or challenger addresses. **The Fair Districts Model Map is compact** and rated as "good" by Dave's Redistricting App and 0.4380 on Reock and 0.3863 using the Polsby-Popper method.

The Fair Districts Model Congressional Map achieves representational fairness while delivering high competitiveness. Dave's Redistricting App indicates the model map is likely to be an 8R/7D or 9R/6D map, with three districts that are around three points: Districts 4, 9, and 13.

Model Map Regional Details

Franklin County
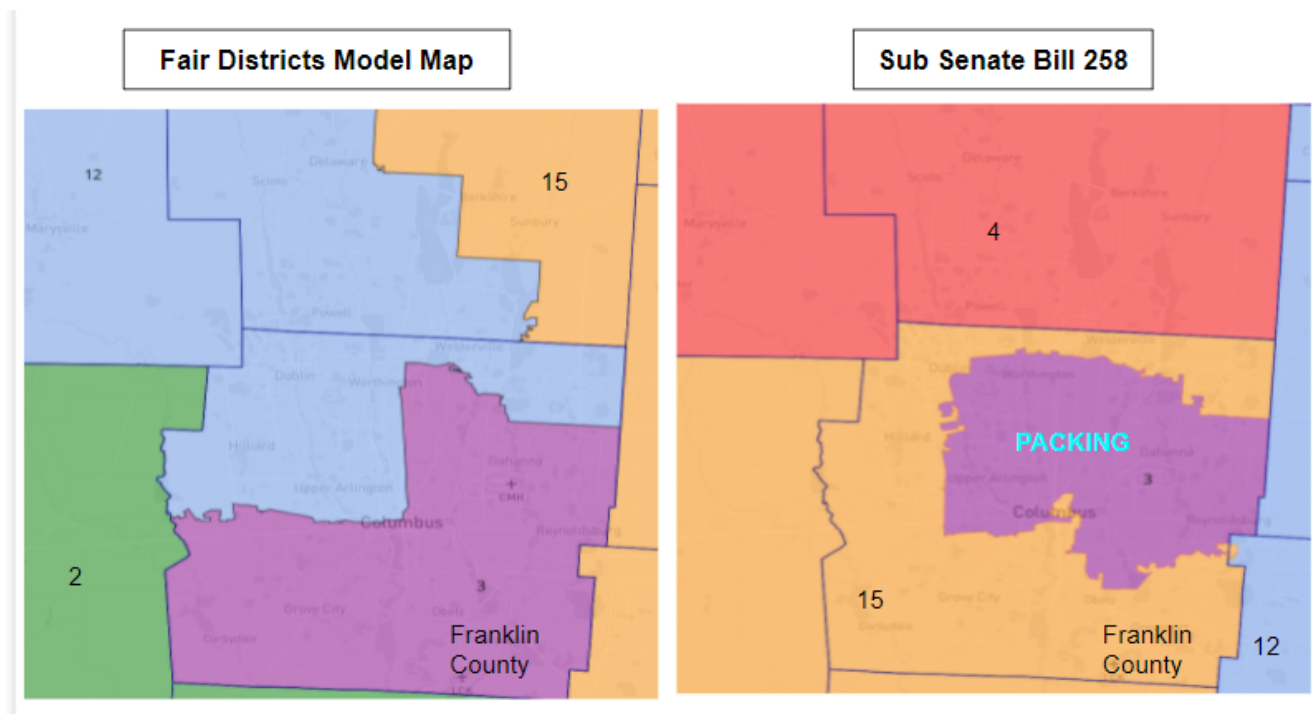
Franklin County in the Fair District Model Map is divided into two districts. Congressional District 3 is wholly in Franklin County. This keeps the minority communities of the western and southern parts of Franklin County together. Congressional District 12 joins with neighboring counties Union and Delaware. This division keeps the northern suburb of Dublin in the same congressional district, keeping the Dublin City School District intact. It also keeps nearby Hilliard, Worthington, and Powell in the same congressional district. The Central Ohio Metropolitan Planning Organization is anchored in both Franklin and Delaware and is responsible for the transportation planning process in the two counties, which involves millions of federal transportation funds provided by Congress, and advocates for environmentally and economically sustainable practices on behalf of the region in the halls of the Ohio Statehouse and U.S. Capitol. The Fair Districts Ohio map also keeps Westerville whole, at the center of the Westerville City School District which straddles Franklin and Delaware counties and includes adjacent parts of Genoa and Blendon Townships, Minerva Park, and parts of Northeast Columbus.
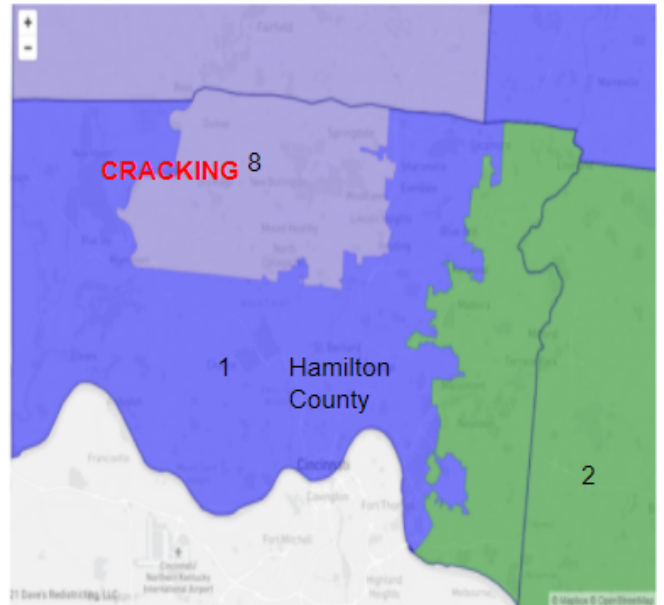
- Westerville Community Map[4]
- Dublin/Powell Community Map

Hamilton County
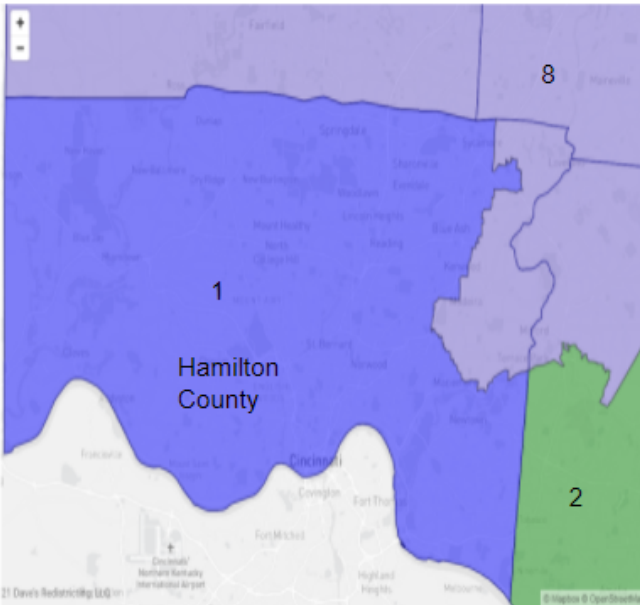
| Fair Districts Model Map	Sub Senate Bill 258

The Fair District Model Map keeps District 1 wholly in **Hamilton County** and keeps the city of Cincinnati whole– something advocated for passionately by residents of the area. 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. The remaining portion of Hamilton County is paired with Warren County, which retains the area's current and familiar district pairing.

- [Finneytown](#) Community Map
- [College Hill/Mt. Healthy](#) Community Map

Cuyahoga County
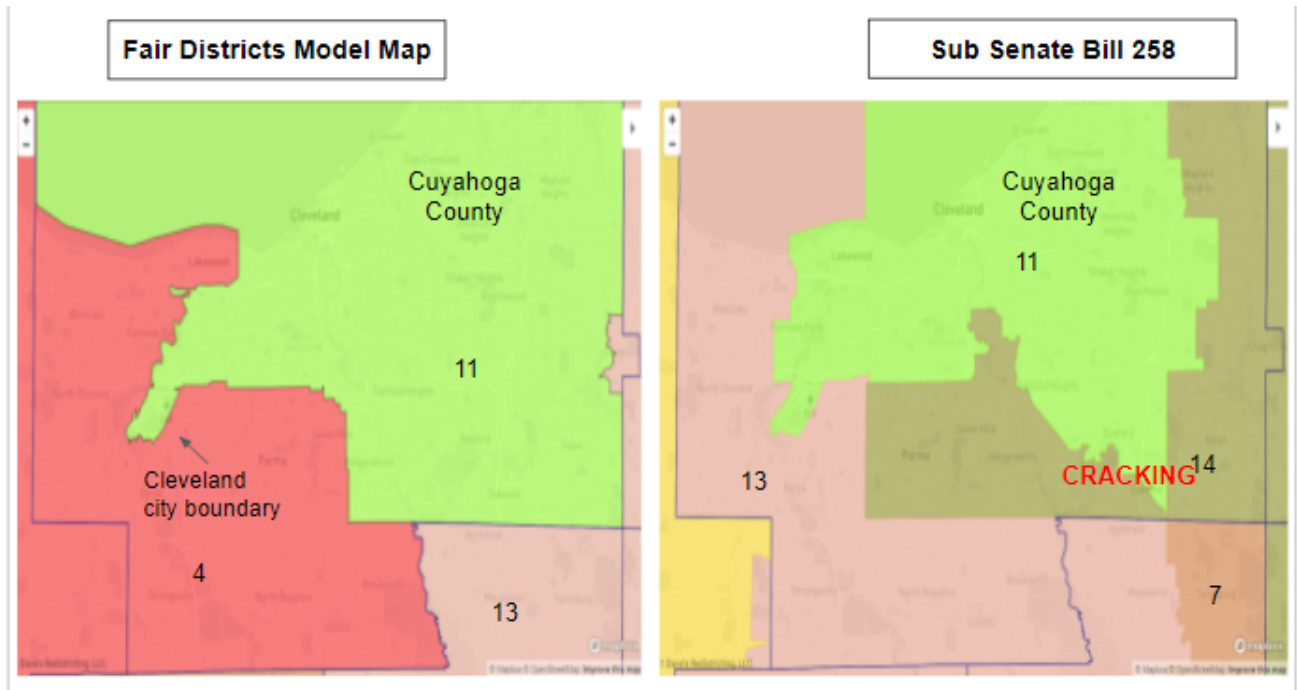
Cuyahoga County has long had an eastside/westside divide. Congressional District 11 in the Fair Districts Model Map includes Cleveland and the east side of Cuyahoga County. CD 11 keeps together the county's mostly black cities in the eastern portion of the county. These areas are identified as a community of interest by many residents. The western portion is paired with Lorain County, as advocated for by residents in those areas.

- Bay Village Community Map
- East Cleveland Community Map
- Lakewood Community Map
- Rocky River Community Map
- Shaker Heights Community Map

Dayton and Springfield area
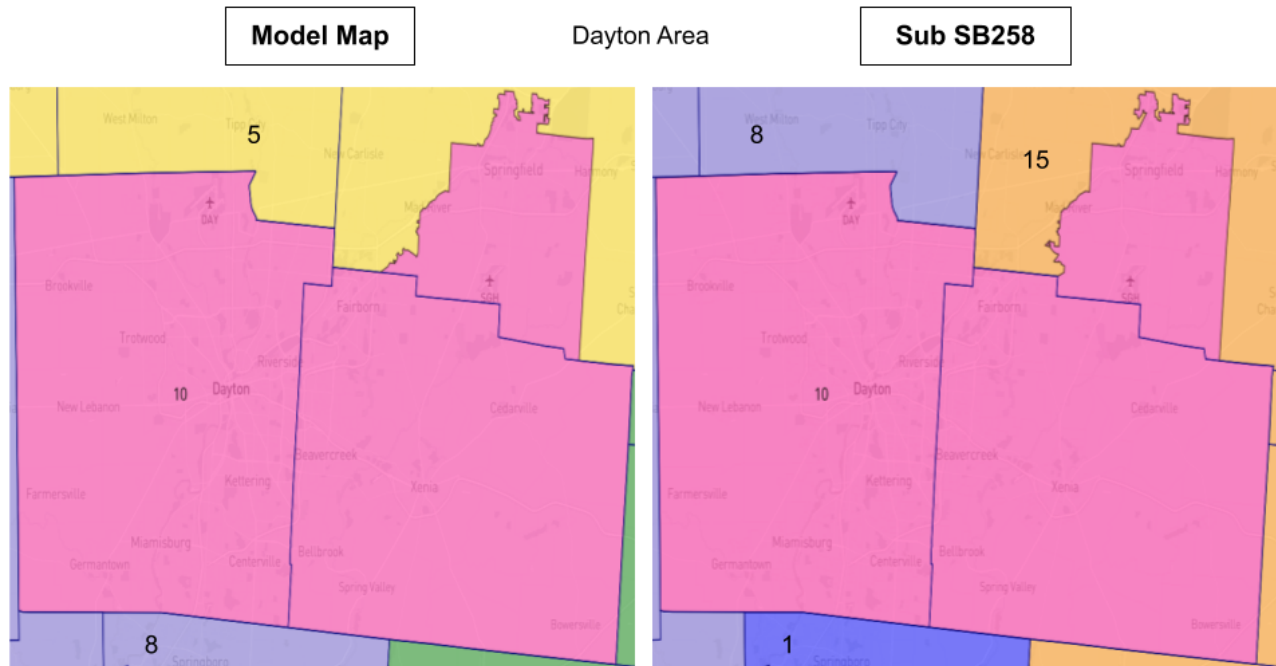
In the Fair Districts Model Map, **Dayton and Springfield** are kept together in one competitive district, CD 10. You will note that this district is nearly identical to the invalidated Congressional District 10. Western Greene County continues to grow rapidly and shares an economy and workforce with Montgomery County that is largely dominated by Wright-Patterson Air Force Base and Wright State University. The Kettering Health Network also spans both counties.

- [Beavercreek](#) Community Map
- [Centerville/Cornerstone & Washington Township](#) Community Map
- [Kettering](#) Community Map

Summit and Portage Counties
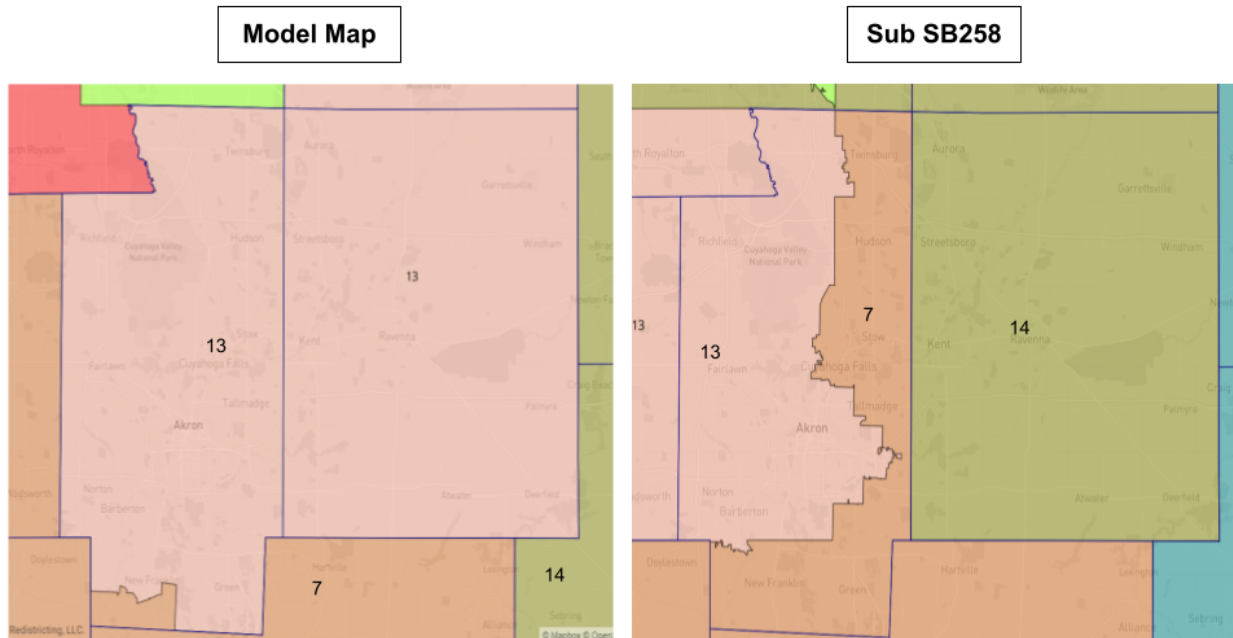
The Fair Districts Model Map recognizes that the Akron metropolitan area includes both **Summit and Portage Counties**. The area has a large and comprehensive transportation system that is anchored by two public transit agencies, METRO in Summit County and PARTA in Portage County. Eastern Summit and western Portage also share several universities and hospitals that bring a wealth of cultural, economic, and educational opportunities.

- Summit County Community Map 1
- Summit County Community Map 2
- Portage/Stow Community Map
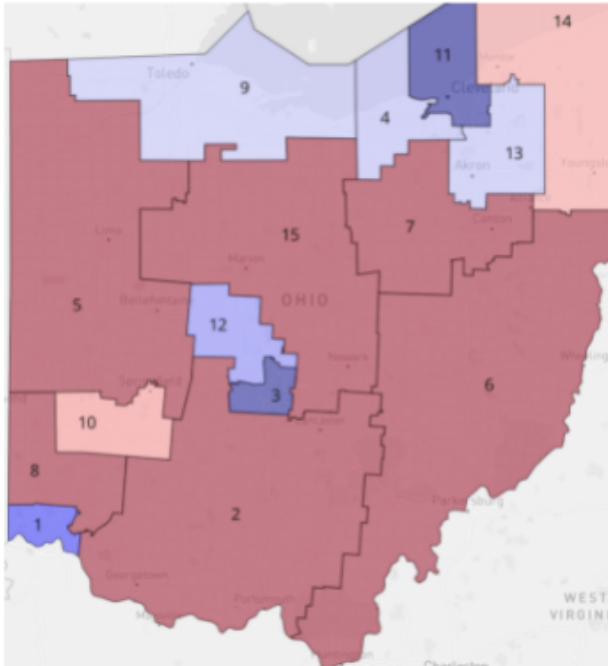
Fair Districts Model Map   Sub Senate Bill 258
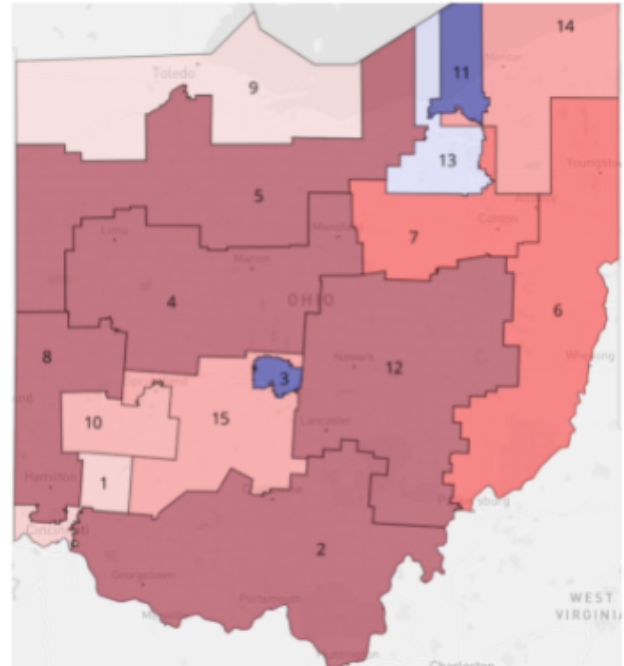
Recommendation

The Fair Districts Model Map keeps political subdivisions and communities together and more accurately reflects the partisan balance of the state of Ohio. This map could lead to nine Republicans and six Democrats going to Washington or eight Republicans and seven Democrats.

Fair Districts Ohio urges you to adopt this non-partisan, constitutionally compliant map that prioritizes voters. Remember that Ohio voters overwhelmingly approved a new process to put an end to partisan gerrymandering.

Endnotes

1. The Fair Districts Mapping Competition Advisory Committee includes:

- Jeff Cabot, Fair Districts = Fair Elections treasurer, member of Columbus City Council's Residential Redistricting Commission, former executive director of Kids Voting of Central Ohio.
- Brian Glassman, Professor Emeritus, Cleveland Marshall College of Law
- Sam Gresham, Jr., chair of Common Cause Ohio, former CEO of the Columbus Urban League, and former executive director for the Ohio Commission on African-American Males
- Ann Henkener, League of Women Voters of Ohio
- Brad Henry, CEO of EduTechnologic, LLC, and Founder of Get The Vote Out.
- Bill Hershey, former Columbus Bureau Chief of the Dayton Daily News
- Joan Lawrence, former state representative, former director of the Ohio Department of Aging, and former president of the League of Women Voters of Ohio
- David Niven, Associate Professor at the University of Cincinnati Dept. of Political Science
- Shari Obrenski, President of the Cleveland Teachers Union
- Stephanie Casey Pierce, Postdoctoral Scholar, John Glenn College of Public Affairs at The Ohio State University
- Deepak Puri, Co-Founder, and CEO of Democracy Labs
- Maggie Scotece, disability rights and civil rights attorney
- Katy Shanahan, Ohio State Director, All On The Line
- Rev. Jack Sullivan, Jr., executive director of the Ohio Council of Churches
- Raju Sunny, Director of Technology at Parsec Solutions
- Andre Washington, Midwest Regional Representative & Ohio State President, A. Philip Randolph Institute

2. Public input: Fair Districts organized webinars for the public in which the winners reviewed their maps and accepted suggestions for improvements. At the Oct. 20 session, the winners unveiled new district lines and explained how they addressed the concerns the public shared. Session 1 (Oct 13): https://www.youtube.com/watch?v=gcJsq4xyZwo&t=1052s; Session 2 (Oct 20): https://www.youtube.com/watch?v=FhE_6d7gmU8

3. Regional Planning Organizations. The boundaries of planning organizations and the membership of regional councils inherently reflect individual communities throughout Ohio except they do so on a regional basis. Many of these organizations are directly involved in transportation infrastructure planning and water infrastructure planning; two vital aspects of not only community interest, but interests and competitiveness of the entire state. Aligning

Congressional districts with planning organization jurisdictions to the maximum extent possible provides the ability to better align the goals and objectives of congressional representatives and the communities they represent.

Overlay of Regional Planning Organizations on Fair Districts Ohio Model Map

Combined Regional Planning Organizations
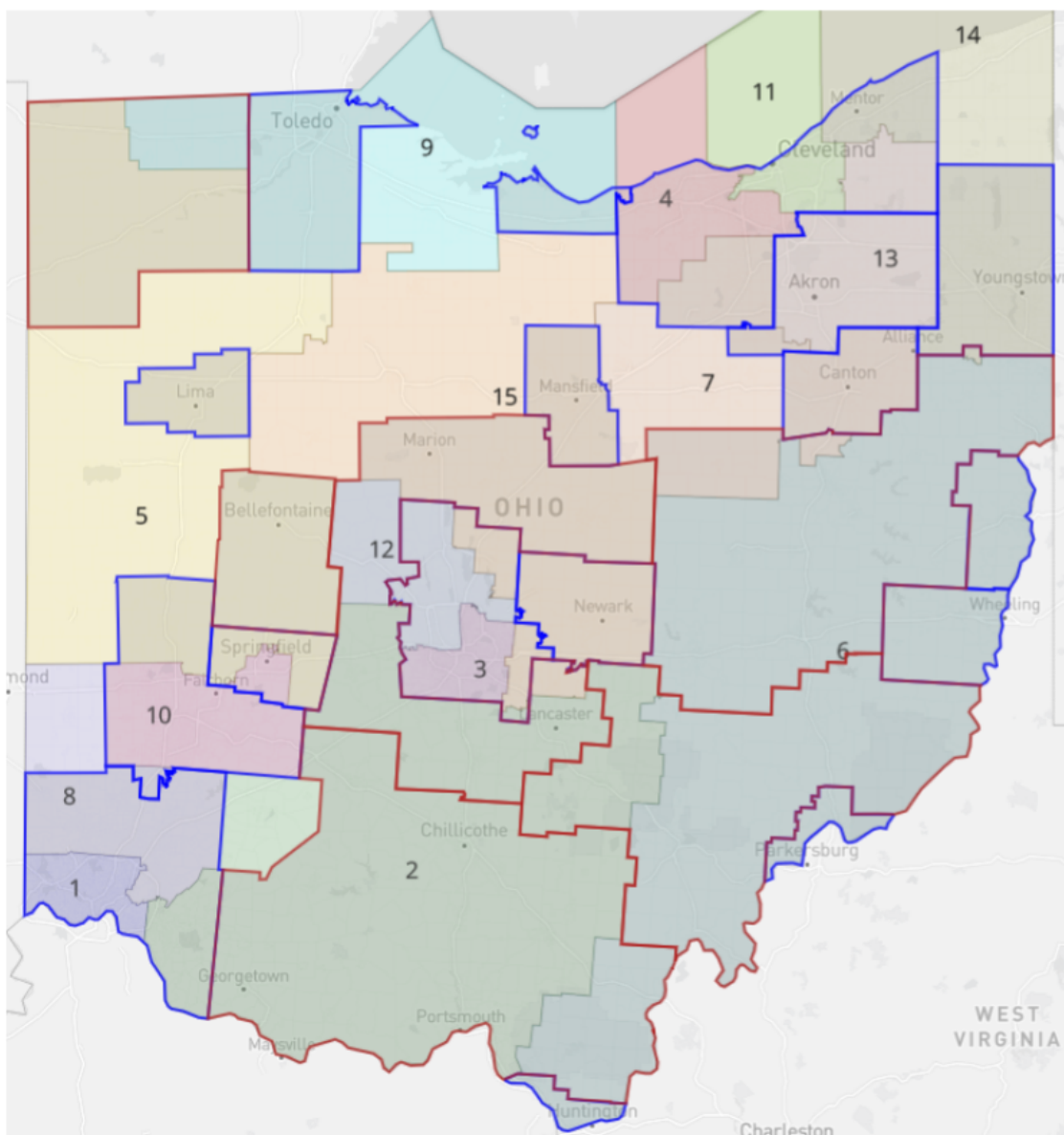
Addendum - SB 286 Model Congressional Map Testimony (02/08/2022)

4. Community Mapping. This written testimony includes links to some of the community maps made by citizen mapmakers. Community members created maps using [Districtr](#) to identify where these people live and work, where their children go to school, where they shop and eat, their parks and trails, their community centers, their places of worship. These community maps tell stories of community concerns, what they consider important to them, and how decisions should be made when drawing district lines that will affect their day to day lives.

ANNOUNCEMENT OF COMMISSION MEETING

TO: Members of the Ohio Redistricting Commission

FROM: Speaker Robert Cupp, Co-Chair
              Senator Vernon Sykes, Co-Chair

DATE: Tuesday, March 1, 2022

TIME: 2:00 P.M.

LOCATION: Ohio House Finance Hearing Room (Room 313)
              Ohio Statehouse
              1 Capitol Square
              Columbus, Ohio 43215-4275

AGENDA

The Ohio Redistricting Commission will convene regarding Congressional redistricting.

Senate Contact: Mallory Golski, (614) 466-5899
House Contact: Aaron Mulvey, (614) 466-8759

STIP_0204

OHIO REDISTRICTING COMMISSION
MINUTES – MARCH 1, 2022 @ 2:00 PM
OHIO STATEHOUSE, ROOM 313
ONE CAPITOL SQUARE, COLUMBUS, OHIO

Members Present:

- Governor Mike DeWine, member of the Ohio Redistricting Commission pursuant to Article XI, Section 1 of the Ohio Constitution
- Auditor of State Keith Faber, member of the Ohio Redistricting Commission pursuant to Article XI, Section 1 of the Ohio Constitution
- Secretary of State Frank LaRose, member of the Ohio Redistricting Commission pursuant to Article XI, Section 1 of the Ohio Constitution
- Speaker of the House of Representatives Robert R. Cupp, appointed to the Ohio Redistricting Commission by the Speaker of the House of Representatives pursuant to Article XI, Section 1 of the Ohio Constitution
- Minority Leader Allison Russo, appointed to the Ohio Redistricting Commission by the Acting Minority Leader of the House of Representatives pursuant to Article XI, Section 1 of the Ohio Constitution
- Senate President Matt Huffman, appointed to the Ohio Redistricting Commission by the President of the Senate pursuant to Article XI, Section 1 of the Ohio Constitution
- Senator Vernon Sykes, appointed to the Ohio Redistricting Commission by the Minority Leader of the Senate pursuant to Article XI, Section 1 of the Ohio Constitution

Members Absent:

- None

A. Call to Order

Co-Chair Sykes called the meeting to order.

B. Roll Call

With seven members in attendance, Co-Chair Sykes declared a quorum present.

C. Minutes

Speaker Cupp made a motion to approve the minutes of the February 23 (through February 24), 2022 meeting. The motion was seconded by President Huffman. Without objection, the minutes were approved.

D. Motion to Approve Expenses

Co-Chair Cupp moved to approve payment in the amount of $7004.61 to the Tribune Chronicle, or the November 7, 2021 public notice of the adopted General Assembly plan, to be paid out of the Commission line item pursuant to Rule 11. Leader Russo seconded the motion. Without objection, the motion was approved.

E. Testimony

The Commission heard testimony from the following sponsors of submitted Congressional district plans:

- Ryan Brune
- David Helmick (written testimony only)
- Michael Metzinger (written testimony only)

F. Presentation of Congressional Plan

President Huffman presented the plan submitted under the title of "Frank Strigari" on the Redistricting Commission on March 1, 2022 Discussed followed between Commission members.

G. Attorney General Opinion

Co-Chair Cupp referenced opinion he had requested from Ohio Attorney General Yost regarding the vote required to approve a Congressional district plan. Members discussed the opinion and various provisions of Ohio Constitution Art. XI and VIII.

H. Recess

Co-Chair Sykes recessed the Commission meeting until 10:00 AM on Wednesday, March 2, 2022.

I. Reconvene / Roll Call

Co-Chair Cupp called the meeting back to order at 10:00 AM on Wednesday, March 2, 2022. With seven members in attendance, Co-Chair Sykes declared a quorum present.

J. Motions to Adopt Congressional Plan / Testimony

Co-Chair Sykes moved that the Commission adopt the Congressional district plan titled "Yuko/Sykes SB 237 Revision" that was submitted to the Commission website on Tuesday, February 8, 2022. While the Commission stood at ease waiting for copies of the map to be made, testimony was offered by Ryan Brune regarding a new Congressional district plan he had proposed. Once distributed, Co-Chair Cupp asked the staff to call the roll on the motion to consider adoption of the Congressional district plan map titled "Yuko/Sykes SB 237 Revision." By a vote of 2-5 (Cupp, DeWine, Faber, Huffman, LaRose), the motion failed.

President Huffman moved that the Commission adopt the Congressional district plan under the name of "Frank Strigari" that was submitted to the Commission website on March 2, 2022. The motion was seconded by Co-Chair Cupp. After discussion on the plan, Leader Russo moved to amend the "Frank Strigari" plan with the Congressional district plan entitled "Dem Amendments to remedy invalidated GA Plan" that was submitted to the Commission website on March 2, 2022. Following discussion by the Commission members, the roll was called and the motion to amend failed by a vote of 2-5 (Cupp, DeWine, Faber, Huffman, LaRose).

Co-Chair Cupp called the roll on the motion to adopt the Congressional district plan under the name of "Frank Strigari" that was submitted to the Commission website on March 2, 2022. By a vote of 5-2 (Russo, Sykes), the motion was approved and the plan was adopted.

K. Adjourn

With no further business to come before the Commission, Co-Chair Cupp adjourned the meeting.

Ohio Redistricting Commission - 3-1-2022.mp4

https://ohiochannel.org/video/ohio-redistricting-commission-3-1-2022

Co-Chair Senator Vernon Sykes [00:00:01] Meeting of the Ohio Redistricting Commission to order, will the staff please call the roll?

staff member [00:00:08] Co-Chair Speaker Cupp?

Co-Chair Speaker of the House Bob Cupp [00:00:09] Present

staff member [00:00:09] Co-Chair Senator Sykes?

Co-Chair Senator Vernon Sykes [00:00:13] Present

staff member [00:00:12] Governor DeWine?

Governor Mike DeWine [00:00:14] Here

staff member [00:00:14] Auditor Faber?

Auditor Keith Faber [00:00:15] Yes

staff member [00:00:16] President Huffman?

Senate President Matt Huffman [00:00:16] Here

staff member [00:00:17] Secretary LaRose?

Secretary of State Frank LaRose [00:00:18] Here

staff member [00:00:18] Leader Russo?

House Minority Leader Representative Allison Russo [00:00:19] Here

Co-Chair Senator Vernon Sykes [00:00:21] With a quorum being present, we will meet as a full committee. The minutes are in your folder from a previous meeting. Is there a motion to accept the minutes?

Co-Chair Speaker of the House Bob Cupp [00:00:33] I'll move the minutes be accepted.

Co-Chair Senator Vernon Sykes [00:00:35] is there a second?

Senate President Matt Huffman [00:00:39] second

Co-Chair Senator Vernon Sykes [00:00:42] Are there any changes to the minutes? Any objections to the minutes? We will accept the minutes as presented, at this time we have before the commission another item The Tribune, The Chronicle, an expense that's eligible to be paid by the commission, is their motion to approve this expenditure,

Co-Chair Speaker of the House Bob Cupp [00:01:17] I'll move to approve the payment in the amount of $7004.61 for the advertisement.

Co-Chair Senator Vernon Sykes [00:01:27] Is there a second?

Co-Chair Speaker of the House Bob Cupp [00:01:29] or notice I guess, rather an advertisement.

House Minority Leader Representative Allison Russo [00:01:34] Second

Co-Chair Senator Vernon Sykes [00:01:37] Any the comments or questions on the motion? Are there any objections to approving this expenditure? Seeing and hearing none, we will accept the expenditure approved the expenditure. The next item on the agenda will be presentations of congressional maps, this proceeding will be recorded so that we can deliberate over it and it will be archived. We ask that the audience today, refrain from clapping or the loud noise out of respect for the witnesses and the persons watching the this remotely. If you want to testify, please complete a witness slip and we'll take care of that. The witnesses can testify up to 10 minutes is regulated by the co-chairs. The first person to testify and present a plan is Ryan Brune. Can you state and spell your name for the record, please?

Ryan Brune [00:03:00] Yes. My name is Ryan Brune, R-Y-A-N B-R-U-N-E

Co-Chair Senator Vernon Sykes [00:03:05] You have 10 minutes sit, thanks.

Ryan Brune [00:03:08] How many minutes?

Co-Chair Senator Vernon Sykes [00:03:09] 10.

Ryan Brune [00:03:10] All right. So I had some prepared remarks which you find in front of you today. I'm going to change it up a little bit, though, given the the new map that I see will be vote well, not voted on today, but likely tomorrow. Before we begin, though, I'd like to say that it's an incredible experience to be before all of you. I've never seen the governor, I've never seen the auditor. I've never seen the majority of the minority leaders have never seen the secretary of state. The fact that that's possible is truly awesome and that maybe one of the better things about this commission, which is obviously had some problems. So the map that I made and present before you is not my favorite map. It is not an ideal map. In my opinion. An ideal map would be a proportional map, but I think everybody, everybody here knows that's not in the cards. If you want a map that I think is ideal, I would look at the League of Women Voters map. But the map that I have before you here today has a slight Republican bias, but I think does not disfavor any political party too much one way or the other. I would note that unlike the legislative maps, there are no there are no constitutional requirements for a strictly proportional map. But as Maureen O'Connor said in her, in her and her brief, it's a starting place to where to look. My map has, you know, it varies a little bit throughout elections and the 2020 presidential election. Trump won 10 districts, Biden won 5, but Biden was 0.1 percent short, carrying a 6th, 2% short of carrying a 7th. The 2018 gubernatorial election Cordray, DeWine's 2018 opponent, won 7 to DeWine's 8. You can vary around a little bit. Also, I went to great lengths to ensure that incumbents should be pretty happy with this map. No incumbents that are running for reelection are double bunked with the exception of Lada and Kaptur and the 8th, You know, maybe you think of it as the 9th, but I call it the 8th. But in that district, it is narrowly democratic by composite, but is actually Trump, Trump won it in 2020. It's, you know, about as even of a district as you can possibly have, it would be a fair fight between the two of them. I think that's the most reasonable way to have an incumbent non-incumbent matchup. You can look through the document I provided for

specific partisan breakdowns between the 2020 presidential and 2018 gubernatorial elections. It's not a perfect map. It's a good map, in my opinion, satisfies all the constitutional requirements that are laid out. And I think it's a reasonable map in that I would hope that you guys would be able to accept it. I mean, I'm just looking at this new map that you have here, and I'm sure it follows all the requirements regarding splitting not, you know, not splitting cities, et cetera, et cetera, et cetera, zeroed out population like everything like I have. But I hope I hope the commissioners here know like, I'm sure this is going to pass tomorrow, but there's no way that the Supreme Court is going to accept this map. Like it's just a fact. I mean, like, it's just going to create more chaos. If you if you pass your map, it's they're not. I mean, there's even like a chance of a special master, unlike for the legislative redistricting where I believe Section 5 strictly prohibits the court for ordering a specific map. Or drawing a map themselves, there's no such requirement for the Supreme Court in this case. I mean, if you draw this map, I think there's a strong chance that incumbents from both parties are going to be drawn in in a court ordered map into districts together, and everyone's going to be unhappy. I'm offering a map, in my opinion, where I think both parties aren't exactly happy, but both parties, you know, can live with it. I mean, that's what I'm trying to offer a map. You can live with. The map that's going to pass tomorrow isn't going to be the map. I mean, I'm convinced of that. But I will take questions.

Co-Chair Senator Vernon Sykes [00:07:08] Thank you. Appreciate it. Any questions.

Co-Chair Speaker of the House Bob Cupp [00:07:10] I have a question

Co-Chair Senator Vernon Sykes [00:07:11] Yes.

Co-Chair Speaker of the House Bob Cupp [00:07:12] Thank you, Mr. Chairman. I have a question. Ryan, what, what got you interested in this and what is your occupation or or status?

Ryan Brune [00:07:24] Sure. So I work at Huntington Bank as a model risk analyst. I'm also pursuing a master's degree at Ohio State University in statistics.

Co-Chair Speaker of the House Bob Cupp [00:07:31] And what got you interested in this statistics? Modeling?

Ryan Brune [00:07:36] I don't know. I don't exactly know what started, but I run a Twitter account @BruheElections which has nearly 10,000 followers now, so it's kind of a passion.

Co-Chair Speaker of the House Bob Cupp [00:07:48] Have, have you met all of the constitutional requirements about in terms of not splitting or splitting and keeping districts within certain counties and not, sure you're familiar with those?

Ryan Brune [00:08:02] Yes.

Co-Chair Speaker of the House Bob Cupp [00:08:05] Great, That was it

Co-Chair Speaker of the House Bob Cupp [00:08:07] Are there any additional questions? If not, we'd like to thank you very much. Appreciate it. Hope you had a good opportunity here to meet everybody.

Ryan Brune [00:08:16] Yeah

Co-Chair Senator Vernon Sykes [00:08:17] You didn't mention my name, but that's all right.

Ryan Brune [00:08:24] ok, I'm so sorry, Mr. Sykes.

Co-Chair Senator Vernon Sykes [00:08:31] Next, we have David Helmick, who is written testimony only and then Michael Metzinger. Michael Metzinger. He's not here. OK? Is there any other business to be brought before the commission? Commissioner Huffman.

Senate President Matt Huffman [00:09:08] Thank you very much. Co-Chairman Sykes I would like to present, although I think we're going to wait till tomorrow's hearing to make a motion. I understand that's the preferred procedure for from the chair like to present the map. I think it's styled now on the website as Strigari 2022 Congressional Map. Certainly, we get the name right, but it might be a little bit longer, but so present that at the time it is present on the website pursuant to requests from Leader Russo that was presented to, I believe, to the at least leader Russo and Senator Sykes earlier today for their examination. And I'm not. I'm not sure, frankly, about the other commissioners. I think they've had an opportunity to look at it. As I mentioned in my letter of last week, I invited all the commissioners and or their staff to visit, at least with the folks who are working on the map for the Senate. I believe that happened with the House also, so it's been about a five day process. So this is the map that I'm presenting to the commission today. And again, I understand that the formal motion and vote would be tomorrow and the map is there, the index and then all of the specifics. If people want to look at particular counties or townships or what have you, that's all they can do that on the the commission website. So I'll be happy to answer any questions now. Or perhaps that's better for tomorrow. Whatever the preference of the members,.

Co-Chair Senator Vernon Sykes [00:10:57] Leader Russo?

House Minority Leader Representative Allison Russo [00:10:59] Thank you, Mr. Co-Chair. Thank you. Commissioner Huffman, I do appreciate the invitation on Friday from both you and Speaker Cupp. I believe our staff were able to meet on Sunday and we there was not a map to share at that point. And I appreciate you honoring my request this morning to send over. I think we got it at about 12 o'clock, so we have had just a few minutes to look over the map before coming in here. And I guess my first, you know, a couple of questions for you. And again, I know we will have more questions tomorrow because we've had a very limited amount of time so far to look at the details of this. But when I look at Hamilton County, currently the Hamilton County district that you've drawn here, which looks like it's got a Dem index, well, I would call it maybe a Warren County, Cincinnati district of 51% Is there a reason that this a congressional district for Hamilton County was not drawn to be included entirely within Hamilton County is their reason to split Hamilton County? I mean, we have kept at least the city of Cleveland, all within Cuyahoga County. We've in a Cuyahoga County district. We've kept Columbus entirely within a Franklin County district. Is there a reason that we're not keeping Cincinnati within a Hamilton County district and in moving it up and to Warren County?

Senate President Matt Huffman [00:12:43] Well, the first, Mr. Chairman, Co-Chair Sykes, I can proceed?

Co-Chair Senator Vernon Sykes [00:12:48] Yes

Senate President Matt Huffman [00:12:48] Thank you. First thing is, you know, the first thing that we tried to do as pursuant to the Constitution, which is section 3B-2, is remedy any legal defects in the previous plan identified by the court, which include no other changes. Everyone can read the rest of the language there if they want to that's relevant. And the court did identify Cuyahoga County and Hamilton County as two problematic areas. I guess I'll put it, I'm not sure. I don't think they used that word, but those are two things that they did. So part of this is trying to draw draw a map, and that, first of all, comports with what the Supreme Court directed. We think that it does that now. After that, there are still policy preferences and choices that commission members make. We, of course, are bound by the Constitution, and the law in this case is the Supreme Court identifies it. But I don't think that simply means that the commission members individually and then collectively as a body, don't have any separate preferences, so it may be your preference that it's all inside Hamilton County. We think this is a better version of the map

House Minority Leader Representative Allison Russo [00:14:17] and follow up?

Co-Chair Senator Vernon Sykes [00:14:19] Yes.

House Minority Leader Representative Allison Russo [00:14:20] So looking back at the decision specifically about Hamilton County, I believe the concern of the enacted plan, I think it was justice, Donnelly concluded. Carves out the Hamilton County's northern black population from its surrounding neighborhoods and combines it with mostly a rural district that ends 85 miles to the north in Cincinnati from its immediate inner ring suburbs and combines the city proper with Warren County. Do you think that this map addresses the concern about carving out another the northern black suburban populations and Hamilton County from the surrounding neighborhoods in Hamilton County by drawing it upward with Warren County? Would it be more compact, for example, to draw this district entirely within Hamilton County?

Senate President Matt Huffman [00:15:11] through the chair, I'll try to answer each of those. As I've indicated, throughout this process, we did not use racial data when drawing these maps. And so, you know, obviously that was not an intent or motive of any kind. And you know, again, I think, you know, each of us can have policy preferences. Perhaps somebody from Hamilton County is in a better position to say what goes with what. As you know, in the multiple public hearings we had on the General Assembly map in this map, keeping that some people talked about splitting up various communities, but you know, at some point you have to draw a line someplace. And I think this is appropriate, but certainly didn't have anything to do with racial data since we didn't have we didn't use that.

House Minority Leader Representative Allison Russo [00:16:11] Thank you.

Co-Chair Senator Vernon Sykes [00:16:12] Yes.

House Minority Leader Representative Allison Russo [00:16:12] Mr. Co-Chair, I have a couple of other questions. And thank you, Commissioner Huffman. You know, I would say just about the Hamilton County District. If we're making a list of recommendations, at least from me as a commissioner, it would be to consider drawing a district that is entirely within Hamilton County. And I think that that is achievable. My second question is in northwest Ohio specifically is there we seem to have two districts, nine and five that are quite extensive. And I'm trying to understand why Lucas County, for example, in District 9, to make it more compact, would not be drawn over to Lorain County to create one district, which would certainly be more compact than I think what we currently see for 9 I know. I

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

Senate President Matt Huffman [00:17:33] Through the chair, I guess I respond to a variety of things there, if I could, just so I know that I covered this, Mr. Chair. The map is uploaded under the name Frank Stigari it is called March 1st, 2022. For those who the public who may be looking for that. So back to the comments regarding the congressional district number 9. You know, one of the things that we tried to do and I think we did a pretty good job accomplishing this is to try to keep areas together where there were there are some central cities now. Some may say, well, you know, Warren County and in parts of Hamilton County. Certainly, if you look at population growth and these are just these are just observations. A lot of the folks who live in Butler and Warren and Claremont County at some point lived in Hamilton County. That's not necessarily true for everyone. But when you look at Toledo, folks from Toledo look at Toledo as the central core city for what we call the lakefront in northwest Ohio. Now folks in Lima don't consider themselves in northwest Ohio. We're in west central Ohio. And but everybody has their own versions of what regions there are. And the I'm not sure who first term the the District 9 is the Snake-on-the-Lake. That was maybe Jim Province did, I would guess it's clever enough that he probably did it. But the that, of course, district was created because there was a deal that Democrats wanted to make in 2011 to make sure that Dennis Kucinich couldn't run and beat Marcy Kaptur. So we consented to that, and that's how we ended up getting Democrat votes for the map in 2011. This map doesn't do that, although all of these districts, with the exception of Defiance County, are either on the lake or on on the Michigan border. So if you're traveling in those parts, if you're traveling on the interstate or traveling on Route 20, I think it is. It goes through that those are all convenient places to go to and from Lorain's a little bit further away, obviously. So, you know, again, choices, wherever you start drawing the line, someone can say, well, it would be better to include this county here. And as you know, this is a little bit like a, you know, the toy where if you push down here, another another part pops up. But for the folks who would represent District 9, it's it's a pretty consistent part of the state.

House Minority Leader Representative Allison Russo [00:20:26] Thank you, Mr. Co-Chair. Thank you, Commissioner Huffman, for answering that question. You know, again, the decision to not include Lucas County with going towards the East with Lorain County not only makes it more compact, but frankly, you know this drawing this decision seems to unduly favor Republicans and disfavor Democrats because it frankly drives the DPI down. My second my third question is in again, you know, this would be another recommendation that I would add that you consider redrawing this, these two districts, so that they are more compact in these areas. My third question here regards Franklin County and District 15 in Franklin County. And at this point, we've got Franklin County, of course, paired it goes almost all the way over to the western side of the state. Just looking at this map, I'm not entirely sure what counties those are. But is there a reason that the decision was made not to make this district more compact, for example, by pairing it with Union County or Delaware County or some combination of both?

Senate President Matt Huffman [00:21:55] Yeah, and through the chair, Senator Sykes, just real quickly on District 9, I think that district remains unchanged from the previous map, and the court did not comment on that map or on that district. And again, the constitutional charge is to to try to to make changes or remedy the defects that a court identifies in their opinion. So back to your question regarding 15, however. So one of the phenomenon is as you try to draw compact districts in districts that don't carve up counties

in as most of these districts don't at some point really as a necessity, you end up with what I would call a maybe a Frankenstein district or a district that is the parts that are left over. And we've largely avoided that in this map, as you can see on the new District 13, all of Summit County and a portion of Stark County. We've eliminated the where previous. I think the current map maybe has four splits in Summit County. We've taken that down to one or four districts. We're taking it down to two. So Summit County had two or three divisions in it. It's a whole Stark County with only one in. As you look around, you can see this is just a much different looking map than there was before. But as you try to do that, you know you have to make choices in particular places. So, for example, in the 10th District, which includes Montgomery and Greene County and the request from ten years ago from Republicans and Democrats and independents alike is that Wright-Patterson Air Force Base should be in the same district because part of it is in Greene County and part of that Montgomery County. If those two are combined, there have to be with our equal population requirement, those. There has to be folks who come from somewhere. So those trying to keep each of these districts and not divide counties at some point, I think you have to have a district where there are. That certainly is less compact than other districts and that's what you have with 15. But again, going back to the court's decision in the Constitution, what we've done in this map is remedy those things that the court pointed out.

House Minority Leader Representative Allison Russo [00:24:19] Through the co-chair. Thank you, Commissioner Huffman. You know, I would say again, 15 looks pretty much like a Frankenstein district to me when you could simply go north into Union and Delaware County, and it certainly would look prettier and would be more compact. And there is an argument, particularly for that north western corner of Franklin County, which shares, in fact, even a school district with some of Union County and Delaware County. And again, you know, the decision, I think not to do that to me represents a potential example where the Republicans were unduly favored and the Democrats unduly disfavored. My fourth question is about Cuyahoga County. You have a second district that is drawn in Cuyahoga County. I do appreciate that at least the Cleveland district was included entirely in Cuyahoga County, but that Second District has the western and southern suburbs of Cuyahoga County going all the way into Amish country? That seems like very dissimilar communities there. Is there a reason, you know, to me, there were a couple of choices that could have been made. You could have gone to Lorain, Geauga County, you could have gone to Lake and Ashtabula County. That certainly would have perhaps made the district more compact and kept areas that were a little bit more similar together. Can you explain why the decision was made to go down into Wayne and Holmes County and include that with the suburbs of Cuyahoga County?

Senate President Matt Huffman [00:26:11] Through the chair Sykes, thanks. So just, I guess, for the public's edification and frankly, maybe for some of the commission members, because this is actually a new phenomenon to me. There is an animal called the Polby-Popper Scoring having to do with compactness. Is that right? I get that right, guys. And this is this is a scoring method that they used to look at maps and decide how compact they are. It doesn't talk about other constitutional principles, some of the other things, but just a compact. So this proposal taken as a whole, and certainly we can look at one district and et cetera. But this proposal taken as a whole is either as compact or more compact than the Senate Democrat proposals as in. And again, taking the proposal altogether. So I would invite commission members to look at that scoring and see that. So it doesn't mean we can't be critical of individual districts, so we shouldn't ask opinions. But if this is a compactness argument, then then this is actually a better proposal than what Senate Democrats have put together. So. So onto the questions regarding Cuyahoga

County, the there's really and I think most people know this, but really a pretty massive concentration of population in northeast Ohio in first what I would call the the kind of seven districts and then from Cuyahoga to Summit, Geauga, Portage, Trumbull, Ashtabula, and Lake County and then kind of an outer ring that would include Medina and Wayne and Stark and on into Mahoning County. And I might've left one out there. So the first thing you have to consider and again, you need to draw these and consider these with all of the other population in mind. You can say we'll do this instead of that again. How does that affect everything? So the 14th District, which is bounded, of course, on the east by Pennsylvania, in the north, by Lake Erie, there's only so many places you can go. Well, we've been able to draw this district, as you can see with simply five counties in there. I think there's an incursion in one of those counties. And again, that's strictly for the population. So I don't think there's there can be much of an argument about the compactness of that. Next is the 13th district, which is again all of Summit County, what the court specifically provided in part of a Stark County and that is a democratic drawn district. And that district, of course, is also as compact as it can be one full county in a part of another county. We hear a lot the phrase the Canton-Akron corridor. If you're from Akron, I guess you say the Akron-Canton corridor, but those, in fact, are often twin cities. So those those districts are combined. And then, you know, the parts of inner city Cleveland now perhaps the 7th District is a little bit like 15th where it's made up of parts, but you have two full counties in the which are Wayne and Medina, I believe, and then the rest of Cuyahoga County. So we've done is the court instructed us, let's only have two districts inside Cuyahoga County. Let's try to keep counties whole. That's been part of the charge in this thing. And you know, these are the things that not only the court has dictated in the Constitution, but these are things that have been part of this public discussion for years and years. So, you know, we can say the 7th District is not compact. Well, it's, you know, it's one continuous line. I think some of these are appearance things. Some of these are, you know, how how to govern after the district is created and after the election. But I certainly think 7 is a compact district, as is 13 and 11 and 14.

House Minority Leader Representative Allison Russo [00:30:24] Thank you, Mr. Co-Chair. Thank you, Commissioner Huffman. You know, just to clarify, again, this would be another area that I would recommend changes to the draft map that we see before us because again, my concern here really goes back to the question of again, with what the Constitution makes very clear is that a congressional plan shall not unduly favor or disfavor a political party. And my concern about some of the decisions that are made that I've asked about in these districts is that it appears that decisions were made and intentionally not made again to favor Republicans and unduly favored Democrats. But I look forward to more discussions, and I hope that you will take some of these areas of recommended changes into consideration before we come back tomorrow and again, make myself and my staff available to have those discussions. And that's all that I have right now, Mr. Co-Chair.

Co-Chair Senator Vernon Sykes [00:31:32] I'd like to also thank Commissioner Huffman for extending his staff that they did meet over the weekend and had an opportunity to to have some dialog. You know, unfortunately it was. It was. It was just a one way communication for the most part, and we were sharing our ideas about what we thought, our suggestions and recommendations. There weren't any necessarily forthcoming suggestions from the majority as it relates to the map. So the first time we got any indication of what the map your proposal looks like is just a just hour or so ago. And I'm just wondering in the in this phase of of cooperation or lack of cooperation in trying to make sure we collaborate, particularly as it relates to this commission, this commission about in guidance in conformity with the Constitution is put in place to really try to promote

a bipartisan process, particularly as relates to the congressional districts. In fact, going through the second step is that you in fact have a bipartisan plan, have an opportunity to adopt a bipartisan plan through the commission. And I'm just concerned about you being open to some of the recommendations. Some suggestions of Leader Russo have indicated. We have others. We haven't had a whole lot of time to look at this, but I'm hopeful that some consideration would be given to suggestions and recommendations to try to move this in a more collaborative way into in a more bipartisan way for a 10 year, 10 year plan.

Senate President Matt Huffman [00:33:36] Mr. Chairman can I respond?

Co-Chair Senator Vernon Sykes [00:33:38] Yes.

Senate President Matt Huffman [00:33:38] First of all, I differ with you in your characterization of the meetings over the weekend. As you know, I wrote a letter to you and to all the commissioners inviting them to meet personally with Mr. De Rossi. Mr. Springetti works for the speaker, and I think he did the same thing and you were invited personally to come. You sent staff that's fine with you, but I I guess I'm going to disagree with you that that was all one way. Mr. De Rossi came to you, asked what your ideas were told them, what they were thinking. If you want to characterize it as a one way conversation, I think that's unfair. But everybody has their own ideas. The second thing I would say is it's one thing to say we have recommendations if you have a motion to change this map when this is formally moved, if you have specific ideas, let's hear them. We kind of got to this with the map where there were criticisms, but no changes recommended. And you know, we so I throughout this process, there's been sort of this suggestion that we were unwilling to work with you. I think that's unfair. When I met with you last April and the other caucus leaders, I suggested that we get another 30 days in September because we would be on very short time to work out. The result of that wasn't someone coming back to me and saying, No, we disagree. How about 60 days? How about 15? It was a press conference where I was told what a rotten idea that was. So that's not my idea of working together. Now I think we have the same issue here and throughout this process is there have to be alternative ideas, specific alternative ideas coming back and not merely criticisms of what's been done. And finally, I would say. I'm not the only commissioner on this, I'm one of seven. I don't have the ability to force a vote or get three other people to agree to this. I have ideas that I've brought forth that not only are comport with the Constitution and what the court said, but are based on the input of all of the commissioners or at least the commissioners who came and met or sent staff or otherwise send ideas. I think it was all of them. It may not be that we did what you wanted to do, but as we know, that's probably not possible because not only do you and I disagree about all of these things, but Speaker Cupp I disagree, and Auditor Faber and I disagree and on and on and on. And that's the difficulty of saying, well, somehow four people are going to agree on something anyway. So if there are changes to the this map that you have Leader Russo, have sSpeaker Cupp or anybody else love to hear them. This is a proposal I'm bringing forward. I think it addresses what the court wanted to do. And I stand ready to hear those at this moment later tonight, tomorrow morning, whenever it is, the commission would meet.

Co-Chair Senator Vernon Sykes [00:36:51] And thank you for your comments. We will have particular specific suggestions or recommendations or motions as it relates. I've talked previously with the co-chair seeing if you're the majority was open to suggestions, recommendations or amendments in the meetings that were held. Again, I say they were one way in that we did not receive any detailed information about what ideas that you were

having, and we did not receive those until we got access to this map. Just it just an hour or so ago. So we will have more detailed recommendations and motions, and we're hopeful that they will be considered.

House Minority Leader Representative Allison Russo [00:37:39] Mr. Co-Chair,

Co-Chair Senator Vernon Sykes [00:37:40] Yes

House Minority Leader Representative Allison Russo [00:37:41] I do have a question in regards to that. You know, if if the members of this commission would consider any of our recommended changes, what is the timeline in which they would like to receive them to fairly consider them other than making motions tomorrow before the meeting? Because I think we all know that they will be denied at that point. Are there is there a time that other commissioners would like to have those changes? Again, we got the map at 12 o'clock, about 12 o'clock a little bit after. But you know, certainly we can put forward those changes so that you all have time to fairly consider them.

Co-Chair Speaker of the House Bob Cupp [00:38:32] Mr. Chairman, I'll just speak for myself, I'm available this afternoon and early evening to sit down and see what those changes are. The one of the one of the constraints, of course, is the time it would take to move things around because it's very difficult to move one thing without having to move a whole bunch of things because they're so interrelated. So I certainly make myself available to to listen that and then go back and see whether these are feasible or not. So I'm open to that.

House Minority Leader Representative Allison Russo [00:39:07] Well, thank you, Mr. Co-Chair. I appreciate that and we will certainly work on these as quickly as possible. You know, when we met, our staff met on Sunday afternoon at one o'clock. It was one of the reasons that we repeatedly asked for a draft of the map, which I understand some other members of this commission actually saw on Sunday evening. But yet we were not able to, and we certainly would have been able to give some of this feedback at that point as well. But we can work as quickly as possible and get those to you as quickly as possible.

Co-Chair Senator Vernon Sykes [00:39:36] We're just hopeful that we take the adequate time to be able to review the proposals that we have available.

Senate President Matt Huffman [00:39:43] Mr. Co-Chair,

Co-Chair Senator Vernon Sykes [00:39:43] Yes

Senate President Matt Huffman [00:39:44] I'd like to clarify comment that Leader Russo made. There was no map for other members of the commission to look at on Sunday night. That is not true because it this is the map that I am proposing. This map did not exist until sometime Monday afternoon or Monday night, so there was certainly there were concepts that were presented to members of the commission that were concepts that were presented by Mr. DeRossi to your staff. This map did not exist on Sunday, so that's not true. And you know, one of the problems with this whole thing is we all want to talk about who got to see what, when and how, instead of making specific proposals on how to change this. So that's what this is if you want to make a motion and change something on the map. Certainly, the commission will consider it. That's what we're here to do. But there has to be a proposal for the commission to consider.

Co-Chair Senator Vernon Sykes [00:40:43] One thing to just clarify, we have had a proposal on the table. Our map has been on the table as and then our suggestion or recommendation all along. And we did make additional recommendations and suggestions as we move around the map to explain different aspects of it. But we did not get that same type of input when We met when our staff met and that was just the issue.

House Minority Leader Representative Allison Russo [00:41:16] Mr. Co-Chair

Co-Chair Senator Vernon Sykes [00:41:17] Yes

House Minority Leader Representative Allison Russo [00:41:17] Mr Co-Chair, and again, you know, I believe I said a draft map, not the map that sits before us, and I do want to clarify that our staff did not get any concepts presented to them during that meeting. But the other question I have for this commission is, you know, there seems to maybe not be agreement in the constitutional requirement that in order for a map to come out of this commission, it does have to have Democratic votes with it. So we are very motivated to get some to get to some agreement about the map. But my understanding from my conversations with Commissioner Huffman is that he does not agree with that assessment. That Article 19 does explicitly lay out that at this stage in the process when it comes back to the commission, that it requires minority votes for us to even have a map come out of this commission.

Co-Chair Speaker of the House Bob Cupp [00:42:18] Mr. Chairman,.

Co-Chair Senator Vernon Sykes [00:42:19] Yes

Co-Chair Speaker of the House Bob Cupp [00:42:20] I would like to address that issue because I know this discussion has been at least bouncing around for a couple of weeks as to what kind of vote is required and whether this commission can do a four year map or must only do a 10 year map and must only be approved with members of the minority party. So in order to kind of get some clarity to that, I asked the attorney general if he would issue an opinion on it. That is something the attorney general does when requested by the General Assembly. And I'll just pass out the full, full opinion, but just read the the syllabus on it, which I think is is sort of that sort of is the conclusion that the commission acting under Ohio constitutional Article 11, Section 3-B2, may enact a congressional map by a simple majority vote, and the second paragraph on the syllabus is a map adopted to Ohio Constitution. Article 11 Section 3-B2 is valid for the time period that the previous map was valid for before becoming unconstitutional. This means that for the current redistricting cycle and adopted map would be valid for four years as the map that was found unconstitutional was valid for only four years and then their citation. Then there was rationale, and so we happy to to to pass that out. But that is the official opinion from the state attorney general.

Co-Chair Senator Vernon Sykes [00:43:57] Got a question. Just a point of order, really. And that is that the General Assembly can ask the attorney general, not the Speaker of the House or a co-chair. Maybe the co-chairs could have asked the attorney general, but not just one co-chair. And so actually, what authority did you have to for the attorney general to give you this opinion?

Co-Chair Speaker of the House Bob Cupp [00:44:24] I asked the attorney general what his opinion was and because it was necessary to resolve the issue. And in response, this is the opinion the attorney general issued. So I mean, you're all free to disregard it, but I

think it is certainly persuasive in in deciding, you know, what is what, what the Constitution requires or not.

Co-Chair Senator Vernon Sykes [00:44:53] Yeah, I think it's improper to reach out unilaterally to the attorney general without it being a request from the General Assembly or the co-chairs of this commission. So I don't think it's proper.

House Minority Leader Representative Allison Russo [00:45:11] Mr. Co-Chair.

Co-Chair Senator Vernon Sykes [00:45:12] Yes.

House Minority Leader Representative Allison Russo [00:45:12] In response to that, you know, to be clear, the Constitution and Article 11 says unless otherwise specified in this article or in Article 19 of the Constitution, well, Article 19 does in fact otherwise specify. Article 19 provides in Section 1B that the Commission shall adopt a 10 year congressional map by the affirmative votes of four members of the commission, including at least two members of the commission, who represent each of the two largest political parties represented in the General Assembly. And you know, certainly there can be some discussion about the appropriateness of asking the attorney general to issue an opinion on this. But frankly, the attorney general, both solicited and not, has issued many opinions throughout the course of this commission. This commission's meetings that the court has firmly disagreed with. So I think that if we're going to go down this path and use this opinion as a reason not to get bipartisan support of a map, then we will certainly find ourselves back in the same position that we have been in, both with the state maps and with this map previously in that this will be determined by the court and will be no further, along with the citizens of Ohio, knowing exactly what these districts are so that we can conduct an election.

Co-Chair Speaker of the House Bob Cupp [00:46:34] Mr Co-Chair may I respond to that?

Co-Chair Senator Vernon Sykes [00:46:36] Yes.

Co-Chair Speaker of the House Bob Cupp [00:46:37] Well, first of all, it was my understanding before, and it's just been reconfirmed that there's a long history of the Speaker of the House being able to ask the attorney general for an opinion on some constitutional issue that is coming before the the General Assembly or in this case, you know, as a member of the redistricting commission. And so this is not unusual. The second is, I don't think this should be taken as an indication that there is not a desire for a 10 year bipartisan map. I think it should be taken as an indication that if we aren't able to do that within the timeframe that we have facing us. That is there is not a constitutional requirement for it, that doesn't mean there wasn't necessarily a desire for it or an ability to do it, so that would be what I would want to impression that I would want to leave in regard to to this matter.

Senate President Matt Huffman [00:47:41] Mr Co-Chair

Co-Chair Senator Vernon Sykes [00:47:42] Yes.

Senate President Matt Huffman [00:47:42] Could I just comment on this issue? So part of I think if we can, we can read different parts of the Constitution. The redistricting commission was created in Article 11. Article 11 clearly says that unless otherwise

specified, all actions of the commission will be taken by a majority vote. And that's the provision that that guides here. And but for, you know, we can read that obviously look at the attorney general's decision. But for those who who like would like a little more global understanding of this. So, you know, obviously there's a census every 10 years, and what this says is when that census ready, it's on the blocks. There's a lot of discussion that if in the year ending in 1 the General Assembly by the end of September passes a map that has sort of these super majorities in both caucuses, we have a 10 year map that didn't happen in this case. And then the redistricting commission has an opportunity to pass a to work on this during the month of October, when but the redistricting commission in that can only pass a 10 year map. And what that, of course, means is that that that must include minority party votes in order to do that. Well, there actually wasn't a vote and unlikely that there. There wasn't a map presented in October, and this then went back to the General Assembly in the month of November. Under this scheme, under this constitutional scheme that is set up. There's two things that can happen. The General Assembly can pass a map also requiring certain minority party votes. It's just it's lesser than it is in September, but under a lesser requirement one third of the minority party in order to get a 10 year map so you can still get a 10 year map in November of the year ended and 1 in this case 2021. If only one third of the minority party will agree in both the House and the Senate, well, we didn't get one third. In fact, none of the minority party voted for this, so we went ahead and passed a man with no Democratic support at the end of November's close to the maybe mid to late November. So there we are. We've passed a map. It's November of 2021. We've got a map or ready to run, run an election, and we had no Democratic votes for that because that's what the Constitution requires. The map was challenged in court, the Supreme Court comes back and says we see these problems, especially specifically in Cuyahoga and Hamilton and in Summit County, and those are specific things that we think need to be remedied. So we look at section 3 of Article 19 that tells us how to do this. And there's two things that can happen. And if you look at this is you can look at them in stages stage one, two and three at the beginning. If it's challenged and sent back stages four and five or silos four and five, whatever. So in silo for the General Assembly, then has 30 days to pass a map. There is no requirement that the General Assembly include Democratic or Minority Party votes. In fact, we can pass a new map as long as it does the things that the Supreme Court told us to do with no Democratic or minority party votes. Now, in fact, that might have happened. But because of the time crunch, we needed to do that with a emergency or 66 votes in the House and 22 votes in the Senate, in all probability achievable in the Senate. But as I understood it, not achievable in the House because there would not be minority enough minority party votes to get sixty six votes in the House. So and that was only to suspend it so we could do certain things and make it available for for the for the May 3rd primary. So we then go on to the map had to be available by May 3rd. By the time it got there wouldn't be effective by May 3rd, and therefore we had to have 66 votes and didn't do it. So then we move on to the redistricting commission, which is where we are now. This comes back on February 14th. We have until March 14th to do something. The attorney general, through the opinion requested by the speaker, is confirming what of course the constitutional scheme is. We are now in stage five, where at the end of this, which necessarily after you've gotten to the end of November, there's been a challenge. The court has sent it back. The General Assembly has 30 days. This redistricting commission could not even act until that 30 days was up after the General Assembly. So in every situation when this redistricting commission, when we get to stage five, it's really close to the primary. And if the answer is now, even though we didn't need any minority party votes and stage four and we didn't need any in stage three in order to pass a map, now we need minority votes in stage five as we get close to the election. It not only doesn't comport with the plain language of the Constitution, it doesn't make sense in the whole scheme of how this works. And again, the

point of all of this is at the very beginning. There are set of incentives for the minority party and the majority party to get together in September and see if they can come up with a deal. And that's why I thought it was so important last April that we had additional time to work this out. And that was rejected. No one apparently thought that was a good idea other than Speaker Cupp and I. And but we weren't. That was rejected by the minority party. And that's the time when we can get together, make a deal. There can be concessions made on both sides to get a 10 year map. Now, can that still happen? Yes. But there has to be something specific for there to be a yay and a nay rather than simply we'd like to hear. We'd like for you to hear our proposals. We have to have something to specific act on. It would have been good to do this in September or October or November, but those weren't forthcoming. So constitutional language is clear, the attorney general has opined it makes sense in terms of the scheme, and that's why I wanted to give that history. Thank you, Mr. Co-Chair.

Co-Chair Senator Vernon Sykes [00:54:39] Thank you, Mr. President, for the history lesson, although it's just really reliving, it is still a little painful.

Senate President Matt Huffman [00:54:48] I'm with you brother.

Co-Chair Senator Vernon Sykes [00:54:53] Are there any other items?

House Minority Leader Representative Allison Russo [00:54:55] Mr Co-Chair, I would like to respond to that, and I will respectfully disagree. I do agree that the constitutional language is very plain and I think any argument at this stage in the process that, you know, there is no check and that the people who voted for these changes didn't intend for there to be a check on gerrymandering is just simply a convenient interpretation of the Constitution. I think the Constitution is very clear that at this point, after the court has invalidated maps and you've exhausted the G.A., which, by the way, there was no plan presented for legislators to even vote on. And nor did we ever see a map to say if we would have the votes, not have the votes or the commission. You know, there are no more get out of jail free cards. It is time for us to come to the table and come up with some agreement that we can all agree to, and it is possible. I've laid out a few suggestions. You certainly don't have to take all of those suggestions and we will give more specifics about that. But to at least have the conversation and have some good faith negotiations at this stage in the process is, I think, both required by the Constitution for this commission to even have valid maps come out of it. But it's also what the people of Ohio are asking us to do. And you know, certainly we can all die on this hill if we want to. But again, that then leaves it up to the court yet again to decide whether or not these were constitutional maps and whether or not they were even valid maps that came out of this commission without Democratic votes. So that's all that I have to say. Thank you,.

Senate President Matt Huffman [00:56:47] Mr. Co-Chair.

Co-Chair Senator Vernon Sykes [00:56:48] Yes

Senate President Matt Huffman [00:56:49] I want to. One of the things that is seemingly lost over this is it when leader Russo says there's not a check. There is a check. This map, unless it gets minority party support, is only for four years. And that build in check is a concession automatically to the minority party unless the majority party does what they want or concedes. Or there can be some sort of agreement, however, we want to describe it. The majority party doesn't get to do what the majority party gets to do everywhere else. And that is, draw a map for the next 10 years. And that is the check. If there was a version

of this, which isn't quite as good from the majority party standpoint, again, assuming we could get a majority of the commissioner Republican commissioners to vote for it. That may or may not be true, but if there's some version of that, that is, I'll just call it less than this, that that the minority party would vote for. Well, then we could get our 10 year map, but the majority is already penalized by only getting a four year map. And that's the penalty that is built in. And unless we can come to some consensus is the majority is going to be penalized and there is going to be a check.

Co-Chair Senator Vernon Sykes [00:58:15] The only other comment is that also the maps should be constitutional, they should comply with the Constitution and the Ohio Supreme Court still has some purview as a rule too. Yeah, absolutely. To be considered, at this time, seeing and hearing no other comments. I don't believe we should.

Co-Chair Senator Vernon Sykes [00:58:37] Yes.

Auditor Keith Faber [00:58:38] Do we have tommorow's meeting scheduled, decided already?

Co-Chair Senator Vernon Sykes [00:58:41] You know, we have tentatively agreed. We have agreed ten o'clock tomorrow morning to recess until 10:00 tomorrow morning, hopefully during that time. We will have an opportunity to exchange ideas and possibly come up with a collaboration.

Auditor Keith Faber [00:59:03] Do we have a meeting time set for Thursday?

Co-Chair Senator Vernon Sykes [00:59:06] We have not. We do not at this time. Seeing and hearing no further business, we will recess until tomorrow at 10 a.m..

Ohio Redistricting Commission - 3-2-2022

https://www.ohiochannel.org/video/ohio-redistricting-commission-3-2-2022

Co-chair Speaker Bob Cupp [00:00:00] Restricting Commission will come back to order. I would ask that the staff please call the roll at this time.

Clerk [00:00:07] Co-Chair Speaker Cupp.

Co-chair Speaker Bob Cupp [00:00:08] Present.

Clerk [00:00:09] Co-chair Senator Sykes.

Co-chair Sen. Vernon Sykes [00:00:10] Present.

Clerk [00:00:11] Governor DeWine.

Gov. Mike DeWine [00:00:11] Here.

Clerk [00:00:12] Auditor Faber

Auditor of State Keith Faber [00:00:14] yes.

Clerk [00:00:14] President Huffman.

Senate President Matt Huffman [00:00:14] Here.

Clerk [00:00:15] Secretary LaRose.

Secretary of State Frank LaRose [00:00:15] Here.

Clerk [00:00:16] Leader Russo.

House Minority Leader Allison Russo [00:00:17] Here.

Clerk [00:00:19] You have a quorum.

Co-chair Speaker Bob Cupp [00:00:21] All members are present. Is there business to come before the meeting, this meeting of the Ohio Redistricting Commission Yes. Chair recognizes co-chair Sykes.

Co-chair Sen. Vernon Sykes [00:00:40] Thank you, Mr. Co-Chair. At this time I'd like to move to amend. The amendment aims to replace the map that's before us and to accept our map that we submitted here before into the commission. It's Senate Bill 237. We have three different versions of it, but this would be the most recent version. It is a eight-seven map and it does not unduly favor a political party and we would ask that the commission consider this map.

Co-chair Speaker Bob Cupp [00:01:29] There's a motion to adopt the map presented. What is the designation on that map, do we know? Or the date that it was uploaded on the website,

Co-chair Sen. Vernon Sykes [00:01:43] February the 8th.

Co-chair Speaker Bob Cupp [00:01:46] February, the 8th map. I'm not sure what name it was uploaded under. But is there a second to the motion?

House Minority Leader Allison Russo [00:01:57] Second.

Co-chair Speaker Bob Cupp [00:01:57] It's been moved and seconded. Is there discussion?

Senate President Matt Huffman [00:02:00] Mr. Chairman?

Co-chair Speaker Bob Cupp [00:02:02] Senator Huffman.

Senate President Matt Huffman [00:02:03] Yeah, just just to clarify the if - there was a motion to amend and then a motion to adopt, is this motion to amend the fact there's no amendment,

Co-chair Sen. Vernon Sykes [00:02:16] The amendment - we are looking at the General Assembly Motion, map, that was presented and was denied invalidated by the court. And so we're offering it as an amendment to that.

Co-chair Speaker Bob Cupp [00:02:34] Are you offering an amendment to the General Assembly map or to the congressional map?

Co-chair Sen. Vernon Sykes [00:02:40] to the congressional map that was that was approved by, adopted initially by the General Assembly, but was in fact invalidated by the court.

Co-chair Speaker Bob Cupp [00:02:53] My understanding is the motion is to amend the map, it was previously approved by the commission and returned to to to the commission by the - The map that was adopted by the General Assembly for Congressional districts and that was invalidated by the Ohio Supreme Court and is, and returned to the redistricting process.

Co-chair Sen. Vernon Sykes [00:03:29] Yes.

Co-chair Speaker Bob Cupp [00:03:29] Right. And you have amendments to that map.

Co-chair Sen. Vernon Sykes [00:03:36] Yes, we're offering the map that we submitted to the commission on February the 8th to amend that map.

Co-chair Speaker Bob Cupp [00:03:48] Are you? I'm sorry. Are you offering a whole map?

Co-chair Sen. Vernon Sykes [00:03:52] Yes, a whole map. It's like a supplement as an amendment.

Co-chair Speaker Bob Cupp [00:03:58] All right. Are we able to identify what that is?

Co-chair Sen. Vernon Sykes [00:04:12] We have -- it's on the commission's web site of February the 8th.

Co-chair Speaker Bob Cupp [00:04:20] February eight, is that the only one? Or is it under a name as well?

Co-chair Sen. Vernon Sykes [00:04:28] It was the Dems congressional map

Co-chair Speaker Bob Cupp [00:04:31] Democrat Congressional Map, Yuko - would this be the title? Yuko Sykes Substitute Senate Bill 237 February 8th revision is a map that is offered. You want to describe the map or your amendments?

Co-chair Sen. Vernon Sykes [00:04:51] It is a 8-7 map that complies with the Constitution. It was presented prior and you've gone over it in detail in the prior meeting, and we'd just like it to be considered now.

Co-chair Speaker Bob Cupp [00:05:08] All right. It's been moved and seconded that the Yuko Sykes Senate Bill 237 February 8 revised map that was uploaded to be adopted by the commission. Discussion? There's no discussion. I'll ask the clerk to call the roll. Is to correct the caller on. All right. The commission will be at ease for a moment while we make some copies.

Co-chair Speaker Bob Cupp [00:07:42] Waiting for the copies of the maps to come. We had a request from Ryan Brune. I'm not sure I'm pronouncing your name right, but you testified yesterday and you have an updated map. Do you want to take a few moments to tell us what that is? Would you come up to the microphone and state your name for the record, please?

Ryan Brune [00:08:06] Thank you. My name's Ryan Burnett presented yesterday with a map. I'm here to present a different map, calling it Compromise Map V2. This map that I'm presenting is identical to the one that the Republicans proposed yesterday, with two districts being changed. The 4th District and the 15th District, I made some simple county swaps, which citizens can see on the redistricting website. The commissioners, you have these in front of you. All the changes I've made, I have reduced the total number of county splits. I've combined municipalities that were previously split. Municipalities that's across county lines are allowed to be split given the guidelines. But what I was able to do is able to reconnect Dublin with its Union and Franklin portions, and I was able to reconnect Plain City, which is in Madison in Union County. I talk a little bit about the compactness in my brief, but basically what I propose is the exact same as the Republican map. Two districts changed. It's more compact and pretty much any metric you use, it doesn't have a split district, connect to a split district, connect to a split district, and it has the added benefit of being a little bit more fair. Instead of having five composite Democratic districts, it now has six and all that it, one change. This maps pretty much the exact same thing you presented yesterday, just a little bit better in every way.

Co-chair Speaker Bob Cupp [00:09:39] Thank you. Any questions for the witness? Thank you for your continued work on this. It's quite impressive that you have this kind of interest in and continue to work on it. Thank you.

Ryan Brune [00:09:52] Thank you.

Co-chair Speaker Bob Cupp [00:09:56] The commission will be back in ease while we're waiting on the map copies.

Co-chair Speaker Bob Cupp [00:12:44] Distributed, they're entitled Yuco Sykes SB 237 February 8th revision that is before the commission. Is there any discussion on the motion. Chair recognizes Sen. Huffman.

Senate President Matt Huffman [00:13:01] Yeah, thank you. Thank you, Mr. Chairman. So there is a map that was presented, although not yet moved, which I'll be doing later in this meeting. And there was a series of meetings as there have been. But I met with Senator Sykes and Leader Russo. I, as I understand it, the speaker did. I believe the auditor did. There may may have been a meeting also with with secretary and variety of folks. And then last night, there was a series of amendments proposed to that map by the, I believe, by Senator Sykes and Leader Russo. So there is that version of that map, which is also on the website. This is a completely different setup. And as of today, I guess maybe if we're trying to negotiate, this is a step backwards in what at least we were talking about and is a completely different consideration. So it's unclear to me why this is even being presented at this time since it's. Not related at all to what we were, we were discussing, at least in the meeting, that I was in last night, so I think it's a step backwards in terms of of, you know, trying to put in a capsule what the differences are between the parties. So I would oppose the motion.

Co-chair Speaker Bob Cupp [00:14:27] Further discussion. The the motion is to adopt the plan that has been presented and the staff will call the roll, please.

Clerk [00:14:40] Co-Chair Speaker Cupp

Co-chair Speaker Bob Cupp [00:14:41] No.

Clerk [00:14:42] Co-Chair Senator Sykes

Co-chair Sen. Vernon Sykes [00:14:43] Yes.

Clerk [00:14:44] Governor DeWine.

Gov. Mike DeWine [00:14:46] No.

Clerk [00:14:46] Auditor Faber

Auditor of State Keith Faber [00:14:46] No.

Clerk [00:14:48] President Huffman.

Senate President Matt Huffman [00:14:48] No.

Clerk [00:14:48] Secretary LaRose

Secretary of State Frank LaRose [00:14:49] No.

Clerk [00:14:51] Leader Russo

House Minority Leader Allison Russo [00:14:52] Yes

Clerk [00:14:53] Thank you. 5-2 Mr. Co-chair.

Co-chair Speaker Bob Cupp [00:14:57] Vote is five to two. No, the vote is two to five. The motion has not carried. Is there further business come for the commission, Senator Huffman?

Senate President Matt Huffman [00:15:08] Thank you. At this time, Mr. Chairman, I move the commission, adopt the updated Congressional District Plan, which is uploaded the commission's website this morning that is called March 2nd, 2022. Under the name of Franks to Gary and

Co-chair Speaker Bob Cupp [00:15:26] Sykes, Senator Huffman is at the map. That is, if we have the PorterWright distributed, that's correct. All right, so everyone have that map. All right, you may proceed.

Senate President Matt Huffman [00:15:36] Do I need a second?

Co-chair Speaker Bob Cupp [00:15:37] Is there a second to the motion? I'll second the motion.

Senate President Matt Huffman [00:15:41] OK, thank you. So, Mr. Chairman, members of the commission, this map is identical to the map that was submitted yesterday and with two slight changes. One is our changes then in Franklin County, which really completes a series of changes that were made in regarding districts three and 15 are my office and perhaps other offices received inquiry from Congresswoman Beatty's office. I think one of the initial maps that was or renderings here in the last week or so had Congresswoman Beatty's district office outside of District three. And it might be a federal requirement, but but I believe that it's required that congressional district offices be inside the congressional district. So they asked us to make that change. And initially, I believe also Congresswoman Betty's residence was outside of District three. And so there were some changes made regarding both of those also resulting in Congressman Carey outside of District 15. So the net result of all these changes, including the one we're including today, is that Congressman Beatty's district office in District three, her residence is. And Congressman Carey is in his District 15. When I say his and hers, of course that I'm referring to the fact that they're both incumbents, so that solves that problem. So that's one change. The second change is in Hamilton County and was pointed out to us that we could eliminate some subdivision splits in District one. And so if you if you compare, if you have both of the maps in front of you yesterday, today not only did we repair those subdivisions splits, but certainly the the how the district is divided is is much cleaner. So those are the two changes, of course, in moving the map as a whole. And I would ask the commission to adopt the map pursuant to my amendment.

Co-chair Speaker Bob Cupp [00:18:05] Thank you. It's been moved in second and that do we have a just description for this map and name on this? Yeah.

Senate President Matt Huffman [00:18:15] Excuse me. This this is called March, the March 2nd 2022 map, and it's submitted under the name of Frank Strigari.

Co-chair Speaker Bob Cupp [00:18:24] Thank you. It's been moved in. Second, is there discussion?

House Minority Leader Allison Russo [00:18:27] Mr. Co-Chair,

Co-chair Speaker Bob Cupp [00:18:29] The chair recognizes Rep. Russo.

House Minority Leader Allison Russo [00:18:30] So thank you, Mr. Co-Chair. Just to clarify the difference specifically and districts 3 and 15 from the map that we saw yesterday that was uploaded to the website, to the map, we saw today that the primary difference here is that this revision puts Congressman Carey back into the 15th because I believe the issues with Congresswoman Beatty and her office were resolved in the map that we saw yesterday. So the primary change here is to put Congressman Carey back in his 15th district. Is that correct? His residence.

Co-chair Speaker Bob Cupp [00:19:06] Sen. Huffman?

Senate President Matt Huffman [00:19:07] Yeah. Mr. Chairman, that is accurate in doing those other changes. I think we had that. That's that's what resulted in that. So we're trying to in remedying some things, we caused other problems. And so but the only change today from yesterday does as Leader Russo described.

Co-chair Speaker Bob Cupp [00:19:26] Further discussion?

House Minority Leader Allison Russo [00:19:28] Mr Mr. Co-Chair, would it be appropriate? I'd like to suggest some amendments to this.

Co-chair Speaker Bob Cupp [00:19:34] Yes.

House Minority Leader Allison Russo [00:19:34] Thank you.

Co-chair Speaker Bob Cupp [00:19:34] That would be an order.

House Minority Leader Allison Russo [00:19:36] Thank you. I have a number of amendments here because we are here because the General Assembly drew a map that the state court held violated the state constitution. Specifically the court was clear that the Congressional District Plan that the General Assembly passed in November is invalid in its entirety because it unduly favors the Republican Party and disfavors the Democratic Party in violation of Article 19, Section one C three A. The court gave the example of Franklin County, where Democratic leaning voters were packed into only one district to confer partisan advantage to the party drawing the map. And the court also held that the plan unduly splits Hamilton, Cuyahoga and Summit counties in violation of section one C three B. The court has ordered the General Assembly or the Commission, if needed, to adopt a new Congressional District plan that complies in full with Article 19 of the Ohio Constitution and the directives of the court. So the task now in the commission is in the commission's hands because the state constitution calls for the commission to act as backup to the General Assembly when the General Assembly fails to assemble the bipartisan vote required by the voters in the state constitution reform to pass a replacement map. So my amendment, as was discussed with I believe nearly every member of this commission over the last 12 hours, makes four primary changes to the map that we see before. It was the map that was presented yesterday, but these changes would also apply to the maps that we see before us today. We have actually uploaded these democratic amendments to the Strigari March 1st, 2022 map on the commission website for the public to see and commissioners to see. Of course, we can slightly adapt that uploaded map to accommodate the two small changes that have been described by Senate President Huffman this morning with the map that he has offered before us. But here are the four amendments again that have been discussed in detail with multiple members of this commission. And to note these changes abided by the principle of taking the map that has

been presented to us and making the least changes necessary to get this map to a map that we feel again upholds the Constitution by not unduly favoring the Republicans and disfavoring the Democrats. So the first change is to amend the districts in southwest Ohio, specifically districts one and eight. This amendment or modification, or this change sorry, swaps territory from one district to the other with the result that District one would still contain Cincinnati, but it would be wholly within Hamilton County. District eight would now contain Warren County instead of Warren County being disconnected from Cincinnati, and the partisan Index would change on each district accordingly. District one would move slightly above the toss up range, and the heavily Republican leaning District eight would be slightly more Republican. And you can see those changes in the map out that we have provided, as well as the table. Amendment, the second change is to amend districts in northwest Ohio. This amendment specifically would change the boundary between districts five at nine. And this modification swaps territory from one district to the other, with the result that district nine would be more compact and its partisan index would move slightly above the tossup range. And we also believe that the communities linked in this district would be more cohesive. The partisan index would change and each district accordingly. Again, you can see that in the print out that was provided. Now I will note specifically about this change. We had a nice long discussion with Auditor Faber last evening. He had some other changes in this part of the state that we were very willing to consider and discuss further if we are given time to do that. The Third Amendment is, it would change the districts in central Ohio specifically centered on District 15. This amendment would change the boundaries between 15, four and three. This modification swaps territory from one district to another, with the result that District 15 and four would be more compact and District 15 would have a partisan index that would be slightly above the tossup range. We also believe that the communities linked in this district are more cohesive, for example, communities and the Delaware, Franklin, Union and Madison, where those counties meet and that portion of the district. I will also note again, we discuss multiple potential options within this change. Again, if commissioners are willing to discuss this further, we certainly have shown a willingness to be open to further discussions with that change. And then the final change that we have proposed amends, sorry, impacts districts in northeast Ohio touching Cuyahoga County. This amendment specifically would change the boundaries between District seven and 11. This modification swaps territory from one district to the other, with the result that District seven would have a partisan index that would place it in the Dem leaning tossup range. And the purpose of this and the other change is to have a total map that reflects the preferences of the Ohio, the voters of Ohio and does not unduly favor the Republican Party in excess of their support at the ballot box. So, Mr. Speaker, again, I would like to thank the members of the commission who had these discussions with us. We have gone into these discussions about these amendments to the General Assembly passed plan using your math that you have put forward today and yesterday as the basis for coming up with some sort of compromise that we believe again results in an overall map that is in line not only with the court's decision, but with the Constitution and does not unduly favor the Republican Party and unduly disfavor the Democratic Party. Thank you.

Co-chair Speaker Bob Cupp [00:26:40] Thank you, leader Russo. Let me ask, are these being offered as a single motion or did you want to do these series item?

House Minority Leader Allison Russo [00:26:55] At this point? Mr. Speaker, these are being offered as a single motion. Certainly, again, we have not heard directly back from commissioners about what individual changes they might be willing to entertain. But if we can continue discussions, we certainly can offer them a separate. But at this point, they are offered in whole.

Co-chair Speaker Bob Cupp [00:27:17] All right. And are these? The details of these, are they they uploaded or available? So if they were adopted, are we going to know what they are? Is my point, I guess.

House Minority Leader Allison Russo [00:27:33] Thank you, Mr Speaker. Yes, the details of these changes, not only have they been uploaded that they were provided to all of the commissioners and their staff last evening, I believe at approximately 9:30-9:45 to your staff, we discussed them in detail, and again, we certainly can harmonize based on the two minor modifications that have been presented this morning. Certainly can harmonize those, but they have been available not only to your staff and and commissioners, but also to the public.

Co-chair Speaker Bob Cupp [00:28:09] Yes, I do. We do. We have a name by which they were uploaded. So we can.

[00:28:13] Yes, I believe they are named as the Democratic Amendments to Remedy Invalidated General Assembly plan.

Co-chair Speaker Bob Cupp [00:28:33] And the date of the upload is March 2nd?

House Minority Leader Allison Russo [00:28:38] March 2nd. Yes.

Co-chair Speaker Bob Cupp [00:28:43] But are there, are you? Did you make a motion to move?

House Minority Leader Allison Russo [00:28:51] So it makes you move. All right. Thanks very much. Thank you. She's easy to get lost in the discussion here. Making a motion to adopt these amendments to the general, invalidated General Assembly plan, but adopt these changes to the plan that Mr. Huffman has put forward.

Co-chair Speaker Bob Cupp [00:29:13] All right. It's been moved to the second. It's moved into second discussion. Chair recognizes Senator Huffman.

Senate President Matt Huffman [00:29:20] Thank you, Mr. Chairman. I oppose the motion and I guess a couple of comments. One. And I appreciate Leader Russo's description as these are changes to essentially the map that I moved today, but was presented yesterday with slight changes. This, of course, is a wholly different map than what leader or Senator Sykes presented just a few minutes ago. So this is these are two different maps, I guess. I want everyone to commission members and public who are listening to understand that. So these are these are two, I think it's fair to say completely different plans presented here this morning. I I think it's important again, and I went on a little bit of a history lesson yesterday to understand Article 19 and its effects and how it how it was that or how it came to be and how why this unduly language does not in fact, imply to the commission. First, you could say simply because the Constitution doesn't say anything about that as it relates to the commission. But why is that? Why, why? Why is that the way the design of this? And keep in mind that we get the census as we all know it's at the end of every 10 years. Typically, we get the census data on April 1st, and it takes about three months to put it in the political. And then there's an opportunity over a couple of months, perhaps to come up with an agreement. And you know, we we've we've talked a lot about how there were problems with that this year. But in the first stage of this, when there's there's a substantial amount of minority party buy-in that has to happen. So this is

in September of any year and there is no unduly requirement in there. If in fact the parties can agree, it may be that some feel maybe a court or others feel that it unduly favors or disfavors a party. But there's no requirement regarding that in that September timeframe. Now there is a requirement for substantial minority party buy-in, but the language doesn't appear anywhere in that stage. If that doesn't happen in October, the redistricting commission can adopt a map, but they can only adopt a 10 year map and it must have, and to do that, you must have minority party buy-in. However, there's no unduly language in there, either. And some might recall when we passed this map some time ago, I asked some advocates, Well, what if? What if there was an agreement among minority and majority party members, but it wasn't a map that advocates wanted. And the response was no sweetheart deals. I don't know if anybody remembers that response. And what that anticipates is that there can be agreement on these maps for a whole variety of reasons. But this means in the first stage in September, that unduly doesn't apply in the second stage unduly doesn't apply because the language isn't in there. OK. So in stage three November goes back to the General Assembly, and if the General Assembly passes a congressional map pursuant to C 1 of the Constitution, and again, this is section one C one if the General Assembly does it and has this enhanced minority vote. The unduly doesn't apply, there's no requirement that the General Assembly do that under Section C, two of the Constitution, but again, you have an enhanced minority requirement. Minority party requirement. And it's not as big as it is in September, it actually lowers. But that again unduly doesn't apply there, either. Finally, if the General Assembly passes a map in November, which we did without the requisite minority in the unduly part does apply in the court, in their opinion, said, Well, we think it unduly favors one party over another and ruled the map invalid. Well, what happens? And before we get to stage four, I would point out that in the mid decennial redistricting under Section F one, we have that that same unduly language appears again. So there are parts of the Constitution that have the unduly language and parts that do not. So you can take a look at F1 one. We all worry about that in four years or those of you who are still standing can worry about it in four years. So but what happens then if the court says, for whatever reason, we don't like the map and it could be for a whole variety of reasons? Well, in the end, section four, if the General Assembly passes a map, pursue it or or this is section three, excuse me, in silo four, the General Assembly can pass a map, but the unduly language doesn't appear there either. Well, if the General Assembly passes a map, they have all the other requirements, but there's no unduly requirement, but the General Assembly doesn't do that. And likely we could have passed some map, but we had restrictions on time and needed and later Russo, I think, made a good point, said, Well, we didn't take a vote. Well, we didn't. But you know what, is a bit of a fool's errand at that point. So now we go to the redistricting commission in silo five, which is where we are right now. Silo five doesn't have any language in it about unduly. And the question is, well, why not? Well, remember, folks, this is a plan, this constitutional plan is designed to create a series of incentives on both sides to make an agreement. And the big incentive for the majority to make an agreement is if you don't do get enough support from the minority party, your map only lasts for four years. And that is a not good for the majority because everybody wants to be able to draw their map for 10 years and keep it where it is. Well, they can't do that. So as we're sitting here in Silo five, there's no unduly requirement and we can we can talk about that and go back and forth and make whatever arguments we want to do about that. So I guess I want to point that out to commission members. And. Again, going back to where we are typically you're going to be at the end of November. With no map, the General Assembly may be able to, if it's challenged in the courts, sends it back, maybe in the month of December, perhaps we didn't in this case didn't get a court decision until January. But and if it comes back, the General Assembly needs to come back, pass a map or not, or then come to the redistricting commission, all in a very short period of time. And if in fact, what is required is

this substantial by end that the minority party is describing, it's going to make it very, very difficult to get this map. And obviously, we're we're on a very short period of time what what the courts want. And I think what we all want is to be able to have an election. And I would note that one of the there's a couple of things that I argued when I think provisions that I wanted to put into this back in 2018. One is rather than have a General Assembly bill that could be referended, we ought to do it by a resolution. That was shot down. So we're stuck with a longer process with the bill. And I also pointed out that if we stretch this out to the end of November, then a court hearing and then a General Assembly action and then commission action, it's going to be a problem when we get to elections. And as I noted to some of the media yesterday, you think the timing on this is a problem now? Wait until 2032, when the presidential primary is in March. And if we start going down this path that all of these additional requirements in other parts of the Constitution apply to this stage, well, we're never going to make a primary the first week in March and in Secretary LaRose probably won't be secretary then, but maybe thank God so that I just want to, I guess let me make sure that commission members are aware of that. Thanks very much, Mr. Chairman. And I again oppose the motion.

House Minority Leader Allison Russo [00:38:56] Mr. Chairman.

Co-chair Speaker Bob Cupp [00:38:56] Chair recognizes Rep. Russo.

House Minority Leader Allison Russo [00:39:01] Thank you, Mr. Chair. Those are certainly very interesting conclusions about the reading of not only the court's decision, but also the Constitution. So essentially, what we are hearing is that Commissioner Huffman is arguing that there is no need to follow any of the anti gerrymandering provisions of the Constitution, including what the court specifically stated in their decision that the plan that they overruled unduly favored the Republican Party over the Democratic Party. That is essentially like me robbing a bank and saying that is my money. That is frankly absurd. And if this is, I think, the direction that this whole commission is going to, or at least the majority members of this commission are going to buy into in this process, I can guarantee that we will be back here in a couple of weeks, not only probably redrawing state maps, but also again, congressional maps. The only reason that we are in this state is not because of the Constitution and the provisions that were overwhelmingly passed by Ohio voters. It's simply because we have commissioners who do not want to follow the Constitution and do not want to follow the rule of law and do not want to follow the court's decisions. What we find ourselves in now regarding the election completely avoidable and also easily remedied by moving the primary date and most importantly, by passing a constitutional map. And we have an opportunity to work together as a commission. This deadline that we have this morning at 10:00 is completely artificial. We can right now meet and discuss as long as it takes to get this done, to come to some agreement, get to a map that will pass constitutional muster that will get bipartisan support will be in effect for 10 years. And will allow us to conduct elections. And it's really that simple.

Senate President Matt Huffman [00:41:22] Mr. Chairman?

Co-chair Speaker Bob Cupp [00:41:23] Senator Huffman.

Senate President Matt Huffman [00:41:25] Thank you, Mr. Chairman. So in regards to following, I think the phrase was none of the anti gerrymandering provisions. I think that's inaccurate. Section two, for example, has a variety of things that were built into this, in fact, were demands of the various advocate groups. And I'll just go through some of those. We wanted to make sure that each district included at least one whole county. This is section

two. Section two B 8. So that was included. That's something that has to be followed. No to Congressional District shall share portions of the territory or more of more than one county, except for a county whose population exceeds 400,000. And that was done because if you for those of you who remember they complained about District four that split two or three counties getting up to a certain point. We eliminated that as a if you want to call it, gerrymandering or whatever you want to call it. If one of the 88 counties, 65 counties have to remain whole, our 18 counties may be split not more than once in five counties, maybe split, not more than twice. Well, in this case, there's only. We've eliminated counties that are split more than twice. So we've gone beyond the line drawing requirements that are in the Constitution. And I'll let everyone read Section two and look at all of those various things that were demands by various folks to prevent all of this. And of course, you have a much more compact map that's presented the map that I presented here to the to the commission today than what was presented in 2011. So I think that's inaccurate. And and the other part, the part of this, you know, the constitutional setup here is this is a different group of people making this decision than the General Assembly. The General Assembly can pass a map and each of the folks there may be affected by different things, you know, namely their own congressional people and who may affect how they vote. And of course, getting 50 votes and 17 votes sometimes is very difficult to do. But we have folks on this commission who have a different view, potentially because they don't represent the same kind of constituencies, caucuses, all of those that that the legislative members on this commission do. So I disagree with the comments respectfully, but and appreciate again, and I would ask that the motion to amend be denied.

Senate President Matt Huffman [00:44:15] There further discussion, Senator Sykes, co-chair, Sykes.

Co-chair Sen. Vernon Sykes [00:44:20] Thank you, co-chair. Just just briefly, you know, it's been indicated that the, you know, some major incentive to get a 10 year plan to in order to have bipartisan agreement. But when we look at the both of the constitutional amendments, the largest component, the most significant aspect was really a different concept than just anti-gerrymandering. It was. It was fairness. And there's fairness in both of the changes was equated to proportionality with the state districts and then would unduly favor not to unduly favor a political party with the congressional districts. And it's not just the line drawing requirements. The line drawing requirements are not the focal here. And to simply overlook or try to bypass or not to consider the main focus of the initiative. As again, I agree with Leader Russo, is absurd. Yeah.

Senate President Matt Huffman [00:45:36] Let me just, first of all, object to the assertion that Representative Russo made that the only reason we don't have maps that has so far withstood consideration by the court is because the commissioners don't want to. As I've pointed out on multiple occasions, this is a new provision of the Constitution. We're working our way through it, trying to find a pathway forward. There are legitimate differing interpretations of what it means or what it requires. There's conflict on the Supreme Court as to what it requires. This is not a clear path forward. And I do not agree that members of this commission have not tried to do this in good faith, erring in in some respects for what the court has looked at it and we have consistently tried to find our way forward. So in all of this, the rhetoric and disagreements and stuff, I think it's important that we don't attribute bad faith to either side of this. And so I just want to go on record as what my position is on on that. Further discussion. Chair recognizes Auditor Faber.

Auditor of State Keith Faber [00:46:58] Thank you. A question for the sponsors of the amendment. As I look at it, and it may be that I just can't tell, District three was reconvened

significantly from the proposed map. How does that or does that comply with Article two, Section B 4 A with regard to keeping Columbus largely in one district and I can't tell. I don't know whether it does or doesn't, but it looks based on the geography that a substantial portion of this district is outside the city of Columbus. And so therefore it looks to me like you're doing what you indicated the concern was in other areas for the opposite effect. So I just curious about that, if you could help me understand that.

House Minority Leader Allison Russo [00:47:48] Sure. Through the chair, Auditor Faber, yes, there were some changes made to District three. It actually still includes a substantial and I believe, almost exactly the same proportion of Columbus that the previous version did. It's just a different way to split it. And overall, it creates a plan that meets the does not unduly favor Republicans and disfavor a Democrat requirement of the court's decision. Now, as we discussed in our meeting last evening, that change in particular to 15, four and three. There are a couple of different options there that we certainly are willing to discuss and consider. One of which, frankly, you know, does not require necessarily a change to District three. Many different options. We are willing to continue those discussions about that particular district. This is certainly one option. Frankly, in my mind, there were probably about three to five different options.

Auditor of State Keith Faber [00:49:01] And thank you for that Leader Russo. But and I'm just and maybe this is a question to everybody in general. But as I try and read and understand Section B 2 4 A, is it in? Was it when you guys drafted this provision, the understanding that to the extent you can, we are required to. It is easy with Cincinnati because Cincinnati needs to be wholly within a district because of those ratios, but because the city of Columbus is larger than one congressional district. Is it your understanding of this provision that you're supposed to put the majority of the city of Columbus, even though it's larger than one district in one whole congressional district versus splitting Columbus in multiple different ways in essentially creating different options. My interpretation is that you're required to the extent you can to keep Columbus most of Columbus in one district. And if not, you're supposed to affiliated with distressed communities that are closely affiliated with that at a minimum. And I'm just curious if that's your read of this as well. And if that's the case, it frankly doesn't look to me like three is going to follow that.

House Minority Leader Allison Russo [00:50:17] Through the chair Auditor Faber. Yes, we believe that we have met the provision in the Constitution and have kept a majority of Columbus within that district. And again, there are multiple a Columbus is big enough, frankly, that there are multiple ways to do that.

Auditor of State Keith Faber [00:50:37] So again, and I don't want to belabor this because I can't see the detail and I'll take your word for it. But your interpretation is, my interpretation is correct. We're required to the extent we can keep Columbus largely together in one district is, is that the baseline understanding? I assume you did that because I can't tell. But, is your view. When I tried to draw my version, that's what I tried to do, and I just want to make sure we're in agreement on.

House Minority Leader Allison Russo [00:51:03] Through the chair, Mr. Auditor. Yes, certainly. Again, we believe that we have met the provision. There are multiple multiple ways to do that. I would also note that Columbus is an interesting city and that we have many non-contiguous parts of the city as well. And so, you know, again, there are multiple ways to do this.

Co-chair Speaker Bob Cupp [00:51:27] Is there further discussion? I would just say that I did appreciate the the conversation that we had yesterday, late afternoon, I guess, in terms of the proposed changes that were being suggested. And for this, as far as I'm concerned and the house side, we spent a considerable amount of time with our map drawer to take a look at these and see how they would impact the overall map. But like with any change, it does create some, you know. Some. Some opposite impacts as well. So, for example, a congressional district nine, which is in northwest Ohio. It then creates a district that runs from the Indiana line all the way to Lorain, I think which is even even less compact than it was before. And so in in in the constitutional sense, it believe it really makes any contribution to the constitutionality of it, although it might in terms of shifting the Republican-Democrat index, I look at District 15 and and that one stretches out across Ohio to the West because it was a remnant of other changes that were that were made. But to move, that makes that one more compact, House District four becomes less compact. And now you have a district that runs from I'm not sure what county that is, actually. Way below I-70 going all the way, almost all the way back up to Lorain, which was a constant example of a gerrymandered district in the public hearings that we had, so that those have some adverse impacts to it. The. And I believe that the map that was offered does meet the constitutional objections that were pointed out to the court, by the court, in terms of of the concerns they pointed out, particularly Hamilton County. And that was because it was split twice instead of once in the the Strigari map. It is now split it once. I'm not entirely sure, but I think the compact ratio in District seven that would be reconfigured is makes it at least somewhat less compact. And so, so, so so the amendments don't particularly solve any of the problems, and I realize this is as much of an art as a as a science. But there are some things that it doesn't make it a perfect map, either.

House Minority Leader Allison Russo [00:55:09] Mr. Chair.

Co-chair Speaker Bob Cupp [00:55:11] Yeah, Representative Russo.

Co-chair Speaker Bob Cupp [00:55:12] So thank you, Mr. Chair. And I would like to respond to a couple of your comments regarding certainly, you know, some of the changes to other districts and concerns about compactness. I would note that overall, the map with the changes that we have proposed actually make the map. They score higher on the overall compactness score. But certainly, if there are specific concerns about districts, for example, you noted districts five and four, I will note that certainly in our discussions with the Auditor Faber, he actually brought forward a couple of different recommendations that I believe he may have shared with some other commissioners that I think reasonably may also address some of those concerns and address some of our concerns as well. So I say all of this to say again, you know, let's take a day to have these discussions and come to some sort of resolution and compromise on this because I do believe that there is a path forward to do that. And again, not sure why we are under this artificial deadline to vote on this today, when there are clearly some alternatives here that possibly could get us to a bipartisan agreement, meet our objectives. If the objective is to get to a constitutional map that is bipartisan, that lasts 10 years, which that is my objective and to not have the court have to intervene in this again, if that is the objective, then we should take the time to do that. And I think that there are members on this commission from the majority party who have a willingness to do that. And I would strongly encourage that.

Co-chair Speaker Bob Cupp [00:57:03] Further discussion? The question then, is on the amendment. Shall the amendment proposed by Representative Russo be adopted? The staff will call the roll please.

Clerk [00:57:18] Co-chair Speaker Cupp.

Co-chair Speaker Bob Cupp [00:57:18] No.

Clerk [00:57:21] Co-Chair Senator Sykes.

Co-chair Sen. Vernon Sykes [00:57:22] Yes.

Clerk [00:57:22] Governor DeWine.

Gov. Mike DeWine [00:57:23] no.

Clerk [00:57:24] Auditor Faber.

Auditor of State Keith Faber [00:57:25] No.

Clerk [00:57:26] President Huffman.

Senate President Matt Huffman [00:57:26] No.

Clerk [00:57:28] Secretary LaRose.

Secretary of State Frank LaRose [00:57:30] no.

Clerk [00:57:30] Leader Russo.

House Minority Leader Allison Russo [00:57:30] Yes.

[00:57:30] Mr. Speaker, two of five.

Co-chair Speaker Bob Cupp [00:57:34] The vote is two to five. The amendment has not been agreed to. We're now back to the original motion from Senator Huffman to approve the March 2nd, 22 Strigari map by name that has been uploaded. Is there further discussion. If there's no further discussion, these staff will call the roll, please.

Clerk [00:57:57] Co-Chair Speaker Cupp.

Co-chair Speaker Bob Cupp [00:57:58] Yes.

Clerk [00:57:59] Co-Chair Senator Sykes.

Co-chair Sen. Vernon Sykes [00:58:00] no.

Clerk [00:58:01] Governor DeWine.

Gov. Mike DeWine [00:58:03] yes.

Clerk [00:58:03] Auditor Faber

Auditor of State Keith Faber [00:58:05] yes.

Clerk [00:58:05] President Huffman.

Senate President Matt Huffman [00:58:05] Yes.

Clerk [00:58:06] Secretary LaRose.

Secretary of State Frank LaRose [00:58:07] Yes

Clerk [00:58:08] Leader Russo.

House Minority Leader Allison Russo [00:58:09] No.

Clerk [00:58:10] Mr. Speaker, 5-2.

Co-chair Speaker Bob Cupp [00:58:12] Vote is five to two. The motion has been agreed to and the map has been adopted and would direct staff to upload this to the Secretary of State as soon as possible so that the March 4th filing deadline will be available to candidates and that we can proceed with the March, the May 3rd May... The May Primary Election. Any further business to come before the commission? Hearing none, the commission is adjourned.

March 1, 2022

Honorable Robert Cupp
Speaker of the Ohio House of Representatives
Co-Chair, Ohio Redistricting Commission
77 South High Street, 14th 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.

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, 14th 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 high-light 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 simply 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 un-
der 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 divi-
sion(B)(1) of this section. *A congressional
district plan adopted under this division
shall remedy any legal defects in the pre-
vious plan identified by the court but
shall include no other changes to the pre-
vious 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 politi-
cal 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 dom-
inant political party is good for 10 years). The only spe-
cific 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 statewide, 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/ballot-board/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,

DAVE YOST
Ohio Attorney General
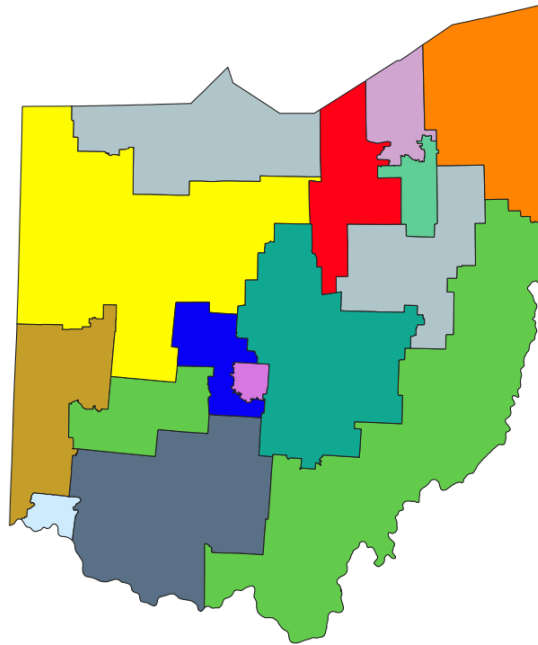
COMPROMISE CONGRESSIONAL MAP

Created by Ryan Brune

This map I present before the commission is not my preferred map. There are alternative choices I could have made to make this map fairer and more responsive to communities of interest. However, I believe the ideal map would have no chance of passing – at least one party would find it unpalatable. Politics is the art of the possible and what I hope to offer is a good map.

The map that I present before the commission satisfies all constitutional requirements, and does not run afoul of federal law. The districts are compact and respect communities of interests. And although this map may fall short of strict proportionality, it does not disfavor any political party.

This map does not disfavor incumbents. Of the 14 congressional incumbents, there is only one instance of "double-bunking", between Marcy Kaptur and Bob Latta. They share an incredibly even district – a narrow Democratic district by composite, but Trump won in 2020.

My proposed map has 14 county splits and one county has an instance of a double split (i.e. 3 districts exists within the county) – Cuyahoga. No major cities are split, and constitutional splitting requirements are fully followed. There is minimal population deviance between the districts. All but two districts have equal population. The two exceptions have 1 less population each – the best that is mathematically possible.

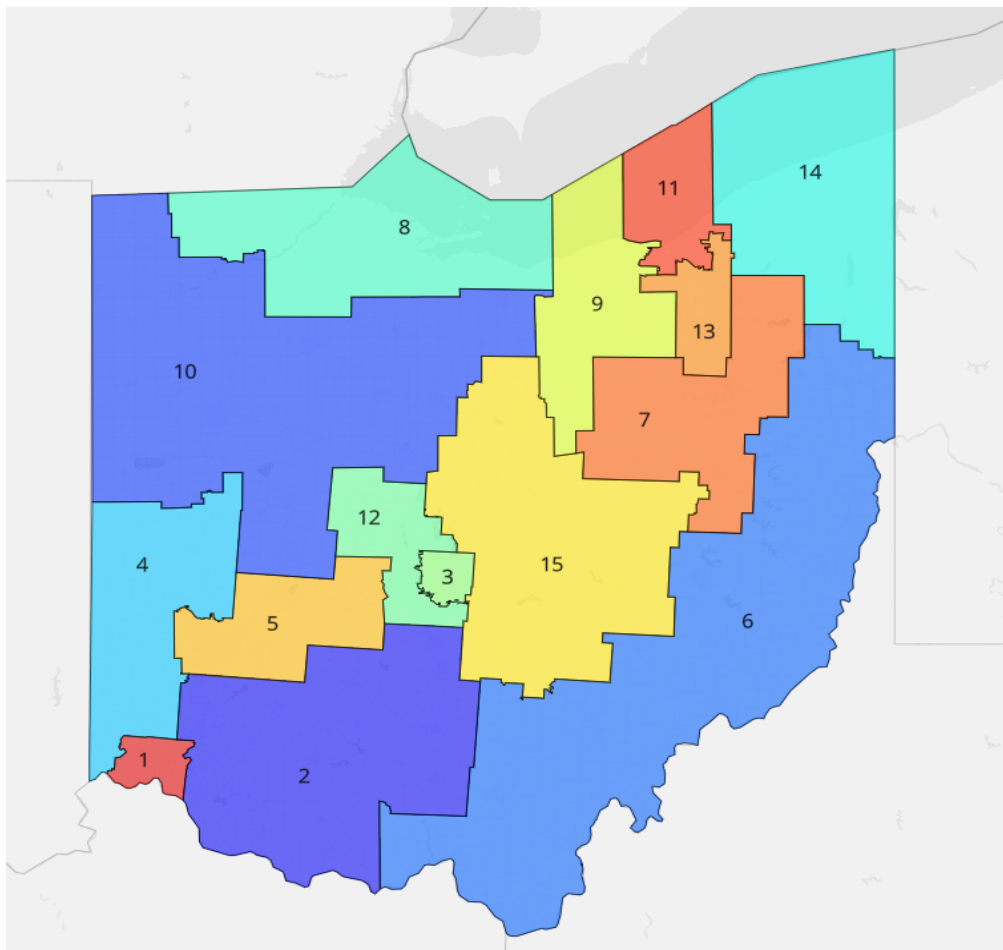My proposed map does not disfavor a political party and should hold up to court scrutiny. Three districts are solidly Democratic – the ones in the hearts of Franklin, Cuyahoga, and Hamilton Counties. There are additional districts that lean Democratic by composite. The commission has defined the composite partisanship to be the average of every statewide partisan race from 2016 to 2020, inclusive.

Unfortunately – this statistic is not easily available to the public. The common 2016-2020 composite statistic from Dave's Redistricting App (which I used to construct this map) does not include the 2018 Auditor, Secretary of State, and Treasurer races in its calculation. Their statistic however finds that there are two additional districts that are Democratic by composite, the Northeastern lake district (OH-08) and the Akron based district (OH-13). Additionally, 2 districts are very narrowly Republican by composite, the suburban Columbus seat (OH-03) and the Lorain centered district (OH-09). In fact, in 2018 Cordray, the Democratic nominee for governor, carrier both of those districts winning 7/15 districts statewide. Joe Biden won 5/15 districts in 2020 – but was only 0.1% short of carrying a 6th district, and 2% short of carrying a 7th. A strictly proportional map, the sort of map I would prefer, would likely require one additional Democratic district, but that is not a constitutional requirement for congressional maps. However, I believe this map would satisfy the criterion of not disfavoring a political party.

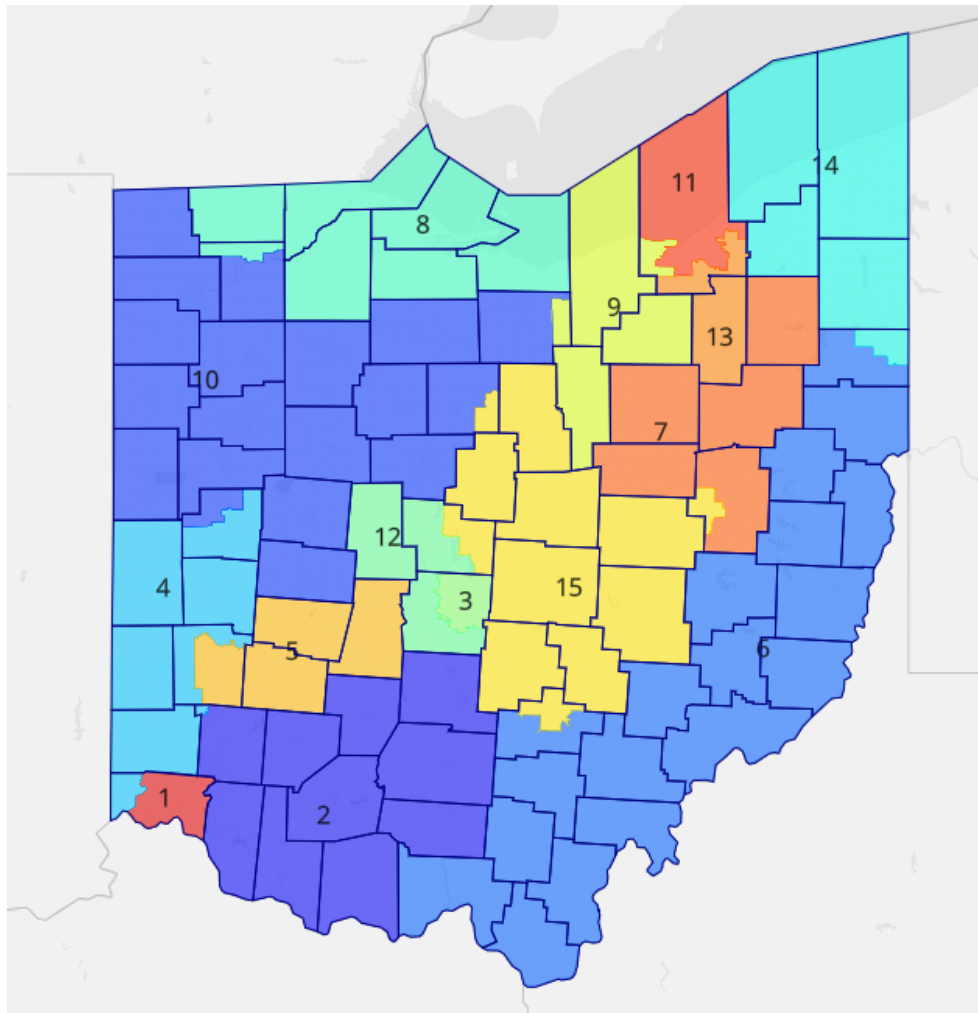In my opinion, this is a map everybody should be able to agree with.

APPENDIX

Labeled Congressional Map

Labeled County Map

STIP_0254

2020 Presidential Statistics

ID	Population		Shapes		Partisan Lean				Demographics (VAP)				
	Total	+/-	🔀	▣	Dem	Rep	Oth	Total	White	Minority	Hispanic	Black	Asian
Un	0				0.00%	0.00%	0.00%	0	0.00%	0.00%	0.00%	0.00%	0.00%
1	786,630	0.00%	◈	◈	59.21%	39.26%	1.53%	612,407	64.53%	35.47%	3.66%	26.26%	3.87%
2	786,630	0.00%	◈	◈	29.43%	69.13%	1.44%	602,655	89.38%	10.62%	1.77%	3.30%	2.86%
3	786,630	0.00%	◈	◈	72.21%	26.29%	1.50%	615,847	57.16%	42.84%	5.52%	29.73%	6.14%
4	786,630	0.00%	◈	◈	31.05%	67.48%	1.47%	603,347	84.61%	15.39%	3.35%	6.58%	3.04%
5	786,630	0.00%	◈	◈	46.78%	51.51%	1.71%	616,830	74.26%	25.74%	3.19%	17.34%	2.93%
6	786,630	0.00%	◈	◈	29.27%	69.45%	1.28%	627,927	92.35%	7.65%	1.19%	3.10%	0.80%
7	786,630	0.00%	◈	◈	37.37%	61.14%	1.49%	615,239	88.22%	11.78%	2.17%	5.68%	1.36%
8	786,630	0.00%	◈	◈	49.05%	49.24%	1.71%	616,021	77.57%	22.43%	5.77%	12.77%	1.83%
9	786,629	0.00%	◈	◈	47.32%	51.35%	1.33%	622,752	85.62%	14.38%	5.08%	5.14%	2.15%
10	786,630	0.00%	◈	◈	25.38%	73.01%	1.61%	606,024	89.79%	10.21%	3.45%	3.69%	0.90%
11	786,630	0.00%	◈	◈	74.72%	24.20%	1.09%	622,404	45.35%	54.65%	7.38%	43.25%	3.32%
12	786,630	0.00%	◈	◈	51.00%	47.36%	1.64%	589,779	76.40%	23.60%	5.11%	9.10%	7.45%
13	786,629	0.00%	◈	◈	54.11%	44.66%	1.22%	625,601	78.00%	22.00%	2.09%	12.92%	4.99%
14	786,630	0.00%	◈	◈	44.20%	54.49%	1.31%	626,504	84.36%	15.64%	3.45%	8.86%	1.15%
15	786,630	0.00%	◈	◈	31.57%	66.88%	1.55%	604,225	88.91%	11.09%	1.57%	5.28%	1.57%
	786,629	**0.00%**			**45.25%**	**53.29%**	**1.46%**	**613,837**	**78.40%**	**21.60%**	**3.65%**	**12.91%**	**2.94%**

STIP_0255

2018 Governor Statistics

	Population			Shapes		Partisan Lean				Demographics (VAP)				
ID	Total	+/-	⌗	▣	Dem	Rep	Oth	Total	White	Minority	Hispanic	Black	Asian
Un	0	0.00%			0.00%	0.00%	0.00%	0	0.00%	0.00%	0.00%	0.00%	0.00%
1	786,630	0.00%	◔	◔	55.30%	41.96%	2.74%	612,407	64.53%	35.47%	3.66%	26.26%	3.87%
2	786,630	0.00%	◔	◔	30.12%	66.87%	3.01%	602,655	89.38%	10.62%	1.77%	3.30%	2.86%
3	786,630	0.00%	◔	◔	70.22%	27.54%	2.24%	615,847	57.16%	42.84%	5.52%	29.73%	6.14%
4	786,630	0.00%	◔	◔	30.84%	65.98%	3.18%	603,347	84.61%	15.39%	3.35%	6.58%	3.04%
5	786,630	0.00%	◔	◔	45.12%	51.81%	3.08%	616,830	74.26%	25.74%	3.19%	17.34%	2.93%
6	786,630	0.00%	◔	◔	36.17%	60.96%	2.87%	627,927	92.35%	7.65%	1.19%	3.10%	0.80%
7	786,630	0.00%	◔	◔	41.04%	55.45%	3.51%	615,239	88.22%	11.78%	2.17%	5.68%	1.36%
8	786,630	0.00%	◔	◔	51.42%	44.91%	3.67%	616,021	77.57%	22.43%	5.77%	12.77%	1.83%
9	786,629	0.00%	◔	◔	48.81%	48.31%	2.88%	622,752	85.62%	14.38%	5.08%	5.14%	2.15%
10	786,630	0.00%	◔	◔	27.64%	68.97%	3.39%	606,024	89.79%	10.21%	3.45%	3.69%	0.90%
11	786,630	0.00%	◔	◔	76.00%	21.55%	2.45%	622,404	45.35%	54.65%	7.38%	43.25%	3.32%
12	786,630	0.00%	◔	◔	49.25%	48.46%	2.29%	589,779	76.40%	23.60%	5.11%	9.10%	7.45%
13	786,629	0.00%	◔	◔	54.60%	42.83%	2.56%	625,601	78.00%	22.00%	2.09%	12.92%	4.99%
14	786,630	0.00%	◔	◔	48.10%	48.88%	3.02%	626,504	84.36%	15.64%	3.45%	8.86%	1.15%
15	786,630	0.00%	◔	◔	34.39%	62.59%	3.01%	604,225	88.91%	11.09%	1.57%	5.28%	1.57%
	786,629	0.00%			46.67%	50.41%	2.92%	613,837	78.40%	21.60%	3.65%	12.91%	2.94%

Hello, my name is David Helmick and I am a resident of Mahoning County. I was very

pleased when the General Assembly Republicans unveiled their final map because for the first

time ever, the entire Greater Youngstown area (Mahoning, Trumbull and Columbiana counties)

was kept together in a single district without any splits at all. That district would have greatly

benefitted my community because we are closely tied together economically and culturally. We

also have unique problems that can be best addressed by having one Representative who can

focus on our problems.

I was very upset when Democratic-aligned interest groups sued and were successful in

causing the new 6th district to be thrown out. These groups decided that their partisan

interests were more important than keeping communities together. Now that the districts have

to be redrawn, I ask the Commission to adopt a map that keeps Mahoning, Trumbull and

Columbiana counties together without any splits.

I believe that the map I drew would strike the best balance between keeping

communities together and abiding by the Ohio Supreme Court order of partisan

proportionality. Under the right circumstances for Democrats, it could result in a 9-6 partisan

split. Under the right circumstances for Republicans, it could result in a 12-3 split.

My map does not achieve the perfect population for every district, but the difference

between the population of the smallest and largest districts is eight people. When I drew these

districts, I made the decision to split only one township whenever a county had to be split.

Because of that, achieving the perfect population was next extremely hard or even impossible

without making a district that split more townships than necessary.

1

Only 14 counties were split in this plan.

I also put a total of six incumbents together in three districts. Two of them, Steve Chabot and Brad Wenstrup, are forced to be put together due to the requirement to split Hamilton County no more than necessary. The explanation for why I put the other incumbents together will be explained in my reasoning for districts 4 and 9.

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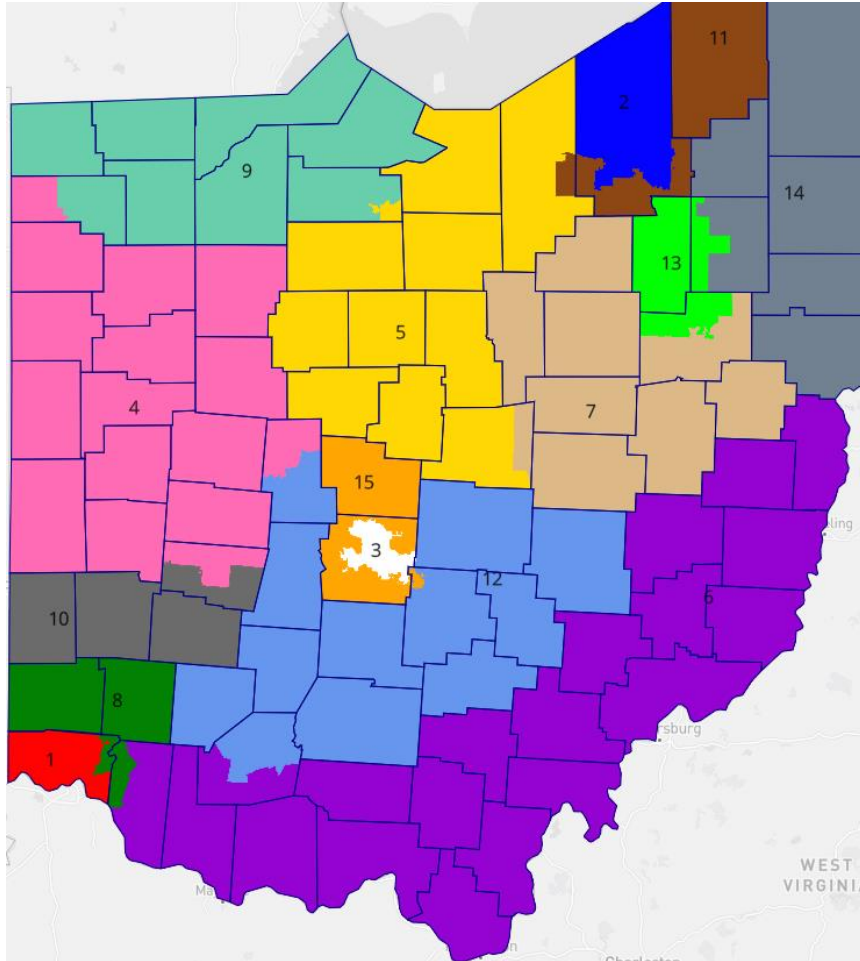
Here is my justification for why I drew these districts:

1 - This district is wholly contained within Hamilton County, as required by Article XIX and the Ohio Supreme Court.

2 - This district is wholly contained in Cuyahoga County and contains Cleveland and its eastern suburbs. This is also a VRA district.

3 - This district is based in Columbus. I interpreted Article XIX(B)(4)(a) as requiring Columbus to not be split any more than necessary. I kept as much of the city as possible within this district to abide by the constitution. This district contains 680,040 out of the 905,748 people who live in Columbus. The remaining population comes from the county subdivisions that are completely surrounded by Columbus.

4 - This district is based in the Miami Valley. Jim Jordan and Warren Davidson would both live within this district. This district was criticized at the Commission hearing on 2/22/22 for allegedly violating Article XIX(C)(3)(a) and (F)(3)(a). That criticism is an erroneous interpretation

of the section. That section states that districts cannot favor or disfavor an incumbent. Davidson and Jordan both live in the Miami Valley and live in bordering counties which are included in the Dayton-Springfield-Sidney Combined Statistical Area.

Drawing a district for both of these incumbents would violate section (C)(3)(a) and (F)(3)(a) because it would require splitting up a region solely for the purpose of protecting an incumbent. Both of these incumbents benefitted from being elected to gerrymandered districts. If one of them is protected, that means that the Redistricting Commission or the General Assembly would have to perpetuate gerrymandering. That is not what the voters who supported the reforms to the redistricting process had in mind when they voted overwhelmingly in favor of it.

5 - This district is based in north-central Ohio. This was the last district that I drew, so it contains all the areas that didn't quite fit with other areas. This is a rural district, but contains some working-class cities like Lorain and Mansfield.

6 - This district is based around the Ohio River and keeps most of the Appalachian counties together. I chose to keep all these Ohio River counties together because they are very similar economically. The people who live there have a similar socio-economic status and level of education. Culturally they are also similar. This region has many unique problems, so it would greatly benefit this area to have one Representative who can focus exclusively on it.

A criticism of this district is that it is very large. That isn't a very strong criticism because in the plan passed by the General Assembly, they drew a district that stretched from Lorain County to the Indiana border. The counties included in that district had almost nothing in common. Because of the population spread in the state, a huge district will inevitably have to be drawn somewhere.

7 - This district is based around Amish Country. The Amish are a unique group that has its own culture and problems, which means that their community should be kept intact in any Congressional map. It also contains the city of Canton and most of Stark County, excluding some of Canton's northern suburbs.

8 - This map is based in the counties surrounding Hamilton County. It also contains the portion of Hamilton County that wasn't included in the 1st district. These counties have strong economic ties. This district also keeps all of Loveland together.

9 - This district is based in Northwest Ohio. It keeps all of Lucas County together and also contains the counties surrounding it along with the counties bordering Michigan. I chose to add the rural counties along the Michigan border because there is a huge drug and human trafficking problem in that area. People and drugs are being trafficked over the border into

6

Michigan and vice versa. County officials would benefit greatly by having one member of Congress to work with for this very serious issue.

This district would also put Marcy Kaptur and Bob Latta in the same district. Like the situation with Jim Jordan and Warren Davidson, Kaptur and Latta live in bordering counties in the same metro-area. Drawing a district for both of them would violate section (C)(3)(a) and (F)(3)(a) because the districts would be drawn to favor an incumbent by splitting a community. Combining the two into a single district that is roughly 50-50 would neither favor nor disfavor an incumbent. They both benefitted from gerrymandering, so making districts for both of them would require the perpetuation of gerrymandering within that region.

10 - This district is based in the Dayton Metropolitan area. It contains all of Montgomery County and the Dayton Airbase. It also contains the Springfield-Beckley Municipal Airport in Clark County. That area would benefit from having these military installations together in one district.

11 - This district is based in the suburbs of Cuyahoga County. It also contains all of Lake County and some of the eastern suburbs of Lorain County. These areas are very similar because they're basically all suburbs.

12 - This district is based in central Ohio. It contains almost the entirety of the Columbus metro area. I put these counties together because I wanted central Ohio to be represented in Congress without being in the shadow of Franklin County.

13 - This district contains all of Summit County along with Ravenna and the western suburbs of Portage County along with the suburbs of Canton. This is a Democratic-leaning district, but it could flip Republican under the right conditions.

14 - This district is based in the Greater Youngstown area. It contains all of Mahoning, Trumbull and Columbiana Counties and does not divide them in any way. These three counties are heavily linked economically and culturally, so it would be beneficial to my fellow residents if the district contains the entire region. This region is also a hub for electric vehicle production and additive manufacturing, so it is vital that the area has one Representative who can focus on advocating for these industries. This district also contains Geauga and Ashtabula, which both contain Amish communities.

15 - This district is based in the Columbus suburbs. It contains the remaining 225,708 people in Columbus. It also keeps Westerville and most of Dublin together. Based on election data, this district will end up flipping to the Democrats in the future.

District Election Results

2016 Presidential

ID	Dem	Rep	Oth
Un	0.00%	0.00%	0.00%
1	53.62%	41.95%	4.43%
2	78.86%	18.26%	2.88%
3	70.74%	24.72%	4.54%
4	24.61%	70.96%	4.43%
5	36.23%	58.77%	5.00%
6	28.03%	68.00%	3.97%
7	33.28%	61.97%	4.75%
8	32.34%	63.09%	4.57%
9	46.56%	47.66%	5.78%
10	42.36%	53.02%	4.62%
11	44.94%	50.87%	4.19%
12	29.78%	65.72%	4.50%
13	48.48%	47.15%	4.37%
14	41.26%	54.75%	3.99%
15	45.57%	49.37%	5.06%

2020 Presidential

ID	Dem	Rep	Oth
Un	0.00%	0.00%	0.00%
1	57.69%	40.77%	1.53%
2	78.21%	20.71%	1.09%
3	74.38%	24.05%	1.57%
4	25.28%	73.16%	1.56%
5	35.89%	62.51%	1.60%
6	27.38%	71.36%	1.26%
7	33.67%	64.81%	1.51%
8	36.71%	61.79%	1.51%
9	47.61%	50.69%	1.71%
10	45.09%	53.24%	1.67%
11	48.25%	50.63%	1.12%
12	30.57%	67.90%	1.53%
13	50.44%	48.19%	1.37%
14	40.72%	57.95%	1.33%
15	51.40%	47.04%	1.56%

STIP_0267

2016 Senate

ID	Dem	Rep	Oth
Un	0.00%	0.00%	0.00%
1	43.31%	52.72%	3.98%
2	70.28%	24.65%	5.07%
3	61.81%	33.73%	4.46%
4	20.12%	75.30%	4.58%
5	32.07%	61.96%	5.96%
6	29.56%	65.67%	4.77%
7	29.17%	65.00%	5.82%
8	24.01%	71.90%	4.09%
9	40.25%	54.79%	4.96%
10	34.17%	61.46%	4.37%
11	35.78%	59.35%	4.87%
12	25.85%	69.48%	4.67%
13	41.56%	52.88%	5.55%
14	37.12%	57.40%	5.48%
15	35.75%	60.59%	3.65%

STIP_0268

2018 Senate

ID	Dem	Rep	Oth
Un	0.00%	0.00%	0.00%
1	60.15%	39.85%	0.00%
2	83.67%	16.33%	0.00%
3	78.00%	22.00%	0.00%
4	35.61%	64.39%	0.00%
5	48.46%	51.54%	0.00%
6	41.71%	58.29%	0.00%
7	44.29%	55.71%	0.00%
8	39.36%	60.64%	0.00%
9	58.45%	41.55%	0.00%
10	51.30%	48.70%	0.00%
11	55.51%	44.49%	0.00%
12	40.50%	59.50%	0.00%
13	57.48%	42.52%	0.00%
14	52.81%	47.19%	0.00%
15	54.45%	45.55%	0.00%

STIP_0269

2018 Governor

ID	Dem	Rep	Oth
Un	0.00%	0.00%	0.00%
1	54.35%	42.87%	2.78%
2	78.61%	19.05%	2.34%
3	73.25%	24.39%	2.36%
4	26.79%	69.97%	3.25%
5	40.57%	55.80%	3.63%
6	33.70%	63.34%	2.96%
7	37.61%	58.95%	3.44%
8	34.28%	62.90%	2.82%
9	49.62%	46.80%	3.59%
10	43.30%	53.55%	3.15%
11	47.95%	49.47%	2.58%
12	33.43%	63.64%	2.93%
13	51.93%	45.09%	2.98%
14	46.24%	50.72%	3.05%
15	48.94%	48.93%	2.12%

Dear OH Redistricting Commission,

I took an opportunity to draw what I believe to be a reasonable Congressional map (https://davesredistricting.org/join/16ff7e89-0c06-4cd4-8ab0-6d1ec82e0e78) that offers a much more competitive set of districts than the 2012-2022 maps. Please note the following:

- In my proposal, I strived to keep counties intact (whole). At most, I split a county twice, never three or more times based upon review of my map.
- I also strived to keep metro areas intact and did not split the inner city of Cincinnati or Cleveland.
- There are distinct Congressional districts for the following metro areas: Toledo, Dayton, Akron, Canton, and Youngstown. Due to population, there are multiple districts for Cleveland and Cincinnati, although as I stated previously, I did not split the inner cities of either. Columbus is the only inner city where I had to split it into two due to the population of the city itself.
- I did not factor in the current GOP/DEM incumbents when drawing the map. It is likely that there are scenarios where incumbents may be pitted against each other in my scenario.
- Furthermore, I provided commentary and my rationale for how I came up with each district on the following Twitter thread: https://twitter.com/MVRedPodcast/status/1497777565716697089

I hope the Committee can look at this proposal and consider the pros/cons of it when it comes up with an eventual proposal that would be approved by the Ohio Supreme Court. Under this proposal, there would be 5 districts that would be considered "swing" districts in each Congressional election. Depending upon the political climate, we could see noticeable changes in Ohio's Congressional delegation every 2 years, which I believe addresses the concerns of the voters when it approved the Constitutional amendment a few years back. For instance, when using the 2018 Gubernatorial numbers, a competitive 4 point statewide race, the Congressional delegation would result in 9 Republicans and 6 Democrats. Furthermore, there would have been two additional races in which the Republican won by 3% or less in 2018 under my scenario.

I will concede, as a lifelong resident of the Mahoning Valley, that I drew a district that would not split the Mahoning Valley in half, as it currently is. I feel very passionately that a single voice representing the Mahoning Valley in Washington DC would help my metro area as it looks to reinvent itself with electric vehicle and additive manufacturing. I believe for far too long the Mahoning Valley has been viewed by some as an afterthought due to decades of economic troubles and political corruption that have plagued the area. I hope regardless of how the Commission draws the eventual Congressional maps, that you please strive to keep the Mahoning Valley in a single district.

In closing, I hope you consider my rationale for drawing the map the way I did. Like all other proposals, it is not perfect and likely has flaws which could be tweaked to make it better. However, I view it as a **starting point** to getting some Congressional districts more competitive each election.

Thank you for your consideration!

Michael Metzinger
Boardman, OH | Mahoning County

STIP_0271

STIP_0272
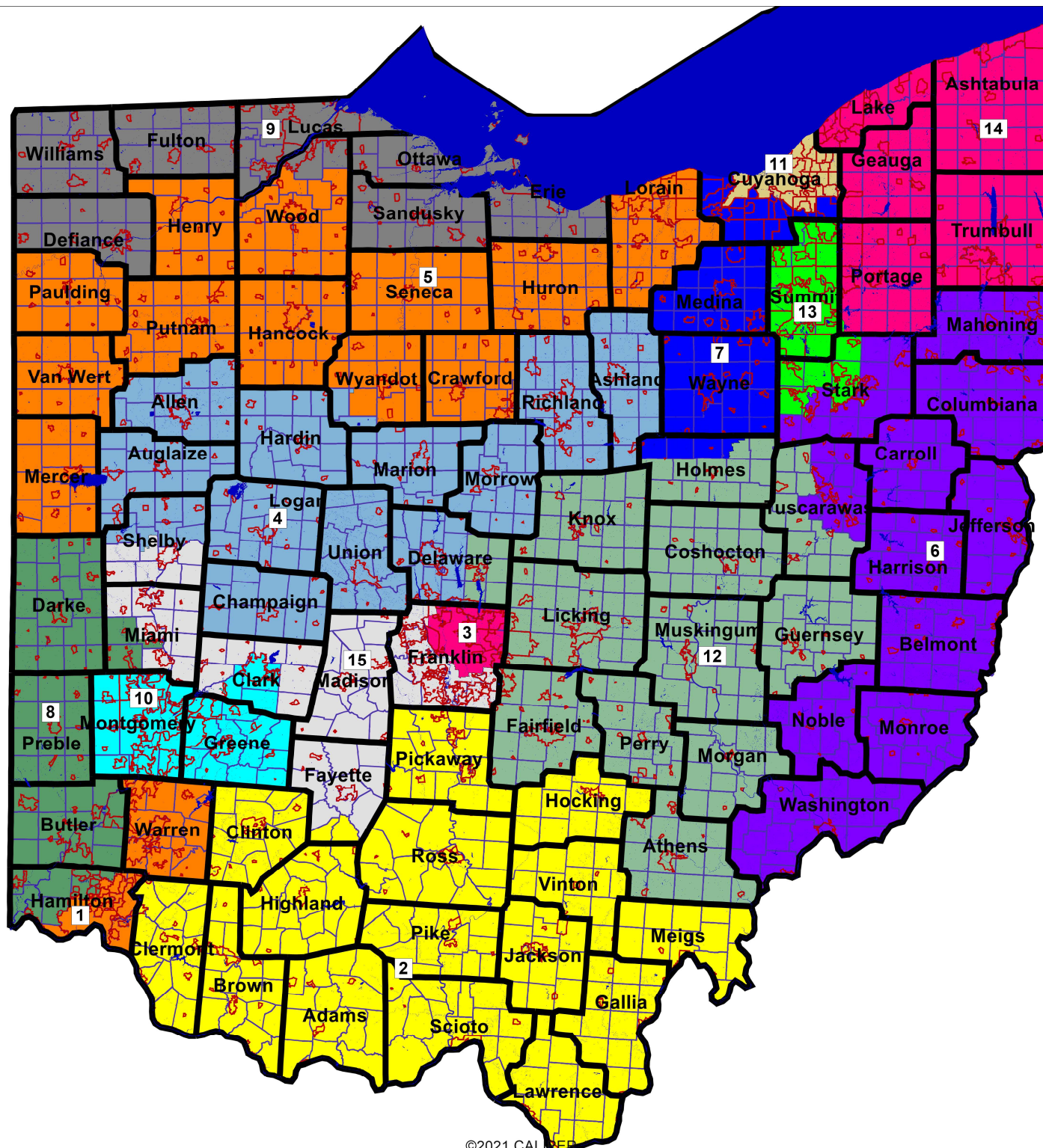
	District	Population	Deviation #	16 - 18 - 20 Index R	16 - 18 - 20 Index D
CD	1	786,630	0	48.96%	51.04%
CD	2	786,629	-1	69.74%	30.26%
CD	3	786,630	0	31.09%	68.91%
CD	4	786,630	0	67.85%	32.15%
CD	5	786,630	0	61.34%	38.66%
CD	6	786,630	0	59.06%	40.94%
CD	7	786,630	0	54.42%	45.58%
CD	8	786,629	-1	62.65%	37.35%
CD	9	786,630	0	49.77%	50.23%
CD	10	786,630	0	53.32%	46.68%
CD	11	786,630	0	20.17%	79.83%
CD	12	786,630	0	63.32%	36.68%
CD	13	786,630	0	47.85%	52.15%
CD	14	786,630	0	54.83%	45.17%
CD	15	786,630	0	54.20%	45.80%